



Ministry of Housing,  
Communities &  
Local Government

Harworth Group  
C/O Mr H Robertshaw  
Johnson Mowat  
Coronet House  
Queen Street  
Leeds  
LS1 2TW

Our ref: APP/N4205/V/20/3253244  
Your ref: 04766/18

21 June 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY HARWORTH GROUP  
LAND WEST OF WINGATES INDUSTRIAL ESTATE, WIMBERRY HILL ROAD,  
WESTHOUGHTON, BOLTON  
APPLICATION REF: 04766/18**

1. I am directed by the Secretary of State to say that consideration has been given to the report of B J Sims BSc (Hons) CEng MICE MRTPI and D M Young JP BSc (Hons) MA MRTPI MIHE, who held a public local inquiry on 17-20 November 2018 into your client's application for planning permission, reference 04766/18 dated 12 October 2018 for:
  - PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works.
  - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area.
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.

**Inspectors' recommendation and summary of the decision**

3. The Inspectors recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.

Ministry of Housing, Communities & Local Government  
Phil Barber, Decision Officer  
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London SW1P 4DF

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4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions, except where stated, and agrees with their recommendation. He has decided to grant planning permission. 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. Having taken account of the Inspectors' comments at IR9, 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.

### **Policy and statutory considerations**

6. 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.
7. In this case the development plan consists of the adopted Bolton's Core Strategy 2011(CS) and the adopted Bolton's Allocations Plan 2014 (BAP). The Secretary of State considers that relevant development plan policies include those set out at IR27.1-27.11.
8. 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 Levy Regulations 2010 ('the CIL regulations').

### *Emerging plan*

9. 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', Secretary of State agrees with the Inspectors for the reasons given in IR28, that the GMSF evidence base with respect to employment needs is material to the present case.

### **Main issues**

10. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR219.

### *Policy*

11. For the reasons given at IR221 and IR308, the Secretary of State agrees with the Inspectors that Policy CG7AP of the BAP is strictly inconsistent with the NPPF because it omits express reference to allowing inappropriate development in very special circumstances. Accordingly the national Green Belt policy of the Framework is applicable. He has taken into account that there is cross-reference in the supporting text to the Framework and clearly no intention of the part of the Council in practice to resist such

development without applying that proper test, and also that otherwise the relevant policies of the development plan are consistent with the Framework (IR222).

Notwithstanding his conclusion on Policy CG7AP, overall he considers that the policies which are most important for determining the application are not out-of-date, and therefore the tilted balance does not apply in this case.

### *Green Belt*

12. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR15). As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR224-226.
13. For the reasons given at IR224 the Secretary of State agrees with the Inspectors that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition.
14. For the reasons given at IR224-226 the Secretary of State agrees with the Inspectors' conclusions at IR226 that overall the harm to the Green Belt, by definition and in relation to its essential openness is in conflict with adopted BAP Policies CG7AP and OA3 and the Framework. He considers that this harm carries substantial weight. He further agrees that considerations mitigating the impact of the development on Green Belt purposes are material factors, but gives no weight to the site's draft allocation in the GMSF, given his conclusions at paragraph 9 above.

### *Employment Need and Supply*

15. For the reasons given at IR227-232 the Secretary of State agrees with the Inspectors that there is persuasive evidence that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application (IR232). The Secretary of the State further agrees that whilst no weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application.
16. The Secretary of States agrees for the reasons given at IR233-234 that while approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP (IR234), such development plan provisions are not to be regarded as ceilings to development. He further agrees with the Inspectors (IR234) that while there is some conflict with Policy P1, the salient question is whether the unallocated application site is justified by other considerations.
17. He further agrees, for the reasons given at IR235-237, that the recorded deprivation level within Bolton is further evidence of need for the development and notes that there is evidence of unfulfilled enquiries for development of the kind proposed here. Overall the Secretary of State agrees with the Inspectors at IR237 that the evident need for development of the type proposed carries substantial weight in the planning balance.

### *Economy*

18. For the reasons given, the Secretary of State agrees with the Inspector at IR238 that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the Framework, to promote and support a strong

competitive economy, as particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations.

### *Highway Network and Access*

19. For the reasons given at IR239-244, the Secretary of State agrees with the Inspectors that subject to the improvements set out, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the Strategic Route Network (IR244).
20. The Secretary of State agrees for the reasons given at IR245-246 that the development would comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel.

### *Environmental Impact*

#### Landscape and Visual Amenity

21. For the reasons given at IR247-255, the Secretary of State agrees with the Inspectors at IR254 that the proposed development would give rise to substantial harm to the landscape of the application site and surrounding area, contrary to the relevant provisions of BCS Policies CG1, CG3 and OA3. He further agrees the comparatively minor effects on the wider landscape of the M61 corridor would not undermine the equivalent aims of BCS Policy M7 in this respect.
22. Overall, the Secretary of State agrees with the Inspectors at IR255 that the substantial level of landscape harm carries significant weight in the overall planning balance.

#### Residential Amenity

23. Overall, for the reasons given at IR256-259 the Secretary of State agrees with the Inspectors at IR258 that there is no evidence that the development would cause unacceptable impact on surrounding land uses and occupiers with regard to privacy, safety or security, and on balance the proposals comply with the aims of BCS Policy CG4 with regard to safeguarding residential amenity (IR259).

#### Public Rights of Way

24. The Secretary of State agrees for the reasons given at IR260-262 that the proposals are compliant with BAP Policy P8AP.

#### Ecology, Trees and Biodiversity Enhancement

25. For the reasons set out at IR263-270 the Secretary of State agrees at IR270 that whilst there would be initial adverse impacts arising from the construction of the proposed development, there is credible evidence that full mitigation would ultimately be achieved, including a material level of net biodiversity enhancement. He agrees that the proposals comply with the protective provisions of Policy BCS Policy CG1-2, such that considerations of biodiversity are neutral in the overall planning balance (IR270).

#### Air Quality and Noise

26. For the reasons given at IR271-274, the Secretary of State agrees with the Inspectors that the development would be compliant with BCS Policy CG4 in connection with the

protection of amenity, resulting in no residual harm to be taken into the overall balance (IR274). The Secretary of State therefore considers that the matter is neutral in the planning balance.

### *Benefits*

27. For the reasons given at IR275-278, the Secretary of State agrees with the Inspectors that the development would contribute substantially to the supply of employment land evidently necessary to the economic recovery and well-being of Bolton. He has taken into account the absence of any alternative sites of sufficient size and accessibility in the M61 (IR276), and the fact that the development would directly and indirectly generate up to 2,500 jobs and other economic benefits in an area of severe economic deprivation and unemployment, encouraging business commitment and creating opportunities for enhancement of skills among the workforce (IR277). He agrees that that the economic benefits carry very substantial weight in the planning balance (IR279).
28. For the reasons given at IR280-281 the Secretary of State also considers that landscape mitigation, a net gain in biodiversity, sustainable drainage, off-site highway works, new or diverted footpaths, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight in favour of the proposal.

### *Cross-boundary Considerations*

29. The Secretary of State has given careful consideration to the Inspectors' analysis at IR298-302 and agrees, for the reasons given, that the present application may appropriately be determined independently by the Secretary of State on the basis of this IR alone.

### **Planning conditions**

30. The Secretary of State has given consideration to the Inspectors' analysis at IR293-297, 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 the relevant Guidance and that the conditions set out at Annex A should form part of his decision.

### **Planning obligations**

31. Having had regard to the Inspector's analysis at IR10, IR282-293, the planning obligation of 2 December 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors' conclusion for the reasons given at IR292 that, with the exception set out at paragraph 32 below the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.
32. He further agrees with the Inspectors, for the reasons given at IR290-291, that the Schedule 4 Local Enhancement Contribution requiring a contribution to upgrade a pedestrian and cycle route to the site via Long Lane from Westhoughton railway station is neither directly nor fairly and reasonably related in scale and kind to the proposed development. As such the Secretary of State agrees with the Inspectors that it fails the tests of CIL Regulation 122 and should not be counted as a material consideration to the application. Pursuant to the Conditionality Clause 4.1.3 of the Agreement, the obligation to pay the Local Enhancement Contribution therefore has no effect.

## **Planning balance and overall conclusion**

33. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies CG7AP, CG1, CG3 and OA3 of the development plan, and is 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.
34. The material considerations which weigh against the proposal are the harm to the Green Belt and the landscape and visual impacts. The Secretary of State affords the Green Belt harm substantial negative weight and the landscape and visual harm significant negative weight.
35. The Secretary of State considers that the evident need for development of the type proposed carries substantial weight, and the economic benefits of the proposal carry very substantial weight in favour of the scheme. He considers that the benefits of effective landscape mitigation, a net gain in biodiversity, sustainable drainage to obviate flooding concerns, off site highway works to accommodate generated traffic, new or diverted footpaths where affected by the development, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight.
36. 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.
37. For the reasons given above the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan.
38. The Secretary of State therefore concludes that planning permission should be granted.

## **Formal decision**

39. 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 A of this decision letter for:
- PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works;
  - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area;

in accordance with reference 04766/18 dated 12 October 2018.

40. 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**

41. 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.

42. 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.

43. A copy of this letter has been sent to Bolton 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*

## **A. CONDITIONS APPLICABLE TO OUTLINE PLANNING PERMISSION**

### 1. TIMESCALE FOR RESERVED MATTERS SUBMISSION/APPROVAL/COMMENCEMENT OF DEVELOPMENT

Application for the approval of 'Reserved Matters' for each phase of development must be made not later than the expiration of ten years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters for that phase, and in the case of approval on different dates, the final approval of the last such matter to be approved for each phase.

### 2. RESERVED MATTERS DETAILS

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase begins and the development shall be carried out as approved.

### 3. PHASING

The first reserved matters application shall be accompanied by a site-wide phasing plan that shall define the extent of each development phase for the written approval by the local planning authority. The reserved matters application for each subsequent phase shall be accompanied by an updated version of the phasing plan and the development shall be carried out only in accordance with the latest approved site-wide phasing plan.

### 4. DEVELOPMENT PARAMETERS

Planning permission is hereby granted for the overall development parameters shown in Tables 1 (Floorspace Parameters), Table 2 (Use parameters), Table 3 (Siting parameters), Table 4 (Height parameters) and Table 5 (Parcel B Roof Design Parameters) of the Development Parameters document reference JM/DP001 revision 1 and the parameters as identified on Drawing No. NK018161\_SK062 Rev H. No part of the development shall exceed the approved development parameters.

### 5. APPROVAL OF LEVELS - FUTURE RESERVED MATTERS SUBMISSION

The reserved matters for each phase shall provide for the written approval by the Local Planning Authority details of the existing and proposed ground levels including spot heights, cross sections and finished floor levels of all buildings and structures. The development hereby approved shall be carried out only in accordance with the approved details.

### 6. WIMBERRY HILL ROAD / A6 JUNCTION IMPROVEMENT

Prior to the commencement of development details of the works to upgrade to the junction of Wimberry Hill Road and Chorley Road in accordance with drawing NWK 180009-BED-EX-00-DR-C-0260-P01, including details of any proposed retaining structure to the Chorley Road frontage (as indicated on Drawing No.



NWK 180009-BED-EX-00-DR-C-0220-P02) shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied until the said works have been completed in accordance with the approved details.

#### 7. VEHICULAR ACCESS

Prior to the commencement of development details of the highway upgrade works to Wimberry Hill Road including the means of vehicular access to the site labelled 'Access 1' in accordance with drawing ref NWK 180009-BED-EX-00-DR-C-0261-P02 shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied prior to the completion of the said works in accordance with the approved details.

#### 8. SITE-WIDE SUSTAINABLE DRAINAGE STRATEGY

Prior to the commencement of development, a site-wide surface water drainage strategy in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (ref. LE14325 0002 Rev 3.0) and associated plans and data (submitted on 3 September 2019) shall be submitted to and approved in writing by the local planning authority. The surface water drainage systems for all phases of the development the development shall accord with the approved strategy.

#### 9. SURFACE WATER REGULATION FOR EACH PHASE OF DEVELOPMENT

The reserved matters for each phase shall be accompanied by a scheme for surface water drainage of that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall include design details in accordance with the site-wide surface water drainage strategy. The development of that phase shall be carried out only in accordance with the approved scheme for that phase.

#### 10. LANDSCAPING AND PLANTING

The reserved matters for each phase shall be accompanied by a detailed landscaping plan and planting scheme for that phase shall be submitted to and approved in writing by the local planning authority. The details shall be in accordance with the Landscape Strategy (6474.02.025 V3.0) and shall include a delivery schedule and maintenance plan.

The development of that phase shall be carried out only in accordance with the approved details.

#### 11. NOISE ASSESSMENT

The reserved matters for each phase shall be accompanied by an assessment of expected on-site noise emission and its potential to affect surrounding sensitive residential uses. The assessment shall ensure that the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193, Section 6, Table 6.2 (daytime and night time) are not exceeded and shall recommend operational noise mitigation measures as appropriate. The development shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority.

## 12.SUSTAINABILITY MEASURES

The reserved matters for each phase shall be accompanied by a Sustainability Statement for that phase which confirms that the development can achieve the following:

- i. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- ii. BREEAM rating of the proposed building/development shall achieve a BREEAM (Industrial) Very Good standard (or such national measure of sustainable design that replaces that rating). Within 3 months of the occupation of the relevant building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved.

## 13. ELECTRIC VEHICLE CHARGING POINTS

The reserved matters for each phase shall include a scheme for the provision for electric vehicle charging points within the proposed car parking layout. The electric vehicle charging scheme shall make provision for a minimum of 1 EV charge point for every 10 parking spaces which are provided within a plot. Charge points to be 'Fast' (2020 categorisation) unless otherwise agreed in writing by the local planning authority. Prior to the occupation of any plot developed pursuant to this permission the approved electric vehicle charging points and cabling shall be provided and retained as such thereafter.

## 14.CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (BUILDING)

Prior to the commencement of any phase of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The phase of development to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);

- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

#### 15. EMPLOYMENT AND SKILLS STATEMENT (BUILDING)

Prior to:

- i) Commencement of construction for any phase of development hereby approved, an Employment and Skills Statement (including a timetable for implementation) for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Undertaking of the internal fit-out works of any building hereby approved, an Employment and Skills Statement for the fit-out shall be submitted to and approved by the Local Planning Authority.
- iii) Occupation of any building hereby approved, an Employment and Skills Statement for the occupier of the respective building be submitted to and approved by the Local Planning Authority.

Once approved the measures shall be implemented in full in accordance with the agreed timetable.

#### 16. TRAVEL PLAN / SUSTAINABLE TRANSPORT

No building hereby permitted shall be occupied until a detailed Travel Plan for that building has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan dated October 2020 (reference 18007\_FTP\_Rev 1).

#### 17. FRAMEWORK DELIVERY NOISE MANAGEMENT PLAN

Prior to the occupation of any building hereby permitted, a Framework Delivery Noise

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures required to control and minimise noise associated with the delivery / collection of goods to/from the building, yard activity movement and staff training and instruction to ensure that noise output from these activities is controlled. The Framework Delivery Noise Management Plan shall be implemented in full at all times the building is in use.

#### 18. BUILDING SERVICES PLANT NOISE

The rating level (LAeqT) from all sources associated with the building services plant when operating simultaneously or individually shall not exceed the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193 , Section 6, Table 6.2 (daytime and night time) when measured in freefield conditions at the boundary of the nearest residential noise sensitive receptors. Noise measurements and assessments shall be carried out in accordance with BS4142:2014.

## 19. EXTERNAL LIGHTING

Prior to any phase of development being first brought into use, a scheme for external lighting of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before that phase of development is first brought into use and retained thereafter. No external lighting other than that shown in the approved scheme shall be installed thereafter.

## 20. OPEN STORAGE

Open storage shall only take place in areas and at maximum heights to be defined on plans submitted to and approved in writing by the Local Planning Authority.

## **B. CONDITIONS APPLICABLE TO FULL PLANNING PERMISSION**

### 21. TIMESCALE FOR COMMENCEMENT OF DEVELOPMENT

The development for which full planning permission is hereby granted shall be begun before the expiration of three years from the date of this permission.

### 22. APPROVED PLANS LIST

The development hereby permitted shall be carried out only in accordance with the following approved plans, subject to any revision to the plans submitted to and approved in writing by the Local Planning Authority pursuant to the conditions of this planning permission:

- Drawing No. NWK 180009-BED-EX-00-DR-C-0200-P05 Proposed Earthworks Plateaux
- Drawing No. NWK 180009-BED-EX-00-DR-C-0205-P05 - Proposed Earthworks Section - Sht 1
- Drawing No. NWK 180009-BED-EX-00-DR-C-0206-P04 - Proposed Earthworks Section - Sht 2
- Drawing No. NWK 180009-BED-EX-00-DR-C-0207-P04 - Proposed Earthworks Section - Sht 3
- Drawing No. NWK 180009-BED-EX-00-DR-C-0208-P03 - Proposed Earthworks Section - Sht 4
- Drawing No. NWK 180009-BED-EX-00-DR-C-0209-P03 - Proposed Earthworks Section - Sht 5
- Drawing No. NWK 180009-BED-EX-00-DR-C-0210-P04) - Proposed Section Location Plan
- Drawing No. NWK 180009-BED-EX-00-DR-C-0260-P01 - A6 Highway Works
- Drawing No. NWK 180009-BED-EX-00-DR-C-0261-P02 - Wimberry Hill Road Highway Works
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### 23. TREE PROTECTION MEASURES

Prior to the commencement of any phase of works hereby permitted an Arboricultural Method Statement setting out details of tree and hedgerow

protection measures (including protective fencing) shall be submitted and approved in writing by the local planning authority 5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement.

#### 24. VEGETATION CLEARANCE 1

Prior to the commencement of any phase of works hereby permitted, a Vegetation Clearance Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. Pre-commencement inspection of trees to be felled for bat roost potential by a licensed ecologist, with works applicable done under the supervision of an ecologist;
- ii. A clearance programme (including grassland, tree and scrub vegetation removal) and Reasonable Avoidance Measures Method Statement to protect species as detailed in ES paragraphs 7.155 to 7.159.
- iii. A Non-Native Species Strategy as detailed in ES paragraph 7.160.

The approved details shall be complied with throughout the duration of the vegetation clearance works.

#### 25. VEGETATION CLEARANCE 2

No vegetation clearance or demolition of buildings should take place between the months of March and July unless nesting birds have been shown to be absent by a suitably qualified ecologist.

#### 26. LANDSCAPE BUFFER AND ECOLOGICAL ENHANCEMENT AREAS

Prior to the commencement of development full details of the areas identified for landscape planting, buffers and ecological enhancement as shown on Drawing No. NK018161\_SK062 Rev H and set out in the Landscape Strategy (6474.02.025 V3.0) and Chapter 7 of the Environmental Statement, including a delivery schedule and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery schedule shall ensure that formation of the Chorley Road landscape buffer area and the ecological enhancement area is undertaken in the first practicable phase of the earthworks programme. The development shall be carried out only in accordance with the approved details.

#### 27.PHASING/EXTENT OF WORKS

Prior to the commencement of any phase of works hereby permitted, details to define the extent of the area of works and the anticipated duration/ phasing of the works shall be submitted to and approved by the local planning authority. No works shall take place beyond the extent of the approved area.

#### 28. DETAILS OF EARTHWORKS

Prior to the commencement of any phase of earthworks hereby permitted, details of the works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i. The nature of the works to be undertaken including cut/fill, compaction, stockpiling, import and export of materials.
- ii. The proposed finished ground levels with detail including adjacent off-site ground levels.
- iii. The means of surface water attenuation, drainage and silt management during and following the earthworks.
- iv. The surface treatment (e.g. compaction, seeding) following completion of the earthworks.
- v. The provisions for management and maintenance of the site and drainage infrastructure during and following the earthworks.

The earthworks shall be carried out only in accordance with the approved details.

### 29. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (EARTHWORKS)

Prior to the commencement of any phase of works hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The extent of the area/phase of works to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);
- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

### 30. GROUND CONDITION / CONTAMINATION

Prior to the commencement of any phase of the development hereby permitted, the following shall be submitted to and approved in writing by the Local Planning Authority, having regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, namely the reports by RSK: Ref: 322362-R02 (01) (March 2018), Ref: 322362-R03 (00) (September 2018) and Ref: 322362-R03 (00) RSK - Scope of Works ref: 322362TL06A (March 2019):

- i. A methodology for the assessment of the nature and extent of contamination affecting the site (if any) and the potential for off-site migration (if any);
- ii. A site investigation and risk assessment examining potential pollutant linkages identified in the Preliminary Risk Assessment;
- iii. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

No phase of development shall be occupied until a verification/completion report demonstrating that the remediation scheme (if required) has been implemented and that phase is suitable for its intended end use has been submitted to and approved in writing by the Local Planning Authority.

### 31. GROUND CONDITION / CONTAMINATION

Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remediation scheme to address it shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of any approved remediation schemes, and prior to occupation, a verification/completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

### 32. SOIL MANAGEMENT PLAN

Prior to the commencement of any phase of works hereby permitted, a Soil Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. The reuse of materials onsite and any importation, storage or export.
- ii. The soil testing methodology to include testing schedules, sampling frequencies, allowable contaminant concentrations and source material information. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

### 33. COAL MINING MITIGATION

Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past mining activity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. The submission of a report of findings arising from the further intrusive site investigations, including details of any remedial works for approval for both mine entry and shallow mine workings, if necessary; and
- ii. A timetable for the Implementation of those remedial works;

The development hereby permitted shall be carried out only in accordance with the approved scheme. Prior to any phase of the development being first brought into use a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the approved remedial measures for that phase have been implemented in full.

### 34. ARCHAEOLOGICAL INVESTIGATION/WORKS

Prior to commencement of development (including groundworks), an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

1) A phased programme and methodology of site investigation and recording to include:

- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI;
- A Background desk based documentary study;
- A targeted evaluation; and
- Open Area Excavation (only where evaluation requires).

2) A programme of post investigation assessment to include:

- Analysis of the site investigation records and findings; and
- Production of a final report on the significance of the archaeological, historical and architectural interest represented.
- Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance.
- Provision for archive deposition of the report or persons/organisation to undertake the works set out within the approved WSI.

No below ground development shall commence unless and until the approved site investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The approved scheme under 2) shall be implemented in full in accordance with an agreed timetable.

### 35. EMPLOYMENT AND SKILLS STATEMENT (EARTHWORKS)

Prior to the commencement of the works hereby permitted, an Employment and Skills Statement

(including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the measures shall be implemented in full in accordance with the agreed timetable.

#### Reason

To ensure that local employment benefits are addressed and secured and to comply with Strategic Objective 3 of Bolton's Core Strategy.





# **Report to the Secretary of State for Communities and Local Government**

by

**B J Sims BSc (Hons) CEng MICE MRTPI**

and

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

Inspectors appointed by the Secretary of State for Communities and Local Government

Date: 15 February 2021

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## **PROPOSED STRATEGIC EMPLOYMENT DEVELOPMENT WINGATES BOLTON**

Virtual Inquiry Opened on 17 November 2020

Land West of Wingates Industrial Estate, Wimberry Hill Road, Westhoughton, Bolton

File Ref: APP/N4205/V/20/3253244

**File Ref: APP/N4205/V/20/3253244**  
**Land West of Wingates Industrial Estate, Wimberry Hill Road,**  
**Westhoughton, Bolton**

- 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 the Harworth Group to Bolton Metropolitan Borough Council.
- The application Ref 04766/18 is dated 12 October 2018.
- The development proposed is:
  - Part A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works.
  - Part B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area.
- The reason given for making the Direction was that: 'in deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This gives examples of the types of issues which may lead him to conclude, in his opinion, that the application should be called in. In the light of his policy, the Secretary of State has decided to call-in this application'.
- On the information available at the time of making the Direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - 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.
- The Virtual Inquiry sat for 4 days on 17-20 November 2018.

**Summary of Recommendation:**

**That the application be approved and planning permission granted subject to conditions and planning obligations of the Section 106 Agreement.**

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## Abbreviations

AOI	Area of Influence
BAP	Bolton's Applications Plan
BCS	Bolton's Core Strategy
BPF	British Property Foundation
BMB[C]	Bolton Metropolitan Borough [Council]
BSCS	Bolton Sustainable Community Strategy
CIL	Community Infrastructure Levy
CEMP	Construction Environmental Management Plan
EIA	Environmental Impact Assessment
ES	Environmental Statement
FDNMP	Framework Delivery Noise Management Plan (FDNMP)
GCN	Great Crested Newt
GLVIA	Guidance on Landscape and Visual Impact Assessment
GMSF	Greater Manchester Spatial Framework
GVA	gross value added
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
PCO	Pollution Control Officer
PCPA	Planning and Compulsory Purchase Act
PROW	public right of way
SOCG	Statement of Common Ground
SoS	Secretary of State
SRN	Strategic Route Network
SUDS	Sustainable Urban Drainage Scheme
TfGM	Traffic for Greater Manchester

## **Preliminary Matters**

### *Procedure*

1. Bolton Metropolitan Borough Council (BMBC) resolved on 10 January 2020 to approve the application subject to conditions, the completion of a Section 106 Agreement and referral to the Secretary of State (SoS).
2. In calling in the application subject of this Report, the Secretary of State (SoS) stated that he had also decided to call in the following planning applications to be considered at the same Local Inquiry:
  - Application P/2018/0048/OUP (St Helens Council) for employment floorspace (Phase 1 of former Parkside Colliery development) at Newton Le Willows,
  - Applications P/2018/0249/FUL (St Helens Council) and 2018/32514 (Warrington Borough Council) for a new link road between A49 (Winwick Road) and M6 Junction 22 associated with Phase 1 Parkside Development, and
  - Application A/18/85947 (Wigan Council) for employment development on land at Junction 25 of the M6 Motorway.
3. Subsequently the SoS also recovered for determination by himself Appeal Ref APP/H4315/W/20/3256871 (St Helens Council) for employment development on land at Haydock Point at the A580 East Lancashire Road junction with the M6 and A49.
4. 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.
5. For practical reasons, it was decided that the application subject of this Report, the other four applications called in with it and the Haydock Point appeal would be considered by a Panel of two Inspectors at four separate Inquiries. This was due also to there being no clear indication of any cross-boundary issues between the several applications and the local planning authorities concerned that could not be covered in the evidence on each individual proposal.
6. However, 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.
7. In the present case, the consideration of the proposal is self-contained within the scope of the local development plan policies applying and there is evidence that the several developments under consideration by the Panel would not compete with each other in operation.
8. Accordingly, in the interests of enabling the application to be determined as expeditiously as possible, this Report is submitted to the SoS independently of the Reports on other developments considered by the Panel.

### *Environmental Impact Assessment*

9. The application was accompanied by Environmental Statement (ES) under the Environmental Impact Assessment (EIA) Regulations [WBo\_Ei1.1, WBo\_Ei2.1-12,

WBo\_Ei3.1-16] and the information thus provided is taken into account in this Report, alongside all the other written and oral evidence.

### *Planning Obligations*

10. The Applicant Company and the Council have completed an Agreement under Section 106 of the Act [ID3], as amended, establishing the following planning obligations to apply in the event that the SoS decides to grant the permission sought:
  - Schedule 2 – to provide agreed highway works at the approaches to the site and to pay a Highways Capacity Improvement Contribution for several locations remote from the site within the surrounding highway network,
  - Schedule 3 – to pay a Transport Contribution towards the improvement of local bus services to the site,
  - Schedule 4 – to pay a Local Enhancement Contribution towards the cost of improving pedestrian and cycle accessibility to the site,
  - Schedule 5 – to provide a public art scheme integral to the development,
  - Schedule 6 – to provide and implement a Landscape Buffer and Ecological Enhancement Areas Management Plan, and
  - Schedule 7 – to provide Sustainable Urban Drainage Schemes (SUDS) for each phase of the development.
11. The Section 106 Agreement includes a conditionality clause enabling the SoS to determine whether any or all of these obligations are material considerations compliant with the tests of the Community Infrastructure Levy (CIL) Regulations 2010 and whether each should be imposed.
12. The degree to which each obligation is material to this application is discussed in a later section of this Report.

### *Public Consultation and Participation*

13. Some concern was expressed during the Virtual Inquiry on behalf of interested persons that public consultation upon the proposed development had been inadequate and questioning the response of BMBC to the application. However, BMBC confirmed that due statutory process had been followed in its handling of the application and there is nothing to indicate otherwise. In any event, the call-in of the application and the Inquiry provided for this fresh and independent assessment of all of the evidence both against and for the proposed development. Moreover, every endeavour was applied to enable interested persons to take part in the proceedings had they so wished, with no dissent regarding the procedures adopted.

## Site, Surroundings and Proposed Development

14. The application site and the proposals are described and illustrated in detail in the submitted application statement [WBo\_Ap4.11].
15. Briefly, the site is an irregularly shaped area of relatively flat agricultural land crossed by tracks and footpaths and extending to some 33ha. The site lies within the Green Belt, immediately west of the existing Wingates Industrial Estate and south of the A6 Chorley Road about a mile northwest of Westhoughton Town Centre and railway station. It is within the M61 corridor about 1.25 miles south of M61 Junction 6, Horwich Link Interchange.
16. The site boundaries are mainly lined with trees. There are residential properties fronting Chorley Road opposite the north eastern boundary. The south east and south west boundaries abut farm premises.
17. Access to the proposed development would be from its east side, off Wimberry Hill Road, which runs south from its junction with Chorley Road and already serves the existing Industrial Estate opposite. There are bus services along Chorley Road to a range of destinations.
18. The Part A outline development concept is to form an extension to the Wingates Industrial Estate where the stated intention of the Applicant Company is to create a high quality employment park incorporating the range of uses described in the application and providing 100,000sqm of floorspace.
19. The Part B full application is to first remove some timber animal shelters and then to create the site access and form development platforms. This is in anticipation of future proposals for buildings, including one very large scale, key storage and distribution warehouse and a number of smaller units in a range of sizes. The detailed Part B works would also include boundary landscaping works and the creation of an ecological enhancement area at the north western end of the site.
20. The proposals also include the site access works and off-site highway improvements required by Schedule 2 to the Section 106 Agreement. These are noted in more detail within the case for the Applicants (*below*).

## Relevant Planning Law and Policy

*Relevant planning policies are identified in more detail within the General Statement of Common Ground (SOCG) [WBo\_In4] and in the proofs of evidence of the Applicants and the BMBC [PINS Folder 0.03].*

### *Planning and Compulsory Purchase Act 2004 (PCPA)*

21. Section 38(6) of the PCPA requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

### *Community Infrastructure Levy Regulations 2010*

22. Regulation 122(2) of the CIL Regulations 2010 requires a planning obligation to be 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.

### *National Planning Policy Framework*

23. National Planning Policy Framework (NPPF) paragraphs 47 and 56 respectively reiterate the foregoing legal provisions, whilst paragraph 11 sets out the overarching presumption in favour of sustainable development. This means, under sub-paragraph 11(c), approving development that accords with an up-to-date development plan without delay or, under sub-paragraph (d), where the policies most important for determining the application are out-of-date, granting permission unless (i) policies of the NPPF that protect areas of particular importance, including designated Green Belt, provide a clear reason for refusal or (ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits assessed against the NPPF as a whole.
24. NPPF paragraphs 133-134 and 143-145 set out the relevant aspects of national policy for Green Belts, attaching great importance to their fundamental aim to prevent urban sprawl by keeping land permanently open. The five stated purposes of Green Belts are, briefly, to check unrestricted sprawl of large built-up areas, prevent towns merging, safeguard the countryside from encroachment, preserve historic towns and assist urban regeneration by recycling derelict and other urban land. Inappropriate development, which includes the construction of new buildings such as are proposed in this case, is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Harm by inappropriateness carries substantial weight and very special circumstances will not exist unless it and any other harm is clearly outweighed by other considerations
25. NPPF paragraphs 80 and 82 together promote and support a strong, competitive economy, recognising the specific locational requirements of different sectors, including provision of storage and distribution at a variety of scales and in suitably accessible locations.

### *Adopted Development Plan Policies*

26. The statutory development plan includes the adopted Bolton's Core Strategy 2011 (BCS)[Bo\_Dp1] and the adopted Bolton's Allocations Plan 2014 (BAP) [Bo\_Dp2].
27. There is no dispute that the development plan policies of greatest relevance in relation to this application are as follows:
  - 27.1 BCS Spatial Vision and Objectives, consistent with the Bolton Sustainable Community Strategy (BSCS) [Bo\_Ot2], focus upon relieving deprivation across the Borough, including by seeking opportunities for growth and investment to improve access to employment under its Economic Strategy [Bo\_Ot1].
  - 27.2 BCS Strategic Policy P1 provides for 145-165ha of sites for new employment development to 2026, including 105-110ha within the M61 corridor. The BCS itself acknowledges that this figure fell short of evident demand of 175-195ha and cites a lack of suitable land and the need to avoid change to the Green Belt.



- 27.3 BCS Strategic Policy P5 seeks to ensure that the design of development takes into account accessibility by different kinds of transport, prioritising pedestrians, cyclists and public transport users over motorised vehicle users.
- 27.4 BCS Strategic Policies CG1.1-2 seek to safeguard and enhance the rural areas and biodiversity of the Borough, including with respect to trees and landscape. Strategic Policies CG3.2 and CG3.7 together aim to safeguard local distinctiveness, having regard to overall built character and landscape, and to maintain and respect surrounding landscape character. Strategic Policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, including by the protection of amenity.
- 27.5 BCS Strategic Policy M7 seeks to ensure that the scale and massing of new development along the M61 corridor respects distinctive landscape qualities and relates sympathetically to the surrounding area.
- 27.6 BCS Area Policy OA3 for Westhoughton includes the provisions to maintain current Green Belt boundaries, ensure that protected open land around Westhoughton remains undeveloped and that regard is had to the character of farm complexes and the wider open landscape.
- 27.7 BCS Infrastructure and Planning Contributions Policy IPC1 provides for reasonable developer contributions towards physical, social and green infrastructure to mitigate the impact of development and make it acceptable in planning terms, including by the provision of public art.
- 27.8 BAP Policy CG7AP resists inappropriate development in the Green Belt, including that which would not maintain openness or would conflict with its purposes. That is subject to exceptions not applicable in the present case. Cross-reference is made in the supporting text to the NPPF in this regard.
- 27.9 BAP allocations of employment land amount to about 130-145ha, of which about 100ha is in the M61 corridor and the remainder in Bolton Town Centre or on other sites.
- 27.10 BAP Policy P7AP safeguards the Strategic Route Network (SRN), along which major traffic flows will be directed, and supports the development of public transport and improvements for cyclists in appropriate locations on the SRN.
- 27.11 BAP Policy P8AP permits development affecting public rights of way (PROW), provided that their integrity is retained.

*Emerging Development Plan Policy*

- 28. In connection with this application and throughout the Inquiry, the Applicants and BMBC relied upon the revised draft Greater Manchester Spatial Framework of January 2019 (GMSF) [GM\_Dp2] as also material to the case. The GMSF in itself carries little weight due to its relatively early stage of preparation in advance of

publication<sup>1</sup>. However, its evidence base with respect to employment needs, including within the Bolton Metropolitan Borough (BMB) is material to the present case.

29. The present application site is located within the boundaries of the draft GMSF Site Allocation 6, for around 440,000sqm of floorspace for Class B2 and B8 uses in a mix of large-scale distribution and advanced manufacturing. The present application site constitutes only a part of the proposed allocation, forming the closest part of the draft allocation site to the urban area, adjacent to the Westhoughton settlement boundary.

## **The Case for the Harworth Group - Applicants**

*The case for the Applicants is provided in detail in their Statement of Case [WBo\_In3}, Proofs of Evidence, Speaking Notes [SN1-8] and Opening and Closing Submissions, OS2 and CS2].*

*Although, the application is also supported by BMBC, there are specific areas of different judgement. These are with respect to: the need for the planning obligations under the Section 106 Agreement to provide the Transport Contribution for improved bus services under Schedule 3 and the Local Enhancement Contribution for improved pedestrian and cycle accessibility under Schedule 4; and also regarding the degree of adverse landscape impact, where the evidence of the Applicants to the Inquiry differs in its conclusions from those of the ES.*

*The material points are:*

### **Policy**

30. The relevant development plan policies (*above*) carry full weight in relation to the application, except the 145-165ha numerical range of employment land provision stated by BAP Policy P1 and BAP Policy CG7AP on Green Belt development, which is inconsistent with the NPPF by omission of reference to granting permission for inappropriate development in very special circumstances.
31. The application proposal complies with the strategic objectives and relevant policies of the development plan, save for BAP Policy CG7AP regarding inappropriate development in the Green Belt and aspects of BCS Policies CG1, CG3 and OA3 to safeguard the rural landscape and Green Belt boundaries. The development would also comply with Policy P1 as necessary to achieve its employment land supply figure. In addition, the application complies with BCS Policy P5 on accessibility and BAP Policies P7AP and P8AP on transportation and rights of way.
32. The NPPF gives substantial weight to both economic growth and Green Belt harm by inappropriateness. The crux of this case is whether the need for employment land and the socio-economic and other benefits it would provide are sufficient clearly to outweigh the Green Belt harm and any other harm of the proposed development.

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<sup>1</sup> The current version of the GMSF is the GMSF Publication Plan October 2020 which retains the draft Site Allocation 6 for 440,000sqm of employment floorspace in Bolton.

33. The Applicants do not seek to apply the presumption of NPPF paragraph 11 in favour of sustainable development as the proposal does not accord with an up-to-date development plan and nor are the most important relevant policies out of date in terms of sub paragraphs (c) and (d). It is criteria (i) and (ii) of sub paragraph (d) provide full consideration of protective policies and adverse impacts.
34. Consultation on the evidence supporting the emerging GMSF has resulted in the proposed allocation of land for employment that includes the present application site.

### **Green Belt**

35. The proposed development would be inappropriate in the Green Belt by definition, substantially harmful and, in addition, would reduce its openness.
36. This spatial loss is viewed in the context of some 7,200ha of Green Belt land in Bolton, compared with the 33ha site of which only 22ha would carry built development.
37. This modest change would cause moderate harm to the purpose of checking urban sprawl and very limited harm to the purpose of preventing towns from merging, given the extensive areas of Green Belt land between Westhoughton and the nearest urban boundaries of Aspull and Middlebrook. Although the site is presently rural, the adjacent existing industrial site of Wingates, as well as built development along Chorley Road opposite the site, mean that harm to the purpose of safeguarding the countryside from encroachment would be limited to moderate. There would be no harm to the purpose of preserving historic towns. Regarding the purpose of assisting recycling urban land, there is no urban land within Bolton suitable to accommodate the development proposed. So the harm to Green Belt purposes ranges from moderate to nil.
38. Overall, this amounts to moderate-significant harm to the Green Belt, given the permanent loss of openness that would result.
39. The proposal therefore does not comply with BAP Policy CG7AP, which unequivocally resists inappropriate development, but the central question of the NPPF is whether very special circumstances justify the development on balance.

### **Employment Land and the Economy**

#### *The Development*

40. The proposed development is for a high-quality employment park that forms a natural extension to the Wingates Industrial Estate, offering approximately 100,000sqm of development, able to deliver a range of employment premises.
41. A key component of the scheme is a development platform able to accommodate a large regional or national distribution centre, where economic activity has been particularly strong in recent years, as evidenced by the size and scale of current requirements in the market. This trend is supported by published research showing that the average size of a modern logistics building is now some 34,000sqm, a rise of 42% since 2007. This is having a significant impact on the demand for land.

42. The scheme would allow generic growth of local businesses and inward investment from new companies attracted to the location due to favourable access and the potential local labour force.
43. The Applicants would directly undertake development on receipt of planning permission to deliver a first phase of speculative development that would capture inherent demand locally and regionally, whilst pursuing enquiries for the larger building footprint.

### *The Market*

44. According to the British Property Federation (BPF) economic productivity of £124 billion was generated by the logistics sector in 2019. There is robust growth in the industrial and logistics market as structural change is witnessed in high street retail and growth of e-commerce drives activity into the logistics sector. The Covid19 pandemic restrictions have accelerated this long-term adjustment, which is also associated with Brexit. Rapid changes are occurring to occupier requirements, in particular a trend towards larger footprint buildings which offer economies of scale and a shift for precautionary logistics in reaction to potential disruption of supply chains.
45. Despite the impact of the pandemic, warehousing and logistics have proved extremely resilient. Projections show continued expansion driving demand for space and larger employment, in accessible locations, suitably distanced from residential areas.
46. The industrial and logistics sector will be instrumental in the economic recovery of the UK. Logistics is an important part of the Greater Manchester economy as a business sector in its own right and as an enabler to the success of other businesses of all sizes and sectors. This aspect of recovery will not be possible without suitable strategic employment sites, such as the application land, to accommodate the necessary growth.
47. The North West regional market is defined by the extensive motorway network, split into geographic corridors which serve sub-regional markets. The application site is located to the north of Manchester, forming part of the Greater Manchester economic market, and sitting within the sub regional M61 corridor.
48. Distribution and e-commerce has dominated the North West market for units over 10,000sqm in recent years and accounted for approximately 90% of all take-up in 2019. Whilst the first half of 2020 was taken up with the shock and fallout from Covid-19, the second half saw a return to requirements to fulfil longer term business strategies.
49. Specialist reports within the property sector estimate that the recent spike in e-commerce alone will require an additional three million sqm of logistics space nationwide with a further 9.2 million sqm required by 2024. There are significant land supply shortages in the North West, with Greater Manchester being in particularly short supply. Between 2014 and 2019 the number of logistics businesses increased by 80% in the Northern Powerhouse, equivalent to over 10,000 businesses with 263,000 employees working in the logistics sector. The sub-sector with the largest number of employees is warehousing and storage and an above-average proportion of employees are employed on a full-time basis on salaries which are also above average.

50. Demand is not restricted to warehousing and distribution. Manufacturing occupiers are also seeking to build resilience into their businesses by reducing dependency on single suppliers and returning production to the UK following Brexit. They also require better motorway access to their markets for rapid delivery, located close to an active and available labour supply. Take-up in the North West during the last decade was just under 2.5 million sqm.
51. There are identified unfulfilled enquiries representing between about 1.1 and 1.4 million sqm for high grade space within the North West. Of these requirements, 29, amounting to around 0.78 million sqm, could be considered appropriate for and could be delivered at the application site location, including five enquiries for a very large building in excess of 50,000sqm.
52. The number of available sites coming through the planning system cannot keep up with demand and it is evident that there will be a supply and demand imbalance in the market from 2021-2 onwards, with only about 0.18 million sqm of high grade floorspace available, or about nine months supply.
53. The supply of new allocated employment land in Bolton is insufficient to meet the requirements of the BCS. Existing older estates have no practical capacity to expand to accommodate a scheme of the scale proposed at the application site. The main provider of space in Bolton over the last five years has been Logistics North, which has been tremendously successful but is now virtually full, with only two development plots remaining, neither of which could accommodate a large building of 50,000sqm. There are no other sites in Bolton capable of delivering the scheme.
54. Development of the application site would help drive economic growth in Bolton and provide a source of new employment opportunities, as the site has the benefits of an optimal commercially attractive location, away from large residential areas but close to the motorway network and with a large local labour supply. The Applicant Company has the knowledge and expertise to deliver the high quality scheme at the scale proposed and to provide a development platform for a single large warehouse distribution facility up to 67,000sqm, as well as a range of other building sizes.
55. Without the application site, the supply imbalance will worsen and contribute to the already high levels of unsatisfied need in Bolton and the wider region. This would contribute to the shortfall of strategic development land across the North West and undermine objectives set out in the draft GMSF to encourage development in the northern Boroughs of Greater Manchester.

#### *Planned Provision and Supply*

56. The BAP allocates 130-145ha of employment land, such that the upper end of this range only meets the lower end of the requirement of BCS Policy 1 of 145-165ha which, in turn, is substantially below evident need.
57. Of some 100ha allocated for employment in the M61 corridor, only 4.9ha of the 15-20ha Horwich Loco Works allocation has been approved for employment with the remainder approved for other uses. This alone results in a shortfall equivalent to the net 22ha of built development proposed for the application site. The proposed 33ha employment development would result in an exceedance of the BCS requirement for the M61 corridor. However, the evidence supporting

Policy P1 is ten years old, whereas delay in the production of the GMSF has resulted in evident need going unmet.

58. The draft GMSF seeks to provide a total of 4.2 million sqm of high quality industrial and warehousing floorspace, including 0.44 million sqm in a wider area that includes the application site, recognising the local employment land supply position. There are currently no vacant sites in Bolton of a scale and type suitable to accommodate the development now needed.
59. The development would generate up to 1,800 jobs on the application site, contributing some £126 million per year gross value added (GVA), increasing to 2,500 jobs and £157 million GVA, when indirect supply chain businesses are included. The construction phase alone would also make substantial contributions.
60. Bolton currently records the highest and rising unemployment rate in the Greater Manchester area and is being severely affected by the present Covid19 pandemic restrictions, with the highest rate of workers furloughed.
61. The proportion of the Bolton workforce with skill levels below NVQ3 is above the Greater Manchester average with earnings below the sub-regional average. As a result, Bolton is ranked within the 20% most deprived local authority areas. That position is recorded as worsening since 2015.

### ***Economy***

62. The development would build on existing local economic strengths in the manufacturing and storage sectors, making a readily deliverable, achievable and highly significant contribution to a strong and competitive regional economy, as already demonstrated by the success of the Logistics North development also by these Applicants.
63. Any limited mathematical breach of BCS Policy P1 remains to be weighed against planning benefits.

### ***Highway Network and Access***

#### *Common Ground between the Applicants and BMBC*

64. The application was supported by a detailed Transport Assessment [WBo\_Ei3.10-15]. A Highways SOCG [WBo\_In8] provides information regarding access arrangements, development trip rates, highway capacity and mitigation and a Travel Plan, as well as unresolved matters relating to developer contributions.
65. Prior to consideration of the application by BMBC, agreement was reached with BMBC, Highways England and Traffic for Greater Manchester (TfGM) that the proposed development could be safely and satisfactorily accommodated by the highway network.

#### *Site Access*

66. The A6 Chorley Road - Wimberry Hill Road Signalised Junction would provide the only access for all operational traffic to and from the application site, in addition to current traffic movements from the existing Wingates Industrial Estate. It is agreed that the proposed development would not necessitate additional capacity for motorised traffic at that junction.



67. However, improvements are proposed to enhance the accessibility of the proposed development and the existing Wingates Industrial Estate for pedestrians and cyclists, by providing a secondary westbound-ahead lane for vehicles and a continuous cycle lane through the junction, removing cyclists from the main carriageway, with connections also to off-carriageway cycle lanes either side of Wimberry Hill Road.
68. There would also be improvements to the existing Wimberry Hill Road and Ghost Island Priority Junction 350m south of the A6, where Wimberry Hill Road turns east, as Great Park Road. The works would include widening and a pedestrian refuge, improving southern access to the application site.
69. Within the site, there would be a 7.3m wide entrance spine road with 3m footway-cycleways behind a 2m verge. Other pedestrian-cycle access points would be provided around the site.

#### *Off-site Highway Improvements*

70. Comparison of baseline traffic data, with trip rates chosen according to established predictive methodology, led to a series of proposed network junction improvements. This work took into account estimated traffic generated from a range of known developments, totalling over 2,000 dwellings and a major food store, as representing additional growth.
71. Detailed off-site junction capacity improvements to be secured by the Section 106 Agreement are proposed at the A6 Chorley Road-De Havilland Way junction, M61 Junction 6, the A6 Chorley Road-Dicconson Lane signalised junction and the A6-Bolton Road signalised junction.
72. Construction traffic is forecast to be of a lesser level than the fully operational traffic generation predicted for the development, obviating any need for short-term pre-occupation measures in this connection.

#### *Public Transport, Pedestrian and Cycle Access Contributions*

73. Subsequent to the call-in of the application, there have been discussions regarding the need for the contributions towards public transport enhancements and improvements to pedestrian and cycle provision. These potential obligations are supported in general principle.
74. However, there are residual areas of disagreement relating to the request for contributions via the Section 106 Agreement of £308,000 to extend the route and hours of operation of an as yet unidentified bus service and £100,000 towards providing cycle and pedestrian infrastructure.
75. TfGM have recommended the extension of the 715/520 bus service linking Bolton Interchange to Westhoughton. A contribution of £44,000 per year would be sufficient to extend the timetable to provide early morning and late evening subsidised services to accommodate potential end user shift patterns. The contribution is proposed over a seven-year period, equal to £308,000, after which the service is anticipated to become commercially viable.
76. In support of the Westhoughton Active Neighbourhood and Bee Network pedestrian-cycle scheme, a contribution of £100,000 is sought to support the extension of the existing scheme along the Long Lane corridor to improve the

- connection between the proposed development, Westhoughton Rail Station and the wider Westhoughton area.
77. The Section 106 Agreement includes a conditional clause to enable the SoS to excise these contributions, if it is concluded that they are not compliant with CIL Regulation 122.
  78. The Applicants invite the SoS to trigger this clause for the following reasons.
  79. With respect to the Transport Contribution of Schedule 3 to the Section 106 Agreement, the Applicants agree with the calculation of the requested sum but contend that the contribution itself is simply not necessary. The agreed position in the Highways SOCG is that cycling and walking represent viable alternatives to the private car to access the site and it is acknowledged that considerable improvements to pedestrian and cycle infrastructure would be delivered within the scheme in any event. Similarly, the requirement for a Travel Plan would ensure that sustainable modes of transport, including car sharing and electric vehicles, would be encouraged. An agreed condition also requires that 10% of car parking spaces would be dedicated to electric vehicles.
  80. It is not the case that there are no bus services to bring employees to the site. The nearest bus stops are located on the A6 Chorley Road, approximately 150m to the west of the site access road. These would provide access from Horwich Station, Blackrod, Westhoughton Rail Station, Lostock, Aspull, Chew Moor, Middlebrook, Deane, Bolton Interchange, Walkden and Wigan. Other existing bus services on the A6 would provide users of the site with access from Deane, Little Hulton and Walkden within a short journey time. The bus services connect with the public transport interchanges in Bolton and Walkden. The BMBC request should be considered in this context.
  81. £308,000 is sought towards the bus service for workers on early and late shifts to travel by public transport. There is presently no clear indication of the number of people that this provision might benefit or whether a bus service is or will be available to be extended in the way proposed. There is no proportionate link between the development and the contribution. More important, the proposed scheme already complies fully with NPPF policy to promote sustainable transport. The proposed development would be accessible in policy terms, such that any further financial contribution is not necessary to make it acceptable. This obligation should be excised from the Section 106 Agreement.
  82. With respect to the Local Enhancement Contribution of Schedule 4 to the Section 106 Agreement, the request for of £100,000 is well meaning but is vague in the extreme. BMBC is unable to explain how this sum was calculated or how it relates to the size of the proposed development. Broadly, it represents a proportion of about 25% of the cost of works in the vicinity of Long Lane to improve the cycling and walking experience. Not only is this contribution unnecessary in light of the sustainability credentials of the application site, which would be enhanced in any event, but it is quite impossible to conclude that the amount sought is fairly and reasonably related in scale and kind to the development. This obligation too should be excised from the Section 106 Agreement.



### *Highway and Access Summary*

83. In summary, the proposal takes into account accessibility, travel, servicing, parking and transport needs as set out in BCS Policy P5. Matters of detail for the built development will be predominantly addressed through reserved matters applications. The detailed proposed access arrangement and the associated enhancements to Wimberry Hill Road and Chorley Road not only provide appropriate vehicular access but would also significantly improve provision for pedestrians and cyclists.
84. An agreed Framework Travel Plan would be secured by planning condition to provide detailed travel plans for each phase of building.
85. Off-site road junction improvement works to the wider network would be funded by the Section 106 Agreement, together with contributions towards enhanced public transport accessibility and cycle route infrastructure, insofar as this is deemed necessary.
86. The proposed development would thus comply with all highways and access requirements of development plan and national policy. The highways impact of the development would be fully mitigated so that there is no harm in this respect to be factored into the overall planning balance.

### **Environmental Effects**

#### *Visual Amenity and Landscape*

87. The ES submitted with the application includes a Landscape and Visual Impact Assessment (LVIA) [WBo\_Ei2.7-10] setting out the overall conclusion that the short-term operational impact (up to 15 years) of the proposed development on the landscape would be moderate-adverse and that in the long-term the impact would be moderate-minor adverse.
88. The LVIA is accepted and relied upon in the Case for BMBC (*below*). However, whilst there is broad agreement, the evidence to the Inquiry on behalf of the Applicants reaches the different conclusion from the LVIA that the long-term impact on the landscape would be of a lesser level, described as moderate-minor adverse or less.
89. The approach, methodology and findings of the LVIA are accepted as appropriate and compliant with established Guidance on Landscape and Visual Impact Assessment (GLVIA). However, the Applicants differ in their assessment of the susceptibility of the landscape of the site and surrounding area to change, rating this lower than does the LVIA.
90. The site is of community value but is not in an area designated as valued landscape. The GLVIA refers to the ability of the landscape, including townscape, to accommodate the proposed development without undue consequences for the maintenance of the baseline position and the achievement of the aims of landscape planning policies and strategies.
91. The site is on the urban edge of Westhoughton, adjacent to the existing Wingates Industrial Estate. The baseline landscape character for the site and its immediate surroundings therefore includes industrial built form. The Landscape

Character Appraisal of Bolton [WBo\_Ot4] describes the area as degraded agricultural land of variable quality with some potential for change.

92. BMBC recognises the character of the site as urban fringe, influenced by the existing Industrial Estate and ribbon development along Chorley Road at the urbanised western edge of Westhoughton.
93. The visual appearance of the site would change but the development would not add any new landscape or townscape elements that are not already characteristic of the area. Nor would it remove any characteristic from the area. The baseline description of the landscape would therefore stay the same. For this reason, the Applicants now apply a lower, medium-low rating for the susceptibility of the area to change.
94. It is agreed that the sensitivity of the landscape to the type of development proposed is low. The magnitude of change would alter as the new landscaping matured, providing enhancement to parts of the site and benefit to the low-quality urban fringe. The impact on the wider landscape remains negligible.
95. As a result of the low sensitivity and varying magnitude of change, the landscape character effects upon the study area would reduce from moderate-adverse upon completion of the development to moderate-minor adverse in the long term. The effects upon the wider area in the long term would reduce to negligible. It is understood that BMBC agrees with these conclusions. However, it is not considered that moderate-minor and negligible adverse effects should be judged as significant long-term impact.
96. There would be major impacts on views from within the site, including from the PROW network. However, the effect on the visual amenity of external receptor locations would be minimal.
97. In summary, the proposal conforms for the most part with the objectives of BCS Policies CG1, CG3 and OA3 regarding landscape. An element of non-conformity with the objective to protect landscape character is unavoidable in the context of a large-scale development on a greenfield site outside the existing settlement boundary.
98. The effect of the development on the local landscape and views would constitute a degree of other harm alongside Green Belt harm. However, it is demonstrated that the significance of this landscape harm would be minimal and the visual effect would vary according to the viewpoint. Whilst major adverse visual impact would occur at receptors closest to the site, the majority would experience moderate-minor adverse effects or less.
99. There would be beneficial aspects of the proposed development, not considered in the LVIA. These would include substantial boundary treatments, offering an appropriate transition to the countryside, with woodland belt and hedgerow planting used in conjunction with earth mounding at the periphery of the site to soften views of the built development.
100. It is agreed that the proposed development would produce a fundamental change in the landscape of the site but that does not necessarily equate to substantial harm.

101. Accordingly, even on the basis of the original LVIA assessment, it is difficult to comprehend the BMBC judgement of substantial harm. The Applicants contend that limited weight should be given to this impact when weighed with Green Belt harm against the overall benefits of the development.

*Public Rights of Way*

102. Diversion of rights of way would result in an increase of some 496m length of PROW across the site, retaining existing boundary connection points. The footpaths would be provided at 3m width to allow for future upgrading to bridleways if required. These measures would improve the PROW network to the benefit of users.

*Biodiversity and Trees*

103. A range of ecological surveys was undertaken in accordance with best practice and industry standards, as confirmed by the Greater Manchester Ecology Unit.
104. There is no evidence of impacts on internationally or nationally designated sites or on the local non-statutory Pond at Four Gates Site of Biological Importance, given pollution control measures to be implemented under a Construction Environmental Management Plan (CEMP).
105. The proposed development would retain hedgerows, woodlands and other habitats around the site boundary, with the exception of an immature broadleaved woodland plantation along Wimberry Hill Road. Whilst there would be a loss of poor quality internal hedgerows and semi-improved grassland, there would be substantial compensatory planting, including a buffer zone south of Chorley Road and landscaping in accordance with a Landscape Strategy.
106. As for protected species:
- 106.1 Two populations of great crested newt (GCN) were found within the site at Ponds P1 and P18. Pond P1 and four other ponds would be lost to development.
  - 106.2 No bat roosts would be impacted.
  - 106.3 No evidence of badgers was found on the site.
  - 106.4 Bat survey results demonstrated a limited species assemblage and consistently low levels of impact over the majority of the site.
  - 106.5 There would be short-term negative effects on breeding birds of conservation concern, as the large areas of newly created woodland, scrub, wetland and grassland habitat would take time to establish. However, they would result in a beneficial residual effect in the medium to long term.
  - 106.6 With respect to brown hare, although the scheme would provide some suitable habitat at the site perimeter, the overall net loss of habitat for this species would result in a negative residual effect in the long term.
107. By way of mitigation:

- 107.1 For great crested newts, based on mandatory GCN habitat replacement, a total of six ponds would be provided within the mitigation area and Ecological Enhancement Zone.
  - 107.2 Pond 18 would be enhanced under a GCN mitigation licence and a GCN Mitigation Strategy has been produced and agreed in principle with Natural England.
  - 107.3 Loss of large areas of sub-optimal newt habitat would be compensated for by creating and managing smaller areas of high quality habitat.
  - 107.4 Implementation of the mitigation strategy would ensure that Favourable Conservation Status of the GCN populations would be maintained. The GCN mitigation would incidentally benefit common toad.
  - 107.5 For bats, a pre-construction bat inspection of trees to be removed would be undertaken and a Sensitive Lighting Strategy incorporated into the development to protect bat foraging and commuting habitat.
  - 107.6 For birds, removal of suitable breeding bird habitat would be undertaken outside the breeding season or, if not achievable, under ecological supervision.
  - 107.7 For hedgehog and brown hare – a Reasonable Avoidance Measures Method Statement would be produced and implemented during site clearance works.
108. To achieve biodiversity enhancement:
- 108.1 Retained and created habitats would be managed in perpetuity through a Landscape Management Plan.
  - 108.2 The Ecological Enhancement Zone would provide four ponds in addition to those required as mitigation to create further habitats for GCN with habitat links from Pond 18 to other nearby ponds.
  - 108.3 Bat boxes would be provided.
  - 108.4 Invasive non-native plant species would be managed through a Control Strategy.
109. The potential impact of the development on trees is considered in a detailed Arboricultural Impact Assessment [WBo\_Ap4.2; WBo\_Ap18.4] compliant with BS5837:2012. There are no protected or veteran trees or ancient woodland on the site. Losses would include 22 individual trees, 0.49ha of tree groups and approximately 500m of hedgerows. No Category A high quality trees would be lost, the majority being of Category B moderate quality and some of Category C.
110. These short-term impacts would be compensated for by large areas of new planting, as illustrated [WBo\_Ap16.12], including at least 100 individual trees, 3ha of new woodland and some 1,188m of new hedgerows, all subject to a Landscape Management Plan secured by condition.
111. Retained trees would be subject to a Tree Protection and Retention Plan, also secured by condition.

112. In summary, the proposed development would result in the loss of some existing habitat, including that which might be used by protected species. However, this impact would be mitigated by the creation of the proposed Ecological Enhancement Zone, as well as by the implementation of the Landscape and Habitat Management Plan and a CEMP.
113. The development would unavoidably result in the loss of some existing trees, woodland and hedgerows but would include substantial replacement planting as set out in the Landscape Strategy, leading to no residual harm.
114. There has been no objection to the application from the Greater Manchester Ecology Unit or Natural England.
115. Thus, the impact of the development on ecology, biodiversity and green infrastructure, and the concerns raised in third-party representations, would be fully addressed. The proposal thus complies with BCS Policy CG1 and relevant aspects of national policy. There would be no harm in this respect to be factored into the overall planning balance.

#### *Air Quality*

116. An Air Quality Assessment [WBo\_Ei2.3; WBo\_Ei3.1] concluded that the overall impacts on air quality from the proposed development were not significant and this conclusion was agreed in writing by the Pollution Control Officer (PCO) at BMBC.
117. Effects were assessed for emissions of dust and particulate matter (PM10) during the construction phase of the development in line with industry best-practice guidance. The PCO appropriately recommended a planning condition requiring a Dust Management Plan to be implemented.
118. Detailed modelling of future road traffic emissions of key oxides of nitrogen and PM10 did not predict any exceedance of air quality objectives in the indicative year 2024. Best practice planning guidance provided by the Institute of Air Quality Management and Environmental Protection UK indicates the effect of the proposed development on air quality to be negligible to slight for all receptors of those pollutants and not significant in EIA terms.
119. The PCO recommended a condition requiring the installation of Electric Vehicle Charging Points to help encourage low emission travel and further reduce the effect on local air quality. This condition is in line with best practice and considered appropriate.
120. Future emissions from industrial processes are scoped out of the assessment at the outline planning stage.
121. Overall, the development would not have a significant effect on local air quality.

#### *Noise*

122. The application is accompanied by a Noise Assessment and Technical Report [WBo\_Ei2.11; WBo\_Ei3.9]. The methodology was agreed with Bolton Pollution Control Department in accordance with relevant British Standards and World Health Organisation Guidelines. A detailed baseline survey was undertaken at sensitive receptors referenced in the agreed planning conditions.

123. A full construction noise and vibration assessment was scoped out of the ES. However, typical minimum noise and vibration control measures were recommended as part of the CEMP for each phase of the development and required by condition.
124. To demonstrate the deliverability of the development, a detailed noise assessment of the operational phase was undertaken. This made reasonable assumptions of the design of future buildings, plant and activities on the site, with reference to the original illustrative Masterplan and Parameters Plan. The updated versions of those plans [WBo-Ap16.1-2] do not alter the conclusions of the Noise Assessment. Potential noise sources were assessed simultaneously, providing a worst case scenario, likely to prove an overestimate in practice.
125. The Assessment identified mitigation measure to be embedded in the detailed design, including acoustic barriers.
126. Site operators would be required to adhere to an agreed Framework Delivery Noise Management Plan (FDNMP) with mitigation secured by planning conditions in accordance with the Parameters Plan and Document [WBo\_Ap18.2 and Earthworks Plateaus Plan [WBo\_17.1], including earth bunding within the landscape area at the Chorley Road frontage.
127. Off-site road traffic noise was also assessed, with the conclusion that there would be negligible long-term change in traffic noise levels.
128. The Assessment showed that the site and surrounding area are of low to medium tranquillity and not highly prized in this respect. With projected improvement to footpaths and cycleways across and around the site, it is not expected that the development would have an adverse impact upon access to areas of tranquillity.
129. Overall, it is demonstrated that the proposed development is not expected to have a significant adverse impact on health and quality of life with respect to noise generation.

### **Benefits**

130. The Applicants submit that the proposed development would thus provide the following benefits, as independently informed by a submitted Socio-economic Assessment [Proof Appendix 5]:
  - 130.1 a supply of employment land in Bolton to meet existing need and demand, including the ability to accommodate large-scale buildings for which there are no other sites available,
  - 130.2 some 1,800 occupier business jobs and a further 700 construction jobs giving added local employment opportunities and encouraging working age people to remain in Bolton,
  - 130.3 an annual contribution to the economy of £126.2 million, increasing to £154.4 when indirect benefits are included,
  - 130.4 a construction contribution of £55.4 million to the local economy, increasing to £157.5 million with wage and supply chain multipliers,
  - 130.5 safeguarding of local public services and facilities through business rates, estimated to be £3m once fully operational,



- 130.6 facilitating long-term commitment of businesses to the area by removing constraints on growth and by modernisation, creating opportunities for enhancement of skills, training and partnerships,
- 130.7 enhancement to health and wellbeing created by an increase in employment rates, better and higher-paid jobs and a higher-quality working environment,
- 130.8 facilitating the relocation of business from unsuitable sites and residential areas, assisting the regeneration and the provision of housing on brownfield land,
- 130.9 substantial landscape planting buffer zones to provide screening, soften the appearance of development and replace trees,
- 130.10 an ecological enhancement zone to provide high quality habitat and support to biodiversity with a long-term maintenance,
- 130.11 a sustainable drainage system,
- 130.12 upgrades to key junctions on the A6 Chorley Road to mitigate the effect of development traffic and improve existing traffic flow, whilst accelerating the delivery of planned highway upgrade works,
- 130.13 provision of new or diverted and enhanced footpaths and cycle paths, including safe and attractive off-carriageway cycle routes adjacent to the site,
- 130.14 support to public transport services to enhance the accessibility of the site for employment, if judged to be necessary,
- 130.15 timely delivery of development to mitigate the negative effect of continued delays to the adoption of new development plan documents, and
- 130.16 a positive contribution to recovery from the impacts of the current Covid19 pandemic.

### ***Planning Conditions***

- 131. The Applicants agree to the planning conditions drawn up with BMBC for the reasons indicated above and in the Schedule at Appendix 1 to this Report.

### ***Cumulative Impact and Cross-boundary Considerations***

#### *Highways*

- 132. A submitted Cumulative Impact Technical Note [Applicants Highways Proof Appendix A] considers the respective areas of influence of the Wingates proposal and other proposed schemes under consideration by the Panel at Parkside Phase 1, Parkside Link Road and Haydock Point in St Helens and at M6 Junction 25 in Wigan. The Note considers the respective areas of influence (AOI) of the several schemes from a highways perspective, in order to assess any cumulative traffic generation or highway impacts.
- 133. Due to the considerable intervening distance, the AOI of Wingates does not overlap with those of the other schemes and, beyond the AOI, generated traffic

would disperse across the network. The urban settlements of Wigan, Atherton and Platt Bridge, amongst others, are located between the Wingates development AOI and the AOIs of the other proposed sites. Given the proposed employment land use of the sites, these areas form the key origin and destinations of trips within the AM and PM peak hours for employees. Once the dissipation of trips has been accounted for within these areas outside of the AOIs, there is likely to be minimal interaction between the application site west of Wingates and the other sites. The Wingates development traffic would access the SRN via the M61, unlike that from the other proposed sites, which would reach the SRN via the M6.

134. The Note concludes that the proposed development west of Wingates would be sufficiently distanced from the four other proposed development sites that it would be unlikely to contribute to any significant cumulative highway impacts and can therefore be considered individually from a highways perspective.

### *Employment*

135. The evidence on employment need and land supply demonstrates that, although there will be a degree of overlap between the markets serviced by the four employment schemes being considered by the SoS, the Wingates scheme is focused very much on meeting needs in the northern sector of Greater Manchester, the M61 corridor and Bolton itself. The Wingates scheme stands very much on its own, such that there would be no material crossover between this Bolton-based development and the other proposals currently under consideration by the Panel.

### *Overall*

136. There is no basis on which to reject the Wingates scheme for reasons connected with cross-boundary effects. Given the very substantial benefits that the scheme would deliver, the sooner planning permission can be granted the sooner its hugely positive socio-economic effects can become a reality.

### **Planning Balance**

137. The detailed evidence of the Applicants on environmental matters is, in effect, unchallenged and all adverse impacts, aside from landscape and Green Belt harm, would be fully mitigated, with aspects of enhancement secured by planning conditions. This is testament to the careful assessment of the proposals undertaken by the Applicants.
138. The proposal complies with the overwhelming majority of the relevant adopted local planning policies but, for the reasons set out above, it is nevertheless in conflict with the development plan as a whole, such that, under Section 38(6) of the PCPA 2004, other material considerations are necessary to indicate approval. In practice, the decision is almost entirely dictated by national Green Belt policy, wherein NPPF paragraph 144 accords substantial weight to any Green Belt harm.
139. Notwithstanding the degree of inconsistency of Policy CG7AP with the NPPF, it is plain that BMBC, in practice, prepared to permit inappropriate development in the Green Belt where the very special circumstances required by national policy are demonstrated.



140. Even where development plan policy is regarded as out of date, this has no practical effect on the decision on the application under the tilted balance of Paragraph 11(d) of the NPPF. That is because it is national Green Belt policy which would be required to provide a clear reason for refusal, such that it is incumbent upon the SoS to consider the Green Belt balance, irrespective of development plan policy status.
141. The development would be inappropriate in terms of Green Belt policy and harmful both by definition and with regard to the openness of the Green Belt. This harm carries substantial weight against the proposal.
142. The development would have an adverse impact upon the landscape, contrary to adopted policy and, despite mitigation by careful design and provision of landscape buffers, this harm still carries some limited weight in addition.
143. In the particular circumstances of this proposal, the need for and resultant benefits of the proposed development are other considerations that clearly outweigh the harm to the Green Belt and any other harm. The proposal clears this policy hurdle by quite some margin. Although it would be quite wrong to downplay the strong policy protection given to the Green Belt, national policy does allow development in these areas where justified. Given the undeniable and long-term benefits to the socio-economic well-being of Bolton and the wider area and the absence of any alternative location which can deliver these benefits, very special circumstances do exist in this case. The Council, through its officers and elected Members agrees with this conclusion.
144. Notably, there is strong support for this major economic opportunity for Bolton from elected Members of BMBC, with no recorded objection from statutory consultees. This emphasises that the correct balance has been struck between planning benefits and Green Belt and other harms. It is important not to overstate the significance of the narrow areas of disagreement between the applicants and BMBC, given also the comparatively low level of public opposition.
145. For all of the above reasons, the Applicants invite the Panel to recommend that planning permission be granted, subject to the imposition of the agreed conditions and in light of the completed planning obligation, and respectfully requests that the SoS agrees with such a recommendation.

## **The Case for Bolton Metropolitan Borough Council**

*The case for BMBC in favour of the application is provided in detail in its Statement of Case [WB0\_In7], Proof of Evidence [Pins Folder 0.03] and Opening and Closing Submissions [OS1;CS1].*

*The case for BMBC is made in essentially the same terms as that for the Applicants, save in respect of certain specific areas of different judgement. These are with respect to: the need for the planning obligations under the Section 106 Agreement to*

*provide the Transport Contribution for improved bus services under Schedule 3 and the Local Enhancement Contribution for improved pedestrian and cycle accessibility under Schedule 4; and regarding the degree of adverse landscape impact, where BMBC continues to accept the conclusions of the LVIA originally submitted with the application.*

*The case for BMBC set out below is accordingly focussed mainly upon these matters of different judgement and other points of emphasis.*

*The material points are:*

**Policy**

146. The key development policies relevant to this application are BAP Policy CG7AP on Green Belt and BCS Strategic Policies P1 on Employment, CG1 and CG3 on Landscape and P7AP on the Strategic Route Network (*summarised above*).
147. BMBC also attaches significant weight to the Spatial Vision and Objectives of the BCS. These focus upon tackling deprivation and improving access to opportunities for employment and life improvement for residents, consistent with the Bolton Sustainable Community Strategy. The need to tackle deprivation and its causes are even more acute in Bolton than elsewhere within the wider Greater Manchester conurbation and the north of England generally. These considerations place added emphasis upon the importance of considering the potential impact of the proposed scheme with regard to its ability to contribute to the transformation of the local and wider Bolton economy. It is to be acknowledged that the positive socio-economic effects of the scheme have the capacity to be felt even more strongly within Bolton than might be the case in other more prosperous locations. This is an important issue to highlight at the outset as it is fundamental to the planning balance overall.
148. With respect to Policy P1, neither party suggests that it is out-of-date for want of consistency with the NPPF. BCS Policy P1 aims to identify a range of employment sites via the BAP and this has been achieved, with the aim of retaining a supply of 50ha of employment land at any one time still being satisfied and the allocated supply has not been exhausted. The aims of the NPPF to allow inward investment and expansion and sustainable economic growth have not been prevented under Policy P1. In fact, the BCS has worked well with the build-out of the key strategic employment allocation at Logistics North by the same Applicants. The fact that the scale of this scheme is out of keeping with the intentions of Policy P1 does not speak to the consistency of the Policy with the NPPF. There is no requirement in the NPPF to identify a supply of land for very large-scale industrial uses of the size proposed in this application.
149. BCS Policy P1 contains a quantitative element of 145-165ha of employment land but leaves the precise quantum of allocations to the BAP. The BAP allocates 130-145ha of employment land. This does not represent a shortfall, as contended by the Applicants, because the BAP was examined and found sound. It is a policy decision of BMBC to allocate at the bottom end of the BCS range. It is not for individual applications to seek to make good any perceived shortfall. There is no shortfall as the decision to allocate 130-145ha is not open for discussion.
150. Policy P1 therefore expresses a policy intention to allocate land within a particular range and the supporting text expands on the spatial distribution

expected, setting out that 105-110ha is anticipated within the M61 corridor. Employment land coming forward outside that range or spatial distribution is not in line with Policy P1. BMBC agrees that the allocation of 130-145ha is not a strict cap on employment development land coming forward. However, there naturally comes a tipping point beyond which a large excess over the anticipated growth would skew the spatial distribution and distort the intended strategy.

151. Of the 105-110ha anticipated in the M61, Logistics North contributes 102ha and so the application site would increase this to 135ha, in excess of the bottom end of the range of all the allocated land in Bolton put together. The reason given within the BAP for allocating at the lower end of the BCS range is to avoid Green Belt releases. Accordingly, it cannot be said that the application site is in line with this aim and BMBC is right to identify conflict with Policy P1.
152. The rapid changes which have occurred in the distribution and logistics market make the BCS no longer capable of providing a sufficient supply of employment land to meet current needs. It is not in the control of BMBC that the production of the GMSF to address this issue is delayed but the evidence supporting the draft allocation of the application site attracts significant weight. Any conflict with Policy P1 is purely quantitative and there are no alternative brownfield sites available.
153. Notwithstanding any degree of conflict between BAP Green Belt Policy CG7AP with the NPPF, by omission of reference to very special circumstances, it is clear that the proposed development would be inappropriate to its Green Belt location and require very special circumstances for approval.

### **Green Belt**

154. BMBC agrees with the Applicants that the scheme would not accord with the development plan as it would constitute inappropriate development and BMBC further agree that the particular circumstances and benefits of the proposal clearly outweigh any harm, such that the requisite very special circumstances exist.
155. The Greater Manchester Green Belt Assessment of 2016 [GM\_Ot5] places the application site in Strategic Green Belt Area 1, which plays a moderate to strong role in checking urban sprawl and merging of towns and safeguarding the countryside from encroachment. It also plays a moderate role in preserving historic elements of towns including Westhoughton.
156. The morphology of this part of the Green Belt, in relation to the M61 and existing urban areas, leads to an inevitable policy conflict in identifying new sites but to a logical extension of the Wingates Industrial area westward, as now proposed.
157. In detail, with respect to the five Green Belt purposes, the site is within Land Parcel BT40 of the Assessment which does assist in checking sprawl but is urbanised in the area of the site and influenced by the ribbon of development at Chorley Road and the existing Wingates Industrial Estate. However, its role in preventing Westhoughton and Aspull from merging is very limited due to the 2-3km intervening distance. In terms of countryside encroachment, the site already experiences views of the nearby Industrial Estate, such that its role in this respect is moderate. There is no direct interrelationship between the site

and historic Westhoughton. The purpose of recycling urban land is overridden by other evidence of a lack of suitable sites.

158. However, BMBC does not adopt the view of the Applicants that the harm to the Green Belt would be only moderate to significant. BMBC maintains that the harm is best assessed as substantial. The main point of difference is in relation to the first purpose of checking sprawl where the site does make a strong contribution in its existing state. The test for harm here is not whether the scheme would amount to unrestricted sprawl in itself.

159. As to openness, the proposed development would have a very significant impact.

### **Employment**

160. It is common ground between BMBC and the Applicants that the need for and supply of employment land is, as set out in the case for the Applicants (*above*), based upon BMBC annual monitoring data and the evidence supporting the GMSF, including the identification of the application site within draft Site Allocation 6.

161. The current supply position, as recorded in the annual monitoring report, [B0\_Mo1] is 72-87ha remaining on allocated sites but 24-34ha of this is in the town centre and unsuitable for the present proposal. The Horwich Loco Works provides only 5ha of employment, Logistics North is almost full and all other vacant sites are unsuitable for the proposed development in terms of scale, type and access requirements. This weighs materially in favour of the current proposal for a non-allocated site and there is no suggestion that any alternative exists. The key point is that there is no absence of supply generally but there is an absence of sites to satisfy the particular requirements of this proposed development.

162. BMBC also points to the ability of the scheme to make a significant contribution to the aims and objectives of the Sustainable Community Strategy and the most up-to-date Bolton Economic Strategy which, in turn, refers to the importance of logistics to the Bolton economy and the M61 corridor. These are also material considerations weighing in favour of the scheme.

163. In supporting the application, BMBC relies to some extent upon its productive relationship with the Applicants in connection with their successful development, Logistics North in the M61 corridor. BMBC recognises that the preparedness of the Applicants to invest in the present proposal strongly indicates robust market demand in line with developing trends towards e-commerce, accelerated by the current pandemic.

### **Economy**

164. In line with the provisions of the NPPF seeking a strong competitive economy, BMBC wishes to harness this major economic opportunity for Bolton in the face of a shortage of suitable employment land in the M61 corridor. The BMBC Economic Strategy recognises confirms the GMSF as the vehicle to influence directly new employment floorspace and confirms that economic development is a key priority for Bolton.

165. BMBC is also of the opinion that the proposals are wholly compliant with the Government objectives and policies for building a strong and competitive economy.

### **Highway Network and Access**

#### *Common Ground*

166. BMBC has followed a comprehensive process, working with the Highways Consultants to the Applicants, TfGM, Highways England and the local highways authority and relies upon the Case for the Applicants in this regard.

#### *Improvements*

167. The off-site highways mitigation proposal presents a package of measures which include significant works and upgrades to key junctions and therefore, after the implementation of these measures, the development would actually have a net beneficial effect on the wider highway network.

#### *Developer Contributions*

168. There remain differences of opinion with respect to the need for developer contributions to public transport and pedestrian and cycle access improvements.
169. It is the view of BMBC that both obligations fall within the broader heading of improving the accessibility of the site by sustainable transport modes. The Framework Travel Plan does not include any target for increase in bus, rail, cycle or pedestrian movements and it is therefore essential that opportunities for hard measures are taken up by the scheme. The Applicant relies on the broad definition of sustainable transport modes within the NPPF but, when a realistic and broad approach is taken, it is clear that the site is not easily accessed by walking, cycling or public transport by the majority of its workforce. Whilst there are cycle routes within the vicinity, that is not sufficient to allow the majority of workers to access the site as they are unlikely to reside within a radius of 5km. Provision of electric charging points is a nice addition but does not compensate for a lack of public transport or walking accessibility. Accordingly, accessibility improvements are required to make the scheme acceptable. BMBC proposes the two contributions to remedy this problem.
170. First, a bus services contribution is requested. The current bus connections to the site are insufficient to allow meaningful access by public transport. The majority of workers arriving by public transport are expected to travel to the site from Bolton Interchange. The only bus serving that route is the current 520 service. The bus stops outside the site are served by less suitable routes. For example, the 516 connects Leigh to Horwich. Both are smaller settlements and are not expected to be the source of the site workforce. It is therefore important to connect the site to Bolton, as the main conurbation and point of interchange between other transport modes.
171. However, even the 520 service does not currently travel sufficiently far along Chorley Road to provide a meaningful service to the site. An addition to the route to serve an existing bus stop just outside the site entrance would be required. TfGM consider this to be the most proportionate and effective way to enhance the accessibility of the site by public transport and has provided the costings for this route extension. The costs cover an extension to the hours of

service so that the shift patterns associated with a large-scale distribution centre could be accommodated. Such uses typically have very early morning shifts with a further shift change at around 10pm. This requires a service which commences at 5am and ends some time after 10pm. The site is also expected to operate at weekends when, currently, only a lower level service is available.

172. The contribution sought is £44,000 for seven years, or £308,000 in total, until the service becomes commercially viable. This reflects the experience at the Logistics North site, operated by the same Applicants, and is agreed in terms of scale and kind.
173. The site is located on the outskirts of the relatively small town of Westhoughton, which is not expected to be the main source of employees for the site. Employees would travel in from elsewhere, most likely from Bolton. BCS Policy P5 requires public transport to be prioritised and NPPF paragraph 108 requires appropriate opportunities to be taken to promote sustainable travel. This is an appropriate opportunity to promote public transport and should be taken up in this scheme.
174. Second, in relation to walking and cycling, BMBC proposes an upgrade to the existing route between Westhoughton railway station and the application site, via Long Lane. Accessible routes are only meaningful if they are used. At present, this route is unattractive and poorly surfaced. Where it is open to traffic, it does not provide segregation for cycles and pedestrians and is not a safe and attractive option for those seeking to travel from the railway station and is therefore unlikely to be used. Upgrades to this route would encourage walking and cycling and would allow the site to be genuinely accessible from the railway station.
175. BMBC has received costings for the upgrade of just over £400,000. The route would also enhance accessibility for other industrial users along Long Lane and the use of the route would not therefore be wholly generated by the application site. Accordingly, BMBC considers a fair proportion of the overall cost, amounting to £100,000, should be sought from the proposed development, as fairly and reasonably related in scale and kind to the proposed development.

## ***Environmental Effects***

### *Landscape and Visual Amenity*

176. BMBC accepts the conclusions of the submitted Landscape and Views assessment within the LVIA [WBo\_Ei2.7] but not the revised conclusions of the Applicants put forward at the Inquiry.
177. The five-stage Assessment was undertaken with reference to Landscape Institute GLVIA, comparing visual effects with an established visual baseline and assessing their significance. The assessment concluded that the short-term operational impact (up to 15 years) of the proposed development on the landscape would be moderate-adverse despite the sensitivity of the undesignated landscape being low. This is because the development would cause a partial alteration of, and the introduction of prominent elements into the existing landscape. This would result in a notable scale of change to its character, albeit inside a relatively small study area within a wider landscape, where the impact of the development is judged to be minor-adverse to negligible.



178. The long-term impact (after 15 years) is judged to improve to moderate-minor adverse, once the supplementary planting becomes fully established to buffer the built development, although it is accepted that it would not be possible to mitigate entirely the effects of the buildings and changes in ground levels.
179. The Assessment finds that the immediate effect on views would be most pronounced along the medium sensitivity public rights of way within and adjacent to the site, as well as to residents of the nearby farmsteads and at dwellings on Chorley Road, resulting in a major adverse impact. Elsewhere the short-term effect on views would be moderate-adverse to negligible, depending on the precise location of viewpoints.
180. In the long term, impact on some views would lessen to moderate-adverse or better, with the new planting becoming established at the site boundaries.
181. On inspection, in the light of the LVIA Assessment, approaching along Chorley Road from the west the sense is of an increasingly urban character due to the existing ribbon development. Further to the east, beyond the junction of Chorley Road and Wimberry Hill Road, the Wingates urban envelope is very well established.
182. Due to the proposed 38m set back from Chorley Road and the extent of new landscaping and bunding to be placed there, the development has the capacity to integrate well along the Chorley Road frontage, given the buildings would reduce in height at that frontage. There is no strong connection visually between the site and surrounding properties fronting Chorley Road where key views are northward, for example towards Rivington Pike along Lostock Road. From other points intervisibility with the application site is limited by boundary trees.
183. Within the site however,, significant cut-and-fill earthworks, creating space for large floorplate buildings, would result in many views being severely impacted or removed altogether following development.
184. BCS Policies CG1.1 and CG3.7 seek to safeguard and enhance the landscape value of the Borough. Even with extensive new planting, the proposed development would have a significantly negative impact on the landscape character of the site with a varying impact on the wider area. This would give rise to substantial harm to local landscape character, given the scale and massing of the proposed development containing large buildings up to 25m high.
185. The proposed development would fail to safeguard and enhance the rural area of the Borough from the proposed development, which would adversely affect its landscape character. Moreover, it would not maintain and respect the landscape character of the surrounding countryside or its distinctiveness. The development would therefore be contrary to Policies CG.1 and GC3.7, which are consistent with the NPPF. This policy conflict attracts significant weight.

### *Residential Amenity*

186. The site is not in an isolated location and is undoubtedly affected and urbanised to an extent by the existing Wingates Industrial Estate and ribbon development to the north and west. It is also screened to the west by existing landscape features, established mature trees and hedgerows. In a wider sense, it sits within an undulating landscape.

187. There are no key vantage points in the surrounding area from where the development would be particularly visible or where a sensitive view would arise, predominantly due to the presence of existing infrastructure, development and vegetation. The severity of the visual impact of the development would reduce with distance from the site. The most significant visual effects would be from receptors to the south and south west and in more distant views at receptors to the north. Ultimately, the development would be seen in the context of the existing Wingates Industrial Estate and the urban form of this part of Bolton.
188. The most significant and immediate visual impacts of the development would be from Reeve's House Farm and Corge's Farm and Cottage which are located directly to the south west of the site.
189. The development has the potential to become very well screened as the vegetation to the perimeter of the site matures over time but it would still be highly noticeable and imposing within its immediate setting. However, the development would not give rise to unacceptable impacts on surrounding land uses and occupiers with regard to privacy, safety and security. On balance, the proposals comply with BCS Policy CG4 with regard to amenity.

#### *Public Rights of Way*

190. Regarding any potential loss of an existing PROW, the proposal takes care to preserve PROWs and where possible to enhance them by the creation of footpaths and formalising existing routes. There are however a number of routes which would be fundamentally altered, including those referenced WES044/WES047 and WES043.
191. There is no inherent harm arising due to the permanent loss of any PROW. There would be some limited benefit from the scheme in facilitating public access within and around the site. This would be further encouraged through formalisation of footpaths with a better walking and cycling surface, installation of signage and in the general layout of green and water infrastructure within the site in an attractive and accessible way, particularly towards the south and south eastern corners.
192. These proposals would comply with BAP P8AP, as the integrity of the routes would be maintained.

#### *Biodiversity and Trees*

193. Whilst the development would result in harm due to the loss of trees, hedgerows and other ecological habitats, this would be comprehensively mitigated by the suite of landscape planting and dedicated on-site ecological provisions set out in the Case for the Applicants. These would include a habitat enhancement area and new surface water features among other habitat types. The scheme would result in biodiversity gains, amounting to a net benefit, and there are no objections from any statutory consultee. The proposals are therefore compliant with BCS Policies CG1 and CG3.7 in respect of biodiversity enhancement.
194. With regard to the impact on trees, BCS Policy CG1 seeks to safeguard trees, woodland and hedgerows. As documented in the Case for the Applicants, the proposals would result in the loss of a number of tree species and therefore some initial harm would arise on implementation of the scheme, in particular in the area associated with the new vehicle access from Wimberry Hill Road.



195. The proposal includes provision for planting along the Chorley Road frontage and replacement of trees to be lost. Whilst losses are regrettable, the scheme seeks to safeguard and retain trees where possible, with a comprehensive scheme for replacement planting and ongoing management. Whilst there would be short-term harm, overall the package of mitigation proposed would, on balance, outweigh the losses. In the medium to longer term, these proposals would result in a net benefit in terms of trees and therefore the matter is a neutral consideration in the overall planning balance.

### **Benefits**

196. BMBC endorses the benefits claimed for the proposal by the Applicants, placing significant weight on its employment and GVA generating potentials, also acknowledging the conclusions of the submitted Socio-economic Assessment.
197. BMBC thus places significant weight upon the economic benefits of the proposal, which have additional emphasis in Bolton due to the potential of the scheme to marry a very significant economic opportunity with a part of Greater Manchester which is in real need of further economic stimulus and job generation.

### **Planning Conditions**

198. BMBC proposes that approval be made subject to the agreed conditions set down at Appendix 1 to this Report and for the reasons stated therein.

### **Cumulative Impact and Cross-boundary Considerations**

199. BMBC agrees with the findings of the submitted Cumulative Impact Technical Note [Applicants Highways Proof Appendix A] that the development proposed in this application raises no cross-boundary matters of traffic generation or highway impact to connect its determination with the other cases in St Helens and Wigan also under consideration by the Panel.

### **Planning Balance**

200. It is agreed that the proposed development would conflict with relevant local and national policies for protecting the Green Belt. BMBC considers that the development would cause substantial harm and that there are significant residual visual effects equating to conflict with BCS Policies CG1.1, CG3.3 and CG3.7. The scheme represents a large, unallocated Green Belt site in the M61 corridor and is out of step with the spatial distribution of employment land set out within the BCS and put into effect by the BAP. There is accordingly some conflict with BCS Policy P1.
201. However, the Applicants have demonstrated a need for this scale of development in this location. The GMSF evidence base identifies a need with a particular focus on the Bolton-Wigan and M61 corridor. This need is unlikely to be met by awaiting the GMSF and the Applicants have demonstrated that the economic benefits of the proposals would be significant.
202. Overall, the benefits of the proposed development would clearly outweigh the harm so that very special circumstances can be said to exist and permission may be granted in line with NPPF paragraph 144. Nevertheless, the site requires some accessibility improvements, including an upgrade to the local bus service

and to Long Lane to allow increased accessibility and avoid conflict with BCS Policy P5. With those measures in place, the scheme would be sustainable.

203. Therefore, under Section 38(6) of the PCPA, it is concluded that there are significant material considerations which warrant the grant of planning permission despite the conflict with the development plan. The advantages of granting planning permission significantly outweigh the disbenefits and overall the proposal complies with the overarching objectives of the BCS and associated development planning documents and strategies.
204. The scheme has the capacity to bring about very significant economic benefits for Bolton and there is a clear need to provide suitable employment sites within the M61 corridor, especially due to the current supply of suitable land being exhausted. Ultimately, there is no obvious alternative solution which is capable of delivering this major beneficial proposal. To deny this economic opportunity for the Borough would not represent a sustainable outcome, nor would it be in the best interests of the proper planning of the area.
205. Accordingly, BMBC respectfully requests that planning permission be granted.

## **Representations by Interested Persons**

*The material points are:*

### *Introduction*

206. There is a substantial body of local objection to the proposed development which should be taken into consideration. This was briefly articulated during the Inquiry by Town Cllr Arthur Price and is otherwise set out in extensive written correspondence with the Council upon the application [WBo\_Co1-91] and in written representations to the Inquiry by Interested Persons [Pins Folder 0.04].

### *Procedure*

207. Public consultation on the proposed development has been inadequate and the Applicants appear to have undue influence, whilst the response of BMBC appears confused.

### *Green Belt*

208. The present proposal would be the first of many unnecessary schemes to erode the irreplaceable Green Belt outside the town at this time of economic uncertainty due to Brexit. The development would bring no benefit to local people.

### *Employment Need*

209. There are vacant plots available on existing employment sites, including Logistics North nearby at M61 Junction 4 and at the existing Wingates Industrial Estate itself. Some of this land is being reallocated for housing, indicating that there is no need for the present proposal.

### *Highways*

210. BMBC seem to be oblivious to the present gridlock on local roads, including the De Haviland Way dual carriageway, which would be worsened by traffic from the proposed development, together with other developments which have been approved. These include 58 houses at Hartley's Farm and 200 more with commercial development at Lostock Lane. A short trip along Lostock Lane to the M61 Junction 6 takes 45 minutes during peak hours, with implications for access by emergency vehicles should the need arise. It is not acceptable for BMBC to have measured the traffic generation from the proposed development in isolation. There is also concern regarding air pollution by additional vehicles.

### *Visual Amenity*

211. Outlook in views from many homes across the present open site would be harmed, leading to property depreciation. The monstrous buildings proposed would be visible for miles around.

### *Public Rights of Way*

212. The precious green space currently provided by the application site includes bridleways and footpaths which are currently enjoyed by local walkers and riders in safety. This has been especially valuable during the Covid lockdown and would be lost to the local community if the development proceeds.

### *Biodiversity*

213. The application land provides habitat for many groups of wildlife including owl and other rare birds, deer, hare, fox, GCN and hedgehog, which might never recover.

### *Water and Drainage*

214. Local watercourses including the Borsdane Brook are already prone to flooding which the additional runoff from the development would make worse.

215. There is no assessment of impact on the water table or water supply or information on how effluent would be controlled.

### *Benefits*

216. The only benefits from the development would be to the developers with planning policy overriding the wishes of townsfolk and farmers in favour of industry.

## Conclusions by the Inspectors

*Numbers in [square brackets] refer to paragraphs of the Report from which conclusion are drawn*

### **The Application**

217. This application for determination by the SoS relates to some 33ha of agricultural land, within the Green Belt, immediately west of Wingates Industrial Estate, Wimberry Hill Road, Westhoughton, Bolton and is in two parts:

A - an outline proposal for strategic employment development for industrial, storage and distribution and/or research and development uses with ancillary office, yard parking, education/training, food and drink space and associated roads, drainage, utilities, infrastructure and landscape works; and

B - a fully detailed proposal to upgrade highway infrastructure, create new accesses to Wimberry Hill Road, install drainage and utilities infrastructure, form development platforms and provide boundary landscaping and an ecological enhancement area.

### **Planning Considerations**

218. Bolton Metropolitan Borough Council (BMBC), as local planning authority, does not oppose the proposed development but dispute some aspects of the evidence and the degree of need for certain of the planning obligations set down in the submitted Section 106 Agreement. There is a range of objections by local residents.

219. Based upon the matters raised by the SoS in calling in the application, the written and oral evidence the Applicants, BMBC and local objectors, the main considerations in this case are summarised as follows:

- i) the acceptability of the proposed employment development in principle, having regard to national and local adopted and emerging development plan policy and in particular the extent to which the proposed development is consistent with Government policies protecting Green Belt land,
- ii) the level of need for and available supply of employment land within Bolton Metropolitan Borough (BMB) and the M61 corridor and the contribution the proposed development would make to meeting that need, compared with any available alternative sites,
- iii) the extent to which the proposed developments would be consistent with Government policies for building a strong, competitive economy,
- iv) the impact of the development on the local and wider road network,
- v) the environmental effects of the proposed development and measures for their mitigation with respect to:
  - visual impact and the landscape,
  - residential amenity,
  - public rights of way,

ecology, trees and net gain in biodiversity  
air quality and  
noise,

- vi) whether the proposed development would give rise to socio-economic or environmental benefits to be weighed in the planning balance,
- vii) the degree to which the planning obligations put forward in the completed Section 106 Agreement would be necessary and directly fairly and reasonably related in scale and kind to the development,
- viii) planning conditions necessary to control the effects of the development if the SoS decides to grant approval,
- ix) any cross-boundary matters relating to the other employment proposals under consideration by the Panel at the Parkside Colliery<sup>2</sup> site and Haydock Point<sup>3</sup>, St Helens and at M6 Junction 25, Wigan<sup>4</sup>, and
- x) in the overall planning balance, if the development is considered to be inappropriate in the Green Belt, whether any factors in its favour would amount to the requisite very special circumstances to outweigh policy harm and any other harm to justify granting permission for the development.

### **Policy**

- 220. Planning law and policy relevant to the determination of this application are summarised above. [26-29, 30, 146]
- 221. Policy CG7AP of Bolton's Allocations Plan (BAP) on Green Belt development is strictly inconsistent with the NPPF because it omits express reference to allowing inappropriate development in very special circumstances, albeit there is cross-reference in the supporting text to the NPPF and clearly no intention on the part of BMBC in practice to resist such development without applying that proper test. [24, 27.8, 30, 31]
- 222. Otherwise, the relevant policies of the development plan are consistent with the NPPF and to be regarded as up-to-date. That includes Strategic Policy P1 of Bolton's Core Strategy (BCS) which, together with the BAP, continues to provide for employment development on 130-145ha of allocated sites in Bolton, including about 100ha in the M61 corridor, despite being based upon evidence of need current some ten years ago and an imperative to avoid amending Green Belt boundaries. The question for this application is whether material considerations, including the evidence behind the emerging Greater Manchester Strategic Framework (GMSF)<sup>5</sup>, indicate that the proposed 33ha employment development

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<sup>2</sup> P/2018/0048/OUP

<sup>3</sup> APP/H4315/W/20/3256871

<sup>4</sup> A/18/85947

<sup>5</sup> Whilst the evidence the Inquiry relied upon the revised draft GMSF January 2019, the current version is the GMSF Publication Plan October 2020 which retains the draft Site Allocation 6 for 440,000sqm of employment floorspace in Bolton.

in the Green Belt, and in excess of the M61 corridor allocations, is justified by very special circumstances. [27.2, 27.9, 32, 34, 148-152]

223. With respect to the tilted balance of NPPF paragraph 11(d), notwithstanding Policy CG7AP is regarded as out-of-date, it is the application of the Green Belt balance which will ultimately be determinative. [23, 28-29, 33, 153]

### **Green Belt**

224. There is no question that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition, which carries substantial weight as a matter of established national and adopted local planning policy, including BCS Policy OA3 to maintain current Green Belt boundaries at Westhoughton. [27.6, 35, 154, 156]
225. The spatial loss of 33ha of Green Belt land to a net 22ha of built development may be regarded in the context of some 7,200ha of Green Belt land within the Borough alone, separating Westhoughton from other settlements. This helps to moderate the harm to the purposes of including land in the Green Belt to check urban sprawl and prevent towns from merging. The mere proximity of the existing Wingates Industrial Estate to the application site does little to offset its conflict with the purpose of safeguarding the countryside from encroachment, albeit its westward extension is plainly logical if otherwise justified. The development would be neutral regarding the remaining two purposes of preserving historic Westhoughton, due to intervening distance, or recycling urban land, given no available brownfield site in Bolton would accommodate the proposal [36-37, 155-157]
226. Overall, the harm to the Green Belt by definition, and in relation to its essential openness, in conflict with BAP Policies CG7AP and OA3 and the NPPF, remains substantial in the overall planning balance, albeit the considerations mitigating the impact of the development on Green Belt purposes as well as its draft allocation by the GMSF are material factors. [29, 38-39, 158-159, 208]

### **Employment Need and Supply**

227. Information from the British Property Foundation (BPF) confirms a widely held view that rapid growth being experienced in the logistics sector of the UK has been due to structural changes to high street retailing and a commensurate growth in e-commerce. This shift has been accelerated by the ongoing Covid19 pandemic restrictions on personal movement. [44]
228. There is extensive market evidence of robust growth in the warehousing and logistics sector of the economy of the North West, with a strong and rapidly expanding need for large-scale storage and distribution and industrial units of the kind proposed in this case. The trend is for buildings of some 34,000sqm on average, an increase in size of over 40% since 2007. [41]
229. The warehousing and logistics sector has proved resilient in the current pandemic. It is therefore to be expected that this sector will be instrumental in the post-pandemic recovery of the wider UK economy. In the North West, including Greater Manchester, new logistics development will not only play a part in its own right but serve as an enabler to other business sectors. [45-46]



230. The North West regional market is defined by the extensive motorway network split into geographic corridors which serve sub-regional markets. The application site is located to the north of Manchester forming part of the Greater Manchester economic market and sitting within the sub regional M61 corridor.[47]
231. Rapid increase in the number of logistics businesses in this market since 2014 has resulted in employment land in Greater Manchester being in particularly short supply. Demand evidently also extends beyond warehousing and distribution, as production returns to the UK post Brexit, and operators seek locations with good access and labour supply. Unfulfilled enquires in the North West for very large buildings over 50,000sqm amount to some 0.78 million sqm in total against 0.18 million sqm of available floorspace. [49-52]
232. This evidence is persuasive that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application. It has led to the extensive allocations for large-scale warehousing and industrial sites in the emerging GMSF, including Site Allocation 6 for 440,000sqm of employment floorspace in the M61 corridor at Bolton, which encompasses the current application site. Whilst little weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application. [28-29, 58, 160]
233. The current monitored employment land position in Bolton indicates that, whilst there is a supply surplus in terms of the prevailing policy framework of BCS Policy P1 and the BAP, there is no alternative urban allocated site capable of accommodating the development now proposed west of Wingates. There is a current shortfall in uptake in the M61 corridor of about 20ha of the 100ha of employment land allocated. [53, 57, 161, 209]
234. Approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP. However, it is generally accepted that such development plan provisions are not to be regarded as ceilings to development. Whilst there is some conflict with Policy P1 in spatial terms, the salient question is whether the unallocated application site is justified by other considerations. [57]
235. The recorded deprivation level within Bolton is further evidence of need for the development. The Borough currently suffers the highest unemployment rate in Greater Manchester, exacerbated by Covid19. Against those figures, the development is forecast to generate up to a total of 2,500 jobs with a GVA of up to £157 million annually. [55, 59-61]
236. Within Bolton there is evidence of unfulfilled enquiries for development of the kind proposed here, coupled with the recorded success of the Logistic North development in Bolton by the same Applicants, now largely built out and occupied. The present application is therefore strongly supported by BMBC as contributing to its Economic Strategy, Vision and Objectives. [54, 162-163]
237. The evident need for development of the type proposed carries substantial weight in the planning balance.

### ***Economy***



238. It is plain, from the foregoing assessment of employment need and supply in Bolton, that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the NPPF, to promote and support a strong competitive economy, particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations. [25, 54-55, 58-62, 130, 164-5, 197, 209, 216]

### **Highway Network and Access**

239. BMBC accept and rely upon the evidence of the Applicants concerning access to the site and the effects of the development on the Strategic Route Network (SRN). [64-65, 166-167].

240. There is no evidence of a need to improve the present vehicle access to the application site via Wimberry Hill Road and its signalised junction with the A6 Chorley Road. However, pedestrianised cycle facilities at that junction, proposed as part of the development, would appropriately improve accessibility by non-motorised travel modes. Further improvements would be made 300m south on Wimberry Hill Road, where it meets Great Park Road, to provide a refuge island, also improving pedestrian access to the site. [66-68]

241. Within the site, access roads, footways and cycle ways would be provided to accepted standards. [69]

242. A range of off-site junction improvements would be secured by the Section 106 Agreement, in accordance with the submitted Transport Assessment. These improvements would take place at the A6 Chorley Road-De Havilland Way junction, M61 Junction 6, the A6 Chorley Road-Dicconson Lane signalised junction and at the A6-Bolton Road signalised junction. They are all directly related to the development and would avoid traffic from the development worsening any current congestion on the SRN. [70-72]

243. The widely expressed concerns of local people over current road congestion are understood but it is not for this application to support road or traffic improvements beyond those which would arise from the development itself. [210]

244. With these improvements in place, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the SRN. [27.10]

245. The development would include improvements to pedestrian and cycle infrastructure and would be subject to a Travel Plan favouring sustainable modes of transport, including car sharing and provision of electric vehicle charging points at 10% of car parking spaces. Subject to consideration of a planning obligation for a public transport contribution (*below*) the development would also provide improvements to bus services to accommodate shift work patterns. [79]

246. Accordingly, the development would also comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel. [27.3]

### **Environmental Impact**

### *Landscape and Visual Amenity*

247. The ES which accompanies the application includes a Landscape Visual Impact Assessment (LVIA) prepared in accordance with the established Guidance of the Landscape Institute. [87, 89, 177]
248. The application site is considered to be of community value in visual and landscape terms but is not subject to any protective designation. The site is located adjacent to the existing Wingates Industrial Estate at the urban edge of Westhoughton and is described in the Landscape Character Appraisal as degraded agricultural land with some capacity for change. BMBC recognises the area as urban fringe, influenced by the built development in the immediately surrounding area. The susceptibility of the site to landscape change is therefore relatively low. [90, 91, 92, 94, 177, 181]
249. It is nevertheless unavoidable that the major earthworks and built development proposed would have a dramatic impact upon the presently undeveloped application site, with very substantial alterations to views available from adjacent farmsteads and the PROW network across the site, currently enjoyed by the public. [96, 179, 183, 211-212]
250. The short-term visual impact on the landscape of the site and local surroundings is therefore reasonably assessed to be moderate-adverse, albeit in the wider-scale landscape of the M61 corridor the effect would be minor. [95, 177]
251. In the long term, after 15 years, the effects of the maturing screen planting proposed within the development would be to reduce its visual impact to a relatively minor level, such that it would integrate relatively well, including along the Chorley Road frontage. [95, 178, 180, 182]
252. BMBC accepts the finding of the LVIA but the Applicants now dispute the moderate-adverse level of landscape impact it ascribes to the proposed development. This is on grounds that it would not introduce any new elements which are not a characteristic of the area and that the LVIA does not take account of the mitigatory effects of the proposed new screen planting. [89, 93, 98, 99, 176]
253. As an overall judgement, due to the scale of the proposed built development on currently undeveloped land, the LVIA assessment of moderate-adverse harm is to be preferred. [101, 184]
254. By any measure therefore, the proposed development would give rise to substantial harm to the landscape of the application site and surrounding area, contrary to the relevant provisions of BCS Policies CG1, CG3 and OA3. Its comparatively minor effects on the wider landscape of the M61 corridor would not undermine the equivalent aims of BCS Policy M7 in this respect, however. [95, 100 101 185]
255. This substantial level of landscape harm carries significant weight in the overall planning balance. [101, 185]

### *Residential Amenity*

256. The site is already urbanised to an extent by the existing Wingates Industrial Estate, as well as ribbon development to the north and west, and it is screened

to the west by existing vegetation. There are no key vantage points in the surrounding area from where the development would be particularly visible. The degree of visual impact due to the development would reduce with distance. The most significant views would be from receptors to the south and south west, including from Reeve's House Farm and Corge's Farm and Cottage. [186-187]

257. Initially, the development would be highly visible within its immediate setting but there is potential for it to become well screened as the new perimeter vegetation matures.
258. However, there is no evidence that the development would cause unacceptable impact on surrounding land uses and occupiers with regards to privacy, safety or security.
259. On balance, the proposals comply with the aims of BCS Policy CG4 with regard to safeguarding residential amenity. [96, 189, 211]

#### *Public Rights of Way*

260. There is a network of PROWs over the site, evidently much enjoyed by local and visiting walkers, cyclists and horse riders, who would suffer some disruption and inconvenience during the construction phases of the proposed development. However, diversions would be put in place connecting all the present PROW entry points into the site.
261. Ultimately, the development would include a total of about 0.5km of additional surfaced and signed paths 3m in width, suitable for footpaths to be upgraded to bridleway status if later proposed via BMBC.
262. Accordingly, the proposals are compliant with BAP Policy P8AP to retain the integrity of the PROW network. [27.11, 102, 190-192, 212]

#### *Ecology, Trees and Biodiversity Enhancement*

263. The application site contains no designated sites of ecological value and there is no evidence that the proposed development would be likely to have any adverse impact on any such designated site in the surrounding area, including a local Site of Biological Importance. [103-104]
264. However, the proposed extensive earthworks and major built development would unavoidably have a very significant impact upon the ecology and vegetation of the application site, including the removal of much of the existing semi-improved, agricultural grassland. [105, 193-194]
265. Equally, there are no protected or veteran trees or ancient woodland on the site but 22 individual trees of moderate to low quality and some 0.5ha of broadleaved tree groups would be removed, together with about 0.5km of internal hedgerows. [109, 194]
266. Some protected great crested newts (GCNs) were found in ponds on the site, which would also be lost to the development, and there is some evidence of activity by protected bats. Breeding birds and any brown hare habitats would be disrupted by the works. Members of the public using the footpaths crossing the site have, from time to time, also observed deer, fox and hedgehog on the land. However, there is no evidence of the presence of bats or of other protected species, including badgers. [106, 193, 213]

267. The adverse effects of the development upon ecology and trees would be subject to extensive mitigation as part of the development, with the agreed measures secured by planning conditions. Provision of replacement higher-quality GCN and incidentally common toad habitat would be made within six new ponds to be created under an agreed GCN Mitigation Strategy and mitigation licence. There would be controls over lighting where it might affect bats, and bird habitat removal would be limited to periods outside the breeding season. A Reasonable Avoidance Strategy would be applied, including with regard to hedgehog and brown hare, during site clearance works. [107, 193-5, 213]
268. Large areas of new planting, illustrated by the submitted Masterplan, would be included in the development, involving at least 100 new trees, 3ha of woodland and over 1.1km of hedgerows. Retained trees along the Wimberry Hill Road boundary would be subject to an agreed Protection and Retention Plan. [110-111, 193-195]
269. Furthermore, the retained and created habitats and tree and hedgerow planting would be managed via a Landscape Management Plan, bat boxes would be installed and invasive non-native flora would be subject to a Control Strategy. Most importantly, the development would include the dedicated Ecological Enhancement Zone, including the new GCN habitat. [108, 193-195]
270. There would undoubtedly be initial adverse impacts arising from the construction of the proposed development. Nonetheless, these works would be subject to a Construction Environmental Management Plan (CEMP) and there is credible evidence that full mitigation would ultimately be achieved, including a material level of net biodiversity enhancement. Notably, there is no statutory objection from the Greater Manchester Ecology Unit or Natural England. Thus, notwithstanding the concerns of local residents accustomed to uninterrupted appreciation of the rural application site, in planning terms the proposals can properly be judged to comply with the protective provisions of BCS Policy CG1-2, such that considerations of biodiversity are neutral in the overall planning balance. [27.4, 112-115, 195, 213]

#### *Air Quality and Noise*

271. The Applicants provide Air Quality and Noise Assessments concluding that the overall impacts of the proposed development in these respects, including the release of oxides of nitrogen by additional road traffic, would be slight to negligible. These findings are accepted by the Bolton Pollution Control Department. [116, 118, 121, 124, 128-129]
272. The Assessments covered dust and noise emissions during construction, which would be subject to a Dust Management Plan secured by condition. A requirement for electric vehicle charging points would go some way to encourage the use of cleaner electric vehicles. Other mitigation measures would include acoustic barriers within the design of future phases of the built development, each of which would be subject to an agreed CEMP and Framework Delivery Noise Management Plan (FDNMP). [117, 119, 123, 125]
273. The Noise Assessment also included consideration of tranquillity, noting that the area is not highly prized in this respect but that the retention of the PROW network would maintain access to areas of relative tranquillity. [128]

274. With respect to Air Quality and Noise, the development would be further compliant with BCS Policy CG4 in connection with the protection of amenity, resulting in no residual harm to be taken into the overall balance.

### **Benefits**

275. BMBC endorses the full range of benefits claimed for the proposed development by the Applicants. [130, 199]

276. The development would contribute substantially to the supply of employment land evidently necessary to the economic recovery and well-being of Bolton, especially following the Covid19 pandemic. That is in the absence of any alternative sites of sufficient size and accessibility in the M61, pending the completion and adoption of the GMSF.

277. The development would directly and indirectly generate up 2,500 jobs and some £157 million GVA annually, together with £3 million in business rates, in an area of severe economic deprivation and unemployment, encouraging business commitment and creating opportunities for enhancement of skills among the workforce.

278. It is appropriate that BMBC thus places significant weight upon the economic benefits of the proposal as having particular emphasis in Bolton due to its potential to connect a very significant economic opportunity with a part of Greater Manchester which is in real need of further economic stimulus and job generation. [197]

279. The foregoing benefits carry very substantial weight in the planning balance.

280. The development would also involve effective landscape mitigation, a net gain in biodiversity, sustainable drainage to obviate flooding concerns, off-site highway works to accommodate generated traffic, new or diverted footpaths where affected by the development, improved bus services and enhanced pedestrian and cycle access to the site.

281. These latter considerations are largely matters of policy compliance and carry less weight than the foregoing clear planning benefits but do militate in favour of permission.

### **Planning Obligations**

282. The formally executed Section 106 Agreement establishes a series of effective and legally sound planning obligations upon the developer properly related to the application land if the permission sought is granted. [10]

283. That is subject to the caveat that it is provided to the SoS by Conditionality Clause 4.1.3 to consider whether the obligations set out in the Deed are material considerations and are compliant with the statutory tests of CIL Regulation 122. Where the SoS expressly states in the Decision Letter that any one or more of the obligations are not material considerations or do not comply with CIL Regulation 122, the obligations so specified shall cease and the Owner shall be released from those obligations, whilst the remaining obligations continue to have effect. [11, 22, 77]

284. On the evidence and conclusions reached above, and having regard to unchallenged local policy, it is clear that the obligations under Schedules 2 and

- 5-7 to the Agreement meet the CIL Regulation 122 tests, in that they are necessary to make the development acceptable in planning terms and directly, fairly and reasonably related in scale and kind to the development. These obligations provide for requisite off-site highway junction works to accommodate traffic generated by the development, a public art scheme in line with policy, a Landscape Buffer and Ecological Enhancement Areas Management Plan and Sustainable Urban Drainage. [22, 70-71, 110, 167, 195]
285. The obligation under Schedule 3 to pay a Transport Contribution relates to enhancement of bus services serving the site by extending both the route and the timetable to bring stopping points closer to the site and provide for the shift workers typically employed in major distribution centres. [170, 171]
286. There is no question regarding the amount of the requested contribution of £308,000, equivalent to £44,000 annually for seven years until viability is reached. Dispute relates to whether the obligation to pay the contribution is necessary and directly and reasonably related to the development. [79, 172]
287. The development would include improvements to pedestrian and cycle access as alternatives to car transport, whilst the Travel Plan would encourage the use of sustainable car sharing and electric vehicles with 10% of parking spaces served by a charging point. Bus services linking to a variety of destinations, including public transport interchanges in Bolton and Walkden, already exist, with stops nearby on Chorley Road. [79, 80, 171]
288. The obligation relates broadly to improving sustainable accessibility to the development not specifically covered in the Travel Plan. It is evident that the existing bus services are relatively limited in their timetables and the scope of destinations offered. For a development of the size proposed it is likely that a large part of the workforce will live a considerable distance away and be required to work to a shift pattern involving early and late travel times. [81, 173]
289. It is appropriate to take account of pedestrian and cycle access improvements and electric car charging points already to be provided within the development and to note the degree of current uncertainty on precise long-term bus travel needs. However, a specific, calculated sum is evidently necessary to make the development acceptable in terms of prioritising sustainable public transport in terms of BCS Policy P5. As calculated, the requested contribution is directly, fairly and reasonably related to the development in scale and kind. [81, 169-173]
290. The obligation under Schedule 4 to pay a Local Enhancement Contribution relates to upgrading a pedestrian and cycle route to the site via Long Lane from Westhoughton railway station. The requested contribution of £100,000, equating to about 25% of the estimated cost, is unsupported by any clear calculation and appears arbitrary, whilst also being sought in connection with an improvement which is scheduled to be implemented, with or without the proposed development, as part of the much wider Bee Network scheme. [76, 82, 169, 174]
291. In the circumstances, and on the evidence available, the Local Enhancement Contribution is neither directly nor fairly and reasonably related in scale and kind to the proposed development. It accordingly fails the tests of CIL Regulation 122



and should not be counted as a material consideration in relation to the application. [82, 175]

292. For these reasons, with the exception of the Schedule 4 Local Enhancement Contribution, the planning obligations of the Section 106 Agreement are compliant with CIL Regulation 122 and BCS Policy IPC1 on developer contributions and thus material considerations in the planning balance. However, pursuant to Conditionality Clause 4.1.3 of the Agreement, any Decision by the SoS should state that the obligation to pay the Local Enhancement Contribution has no effect. [27.7, 77-78]

### ***Planning Conditions***

293. The schedule of planning conditions agreed and suggested jointly by the Applicants and BMBC and set out in Appendix 1 to this Report are logically divided into two sections for the outline and fully detailed elements of the development.
294. Section A of the schedule relates to the Outline Element of the scheme. Apart from standard requirements for submission of reserved matters applications (1-2, 5, 9, 11), a site-wide phasing plan is required to ensure comprehensive development in line with the submitted Parameters Plan and to afford overall control of the development as proposed (3-4). Agreed pre-commencement conditions require the submission of full access details (6-7). Other agreed pre-commencement conditions secure sustainable drainage, surface water regulation, landscaping details, detailed noise assessment, building sustainability measures and vehicle charging points (8-13). Further conditions control building services plant noise and external lighting levels and limit open storage in the interests of visual and residential amenity (18-20). The requisite Construction, Employment Skills, Travel and Noise Management Plans are also secured by conditions (14-17).
295. Section B of the Schedule relates to the Detailed Proposals. Apart from the standard time for commencement and compliance with the approved plans as listed (21-22), Tree Protection and Vegetation Clearance Plans and Landscape Buffer and Enhancement Details Plans are required by agreed pre-commencement conditions to mitigate ecological and landscape impact (23-26). Further agreed pre-commencement conditions require details of any phasing of the works to be approved in advance to ensure comprehensive development as approved. Earthworks, soil management and ground condition details are also to be approved in advance, in the interests of safety and amenity (27-28, 30-33). Requisite Construction Management, Employment Skills and Archaeological Investigation details are also secured (29, 34-35).
296. The agreed conditions encompass all of the controls advocated and accepted within the respective cases of the Applicants and BMBC. All of these requirements are necessary and relevant to the development and to planning and are reasonable and enforceable, in terms of established guidance for the use of conditions.
297. If the SoS decides to approve the application, we consider that planning permission should be made subject to those conditions, as set out in Appendix 1 to this Report and for the reasons stated therein.

### ***Cross-boundary Considerations***

298. There are two aspects where, at the outset of the call-in of the several applications and recovery of one appeal now under consideration by this Panel, it might reasonably have been foreseen that there could have been some degree of interrelationship between the respective planning effects of the schemes, to be taken into account in their determination by the SoS. [2-7]
299. These aspects refer to broad needs for employment development and traffic generation on the Strategic Route Network of the North West.
300. However, a Cumulative Impact Technical Note submitted by the Applicants and the evidence of need for employment land together demonstrate that no significant cross-boundary matters arise, at least in the case of the Wingates proposal in Bolton.
301. This is due to the substantial intervening distance and location of urban settlements between the Wingates site and the other schemes in St Helens and Wigan. It is also due to the different market focus of the Wingates development within the M61 corridor, as opposed to the location of the other three sites in the M6 corridor. [132-135]
302. It follows that the present application may appropriately be determined independently by the SoS on the basis this Report alone.

### ***Overall Planning Balance***

303. The proposed development would be compliant with many aspects of national policy and the local development plan. These are in respect of: its substantial contribution to a strong and competitive economy in terms of NPPF paragraphs 80 and 82; safeguarding the Strategic Route Network and ensuring accessibility by different transport modes, including walking and cycling, in terms of Policies P7AP and P5; and in mitigating environmental impacts with respect to residential amenity, public rights of way, air quality and noise, and providing a net gain in biodiversity, all in line with relevant provisions of Policies CG1, CG2, CG4 and P8AP.
304. However, the proposed development would be inappropriate to its location inside the Green Belt and so would be substantially harmful by definition and in addition by way of its adverse effect on openness, contrary to BAP Policy CG7AP. At the same time, it may be borne in mind that the impact of the development upon the purposes of the Green Belt is moderated in this case.
305. The adverse impact of the scheme on the landscape would also be significant, contrary to BCS Policies CG1 and CG3.
306. Accordingly, the development would be in conflict with the development plan as a whole and should be refused unless material considerations indicate otherwise.
307. The NPPF is such a material consideration and, at paragraph 11(d), sets out that the national presumption in favour of sustainable development means, where policies most important for determining the application are out-of-date, granting permission unless policies of the NPPF that protect areas of particular importance, including Green Belt, provide a clear reason for refusal.



308. Policy CG7AP is strictly out-of-date by reason of its omission of direct reference to the national provision that inappropriate development should not be approved in the Green Belt except in very special circumstances. Accordingly, under NPPF paragraph 11(d)(i) the national Green Belt policy of the NPPF is applicable.
309. The determination of the application will ultimately turn on whether the SoS judges the identified economic benefits of the substantial contribution of employment land and economic recovery in the face of severe deprivation to outweigh the substantial harms to the Green Belt, its openness and the landscape of the site and surrounding area.
310. In the judgement of this Panel, those economic benefits carry very substantial weight and are sufficient clearly to outweigh even the substantial degrees of harm to the Green Belt and to the landscape.
311. As a further matter of judgement, those benefits are sufficient to amount to the requisite very special circumstances to justify permitting the development, subject to the agreed planning conditions and subject also to the submitted planning obligation with the exception of the Local Enhancement Contribution.

## **Recommendation**

312. It is recommended that the application be approved and planning permission granted subject to the conditions set out in Appendix 1 to this Report and subject to the stipulation that the planning obligation to pay a Local Enhancement Contribution under Schedule 4 to the Section 106 Agreement shall have no effect.

*Brian J Sims*  
Inspector

*Dominic M Young*  
Inspector

## **APPENDIX 1**

### **RECOMMENDED PLANNING CONDITIONS TO BE IMPOSED IF THE SECRETARY OF STATE GRANTS PLANNING PERMISSION**

#### **A. CONDITIONS APPLICABLE TO OUTLINE PLANNING PERMISSION**

##### **1. TIMESCALE FOR RESERVED MATTERS SUBMISSION/APPROVAL/COMMENCEMENT OF DEVELOPMENT**

Application for the approval of 'Reserved Matters' for each phase of development must be made not later than the expiration of ten years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters for that phase, and in the case of approval on different dates, the final approval of the last such matter to be approved for each phase.

##### **Reason**

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

##### **2. RESERVED MATTERS DETAILS**

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase begins and the development shall be carried out as approved.

##### **Reason**

To application is, in part, for outline planning permission and these matters were reserved by the applicant for subsequent approval.

##### **3. PHASING**

The first reserved matters application shall be accompanied by a site-wide phasing plan that shall define the extent of each development phase for the written approval by the local planning authority. The reserved matters application for each subsequent phase shall be accompanied by an updated version of the phasing plan and the development shall be carried out only in accordance with the latest approved site-wide phasing plan.

##### **Reason**

To ensure the comprehensive development of the site.

#### **4. DEVELOPMENT PARAMETERS**

Planning permission is hereby granted for the overall development parameters shown in Tables 1 (Floorspace Parameters), Table 2 (Use parameters), Table 3 (Siting parameters), Table 4 (Height parameters) and Table 5 (Parcel B Roof Design Parameters) of the Development Parameters document reference JM/DP001 revision 1 and the parameters as identified on Drawing No. NK018161\_SK062 Rev H. No part of the development shall exceed the approved development parameters.

##### **Reason**

For the avoidance doubt and to ensure that the development does not give rise to traffic or other impacts not covered by the assessments submitted with the planning application; any significant change may require a further planning application to be submitted.

#### **5. APPROVAL OF LEVELS - FUTURE RESERVED MATTERS SUBMISSION**

The reserved matters for each phase shall provide for the written approval by the Local Planning Authority details of the existing and proposed ground levels including spot heights, cross sections and finished floor levels of all buildings and structures. The development hereby approved shall be carried out only in accordance with the approved details.

##### **Reason**

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

#### **6. WIMBERRY HILL ROAD / A6 JUNCTION IMPROVEMENT**

Prior to the commencement of development details of the works to upgrade to the junction of Wimberry Hill Road and Chorley Road in accordance with drawing NWK 180009-BED-EX-00-DR-C-0260-P01, including details of any proposed retaining structure to the Chorley Road frontage (as indicated on Drawing No. NWK 180009-BED-EX-00-DR-C-0220-P02) shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied until the said works have been completed in accordance with the approved details.

##### **Reason**

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

#### **7. VEHICULAR ACCESS**

Prior to the commencement of development details of the highway upgrade works to Wimberry Hill Road including the means of vehicular access to the site labelled 'Access 1' in accordance with drawing ref NWK 180009-BED-EX-00-DR-C-0261-P02 shall be submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied prior to the completion of the said works in accordance with the approved details.

## **Reason**

In the interests of highway safety and in order to comply with Bolton's Core Strategy policies S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

## **8. SITE-WIDE SUSTAINABLE DRAINAGE STRATEGY**

Prior to the commencement of development, a site-wide surface water drainage strategy in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (ref. LE14325 0002 Rev 3.0) and associated plans and data (submitted on 3 September 2019) shall be submitted to and approved in writing by the local planning authority. The surface water drainage systems for all phases of the development shall accord with the approved strategy. **Reason** To reduce the increased risk of flooding downstream by ensuring control of surface water run-off.

## **9. SURFACE WATER REGULATION FOR EACH PHASE OF DEVELOPMENT**

The reserved matters for each phase shall be accompanied by a scheme for surface water drainage of that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall include design details in accordance with the site-wide surface water drainage strategy. The development of that phase shall be carried out only in accordance with the approved scheme for that phase.

## **Reason**

To reduce the increased risk of flooding downstream by ensuring control of surface water run-off.

## **10. LANDSCAPING AND PLANTING**

The reserved matters for each phase shall be accompanied by a detailed landscaping plan and planting scheme for that phase shall be submitted to and approved in writing by the local planning authority. The details shall be in accordance with the Landscape Strategy (6474.02.025 V3.0) and shall include a delivery schedule and maintenance plan.

The development of that phase shall be carried out only in accordance with the approved details.

## **Reason**

To ensure the mitigation of landscape and ecological impact and to preserve the local amenity.

## **11. NOISE ASSESSMENT**

The reserved matters for each phase shall be accompanied by an assessment of expected on-site noise emission and its potential to affect surrounding sensitive residential uses. The assessment shall ensure that the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193, Section 6, Table 6.2 (daytime and night time) are not exceeded and shall recommend operational noise mitigation measures as appropriate. The development shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority.

### **Reason**

To safeguard the living conditions of residents, particularly from the effects of noise in order to comply with Bolton's Core Strategy policy CG4.

## **12.SUSTAINABILITY MEASURES**

The reserved matters for each phase shall be accompanied by a Sustainability Statement for that phase which confirms that the development can achieve the following:

- i. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- ii. BREEAM rating of the proposed building/development shall achieve a BREEAM (Industrial) Very Good standard (or such national measure of sustainable design that replaces that rating). Within 3 months of the occupation of the relevant building a Final BREEAM Certificate has been issued for it certifying that the approved scheme/standard has been achieved.

### **Reason**

To ensure that sustainability of the development is maximised and to ensure compliance with Core Strategy policy CG2.2 and guidance contained within the Sustainable Design and Construction SPD.

## **13. ELECTRIC VEHICLE CHARGING POINTS**

The reserved matters for each phase shall include a scheme for the provision for electric vehicle charging points within the proposed car parking layout. The electric vehicle charging scheme shall make provision for a minimum of 1 EV charge point for every 10 parking spaces which are provided within a plot. Charge points to be 'Fast' (2020 categorisation) unless otherwise agreed in writing by the local planning authority. Prior to the occupation of any plot developed pursuant to this permission the approved electric vehicle charging points and cabling shall be provided and retained as such thereafter.

### **Reason**

To reduce emissions from motor vehicles visiting the site to enhance the sustainability of the site and to safeguard the amenity of the occupiers of the proposed development in respect of atmospheric pollution in compliance with policy CG4 of Bolton Core Strategy.

## **14.CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (BUILDING)**

Prior to the commencement of any phase of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The phase of development to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);
- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

### **Reason**

To ensure the safe development of the site and to preserve the local amenity.

## **15. EMPLOYMENT AND SKILLS STATEMENT (BUILDING)**

Prior to:

- i) Commencement of construction for any phase of development hereby approved, an Employment and Skills Statement (including a timetable for implementation) for that phase shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Undertaking of the internal fit-out works of any building hereby approved, an Employment and Skills Statement for the fit-out shall be submitted to and approved by the Local Planning Authority.
- iii) Occupation of any building hereby approved, an Employment and Skills Statement for the occupier of the respective building be submitted to and approved by the Local Planning Authority.

Once approved the measures shall be implemented in full in accordance with the agreed timetable.

### **Reason**

To ensure that local employment benefits are addressed and secured and to comply with Strategic Objective 3 of Bolton's Core Strategy and CS policy LO1.

## **16. TRAVEL PLAN / SUSTAINABLE TRANSPORT**

No building hereby permitted shall be occupied until a detailed Travel Plan for that building has been submitted to and approved in writing by the Local Planning

Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan dated October 2020 (reference 18007\_FTP\_Rev 1).

**Reason**

To ensure that the development promotes greener, cleaner travel choices and reduces reliance on the car.

**17. FRAMEWORK DELIVERY NOISE MANAGEMENT PLAN**

Prior to the occupation of any building hereby permitted, a Framework Delivery Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures required to control and minimise noise associated with the delivery / collection of goods to/from the building, yard activity movement and staff training and instruction to ensure that noise output from these activities is controlled. The Framework Delivery Noise Management Plan shall be implemented in full at all times the building is in use.

**Reason**

To safeguard the living conditions of residents, particularly from the effects of noise in order to comply with Bolton's Core Strategy policy CG4.

**18. BUILDING SERVICES PLANT NOISE**

The rating level (LAeqT) from all sources associated with the building services plant when operating simultaneously or individually shall not exceed the background sound levels (LA90) that are specified in the Noise Assessment, by WYG, dated October 2018, ref: A107193 , Section 6, Table 6.2 (daytime and night time) when measured in freefield conditions at the boundary of the nearest residential noise sensitive receptors. Noise measurements and assessments shall be carried out in accordance with BS4142:2014.

**Reason**

To safeguard the living conditions of residents, particularly from the effects of noise in order to comply with Bolton's Core Strategy policy CG4.

**19. EXTERNAL LIGHTING**

Prior to any phase of development being first brought into use, a scheme for external lighting of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before that phase of development is first brought into use and retained thereafter. No external lighting other than that shown in the approved scheme shall be installed thereafter.

**Reason**

To safeguard the character and appearance of the locality and to prevent light pollution and in order to comply with Bolton's Core Strategy policies CG3 and CG4.

**20. OPEN STORAGE**

Open storage shall only take place in areas and at maximum heights to be defined on plans submitted to and approved in writing by the Local Planning Authority.

**Reason**

To safeguard the visual appearance and character of the area.

**B. CONDITIONS APPLICABLE TO FULL PLANNING PERMISSION**

**21. TIMESCALE FOR COMMENCEMENT OF DEVELOPMENT**

The development for which full planning permission is hereby granted shall be begun before the expiration of three years from the date of this permission.

**Reason**

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

**22. APPROVED PLANS LIST**

The development hereby permitted shall be carried out only in accordance with the following approved plans, subject to any revision to the plans submitted to and approved in writing by the Local Planning Authority pursuant to the conditions of this planning permission:

- Drawing No. NWK 180009-BED-EX-00-DR-C-0200-P05 Proposed Earthworks Plateaux
- Drawing No. NWK 180009-BED-EX-00-DR-C-0205-P05 - Proposed Earthworks Section - Sht 1
- Drawing No. NWK 180009-BED-EX-00-DR-C-0206-P04 - Proposed Earthworks Section - Sht 2
- Drawing No. NWK 180009-BED-EX-00-DR-C-0207-P04 - Proposed Earthworks Section - Sht 3
- Drawing No. NWK 180009-BED-EX-00-DR-C-0208-P03 - Proposed Earthworks Section - Sht 4
- Drawing No. NWK 180009-BED-EX-00-DR-C-0209-P03 - Proposed Earthworks Section - Sht 5
- Drawing No. NWK 180009-BED-EX-00-DR-C-0210-P04) - Proposed Section Location Plan
- Drawing No. NWK 180009-BED-EX-00-DR-C-0260-P01 - A6 Highway Works
- Drawing No. NWK 180009-BED-EX-00-DR-C-0261-P02 - Wimberry Hill Road Highway Works

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**23.TREE PROTECTION MEASURES**

Prior to the commencement of any phase of works hereby permitted an Arboricultural Method Statement setting out details of tree and hedgerow protection measures (including protective fencing) shall be submitted and approved in writing by the local planning authority 5. The development shall only be carried out in accordance with the approved Arboricultural Method Statement.



**Reason**

To protect the health and appearance of the tree(s) and in order to comply with Bolton's Core Strategy policies CG1 and CG3

**24. VEGETATION CLEARANCE 1**

Prior to the commencement of any phase of works hereby permitted, a Vegetation Clearance Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. Pre-commencement inspection of trees to be felled for bat roost potential by a licensed ecologist, with works applicable done under the supervision of an ecologist;
- ii. A clearance programme (including grassland, tree and scrub vegetation removal) and Reasonable Avoidance Measures Method Statement to protect species as detailed in ES paragraphs 7.155 to 7.159.
- iii. A Non-Native Species Strategy as detailed in ES paragraph 7.160.

The approved details shall be complied with throughout the duration of the vegetation clearance works.

**Reason**

To ensure the mitigation of ecological impact and to support biodiversity.

**25. VEGETATION CLEARANCE 2**

No vegetation clearance or demolition of buildings should take place between the months of March and July unless nesting birds have been shown to be absent by a suitably qualified ecologist.

**Reason**

The site has the potential to support breeding birds. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds whilst they are breeding.

**26. LANDSCAPE BUFFER AND ECOLOGICAL ENHANCEMENT AREAS**

Prior to the commencement of development full details of the areas identified for landscape planting, buffers and ecological enhancement as shown on Drawing No. NK018161\_SK062 Rev H and set out in the Landscape Strategy (6474.02.025 V3.0) and Chapter 7 of the Environmental Statement, including a delivery schedule and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery schedule shall ensure that formation of the Chorley Road landscape buffer area and the ecological enhancement area is undertaken in the first practicable phase of the earthworks programme. The development shall be carried out only in accordance with the approved details.

**Reason**

To ensure the mitigation of landscape and ecological impact and to preserve the local amenity.

## **27. PHASING/EXTENT OF WORKS**

Prior to the commencement of any phase of works hereby permitted, details to define the extent of the area of works and the anticipated duration/ phasing of the works shall be submitted to and approved by the local planning authority. No works shall take place beyond the extent of the approved area.

### **Reason**

To ensure the comprehensive development of the site.

## **28. DETAILS OF EARTHWORKS**

Prior to the commencement of any phase of earthworks hereby permitted, details of the works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i. The nature of the works to be undertaken including cut/fill, compaction, stockpiling, import and export of materials.
- ii. The proposed finished ground levels with detail including adjacent off-site ground levels.
- iii. The means of surface water attenuation, drainage and silt management during and following the earthworks.
- iv. The surface treatment (e.g. compaction, seeding) following completion of the earthworks.
- v. The provisions for management and maintenance of the site and drainage infrastructure during and following the earthworks.

The earthworks shall be carried out only in accordance with the approved details.

### **Reason**

To ensure the safe development of the site and preserve the local amenity.

## **29. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (EARTHWORKS)**

Prior to the commencement of any phase of works hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP in relation to each phase shall include details of:

- i. The extent of the area/phase of works to which the CEMP is applicable;
- ii. Access arrangements and parking for contractors and construction workers;
- iii. Working hours;
- iv. Screening, fencing and measures for the protection of pedestrians, cyclists and other road users around the site;
- v. Contractors compound and provisions for the storage and movement of materials, plant and equipment around the site;
- vi. Precautions to prevent the deposit of mud and debris on the adjacent highway including wheel washing facilities;
- vii. Air quality (dust suppression) management measures in line with the recommendations set out in Table 8.1 and 8.2 of the Air Quality Assessment (ES Appendix 6.1; WYG, October 2018);

- viii. Site lighting including a Sensitive Lighting Strategy where applicable to protect bat habitat as described in ES paragraph 7.154;
- ix. The best practical means to minimise noise and vibration;
- x. Pollution control measures including the use of oil interceptors and bunds to storage tanks;

The approved details shall be complied with throughout the duration of the earthworks or construction works.

### **Reason**

To ensure the safe development of the site and to preserve the local amenity.

### **30. GROUND CONDITION / CONTAMINATION**

Prior to the commencement of any phase of the development hereby permitted, the following shall be submitted to and approved in writing by the Local Planning Authority, having regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, namely the reports by RSK: Ref: 322362-R02 (01) (March 2018), Ref: 322362-R03 (00) (September 2018) and Ref: 322362-R03 (00) RSK - Scope of Works ref: 322362TL06A (March 2019):

- i. A methodology for the assessment of the nature and extent of contamination affecting the site (if any) and the potential for off-site migration (if any);
- ii. A site investigation and risk assessment examining potential pollutant linkages identified in the Preliminary Risk Assessment;
- iii. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

No phase of development shall be occupied until a verification/completion report demonstrating that the remediation scheme (if required) has been implemented and that phase is suitable for its intended end use has been submitted to and approved in writing by the Local Planning Authority.

### **Reason**

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

### **31. GROUND CONDITION / CONTAMINATION**

Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remediation scheme to address it shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of any approved remediation schemes, and prior to occupation, a verification/completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

### **Reason**

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

### **32. SOIL MANAGEMENT PLAN**

Prior to the commencement of any phase of works hereby permitted, a Soil Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- i. The reuse of materials onsite and any importation, storage or export.
- ii. The soil testing methodology to include testing schedules, sampling frequencies, allowable contaminant concentrations and source material information. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material.

#### **Reason**

To ensure the safe development of the site and to preserve the local amenity.

### **33. COAL MINING MITIGATION**

Prior to the commencement of development, a scheme of intrusive site investigations to assess the ground conditions and the potential risks posed to the development by past mining activity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. The submission of a report of findings arising from the further intrusive site investigations, including details of any remedial works for approval for both mine entry and shallow mine workings, if necessary; and
- ii. A timetable for the Implementation of those remedial works;

The development hereby permitted shall be carried out only in accordance with the approved scheme. Prior to any phase of the development being first brought into use a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the approved remedial measures for that phase have been implemented in full.

#### **Reason**

To ensure the safe development of the site, in accordance with Core Strategy policy CG4.2 and CG4.3 and paragraphs 178 and 179 of the National Planning Policy Framework.

### **34. ARCHAEOLOGICAL INVESTIGATION/WORKS**

Prior to commencement of development (including groundworks), an Archaeological Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall cover the following:

- 1) A phased programme and methodology of site investigation and recording to include:

- Nomination of a competent person or persons/organisation to undertake the works set out within the WSI;
- A Background desk based documentary study;
- A targeted evaluation; and
- Open Area Excavation (only where evaluation requires).

- 2) A programme of post investigation assessment to include:

- Analysis of the site investigation records and findings; and
- Production of a final report on the significance of the archaeological, historical and architectural interest represented.
- Deposition of the final report with the Greater Manchester Historic Environment Record and dissemination of the results commensurate with their significance.
- Provision for archive deposition of the report or persons/organisation to undertake the works set out within the approved WSI.

No below ground development shall commence unless and until the approved site investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The approved scheme under 2) shall be implemented in full in accordance with an agreed timetable.

**Reason:**

In accordance with NPPF Policy 12, paragraph 199 - "to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)" and "to make this evidence (and any archive generated) publicly accessible".

**35. EMPLOYMENT AND SKILLS STATEMENT (EARTHWORKS)**

Prior to the commencement of the works hereby permitted, an Employment and Skills Statement (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the measures shall be implemented in full in accordance with the agreed timetable.

**Reason**

To ensure that local employment benefits are addressed and secured and to comply with Strategic Objective 3 of Bolton's Core Strategy.

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**APPENDIX 2 – APPEARANCES****FOR THE HARWORTH FROUP – APPLICANTS**

Jonathan Easton of Counsel instructed by Michael Pocock	Barrister at Kings Chambers Partner Pinsent Masons LLP
He called	
Hamish Robertshaw MPTPI	Director of Johnson Mowat Planning Limited
David Newman MRICS	Partner at Matthews & Goodman LLP
Richard Murphy MCIHT MIHE	Director of Mosodi Limited
Dick Longdin FLI	Partner at Randall Thorp
Alun Evans CIEEM	Principal Ecologist at The Environment Partnership (TEP)
Angus Blankenstein AMICF	Arboricultural Consultant at The Environment Partnership (TEP)
Daniel Clampin AMIAQM	Senior Air Quality Consultant at Bureau Veritas
Sam Moran MIA	Senior Consultant at Sharps Redmore

**FOR BOLTON METROPOLITAN BOROUGH COUNCIL**

Ms Stephanie Hall of Counsel instructed by Ms Nicola Raby	Partner at Pinsent Masons LLP (solicitor)  Legal Services, Bolton Council
She called	
Mr Conor Vallely BA (Hons) MTCP MRTPI	Director Planning Development and Regeneration Avison Young
Mr Graham Langley PgDIP DMS MCIHT	Strategic Transport Manager Bolton Council
Mr Alex Allen MTPI MRTPI	Development Manager (Planning) Bolton Council

**INTERESTED PERSON**

Town Councilor Arthur Price	Member Wingates Ward Westhoughton Town Council Representing Local Residents
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## **APPENDIX 3 - PLANS AND INQUIRY DOCUMENTS**

### **APPLICATION PLANS AND FORMS**

*Consolidated list of 'live' plans and documents i.e. omitting superseded items.*

#### **Submitted with Evidence for the Inquiry – Pins Appellants PoE Folder**

WBo\_AP19.1 - A6 HIGHWAY WORKS (NWK 180009-BED-EX-00-DR-C-0260-P01)

WBo\_Ap19.2 - Wimberry Hill Road Highway Works (NWK 180009-BED-EX-00-DR-C-0261-P02)

#### **Forms and Location Plan – Pins Folder 01 Appellants Initial Docs**

WBo\_Ap1.1 – Application form

WBo\_Ap1.2 – Application letter (upload) 23.10.2018

WBo\_Ap1.3 – Application letter (post) 23.10.2018

WBo\_Ap1.4 – Notice 1 signed 15.10.2018

WBo\_Ap1.5 – Site Location Plan (NK018161\_SK092 Rev B)

WBo\_Ap18.1 – Revised submission letter 11.12.2019

WBo\_Ap18.2 – Development Parameters December 2019 (JM\_DP001\_1)

#### **Outline Drawings – Pins Folder 01 Appellant Initial Docs**

WBo\_AP2.4 – Site Context Aerial Photo (NK018161\_SK070 REV C)

WBo\_Ap16.1 – Parameters Plan (NK018161\_SK062 Rev H)

WBo\_Ap16.2 – Illustrative Masterplan (NK018161\_SK065 Rev F)

WBo\_Ap16.3 – Presentation Plan (NK018161\_SK069 Rev E)

WBo\_Ap16.4 – Plot Levels Plan (NK018161\_SK089 Rev C)

WBo\_Ap16.5 – Proposed Site Sections (NK018161\_SK090 Rev C)

WBo\_Ap16.6 – Chorley Road Section C-C (NK018161\_SK123)

WBo\_Ap16.7 – Chorley Road Section D-D (NK018161\_SK124)

WBo\_Ap16.8 – Chorley Road Section E-E (NK018161\_SK125)

WBo\_Ap16.9 – Chorley Road Section F-F (NK018161\_SK126)

WBo\_Ap16.10 – Chorley Road Highway Sections (NWK 180009-BED-EX-00-DR-C-0220-P02)

WBo\_Ap16.11 – Illustrative Landscape Masterplan (D6474.02.001B)

WBo\_Ap16.12 – A6 Landscape Buffer Detailed Planting Plan (D6474.02.002)

WBo\_Ap16.13 – Tree Pit Planting Detail (D6474.02.003)

**Full Drawings** – *Pins Folder 01 Appellants Initial Docs*

WBo\_Ap3.1 – Existing Site Topography (NWK 180009-BED-EX-00-DR-C-0201-P03)

WBo\_Ap3.2 – Existing Wimberry Hill Highway Layout (NWK 180009-BED-EX-00-DR-C-0251-P01)

WBo\_Ap14.5 – Drainage Strategy - Sheet 1 (LE14325-009-C)

WBo\_Ap14.6 – Drainage Strategy - Sheet 2 (LE14325-010-C)

WBo\_Ap17.1 – Proposed Earthworks Plateaus (NWK 180009-BED-EX-00-DR-C-0200-P05)

WBo\_Ap17.2 – Proposed Earthworks Section - Sht 1 (NWK 180009-BED-EX-00-DR-C-0205-P05)

WBo\_Ap17.3 – Proposed Earthworks Section - Sht 2 (NWK 180009-BED-EX-00-DR-C-0206-P04)

WBo\_Ap17.4 – Proposed Earthworks Section - Sht 3 (NWK 180009-BED-EX-00-DR-C-0207-P04)

WBo\_Ap17.5 – Proposed Earthworks Section - Sht 4 (NWK 180009-BED-EX-00-DR-C-0208-P03)

WBo\_Ap17.6 – Proposed Earthworks Section - Sht 5 (NWK 180009-BED-EX-00-DR-C-0209-P03)

WBo\_Ap17.7 – Proposed Section Location Plan (NWK 180009-BED-EX-00-DR-C-0210-P04)

**DOCUMENTS**

**Adopted Development Plan** – *PINS Folder 11 Additional Core Docs*

Bo\_Dp1 – Bolton's Core Strategy (2011)

Bo\_Dp2 – Bolton's Allocations Plan (2014)

GM\_Dp1 – Greater Manchester Joint Minerals Plan (April 2013)

**Emerging Development Plan** – *PINS Folder 11 Additional Core Docs*

GM\_Dp2 – Revised draft Greater Manchester Spatial Framework (January 2019)

**National Planning Policy** – *PINS Folder 11 Additional Core Docs*

NP1 – National Planning Policy Framework (February 2019)

**BMBC Supplementary Planning Documents** – *PINS Folder 11 Additional Core Docs*

Bo\_Su1 – Accessibility, Transport & Road Safety SPD (October 2013)

Bo\_Su2 – Infrastructure and Planning Contributions SPD (July 2016)

Bo\_Su3 – General Design Principles SPD (June 2015)

Bo\_Su4 – Sustainable Design and Construction SPD (October 2016)



Bo\_Su5 – Location of Restaurants, Cafes, Public Houses, Bars and Hot Food Takeaways in Urban Areas SPD (September 2013)

Bo\_Su6 - The Former Horwich Loco Works SPD (March 2012)

**BMBC Monitoring Documents – PINS Folder 11 Additional Core Docs**

Bo\_Mo1 – Bolton Authority Monitoring Report 2018/19: Volume 3 Employment Land Update

**Local Strategies and Supporting Documents – PINS Folder 11 Additional Core Docs**

Bo\_Ot1 – The Bolton Economy: Our Strategy for Growth 2016-2030 (2016) ('Bolton Economic Strategy')

Bo\_Ot2 – Bolton: Our Vision 2007-2017 (2007) ('Bolton Sustainable Community Strategy')

Bo\_Ot3 – Bolton 2030: A Vision for Bolton's Future (July 2017) ('Bolton Vision')

Bo\_Ot4 – A Landscape Character Appraisal of Bolton (October 2001)

**Regional Strategies and Supporting Documents – PINS Folder 11 Additional Core Docs**

GM\_Ot1 – Our People, Our Place: The Greater Manchester Strategy (2018)

GM\_Ot2 – Greater Manchester Local Industrial Strategy (June 2019)

GM\_Ot3 – Greater Manchester Transport Strategy 2040 (February 2017)

GM\_Ot4 – Northern Powerhouse Strategy (November 2016)

GM\_Ot5 – Greater Manchester Green Belt Assessment (July 2016)

GM\_Ot6 – Greater Manchester Landscape Character and Sensitivity Assessment (August 2018)

GM\_Ot7 – GMSF Employment Topic Paper (January 2019)

GM\_Ot8 – GMSF Green Belt Topic Paper (January 2019)

GM\_Ot9 – GMSF Site Selection Topic Paper (January 2019)

**National Strategies and Supporting Documents – PINS Folder 11 Additional Core Docs**

N\_Ot1 – Natural England: National Character Area profile 56

N\_Ot2 – Guidelines for Landscape and Visual Impact Assessment 3rd edition

N\_Ot3 – IAQM Land-Use Planning & Development Control: Planning for Air Quality (2017)

N\_Ot4 – IAQM Guidance on the Assessment of Dust from Demolition and Construction v1.1 (June 2016)

N\_Ot5 – AQEG Estimation of Changes in Air Pollution during COVID-19 outbreak (2020)

N\_Ot6 – Defra National Air Quality Objectives Update (as at October 2020)

N\_Ot7 – Guidelines for Environmental Assessment of Road Traffic

N\_Ot8 – TRICS Construction Traffic Report

N\_Ot9 – Department for Transport Guidance on Transport Assessment

## **Inquiry Documents**

WBo\_In1 – MHCLG Call In Letter 21 May 2020 - *PINS Internal folder*

WBo\_In2 – PINS Inquiry Letter 2 June 2020 – *PINS Main party folder*

WBo\_In3 – Applicant’s Statement of Case 14 July 2020 – *PINS SoC folder*

WBo\_In4 – Planning Statement of Common Ground 14 July 2020 – *PINS SoCG folder*

WBo\_In5 – Pre-Conference Note for Case Management Conference 1 October 2020 – *PINS Main party folder*

WBo\_In6 – Case Management Conference Summary and Directions 1 October 2020 – *PINS Main party folder*

WBo\_In7 - BMBC Statement of Case – *PINS SoC folder*

WBo\_In8 – Highways Statement of Common Ground – *PINS SOCG Folder*

## **Interested Parties Representations to Inquiry – PINS Folder 0.04**

A & C Nutall

B Dibbits

E Bimpson

C Horrocks

C Concannon

M Concannon

S Concannon

D Heavey

E Furber

K Furber

N Furber

G Bateson

A Holbrook

G Humphreys

J & M Bolton

J Kelley

J Lewis

L Heavey

K Litherland

M & J Duff

GS & K Dougill

Mr & Mrs F Seddon

N Potter

H Pendlebury

P Johnson

J Reade

S Clinton

S Seddon

S Sewart

T Heavey

J Timan

### **Applicants Proofs of Evidence – PINS Folder 0.03**

#### **Employment Land**

Highways

Landscape

Planning

Appendix 5 – Socio-economic assessment

Appendix 6 – Ecology

Appendix 7 – Arboriculture

Appendix 8 – Noise

Appendix 9 – Air Quality

### **Applicants Speaking Notes – PINS Folder 09 Other appeal documents**

SN1 – Air Quality Speaking Notes

SN2 – Ecology Speaking Notes

SN3 – Employment Land Speaking Notes

SN4 – Highways Speaking Notes

SN5 – Landscape Speaking Notes

SN6 – Noise Speaking Notes

SN7 – Planning Speaking Notes

SN8 – Trees Speaking Notes

### **Planning Reports – PINS Folder 01 Appellants Initial Docs**

WBo\_Ap4.1 – Agricultural Land Classification Report (ref. 1010322)

WBo\_Ap4.2 – Arboricultural Impact Asmt (6474.01.001) (ES Vol 3 Appx 7.7)

WBo\_Ap4.3 – Design & Access Statement (NK018161)

WBo\_Ap4.5 – Employment Land Supply Review (Planning Stmt Appx 1) (JM\_ELS001\_0)

WBo\_Ap4.6 – Flood Risk Assessment & Drainage Strategy (LE14325 0002 Rev 3.0)  
WBo\_Ap4.7 – Geo-Environmental Site Asmt (322362-R02 (01)) (ES Appx 8.2)  
WBo\_Ap4.8 – Health Impact Assessment (A110109 V2)  
WBo\_Ap4.10 – Outline Energy Report (HLEU61651\_001Rv1)  
WBo\_Ap4.11 – Planning Statement (JM\_001\_0)  
WBo\_Ap4.12 – Prelim. Risk Asmt & Coal Mining Risk Asmt (322362-R01 (00)) (ES Appx 8.1)  
WBo\_Ap4.13 – Socio-Economic Assessment (Planning Stmt Appx 2) (JM\_SEA001\_0)  
WBo\_Ap4.14 – Statement of Community Involvement (JM\_SCI001\_0)  
WBo\_Ap4.15 – Supp. Geo-Environmental Site Asmt (322362-R03 (00)) (ES Appx 8.3)  
WBo\_Ap4.16 – Sustainability Statement (OXF11084)  
WBo\_Ap18.3 – Landscape Strategy (6474.02.025 V3.0)  
WBo\_Ap9.1 – Planning Statement Addendum February 2019 (JM\_PS002\_0)

## **Environmental Statement**

### **ES Non-Technical Summary**

WBo\_Ei1.1 – ES Vol 1 Non-Technical Summary (JM\_NTS001\_0)

### **ES Main Volume**

WBo\_Ei2.1 – ES Vol 2 Chapter 1-5, 13-14 - Context & Conclusions  
WBo\_Ei2.2 – ES Vol 2 Chapter 1-2 (appendices)  
WBo\_Ei2.3 – ES Vol 2 Chapter 6 - Air Quality  
WBo\_Ei2.4 – ES Vol 2 Chapter 7 - Biodiversity  
WBo\_Ei2.5 – ES Vol 2 Chapter 8 - Ground Conditions & Contamination  
WBo\_Ei2.6 – ES Vol 2 Chapter 9 - Historic Environment  
WBo\_Ei2.7 – ES Vol 2 Chapter 10 - Landscape & Views  
WBo\_Ei2.8 – ES Vol 2 Chapter 10 - Landscape & Views (figures 1-7)  
WBo\_Ei2.9 – ES Vol 2 Chapter 10 - Landscape & Views (figure 8)  
WBo\_Ei2.10 – ES Vol 2 Chapter 10 - Landscape & Views (appendices)  
WBo\_Ei2.11 – ES Vol 2 Chapter 11 - Noise  
WBo\_Ei2.12 – Enc 7.9 - ES Vol 2 Chapter 12 - Transport & Access

### **ES Technical Appendices**

WBo\_Ei3.1 – ES Appendix 6.1 - Air Quality Assessment (A107193\_3)

WBo\_Ei3.2 – ES Appendix 7.1 - Desk Based Ecology Assessment (6474.001)  
WBo\_Ei3.3 – ES Appendix 7.2 - Phase 1 Habitat Survey inc drawing (6474.007)  
WBo\_Ei3.4 – ES Appendix 7.3 - Amphibian Survey inc drawing (6474.004)  
WBo\_Ei3.5 – ES Appendix 7.4 - Bat Survey inc drawings (6474.005)  
WBo\_Ei3.6 – ES Appendix 7.5 - Breeding Bird Survey inc drawings (6474.003)  
WBo\_Ei3.7 – ES Appendix 7.6 - GCN Mitigation Strategy inc drawing (6474.006)  
WBo\_Ei3.8 – ES Appendix 9.1 - Historic Environment Desk-Based Assessment (6474.03)  
WBo\_Ei3.9 – ES Appendix 11.1 Noise Technical Report (A107193\_4)  
WBo\_Ei3.10 – ES Appendix 12.1 (part 1 of 6) - Transport Assessment main doc & figures (18007\_TA\_Rev 1)  
WBo\_Ei3.11 – ES Appendix 12.1 (part 2 of 6) - Transport Assessment Appendix A-C  
WBo\_Ei3.12 – ES Appendix 12.1 (part 3 of 6) - Transport Assessment Appendix D  
WBo\_Ei3.13 – ES Appendix 12.1 (part 4 of 6) - Transport Assessment Appendix E-F  
WBo\_Ei3.14 – ES Appendix 12.1 (part 5 of 6) - Transport Assessment Appendix G-K  
WBo\_Ei3.15 – ES Appendix 12.1 (part 6 of 6) - Transport Assessment Appendix L-P  
WBo\_Ei3.16 – ES Appendix 12.2 - Framework Travel Plan (18007\_FTP\_Rev 1)

**Material submitted in response to matters arising in consultation – PINS Folder 01**  
*Appellants Initial Docs*

WBo\_Ap5.1 – Email submission 09.11.2018 (minerals viability)  
WBo\_Ap6.1 – A107193 Wingates AQ Comments 6Dec18  
WBo\_Ap6.2 – Email submission 06.12.2018  
WBo\_Ap7.1 – Email submission 17.12.2018 (noise)  
WBo\_Ap8.1 – Scope of Site Investigation (322362TL06A)  
WBo\_Ap8.2 – Exploratory Hole Location Plan (322362-TL06(00)D002A)  
WBo\_Ap8.3 – Email submission 25.01.2019  
WBo\_Ap9.2 – Email submission 21.02.2019  
WBo\_Ap10.2 – Limits of Junction Improvement Wks (18007.IN.05-)  
WBo\_Ap10.3 – Email submission 19.03.2019  
WBo\_Ap11.1 – JMB-LE14325-001 Response to planning comments  
WBo\_Ap11.4 – Email submission 20.03.2019  
WBo\_Ap12.1 – 6474.02.020 Representative Viewpoint 16 v2.0  
WBo\_AP12.2 – Email submission 12.04.2019

WBo\_Ap13.1 – Hall Lane-Bolton Rd Mini Rdbt capacity analysis  
WBo\_AP13.2 – Email submission 14.05.2019  
WBo\_Ap14.1 – Drainage Strategy Sheet 1 (LE14325-004 RevD)  
WBo\_Ap14.2 – Drainage Strategy Sheet 2 (LE14325-005 RevD)  
WBo\_Ap14.3 – Drainage Strategy Sheet 3 (LE14325-006 RevF)  
WBo\_Ap14.4 – Drainage Strategy Sheet 4 (LE14325-007 RevF)  
WBo\_Ap14.9 – Network 1 Details Rev D (Pipe and Manhole Schedules)  
WBo\_Ap14.10 – Network 1 Rev D 2yr Storm Event  
WBo\_Ap14.11 – Network 1 Rev D 30yr Storm Event  
WBo\_Ap14.12 – Network 1 Rev D 100yr+20%cc Storm Event  
WBo\_Ap14.13 - Network 1.MDX  
WBo\_Ap14.14 – Network 2 Rev E - Hydrobrake at Pond 2yr  
WBo\_Ap14.15 – Network 2 Rev E - Hydrobrake at Pond 30yr  
WBo\_Ap14.16 – Network 2 Rev E - Hydrobrake at Pond 100yr +20%cc  
WBo\_Ap14.17 – Network 2 hydrobrake at pond  
WBo\_Ap14.18 – Email submission 03.09.2019  
WBo\_Ap15.1 – Exploratory Hole Location Plan  
WBo\_AP15.2 – Email submission 18.09.2019 (re peat)

**Inquiry Documents (submitted during the Inquiry)**

ID1 Wingates Directions 2  
ID2 Inquiry Programme  
ID3 Completed Section 106 Agreement

***Opening Submissions – PINS Folder 09 Other appeal documents***

OS1 LPA Opening Submission  
OS2 Applicant Opening Submission

***Closing Submissions – PINS Folder 09 Other appeal documents***

CS1 LPA Closing Submission  
CS2 Applicant Closing Submission

**Bolton MBC Documents**

Proof of Evidence – *PINS Folder 0.03*

## **Pre-Inquiry Documents – PINS Folder 01a LPA Initial Documents**

### **Officer Reports & Minutes**

- WBo\_Or1 – Planning Committee report dated 03/10/19
- WBo\_Or2 – Supplementary Information List dated 03/10/19
- WBo\_Or3 – Minutes of the 03/10/19 meeting
- WBo\_Or4 – Planning Committee report dated 16/01/20
- WBo\_Or5 – Supplementary Information List dated 16/01/20
- WBo\_Or6 – Minutes of the 16/01/20 meeting

### **Consultee Responses**

- WBo\_Cr1 – Greater Manchester Archaeological Advisory Service comments dated 26 11 18
- WBo\_Cr2 – Economic Development team comments dated 10 03 19
- WBo\_Cr3 – Local Highway Authority comments
- WBo\_Cr4 – Environment Agency comments dated 30 11 18
- WBo\_Cr5 – Council Flood Risk & Drainage team comments dated 03 04 19
- WBo\_Cr6 – Greater Manchester Ecology Unit comments dated 28 11 18
- WBo\_Cr7 – Council Landscape Manager comments dated March 2019
- WBo\_Cr8 – MIDAS response dated 04 03 19
- WBo\_Cr9 – Natural England comments dated 07 11 18
- WBo\_Cr10 – Peak and Northern Footpaths Society comments dated 05 11 18
- WBo\_Cr11 – Pollution Control – Air Quality comments
- WBo\_Cr12 – Pollution Control – Air Quality additional comments dated 04 01 19
- WBo\_Cr13 – Pollution Control comments on Site Investigation dated 05 12 18
- WBo\_Cr14 – Pollution Control Noise Impact comments dated 04 12 18
- WBo\_Cr15 – Pollution Control – Recommended Noise Condition response dated 24 01 18
- WBo\_Cr16 – Pollution Control Update dated 05 03 19
- WBo\_Cr17 – Public Rights of Way officer response
- WBo\_Cr18 – Public Rights of Way officer officer PROW plan
- WBo\_Cr19 – Public Rights of Way Team guidance note
- WBo\_Cr20 – Coal Authority comments dated 29 11 18
- WBo\_Cr21 – Trees and Woodland manager comments dated 22 11 18
- WBo\_Cr22 – Trees and Woodland manager additional comments dated 06 01 19



WBo\_Cr23 – Westhoughton Town Council – Initial Comments

WBo\_Cr24 – Westhoughton Town Council – additional response dated 27 11 18

WBo\_Cr25 – Wigan Council – initial comments

WBo\_CR26 – Wigan Council - further comments on Wingates including e mail dialogue

WBo\_Cr27 – Atkins review of submitted information on behalf of Highways England dated 18 11 18

WBo\_Cr28 – Highways England holding letter dated 30 11 18

WBo\_Cr29 – Highways England e mail dated 25 01 19

WBo\_Cr30 – Highways England holding letter dated 14 3 19

WBo\_Cr31 – Highways England final comments dated 22 03 19

WBo\_Cr32 – United Utilities comments dated 23 11 18

### **Correspondence**

WBo\_Co1 – 3 Mill Court, Aspull, Wigan 1

WBo\_Co2 – 3 Mill Court, Aspull, Wigan 2

WBo\_Co3 – 3 Mill Court, Aspull, Wigan 3

WBo\_Co4 – 4 Willow Bank, Long Lane, Westhoughton

WBo\_Co5 – 5 Willow Bank, Long Lane, Westhoughton 1

WBo\_Co6 – 5 Willow Bank, Long Lane, Westhoughton 2

WBo\_Co7 – 5 Willow Bank, Long Lane, Westhoughton 3

WBo\_Co8 – 5 Willow Bank, Long Lane, Westhoughton 4

WBo\_Co9 – 5 Willow Bank, Long Lane, Westhoughton 5

WBo\_Co10 – 7 Willow Bank, Long Lane, Westhoughton 2

WBo\_Co11 – 7 Willow Bank, Long Lane, Westhoughton 2

WBo\_Co12 – 7 Wingates Lane, Westhoughton

WBo\_Co13 – 10 Aireworth Street, Westhoughton

WBo\_Co14 – 14 Lock Lane, Hunger Hill, Bolton

WBo\_Co15 – 29 Barnfield Drive

WBo\_Co16 – 32 Haigh Road, Aspull, Wigan

WBo\_Co17 – 14 Church Lane, Westhoughton

WBo\_Co18 – 34 Fryent Close, Blackrod 1

WBo\_Co19 – 34 Fryent Close, Blackrod 2

WBo\_Co20 – 34 Mill Lane, Aspull, Wigan

WBo\_Co21 – 36 Wesley Street, Westhoughton  
WBo\_Co22 – 38 Mabel Street 1  
WBo\_Co23 – 38 Mabel Street 2  
WBo\_Co24 – 40 Newlands Drive, Over Hulton  
WBo\_Co25 – 48 Deganwy Road, Deganwy, Conwy  
WBo\_Co26 – 57 Chorley Road, Westhoughton 1  
WBo\_Co27 – 57 Chorley Road, Westhoughton 2  
WBo\_Co28 – 67 Dicconson Lane, Westhoughton 2  
WBo\_Co29 – 67 Dicconson Lane, Westhoughton 2  
WBo\_Co30 – 74 Green Meadows, Westhoughton 1  
WBo\_Co31 – 75 Dicconson Lane, Westhoughton 2  
WBo\_Co32 – 75 Dicconson Lane, Westhoughton  
WBo\_Co33 – 101 Collingwood Way, Westhoughton 2  
WBo\_Co34 – 101 Collingwood Way, Westhoughton 1  
WBo\_Co35 – 139 Chorley Road, Westhoughton  
WBo\_Co36 – 147 Chorley Road, Westhoughton 1  
WBo\_Co37 – 147 Chorley Road, Westhoughton 2  
WBo\_Co38 – 147 – 149 Chorley Road, Westhoughton  
WBo\_Co39 – 180 Chorley Road, Westhoughton 1  
WBo\_Co40 – 180 Chorley Road, Westhoughton 2  
WBo\_Co41 – 186 – 188 Chorley Road, Westhoughton 2  
WBo\_Co42 – 225 Park Road, Westhoughton  
WBo\_Co43 – 250 Chorley Road, Westhoughton  
WBo\_Co44 – 258 Chorley Road, Westhoughton  
WBo\_Co45 – 267 Chorley Road, Westhoughton  
WBo\_Co46 – 278 Chorley Road, Westhoughton  
WBo\_Co47 – 280 Chorley Road, Westhoughton  
WBo\_Co48 – 308 Chorley Road, Westhoughton  
WBo\_Co49 – 337 Bolton Road, Westhoughton 1  
WBo\_Co50 – 337 Bolton Road, Westhoughton 3  
WBo\_Co51 – 339 Bolton Road, Westhoughton  
WBo\_Co52 – 342 Chorley Road, Westhoughton 1

WBo\_Co53 – 342 Chorley Road, Westhoughton 2  
WBo\_Co54 – 346 Chorley Road, Westhoughton  
WBo\_Co55 – 379 Chorley Road, Westhoughton  
WBo\_Co56 – 552 Chorley Road, Westhoughton  
WBo\_Co57 – 650 Manchester Road, Westhoughton  
WBo\_Co58 – Albert House, Farnsley Park – General Comment  
WBo\_Co59 – Barons Fold Farm, Dole Lane, Abbey Village, Chorley 2  
WBo\_Co60 – Barons Fold Farm, Dole Lane, Abbey Village, Chorley  
WBo\_Co61 – Barton Fold Farm, Lostock Lane 2  
WBo\_Co62 – Barton Fold Farm, Lostock Lane 3  
WBo\_Co63 – Barton Fold Farm, Lostock Lane 1  
WBo\_Co64 – Carlies Farm, Westhoughton 1  
WBo\_Co65 – Carlies Farm, Westhoughton 2  
WBo\_Co66 – Carlies Farm, Westhoughton 3  
WBo\_Co67 – Corges Cottage, Dodd Lane, Westhoughton 2  
WBo\_Co68 – 74 Green Meadows, Westhoughton 2  
WBo\_Co69 – CPRE Objection  
WBo\_Co70 – Mill Brow Cottages, Liverpool Road, Hutton, Preston 1  
WBo\_Co71 – Mill Brow Cottages, Liverpool Road, Hutton, Preston 2  
WBo\_Co72 – Dicconson Lane, Westhoughton  
WBo\_Co73 – Rose Dene, Preston  
WBo\_Co74 – Stateside Foods Ltd, Direct House, Lancaster Way  
WBo\_Co75 – Unit 1 Locke Industrial Estate, Emmett Street  
WBo\_Co76 – Unit 2a Cranfield Road, Lostock Industrial Estate  
WBo\_Co77 – Unit 12 Barrs Fold Close 1  
WBo\_Co78 – Unit 12 Barrs Fold Close 2  
WBo\_Co79 – Unit 12 Barrs Fold Close 3  
WBo\_Co80 – Unit 12 Barrs Fold Close 4  
WBo\_Co81 – Unit 129-20, Barrs Fold Close  
WBo\_Co82 – Unit C Wingates Industrial Estate, Elland Close  
WBo\_Co83 – Willow Bank Cottage, Long Lane 1

WBo\_Co84 – Willow Bank Cottage, Long Lane 2

WBo\_Co85 – Willow Bank

WBo\_Co86 – Wingates Industrial Estate, Elland Close

WBo\_Co87 – 101 Collingwood Way, Westhoughton 3

WBo\_Co88 – 186 – 188 Chorley Road, Westhoughton 1

WBo\_Co89 – 337 Bolton Road, Westhoughton 2

WBo\_Co90 – 45 Mill Lane, Aspull, Wigan

WBo\_Co91 – Unit 2004 Elland Close, Wingates Industrial Estate – Correspondence with Objector

### **Other Documents**

WBo\_Ot1 – Press Notice dated 08/11/18

WBo\_Ot2 – EIA Development Press Notice dated 12/12/18

WBo\_Ot3 – EIA Site Notice dated 14/1/19

WBo\_Ot4 – Site notice and EIA notice photo of erection on site dated 14/1/19



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://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.