



Ministry of Housing,  
Communities &  
Local Government

Andrew Piatt  
Gateley Legal  
Ship Canal House  
98 King Street  
Manchester  
M2 4WU

Our ref: APP/M0655/V/22/3311877  
Your ref: 2019/34799

22 November 2024

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY MR BIDDLE (LANGTREE PP & PANATTONI)  
LAND AT BRADLEY HALL FARM, GRAPPENHALL LANE, WARRINGTON, WA4 4SL  
APPLICATION REF: 2019/34799**

*This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State*

1. I am directed by the Secretary of State to say that consideration has been given to the report of R Catchpole BSc (hons) PhD MCIEEM IHBC, who held a public local inquiry on 9, 11 and 12 May, and 9-12 October 2023, and 9 January and 11-13 June 2024 into your client's application for planning permission for the construction of up to 287,909m<sup>2</sup> (3,099,025ft<sup>2</sup>) (gross internal) of employment floorspace (Use Class B8 and B1(a) offices) including change of use of Bradley Hall Farmhouse to B1 (a) office use (335m<sup>2</sup> (3,600ft<sup>2</sup>)) and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation, alteration of existing access road into site including works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station, and ecological works, in accordance with application Ref. 2019/34799, dated 3 April 2019.
2. On 22 November 2022, the then 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.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission should be refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. She has decided to refuse planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

## **Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the addendum submitted as part of further appeal submissions made by the applicant dated 6 April 2023 and 11 August 2023. Having taken account of the Inspector's comments at IR3-8 the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.

## **Procedural Matters**

6. On 30 July 2024, the Written Ministerial Statement (WMS) 'Building the Homes we Need' (UIN HCWS48) was published. On that same date, the government launched a consultation to reform the National Planning Policy Framework (the Framework). The main parties were given an opportunity to make further representations after the close of the Inquiry in relation to these matters. For the reasons given at IR368-374, the Secretary of State does not consider that publication of the WMS and the consultation on the existing Framework raise any matters that would require her to refer back to the parties for further representations prior to reaching her decision on this appeal, and she is satisfied that no interests have thereby been prejudiced.

## **Policy and statutory considerations**

7. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the development plan consists of the Warrington Local Plan 2021/22-2038/39 (2023) (LP) and the Appleton Parish Thorn Ward Neighbourhood Development Plan to 2027 (NP) which was made in 2017. The Secretary of State considers that relevant development plan policies include those set out at IR22 and IR23. The Secretary of State notes that when the LP was emerging the site formed part of the South East Warrington Employment Area allocation which was subsequently removed at main modification stage (IR20).
9. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance ('the Guidance'), as well as the new Supplementary Planning Document (SPD) on planning obligations (IR25) and the further SPDs and range of other documents referred to at IR26.
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

## **Main issues**

### Green Belt considerations

11. For the reasons given at IR276-281, the Secretary of State agrees with the Inspector at IR276 that the proposal would lead to inappropriate development which is harmful by

definition, contrary to paragraph 152 of the Framework. She finds that there would be a significant adverse effect to the openness of the site in relation to both its spatial and visual aspects and also considers that there would be a significant adverse effect from activity relating to 24-hour vehicles movements, lighting and general site operations (IR278). She agrees with the Inspector at IR279 that the proposal would have a much greater and permanent urbanising impact on the openness of the Green Belt than the existing buildings and open fields, and that the level of harm to openness would be substantial and the proposal would therefore be at odds with paragraph 142 of the Framework. She further finds that the proposal would be contrary to one of the five Green Belt purposes, in terms of encroachment into the countryside, and would be contrary to paragraph 143(c) of the Framework (IR280). In line with paragraph 153 of the Framework, she assigns substantial weight to the harm to the Green Belt.

12. Policy GB1 part 10 of the LP states that planning permission will not be granted for inappropriate development within the GB, except in Very Special Circumstances (VSCs). Paragraphs 152-153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSCs. VSCs will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Secretary of State has gone on to consider these matters. Her conclusion on whether VSCs exist and therefore whether there is compliance with local and national Green Belt policy is set out at paragraph 43 below.

## Landscape

13. For the reasons given at IR282-288, the Secretary of State considers that the proposal would cause significant harm to the character and appearance of the area (IR282). She agrees with the Inspector that bearing in mind the scale of the nearby commercial areas and other elements of the local built environment, the proposal would be visually overwhelming (IR285). She further agrees with the Inspector at IR286 that the adverse effects on Landscape Character Area (LCA) 1B would be significant but, that the adverse effects on the other LCAs would be moderate.
14. The Secretary of State agrees with the Inspector's conclusion at IR288 that the proposal would cause substantial harm to the receptors and landscape in the immediate vicinity of the site but that this harm would be limited in geographic extent. She agrees that the harm would affect relatively few residential receptors and would not affect the occupants to the point where those buildings could not be occupied (IR288). She further agrees that the proposal would have a high degree of prominence from multiple locations along nearby roads and that harm would also be caused to pedestrian receptors (IR288). Overall, she agrees with the Inspector's conclusion at IR288 that significant residual effects would remain. She agrees with the Inspector that the proposal would be contrary to policy DC1 of the LP, policy AT-D2 of the NP and paragraph 135(c) of the Framework (IR288) and gives significant weight to adverse landscape impacts (IR382).

## Heritage

### Designated Heritage Assets

#### *The Moat (Scheduled Monument)*

15. For the reasons given at IR291-294, the Secretary of State agrees with the Inspector that the significant massing of the proposed buildings and 24-hour activity would cause substantial changes to the more immediate setting of Scheduled Monument Bradley Hall Farm Moated Site which would harm its significance, and would only be partially mitigated

by the supplementary tree planting and 30m buffer around the site. She further agrees that the changes to this asset's setting would harm its significance (IR294). The Secretary of State considers that there would be less than substantial harm to the setting of The Moat.

*Tanyard Farm (Grade II\* asset)*

16. For the reasons given at IR295-296, the Secretary of State agrees that the urban sprawl and significant massing of the development would be such that the landscape treatment would not mitigate this impact and that these changes to its setting would harm the special interest of this building (IR296). The Secretary of State considers that there would be less than substantial harm to the setting of Tanyard Farm.

*Booths Farmhouse and The Shippon (Grade II assets)*

17. For the reasons given at IR297-300, the Secretary of State agrees that the urban sprawl and significant massing of the proposed development would further erode the context of these assets in addition to the erosion that has already been caused by the nearby commercial development that is currently present (IR300). As such, the Secretary of State agrees that the cumulative changes to their setting arising from the proposed development would harm their special interest (IR300). The Secretary of State considers that there would be less than substantial harm to the setting of the Booths Farmhouse and The Shippon.

*Barleycastle Farmhouse (Grade II asset)*

18. For the reasons given at IR301-302, the Secretary of State agrees that the wider agrarian setting of this asset would be significantly eroded by the urban sprawl and significant massing of the proposed development (IR302). As such, the Secretary of State agrees that these changes to its setting would harm the special interest of this building (IR302). The Secretary of State considers that there would be less than substantial harm to the setting of Barleycastle Farmhouse.

19. The Secretary of State considers that in line with Paragraph 205 of the Framework, the less than substantial harm to each of these designated assets carries great weight (IR303).

*Non-designated Heritage Assets*

20. The Secretary of State agrees with the Inspector's conclusions at IR290 and IR306-310 that there would be minor harm to the setting a number of dwellings associated with Tanyard Farm (IR307), major harm arising from the demolition of some of the Bradley Hall Farm buildings (IR310), and minor harm to the setting of Bradley Hall Farmhouse and Barn (IR310). In line with paragraph 209 of the Framework, she has taken into account the effect of the application on the significance of these non-designated heritage assets in determining the application, and has reached a balanced judgement. The Secretary of State agrees that moderate weight should be applied to the harm to non-designated heritage assets (IR382).

*Conclusions on Heritage Matters*

21. Overall, for the reasons given at IR289-305, the Secretary of State agrees with the conclusions at IR311 that the proposal would be contrary to policy DC2 of the LP and policies AT-D1 and AT-D2 of the NP. In line with the heritage balance set out at paragraph 208 of the Framework, the Secretary of State has considered whether the

identified 'less than substantial' harm to the designated heritage assets is outweighed by the public benefits of the proposal. Her conclusion is set out at paragraph 42 below.

### Highways

22. For the reasons given at IR312-327, the Secretary of State agrees with the Inspector at IR327 that the proposal would not lead to an unacceptable impact on highway safety and that there would be no severe residual, cumulative effects on the road network. She further agrees that the provision of alternative transport modes would be adequate. As such she agrees that the proposal would be consistent with paragraphs 115 and 116 of the Framework and policy INF1(5) of the LP (IR327).

### Air Quality

23. The Secretary of State, for the reasons given at IR328-334, agrees that the proposals would not lead to exceedances of national or local air quality objectives for human health, either on its own or in combination with other schemes and would be consistent with paragraph 192 of the Framework and policies DC1(2)(i) and ENV8(3) of the LP (IR334). She further agrees with the Inspector at IR383 that this matter carries no weight.

### Suitability of the Site

24. For the reasons given at IR335-339, the Secretary of State agrees with the Inspector that while the highly suitable location of the site for logistics proposals given its proximity to motorway junctions of the M6 and M56 motorways does draw some support from the Framework (IR339), this is tempered by the inappropriateness of the site from the LP perspective (IR384). She therefore agrees that the suitability of the site carries moderate weight.

## **Other Considerations**

### Employment Land Supply and Demand

25. For the reasons given at IR340-349 the Secretary of State recognises that there is a strong demand for logistics facilities and that the supply of the largest sites is limited within the region (IR347). However, overall she agrees with the Inspector at IR350 that the case for logistics supply and demand is overstated and largely based on subjective opinion rather than robust quantitative data.

### Employment Land Need

26. The Secretary of State agrees at IR353 that it was not for the Inspector to revisit the underlying basis of the very recently adopted Local Plan and determine the objectively assessed need for employment land in Warrington.

27. For the reasons given at IR351-359 and IR384, the Secretary of State, like the Inspector, accepts that a need for large scale units across the region is present (IR358). Like the Inspector, she is not persuaded that there is a lack of alternatives across the region, but agrees that provision is limited and not ideal. She further agrees therefore that a genuine need for the site within a regional context has not been wholly proven (IR359). The

Secretary of State agrees with the Inspector at IR384 that the need for employment land carries limited weight.

### Economic benefits

28. Having taken into consideration IR360-362, the Secretary of State agrees with the Inspector that the direct economic benefits carry significant weight (IR384) and further agrees that indirect economic benefits also carry significant weight (IR384).

### Other benefits

29. The Secretary of State agrees with the Inspector that the social benefits, the environmental benefits and the shuttle bus provision each carry moderate weight (IR384).

30. The Secretary of State agrees with the Inspector that the collective benefits identified by the applicant of highway improvements, the Cheshire East permission and a lack of alternative sites, attract limited weight (IR385).

### **Other matters**

#### Best and Most Versatile (BMV) Agricultural land

31. The Secretary of State agrees with the Inspector's conclusions at IR365-366 and IR382 on loss of BMV Agricultural land and agrees that the proposal would conflict with ENV8 of the LP. She agrees with the Inspector that the loss of BMV Land attracts limited weight against the proposal (IR382).

#### Habitat Regulations Assessment

32. The Secretary of State agrees with the Inspector's conclusions on the Habitat Regulations Assessment (IR363-364).

33. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and for the reasons set out at paragraph 1 of Annex 5 of the IR she agrees with the Inspector that she is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. Those sites are Rixton Clay Pits SAC, Manchester Mosses SAC, Midland Meres and Mosses Phase 1 Ramsar and Rostherne Mere Ramsar. The Secretary of State agrees with the assessment and findings in Annex 5 of the IR. She therefore adopts Annex 5 as the necessary Appropriate Assessment in her role as the Competent Authority on this matter, and agrees that there would be no adverse effect on the integrity of the designated sites.

### Other decisions

34. The Secretary of State agrees with the Inspector's conclusions on other decisions at IR367.

### Additional Concerns

35. The Secretary of State agrees with the Inspector's conclusions on residential amenity (IR378-379) and carbon emissions, noise, litter, drainage, construction traffic, lighting, PRoW disruption, ground contamination, traffic restriction breaches, flooding, loss of jobs elsewhere, new jobs taken by non-residents, vibration, lack of affordable housing,

overshading, loss of daylight and undermining the development of the Fiddler's Ferry employment site (IR375-377).

36. The Secretary of State agrees with the Inspector that the proposal would be contrary to a plan-led system (IR382) and conflicts with policies DEV4 (IR335 and IR386) of the LP. However, as she has taken these matters into account in her overall conclusions on section 38(6) of the PCPA 2004, she gives no separate weight to this consideration.

### **Planning conditions**

37. The Secretary of State had regard to the Inspector's analysis at IR269-270, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework. However, she does not consider that the imposition of these conditions would overcome her reasons for refusing planning permission.

### **Planning obligations**

38. The Secretary of State has had regard to the Inspector's analysis at IR271-273, the planning obligation dated 17 July 2024, paragraph 57 of the Framework, and the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR271-273 and IR319-320, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework. However, the Secretary of State does not consider that the obligation overcomes her reasons for refusing planning permission.

### **Planning balance and overall conclusion**

39. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies GB1(10)<sup>1</sup>, DC1, DC2, DEV4 and ENV8 of the LP and AT-D1 and AT-D2 of the NP, and is not in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
40. Weighing in favour of the proposal is direct economic benefits, which carry significant weight; indirect economic benefits, which carry significant weight; suitability of the site, which carries moderate weight; social benefits from employment, which carry moderate weight; employment land need, which carries limited weight; environmental benefits, which carry moderate weight; shuttle bus provision, which carries moderate weight; and the collective benefits of highway improvements, the Cheshire East permission and a lack of alternative sites, which carry limited weight.
41. Weighing against the proposal is Green Belt harm, resulting from inappropriateness, effect on openness and harm to the Green Belt purpose of safeguarding the countryside from encroachment, which carries substantial weight; landscape harm, which carries significant weight; harm to designated heritage assets, which carries great weight; harm to non-designated heritage assets, which carries moderate weight; and the loss of BMV Agricultural Land, which carries limited weight.
42. In line with the heritage balance set out at paragraph 208 of the Framework, the Secretary of State has considered whether the identified 'less than substantial' harm to

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<sup>1</sup> Taking into account her conclusion at paragraph 43 of this decision letter.

the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into account the public benefits of the proposal as identified in this decision letter, overall the Secretary of State agrees with the Inspector at IR305 that the benefits of the appeal scheme are collectively sufficient to outweigh the identified 'less than substantial' harm to the significance of the designated heritage assets. The Secretary of State has concluded that the balancing exercise under paragraph 208 of the Framework is favourable to the proposal.

43. In line with paragraph 153 of the Framework, the Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development is clearly outweighed by other considerations. Overall, she considers that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other identified harms. She therefore considers that VSCs do not exist to justify this development in the Green Belt.
44. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the overall conflict with the development plan and the material considerations in this case indicate that permission should be refused.
45. The Secretary of State therefore concludes that the application be refused.

#### **Formal decision**

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby refuses planning permission for the construction of up to 287,909sqm (3,099,025sqft) (gross internal) of employment floorspace (Use Class B8 and B1(a) offices) including change of use of Bradley Hall Farmhouse to B1 (a) office use (335sqm (3,600sqft)) and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation, alteration of existing access road into site including works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station, and ecological works, in accordance with application Ref. 2019/34799, dated 3 April 2019.

#### **Right to challenge the decision**

47. 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.
48. A copy of this letter has been sent to Warrington Borough Council and South Warrington Parish Councils Local Plan Working Group and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins  
Decision officer

*This decision was made by the Minister of State for Housing and Planning, Matthew Pennycook MP on behalf of the Secretary of State, and signed on his behalf*





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# Report to the Secretary of State

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Date 9 September 2024

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SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990

MR BIDDLE (LANGTREE PP & PANATTONI)

WARRINGTON BOROUGH COUNCIL



The Inquiry opened on 9 May 2023. It sat on the 9, 11 and 12 May, 9-12 October 2023, 9 January 2024 and 11-13 June 2024. An unaccompanied site visit was carried out on the 8 May 2023 followed by an accompanied site visit on 11 October 2023. The first Case Management Conference (CMC) was held with the main parties, prior to opening, on the 15 February 2023. Two further CMCs were held with the main parties on 3 July 2023 and 29 April 2024.

Land at Bradley Hall Farm, Grappenhall Lane, Warrington

File Ref: APP/M0655/V/22/3311877

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**ABBREVIATIONS USED IN THIS REPORT**

the Act	Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
AOD	Above Ordnance Datum
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AQS	National Air Quality Strategy
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
CD	Core Document
DMC	Development Management Committee
EDNA	Economic Development Needs Analysis
EIA Regulations	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
ES	Environmental Statement
FEMA	Functional Economic Market Area

GB	Green Belt
HA	Highway Authority
HRA	Shadow Habitats Regulations Assessment
LCA	Landscape Character Area
LEMP	Landscape and Environmental Management Plan
LP	Warrington Local Plan 2021/22-2038/39 (2023)
LPI	Local Plan Inspectors
LVIA	Landscape and Visual Impact Assessment
NE	Natural England
NH	National Highways
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
NP	Appleton Parish Thorn Ward Neighbourhood Development Plan to 2027 (2017)
NW	The Northwest
PM	Particulate Matter
PRoW	Public Rights of Way
RVAA	Residential Visual Amenity Assessment
SAC	Special Conservation Area
SEP	Cheshire and Warrington Local Enterprise Partnership – Strategic Economic Plan
SEWEA	South East Warrington Employment Area
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SRFI	Strategic Rail Freight Interchanges
SRN	Strategic Road Network
SuDS	Sustainable Drainage System
SWP	South Warrington Local Plan Working Group
TCPA	Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended)
the Site	Application Site
VSC	Very Special Circumstances
WBC	Warrington Borough Council
WEG	Wider Economic Geography
WHO	World Health Organisation

**File Ref: APP/M0655/V/22/3311877**

**Land at Bradley Hall Farm, Grappenhall Lane, Warrington WA4 4SL (Easting: 365738 Northing: 384562)**

- The application was called in for decision by the Secretary of State (SoS) by a direction, made under section 77 of the Town and Country Planning Act 1990, on 22 November 2022.
- The application (Ref:2019/34799) is made by Mr Biddle (Langtree PP & Panattoni) and is dated 3 April 2019.
- The development proposed is described as the construction of up to 287,909m<sup>2</sup> (3,099,025ft<sup>2</sup>) (gross internal) of employment floorspace (Use Class B8 and B1(a) offices) including change of use of Bradley Hall Farmhouse to B1 (a) office use (335m<sup>2</sup> (3,600ft<sup>2</sup>)) and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation, alteration of existing access road into site including works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station, and ecological works.
- The reason given for making the direction was that it accords with the SoS's policy on the type of development that should be called in.
- The following were the matters on which the SoS 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 the protection of the green belt in chapter 13 of the National Planning Policy Framework 2023 (the Framework);
  - b) The extent to which the proposed development is consistent with the development plan for the area; and
  - c) Any other matters the Inspector considers relevant.

### **Summary of Recommendation**

I recommend that planning permission is refused. If the SoS is minded to disagree with my recommendation, Annex 4 lists the conditions that I consider should be attached to any permission that is granted. Annex 5 also provides the basis for the Habitats Regulations Assessment (HRA) that would be necessary under such circumstances.

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### **Procedural Matters**

1. I conducted an unaccompanied site visit on the 8 May 2023 and a further accompanied site visit on the 11 October 2023 according to an agreed agenda that defined the routes and key viewpoints to be considered.
2. The application was submitted in outline with all matters, other than access, reserved for future consideration. The submitted plans show the points of access into the site, improvements to A50 junction and M6 J20 dumbbell roundabouts including existing, proposed and diverted footpaths and cycleways

as well as areas safeguarded for potential highway improvements<sup>1</sup>. An illustrative masterplan shows how these access arrangements may relate to the proposed development<sup>2</sup>.

3. An Environmental Statement (ES) was submitted with the application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the EIA Regulations).
4. This was subsequently amended through an addendum and the submission of further information comprising a shadow HRA<sup>3</sup>. These were submitted as part of further appeal submissions made by the applicant dated the 6 April 2023 and the 11 August 2023. These documents were duly published in the online Core Document (CD) library.
5. The addendum sought to address issues raised by the Planning Inspectorate in relation to the adequacy of the ES. This comprised a number of issues which were the cumulative effect of additional proposed or consented development, the extent of the ecological baseline and potential risks to the environment in the event of major accidents or disasters.
6. The HRA considered the likely significant effects and potential adverse effects of increased vehicle emissions on the Manchester Mosses Special Conservation Area (SAC). This was submitted, at my, request to address concerns over potential impacts on Holcroft Moss, situated on the southern side of the M62, which forms part of this archipelago site. The content of the original ES otherwise remained unchanged.
7. All of the additional evidence that was submitted was the focus of round table discussions on the first, fourth and eighth day of the Inquiry. Consequently, I am satisfied that all interested parties had an opportunity to comment and were not prejudiced by the introduction of this evidence.
8. Given the above, I am satisfied that both the coverage and technical detail of the ES provided an adequate assessment of the environmental effects of the proposed development. I have no substantiated technical evidence before me that would lead me to a different conclusion. I also find it sufficient to describe the Rochdale Envelope for the reserved matters that are still to be approved. Consequently, the ES, together with the other evidence that was submitted during the course of the Inquiry, meets the requirements of the EIA Regulations. A full account has been taken of all environmental information in my assessment of the proposal and this has informed my recommendation.
9. Whilst the Council submitted a Statement of Case to the Inquiry<sup>4</sup>, it chose not to submit any further evidence or to call any witnesses. However, it was nevertheless represented in order to assist with procedural issues and technical matters and to contribute to the round table discussions on conditions and the planning obligation.
10. The South Warrington Local Plan Working Group (SWP) comprises the parishes of Appleton, Grappenhall and Thelwall, Hatton, Lymm, Stretton and Walton.

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<sup>1</sup> CD 4.20 and 4.25-4.29

<sup>2</sup> CD 4.44

<sup>3</sup> CD 4.146 + ID 34

<sup>4</sup> CD 4.152

The SWP was formed to engage with the local plan process and make unified representations. SWP was granted Rule 6 status in a letter dated 10 January 2023.

11. A number of adjournments were necessary during the course of the Inquiry. The first was prompted by a need to expand the scope of the ES to include the HRA, as outlined above. The second was prompted by the imminent adoption of the development plan and the need to establish whether or not the Council accepted the recommendations of the examining Inspectors to remove the application site from the employment land allocation. The third was prompted by a legal challenge to the adopted plan concerning employment land allocated at Fiddler's Ferry. The length of the adjournments was determined by the availability of the parties and the timing of local elections.

### **Site and Surroundings**

12. The application site (the Site) is predominantly located in the Borough of Warrington, approximately 6 km to the southeast of the town of Warrington. It is bound by the B5356 (Grappenhall Lane) and A50 (Cliff Lane) to the north and a slip road associated with Junction 9 of the M56 Motorway to the east. Two trading estates (Appleton Thorn and Barleycastle) and a distribution centre (Stretton Green) are located to the west. Bradley Brook bounds the majority of the southern boundary of the Site. A number of scattered residential properties are also situated beyond its northern boundary.
13. The Site covers an area of approximately 98 ha, the majority of which is located within the borough of Warrington. A small area, comprising approximately 5.9 ha, is located in the neighbouring borough of Cheshire East. Cheshire East Council granted planning permission for the proposed development on this area on 19 May 2022 (Ref: 19/1685M). The permission relates to the whole scheme although the area concerned would only deliver part of the associated ecological mitigation package.
14. The Site is currently used for arable and pastoral farming and contains a series of hedges and trees. It is generally level with some gentle undulation. There are wooded areas within the Site, including "Bradley Gorse" and "Wright's Covert" in the south-eastern area. Bradley Farm, located along a track from Cliff Lane, comprises Bradley Hall Farmhouse, a bungalow and associated farm buildings. The Site excludes Bradley Hall Cottages and Bradley View, which are to the north of Bradley Hall Farmhouse and on the west side of the access route from Cliff Lane.
15. Part of the farm occupies "Bradley Hall Moated Site" (Ref:1011924) (the Moat) which is a Scheduled Monument formerly associated with a manor house that no longer exists. There are a number of designated heritage assets beyond the Site boundary. The parties agree that the ones that would be affected by the proposal comprise the Grade II\* "Tanyard Farm Farmbuilding" (Ref: 1139363) (Tanyard Farm) and the Grade II "Barleycastle Farmhouse" (Ref: 1329741), "Booths Farm, Shippon on Left (North-West) Side of Farmyard" (Ref: 1139362) (the Shippon) and "Booths Farm Farmhouse" (Ref: 1329740) (Booths Farmhouse)<sup>5</sup>.

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<sup>5</sup> ID 39, paragraph 8.1



16. There are also a number of non-designated heritage assets within the site boundary. These comprise: Bradley Hall Farmhouse and Barn which are situated on the island formed by the moat; Bradley Hall Farm Buildings situated immediately to the east of this farmhouse; Bradley Hall Mediaeval Cross (the Cross), potentially situated near Bradley Hall Cottages; and part of the North Cheshire Ridge Roman Road (the Roman Road) potentially situated south of Grappenhall Lane and north of Bradley Hall Farmhouse. Only the first of these is locally listed. The locations of all of the above assets can be found on an associated map in the ES<sup>6</sup>.
17. There are three Public Rights of Way (PRoW) that cross the site, all of which are footpaths<sup>7</sup>. Footpath 31 runs along the access route from Cliff Lane to the north of Bradley Hall Cottages. Footpath 28 then runs from this point westwards towards the Appleton Thorn Trading Estate where it terminates at the site boundary. Footpaths 31 and 23 continue southwards from the eastern end of Footpath 28 to Barleycastle Lane, just to the east of Bradley Gorse. The entirety of the Site is within the Green Belt (GB).
18. Vehicular access to the Site is currently via Bradley Hall Farm from Cliff Lane. This provides direct access to Junction 20 of the M6 Motorway and Junction 9 of the M56 Motorway. There are also four agricultural access points onto the site from Grappenhall Lane.
19. An Air Quality Management Area (AQMA) overlaps the Site and extends a short distance from its eastern boundary. This arises from a 50 m continuous strip that has been designated along the proximal side of the M6 motorway corridor. The overlap is limited and consequently only a very small proportion of the Site falls within AQMA No. 1.

## Planning Policy

20. When the Inquiry opened, the emerging plan had been subject to the process of the Examination in Public and the Local Plan Inspectors (LPI) recommended the removal of the South East Warrington Employment Area (SEWEA) allocation, within which the appeal site was situated<sup>8</sup>. This position remained unchanged after a further Local Plan hearing to consider technical evidence relating to the proposed reduction in the employment land requirement, as indicated in a letter dated 2 August 2023<sup>9</sup>. The final LPI report to Warrington Borough Council (WBC) reached the following conclusion:

“There is no strategic need for the SEWEA allocation in terms of the need for employment land or the range and type of employment land that would be available. It would result in a significant encroachment into the countryside, undermining one of the purposes of the Green Belt and would cause severe harm to the openness of the Green Belt. It would also have a significant adverse effect on the character and appearance of the area. Whilst there would be economic benefits as a result of the allocation, these do not outweigh the above concerns. Exceptional circumstances to alter the Green Belt do not exist. The SEWEA is not justified, nor is it consistent with national policy.

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<sup>6</sup> CD 4.10, appendix 9.1, figure 9.1

<sup>7</sup> CD 4.152, appendix 5 shows the routes

<sup>8</sup> ID 53 Main Modifications Letter - 3 February 2023

<sup>9</sup> ID 35

Main modification MM024 would delete Policy MD6 and the associated reasoned justification and is necessary to address these concerns.”<sup>10</sup>

21. Officers subsequently recommended that the Cabinet approve the Main Modifications, as set out by the LPI, together with consequential amendments to the policies map and minor modifications that do not materially affect the plan<sup>11</sup>. These modifications were subsequently accepted, the SEWEA allocation was removed and the emerging plan was duly adopted on the 4 December 2023. The Warrington Local Plan 2021/22-2038/39 (2023) (LP) now forms the basis upon which this application is to be determined, in combination with the Appleton Parish Thorn Ward Neighbourhood Development Plan to 2027 (NP), which was made in 2017.
22. The Statement of Common Ground (SoCG)<sup>12</sup> sets out the NP policies that have some relevance to the application but, given the issues involved, consideration of whether the proposal would be in compliance turns on the particular policies that are set out below. During the course of the Inquiry and after the adoption of the emerging plan, the main parties agreed the LP policies<sup>13</sup> relevant to the determination of the application<sup>14</sup>. These are as follows:
  - **DEV4** - Seeks to ensure that there is a sufficient supply of employment land to support Warrington’s economic growth over the Plan period with Part 1 setting out a need for 168 ha of employment land.
  - **GB1** - Part 1 of this policy confirms that the general extent of the Borough’s GB will be maintained throughout the Plan period and to at least 2050. Part 10 confirms that planning permission will not be granted for inappropriate development within the GB, except in VSC. Part 11 requires a scheme of compensatory improvements to the environmental quality and accessibility of the land remaining in the GB.
  - **INF1** - Identifies a range of transport initiatives and supports the need to reduce travel by car.
  - **INF2** - Sets out the approach to safeguarding land in order to facilitate future transport improvements. Part 1 sets out some general safeguarding principles whilst part 2 specifies safeguarded land related to specific schemes. The Site is not affected by any of the schemes listed in part 2 of this policy.
  - **INF3** - Requires that all developments must demonstrate that engagement has been undertaken with the required statutory undertakers and infrastructure providers to ensure the delivery of required infrastructure.
  - **INF5** - Requires developments to provide or contribute towards the provisions of the infrastructure needed to support it. Part 5 of the policy sets out appropriate matters to be funded by planning obligations which include improvements to heritage assets, flood alleviation schemes, biodiversity enhancements, transport improvements and utilities.

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<sup>10</sup> ID 43, paragraph 185

<sup>11</sup> ID 44a, paragraph 1.2 (page 63)

<sup>12</sup> CD 4.155

<sup>13</sup> ID 48

<sup>14</sup> ID 55 and CD 7.1, paragraph 3.2



- **DC1** - Sets out the unique attributes and strategy for Warrington's places. The *Countryside and Settlements* section is relevant to the proposal. This seeks to protect areas of countryside from inappropriate development, in accordance with policy GB1.
- **DC2** - Seeks to ensure that the Borough's historic environment is protected, enhanced and proactively managed whilst supporting sustainable development.
- **DC3** - Sets out the Council's approach to protecting and enhancing existing green infrastructure, including improvements to its functionality, quality, access and connectivity. The policy also seeks to secure the provision of new green infrastructure.
- **DC4** - Relates to biodiversity and geodiversity within Warrington. It seeks to ensure that the Council will work with partners to protect, conserve and restore biodiversity, secure a measurable net gain for biodiversity and enhance public access to nature across the plan area. It also establishes the framework for assessing development proposals.
- **DC6** - Seeks to secure good design and high-quality places. The policy sets out a series of principles that should be followed in order to achieve this outcome. As the proposal is in outline, several of the criteria identified within this policy can only be fully satisfied through reserved matters applications.
- **ENV1** - Sets out the approach and guidance on how development should respond to waste issues within the Borough. It promotes sustainable waste management in accordance with the waste hierarchy and it encourages waste minimisation in new developments.
- **ENV2** - Seeks to ensure that all proposals assess and take account of flood risk. The policy requires Sustainable Drainage Systems (SuDS), compensatory and mitigation measures, flood resilience measures and the consideration of climate change impacts.
- **ENV7** - Requires new development for employment to minimise carbon emissions. It requires major development to meet at least 10% of its energy needs from renewable and/or other low carbon energy sources. The policy also requires large scale schemes to consider the feasibility of serving them by means of a district heating system.
- **ENV8** - Seeks to ensure that all development is located and designed so as not to result in a harmful or cumulative impact on the natural and built environment and/or general levels of amenity. It sets out a series of related environmental policy considerations.
- **M1** - Criterion 3 of this policy states that: "where total delivery of housing is less than 75% of the annual requirement for three consecutive years, or where jobs growth exceeds that of the forecasts used to inform the Plan's housing requirements for three consecutive years, this will trigger the need for the consideration of a review or partial review of the Local Plan". It also cross-references a monitoring framework which under DEV4 includes indicators relating to employment land completions.

23. The relevant NP policies<sup>15</sup> are as follows:

- **AT-D1** – Seeks to ensure that all new development within the area will be permitted where it makes a positive contribution to its distinctive character and be of good quality design. Among other things, it is expected to: maintain and enhance local identity and sense of place; respect the character and setting of any heritage assets; be suitable in terms of the overall design and appearance; and ensure that the use of space and landscape design is appropriate.
- **AT-D2** – Highlights a number of landscape design principles that should be incorporated into new development. Among other things, it is expected to: preserve and enhance the character of farmsteads; conserve and protect the integrity and fabric of historic buildings and their settings; preserve and enhance local habitats and wildlife corridors including, the retention of existing hedgerows and the establishment of new native hedgerows; conserve and enhance important local landscape features wherever possible, including mature and established trees; preserve the settings of open landscapes or buildings of architectural or historic character by avoiding, whenever possible, the siting of development in highly visible and intrusive positions or where it is unrelated to existing built development or landscape features; and conserve traditional farm buildings through continued and appropriate new uses.
- **AT-TH1** – Seeks, among other things, contributions towards highway improvement schemes to promote the safety of pedestrians and cycle users and increases in public and community transport schemes.
- **AT-TH2** – Encourages the provision of sustainable transport measures through providing and/or enhancing existing pavements, cycle paths and crossings to enable alternative modes of transport. This includes, among other things, contributions towards new pedestrian footpaths and cycle routes in the wider countryside and the provision of linkages to wildlife corridors and landscaping along routes to support local biodiversity objectives.
- **AT-E1** – Seeks to ensure that new employment opportunities are encouraged where, among other things, the scale is appropriate to the area and would not lead to the loss of open space or green infrastructure; have a good connection to the highway network and is acceptable in terms of highway safety and parking provision.

24. The parties agree that the most important policies are DEV4 and GB1 of the LP. The applicant additionally identifies INF1 of the LP in this respect.

25. During the course of the Inquiry a new Supplementary Planning Document (SPD) on planning obligations was consulted upon<sup>16</sup>. It provides guidance in relation to the infrastructure required to support different levels of development and includes provisions for GB compensation. It was subsequently adopted on

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<sup>15</sup> CD 2.3

<sup>16</sup> ID 60

the 8 July 2024. The applicant's approach to securing the necessary compensation is set out in a related note<sup>17</sup>.

26. As set out in the SoCG, there are further SPDs and a range of other documents that are of some relevance to the case. The most important of these can be found within the relevant sections of the CD library.

### **Planning History**

27. No previous planning applications, that are directly relevant to the Site, have been submitted to WBC. The only relevant planning history relates to the extant permission granted by Cheshire East Council, as already highlighted.

### **The Proposal**

28. The banner of this report sets out the description of the proposed development which would comprise the following elements:
- Up to 287,909 m<sup>2</sup> (3,099,025 ft<sup>2</sup>) of gross internal employment floorspace (Use Class B8 with ancillary B1(a) offices);
  - Alteration to the existing access to the site comprising two new roundabouts from the B5356 (Grappenhall Lane);
  - Works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 roundabout;
  - Demolition of farm buildings adjacent to the Bradley Hall Farmhouse;
  - Associated car parking and service areas;
  - Internal vehicle circulation roads;
  - Pedestrian and cycle circulation routes;
  - Earthworks to create development platforms and bunds;
  - Drainage features, including attenuation areas and SuDS;
  - Landscaping including noise mitigation features;
  - Ecological works including wetland ponds; and
  - An electrical substation and pumping station.
29. The proposal would be subject to a series of "parameters" that have been considered in the relevant sections of the ES. These include the following:
- Development Cells – developable areas across the site<sup>18</sup>;
  - Disposition – land use and disposition of uses across the site including the number of units and floor space<sup>19</sup>;

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<sup>17</sup> ID 75

<sup>18</sup> CD 4.1, paragraph 2.29

<sup>19</sup> CD 4.1, paragraph 2.31

- Green Infrastructure – strategic landscaping, green corridors, ecological mitigation and retained vegetation<sup>20</sup>;
  - Access and Circulation – points of access into the site, improvements to A50 junction and M6 J20 dumbbell roundabouts including existing, proposed and diverted footpaths and cycleways as well as areas safeguarded for potential highway improvements<sup>21</sup>;
  - Drainage – details of the proposed drainage strategy<sup>22</sup>;
  - Noise – including areas identified for noise mitigation<sup>23</sup>;
  - Building Heights – zonal areas identifying maximum building heights across the site<sup>24</sup>;
  - Heritage – buffer around Bradley Hall moated site Scheduled Ancient Monument<sup>25</sup>; and
  - Demolition – buildings proposed for demolition<sup>26</sup>.
30. An illustrative masterplan shows how the Site could be developed, taking account of the parameters plans<sup>27</sup>.

### **Case for the Applicant**

#### Background

31. The applicant maintains that the reason why it is still seeking planning permission for a site that is no longer allocated, is a conviction that planning is about bringing about change for the benefit of all. It claims that “extraordinary” benefits to “many people” would result if planning permission is granted and that it would materially change lives by bringing forward a substantial development which would improve economic wellbeing, investment and growth in Warrington. It suggests that this would also benefit the Northwest (NW) region as well as the national economy.
32. It notes that the application was historically supported by the Council through the emerging development plan in terms of the allocation of the wider site for employment use and its removal from the GB. The applicant recognises three material changes of circumstance during the course of the Inquiry. Firstly, the adoption of an updated development plan. Secondly, the removal of the land from employment use. Thirdly, the retention of the land within the GB.
33. Consequently, in law and in policy, the applicant recognises that it has to demonstrate that there are VSC that justify the grant of planning permission in the light of the promotion of inappropriate development in the GB and that there are other material circumstances of sufficient weight to set aside the statutory presumption in favour of the development plan, as set out paragraph

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<sup>20</sup> CD 4.1, paragraph 2.36

<sup>21</sup> CD 4.1, paragraph 2.44

<sup>22</sup> CD 4.1, paragraph 2.52

<sup>23</sup> CD 4.1, paragraph 2.58

<sup>24</sup> CD 4.1, paragraph 2.33

<sup>25</sup> CD 4.1, paragraph 2.62

<sup>26</sup> CD 4.1, paragraph 2.64

<sup>27</sup> CD 4.44

153 of the Framework and s70(2) of the Town and Country Planning Act 1990 (as amended) (TCPA) and the Planning and Compulsory Purchase Act 2004 (as amended). It is the applicant's firm belief that these tests have been met "significantly and clearly" by the proposal.

Landscape and Visual Impact

34. Detailed matters relating to this topic are set out in the relevant parts of the ES and the proof of evidence of the applicant's expert witness<sup>28</sup>
35. The applicant notes that methodologies for assessing landscape and visual harm identify significant harm in this particular instance considering the extent of change to the Site. However, it suggests that the significant adverse effect on the character and appearance of the area, as identified by the LPI, relates to the whole of the SEWEA allocation rather than just the current scheme. The applicant suggests that this would of had a greater visual impact.
36. It accepts that the proposal would lead to a very large development, across a wide area, that would cause material and significant harm to the character and appearance of the area. The applicant notes that no proposal of this magnitude could have any other effect on visual amenity and landscape character.
37. The applicant stated during the course of the Inquiry that the maximum building heights Above Ordnance Datum (AOD) would include the finished floor levels and the height of the individual buildings which would vary across the site from 16 m (at ridge height) at the western most extent of the Site to 30 m at the centre of the Site<sup>29</sup>. It notes that the maximum building heights would be controlled by the heights parameter plan which indicates that they would vary between around 84 m to 91 m AOD<sup>30</sup>. In terms of existing ground levels, it highlights the fact that they currently vary between 67 m to 53 m AOD and that the ridge height of the adjacent employment site buildings varies between about 15 m to 18 m above existing ground levels<sup>31</sup>.
38. The applicant highlights the fact that no party contends that this development could take place on brownfield land and that in 2021, the SoS at the time accepted that the loss of greenfield land in 4 out of 5 called-in applications could be justified when considering the economic benefits that would accrue<sup>32</sup>. Additionally, it also observes that the need to use a greenfield site to meet this need is also uncontested.
39. The applicant points out that the Site is not valued in terms of paragraph 180 of the Framework and that the sensitivity of any local Landscape Character Area (LCA) is no more than "medium". It suggests that the affected landscape is not of great sensitivity or value and that this is an important baseline against which to consider the harm that would occur.
40. The applicant is of the opinion that the majority of the landscape harm would be caused to LCA 1b (Appleton Thorne). It observes that it is heavily influenced by the close proximity of the Appleton Thorne Industrial Park and Barleycastle

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<sup>28</sup> CD 4.5 and CD 6.2

<sup>29</sup> ID 29, paragraph 1.4

<sup>30</sup> CD 4.19

<sup>31</sup> ID 29, paragraph 1.5

<sup>32</sup> ID 50, appendix DR04

Trading Centre. It suggests that its rural character is significantly diminished by existing large-scale infrastructure which includes the nearby motorways and the noise that they generate. Nevertheless, the applicant accepts that there would be a moderate to substantial adverse effect on this LCA. It maintains that the effects on LCA 3A and 7A would be less pronounced.

41. The visual effects of the proposal have been considered in relation to 29 receptors, as set out in the ES<sup>33</sup>. For receptors in close proximity, this would vary from moderate to substantial and the applicant accepts that the effects would be both material and harmful. This not only includes habitable dwellings but also a number of pedestrian receptors<sup>34</sup>. It points out that the receptors are generally limited, considering the topography of the site and the intervening vegetation which would assist in screening views. The applicant observes that this would be further assisted by the proposed landscaping, earth bunds and woodland planting.
42. The applicant acknowledges that moderate to substantial harm would be caused to the nearest receptors. Part of the evidence considered by the Council in relation to the original application included a Residential Visual Amenity Assessment (RVAA)<sup>35</sup>. This goes beyond the scope of an LVIA and focusses exclusively on private views and visual amenity and whether the magnitude of the effects would be capable of adversely affecting the living conditions of existing and future occupants. This is known as the residential visual amenity threshold. This threshold is passed when proposals dominate habitable room views to the extent that the "liveability" of a dwelling is compromised.
43. The applicant's RVAA covered all residential properties within 500 m of the boundary of the Site which included 20 residential properties along Barleycastle Lane, Broad Lane, Cartridge Hill, Cliff Lane as well as Bradley Hall Cottages and Bradley View. The threshold was not reached in relation to any of these dwellings but the applicant acknowledges, in oral evidence, that it is a 'high bar'. The landscape witness also confirmed that views from Bradley View and Bradley Hall Cottages would only be partially mitigated by the proposed planting. Whilst this would also be the case for Bradley Hall Farmhouse, residential use would cease at that location prior to commencement as secured via the s106.
44. The LVIA considers effects on the same receptors as the RVAA and notes that the proposed development would dominate views and bring about a large change. This would not only relate to daytime views but also night-time views across what is currently a relatively dark landscape. Views from the south would be such that the proposed units would appear above the skyline and vegetation along Bradley Brook. Closer views from Bradley Hall Cottages and Bradley View would be dominated by the proposal, according to this evidence.
45. The applicant maintains that minimal tree loss would be required to implement the proposal and that significant areas of woodland and hedgerows would be retained. It also highlights beneficial elements of the landscape and ecological

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<sup>33</sup> CD 4.5

<sup>34</sup> CD 6.2, paragraphs 6.3.9 to 6.3.13

<sup>35</sup> CD 152, paragraph 10.325



mitigation that would include the provision of new ponds, a wildflower meadow and grassland as well as new hedgerows and woodland planting.

46. The applicant stresses the opinion of its landscape witness, that any significant visual effects would be restricted to within 1 km of the Site and that the majority of these impacts would be within or close to the boundaries of the Site where such impacts are inevitable. It points out that the zone of visual influence is localised and that significant adverse effects would only occur within an area between 0.5 km and 1 km from the centre of the Site.
47. The applicant notes that it is inconceivable that a development of this magnitude would not be more widely visible and its landscape witness conceded that there would be "glimpsed", longer distance views beyond the 1 km buffer. In response to one of my questions, he noted that views to the north, in particular, would be subject to filtering and layering and that the views from the top of the ridge are more expansive than views towards the ridge from locations proximate to the southern boundary of Warrington.
48. In summary, the applicant maintains that the resulting harm would not affect a valued landscape or one that is "above the ordinary" or that there is any credible contention to the contrary. The applicant also considers it material that no one contends that there is a landscape in the vicinity that could host the development, with less harm, that the applicant has either ignored or avoided.

#### *Economic Needs and Benefits*

49. Detailed matters relating to this topic are set out in the relevant parts of the proof of evidence of the applicant's expert witnesses<sup>36</sup>. They comprise an analysis of employment land need and logistics supply and demand. Starting with logistics supply and demand, the applicant makes the following points.
50. The applicant observes that it is a unique site given its proximity to the junction of the M6 and M56 and this locational characteristic is of paramount importance for logistics proposals. The applicant maintains that there is no better site for bringing about the proposed development, as established by a commissioned logistics study<sup>37</sup>. This ranks the Site first when compared with other potential sites in the region. The applicant emphasises the fact that it has been identified not just as a contender but as the best site by what it regards as a "leading consultancy"<sup>38</sup>.
51. The applicant suggests that there may only be a 9-month supply by the end of 2024 which could lead to a crisis in 2-3 years and a potential market failure. It highlights the following in relation to this matter:

"This situation is a potential crisis down the road which will lead to market failure and therefore reinforces the urgent need for additional floor space. If consented, Six 56 will become the best strategic employment site in the NW and due to its attributes will be top of the list for the majority of occupier requirements. Its prime location on the M6 along with its ability to offer a wide range of unit sizes including several plots over 46,500 m<sup>2</sup>, gives it a

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<sup>36</sup> CD 6.9, ID 51, ID 52, ID 52a, ID 64, ID 69 and ID 72 - CD 6.7 was superseded by ID 51 due to a change of expert witness during the course of the Inquiry and has not been relied upon by the applicant.

<sup>37</sup> ID 51, appendix 9 - Model Logic Logistics Study, March 2023

<sup>38</sup> ID 81, paragraph 109.5.1 (B8 Real Estate)

unique position compared to all other consented sites. In my opinion, not granting consent for the scheme will be a very significant missed opportunity for the NW region, the town and the economy.”<sup>39</sup>

52. Although there was a downturn in logistics demand in 2023, the logistics witness pointed out, in oral evidence, that greater confidence has since returned and that there has been an increase in enquiries during the first quarter of this year and that take-up has already reached last year’s level, as of June 2024 when this evidence was given. The applicant contends that 2023 was not representative due to political and economic uncertainty<sup>40</sup>.
53. However, in cross examination the witness conceded that the threat of market failure had, in fact, receded since the submission of his first proof and that there was a 24-month supply based on the 10-year average take-up of 266,109 m<sup>2</sup><sup>41</sup>. Whilst the witness stressed that there had been significant interest, he conceded that not many of the speculative units under construction, greater than 9,290 m<sup>2</sup>, were under offer<sup>42</sup>.
54. Turning to larger sites, the witness observed a notable increase in enquiries above 46,450 m<sup>2</sup> and that there are only 4 consented sites in the region capable of accommodating units of this size, one of which is under offer<sup>43</sup>. The witness suggested that the suitability of most of these larger units is tempered by their sub-optimal, peripheral locations in Birkenhead, Widnes and Ellesmere Port. The overarching point being that the current supply, at a scale comparable to the current scheme, is simply “not what the market wants”.
55. The applicant makes the point that there is no other site, including Fiddler’s Ferry, in the newly adopted plan that would meet the specific needs of the strategic logistics sector to the same extent. It also notes that there are no alternative sites outside the GB that can meet the needs of the strategic logistics sector to the same extent.
56. It observes that this is supported by a logistics study that ranked the Site first<sup>44</sup>. In oral evidence, the applicant’s witness also regards it as a “10 out of 10” site for logistics and observes that he has only come across 2-3 similar sites in his 30-year career. The witness notes that the Site would be capable of accommodating a single unit up to 93,026 m<sup>2</sup> which would be the largest single floor plate in the region<sup>45</sup>. In his opinion, the consequences of not proceeding with the scheme would be that logistics operators, with a need for larger sites, would go outside the region rather than utilise the larger sites that are currently available.
57. In terms of demand, the applicant highlights the fact that the industrial and logistics market has expanded with increasing volumetric capacity as technology and handling systems have improved. It notes that a significant part of this expansion has resulted from internet shopping and highlights the fact that ONS data shows that this has grown from 2.5% of total retail sales in 2006 to 26.3%

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<sup>39</sup> ID 69, paragraph 1.25

<sup>40</sup> ID 69, paragraph 1.25

<sup>41</sup> ID 69, paragraph 1.13

<sup>42</sup> ID 69, Paragraph 1.9

<sup>43</sup> ID 69, paragraph 1.25

<sup>44</sup> ID 51, appendix 9 – Model Logic Logistics Study, March 2023

<sup>45</sup> ID 69, Paragraph 1.25



in October 2023, after peaking at 37.8% during the Covid pandemic<sup>46</sup>. The applicant identifies a number of market trends including the need for taller buildings with 15 m clear height from the floor slab, larger floorplates, buildings with better environmental performance ratings and greater power supplies to support automation and vehicle charging<sup>47</sup>.

58. The applicant contends that the Site would bring about “enormous if not overwhelming economic benefits”. It highlights the fact that it could potentially lead to the creation of over 4,000 jobs given that the proposal would create nearly 3 million square feet of employment floorspace. It suggests that this would lead to considerable direct and indirect benefit to the regional economy.
59. Turning to employment land need, the applicant makes the following points.
60. It suggests that the LPI misjudged the extent of employment land need during the local plan examination and contends that a flawed analysis led them to conclude that there was a requirement of 168 ha, as opposed to the preferred requirement of 280 ha that the applicant promotes. It maintains that the figure that was accepted by the Council, when it adopted the plan, was not derived in accordance with the PPG which requires business needs to be based on rigorous evidence of market demand.
61. It observes that the evidence base for the submission draft of the emerging plan relied on a 2021 refresh of the Economic Development Needs Analysis (EDNA) that utilised past take up rates and labour demand modelling<sup>48</sup>. The applicant points out that the EDNA considered the most appropriate approach to forecasting employment need related to historic take up rates. The EDNA, according to the applicant, states that alternative labour demand modelling is not as representative of property requirements. The applicant contends that this has been demonstrated through a retrospective analysis undertaken by its witness<sup>49</sup> and that this is also apparent from the data presented in the EDNA<sup>50</sup>.
62. The applicant notes that the submission version of the emerging plan endorsed the EDNA approach and was based on a forward projection of past take up rates which led to an estimated need of 316 ha of employment land. The fundamental concerns of the LPI, according to the applicant, were that such an approach failed to result in a broad alignment with the housing need figures and the consequent growth in the labour supply. It also notes their concerns that the scale of logistics need at a sub-regional and regional level had not been adequately quantified.
63. The applicant observes that the LPI made a prediction of how many jobs would be available in the light of the housing figures. The applicant describes the approach as being predicated on a need for broad alignment between employment land provision, estimated jobs growth and labour supply, in order for the local economy and housing market to function effectively and to avoid substantial increases in unsustainable commuting patterns. As a result, the requirement was reduced to 168 ha to achieve this broad alignment and provide

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<sup>46</sup> ID 51, paragraph 4.2

<sup>47</sup> ID 51, paragraph 5.2

<sup>48</sup> CD 4.159

<sup>49</sup> CD 6.9, paragraph 3.32

<sup>50</sup> CD 4.159, table 39

a reasonable degree of flexibility, see examination report and main modifications for further details<sup>51</sup>. The applicant takes issue with this approach for a number of reasons.

64. Firstly, because it ignored past take up rates of employment land and prioritises labour demand and supply models which ignores what has happened “on the ground”. Furthermore, that the derivation of the labour demand figure that underpinned the analysis was unclear. The applicant is confused and maintains that the stages in the calculation were not transparent or logical in its view.
65. Secondly, because the LPI misjudged the components relevant to the proposed employment land and came to the conclusion that the likely jobs growth from the proposed quanta of housing land would be in excess of that which could be supported by the increased labour supply resulting from the level of planned housing growth. They determined that the proposed allocation of 316 ha would result in around 42,400 additional jobs in the local economy, in excess of an assumed labour supply of 18,300<sup>52</sup>.
66. The applicant points out that this differs significantly from the evidence of its own witness which suggests that the allocated land would have generated between 14,611 and 22,256 jobs. In essence, the applicant maintains that the way in which it considered potential jobs growth was more realistic and that there would be no appreciable imbalance between labour demand and supply on the basis of the original allocation, which included the current scheme. The applicant contends that the LPI did not take all of the necessary factors into account and that this played a decisive role in their decision to reduce the amount of allocated employment land as part of the main modifications.
67. The applicant also questions the basis of the adopted employment land allocation of 168 ha. It observes that the LPI applied a figure of 142 jobs per hectare to the known labour supply of 18,300 jobs. It observes that this is derived from data relating to 1996-2020 total jobs and land change ratio<sup>53</sup>. The applicant suggests that this was a period during which a significant proportion of development was related to a higher density of offices, rather than the current and future market outlook, which is more focussed on industrial and warehouse development. It contends that, the job density and resulting employment land figure directly opposes market signals and bears no relationship to the objectively assessed employment land need for Warrington. It maintains that this is not consistent with the advice in the PPG or the approach set out in the EDNA.
68. The applicant notes that the LPI observed that the scale of the logistics and employment land needs at a sub-regional and regional level had not been adequately quantified. The applicant highlights new evidence that was submitted to the Inquiry, summarised in the relevant proof addendum, which shows a shortfall of at least 172 ha<sup>54</sup>. More specifically, the applicant considered the approaches that have been applied across a number of different Functional Economic Market Area (FEMA) level studies<sup>55</sup>. On this basis, it

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<sup>51</sup> ID 43, ID 43a, ID 43b and ID 43c

<sup>52</sup> ID 43, paragraph 60

<sup>53</sup> CD 3.2, paragraph 11

<sup>54</sup> ID 72, table 4.1, Functional Economic Market Area and Warrington Wider Economic Geography

<sup>55</sup> ID 72, paragraph 4.15

considers historic completions, net absorption (i.e. change in total space occupied) and traffic growth and replacement demand to be key determinants<sup>56</sup>. The applicant focusses on completions and net absorption as these data were readily available from a subscription-based property database known as CoStar<sup>57</sup>. This allowed the net absorption and completion rates for units greater than 9,300 m<sup>2</sup>, across the FEMA and Wider Economic Geography (WEG), to be considered between 2009 and 2022. This suggests a regional, large-scale unit requirement between 864 ha (net absorption) and 967 ha (completions) over the plan period<sup>58</sup>. In the absence of evidence to the contrary, this establishes that there is an unmet regional need.

69. The original evidence considered by the LPI is set out in a matters statement associated with an additional hearing on employment land requirement<sup>59</sup>. The applicant maintains that there is a significant under provision of employment land in the newly adopted plan on this basis alone whilst pointing out that its own objectively assessed need for Warrington is nearer to 280 ha which justifies the proposed development despite the removal of the allocated site from the emerging plan.

#### Highways and Transport

70. Detailed matters relating to this topic are set out in the relevant parts of the ES and the proof of evidence of the applicant's expert witness<sup>60</sup>. The site location is adjacent to the M6 and M56 and the applicant considers it to be exceptionally well located in relation to the Strategic Road Network (SRN). It notes that both the M56 and M6 are less than 1 km from the site which equates to a drive time of less than five minutes. The SRN provides access to Liverpool which is around 13 miles to the west and Manchester which is around 19 miles to the east. The applicant stresses that the national motorway network can be reached from both junctions in an expeditious and simple manner. The vehicular access would be via two new roundabouts on Grappenhall Lane to the north of the site. The scheme would deliver highway improvements at the A50/M6 Junction to the east of the site, as required by the WBC Highway Authority (HA) and National Highways (NH).
71. The applicant points out that active travel would be encouraged through a new 1.2 km, 3.5 m wide, shared footway/cycleway along Grappenhall Lane. This would have street lighting and the speed limit would be reduced to encourage use. An additional contribution of £405,000 would extend the footway further to the west and south in order to connect it to the wider network of footways. The applicant points out that the contribution and the improvements along Grappenhall Lane would deliver around 1.6 km of new pedestrian and cycle infrastructure to provide a continuous link between the site and Appleton Thorn to the west. These improvements would link to the pedestrian and cycle infrastructure that would be delivered as part of the Southeast Warrington Urban Extension.

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<sup>56</sup> ID 72, paragraph 4.8

<sup>57</sup> ID 72, paragraph 4.18

<sup>58</sup> ID 72, table 4.3

<sup>59</sup> ID 74

<sup>60</sup> CD 4.3, CD 6.4 and ID 38

72. The applicant highlights the fact that public transport improvements would also be delivered via a £685,000 contribution towards a bespoke shuttle bus service to serve the Site. The applicant suggests that the service would connect the deprived areas of Warrington with the Site at appropriate times and that it would also provide benefits to the occupiers of an adjacent employment site who currently have limited public transport access. A Travel Plan has been prepared which is supported by a £50,000 contribution for monitoring and implementation in collaboration with the HA and this would be supervised by a steering group, similar to one that was formed for the Warrington Omega Business Park.
73. The applicant highlights the fact that the scheme is supported by technical evidence submitted as part of the ES<sup>61</sup> which was prepared in consultation with the HA and NH. According to the applicant, both the HA and NH agree that the proposed development would not give rise to unacceptable traffic and transport impacts, subject to the implementation of the agreed mitigation. The applicant observes that neither party attended the Inquiry nor contested this position.
74. The applicant points out that detailed modelling has been undertaken and once the necessary mitigation is in place, the A50/M6 Junction is predicted to operate with levels of queuing and delay that are better or at least comparable to the existing situation. It also highlights the fact that highway safety data for the surrounding road network over the last five years indicates that there are no "unusual highway safety issues".
75. The applicant considers that the scheme would deliver sustainable development, as viewed through the lens of paragraph 87 of the Framework, which specifically recognises the locational requirements of different sectors. It also points out that the remoteness of the Site from any existing settlements is typical of sites deemed appropriate for B8 logistical use where the overriding requirement is good connectivity to the SRN.
76. Within this context and bearing in mind the provision of sustainable transport modes set out above, the applicant suggests that the Site is in an accessible location and in accordance with relevant policies the Framework and policy AT-TH2 of the NP. It notes that the sustainable transport opportunities would also benefit local residents and employees of existing employment units.
77. The applicant responded to some specific points that were made regarding highway impacts by interested parties in the written and oral evidence of its witness. In particular, it highlights the Rule 6 Party's concerns that the trip generation and distribution calculations were not robust because all HGVs were assigned to the motorway network whilst smaller electric delivery vehicles could use local roads to the west and south, thus bypassing the HGV weight restrictions and impacting local communities.
78. The applicant highlighted the following points in the oral evidence of its transport witness:
  - There is no certainty that operators will use fleets of smaller vehicles and many use standard HGVs;

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<sup>61</sup> CD 4.3

- Even if smaller vehicles are used, the fastest route to Manchester and Liverpool is still via the M6;
  - Even if this were not the case, the Transport Assessment considers all types of movements;
  - The trip generation is based on surveys at Omega North which provides robust figures that are higher than TRICS;
  - Omega North is likely to have comparable operational practices to the proposed site so smaller vehicles would be captured in the generation figures;
  - All HGVs are assigned to the motorway network, but cars and vehicles under 3.5 t, which could include electric vehicles, are assigned to a combination of the motorway and the local network; and
  - The trip generation rates, composition of traffic and distribution were all agreed with the HA and NH.
79. The applicant believes that the evidence establishes how the site could be made sustainable and how there would be no severe residual cumulative impact arising from traffic associated with the proposed development. As a result, it suggests that there are no policies in the Framework or the LP to suggest that the proposal should be refused on transport grounds, as supported by expert, technical evidence and the opinions of the HA and NH.

#### Heritage

80. Detailed matters relating to this topic are set out in the relevant parts of the ES and the proof of evidence of the applicant's expert witness<sup>62</sup>. The applicant's position in relation to the harm that would be caused to designated and non-designated heritage assets was set out at closing and will not be repeated here for the sake of brevity<sup>63</sup>. The parties are in agreement concerning the assets to be considered. The applicant emphasises the fact that Historic England (HE) did not object to the proposal, subject to conditions.
81. The applicant contends that best practice has been followed in considering the significance of these heritage assets and in identifying the effect of the proposal through the submission of expert evidence. The applicant's witness on this matter evaluated the impacts on designated and non-designated heritage assets in and around the Site. The witness made particular mention of the Moat, Bradley Hall Farmhouse and Barn, Bradley Hall Farm Buildings, the Roman Road and the Cross within the Site. Although these last two assets were initially considered, no evidence of their presence was found during walkovers or through geophysical survey of the Site<sup>64</sup>. Beyond the Site, particular mention was made of Tanyard Farm Farmbuilding and Barleycastle Farmhouse.
82. This evidence states that the proposal would result in harm to the setting of a number of designated and non-designated heritage assets. In this respect, it concludes that less than substantial harm would be caused to the Moat and

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<sup>62</sup> CD 4.10 and CD 6.3

<sup>63</sup> ID 81, table 1

<sup>64</sup> CD 6.3, paragraph 5.24

Tanyard Farm. Additionally, the applicant also accepts, in the SoCG, that less than substantial harm would be caused to the Shippon and Booths Farmhouse. It also identifies minor harm to the setting of a number of non-designated heritage assets as well as major harm to Bradley Hall Farm Buildings as a result of their demolition. The applicant considers that no harm would be caused to Booths Farmhouse and the Shippon because of the enclosure of the farmstead by trees and the urbanising effect of the industrial estates to the north and the south<sup>65</sup>.

83. Insofar as the Bradley Hall Farm Buildings are concerned, the applicant notes that the southern building range represents the first phase of building activity associated with the farm and was the precursor to the later courtyard arrangement<sup>66</sup>. It observes that this has been much modified through subsequent infilling and the accretion of lean-to structures. The ES notes that many of the original features associated with the southern and eastern range, which are the earliest phases, have been replaced at some point in the 19<sup>th</sup> or 20<sup>th</sup> centuries, including the roof which comprises bolted trusses. It goes on to suggest that the eastern gable of the southern range appears to have been rebuilt given the different material treatment below the eaves and the insertion of mock Tudor timbers and a taking-in door during the interwar period.
84. The applicant highlights the fact that the assessment undertaken by the local planning authority on heritage matters was consistent with the ES submitted in support of the planning application and that no objection was consequently raised by the Cheshire Archaeology Planning Advisory Service. The applicant notes that its planning witness found that the public and planning benefits of the proposal would clearly outweigh the harm identified to both the designated and non-designated heritage assets.
85. The applicant suggests that it has set out the extent of harm which is required to be weighed in the external balance and makes the following points in closing: HE did not object; there would be no direct harm to any designated heritage asset; the only effects under consideration are harms to their setting; the level of harm has been reduced by design changes, such as the 30-metre buffer around the SAM; it would be rare for any proposal of this scale to not affect the setting of heritage assets; and that the public benefits clearly outweigh the impacts in this instance. The applicant suggests that this is comparative to another called-in scheme that has been approved<sup>67</sup>.

#### Air Quality

86. Detailed matters relating to this topic are set out in the relevant parts of the ES and the proof of evidence of the applicant's expert witness<sup>68</sup>. This evidence addressed the likely changes in local air quality during the construction and operational phases of the development. This included the impact of exhaust emissions from the predicted increase in traffic and the cumulative effects of other planned development.

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<sup>65</sup> CD 6.3, paragraphs 7.22 and 7.23

<sup>66</sup> CD 4.10, paragraph 5.61

<sup>67</sup> CD 4.126, Parkside Employment Scheme

<sup>68</sup> CD 4.9, CD 6.5 and ID 36



87. The key findings are set out in the following extract<sup>69</sup> which states that:

“The results of the modelling indicate that with the development, the predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at existing receptors are below the relevant long and short-term AQS objectives for both 2021 and 2029. When the magnitude of change in annual-mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations is considered in the context of the absolute predictions, the air quality impacts of the development on existing receptors are categorised as ‘negligible’ at all receptors for 2029 and PM in 2021. For NO<sub>2</sub> in 2021, the impact descriptors range from ‘negligible’ to ‘moderate adverse’. There is one receptor where the impact descriptor is ‘moderate adverse’ for NO<sub>2</sub> in 2021 and a further eight where the impact descriptor is ‘minor adverse’. At all other receptors the impact descriptor is ‘negligible’. Taking into account the geographical extent of the impacts predicted in this study, the overall impact of the development on the surrounding area, as a whole, is considered to be ‘negligible’, using the descriptors adopted for this assessment. Using professional judgement, the resulting air quality effect is considered to be ‘not significant’ overall.”

88. The applicant maintains that this technical evidence establishes that ambient air pollutant concentrations would continue to reduce over time. It suggests that relative changes in the annual and short-term average of nitrogen dioxide (NO<sub>2</sub>), particulate matter of 10 micrometres or less in diameter (PM<sub>10</sub>) and particulate matter of 2.5 micrometres or less in diameter (PM<sub>2.5</sub>) at all of the identified residential receptor locations would be negligible, even with the increased traffic generation associated with the scheme.

89. The applicant also highlights the fact that potential air quality impacts on Woolston Eyes SSSI was assessed. The critical load from the predicted deposition of nitrogen oxides (NO<sub>x</sub>) at the closest point of this site indicates that impacts would be negligible. The applicant also considered the impact of increased traffic movements on Manchester Mosses SAC, specifically in relation to Holcroft Moss. This was the subject of a HRA that was submitted during the course of the Inquiry, as already highlighted. The applicant points out that this was subject to consultation with NE<sup>70</sup>. It will be considered further in the following section.

90. The applicant responds to several representations that highlighted World Health Organisation (WHO) air pollution information<sup>71</sup>. It disputes the interpretation that Warrington as being “in the top five of most polluted locations in the UK”. This is because the WHO analysis relies on annual data measured at the Selby Street monitoring station in Warrington. The same dataset was included in the ES and has been evaluated according to the applicant. The witness observed that an analysis of the raw data from the Selby Street monitoring station for 2022 had been undertaken to specifically address the preceding representations. On this basis, the applicant’s witness observed, in oral evidence, that the Warrington levels are not in the top five for any of the published pollutants (NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>) when the raw data is analysed. The witness speculated that its ranking may have previously been associated with emissions from the now decommissioned, Fiddler’s Ferry power station.

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<sup>69</sup> CD 4.9, paragraphs 7.47 – 7.48

<sup>70</sup> See ID 32 and ID 33 for further details

<sup>71</sup> Ambient Air Quality Database v11, 29 May 2018

91. Concerns were also raised in relation to fine airborne particulate matter (PM) generated by vehicle tyre and brake wear. The witness pointed out that this material is measured by the background monitoring systems and is also included in the modelling of traffic-related emissions. The applicant maintains that this impact was consequently covered in the ES.
92. Overall, the applicant maintains that the proposed development, either by itself or in combination with other developments, would not result in any exceedances of health-based, air quality objectives. Furthermore, it also asserts that air quality within relevant AQMAs would not be significantly affected or that there would be any significant effect on designated "ecological sites". The applicant considers that there would be very limited harm to air quality and on the basis of the evidence submitted, the relevant requirements of the Framework, LP and UK Air Quality Strategy Objectives would be met.

### Ecology

93. Detailed matters relating to this topic are set out in the relevant parts of the ES and the proof of evidence of the applicant's expert witness<sup>72</sup>. According to the applicant, this evidence establishes that most of the Site has a relatively low ecological value given the fact that it largely comprises agricultural land dominated by intensively grazed pasture and species-poor hedgerows. This evidence identifies areas of greater value which include: species-rich hedgerows along the eastern site boundary and Bradley Brook; semi-natural broadleaved woodland habitats comprising Bradley Gorse and Wright's Covert; a network of 12 ponds; and Bradley Brook itself.
94. The "Priority Habitats" (Habitats of Principal Importance) are limited to native hedgerows, semi-natural broadleaved woodland and those ponds supporting "Priority Species" (Species of Principal Importance), according to the applicant. The habitats were considered to be of local importance, along with Bradley Brook. The species comprised a number of amber and red-listed *Birds of Conservation Concern* as well as brown hare, hedgehog and common toad. The applicant is of the opinion that the species using the site are of no more than local importance.
95. The protected species that are present comprise various species of bat and includes non-maternity roosts. Additionally, a small population of great crested newts in one of the ponds on the site has been identified. The applicant contends that the surveys that have been undertaken provide a full and adequate baseline against which to consider the ecological impact of the proposal and readily accepts that it would result in a loss of habitat.
96. The applicant points out that new habitats, including an ecological mitigation area that has already been granted planning permission, would offset these losses. It stresses that the landscaping would also deliver the following biodiversity benefits: new and enhanced hedgerows; new tree and scrub planting; enhancement of retained woodlands and grasslands; new and enhanced ponds with a 2 for 1 replacement ratio; and strengthened wildlife corridors along Bradley Brook, the Site boundaries as well as through the centre of the Site.

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<sup>72</sup> CD 4.6, CD 6.6, ID 37 and ID 70



97. More generally, the applicant relies on pre-commencement surveys for key species and a Biodiversity Construction Environmental Management Plan to mitigate adverse effects on both protected species and species of conservation importance during the construction phase. It suggests that speed limits, wildlife-friendly lighting and ecological corridors would serve this purpose during the operational phase.
98. The applicant recognises that two out of three bat roosts in existing buildings would be lost through demolition activity but maintains that the provision of alternative roosts, in combination with improvements to commuting and foraging habitats and sensitive lighting, would mitigate this impact.
99. The loss of a pond containing great crested newts and common toads would be mitigated through the provision of new ponds with supporting habitats that would be subject to long-term management. The applicant maintains that this would provide enhanced, better connected and more sustainable conditions for the existing amphibian populations.
100. The applicant accepts that there would be minor adverse residual impacts on brown hare and hedgehogs. This would also be the case for breeding skylark, overwintering lapwing and starling. As these adverse effects cannot be mitigated on the Site, due to the nature of the development, the impact on bird species would be compensated via offsite measures secured through a planning obligation. The applicant believes that the overall effect on resident species would not lead to significant harm that would weigh against the proposal.
101. The off-site bird mitigation has been secured through a contribution of £1,993,838 that would deliver appropriate habitat management over a 30-year period on a Council owned site at Gatewarth which is on the banks of the Mersey, to the northwest of the Site. The suitability of the site is set out in additional evidence submitted during the course of the Inquiry<sup>73</sup>.
102. In July 2023, the applicant prepared the HRA during the first adjournment of the Inquiry. This demonstrated that there would be no likely significant effects arising from the scheme alone but that there would be an in-combination likely significant effect when predicted traffic flows from the emerging Warrington and Greater Manchester local plans were considered. Consequently, an adverse effect on the integrity of the Manchester Mosses SAC could not be ruled out.
103. The applicant maintains that this adverse effect would be mitigated through a contribution of £112,285 towards the restoration of Holcroft Moss in tandem with the travel policies and SAC habitat mitigation set out in the adopted plan which has also been subject to a HRA<sup>74</sup>. The applicant concludes that there would consequently be no adverse effect on the integrity of Manchester Mosses SAC. The applicant points out that NE agreed with this conclusion and that it "matched" the Council's HRA.
104. The applicant points out that there were no ecological grounds of objection from WBCs own advisors, NE, the Environment Agency or Cheshire East Council. Furthermore, the applicant observes that the WBC case officer originally concluded that, subject to conditions and a planning obligation, that there would

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<sup>73</sup> ID 70

<sup>74</sup> ID 30

be no unacceptable impacts on ecology or biodiversity. It suggests that the indicative parameter plans demonstrate how the mitigation hierarchy has been applied as well as the ecological benefits that would arise from the enhancement and creation of new green infrastructure. It points out that a conditioned phasing plan would ensure that the losses and gains would be appropriately synchronised across the site. It also suggests that positive management for at least 30 years will turn intensively managed agricultural land into a more diverse mosaic of habitats of greater value to wildlife.

105. The applicant points out that whilst the proposal is not subject to the 10% mandatory Biodiversity Net Gain (BNG) requirement, it would nevertheless deliver 16% onsite BNG for general habitats and 25% BNG for hedgerows. This would be in accordance with the indicative green infrastructure parameters plan that has been submitted, according to the applicant.
106. Given the above, the applicant maintains that the scheme complies with chapter 15 of the Framework and would be in accordance with policies DC3 and DC4 of the LP. It also observes that it would comply with the relevant sections of policies AT-D2 and AT-TH2 of the NP in this respect. It believes that all necessary measures have been taken to ensure favourable conservation status of European Protected Species (bats and newts) that are on the Site and it feels that it is reasonable to assume NE would issue the necessary licences.
107. In summary, the applicant maintains that the outline mitigation and compensation demonstrates how the proposal meets the requirements of the mitigation hierarchy, wildlife legislation, planning policy and voluntarily exceeds mandatory BNG requirements.

#### Planning Balance

108. Detailed matters relating to this topic are set out in the relevant parts of the proof of evidence of the applicant's expert witness and at closing<sup>75</sup>.
109. The applicant accepts that the proposal would not be in compliance with the LP but identifies a number of policies that weigh in its favour<sup>76</sup>. It goes on to identify eight specific harms that would occur, as set out below.

#### *GB*

110. The applicant accepts that significant weight needs to be given to this harm, as required by paragraph 153 of the Framework, because the proposal would lead to inappropriate development in the GB.
111. The applicant notes that the fundamental aim of the GB is to keep the land permanently open to prevent urban sprawl. Consequently, it accepts that the proposal would be harmful in these respects and accepts that this attracts significant weight, both in terms of the spatial and visual effects on openness.
112. The applicant points out that the purpose of the GB around the Site was considered at some length by the Council during the local plan examination and that it concluded that "the only real harm" would be encroachment into the countryside. It also notes that the LPI made it clear that there would only be

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<sup>75</sup> CD 6.8, CD 6.10, ID 50 and ID 71

<sup>76</sup> ID 81, table 2

harm to “one of the purposes”. The applicant agrees with those views and accepts that there is **significant weight** associated with this harm.

*Heritage Assets*

113. For the reasons set out above, the applicant attaches limited to **moderate weight** to the harm that would be caused.

*Planning System*

114. The applicant accepts that there would be harm to the planning system that would affect public confidence in a plan-led approach. However, it makes the point that the law allows for material considerations to outweigh the development plan, even if recently adopted and given its full weight, as required by statute. The applicant attaches **limited weight** to this harm.

*Best and Most Versatile (BMV) Land*

115. The applicant accepts that the proposal would result in the loss of around 25 ha of BMV agricultural land but notes that the majority of the Site, comprising around 73 ha, is not BMV. It suggests that the loss of BMV has consequently been minimised. The applicant attaches **limited weight** to this harm.

*Air Quality*

116. For the reasons set out above, the applicant attaches **very limited weight** to this harm.

*Landscape Character*

117. For the reasons set out above, the applicant attaches **moderate to substantial weight** to this harm.
118. The applicant maintains that the cumulative weight to be given to the harms is **moderate to significant**. On the other hand, the applicant identifies the following benefits.

*Planning Policy*

119. The applicant highlights the fact that the Framework is a key expression of Government planning policy and that this is highly consequential. It points out that one of the overarching objectives of the Framework is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity. The applicant contends that the economic benefits of the proposal is “completely of the right type in the right place and at the right time”.
120. It also contends that the proposal would help meet the overarching social objective of the Framework that seeks to support strong, vibrant and healthy communities. The applicant points out that this would flow from the significant investment in the proposal and the jobs that would be generated by future occupants.
121. Finally, the applicant maintains that the overarching environmental objective would be met as a result of the biodiversity gains that would occur. The applicant specifically highlights paragraph 85 that seeks to ensure that planning

decisions should help create the conditions in which businesses could invest, expand and adapt. It also highlights paragraph 87 which requires the specific locational requirements of different sectors to be taken into account in planning decisions including the “storage and distribution operations at a variety of scales and in suitably accessible locations”. The applicant attaches **significant weight** to the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development, as required by paragraph 85 of the Framework.

#### *Employment Land*

122. The applicant maintains that there is a proven requirement for a significant uplift in employment provision in Warrington. The applicant maintains that it is an “incredibly attractive location” in the NW and that it is at the epicentre of occupiers’ requirements. It notes the concession of the R6 party that it has a “huge strategic locational advantage where demand for sites for logistics related development is almost incapable of being satisfied.”<sup>77</sup> It maintains that there would be a crisis in the provision of logistics land supply unless it improves significantly.
123. It notes that 2023 was an exceptionally low year for take up and must be viewed as an exception. It observes that the take-up in 2024 was considerably better and that a significant proportion of existing stock will have been taken-up by the end of the year. It highlights the fact that the additional buildings in the pipeline in the NW would not meet the locational requirements of strategic logistics occupiers. It observes that there has been a significant upturn in enquiries for large units with only four locations currently available in Deeside, Heyward, Preston and Crewe, only one of these being situated on the M6 corridor. The applicant suggests that by the end of the year, there would be only a 9-month supply and that this will lead to a crisis in 2-3 years.
124. The applicant makes the point that locationally poor sites, such as Birkenhead, can only be utilised at very significant cost which includes ‘trunking’ if the site is remote from the motorway network. It also observes that speculative development in secondary locations, such as Birkenhead, remain unoccupied for long periods. It suggests that occupiers will either wait for a suitable location or relocate outside the NW region. This leads the applicant to claim that the proposal would deliver what the market wants and that the units would be a “utopia” scoring “10/10”, as stated by the applicant’s expert witness. Accordingly, the applicant attaches **significant weight** to this benefit.

#### *Alternatives*

125. The applicant maintains that it has considered alternative sites since the application was first submitted and that the lack of them is further corroborated by evidence submitted to the Inquiry<sup>78</sup>. It maintains that this analysis has been endorsed by the Council and that there is simply no other site. On this basis, the applicant attaches **significant weight** to this benefit.

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<sup>77</sup> ID 80, paragraph 29

<sup>78</sup> ID 50, appendix DR05

### *Location*

126. The applicant observes that the location benefits from a unique access to two junctions of the M56 and M6 that are in very close proximity. Moreover, that it is "perfectly suited" to benefit from access to Manchester and Liverpool. The location is ranked first by the applicant's own employment land supply witness. It maintains that its suitability is also corroborated by the EDNA<sup>79</sup> which concluded that it was the only site in the emerging plan granted an A+ rating. The applicant gives this benefit **significant weight** as a result.

### *Economic Gains*

127. The applicant maintains that the construction and operation phases the proposal would generate a significant number of jobs. It has estimated that at least 183 construction jobs will be created during the 6.5-year construction phase as well as an estimated 46-84 indirect, direct and induced jobs. It is predicted that the operation phase would lead to the creation of direct and indirect jobs between 3,129 to 4,113. Consequently, the applicant attaches **significant weight** to this benefit.

### *Social Gains*

128. The applicant maintains that the above jobs would be undertaken by local people, as encouraged through a Local Employment Agreement. It also contends that significant training and career advancement would be available for those employed on the Site. As such the applicant gives this benefit **significant weight**.

### *Environmental Gains*

129. For the reasons set out above, the applicant attaches moderate to **limited weight** to this benefit.

### *Highways and Buses*

130. The applicant includes the provision of the shuttle bus service in this benefit. For the reasons set out above, it attaches **moderate weight** to this benefit.

### *Cheshire East*

131. The applicant suggests that the position of Cheshire East in terms of having approved part of the scheme, attracts **moderate weight**.
132. The applicant maintains that the cumulative weight to be given to the benefits of the proposal is **very significant**.

### Conclusion

133. The applicant observes that the planning system can be a force for good and that it can fundamentally change lives for the better by improving the environment, providing social benefits and bringing about economic growth. It contends that this would be the case if permission were granted for the proposal and that it would be a "real game changer" for Warrington, the region and the country. The applicant notes that it has the capacity to provide for between 4

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<sup>79</sup> CD 4.93

to 13 units with a total floorspace just below 300,000 m<sup>2</sup>. As a result, it contends that it will become a site of national significance to the country's economy.

134. It observes that it has been subject to considerable scrutiny and that no harm has been identified that is so weighty as to outweigh the benefits that would flow if planning permission were granted. The applicant notes that the current policy framework allows inappropriate development in the GB if there are Very Special Circumstances (VSC) to justify it and believes that this exception applies in this instance. It also observes that harm can be caused to both designated and non-designated heritage assets if the public benefits outweigh that harm.
135. The applicant highlights the fact the Council originally concluded that the identified need, absence of alternatives and socio-economic benefits was compelling and weighed very heavily in favour of the proposed development and that there were VSC to outweigh the harm to the GB<sup>80</sup>. It relies on the conclusions of past SoS decisions that have allowed logistics development in the GB to justify the acceptability of the current scheme in this respect<sup>81</sup>. It also highlights a more recent decision where harm to the GB was accepted shortly after a development plan was adopted<sup>82</sup>. On this basis, the applicant suggests that these cases and the evidence presented provide a compelling justification as to why planning permission should be granted.

## **Case for the South Warrington Local Plan Working Group**

### Background

136. Whilst the emerging local plan was under consideration, two major proposals for distribution related development emerged, including the one that is the focus of this Inquiry. The other application was submitted jointly by Liberty Properties Development Ltd and Eddie Stobart Ltd (the Stobart Appeal)<sup>83</sup>. It abutted the boundary of the present site. Together, they accounted for land that was allocated for employment in the emerging plan, known as the SEWEA. A significant level of local concern also led the SWP to object to these applications. The adjacent proposal was refused permission and dismissed on appeal whilst the current proposal was recommended for approval prior to being called in for determination by the SoS<sup>84</sup>.

### *Green Belt Impact*

137. SWP identifies three potential 'harms' to the GB that need to be considered. It views the first as definitional harm that arises due to the proposal being inappropriate development in the GB and then a further two 'actual' harms in terms of harm to openness and harm to the purposes of the GB. It highlights the views of the LPI in this respect, as set out in their post hearing letter of 16 December 2022<sup>85</sup>. The relevant extract is set out below:

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<sup>80</sup> CD 4.151, paragraph 12.2

<sup>81</sup> ID 50, appendix DR04, paragraphs 1.4, 1.8, 1.13 and 1.17

<sup>82</sup> ID 71, appendix 1, page 112

<sup>83</sup> CD 4.139

<sup>84</sup> CD 4.150

<sup>85</sup> CD 3.2



“The site for the proposed SEWEA is located immediately to the east of the Appleton Thorn Trading Estate, Barleycastle Trading Estate and Stretton Green Distribution Park which are inset within (excluded from) the Green Belt. However, it is separated from the urban area of Warrington by significant areas of open countryside which are also within the Green Belt. In terms of the purposes of the Green Belt, the primary role of the site in its current form is to assist in safeguarding the countryside from encroachment. The site is bounded to the south by the M56, the east by the M6 and the north by the B5356 and so the allocation could create strong, permanent Green Belt boundaries. Nonetheless, the scale and extent of the site and the development proposed on it would involve a substantial incursion into largely undeveloped and open countryside. It would represent significant encroachment into the countryside.

The information within the Masterplan Development Framework is illustrative at this stage, though it sets out the broad parameters for the comprehensive development of the area for large scale distribution, logistics, industrial uses and ancillary offices. The site is largely flat with limited internal and boundary vegetation, and therefore has a high degree of openness. Such visual openness would be lost to development on a considerable scale, accommodating very large buildings and associated vehicles. The visual harm to the openness of the Green Belt would be severe.

Considering the landscape and visual impacts of the allocation more broadly, the overriding character of this area is as part of Warrington’s rural hinterland. This is somewhat undermined by the existing warehouse and industrial developments to the west and the motorways to the south and east. However, the scale and form of the development proposed would be transformative in nature, substantially expanding the industrial character of the adjacent area. Furthermore, the site is located on part of the highest land in the Borough, which then gradually descends northwards towards a central band of low lying, reasonably level land. Whilst tree planting could assist with mitigating visual impacts, it is likely that development on the scale proposed would cause substantial visual intrusion, particularly when viewed from roads and PRoW to the north. It would have a significant adverse effect on the character and appearance of the area.

To conclude on this issue, there is no strategic need for the SEWEA allocation in terms of the need for employment land or the range and type of employment land that would be available. It would result in a significant encroachment into the countryside, undermining one of the purposes of the Green Belt and would cause severe harm to the openness of the Green Belt. It would also have a significant adverse effect on the character and appearance of the area. Whilst there would be economic benefits as a result of the allocation, these do not outweigh the above concerns. Exceptional circumstances to alter the Green Belt in this case do not exist. In order for the Local Plan to be justified and consistent with national policy the proposed SEWEA and Policy MD6 should be deleted therefore.”

138. Since the adoption of the new plan, on the 4 December 2023, the SWP observes that the policy position is now clear and that the provisions of paragraph 147 and 148 of the Framework bite. It suggests that the proposed development is inappropriate and is, by definition, harmful to the GB and that it should not be

approved except in VSC. It observes that these will not exist unless potential harm by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. It highlights the fact that these provisions are now reflected in LP policy GB1(10).

139. In considering the harms, it also highlights the conclusions of the appeal for the adjoining, smaller site where the Inspector concluded that it made a strong contribution to safeguarding the countryside from encroachment and accordingly fulfilled a fundamental aim of protecting its openness<sup>86</sup>. It was considered that the proposed development would represent a clear encroachment into the countryside and that the scale of the proposal, together with related vehicular activity would give rise to an adverse impact on both spatial and visual openness. The SoS agreed with these views and dismissed the appeal<sup>87</sup>. Given the larger scale of the current scheme, such impacts are described as significant and severe according to the SWP.
140. SWP observes that the grant of planning permission in this case would require one of the most stringent tests of the planning process to be passed – the demonstration of VSC to clearly outweigh harm by reason of inappropriateness. Considering the above, it is the firm belief of the SWP, notwithstanding wider harm, that this test has not been passed. In its view, in addition to definitional harm there is also clear harm to the fundamental aim of GB policy to prevent urban sprawl by keeping land permanently open. It observes that the development would result in urban sprawl, that existing open countryside will be lost to large areas of urban development and that encroachment into the open countryside would result.
141. It also highlights PPG advice that impacts on openness can arise not just from physical buildings but also from the degree of activity likely to be generated. In this respect, the SWP highlights that there would be parking for 2,400 cars, plus an unspecified number of loading bays and areas for the parking and storage of vans, trailers and tractor units. The level of harm resulting from the development to the principle of the GB, its purposes and visual harm is unassailable in its opinion.
142. SWP considers that the called-in applications highlighted by the applicant, where B8 employment use justified VSC, are not the same in all respects because none of them were determined in the context of a newly adopted plan where such needs had been tested.

#### Landscape and Visual Impact

143. SWP maintains that the proposal represents the largest single development on an unallocated site in Warrington. It notes that the Site measures around 98 ha which equates to 43 "Halliwell Jones" rugby stadiums<sup>88</sup>. In comparison, it observes that the combined area of the Stretton Airfield and Barleycastle Industrial Estates is around 70 ha.
144. SWP observes that the site is located on one of the highest points in Warrington at 67 m AOD and that the submitted floor plans indicate a finished floor level of

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<sup>86</sup> CD 4.139

<sup>87</sup> CD 4.139

<sup>88</sup> The Halliwell Jones Stadium is home to Warrington Wolves Rugby League Club



between 61.5 m and 65.5 m AOD. It observes that the landform slopes away from the frontage of the site, on Grappenhall Lane, falling to 10 m AOD at the Manchester Ship Canal which is approximately 3 km away.

145. As a result, the SWP maintains that the proposed structures would not only be in a prominent position in the landscape but the natural landform would also need to be significantly altered to accommodate the proposal. It observes that the tallest building on the site would be 30m above ground level.
146. SWP suggests that the elevated position of the site is apparent to any observer looking north from Grappenhall Lane. To illustrate this point, an image showing a view north, from the edge of the Site, at the junction of Grappenhall Lane and Cartridge Lane, is provided. It observes that in the mid-ground it is possible to see the A50 as it rises towards the junction with Grappenhall Lane. SWP concedes that it did not undertake any formal landscape appraisal but simply seeks to highlight the site context.
147. It notes that both the LPI and the Stobart Appeal Inspector identified the prominence of this area, which combined with the scale of buildings would result in harm to the appearance of the locality. In particular, it notes in relation to the former that "development on the scale proposed would cause substantial visual intrusion, particularly when viewed from roads and PRoW to the north. It would have a significant adverse effect on the character and appearance of the area." <sup>89</sup> It also highlights an appraisal of the applicant's Landscape and Visual Impact Assessment (LVIA) that was commissioned by the Council which led to a modification of the current scheme<sup>90</sup>. It finds nothing in the evidence of the applicant's landscape witness to contradict these views.
148. SWP notes that the report found a degree of consensus about the extent of the landscape and visual effects and that the proposed perimeter landscaping and attenuation bunding were not expected to be effective in overcoming the significant landscape and visual effects that would occur. It also notes the finding that these mitigation measures would have their own impact on the character and amenity of the local countryside and residential receptors by foreshortening what are currently open views and establishing anomalous landforms. The SWP is of the opinion that the proposed development would consequently cause substantial landscape harm.

#### *Economic Needs and Benefits*

149. SWP has highlighted the need to consider the benefits of the scheme in order to determine whether VSC exist that outweigh the identified harm. It does not dispute the detailed figures relating to need or the quantification of the economic benefit of the proposed development. It recognises that this is the primary basis on which the applicant claims that VSC exist. However, it makes some broader contextual observations which draws upon the experience of its representative, Mr Groves.
150. It notes that 20<sup>th</sup> century development in the Borough has been increasingly dominated by access to the motorway network with the M6 running north – south, the M62 connecting Manchester and Liverpool and the M56 connecting

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<sup>89</sup> CD 3.2, paragraph 29

<sup>90</sup> ID 16

Chester and North Wales with South Manchester. Consequently, the Borough has attracted high levels of demand for logistics-based operations. It observes that the availability of former World War II ex-military bases initially supported this demand, particularly with development at Risley, Birchwood and Woolston, together with the former Stretton Airfield which is situated next to the Site.

151. More recently, land has been released which formed part of the former Burtonwood Airbase and which is now part of the Omega development and Chapelford Urban Village. It notes that none of the Omega or Chapelford sites have been included in the GB and that the wider mix of development has been seen as a major regeneration project linking employment and residential development opportunities, including major infrastructure provision such as the new Warrington West Railway Station, on the site of the former RAF Burtonwood Airbase.
152. SWP highlights the need to balance economic benefit for Warrington, in the form of jobs, with the fact that new development commonly rationalises logistics facilities into more modern accommodation on single sites, but at the cost of the closure of existing facilities elsewhere in the NW. It accepts that whilst logical, Warrington's gain was to the detriment of less well-located neighbours. It observes that one operator on the Omega site closed seven smaller depots in the process of relocating to Warrington at that time. It recognises that such decisions reflect complex business management decisions but that it is important to consider the purpose of the planning system which is to provide an appropriate level of intervention. In this respect, it highlights paragraph 7 of the Framework which states that the purpose of the planning system is to contribute to the achievement of sustainable development in terms of meeting the needs of the present without compromising the ability of future generations to meet their own needs.
153. SWP considers that the basis of the need for the proposed development is overstated and relies on an exaggeration of the benefits. It observes that the EDNA<sup>91</sup> is partly based on the Cheshire and Warrington Local Enterprise Partnership – Strategic Economic Plan (SEP)<sup>92</sup>. It suggests that this document has always been presented as the key basis for an aspirational approach to growth, largely based on geographical location of the town in relation to the strategic road and rail networks. It observes that the levels of growth expected for Warrington are almost entirely predicated by demand for logistics-based operations and that this approach was rejected as unsound by the LPI.
154. It suggests that the SEP and EDNA establish a "self-fulfilling prophecy" in that they demonstrate Warrington's location as a key asset and then promote it to demonstrate need and demand. On that basis, the SWP states that the size of the expected growth may be "over egged" and that the benefits of that scale of development are, in any event, outweighed by the harm that would be caused. It notes that even if a robust need were present, the planning system is in place to provide a counter to economic driven assessment and to balance other factors against market forces.
155. SWP highlight the LPI letter of 6 December 2022, in particular the following:

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<sup>91</sup> CD 4.93

<sup>92</sup> CD 4.117

“Given its location in relation to the junction of the M6 and M56 Motorways and its current greenfield, largely undeveloped nature, the site proposed for the SEWEA is clearly attractive to the development industry, particularly with respect to the logistics sector. There is strong interest in progressing proposals for the site and it would be likely to come forward for development relatively quickly ... There is no strategic need in quantitative terms to alter the Green Belt and allocate land for employment development at the SEWEA or in Warrington as a whole”.

156. SWP highlights the fact that employment land need was considered at length during the local plan examination process and that an extra hearing<sup>93</sup> was held to consider additional evidence from the applicant’s employment land need witness who also provided evidence on the same topic to this Inquiry<sup>94</sup>. It notes the detailed consideration which led the LPI to conclude that the employment land need only amounted to 168 ha and that no exceptional circumstances justified the SEWEA allocation<sup>95</sup>. It points out that this is a less demanding test in comparison to the VSC that permit harm to the GB, as set out in *Compton Parish Council v SSHCLG* [2019] EWHC 3242.
157. The SWP goes on to note that the applicant did not challenge the adoption of the plan in terms of its employment land allocation which flowed directly from the recommendations of the LPI. It views the sustained argument that the reasoning of the LPI is flawed and that the adopted plan is consequently wrong as “perverse”<sup>96</sup>. It acknowledges the locational advantage of Warrington in relation to logistics sites but that it should be for the planning system, through the development plan, to make informed judgements on a strategic level as to how land might be allocated to meet such demands.
158. The SWP notes that the applicant’s planning witness clarified that its case is that the proposal would meet Warrington’s local and wider strategic needs. However, this wider strategic need is not so simplistic as to be the unmet demand of the FEMA, as set out in the applicant’s employment need evidence<sup>97</sup>. The SWP notes that such an approach rightly leads to questions of why here and why now? Instead, it maintains that the strategic need is just what the applicant judges to be the appropriate and that the logistics industry is imposing how much it thinks should be borne, contrary to the sustainable level of need that the Council has very recently determined through a robust, plan-led process.
159. The SWP contends that should the employment land requirement change and unmet needs result, then there is an established review mechanism<sup>98</sup>. It notes that this is linked to a specific commitment to review such needs before the end of the plan period<sup>99</sup>. It disputes the applicant’s view that this would be inadequate because there is an urgent need that requires immediate action. This is because there is a three-year buffer to support flexibility and enable a sufficient pipeline of sites. SWP notes that the numerical evidence on employment land demand shows that it dropped in 2023 and that there was an

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<sup>93</sup> ID 31

<sup>94</sup> CD 6.9, ID 52, ID 52a, ID 64 and ID 72

<sup>95</sup> ID 43

<sup>96</sup> ID 80, paragraph 27

<sup>97</sup> ID 52, table 4.5

<sup>98</sup> ID 48, policy M1

<sup>99</sup> ID 48, paragraph 4.2.22

increase in B8 logistics stock during the six months prior to the most recent update to this evidence<sup>100</sup>.

160. Whilst only a snapshot, it highlights that the current supply was between 22-24 months in terms of existing units and those under construction at the close of the Inquiry. It highlights the fact that this exceeds the historic supply of 12-18 months which, the applicants own evidence suggests, enabled occupier requirements to be met<sup>101</sup>. It also notes that the upper end of the current range is sufficient to prevent market failure according to the same evidence<sup>102</sup>.
161. Whilst the SWP does not dispute the calculations supporting the applicant's case, it suggests that there is a degree of uncertainty over the economic consequences of the development and the true benefit to the local economy. To illustrate this point, it highlights independent specialist advice sought by the Council suggesting that the annual benefits to the local economy are likely to be around £67.4m rather than the £216m estimated by the applicant.<sup>103</sup> It observes that the difference of around £148m per annum is based on two expert judgements and that reliable decisions cannot be made on that basis.
162. In a similar vein, SWP also highlights the significant differences in the estimated employment figures. It points out that the applicant claims that the operation of the site would result in 4,113 jobs (gross FTEs) within the Borough whilst the specialist advice to the Council only suggests that this would create 2,989 jobs. It goes on to highlight differences in the estimated net FTEs with 1,990 suggested by the applicant with an alternative figure of around 1,412, as derived from the advice.
163. It observes that there is also uncertainty concerning the scale of the direct benefit to the deprived parts of Warrington because the underlying causes of deprivation are not just linked to the scope for employment. SWP maintains that it is also related to lower levels of life expectancy, poor health, poorer levels of educational attainment and greater numbers with a first language other than English. It also observes that the unemployment rate of 3.3% is below the regional and national averages and that there is no robust, causal evidence that specific developments have benefitted the deprived wards of Warrington.
164. It questions the types of jobs that would be created and notes that unskilled janitorial and cleaning services are more likely to use a regional or national operator with staff potentially being brought in from outside Warrington. It observes that there is no basis to assume that staff engaged to provide such services will come from the immediate locality or be accessible to those parts of Warrington with higher levels of unemployment.
165. In terms of wider economic benefits, SWP observes that the Site is detached from major areas of population as well as any local services. It notes that there are no shops or facilities in the village itself, with the exception of the Thorn Public House, and that the closest shops are Tesco on Knutsford Road (3.5 km), Stretton Post Office (4 km) and Dudlows Green (4.2 km). It observes that

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<sup>100</sup> ID 69

<sup>101</sup> ID 51, paragraph 7.9

<sup>102</sup> ID 51, paragraph 14.4

<sup>103</sup> CD 4.151, paragraph 10.195

larger distribution sites typically operate their own catering facilities which would limit wider benefits to the local economy.

166. SWP consider that it is over simplistic to present increased payments of business rates as a macroeconomic benefit. It notes that business rates are a payment for services and that the proposed development would be reliant on those services, whether highways maintenance, traffic controls or emergency services. It also finds it over simplistic to assume that staff salaries and spend on goods and services will remain within the local economy. It observes that the applicant accepts that only half or less of those working on the site would come from the Warrington area which it suggests provides an illustration of the leakage of the financial resource created in Warrington to areas outside the Borough.
167. Overall, SWP contend that without challenge to the exact numbers produced, the true level of benefit resulting from the proposed development should be viewed with caution. Consequently, it cannot be relied upon to "clearly outweigh" the harm that would be caused.

#### Highways and Transport

168. SWP do not dispute the quantitative appraisals provided by the applicant which show how the development would function in terms of its effect on the wider highway network. However, it highlights the fact that the Officer Report states that the arms of junction 21 of the M6 are operating at and beyond capacity, with queuing and congestion occurring.<sup>104</sup> It notes that the problems associated with this junction are frequently experienced and that this is confirmed by the technical findings of highways consultants advising on the application. Consequently, morning and afternoon peaks would see queues of vehicles travelling southbound on the A50 and eastbound on Grappenhall Lane.
169. It observes that it is common for the traffic light system on the north bound slip road onto the M6 to cause queuing back onto the dumbbell roundabout which also affects the Grappenhall Lane/A50 roundabout. It also observes that the nature of the junction, where the southbound off-ramp meets the A50, is such that it frequently results in problems for HGV's entering the roundabout. Heavy traffic leaving the M6 and M56 northbound or travelling from Appleton Thorn or Stretton Airfield to Lymm Truck Stop also causes problems on the southbound on-ramp. It notes that vehicles struggle to find adequate gaps to enter the roundabout under these circumstances and that if HGVs do attempt to leave the southbound slip road, they often block movement of vehicles already on the roundabout. It observes that a similar situation occurs as vehicles leave the A50 from the Lymm truck stop and truck wash facility. It suggests that access to the roundabout on this arm is complicated by adverse gradients and cambers which often results in HGVs setting off at low speeds which further compromises the free flow of traffic.
170. It maintains that the mitigation offered by the proposed development would effectively make roads wider and create more space for traffic to queue. The nature of these works would further add to GB impacts according to the SWP. It notes that the conditions described above can arise even under normal traffic

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<sup>104</sup> CD 4.151, paragraph 10.86

conditions and that the volume of traffic on the M6 is such that problems are very frequent and compounded by lane closures and breakdowns. It observes that vehicles leave the motorway and use routes through Warrington when this occurs which adds to congestion in the town centre.

171. SWP notes that there was some discussion during the LP inquiry which suggested that goods could be delivered to the SEWEA by HGV and then "broken down" and transported to their final destination by smaller electric vehicles. SWP is unclear whether this form of traffic generation has been adequately explored in the applicant's traffic modelling. Whilst HGVs would be subject to restricted routes, this would not be the case for smaller goods vehicles which could access the local road network. It notes that the only way an HGV can enter or leave Stretton and Appleton Thorn is via Grappenhall Lane and onto the A50. It also observes that there are weight limits on the Barleycastle Lane and the B5336, west of Appleton Thorn Village. Broad Lane cannot be used by HGV's because of bridges over the Bridgewater Canal with weight limits of 7 tonnes. No such restrictions would apply to smaller delivery vehicles on these routes. The increased traffic would affect the character and appearance of the countryside and also the living conditions of local residents, in addition to the adverse highway effects.
172. SWP notes that provision would be made to secure a dedicated shuttle bus service but opines that this would only be successful if access by private cars is limited. It suggests that the provision of 2,400 parking spaces is not consistent with the applicant's stated ambition to discourage car use. It also observes that comparisons with the B52 bus route serving the Omega development may not be valid because that site is closer to residential areas that are already served by other bus services and that it only provides a link between the "Westy area" and the town centre. Bearing this in mind, as well as the expectation that workers would come from a wide variety of locations, it is unclear to SWP how the scheme would reduce dependence on the private car.
173. SWP also takes issue with the proposed footways and cycleways in terms of their urbanising effect and their practicality. It observes that the cycleway and footway along the frontage of the site would terminate at a point 180 m east of the Broad Lane Roundabout. It maintains that it is unclear how a cyclist or pedestrian would then continue beyond this point.
174. More specifically, it notes that a cyclist travelling from Grappenhall would have to use the A50 which is a busy arterial route with no lighting where the national speed limit applies. It suggests that walking on the footway along this road from the traffic light junction with the A56 is unpleasant and potentially dangerous. This is because access to the Grappenhall Lane from the west, and vice versa, requires negotiation of the dumbbell roundabout at junction 21. It also observes that access via Broad Lane requires use of a busy road, up a steep hill on an unlit route with a speed limit of 50 mph. It notes that access from Appleton Thorn would be along roads of the same status. It maintains that access to the site by any means other than the private car would be unattractive.
175. In summary, SWP contends that the Site is not in an accessible location and that the proposal would add to the problems of an already congested road network. It states that there are few reasonable alternatives to the use of



private motor vehicles. It finds this contrary to the development plan and inconsistent with the approach advocated in the 2022 Freight and Logistics Strategy which advocates distribution and logistics developments which are served by rail<sup>105</sup>. It also highlights that any response to climate change depends on modal shift away from the car and road borne transport.

### Heritage

176. SWP suggests that the proposed development pays insufficient regard to the scheduled monument at the centre of the site. It notes that the applicant describes the impact as “insignificant” as a consequence of the proposed landscaping treatment and improved public access. SWP view the impact and resulting harm as substantial and do not accept that it would be mitigated by the proposed landscaping or justified by any benefits. It suggests that this is the case because the monument would be surrounded by “tall featureless buildings” that would remove any semblance of the historic setting for the Hall and its moat.
177. It equates the visual intrusion and associated impact on the wider character and appearance of the area with impact on this asset. It suggests that even if the impact is less than substantial, paragraph 201 of the Framework requires that harm to be weighed against public benefit. SWP is of the opinion that there would be no public benefit because the LPI concluded that exceptional circumstances did not justify the release of the wider employment site from the GB. It goes on to state that there would be no public benefit because the need for the development is not proven.

### Air Quality

178. SWP notes that there are a number of existing AQMAs in Warrington that are based around the motorway corridors of the M6, M56 and the M62 as well as the A49 as it enters the town centre. It maintains that the proposal would increase the risks associated with poor air quality and highlights the findings of the Warrington Air Quality Annual Status Report 2022<sup>106</sup>. It observes that this shows an improvement in levels of NO<sub>2</sub> but an increase in levels of PM (PM<sub>2.5</sub> and PM<sub>10</sub>) and suggests that the source of this pollution is recognised as being associated with road transport. Although it recognises that increases in traffic could be balanced by technological changes that would remove road vehicles as a source of NO<sub>2</sub> and harmful particulates by 2040, it observes that this would be outside the plan period and that significant parts of the development would take place before changes in technology come into effect. It also notes that development would reach a peak in the 2020s, some 15 years prior to this occurring.
179. SWP highlight WHO data<sup>107</sup> which identifies towns and cities exceeding the recommended WHO limit of 5 µg/m<sup>3</sup> for PM<sub>2.5</sub>. At 14 µg/m<sup>3</sup>, Warrington is considered to have one of the highest levels for this type of particulate in the UK according to SWP. It observes that whilst the local Air Quality Action Plan (AQAP) notes “strong evidence” of an impact from this particulate, it only has one monitoring site on Selby Street, adjacent to the A57, and that there has

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<sup>105</sup> CD 4.105

<sup>106</sup> CD 4.80

<sup>107</sup> Ambient Air Quality Database v11, 29 May 2018



been no assessment of any hot spots where raised levels may be present. It suggests that data from the Selby Street monitoring site indicates levels of between 30 and 85  $\mu\text{g}/\text{m}^3$ , which is considered dangerous by the WHO. It also notes that air monitoring equipment has been in place in Stockton Heath for two years and that this indicates a daily average for  $\text{PM}_{2.5}$  of 8.47  $\mu\text{g}/\text{m}^3$  which exceeds the WHO threshold of 5  $\mu\text{g}/\text{m}^3$ .

180. It suggests that the additional transport demands arising during the plan period would need to be accommodated through a modal shift or their impact lessened through technological change in terms of reducing vehicle emissions. It also highlights the policy imperative of resisting new developments that would have an adverse impact on air quality. It is of the opinion that the scale of the proposed development would undermine policy objectives to reduce road use, exposing residents to higher levels of  $\text{NO}_2$  and  $\text{PM}_{2.5}$  with consequent issues for morbidity and premature mortality. It observes that the AQAP for Warrington<sup>108</sup> relies on achieving the modal shift and wider provisions of the Local Transport Plan (LTP)<sup>109</sup>. It is the view of SWP the totality of this plan is undeliverable and it notes that document itself also has no expectation of infrastructure being delivered within the plan period.

### Planning Balance

181. SWP note that this application has to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would not be in accordance with policies DEV4 or GB1 of the LP or AT-D1 and AT-D2 of the NP according to the SWP. Consequently, it suggests that the proposal is contrary to the underlying strategic objectives and spatial strategy of a very recently adopted plan which has been tested through an Examination in Public.
182. It is agreed that the proposed development should be seen as inappropriate development in the GB. The SWP maintains that it would result in a clear encroachment into the countryside, result in urban sprawl and potentially impact on the scope to secure regeneration, giving rise to a significant harm to the purposes of the GB, and that the harm to openness would be severe and significant. Taken together with the definitional harm, by reason of inappropriateness, the Framework makes it clear that **substantial weight** should be attached to this harm.
183. In terms of other harm, the SWP concludes that the proposed development would have an adverse impact on the character and appearance of the surrounding area, to which it attaches **significant weight**. It also attaches **moderate weight** to the harm that would be caused to ecology, heritage assets and air quality.
184. SWP accepts that the economic benefits should be afforded weight but questions whether this is diminished through uncertainty over its magnitude and the precise way in which it would accrue. It points out that such benefits "cannot be assessed through any clear and decisive arithmetical measure" and that any such assessment must be informed by planning judgement<sup>110</sup>.

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<sup>108</sup> ID 63

<sup>109</sup> CD 4.62

<sup>110</sup> ID 80, paragraph 26

185. It also disputes the multiple economic benefits that the applicant identifies in its planning balance and maintains that a singular weight should be given to employment need/demand, site suitability and deliverability. The physical separation of the site from parts of Warrington where additional employment opportunities might be of benefit also diminishes the weight which should be afforded to this consideration, according to the SWP.
186. SWP accepts that the proposed improvements to M6 J20 and the A50/B5356 roundabout would benefit not only development-related traffic, but also other traffic on the network. However, it observes that producing a “nil detriment” situation at these junctions implies that there would be no overall improvement to the road network. It observes that both junctions would be congested without the proposed development and that this situation would not change if it were to proceed.
187. In such circumstances, it questions whether there would be any positive benefit. It suggests that even if other material considerations, such as adverse impacts on air quality, are insufficient to justify refusal, they would nevertheless add to the cumulative weight of the harm that would be caused by the proposal. SWP suggested that the proposed mitigation measures would lead to further encroachment of the open countryside and gave such harm **moderate weight** at the close of the Inquiry.
188. SWP asserts that the substantial weight arising from the GB harm, together with the other harms, would not be clearly outweighed by other considerations and that VSC do not exist to justify this inappropriate development in the GB. This would conflict with the policies of the LP and the NP and would be inconsistent with the Framework. It is of the opinion that to decide this appeal other than in accordance with the LP would “entirely undermine the plan led system and circumvent the detailed examination process that led to it”<sup>111</sup>.

### Conclusion

189. SWP contends that harm arises from the fundamental inconsistency with the development plan. Harm arises from the accepted impact of the development on the principle of the GB and the reasons for including land within the GB. There is negative impact on openness. The development results in encroachment into the open countryside, urban sprawl and goes against policies which seek to support urban regeneration. In this context, it will be difficult for the Council to resist further development within the defunct SEWEA allocation outside the Site.
190. SWP believes that the cumulative harm resulting from the development, together with GB harm and the failure to comply with the provisions of the development plan result in a very substantial benchmark for the level of harm that would result from the development.
191. The only benefit arising from the development relates to the ability of the Site to meet logistics demand. SWP acknowledges that there is a demand and that some of the existing sites are not attractive to developers and/or future occupants. Whilst the evidence presented shows how development might assist

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<sup>111</sup> ID 80, paragraph 17

in the efficiencies of logistics operators, there is limited benefit to Warrington and particularly to those experiencing the impact of the removal of land from the GB, according to the SWP.

192. It states that it is the role of the planning system to direct development to locations where harm is minimised and benefit maximised and that it will not always be appropriate to meet market or developer demand. In doing so, it would give developers justification for developing GB irrespective of policies in newly adopted plans. The SWP highlights the very different circumstances involved in the approval of a GB B8 development by Wakefield MDC which the applicant highlighted as comparable<sup>112</sup>. It states that this was used to cross-fund a community project for Castleford Tigers.
193. SWP notes that the applicant's planning witness confirmed he could not recall in his extensive experience when there has ever been a case of an allocation removed from a local plan being permitted less than a year later as a windfall development. It notes that this is not surprising given the primacy of the LP enshrined in s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). It notes that the particular conflict with DEV4 and GB1 is such that it undermines the underlying strategic objectives of the plan.
194. The final conclusion is simple according to SWP. It believes that the decision should be made in accordance with the LP and that the proposal is refused. It does not accept that there are any material circumstances that justify otherwise and that VSC do not consequently apply.

### **Position of the Council**

195. In February 2023, the Council referred the planning application back to its Development Management Committee (DMC) to determine what position it would take at the Inquiry<sup>113</sup>. The Council resolution, in line with the officer's recommendation was:
- "That the Council does not produce evidence either in support of or in opposition to the proposed development at the forthcoming public inquiry (officers would maintain a role in the inquiry in terms of assisting the Inspector through the provision of associated documentation, being available for any queries the Inspector may have and suggesting conditions/s106 obligation should the application be approved, which would be reflective of DMC's previous resolution)".
196. The reasons for the Council's decision are set out at paragraph 1.26 of the February 2023 committee report, which states:
- "Given that the progress of the Local Plan is running parallel to the determination of the planning application, and given that the weight that can be attributed to it and the employment need evidence base underpinning it is likely to evolve during the course of consideration and determination of the application by the Secretary of State, it is considered that the most appropriate position for the LPA at the forthcoming inquiry is to not produce evidence in support of or in opposition to the application but to attend the

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<sup>112</sup> ID 71

<sup>113</sup> CD 4.152

inquiry to assist the Inspector on factual matters, conditions and the s106. It will be a matter of judgement for the SoS, as the decision maker in this case, to decide what weight to give to the emerging Local Plan and the evidence, based on the circumstances that exist at the point of his determination of the application.”

197. The Local Plan process has now concluded and the LP has been adopted. However, the Council observes that the Inquiry is now already part way through, a significant amount of evidence has already been heard that is relevant to the planning balance, and the LPA has not produced evidence in respect of these matters for the reasons set out above. Further, it notes that it is the SoS and not the Council who is the decision-maker in respect of the planning application. The Council acknowledges that whilst s77 of the TCPA sets out that the LPA can provide evidence to support or resist a called-in application at an Inquiry, there is no obligation to do so.
198. Consequently, it remains the Council’s position that it is a matter for the SoS to determine whether VSC exist to justify the granting of planning permission, taking into account the evidence presented at the Inquiry. Given the stage it has now reached, and consistent with its resolution and the above, the Council’s position therefore remains that it does not produce evidence in support of or in opposition to the Inquiry but attended to assist the Inspector on factual matters, conditions and the s106.
199. In broader terms, the Council’s position at the LP hearings was that the employment land element of the Fiddler’s Ferry allocation is viable and deliverable (subject to cross subsidy from housing) and that it has the potential to accommodate large scale, strategic development, including logistics. It points out that this view was shared by the LPI. More generally, the Council considered the issues raised by the LPI in relation to employment land need through a commissioned report which is appended to its statement of case<sup>114</sup>. It highlights the following points:
- There is not one definitive methodology for establishing employment land needs and there is significant uncertainty in establishing economic trends over the whole plan period.
  - The effectiveness of long-term forecasts of economic change are further complicated by unanticipated events such as Brexit, the pandemic and the Russian invasion of Ukraine.
  - The approach taken by the LPI is understood. It provides a level of need within the range considered in the EDNA, between the lower level of need calculated using jobs forecasts and the recommended approach of BRE Group which is based on past take-up rates of employment land.
  - However, BRE Group note that some important changes that have arisen in employment patterns in Warrington in recent years. It notes that the LPI have used gross figures for both employment land take-up and jobs created over the period from 1996. However, if different job densities across different use classes and the changing nature of sectorial growth

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<sup>114</sup> CD 4.152

in Warrington since the mid-1990s are accounted for, a higher employment land need figure is generated.

- If the LP is to be taken forward on the basis of the level of employment land currently identified by the LPI, the Council is advised to ensure there is robust monitoring of employment land take up and job creation and that if it becomes apparent through such monitoring that additional employment land is required before the end of the Plan period, this could be addressed through a review of the LP. It is noted that this is recognised by the LPI in their letter.

200. The Council acknowledges the representations received as part of the planning application process and confirms that these were taken into account as part of the assessment of the planning application, as detailed in the March 2022 committee report which recommended approval of the scheme<sup>115</sup>.

### **Interested Party Appearances**

*The following individuals made oral submissions to the Inquiry prior to the adoption of the LP. Despite being given an opportunity to make further oral submissions after this point, nobody chose to add anything further to their statements.*

201. **Mr Appleton** spoke on behalf of Stretton Neighbourhood Development Plan Group. His written submission, to which he spoke, highlights the need to evaluate the proposal against the extant development plan, which at that time comprised the Local Plan Core Strategy 2014<sup>116</sup>. He goes on to observe that the LPI recommended that the SEWEA, in which the Site is situated, be removed from the emerging plan. He observes that the applicant is responsible for another large distribution site at the Parkside Regeneration Project which is situated approximately 8 miles away from the Site. He suggests that having two similar developments in such proximity does not accord with current (unspecified) climate proposals to reduce carbon emissions. He is of the opinion that it would not constitute sustainable development as a result of the environmental harm that would be caused. In this respect, he also observes that it would not provide any new homes or community benefit and that the financial benefits would only relate to the applicant. He feels that the proposal would not accord with a commitment in the 2014 plan to reduce the impact of traffic on air quality and reduce carbon emissions to help tackle climate change.
202. At a local level, he is concerned about the effect on the residents and infrastructure of the village of Stretton and its surroundings. In this respect, he highlights what he considers to be the inappropriate scale of the proposal and the visual impact on the GB as well as the loss of habitats and "rural countryside". He also maintains that the application would not promote a sustainable transport solution and would exacerbate the high density of commercial traffic already accessing the Stretton village area. In particular, he maintains that HGV and LGV goods vehicles associated with the development would use J10 of the M56 and local roadways as an alternative route when M56 and M6 congestion is prevalent, which he observes is a common occurrence. He is of the opinion that this would severely increase vehicle movements

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<sup>115</sup> CD 4.151

<sup>116</sup> ID 1

throughout Stretton village with a consequential increase in vehicle emissions, increase in noise levels and traffic congestion. He notes that this would result in additional traffic passing the local school and church, which he defines as "particularly sensitive facilities". He feels that this would be to the detriment of the health and wellbeing of local residents.

203. **Andy Carter MP** spoke as the elected MP for Warrington South. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>117</sup>. Mr Carter supports the re-use of a former coal fired power station at Fiddlers Ferry, because it is predominantly brownfield and located next to a rail line which, he maintains, offers good potential for jobs and housing. He notes that the planning system is there to ensure that the development does not just follow market requirements but is managed to meet the social, economic and environmental objectives which are set out and agreed locally and underpinned by the Framework.
204. He maintains that the application for this development is premature in a plan-led system because applications fall to be considered against national policies set out in the Framework and the adopted Local Plan. He observes that the proposal should not be determined in advance of the adoption of (what was then) the emerging plan. He highlights the fact that the LPI found it to be "unsound" and that they proposed the deletion of the employment allocation associated with the application land. He highlights the fact that the Council published a schedule of modifications in which it supported the deletion. He observed that approval of the scheme would therefore be contrary to the opinions of the LPI as well as the position of the Council. He goes on to note that the approval of the scheme would also be prejudicial to the potential redevelopment of Fiddler's Ferry, which he observes would meet a significant proportion of the Borough's employment land requirements for the forthcoming plan period, according to the LPI.
205. He notes that the proposal is contrary to Government Policy for permissible development within the GB. He accepts that some "inappropriate" development may be acceptable where the benefits proposed are shown to outweigh the harm. He is unconvinced that the benefits the applicant claims are sufficient to outweigh the harm in this instance and notes that an Inspector reached a similar conclusion when considering an appeal for a similar proposal on nearby land. He also highlights the LPI view that "exceptional circumstances to alter the GB in this case do not exist. In order to be justified and consistent with national policy the SEWEA and Policy MD6 should be deleted." As a result, he considers that the proposal is unacceptable and should be refused as it represents inappropriate development in the GB.
206. He questions the nature of the economic benefits that would accrue to his constituents on a number of fronts. Firstly, whether the potential jobs would meet local employment needs, noting that Warrington currently enjoys low levels of unemployment. He observes a potential skills miss-match between the type of work being sought locally and the sort of jobs which might be offered by the proposal. He feels that this is likely to lead to labour being attracted from further afield, rather than meeting an identified local need. He also questions

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<sup>117</sup> ID 20



the overall level of job-creation that might occur because the number of jobs created per square metre of floor space by logistics operations is lower than was previously expected in his experience. He attributes this to advances in automation, particularly by companies such as Amazon, which operates within the Borough and of which he has some knowledge.

207. He observes the Site is currently in open countryside with very few buildings within its boundary. He suggests that any significant increase in the number of buildings, however well designed, would have a detrimental impact on the site's visual appearance. He notes that the site is on high ground which would increase the visibility of any buildings from some considerable distance away. He suggests that the total site area, coupled with the scale and massing of buildings required to serve any modern logistics operations, would necessitate the provision of very large structures which would be difficult to screen within the wider landscape. He maintains that this would make it difficult, if not impossible, to mitigate against any visual harm caused by the proposed development. He also suggests that harm would be caused to the setting of the historic buildings within the vicinity of the site. He feels that the scale of the proposed buildings would swamp the listed buildings and destroy their setting which would be detrimental to their inherent historic value.
208. He notes that while the site is located close to the intersection of three motorways, which serves its potential logistics function, it is not sustainable in terms of its public transport links, with few and infrequent bus services passing the site. He observes that the proximity of the site to the nearest housing, in Lymm and Appleton, is unlikely to encourage prospective employees to walk to the site, especially given the lack of pavements and the associated danger that this brings. He accepts that cycling would be feasible but that the current road network and high level of HGV traffic would put off "all but the most determined cyclists". He observes that the proposed 2,400 car parking spaces anticipates that the majority of the work force would travel to the site by private car which implicitly recognises the lack of any alternative which suggests that the site is not sustainable in his view.
209. He highlights the impact of existing commercial operations in and around south Warrington which he suggests have already had a significant impact on the nearby motorway network and distributor roads. He observes that at peak times, when there are problems on the motorways, that it is not unusual for there to be queuing traffic, including significant numbers of HGVs, for some distance along the single-carriageway feeder roads which lead up to the motorway interchange at Junction 20 of the M6. Without significant changes to the current road network in the vicinity of the proposal, he suggests that it will only serve to exacerbate an existing problem. He also highlights the additional effect of opening the swing bridges along the Manchester Ship Canal which can cause gridlock across the town for several hours which he observes leads to impacts on the wider road network, including in the vicinity of the Site. He suggests that the significant level of vehicular movements associated with the proposal would only serve to exacerbate this existing problem.
210. He notes that there are no services close to the site and that this would have significant implications for servicing the proposed buildings and for the staff who are employed. He maintains that staff would have to travel several miles to purchase food and other essentials unless provision for this is made on site. He



suggests that this would not only add to the traffic movements associated with the site but would also negate any positive impacts on the local economy which can be associated with new centres of employment.

211. He highlights some wider environmental concerns. Firstly, the detrimental impact the "local ecosystem" and loss of wildlife habitats which he feels would not be "satisfactorily replicated" in any mitigation scheme that might be implemented. Secondly, he highlights air-quality issues in relation to the high levels of nitrous dioxide and other noxious particulates in the Borough. He maintains that this is mostly attributed to the high levels of traffic generation and the harm associated with vehicle emissions. He finds this an unacceptable situation and suggests that it would be exacerbated by the proposed development.
212. **Mr Devinish** spoke on behalf of Mr and Mrs Hickman who are local residents. He is a Chartered Engineer in Transport Planning and a Fellow of the Chartered Institution of Highways and Transportation. A transcript of this submission was submitted to the Inquiry<sup>118</sup> which was addressed by a rebuttal statement from the applicant<sup>119</sup>. The relevant points are summarised in the following paragraphs.
213. He highlights the fact that some of the proposed highway works would occur in the vicinity of his clients' land, to the south of the A50 Cliff Lane. He notes that the works would comprise the signalisation and relocation of the A50 Cliff Lane / Grappenhall Lane roundabout to the west and the partial signalisation and introduction of additional lanes at the Lymm Interchange dumbbell roundabout. This would be facilitated by the widening of the section of the A50 Cliff Lane, in between the two roundabouts. The resultant kerb-line on the southern side of this road would sit immediately adjacent to the boundary between the adopted highway and the land under the ownership of Mr and Mrs Hickman.
214. He observes that the scheme would not provide space to allow a footway or adopted highway verge to be constructed on the southern side of the A50 Cliff Lane, where at least a 1-2 m verge would usually be present on a road of this type. He also questions whether the width of the kerb can be accommodated immediately to the west of the access road to his clients' land because the proposed kerb-line appears to be shown on the highway boundary.
215. He acknowledges that the widening scheme has been agreed with the local HA but questions its deliverability because it is not clear how the existing services, that run along the southern side of the A50, would be accommodated in the absence of a footway or a verge. He notes that there would be no scope to accommodate necessary street furniture such as lighting, columns or signage. He also observes that the lack of space between the proposed kerb line and highway boundary would not provide any scope to address differences in ground level.
216. He goes on to highlight the fact that the width of a kerb, including backing, is typically in the region of 300 mm and that there would be no space for this to be installed. He is of the opinion that the proximity of the carriageway to his

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<sup>118</sup> ID 40

<sup>119</sup> ID 40a

clients' boundary fence may affect their trees and that the lack of a verge would be unusual given the category of road. He highlights the fact that signage and street lighting columns require an absolute minimum clearance of 450 mm, or more, from the carriageway on such "higher order roads". He observes that this clearance is not available on the section of the highway to the west of the access to his client's land.

217. He goes on to suggest that the removal of the existing verge would significantly reduce the achievable levels of visibility for vehicles emerging from the lane, which currently serves his clients' property, as well as other residential dwellings and agricultural uses. He observes that the proposed works would result in visibility falling below the required standards for the design speed of the road and he is of the opinion that this raises highway safety concerns.
218. He also highlights matters relating to pedestrian safety because the removal of the verge, as part of the widening scheme, would result in the loss of a refuge from the highway for any pedestrians walking along the lane. He notes that the lack of a footway and/or cycleway to the west would also be a "missed opportunity" in terms of providing a more direct pedestrian and cycle link to Plot 2 of the proposed development.
219. **Mr Ellam** is a local resident who lives in Stockton Heath. A transcript of this submission was submitted to the Inquiry<sup>120</sup> and the relevant points are summarised in the following paragraphs.
220. He is concerned about the impact of the development on south Warrington and the potential infilling of open land between the Manchester Ship Canal and the M56. He notes that the resultant "urban sprawl" is something that the GB was designed to protect. He observes that south Warrington still has beautiful countryside, prime agricultural land and a character that would be completely lost through this application and other, unspecified development. In particular, he highlights a number of natural assets comprising Lumb Brook Valley, Grappenhall Woods, Parr's Wood, the Dingle and Fords Rough. He observes that these are beautiful and protected places that "Warringtonians" visit which would be seriously degraded if this application and other proposals went forward.
221. In relation to potential road traffic impacts, he points out that the centre of Stockton Heath is crossed by the A56 and the A49 which are busy arterial routes. He observes that traffic currently has to "crawl through the village" and that the roads are getting busier. He is concerned about the effect this is having on the "fabric of the village" and observes that the proposal would bring more commuter traffic, HGVs and service vehicles into an already congested area. He notes that this would be in addition to the traffic generated by around 1,100 houses currently being built in neighbouring areas which he feels is already increasing congestion, especially around schools. He suggests that it is hazardous for children from the High School to cross the London Road as a result and highlights congestion around the Lumb Brook Road/Bridge area. He maintains that unspecified future development proposals have attracted 4,500 objections and that 6 local parish councils have also joined together to challenge these developments.

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<sup>120</sup> ID 11

222. **Cllr Harris** spoke of behalf of Walton Parish Council and Walton residents. She is a long-standing member of "Rethinking South Warrington's Future" and "South Warrington Parishes Group". She organised a local symposium on air quality in March 2023. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>121</sup>.
223. She starts by highlighting the following extract from the applicant's air quality report<sup>122</sup>: "The proposal of itself or in combination with other relevant developments will not result in any exceedances of the Government's health-based air quality Objectives, and air quality within designated AQMAs will not be significantly affected. It is considered that there will be very limited harm to air quality, and therefore that the proposed scheme will comply with the relevant requirements of the Government's air quality strategies and national and local planning policies in respect of air quality matters."
224. She suggests that there appears to be a lack of understanding in relation to non-exhaust emissions which are the primary source of PM<sub>10</sub> and PM<sub>2.5</sub>. She states that these are the result of dust from "rubber tyres on rubber roads" and is concerned about the health risks that such particles pose. She is concerned that the extra traffic generated by the proposal (diesel HGVs, cars, buses) would compound "an already bad situation".
225. She notes that Warrington has an AQAP and has two designated AQMAs designed to improve air quality. She suggests that adequate air quality monitoring is not taking place because only a small number of monitors measure PM<sub>10</sub> and PM<sub>2.5</sub>. As a result, she feels that the baseline measurement of local air quality is not a "true reflection". She disputes that NO<sub>2</sub> and particulate levels have decreased significantly since 2005 and notes that the proposal would be contrary to one of the priorities in the AQAP, which is to ensure that future development is designed to reduce exposure and improve air quality.
226. She notes that whilst she is not within Warrington's AQMA, her semi-rural location still exceeds WHO limits according to a crowdfunded, air pollution website<sup>123</sup>. This estimates air quality as being in the 46th percentile with an annual average of PM<sub>2.5</sub> of 9.69 µg/m<sup>3</sup> at her location. She observes that the WHO limit is 5 µg/m<sup>3</sup>. She reports the estimate for PM<sub>10</sub> as being 15.53 µg/m<sup>3</sup> and observes that the limit as being 15 µg/m<sup>3</sup>. In terms of NO<sub>2</sub> she reports this as being 19.01 µg/m<sup>3</sup> and observes that the limit is 10 µg/m<sup>3</sup>. She notes that Warrington consistently comes in the top five NW towns with poor air quality and that a right to breathe clean air is a fundamental human right.
227. She also highlights some extracts from a 2023 Imperial Collage Report which states that: "The short-term impacts of air pollution (worsening symptoms, hospitalisations, and deaths) and long-term impacts (disease development, attributable premature deaths and years of lost healthy life) have been known, extensively studied and reviewed for decades. While headline figures on the health impact of air pollution focus on the equivalent number of premature deaths, the wider impacts are hiding in plain sight in the contribution of air

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<sup>121</sup> ID 4

<sup>122</sup> CD 4.9

<sup>123</sup> [Home - Central Office of Public Interest \(copi.org.uk\)](https://copi.org.uk)

pollution to the burden of chronic diseases. These affect our quality of life and have a large cost to society through additional health and social care costs, as well as our ability to learn, work and contribute to society.”

228. She observes that the report also highlights new evidence of the impact of air pollution on brain health (dementia, mental health, autism), pregnancy and birth outcomes and the developing child from birth to adolescence and adulthood. She states that air pollution in the UK is estimated to cause 40,000 premature deaths each year and the financial burden of this is around £40 billion. In comparison with EU countries the UK ranked 27th out of 37 countries with the highest PM<sub>2.5</sub>.
229. She concludes with a further extract from the report which states that: “Actions and policies to reduce the concentrations of air quality are often framed in terms of meeting legal limit values to minimise the harm to human health. These limits should not be perceived, or presented as ‘safe’, non-toxic thresholds. Abundant evidence suggests significant impacts below these concentrations, and for some pollutants, such as PM<sub>2.5</sub>, there is no evidence to identify a threshold where exposure does no harm.”
230. **Ms Hoskinson** spoke on behalf of “Warrington Local Plan Objection Group”. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>124</sup>.
231. She observes that the EDNA<sup>125</sup> concludes there is insufficient employment land but that this is due to the release of land at a site known as Omega. She notes that this resulted in the figure of around 316 ha over the previous plan period which equated to around 18 ha annually. She states that if the “job growth method” had been used, the shortfall over that plan period would have only been 21-43 ha. She notes that the removal of the Omega site from economic land use would have given an annual uptake of around 8 ha, which would have been less than half the figure predicted by WBC in relation to its previous plan.
232. She opines that the Fiddlers Ferry site provides sufficient economic land to meet the supply in Warrington and that there was no justification for releasing 136 ha from the GB for the SEWEA. She observes that there is vacant office and warehouse space in Warrington, for example at the site of the closed JTF store in Woolston. She notes that the economic climate has changed and that there is no need for more warehouses when there is less demand for goods due to the cost-of-living crisis. She observes that the land is good agricultural land and should be preserved for farming to secure food supplies and avoid reliance on imported food. She maintains that exceptional circumstances to justify the release of land from the GB are not justified given the above.
233. Turning to traffic issues, she observes that the M6 between Junctions 19 and 21 has “far too many incidents” involving lorries and that this is also the case for the dumbbell roundabouts at Lymm, where traffic from the proposed development would leave the motorway network. According to unspecified Moto planning documents, she observes that the junction on the B5158 Cherry Lane onto the roundabout has been at capacity since 2017.

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<sup>124</sup> ID 15

<sup>125</sup> CD 4.93

234. She notes that Warrington already has poor air quality and a high incidence of respiratory illness. In this respect, she highlights that "Cities Outlook 2020" ranked Warrington third in the NW for deaths due to air pollution. She stresses the need for measurements of pollution rather than the outputs of "a computer-generated model".
235. She observes that there has been a cumulative noise impact from development in the vicinity of Cherry Corner which is around 100 m from the Lymm Interchange dumbbell roundabouts. In this respect, she highlights that one of the associated properties abutting the exit from the motorway fell within a 1% Noise Important Planning Area. She notes that the existence of high background noise is not a valid ground for justifying further noise. She also observes that acoustic studies are typically based on average noise which is not how it is experienced. In this respect she points out that peaks from sirens, horns, revving engines and aircraft have a greater impact and are the lived experience. She is unaware of whether residents who may be affected by the additional vehicle movements arising from the proposed development would be able to access any noise mitigation schemes.
236. She ends by noting that the proposal would be detrimental to the character and landscape of the area and that south Warrington is facing significant overdevelopment.
237. **Cllr Jarvis** spoke on behalf of Appleton Ward and Appleton Parish Council and was a member of the Council's DMC at the time the application was considered on 10 March 2022. A modified transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>126</sup>.
238. He does not think that the application justifies the existence of VSC which were necessary to approve the proposal and voted against it in the DMC meeting in March 2022. He highlights some policies and narrative regarding the 2014 Local Plan which were omitted at the DMC meeting as well as matters relating to the position that the Council has taken in relation to this Inquiry.
239. He observes that the main modifications included removal of the SEWEA, on the advice of the LPI, who found that employment land needs could be met without encroachment into the GB. Among other things, he notes that they found that: "Exceptional circumstances to alter the GB in this case do not exist. In order for the Local Plan to be justified and consistent with national policy the proposed SEWEA and policy MD6 should be deleted". He consequently suggests that the proposal should be refused on grounds of prematurity given the advanced stage of the then emerging plan.
240. He highlights a number of issues that arose during the Local Plan Examination which he suggests were not fully addressed in the 10 March 2022 DMC report<sup>127</sup>. The first of these relates to the movement of non-HGV vehicles. He observes that the previously allocated site would have been the base for a significant number of local distribution vehicles that would have served Manchester, Liverpool Cheshire and southern Lancashire and that the applicant

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<sup>126</sup> ID 12

<sup>127</sup> CD 4.151

had stated, during the LP examination, that the allocation would be in range for electric transit vans to serve both Manchester and Liverpool. He maintains that the impacts of these vehicles were not adequately addressed at the application stage and notes the frailty of local road infrastructure.

241. He illustrates this point with reference to the "severe bottlenecks" caused by the breakdown of each of the three swing bridges crossing the Manchester Ship Canal in 2023. He also notes the Council's own submission to the LP examination, which states that "the constituency of Warrington South and the wider borough of Warrington is long overdue significant investment in its transport infrastructure to alleviate the well documented congestion issues it and its residents suffer".
242. He is of the opinion that most traffic associated with the proposed development will not just use junction 20 and that this would also include workers' private cars and local distribution vans. He suggests that many local "rat runs" would develop at all times of the day but particularly when the motorways are congested. He speaks from personal experience, having travelled along Grappenhall Lane for 30 years and having observed regular congestion which has, at times, necessitated lengthy detours.
243. He maintains that the application is not sustainable because of inadequate alternative transport provision. He observes that the cycle provision measures do not link to Warrington's urban network and that the A50 is unsuitable and unsafe for large numbers of bikes and pedestrians. He also notes that the site has no rail links which he would expect to be associated with a modern distribution hub, as is the case for the East Midlands Gateway. He therefore suggests that cars would be the dominant form of transport for workers at the site and estimates that 50-70% are likely to come from outside the Borough.
244. He suggests that air quality impacts, particularly from particulates, can only increase as a result of this application bearing in mind that the Borough is surrounded by motorways. He opines that the monitoring of air pollution is inadequate and observes that particulate levels in and around Warrington are already above WHO guidelines.
245. He is concerned about the impact of litter, bearing in mind the practices of existing warehouses in the Appleton Thorn area which operate a "clean cab policy". He observes that this leads to rubbish being dumped on roadsides by HGV drivers which has required road closures to enable disposal operations. He disputes the 2022 DMC report finding that this issue would not get worse as a result of the proposal.
246. He expresses further concerns relating to the impact on the historic environment and does not find the proposal consistent with the NP policies. He observes that there would be a mismatch between the benefits and harms in terms of the local community experiencing the latter without the employment benefits that would accrue to workers that would be drawn from a much wider area.
247. **Cllr Marks** spoke on behalf of Lymm North and Thelwall Ward and Lymm Parish Council. He is currently deputy chair of the "South Warrington Parish Councils'



Planning Working Group". A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>128</sup>.

248. He highlights the fact that the local community agree with the LPI conclusion that the application land should not be released from the GB and that the proposal would lead to a significant encroachment into the countryside which would undermine one of the purposes. He suggests that this would harm the openness of the GB and cause major visual intrusion. He does not agree that the economic benefits would constitute VSC to override this loss.
249. He opines that there is no strategic need for the allocation of the SEWEA because Fiddlers Ferry has the potential to accommodate large scale logistics development given the amount of employment land identified by the LPI. He also notes that Fiddlers Ferry also benefits from a rail connection. He points out that the SoS has previously rejected a proposal to build a national distribution centre on nearby land.
250. He highlights a number of concerns that have been raised by local residents. Firstly, a decline in air quality from increased vehicle emissions. He observes that there are "60,000 studies" addressing the impact of air pollution on health and that the WHO has described air pollution as a global health emergency. Secondly, increased congestion which would add to the existing situation where local residents are finding increased difficulty gaining access to the motorway network. He observes that a large truck-top with washing facilities is already present at Lymm Services which is adding to this problem. Thirdly, that the application is premature given the advanced stage of the previously emerging plan. Fourthly, that the proposal would conflict with the Council's climate change aspirations.
251. **Dr McAloon** spoke on behalf of Appleton Thorn Neighbourhood Development Plan Group and has been involved in various community-based groups and initiatives. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>129</sup>.
252. He states that the local community views the proposal as an overwhelming development of unsightly, large scale commercial premises in a prominent location at the heart the rural, south Warrington skyline. He suggests that this would have a severe impact on Appleton Thorn village given the loss of the equivalent of around 140 football pitches of open countryside. He characterises their main objections as being related to the loss of GB in circumstances where there is insufficient economic benefit with little very exceptional circumstances to justify the loss.
253. He notes that the protection of GB land was considered the main reason for producing the NP in 2017 and that it is an important and valid legal document for informing local planning decisions. He finds the proposal contrary to policies AT-D1, AT-D2, AT-E1, AT-TH1 and AT-TH2 of the NP. He suggests this is because of the adverse effect the proposal would have on local character, distinctiveness, local identity and sense of place as well as the potential adverse effects on landscape and the local road system. He also notes that the

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<sup>128</sup> ID 13

<sup>129</sup> ID 9



increased traffic movements would lead to greater pollution and community health problems in Warrington which already has a negative reputation at national level for poor air quality.

254. He draws a parallel with another scheme for a similar distribution centre in the GB which was dismissed on appeal<sup>130</sup>. He suggests that a similar outcome might be expected for the current application, bearing in mind the conflict with the GB advice in the Framework and the aforementioned NP policies. In this respect, he highlights the LPI conclusions in relation to the previously emerging plan and the recommendation that the SEWEA be removed. As a result, he suggests that the application is premature.
255. **Cllr Taylor** spoke on behalf of Grappenhall and Thelwall Parish Council. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraph<sup>131</sup>.
256. He observes that the Parish Council has long standing concerns about the fate of the South Warrington GB. He notes that members of the public frequently express concern about the scale and visual impact of housing and warehousing, lack of infrastructure as well as the resultant highways and air quality issues. He states that this is what led to the formation of the SWP which engages with planning issues associated with major development. He suggests that the continuation of the group reflects the "deep public concern" around the foregoing issues and is a "genuine expression" of the extent of public feelings on these matters. He observes that the detail of the SWP concerns form the basis of the R6 representations that have been made by Mr Groves.
257. **Mr Thrower** is a local resident and concerned with matters relating to national and regional transport policy. A transcript of this submission was submitted to the Inquiry where the full submission can be viewed<sup>132</sup>. The main point he makes is that national infrastructure policy and a series of strategic reports stress the importance of Strategic Rail Freight Interchange (SRFI) provision in order to reduce road congestion and carbon emissions.
258. He relies upon the following documents: National Policy Statement for National Networks, Department for Transport (December 2014); Logistics Growth Review - Connecting People with Goods, Department for Transport (November 2011); Rail Freight Strategy - Moving Britain Ahead, Department for Transport (September 2016); Transport for the North Enhanced Freight and Logistics Analysis Report (2018); Transport for the North Strategic Transport Plan Evidence Base (January 2018); Decarbonising Transport - A Better, Greener Britain (2021); Transport for the North Freight and Logistics Strategy, November (2022); Manchester Freight and Logistics Transport Strategy (2016); and Transport Future of Freight Plan (2022).
259. He observes that all of the above policies and documents remain valid and suggests that the proposal represents development that is diametrically opposed not only to the Council's own policies but also to the wider policy frameworks associated with central Government and Transport for the North.

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<sup>130</sup> CD 4.139

<sup>131</sup> ID 14

<sup>132</sup> ID 10

260. **Cllr Walker** spoke on behalf of Stockton Heath Parish Council. He highlights concerns over air quality. He agrees that there is a reducing trend in NO<sub>2</sub> emissions but is concerned about the PM<sub>2.5</sub> that arise from the wear and tear of tyres and brakes. He states that Stockton Heath has been undertaking its own monitoring of PM<sub>2.5</sub>. He observes that it averaged 7.5 µg/m<sup>3</sup> over the preceding 18 months, 8.5 µg/m<sup>3</sup> during August 2023 (24-hour average over four weeks) and 9.5 µg/m<sup>3</sup> on the morning the Inquiry opened. He notes that the WHO has reduced the maximum exposure threshold to 5 µg/m<sup>3</sup>. He is of the opinion that the proposal would lead to an increase in exposure from the additional vehicle movements associated with the proposal and that this would exacerbate the existing situation which exceeds the WHO threshold.
261. **Mr Webster** is a local resident. He is a retired development planner with 36 years post qualification experience which included working for WBC for a period as a Principal Planner. A transcript of this submission was submitted to the Inquiry and the relevant points are summarised in the following paragraphs<sup>133</sup>.
262. His main concern is related to the visual impact of the proposed development. He observes that the Site is on one of the highest points in Warrington, on rising land which forms a ridge line, some 250 feet above sea level. He suggests that the significant massing and scale of the proposed warehouses would have a severe and harmful impact on the skyline. He notes that the area of the Site equates to around 140 football pitches with a built floorspace of some 3 million square feet, excluding the significant extent of external hardstanding that would be constructed.
263. In relation to the buildings themselves, he highlights the height of the Plot 4 shed. He notes that part of it would be equivalent to the height of a 10-storey apartment block, with the remainder equating to a 7-storey block. He goes on to observe that its length would be equivalent to 5 Wembley football pitches. He also highlights the massing of the Plot 2 shed which equates to a 6-storey block the length of 4 Wembley pitches. He suggests that the impact of such large structures cannot reasonably be mitigated by any landscape works and that there would also be a significant impact from the illumination during the hours of darkness. At a DMC meeting he also notes that one of the officers stated that future owners could submit an application to increase the heights further and that these would need to be considered on their merits. He suggests that it would be difficult to refuse such an application because of the established precedent of having tall buildings at this location.
264. In considering different viewpoints, he suggests that the adverse impact would be "enormous". He maintains that this would not only arise from short distance views but also medium distance views from the A50. He is also concerned about longer distance views and the effect on the skyline which he suggests would be apparent when viewed from across the Mersey Valley as far as areas below and around Winter Hill. Having viewed the DMC meeting, he suggests that little consideration had been given to its visual impact. He maintains that the degree of visual harm is so great that, even in its own right and aside from the other constraints, that this outweighs the economic argument in favour of the proposal especially considering the importance and "permanence" of the GB.

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<sup>133</sup> ID 8

He notes the conclusion of the EIP that the land should be retained as GB on grounds that include the severe visual harm that would be associated with the development of the site.

265. He goes on to summarise what he considers to be a number of material considerations as follows:

- The decision of the SoS in November 2020 to reject the Stobart Appeal on neighbouring GB land<sup>134</sup>;
- The LPI report of December 2022 which recommends deletion of the Local SWEWA for employment use and its retention in GB<sup>135</sup>;
- The Prime Minister's recent statements relating to the protection of GB land and the need to focus on brownfield land, including a statement to the House of Commons on 25 January 2023;
- A permission would set a precedent that would make it difficult to refuse future applications for similar development on the neighbouring Stobart and Liberty Properties sites; and
- The significant public opposition to the proposal on grounds that included non-compliance with Local Plan policies to protect the GB.

266. Given the above points, he finds it difficult to see how permission can reasonably be granted for the application. To do so would, from a general public viewpoint, "make a mockery of the planning process and its 'plan-led' system".

### **Written Representations**

267. A number of written representations were submitted at the application stage which can be found in Section 5 (which starts at page 12) of the March 2022 Committee Report<sup>136</sup>. The additional matters that are relevant and which have not already been highlighted in this report are as follows:

- Adequacy of the drainage system and potential impacts on Bradley Brook.
- Unacceptable noise from vehicle reversing alarms and other on-site activity.
- Risk from still air pockets developing as a result of the bunds which could lead to an increase in the concentration of fine PM on the site.
- Breaches of Article 1, Protocol 1 of the Human Rights Act 1998 (as amended) in relation to the living conditions of nearby residents, including Bradley Hall Cottages, with respect to overshadowing and air, noise and light pollution.

268. Written representations prior to the opening of the Inquiry were received from: Cllr Critchley, Cllr Harris, J. Appleton, L. Batchelor, H. Carson, V. Chauhan, S. Chisholm, A. Collier, J. Coxon, J. Donlan, K. Douglas-Furner, S. Edwards,

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<sup>134</sup> CD 4.139

<sup>135</sup> CD 3.2

<sup>136</sup> CD 4.151

P. Ellam, C. Fellows, T. Furner, R. Gerrard, L. Harding, T. Hardman, C. Hawley, Cllr Jervis, M. Jones, J. Kueres, W. Mack, G. Marsden, S. Marten, K. McAloon, A. McQuoid, H. Middleton, C. Moran, J. Monks, H. Neish, R. Peterken, J. Rowan, C. Smith, M. Stewart, Cllr Walker, B. Walsh and R. Wright. Mr Appleton made an additional written submission shortly before the opening of the Inquiry which was highlighted in his oral submission and summarised above<sup>137</sup>. Mr Mack was unable to attend and make an oral submission, he consequently submitted an additional written statement on the day the inquiry opened<sup>138</sup>. The additional matters that are relevant and which have not already been highlighted in this report are as follows:

- **Mrs Monks** raises the issue of financial contributions to Appleton Parish Council for Parish Hall improvements, footpath upgrades, youth service provision and redevelopment of Broomfields Leisure Centre.
- **Miss Carson** is concerned about construction phase traffic disruption and the lack of affordable homes for potential employees in the local area bearing in mind the published salary range for warehouse workers at the site.
- **Ms Rowan**, and others, highlight the potential impacts of lighting on wildlife.

## Conditions

269. The conditions were agreed between the Council and applicant and benefitted from a round table discussion towards the end of the Inquiry which ensured that they would be necessary, relevant to planning and the proposed development as well as enforceable, precise and reasonable in all other respects in the event that this application is allowed.

270. They incorporate a number of pre-commencement conditions to which the applicant has given written consent<sup>139</sup>. They also incorporate a number of conditions suggested by the R6 party. Subject to minor adjustment to reflect standard wording and to ensure the necessary implementation clauses, I am satisfied that they meet the necessary requirements. The schedule of conditions and accompanying reasons are set out in Annex 4 of this report.

## Planning Obligation

271. The completed planning obligation (s106) is dated 17 July 2024 and was submitted after the Inquiry closed<sup>140</sup>. It was subject to refinement during the course of the Inquiry. It is an agreement between WBC; John Massey Cross and Robert Kenneth Cross; Stephen Harry Sinker, Jane Susan Sinker, Nigel Philip Sinker and Christine Sinker; Nigel Philip Sinker and Christine Sinker; Barclays Security Trustee Limited; and Emerald 22 LLP. The Council provided a justification for the contributions as well as the calculations for the amounts that have been sought prior to opening and after the adoption of the emerging plan<sup>141</sup>. It is satisfied that they are necessary to make the development

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<sup>137</sup> ID 1

<sup>138</sup> ID 2

<sup>139</sup> ID 23

<sup>140</sup> ID 82

<sup>141</sup> CD 8.2, ID 62, ID 73, ID 76, ID 77 and ID 77a

acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. For the reasons set out, I agree with the Council's assessment and that it therefore accords with paragraph 57 of the Framework.

272. The s106 sets out the following financial contributions:

- Bespoke Public Transport Service Contribution (£687,800) - 50% to be paid prior to commencement of development and final 50% to be paid prior to first occupation.
- Footway and Cycleway Contribution (£405,950) - payable prior to first occupation.
- Travel Plan Operation Contribution (£50,000) - payable prior to first occupation.
- Ecology (Bird Habitat) Contribution (£1,993,838) – payable on commencement<sup>142</sup>.
- Holcroft Moss Restoration Contribution (£112,285) – payable on commencement.
- S106 Monitoring Contribution (£4,682) – payable prior to commencement.
- BNG Contribution (£12,893) – payable prior to each phase of development.
- GB Compensation Contribution (£2,452,250) – 60% payable prior to commencement, 20% on or before the first anniversary of the initial instalment and 20% on or before the second anniversary of the initial instalment.

273. More broadly, the s106 secures the following deliverables:

- Provision of a bespoke public transport service to pump-prime and establish a new bus service that will provide a connection between the Site and surrounding areas, where part of the potential workforce live, in order to meet the needs of the employees of the final occupiers of the B8 units built in accordance with the planning permission.
- Extension of footway and cycleway infrastructure within the adopted highway boundary west to the Broad Lane roundabout and then south to the junction of Grappenhall Lane and Barleycastle Lane. The footway and cycleway extension are to be provided by the Council. The footway and cycleway infrastructure will provide an improved continuous link between the Site and existing PRow network.
- Broad Lane improvements comprising the conversion of the grassed highway verge that could be converted into a shared footway/cycleway facility allowing improved access by active travel between the Site and the

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<sup>142</sup> Read ID 76 in conjunction with ID 77a for the justification

urban areas to the north as well as improving overall accessibility of land within the GB. Improvements to an existing PRoW which runs between Cartridge Lane and the Bridgewater Canal. Both would be delivered by the Council as GB compensatory improvements through the above contribution.

- Operation and monitoring of an overarching Travel Plan by the Council's Smarter Travel Choices Team. This would enable a coordinated approach to securing successful sustainable transport solutions throughout the area. It would also enable a consistent approach to travel planning across the whole of the development which would guide and inform travel plans for individual units within that development.
- The cessation of residential property use within the Site prior to commencement to ensure that the living conditions of any occupants of Bradley Hall Farmhouse are not adversely affected during the construction or operational phase of the development.
- Provision of off-site ecological mitigation, comprising of habitat creation and/or restoration of approximately 14 ha of offsite land and the maintenance and management of the same for a period of 30 years by WBC at Gatewath. Offsite mitigation is required for compensatory bird habitat for breeding skylark and overwintering birds such as lapwing and starling.
- Provision of information related to the area-based measures associated with the planning permission granted by Cheshire East Council, pursuant with Condition 7 of that permission. This requires further details of the ecological mitigation measures and Landscape and Environmental Management Plan (LEMP) measures to be submitted to and approved in writing by Cheshire East. The obligation ensures that this information would also be made available to WBC.
- Provision of on-site ecological mitigation comprising the approval of a framework LEMP that would secure the necessary measures over a 30-year period and control the content of the LEMPs associated with each phase of the development.
- A local employment scheme to secure employment and training opportunities for residents of the Borough in order to strengthen the Borough's workforce and to ensure that local residents have the opportunity to benefit from Warrington's economic growth and development.

### **Inspector's Conclusions**

274. In this part of the report, I have used references thus <sup>[xx]</sup> to cross-refer to relevant paragraphs in the preceding sections.

### **Main Considerations**

275. Having regard to the matters the SoS particularly wished to be informed about the main considerations are:

- whether the proposal would be inappropriate development in the GB having regard to the development plan and the Framework and including the effect on the openness of the GB;
- if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the VSC necessary to justify the development;
- whether the proposal would preserve the setting and significance of a Scheduled Monument known as “Bradley Hall Moated Site”;
- the effect of the scheme on the setting and significance of other designated and non-designated heritage assets;
- the effect of the proposal on the safe and efficient operation of the highway network, local air quality and landscape character;
- whether the site is suitable for development having regard to local and national planning policies that seek to manage the location of new development; and
- any other material considerations, the consistency or otherwise of the scheme with the development plan as a whole and the overall planning balance.

### **Green Belt Considerations**

276. The parties agree that the proposal would lead to inappropriate development which is harmful by definition. As such, I find that it would be contrary to paragraph 152 of the Framework.

#### *Effect on Openness*

277. The PPG explains that an assessment of openness is capable of having both spatial and visual aspects. The spatial aspect is usually concerned with the quantum of development proposed in relation to what is already present. The visual aspect is usually concerned with how openness is experienced before and after a development is constructed. Its disposition and arrangement can be relevant in gauging the effect on openness as well as the duration of the development and the degree of activity that would result.

278. The applicant accepts that the proposal would have a significant adverse effect on the openness of the Site in relation to both its spatial and visual aspects <sup>[111]</sup>. It also accepts that there would be a significant adverse effect from activity relating to 24-hour vehicle movements, lighting and general site operations<sup>143</sup>. There is no dispute between the parties that significant harm would be caused to openness.

279. Considering the spatial and visual dimensions of openness, it is apparent that the proposal would have a much greater and permanent urbanising impact on the openness of the GB than the existing buildings and open fields that are currently present. Overall, I find the level of harm to openness to be

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<sup>143</sup> ID 52, paragraph 6.12



substantial bearing in mind the density and scale of the proposed development. This would undermine the fundamental aim of the GB. The proposal would therefore be at odds with paragraph 142 of the Framework which seeks to keep GB permanently open.

### *Effect on Purposes*

280. Paragraph 143 of the Framework states that GB serves five purposes. The applicant accepts that the proposal would be contrary to one of those purposes in terms of the encroachment into the countryside<sup>[112]</sup>. There is no dispute between the parties that the proposal would be contrary to paragraph 143(c) of the Framework. Having carefully considered this matter, I am satisfied that no other purposes would be undermined.
281. Given the above, I conclude that the proposal would cause a significant level of harm to the openness of the GB and the purposes of including it, bearing in mind the urban sprawl that would inevitably result. Paragraph 153 of the Framework indicates that these harms attract substantial weight against proposal which should not be approved except in VSC. In the absence of any such circumstances, the proposal would be contrary to policy GB1(10) of the LP that seeks to control development in the GB, in accordance with the aims of the Framework.

### **Other Potential Harms**

#### *Landscape*

282. There is no dispute between the parties that the proposal would cause significant harm to the character and appearance of the area. SWP observes that it would be the single largest development on unallocated land in Warrington and that it would cover an equivalent of 43 rugby stadia<sup>[143]</sup>. It maintains that it would be in a prominent position because it would occupy one of the highest points in the Borough and because the land falls to the north, towards Warrington<sup>[144]</sup>.
283. The applicant relies upon a LVIA and the views of its witness in relation to landscape harms<sup>144</sup>. SWP acknowledges that it did not undertake any such appraisal and that its views are contextual<sup>[146]</sup>. The applicant observes that the majority of the landscape harm would be restricted to the LCA 1B, in which the proposal is situated, and that the significant adverse effects would extend no more than 1 km from the centre of the Site<sup>[40, 46]</sup>. The applicant accepts that there would also be adverse, but reduced, effects on LCA 3A and 7A<sup>[40]</sup>.
284. From my own observations, I accept that the rural character of the Site and surrounding area is diminished in both visual and aural terms by the close proximity of the Appleton Thorn Industrial Park and Barleycastle Trading Centre, as well as the nearby motorways. Whilst only a snapshot, I observed that the former did not intrude significantly given the relatively low ridge heights and intervening, mature vegetation. Whilst both the motorway and industrial areas would be more visible during the winter months, the landscape character in and around the Site nevertheless retains a rural appearance.

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<sup>144</sup> CD 4.5 and CD 6.2

285. Bearing in mind the scale of the nearby commercial areas and other elements of the local built environment, I find that the proposal would be visually overwhelming. The step down in height towards the periphery of the Site, as set out in the heights parameters plan<sup>145</sup>, would do little to ameliorate this effect bearing in mind the massing of the largest buildings. The applicant contends that this would be mitigated by the proposed earthworks and landscaping<sup>[41]</sup>. However, the scale of the buildings and the 24-hour operation of the site is such that there would be a substantial residual impact both during the day and at night. Furthermore, I find the creation of bunds would introduce a highly incongruent and contrived landform that would militate against the screening benefits, even when vegetated.
286. Given the above, I find that the adverse effects on LCA 1B would be significant but accept, from the available evidence and my own observations, that the adverse effects on the other LCAs would be moderate.
287. The applicant accepts that the visual impacts on nearby receptors would be both material and harmful<sup>[41]</sup>. Nevertheless, it points out that the number of receptors, as agreed with the Council, are limited as a result of the surrounding topography and intervening vegetation<sup>[41]</sup>. Having made my own observations, I concur and find the extent of the viewshed to be surprisingly limited, notwithstanding any longer-distance, glimpsed views that would be present<sup>[47]</sup>.
288. Given the above, I find that the proposal would cause substantial harm to the receptors and landscape in the immediate vicinity of the site but that this harm would be limited in geographic extent. That harm would affect relatively few residential receptors and would not affect the occupants to the point where those buildings could not be occupied<sup>[43]</sup>. I note the harm that would also be caused to pedestrian receptors<sup>[41]</sup>. The proposal would have a high degree of prominence from multiple locations along nearby roads. My own observations suggest that significant residual effects would remain. As such, the proposal would be contrary to policy DC1 of the LP and AT-D2 of the NP. It would also be inconsistent with paragraph 135(c) of the Framework.

### *Heritage*

289. At the close of the Inquiry the applicant only considered that less than substantial harm would be caused to Tanyard Farm and the Moat<sup>[82]</sup>. However, the parties originally agreed that less than substantial harm would be caused to a greater number of designated heritage assets in the SoCG<sup>[82]</sup>. Bearing in mind the duties under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), I have had regard to the effect of the proposal on all designated heritage assets that could potentially be affected. I am satisfied that the ones considered below comprise all those that would be harmed by the proposal.
290. In terms of non-designated heritage assets, the applicant accepts that major harm would be caused to some of the Bradley Hall Farm Buildings as a result of their demolition<sup>[82]</sup>. It also accepts that minor harm to the setting of a number of other non-designated assets comprising: Bradley Hall Farmhouse and Barn as well as a number of dwellings associated with Tanyard Farm comprising Tan

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<sup>145</sup> CD 4.19

House Cottage, Tan House Barn and Hunters Moon (Tanyard Farm Buildings)<sup>146</sup>. Potential harm to the Roman Road and Cross were not considered further as a result of initial survey work<sup>[81]</sup>. I have no evidence before me to the contrary and accept that any potential harm would be adequately controlled through appropriate conditions.

291. The Moat is a scheduled monument comprising a moated structure with a partially enclosed island that is occupied by a farmhouse and barn. This area was formerly occupied by a manor house which was present on the site in the early 14<sup>th</sup> century. It was rebuilt in 1460 and again in the 17<sup>th</sup> century according to the list description. The main access is via a causeway on the eastern side of the moat which replaced an earlier drawbridge. A much narrower, secondary access is also present on the same side which is the product of later landscaping. I observed that the moat still retains water and is generally in a reasonable condition despite the surrounding tree growth.
292. Given that nothing survives of the original manor house beyond its archaeology, the moat no longer imbues any social status on the building that has since occupied the site, although important as part of the broader historical narrative of the site. Nevertheless, it would have occupied a prominent position in the wider landscape given the elevation of the surrounding ground. The surrounding tree growth has reduced this prominence although its wider context and commanding position can still be glimpsed through gaps between some of the trees. This has resulted in a more intimate and enclosed experience of the moat and its historic access route, as denoted by the causeway.
293. Insofar as the application is concerned, the setting of this asset, as it contributes to its significance, comprises its albeit reduced prominence within a wider agricultural landscape and the legibility of the monument as a moated structure with a defensible approach.
294. Whilst there would be no direct impact on any of the earthworks and the existing buildings would be retained, the scale of the development is such that it would loom over the monument and surround it, save for a landscaped corridor to the south. This would do little to preserve any historic landscape associations from the occupation of what would have been a prominent and isolated location prior to the growth of the trees around the site. The agrarian context of the immediate area would also be wholly extinguished. The significant massing of the proposed buildings and 24-hour activity of the Site would also cause substantial changes to its more immediate setting which would only be partially mitigated by the supplementary tree planting and 30 m buffer around the site. As a result, I find that these changes to its setting would harm the significance of this asset.
295. Tanyard Farm is a Grade II\* asset situated to the north side of Barleycastle Lane around 200 m to the south-west of the Site at its closest point. It comprises a late 16<sup>th</sup> century threshing barn, altered and extended to provide a cartshed and stable either in the late 18<sup>th</sup> or early 19<sup>th</sup> century. The building is constructed from red brick with oak framing and has latterly been converted to residential use with a garden and paddock extending to the north-east. Its immediate setting includes a later farmhouse with yard areas extending to the

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<sup>146</sup> CD 6.3, table 8.1

- south and east. More widely, the adjacent fields to the north and east help to maintain the agrarian context and historic legibility of this building.
296. Open fields to the west, north and east still provide the historic context and evidence of the agrarian origins of this building although somewhat compromised by the construction of the motorway to the south and the industrial development around Swineyard Lane. Views of it against its agricultural backdrop would still be possible from Barleycastle Lane but these would be significantly eroded by the proposed development which would add to the cumulative harm already caused by the motorway and industrial development to the east. The urban sprawl and significant massing of the development would be such that the landscape treatment would not fully mitigate this impact. Even if this were the case, wider views of the agrarian landscape would still be foreshortened. As a result, I find that these changes to its setting would harm the special interest of this building.
297. Booths Farmhouse is a Grade II asset situated on the north side of Barleycastle Lane around 300 m to the south-west of the Site. It dates from the late 17<sup>th</sup> century and is constructed in brick, with later 20<sup>th</sup> century additions. Its immediate setting includes the outbuildings and retained barns to the north and north-west, which includes the Shippon. These contribute to the legibility of its former functional role as a historic farmstead. More widely, this is further reinforced by the adjoining fields to the north and east, although the agrarian character of this wider area has been significantly eroded by the urban sprawl of the nearby industrial estate.
298. The Shippon is a Grade II asset situated immediately to the north-west of Booths Farmhouse which helps to enclose an associated farmyard. It dates from the 17<sup>th</sup> century with later additions and functioned historically as a shippon or cow shed. As with the associated farmhouse, its immediate juxtaposition with other farm buildings and open farmyard area contributes to its immediate setting. More widely, I reach the same conclusion as above.
299. The applicant considers that no harm would be caused to these assets due to the enclosure of the farmstead by trees <sup>[82]</sup>. I observed that the scale of the associated buildings and verdant vegetation along Barleycastle Lane is such that these assets are still situated in a predominantly agricultural setting. I accept that the farmstead is not generally visible from the lane and that outward views of the wider landscape from the farmstead are most likely filtered by the tree growth that I observed.
300. However, this does not change the historical association that these assets have with the wider landscape. Moreover, trees are impermanent, unlike the proposed development, and can die or be removed at any time. As with Tanyard Farm, the urban sprawl and significant massing of the proposed development would further erode the context of these assets in addition to the erosion that has already been caused by the nearby commercial development that is currently present. As a result, I find the cumulative changes to their setting arising from the proposed development would harm their special interest.
301. Barleycastle Farmhouse is a Grade II asset situated to the north-west of the Tanyard Farm, on the north side of Barleycastle Lane. It lies around 300 m to the south of the Site at its closest point. It comprises a rendered, 1.5 storey

house constructed in the 17<sup>th</sup> century and altered during the 19<sup>th</sup> century. As with the previously considered assets, its immediate setting comprises an outbuilding to the west and a semi-enclosed farmyard within a broader agrarian context with adjoining fields and a modern steel frame barn to the north.

302. The views towards the Site across the open fields to the north are juxtaposed with modern farm buildings which have modulated the landscape context of the historic farmyard to a certain extent although the wider historic association is still apparent from multiple points along Barleycastle Lane. As with Tanyard Farm, which is situated a short distance to the southeast, the wider agrarian setting of this asset would be significantly eroded by the urban sprawl and significant massing of the proposed development. As a result, I find that these changes to its setting would harm the special interest of this building.
303. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through development within their setting and that any such harm should have a clear and convincing justification. I am also obliged to determine if the proposal would lead to substantial or less than substantial harm.
304. I have identified harm to a number of designated heritage assets. Bearing in mind that the proposal would not directly affect any of those assets and that they would be able to accommodate the proposed changes without the near or complete loss of their special interest, I find the harm to be less than substantial but nevertheless of considerable importance and weight. When this is the case, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of a proposal.
305. The public benefits are set out below and include a number of economic, social and environmental benefits <sup>[384]</sup>. These benefits are considerable and bearing in mind the nature of the harm that would be caused I find that it would be clearly outweighed by the public benefits of the proposal. Despite this cost, it seems to me that there is a clear and convincing justification for the harm to those heritage assets to be accepted.
306. I now turn to the effects of the proposal on the non-designated heritage assets but not in relation to the Cross or the Roman Road for which there is insufficient evidence to establish their presence <sup>[81]</sup>. Paragraph 209 of the Framework requires a balanced judgement to be reached that has regard to the scale of the harm or loss and the significance of any non-designated heritage assets.
307. Tanyard Farm Buildings are a series of non-designated heritage assets that are associated with Tanyard Farm <sup>[15]</sup>. They are situated to the west and east of the listed building and vary between one to two storeys. As with the listed building, they are all now in residential use and their setting comprises the spatial arrangement of the associated farmstead and group value of these former farm buildings, as experienced within an extensive agricultural context. They also contribute to the special interest of the listed building in this respect. The effect on the setting of these buildings is no different to the listed building and I agree with the applicant that only minor harm would result.

308. Bradley Hall Farmhouse and Barn are non-designated heritage assets that are associated with the Moat and located on the semi-enclosed island. The existing house and barn date to the 19<sup>th</sup> century and potentially incorporate earlier structures. The house has two storeys with the principal elevation orientated to the east and constructed in brick and colour washed render. The barn to the west is single storey with a render covering and grey slate roof. A residential garden and allotment extends across the remaining area which also includes hard surfaced areas for car parking to the north-east of the house.
309. These assets contribute to the historic layering of the Moat through the evidential understanding gained from the continued occupation and adaptation of this monument. The development would not lead to any change in the contextual relationship of the buildings to the monument but their wider landscape setting, as a former farmhouse and barn, would be significantly altered. Bearing in mind the scale of the effect and the cessation of residential use, which is secured through the s106, I find that moderate rather than minor harm would result.
310. Bradley Hall Farm Buildings comprises a range of buildings with a historic core associated with brick built, conjoined buildings forming a U-shaped courtyard arrangement that is open on its western side. This arrangement evolved from additions to the original, early 19<sup>th</sup> century buildings that were constructed from handmade bricks. The views of the applicant in relation to the phasing and significance of these buildings are consistent with my own observations <sup>[83]</sup>. I also note the significant erosion of its historic legibility through later additions. Nevertheless, given the complete loss of this asset, I find that major harm would result.
311. Given the above, I find that the proposal would be contrary to policy DC2 of the LP and policies AT-D1 and AT-D2 of the NP.

### *Highways*

312. The applicant points out that the scheme is supported by technical evidence which was prepared in consultation with the HA and NH and that neither objected to the proposal, subject to the agreed mitigation <sup>[73]</sup>. SWP does not dispute any of this evidence but makes observations in relation to the operation of the "dumbbell roundabouts" of J21 of the M6 and the effect of congestion on the Grappenhall Lane/A50 roundabout <sup>[168, 169]</sup>. It suggests that the proposed mitigation would make roads wider which would create more space for traffic to queue with concomitant GB impacts and that the impact from loads being "broken down" and distributed in lighter vehicles has not been assessed <sup>[170, 171]</sup>.
313. The applicant highlights the modelling that has been done in relation to the dumbbell roundabouts and A50 junction which indicates that the levels of queuing and delay would be better or at least comparable to the existing situation once the proposed mitigation is in place <sup>[74]</sup>. SWP confirmed that it did not rely on any technical evidence and that it had simply drawn upon the views of the Case Officer and NH in coming to the conclusion that the junction was operating above capacity.
314. Given the absence of any technical evidence to the contrary concerning the effectiveness of the proposed mitigation or any credible challenge to the methodologies that were used, I am satisfied that the proposal would not lead



to a material change to the operation of these junctions or the wider road network. As far as the GB impacts are concerned, the applicant accepts that harm would be caused and further impacts from road improvements does not alter the substantial weight to be given to this harm, as required by paragraph 153 of the Framework. This point consequently goes nowhere.

315. Turning to the potential for smaller vehicles to utilise the local road network and add to congestion at other locations, I note that the fastest route to the nearest urban conurbations that they might serve would be via the M6 and that this type of vehicle movement was, in any event, considered in the Transport Assessment, as highlighted in oral evidence presented to the Inquiry by the applicant's transport witness <sup>[78]</sup>. This is also the case for the private vehicles of future employees.
316. Whilst I accept that periodic congestion on the M6 and the operation of the swing bridges along the Manchester Ship Canal, might cause vehicles to seek alternative routes, I have no technical evidence before me to suggest that the proposal would significantly add to this intermittent issue. The applicant also makes the point that there are no significant road safety issues on the surrounding road network <sup>[74]</sup>. Although Ms Hoskinson highlights "incidents" with lorries, no details are given and this claim is, in any event, not substantiated with any independent data <sup>[233]</sup>.
317. Given the above and bearing in mind the proximity of the site to the SRN, I do not find any credible reason for preventing or refusing the proposal on highways grounds either on the basis of road safety or severe residual cumulative road impacts, as set out in paragraph 115 of the Framework.
318. SWP questions the practicality and urbanising effect of the proposed alternative transport provision and general accessibility of the location <sup>[173-174]</sup>. More specifically, whether the shuttle bus would reduce the reliance on private motor vehicles given the presence of 2,400 car parking spaces and how cycleway and footway improvements would link to wider networks as well as the safety of such users when travelling along the A50 route from Grappenhall.
319. In terms of cycleway and footway provision, the applicant highlights the fact that the planning obligation would extend this infrastructure to the south and the west in order to connect with wider networks, including the ones associated with the Southeast Warrington Urban Extension <sup>[71]</sup>. The applicant's planning witness also indicated, in oral evidence, that the Site would be linked to Appleton Thorn which has a population of over 2,000 people. Even without the urban extension, I accept that this would provide an alternative means of access to the development for a significant number of people.
320. In terms of the issues along the A50, I note an alternative route to Grappenhall, along Broad Lane, could be used by cyclists at the current time but that it would also be equally unattractive given the narrow, single carriageway with no segregation and a speed limit of 60 mph up to the outskirts of Grappenhall where it drops to 40 mph and then 20 mph. I note that the planning obligation secures a contribution, as GB compensation, towards a proposal to create a neighbourhood cycle route along this road that would be part of a strategic cycle

network, as set out in the Council's Local Cycle and Walking Infrastructure Plan 2019–2029<sup>147</sup>.

321. Whilst there is no formal scheme at the current time or a feasibility study, the Council confirms that the grassed highway verge could be converted into a shared footway/cycleway allowing improved access between the Site and the urban areas to the north as well as improving overall accessibility of land within the GB. The Council also confirms that a scheme could be delivered within the highway boundary with pinch points along the route potentially being addressed by carriageway narrowing which could give priority to pedestrian/cyclist movement<sup>148</sup>.
322. During the roundtable discussion on the planning obligation, SWP highlighted the fact that there was a lack of detail and that the impacts of this scheme were not evaluated as part of the ES. Given the absence of any formal scheme, or even a feasibility study, I find that there is a significant degree of uncertainty regarding the delivery of any realistic walking or cycling options to the north of the Site at the current time. Consequently, the benefits of active travel would largely be limited to the linkage to Appleton Thorn until such time that the infrastructure associated with the urban extension is delivered, as well as the implementation of any scheme associated with Broad Lane.
323. Turning to the attractiveness of the shuttle bus, I note that a similar scheme was funded for the Warrington Omega Business Park and that this service has since become self-supporting according to the oral evidence of the transport witness, which is not disputed. Given the extensive parking provided for employees at that site, I see no reason why a similar scheme would not be sustainable in the longer term in relation to the current site. Moreover, it would potentially be supported by employees of the adjacent employment site which only has limited public transport links at the current time. Furthermore, it would also assist in providing employment opportunities by linking the more deprived areas of Warrington where car ownership may be more limited <sup>[72]</sup>.
324. Mr Devinish, on behalf of Mr and Mrs Hickman, raises additional concerns over the widening of Cliff Lane as part of the proposed road improvements and the effect that this would have on his client's land which lies to the south of this road <sup>[212-218]</sup>. In particular, he questions whether a kerb can be accommodated and whether sufficient space would be present for existing services in the absence of a footway or adopted highway verge. He also observes that the visibility splays would be curtailed and fall below the required standards in relation to the lane that serves the Hickman's property and that the loss of the verge would also pose a safety risk to pedestrians.
325. In response to one of my questions, the applicant's transport witness stated that all of the improvements were deliverable and that there was nothing to stop the kerb of the new road abutting the Hickman's land which would, in any event, only be along a small section. I also note the witness's response in written evidence concerning the visibility splays<sup>149</sup>. He notes that this matter was discussed with the HA after the proposal was submitted and that neither

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<sup>147</sup> ID 75

<sup>148</sup> ID 75, paragraph 1.28

<sup>149</sup> CD 6.4, appendix AV010

visibility nor utility access or accessibility were considered to be issues that could not be adequately mitigated. In oral evidence he also highlighted the fact that a road safety audit identified no issues and that the eastern splay may, in fact, be improved. I also observe that the adjoining section of road is straight, that passing vehicles can be seen for some distance and that the existing splay is generous and capable of adaptation. As such, I am satisfied that the issues raised by the Hickman's would be adequately addressed.

326. Mr Thrower observes that the proposal seeks to perpetuate and cater for road-based freight transport and stresses the importance of rail-based transport <sup>[257]</sup>. He highlights a number of documents that emphasise the need for rail freight, through facilities such as SRFI <sup>[258]</sup>. The applicant makes the point that none of the documents address road-based freight needs and are not balanced or comprehensive. Road-based options are clearly required as supported in the recently adopted LP. In particular policy INF1(5) which specifically supports road-based transport needs.
327. Given the above, I find that the proposal would not lead to an unacceptable impact on highway safety and that there would be no severe residual, cumulative effects on the road network. Considering the logistical needs of the location and the inherent limitations this poses, I also find that the provision of alternative transport modes would be adequate. As such, the proposal would be consistent with paragraphs 115 and 116 of the Framework and policy INF1(5) of the LP and would not add to the harms that I have already identified.

#### *Air Quality*

328. SWP maintains that the proposal would increase the risks associated with poor air quality and highlights an annual report showing increases in PMs <sup>[178]</sup>. It also highlights WHO data which shows that PM<sub>2.5</sub> in Warrington is 14 µg/m<sup>3</sup> which significantly exceeds the recommended limit of 5 µg/m<sup>3</sup> <sup>[179]</sup>. It notes that the only monitoring point in Warrington, on Selby Street, has indicated levels between 30-85 µg/m<sup>3</sup> which are considered dangerous by the WHO. SWP also questions potential impacts from NO<sub>2</sub> given the lag in air quality improvements from technological change which is not expected to take full effect until 2040 <sup>[178]</sup>.
329. A number of interested parties also highlight air quality concerns, as set out in the relevant paragraphs <sup>[224-229, 244, 250, 260]</sup>. In particular, Stockton Heath Parish Council highlights the result of its own monitoring which suggests the 24-hour average over four weeks for PM<sub>2.5</sub> in August 2023 was 8.5 µg/m<sup>3</sup> which rose to 9.5 µg/m<sup>3</sup> on the morning the Inquiry opened <sup>[260]</sup>. It is concerned that the proposal would lead to an increase in levels as the result of brake and tyre wear. Additionally, Walton Parish Council notes a level of 9.7 µg/m<sup>3</sup> at one location, as derived from a crowdfunded, air pollution site. It also notes a marginal exceedance of the WHO PM<sub>10</sub> threshold and a larger exceedance of the NO<sub>2</sub> threshold <sup>[226]</sup>. Along with other interested parties, it notes that Warrington is in the 'top five' most polluted towns in the NW.
330. The applicant disputes that this is the case and notes that the WHO database relies on a single sample location at Selby Street. It observes that the same data was included in the ES baseline and has therefore been evaluated <sup>[91]</sup>. It also highlights the results of an analysis of this monitoring station for 2023 which failed to corroborate this claim <sup>[90]</sup>.

331. Whilst SWP and others highlight information extracted from the WHO database <sup>[179]</sup>, no associated report was submitted to the Inquiry that places this information in its proper context or highlights any of its limitations. This is also the case for the data that Walton Parish Council chose to rely upon. When I questioned the applicant's air quality witness regarding the Stockton Heath data, he highlighted the need to obtain measurements from properly calibrated equipment associated with a maintained monitoring network and that it was not uncommon to see significant differences in individual readings or short-term averages even when this is the case. He also noted, in oral evidence, that the WHO PM<sub>2.5</sub> threshold is not binding and that the current statutory threshold is 25 µg/m<sup>3</sup>.
332. Given the above, I find this to be unreliable evidence and even if this were not the case, the values for PM<sub>2.5</sub> do not, in any event, exceed the statutory threshold.
333. The PPG states that the Ambient Air Quality Directive (2008), rather than the WHO, sets the legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as PM (PM<sub>10</sub> and PM<sub>2.5</sub>) and NO<sub>2</sub>. It goes on to advise that development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species)<sup>150</sup>. Whilst there would be an impact on the latter, that I shall address in a following section, the ES is unequivocal that this would not otherwise be the case <sup>[87]</sup>. It concludes that the proposal would not conflict with the measures set out in Warrington's AQAP.<sup>151</sup>
334. Given the above and in the absence of robust, technical evidence to the contrary, I find that the proposal would not lead to exceedances of national or local air quality objectives for human health, either on its own or in combination with other schemes. Insofar as human air quality objectives are concerned, the proposal would be consistent with paragraph 192 of the Framework and policies DC1(2)(i) and ENV8(3) of the LP and would not add to the other harms that I have identified.

#### *Suitability of the Site*

335. As SWP point out, the proposed development would be inconsistent with the primacy of the very recently adopted plan and contrary to policies DEV4 and GB1 and the underlying strategic objectives of the plan <sup>[193]</sup>. The applicant accepts that the proposal would result in harm to the planning system given the fact that the Site is no longer allocated as employment land but notes that planning law allows material considerations to outweigh that primacy <sup>[114]</sup>.
336. Be that as it may, a fundamental tenant of the planning system is to make sure that development occurs in the right place. This is the essence of a plan-led approach. This approach encapsulates the expression of a local community's vision for the future and is the product of a complex set of community views, political priorities, local evidence and national policy. The success or otherwise

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<sup>150</sup> Paragraph: 005 Reference ID: 32-005-20191101

<sup>151</sup> CD 4.9, paragraph 11.7 and ID 63

of LPs is a baseline against which the wider success of the English planning system is measured.

337. It is undoubtably the case that the Site is a highly attractive one to the logistics industry, given its strategic location and the ease with which this greenfield site could be developed <sup>[56]</sup>. Whilst it is entirely right and proper to set aside a LP where material considerations indicate otherwise, this is not a tump card that allows anything, anywhere and at any time just because it is what market wants <sup>[124]</sup>. To do so would strike at the heart of the plan-led approach to development where local democracy sets sustainable limits and determines local needs. In this context, the location is not suitable from a local policy perspective because it is not allocated for the proposed use and because it is inappropriate development in the GB.
338. Turning to the support the location derives from national policy, the applicant highlights paragraph 85 and 87 of the Framework <sup>[121]</sup>. The first stresses the need to support economic growth and productivity, taking into account business needs, whilst the second stresses the need for planning decisions to address the locational requirements of storage and distribution operations. The applicant considers the Site to offer a logistical utopia bearing in mind the preferences of the logistics industry <sup>[124]</sup>.
339. However, as the following section shows, the case was not sufficiently compelling for the Site to be considered the only viable site across the whole of the NW region. Nevertheless, its proximity to a major motorway junction does draw some support from the Framework despite the fact that it would be contrary to paragraph 15.

### **Other Considerations**

#### *Employment Land Supply and Demand*

340. The applicant maintains that this would stand at only 9 months by the end of this year which would lead to a crisis in 2-3 years with a potential market failure <sup>[51]</sup>. SWP points out that the numerical evidence from 2023 suggests that the demand for employment land actually dropped and that there was an increase in B8 logistics stock during six months prior to the submission of updated evidence to the Inquiry <sup>[159]</sup>.
341. The applicant acknowledges this to be the case but contends that this was an anomalous year that should be viewed as an exception due to economic uncertainty <sup>[52]</sup>. The applicant points out that greater confidence has returned and predicted an improvement in take-up levels in oral evidence <sup>[52]</sup>.
342. However, the applicant's witness conceded that the threat of market failure had receded and that there was a 24-month supply based on the 10-year average take-up of 266,109 m<sup>2</sup> <sup>[53]</sup>. He also conceded that, despite the increased interest, not many of the speculative units under construction, that are greater than 9,290 m<sup>2</sup>, were under offer in the region <sup>[53]</sup>. On the basis of the evidence available to the Inquiry, it is clear that the threat of imminent market failure is equivocal.
343. In terms of larger sites, the applicant highlights a notable increase in enquiries for units above 46,450 m<sup>2</sup> with only a few consented sites available in the region to meet this demand <sup>[54]</sup>. The applicant maintains that sites at Birkenhead,

Widnes and Ellesmere Port, are in sub-optimal locations which are not desirable from a market perspective <sup>[54]</sup>. Whilst not desirable in terms of the additional costs associated with such sites, they are nevertheless available.

344. The applicant points out that the Site is unique, given its proximity to the SRN and the intersection of the M6 and M56 motorways. It maintains that this locational characteristic is of paramount importance for logistics operations <sup>[50]</sup>. It also emphasises the fact that the Site is highly ranked and could accommodate a single unit up to 93,026 m<sup>2</sup> which would be the largest single floor plate in the NW region <sup>[56]</sup>. It goes on to emphasise that the consequences of not approving the proposal are such that logistics operators would seek sites outside the region even though a number of sub-optimal sites are available <sup>[56]</sup>. I have no reason to doubt the attractiveness of the Site.
345. On the demand side, the applicant stresses the need for larger units to accommodate a greater volumetric capacity as technology and handling systems have improved <sup>[57]</sup>. Although the demand showed a peak during the pandemic, this has since declined with internet sales accounting for around 26% of total retail sales in October 2023 <sup>[57]</sup>. Market trends are such that there is a need for taller buildings with 15 m clear height from the floor slab, larger floorplates, buildings with better environmental performance ratings and greater power supplies to support automation and vehicle charging <sup>[57]</sup>.
346. SWP recognises that Warrington, as a logistics location, is unrivalled and that this has attracted high levels of demand for such operations <sup>[150-151]</sup>. It confirmed that this demand was "insatiable" in oral evidence and that this indicated a clear need on the part of the industry. As such, SWP does not dispute the demand for such sites that exists within the plan area or the broader region.
347. It is clear that there is a strong demand for logistics facilities and that the supply of the largest sites is limited within the region. The need for larger facilities is undisputed in terms of accommodating modern working practices and environmental performance standards.
348. Market signals suggest that this will be a continuing trend, but the applicant's employment land supply and demand witness confirmed that the 'above average' increase that he identified in the take-up of Grade A premises during 2021 and 2022<sup>152</sup>, when compared to the five and ten year averages, was not subject to any statistical significance testing in response to one of my questions. It is also unclear to what extent this take-up was influenced by the Covid pandemic without the benefit of a statistically robust, time series analysis over a longer period of time.
349. It is suggested that there has been a marked increase in interest in the first half of 2024 in comparison to 2023 which the applicant characterised as an anomalous year due to broader factors affecting the economy <sup>[52]</sup>. Whether or not there would be a market failure in 24 months was unclear at the close of the Inquiry. This is because there is insufficient evidence to judge whether or not this represents a longer-term trend given the downturn in uptake that was observed in 2023. There is a clear difference between expressed interest and

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<sup>152</sup> ID 51, paragraph 4.33



the actual take-up of units in addition to the lack of any statistically robust data on this matter.

350. Given the above, I find the case for logistics supply and demand to be overstated and largely based on subjective opinion rather than robust, quantitative data.

#### *Employment Land Need*

351. This is addressed at various points in the applicant's evidence [51, 60-69, 122] and SWP evidence [156-159]. Fundamentally, the applicant seeks to challenge the basis for calculating employment land need which was considered at length and in some considerable detail during the LP examination. This included an additional hearing to consider much of the same evidence that has been placed before this Inquiry with the exception of some updated employment land supply data for the FEMA which leads the applicant to identify a shortfall of 172 ha on that basis alone<sup>153</sup>.
352. The extent of this new evidence is limited, however, given that some of it was before the LPI, as is apparent from the contents of a matters statement on the employment land requirement that was produced for the additional hearing<sup>154</sup>. The applicant's witness confirmed, in oral evidence, that the new evidence was limited to just four additional sites and an assessment of what should have been included. Although it considers the approach of the LPI to be flawed, this did not prompt it to challenge the adoption of the LP.
353. It is not for me to revisit the underlying basis of the very recently adopted plan and determine the objectively assessed need for employment land in Warrington which the applicant, more broadly, maintains is 280 ha and not 168 ha [60]. Any such assessment would not be as accurate, bearing in mind the more limited scrutiny associated with the Inquiry process, as well as the fact that the evidence I have concerning this matter is one-sided. I do not have the benefit of the Council's views on the new, albeit limited, evidence or the wider case that has been put to the Inquiry in relation to these matters.
354. That said, the key issue essentially comes down to whether there is a genuine need for this site which goes beyond the preferences of the logistics sector and the site promotor. As the sector operates beyond the scale of any one plan area and given the potential for sites to be developed in close proximity to other motorway junctions, it begs the question of why here and why now?<sup>155</sup>
355. Moreover, the applicant's own witness confirmed that the proposal is intended to meet a wider regional need [158]. Consequently, the applicant either needs to demonstrate why only this site is suitable within the region, and no other or, alternatively, show that there is an unmet regional need that only the release of GB in Warrington would satisfy in addition to the objectively assessed local need. I accept that the applicant has demonstrated that there are no alternatives in Warrington [125] but this remains unproven at a larger scale.

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<sup>153</sup> ID 72, table 4.4 and paragraph 4.28

<sup>154</sup> ID 74, table 1

<sup>155</sup> As put in one of my questions to Mr Johnson.

356. This is because I have no robust evidence before me to suggest that the proposal must be specifically located on the Site. The witness confirmed, in response to one of my questions, that it was simply the market preference given its centralised location within the NW region.
357. Turning to the consideration of regional alternatives, the applicant does not accept that the currently available sites are suitable <sup>[54, 124]</sup>. This is due, among other things, to the costs involved in accessing the SRN according to the applicant. However, no viability analysis was placed before the Inquiry to suggest that such costs were insurmountable. Instead, it highlights the fact that speculative development at secondary locations, such as Birkenhead, remain unoccupied for long periods <sup>[124]</sup>. It maintains that this demonstrates the lack of viable alternatives. It goes on to note that there is only one site of a suitable size within the M6 corridor if a wider area of search is considered <sup>[123]</sup>. I find this qualitative, contextual reasoning falls short of what is required to adequately demonstrate a lack of viable alternatives.
358. Turning to regional need, additional evidence submitted to the Inquiry concerning net absorption and completion rates for units greater than 9,300 m<sup>2</sup> suggests that there is a need for large-scale units across the region of between 864 ha and 967 ha <sup>[67]</sup>. I see no reason to doubt this evidence and accept that this need is present.
359. Given the above, I am not persuaded that there is a lack of alternatives across the region but recognise that provision is limited and not ideal. As such, I do not find that a genuine need for the Site within a regional context has been wholly proven. The question of “why here and why now” has not been adequately addressed.

### *Economic Benefits*

360. The applicant highlights significant economic benefits that could potentially lead to the creation of around 4,000 new jobs bearing in mind the 3 million square feet of employment space that would be created <sup>[58]</sup>. It estimates that 183 construction jobs would be created during the 6.5-year construction phase as well as between 46 to 84 indirect, direct and induced jobs during this period. The range of indirect, direct and induced jobs during the operation phase is estimated as being between 3,129 and 4,113 <sup>[127]</sup>.
361. Whilst SWP does not dispute the quantification of economic benefits associated with the proposed development <sup>[147]</sup>, it suggests that there is some uncertainty on the basis of a contrasting expert view associated with a report that was commissioned by the Council <sup>[161]</sup>. The Council notes that there was broad agreement with the methodology that was used by the applicant and that it considered the assumptions to be reasonable<sup>156</sup>. This report suggests that the benefits to the local economy are likely to be around £67.4 m, rather than the £216 m estimated by the applicant, whilst total number of jobs would be around 2,989, as opposed to the above figure<sup>157</sup>.

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<sup>156</sup> CD 4.151, paragraph 10.195

<sup>157</sup> ID 17

362. I acknowledge the difference of opinion but even if a mid-point is taken between the different values, the economic benefits would still be significant and capable of not only benefitting Warrington but also the regional economy.

### **Other Matters**

#### *Habitats Regulations Assessment*

363. The applicant accepts that the proposal would have an adverse effect on the integrity of Manchester Mosses SAC. More specifically, that it would affect Holcroft Moss SSSI which is situated 9 km north-east of Warrington, on the south side of the M62 motorway. This site, along with two other SSSIs, form the SAC. They are part of the 'meres and mosses' of the NW region which are an internationally important series of open water and peatland habitats not represented anywhere else in lowland Britain.

364. As highlighted at the beginning of this report, the applicant has submitted a HRA and has consulted NE in relation to its conclusions and the mitigation that has been proposed<sup>158</sup>. The details of this are set out in Annex 5 of this report so that the SoS can fulfil her duty as the Competent Authority, under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended), should she be minded to grant planning permission.

#### *BMV Agricultural Land*

365. The proposal would result in a loss of around 25 ha of BMV agricultural land. The applicant maintains that this has been minimised through the choice of the Site because the remaining 73 ha does not fall into this category<sup>[115]</sup>. However, the absence of a speculative, greater harm is not a basis for justifying the harm that would result from the loss of this land or the weight to be attributed to it. As the proofs of the applicant's planning witness do not set out the proportion of BMV land that might be lost at alternative sites, I do not agree that the proposal would be consistent with ENV8(8) of the LP.

366. Given the above, I find that the proposal would lead to a loss of BMV agricultural land which would conflict with ENV8(8) of the LP and that this would add to the other harms that I have identified. It would also be inconsistent with paragraph 180(d) of the Framework.

#### *Other Decisions*

367. The applicant highlights a number of SoS decisions regarding employment sites within the region as well as a recent decision of Wakefield Metropolitan District Council concerning a GB development<sup>159</sup>. Whilst consistency in decision making is important, they do not form a binding precedent and are not the same in all respects given that none of them were in Warrington and because they were within a different national policy planning context under a different Government. Furthermore, the decision of Wakefield MDC was significantly influenced by the benefits derived from the cross-funding of a community project for Castleford Tigers<sup>[192]</sup>. I also note the outcome of a more directly comparable call-in decision for B8 development at Barleycastle Lane, where permission was

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<sup>158</sup> ID 32 and ID 33

<sup>159</sup> ID 50, appendix DR04 and ID 71, paragraph 1.31

refused (Stobart Appeal), which demonstrates that decisions cut both ways and that there is not an inevitability concerning the approval of such schemes despite their clear economic benefits<sup>160</sup>.

### *Changes to the Framework*

368. On 30 July 2024, the Government published a consultation on proposed reforms to the Framework as well as other changes to the planning system. Whilst capable of being a material consideration, the proposed reforms may be subject to change before the final document is published and consequently carry limited weight whilst in draft form.
369. At the same time, the Government made a Written Ministerial Statement entitled "Building the Homes we Need". Unlike the Framework consultation, this is an expression of Government policy and carries significant weight as a material consideration once issued.
370. The main parties were given an opportunity to make further representations after the close of the Inquiry in relation to these matters. SWP notes that the WMS is of no relevance and that the consultation over changes to the Framework can be afforded no weight given that there is no certainty as to what proposed amendments may become policy in the future. The Council considers these documents to have limited weight and maintains its overall position of neutrality but observes that any increase in housing numbers in Warrington would also require an increase in the extent of employment land.
371. The applicant considers that both documents give a clear indication of the Government's intent and that they are material to the determination of this application. It notes that there is a clear "growth agenda", that will not change, which is fully supported by the WMS. The applicant considers that significant weight should be given to the policy direction but recognises that the provisions of the new Framework are subject to change and carry reduced weight.
372. It suggests that there would be a 45% increase in the housing requirement in Warrington and that this would have consequential impacts on its employment land requirement. It also notes the importance the WMS places on "growth supporting infrastructure" which includes freight and logistics and the potential gains that would flow for regional and national economies.
373. The applicant highlights a number of points concerning the consultation draft. Among other things, it notes the following: Chapter 1 – the need for sustained growth to improve prosperity; Chapter 5 – the standard approach would require an additional 355 homes (1,146 instead of 791); Chapter 6 – the economic growth highlighted in paragraph 84 and 85 cannot be supported in Warrington; Chapter 9 – the proposal would deliver a vision-led approach highlighted in paragraph 112; and Chapter 13 – it would meet the requirements of paragraph 155 insofar as applicable to commercial developments and the proposal would pass the new GB sequential test.
374. Bearing in mind that the proposed amendments to the Framework will be subject to change and that the right and proper mechanism for reviewing the

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<sup>160</sup> CD 4.139

consequences of the WMS will be through a review of the LP, I find that these considerations only carry limited weight.

### *Additional Concerns*

375. Interested parties highlighted additional concerns to the inquiry that include carbon emissions <sup>[201]</sup>, noise <sup>[235, 267]</sup>, litter <sup>[245]</sup>, drainage <sup>[267]</sup>, construction traffic <sup>[268]</sup> and lightning <sup>[268]</sup>. Additional concerns were also raised in response to the original application which include PRow disruption, ground contamination from the development, traffic restriction breaches, flooding, loss of jobs elsewhere, new jobs taken by non-residents, vibration, lack of affordable housing, overshadowing, loss of daylight and undermining the development of the Fiddler's Ferry employment site<sup>161</sup>.
376. I have carefully read the officer report where most of these matters were considered as well as the relevant parts of the ES. I have accounted for representations that were made as part of the original application and to this Inquiry. I note that there were no unresolved objections from relevant statutory consultees in relation to any of these matters.
377. Having considered the issues afresh, I find that there is no further evidence before me that would lead me to a different conclusion and I am satisfied that any residual impacts would be adequately controlled through appropriately worded conditions and the contributions that would be made through the s106.
378. A human rights issue under Article 1 of the First Protocol of the Human Rights Act 1998 (as amended) has been raised in relation to how the development would affect the living conditions of the occupants of nearby dwellings, most notably Bradley Hall Cottages. This is a qualified right which may be 'interfered' with or 'infringed' which involves balancing the fundamental rights of individuals against the legitimate interests of others and the wider public interest.
379. However, the Council observes that there would be no unacceptable impacts on residential amenity as a result of the proposed development, subject to mitigation and the consideration of the reserved matters application, it is not therefore considered that there would be a breach of Article 1, Protocol 1<sup>162</sup>. Having carefully considered this matter in the light of the evidence before me, which includes the RVAA conclusions <sup>[42-43]</sup>, I see no reason to come to a different conclusion on this matter.

### **Planning Balance and Very Special Circumstances**

380. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise<sup>163</sup>. One of the key policies relating to this proposal is policy GB1 of the LP which states that the general extent of the GB will be maintained throughout the plan period and that planning permission shall not be granted except in VSC. Where this occurs, it requires compensatory improvements to the environmental quality and accessibility of remaining GB land.

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<sup>161</sup> CD 151, section 5

<sup>162</sup> CD 4.151, paragraph 10.328

<sup>163</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

381. The Framework states that inappropriate development should not be approved except in VSC. These will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In accordance with paragraph 153 of the Framework, **substantial weight** must be given to the harm to the GB due to the inappropriate nature of the proposed development, the harm that it would cause to openness and its encroachment into the countryside.
382. In terms of other harms, I attach **great weight** to the harm that would be caused to the designated heritage assets, as required by paragraph 205 of the Framework. I have found that the proposal would have an adverse effect on landscape character to which I attach **significant weight**. I also attach **significant weight** to the fact that the proposal is contrary to a plan-led approach to development. I attach **moderate weight** to the harm that would be caused to non-designated heritage assets and **limited weight** to the loss of BMV land.
383. The applicant has also identified very limited harm to air quality. However, as its effect on Holcroft Moss would be mitigated and result in no residual harm, I give this no weight.
384. On the other side of the balance, there are a number of factors that weigh in favour of the proposal, as set out below:
- A number of direct economic benefits would arise from the proposal. Taking into account the Council's independent review<sup>164</sup> and the applicant's own estimates, between 2,989 and 4,113 jobs would be created during the operation phase whilst between 46 and 84 jobs would be created during the construction phase over a period of 6.5 years. The benefits to the local economy would be between £67.4 m and £216 m. Together, I consider that these benefits carry **significant weight**.
  - Indirect economic benefits would arise from the fact that the proposal would support economic growth and productivity that would help to build a strong, competitive economy of at least regional significance. The importance of this is set by the Framework. Consequently, I give these benefits **significant weight**, in accordance with paragraph 85 of the Framework.
  - The Framework also stresses that planning decisions should recognise the specific locational requirements of different sectors and make provision for storage and distribution operations at a variety of scales and in suitably accessible locations. Bearing in mind the locational geography is tempered by the inappropriateness of the site from the LP perspective, I give this **moderate weight**.
  - Social benefits would also accrue from a local employment scheme that would secure employment and training opportunities for residents of the Borough. This would ensure opportunities are present to benefit from the resulting economic growth. I consequently give this **moderate weight**.

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<sup>164</sup> ID 17



- The need for a significant uplift in employment land provision in Warrington, within the regional operational context of B8 logistics use is equivocal given the presence of, albeit less ideal, alternatives. Whilst the balance between local labour supply and job growth may be altered as a result of changes to national planning policy <sup>[368-374]</sup>, these changes are still being consulted upon. As a result, I give this benefit only **limited weight** at the current time.
- Clear environmental benefits would be present although a number of elements are compensatory in nature and no more than would be expected to mitigate the impact of the proposal. I consequently give this benefit **moderate weight**.
- The shuttle bus provision would benefit deprived areas and improve the limited public transport links to adjacent development. As this is also required to make the development acceptable in planning terms <sup>[272-273]</sup>, I give this benefit **moderate weight**.

385. The applicant has identified a number of other benefits relating to highway improvements, the Cheshire East permission and a lack of alternative sites. The highway improvements are no more than is required to make the proposal acceptable in planning terms and to mitigate the impacts of the scheme. The extant permission is needed to secure ecological mitigation and is not of any wider benefit whilst the lack of any alternative sites within the Borough and the increased local employment opportunities that would result from the scheme are already accounted for in the economic benefits. Collectively, this leads me to give these suggested benefits **limited weight**.

386. Drawing everything together, I find that substantial weight arising from the GB harm, together with the other harm that I have identified, would not be clearly outweighed by the cumulative weight of other considerations. Accordingly, I conclude that VSC do not exist to justify inappropriate development in the GB. The proposal would be contrary to policies DC1, GB1(10), ENV8(8) and DC2 of the LP and policies AT-D1 and AT-D2 of the NP. The proposal would not accord with the development plan as a whole and there are no other material considerations that indicate that planning permission should be granted notwithstanding this conflict. I also find that it would be inconsistent with paragraphs 15, 135(c), 142, 143(c), 152 and 180(b) of the Framework.

### **Recommendation**

387. Given the above and considering all other matters raised, I recommend that planning permission is refused. If the SoS is minded to disagree with my recommendation, Annex 4 lists the conditions that I consider should be attached to any permission that is granted. Annex 5 also provides the basis for the HRA that would be necessary under such circumstances.

*R Catchpole*

INSPECTOR

## **ANNEX 1 – APPEARANCES**

### **For the Applicant**

Mr Sasha White KC, of Counsel, instructed by Andrew Piatt of Gateley

He called:

Mr Rolinson (planning witness)

Mr Vogt (transport witness)

Mr MacQueen (heritage witness)

Mr Drabble (air quality witness)

Mr Taylor (landscape witness)

Ms Seal (ecology witness)

Mr Johnson (employment land supply and demand witness)

Mr Kinghan (employment land need witness)

### **For the Council**

Ms Sarah Reid KC and Ms Constanza Bell, of Counsel, instructed by Warrington Borough Council

No witnesses called but Mr Lord (Council Ranger Services) attended to assist with the planning obligation roundtable discussion.

### **For the Rule 6 Party**

Mr Groves

No witnesses called

### **Interested Parties**

Mr Appleton	Stretton NDP Group
Cllr Walker	Stockton Heath PC
Mr Thrower	Local Resident
Mr Webster	Local Resident
Dr McAloon	Appleton Thorn NDP Group
Mr Ellam	Local Resident
Cllr Jervis	Appleton Ward and Appleton Parish Council
Cllr Taylor	Grappenhall and Thelwall PC
Cllr Harris	Walton Parish Council
Cllr Marks	Lymm North and Thelwall Ward and Lymm Parish Council
Ms Hoskinson	Warrington Local Plan Objection Group

Andy Carter MP      Member of Parliament for Warrington South

Mr Devenish        Mr and Mrs Hickman

**ANNEX 2 – CORE DOCUMENT LIBRARY**

<b>Ref</b>	<b>Document Title</b>
1.1	National Planning Policy Framework 2021
1.2	National Planning Practice Guidance – Natural Environment – Biodiversity, Geodiversity and Ecosystems
<b>2.0</b>	<b>The Development Plan</b>
2.1	Warrington Local Plan Core Strategy 2014
2.2	Warrington Core Strategy Local Plan Proposals <a href="#">Map</a>
2.3	Appleton Thorn Neighbourhood Plan 2017
<b>3.0</b>	<b>Other Planning Documents</b>
3.1	Warrington Updated Proposed Submission Version Local Plan 2021-2038 (placed with SoS April 2022): <ul style="list-style-type: none"> <li>• DC3 Green Infrastructure page 118-124</li> <li>• DC4 Ecological Network page 124-130</li> <li>• ENV8 Environmental and Amenity Protection page 175-180</li> <li>• ENV8.4 Air Quality Manchester Mosses SAC page 175</li> <li>• MD6 The South East Warrington Employment Area page 223-227</li> </ul> MD6.3 Detailed site-specific Requirements – Natural Environment page 224
3.2	Local Plan Inspector’s Interim Letter, dated 16 December 2022
<b>4.0</b>	<b>Planning Application Documents</b>
<b>Environmental Statement Part 1</b>	
4.1	Second Addendum to ES Part 1 Revision D 15th November 2021
<b>Environmental Statement Part 2 – Technical Papers</b>	
4.2	1) Ground Conditions and Contamination (including appendices containing Ground Investigation Reports)
4.3	2) Addendum Technical Paper 2 – Traffic and Transportation (including appendices containing Transport Assessment and Travel Plan)
4.4	3) Addendum Technical Paper 3 – Drainage and Flood Risk (including appendices containing Flood Risk Assessment (FRA) and Drainage Strategy)
4.5	4) Second Addendum Technical Paper 4 – Landscape and Visual Impact (including appendices containing Arboriculture Survey and Impact Assessment)
4.6	5) Addendum Technical Paper 5 – Ecology and Nature Conservation (including appendices containing version with and without the Badger Appendix (due to confidentiality) as well as all other Surveys)
4.7	6) Addendum Technical Paper 6 – Socio-Economic
4.8	7) Addendum Technical Paper 7 – Noise
4.9	8) Air Quality
4.10	9) Addendum Technical Paper 9 – Cultural Heritage and Archaeology Revision Iv 28th October 2021 (including appendices containing Archaeological Geophysical Survey Report)
4.11	10) Utilities
4.12	11) Waste
4.13	12) Energy
4.14	13) Agricultural Land and Soils (including appendices containing Agricultural Land Classification Survey)

<b>Non-Technical Summary</b>	
4.15	Second Addendum to ES Non-Technical Summary, dated 14 November 2021
<b>Parameters Plans</b>	
4.16	16 184 P110 Rev G Development Cells Parameters Plan
4.17	16 184 P116 Rev I Disposition Parameters Plan
4.18	16 184 P111 Rev I Green Infrastructure Parameters Plan
4.19	16 184 P115 Rev H Heights Parameters Plan
4.20	16 184 P113 Rev G Access and Circulation Parameters Plan
4.21	16 184 P117 Rev H Drainage Parameters Plan
4.22	16 184 P114 Rev L Acoustic Considerations Parameters
4.23	16 184 P112 Rev G Heritage Parameters
4.24	16 184 P118 Rev F Demolition Parameters Plan
<b>Highways Plans</b>	
4.25	Potential Western Access Roundabout Drawing (Ref: 64076-CUR-00-XX-DR-TP-75002-P02)
4.26	Potential Eastern Access Roundabout Drawing (Ref: 64076-CUR-00-XX-DR-TP-75001-P03)
4.27	Cliff Lane Roundabout Proposed Improvements (swept paths) Drawing (Ref: 64076-CUR-00-XX-DR-TP-5002-P02)
4.28	Cliff Lane Roundabout Proposed Improvements Drawing (Ref: 64076-CUR-00-XX-DR-TP-75011-P06)
4.29	Pedestrian and Cycle Improvements Drawing (Ref: 64076- CUR-00-XX-DR-TP-75014-P02)
<b>Noise Mitigation Plans</b>	
4.30	Bund Sections to show Noise Mitigation 01 Drawing No. 133-LYR-XX-XX-DWG-L-5002 Rev 2
4.31	Bund Sections to show Noise Mitigation 01 Drawing No. 133-LYR-XX-XX-DWG-L-5003 Rev 1
4.32	Bund Sections to show Noise Mitigation 01 Drawing No. 133-LYR-XX-XX-DWG-L-5004 Rev 1
<b>Other Documents</b>	
4.33	Application Forms (Warrington Borough Council and Cheshire East)
4.34	Replacement Planning Statement Rev C October 2021
4.35	Consultation Report
4.36	Design and Access Statement
4.37	Applicant's response to Ramboll re. Landscaping, 20 August 2019 and 18 November 2021
4.38	ES Addendum Covering Letter
4.39	Biodiversity Net Gain Summary (Ref: 10682_R04b)
4.40	Whole Life Carbon Assessment (Ref: 1015524-RPT-SY-001)
4.41	Second Addendum Covering Letter
4.42	Second Addendum Covering Letter
<b>Illustrative Plans</b>	
4.43	Illustrative Sections Rev 8, November 2021
4.44	Illustrative masterplan Rev AG
<b>Noise</b>	
4.45	Design Manual for Roads and Bridges – LA 111 – Noise and vibration – Revision 2

4.46	Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
4.47	BSI Standards Publication - Methods for rating and assessing industrial and commercial sound
4.48	International Standard ISO 9613-2 – Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation
<b>Landscape</b>	
4.49	National Character Assessment 60 Mersey Valley
4.50	National Character Assessment 61 Shropshire Cheshire and Staffordshire Plain
4.51	Warrington – A Landscape Character Assessment
4.52	Cheshire East Landscape Character Assessment
4.53	Cheshire East Landscape Character Assessment Appendices
4.54	Warrington Borough Council – Implication of Green Belt Release – August 2021
4.55	Guidelines for Landscape and Visual Assessment 3 – Landscape Institute
<b>Heritage</b>	
4.56	Chartered Institute for Archaeologists, 2020 Standard and Guidance for Archaeological Geophysical Survey
4.57	Chartered Institute for Archaeologists, 2020 Standard and Guidance for Historic Desk-Based Assessment
4.58	Historic England, 2008 Conservation Principles Policy and Guidance
4.59	Historic England, 2017 (2nd ed) The Setting of Heritage Assets – Historic Environment Good Practice Guide in Planning Note 3
4.60	Historic England, 2019 Advice Note 12, Statements of Historic Significance, Analysing Significance in Heritage Asset (HEAN12)
<b>Transport</b>	
4.61	Appeal Decision for Land at Barleycastle Lane – Liberty/Stobart Proposal (APP/M0655/V/20/3253083)
4.62	Warrington Fourth Local Transport Plan
4.63	Travel Plan June (2020)
4.64	National Highways Consultation Response 1, 12 August 2019
4.65	WBC Consultation Response 1, 15 August 2019
4.66	Curtins Post Submission Response 1 to WBC, 12 September 2019
4.67	Curtins Post Submission Response 1 to NH, 12 September 2019
4.68	National Highways Consultation Response 2, 16 October 2019
4.69	National Highways Consultation Response 3, 20 December 2019
4.70	Curtins Post Submission Response 1 to NH, 14 November 2019
4.71	Curtins Post Submission Response 1 to NH, 21 January 2020
4.72	National Highways Consultation Response, 18 March 2020
4.73	National Highways Consultation Response 5, 15 February 2021
4.74	WBC Consultation Response 2, 19 May 2021
<b>Air Quality</b>	
4.75	Clean Air Strategy (2019) Department for Environment Food and Rural Affairs
4.76	Land Use Planning and Development Control: Planning for Air Quality (2017) Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM)
4.77	Guidance on the Assessment of Dust from Demolition and Construction, v1.1 (2016) Institute of Air Quality Management (IAQM)



4.78	Local Air Quality Management (LAQM) Policy Guidance (PG22) 2022, Department for Environment Food and Rural Affairs
4.79	Local Air Quality Management (LAQM) Technical Guidance 2022 (TG22) Department for Environment Food and Rural Affairs
4.80	Warrington Borough Council Air Quality Annual Status Report (2022)
<b>Ecology</b>	
4.81	Environment Act 2021 – Schedule 14
4.82	Biodiversity Net Gain. Good Practice Principles for Development. A Practical Guide (2019) CIEEM, IEMA and CIRIA
4.83	<p>BNG Consultation Outcome - Government Response and Summary of Responses, 21 February 2023</p> <p>Section 4, Part 2 - Applying the biodiversity gain objective to different types of development:</p> <ul style="list-style-type: none"> <li>• 4.1 Phased development and development subject to subsequent applications.</li> </ul> <p>Section 5, Part 3 - How the mandatory BNG requirement will work for Town and Country Planning Act 1990 development:</p> <ul style="list-style-type: none"> <li>• 5.1 Biodiversity gain plan;</li> <li>• 5.6 Additionality; and</li> <li>• 5.8 Reporting, evaluation and monitoring.</li> </ul>
4.84	Warrington Borough Council Updated Proposed Submission Version Local Plan, Updated Habitat Regulations Assessment (August 2021), Air Quality (page 61-69) and Manchester Mosses SAC (paragraphs 4.46-4.65).
4.85	Air Quality Assessment for Warrington Local Plan Habitats Regulations Assessment – Further Modelling of Manchester Mosses SAC (November 2022) Section 5, Preferred Mitigation Strategy (pages 32-33).
4.86	Mersey Gateway Environmental Trust – UMS proposal for Tyler Grange
4.87	Birds of Conservation Concern (2021)
<b>Employment Land Demand</b>	
4.88	Delivering the Goods in 2020
4.89	What Warehousing Where (2018)
4.90	Economic Contribution of Logistics in the Northern Powerhouse
<b>Planning</b>	
4.91	Judgment CO/774/2015 EWHC 2489 (Admin) (2015)
4.92	PAS Good Plan Making Guide (2014)
4.93	WBC Economic Development Needs Assessment August (2021)
4.94	WBC Draft Local Plan Green Belt Review – GB1 – Garden Suburb Options
4.95	WBC Draft Local Plan Green Belt Review – GB3 – Implications of Green Belt Release
4.96	Examiner’s Report – Appleton Thorn Neighbourhood Development Plan, October 2016
4.97	Warrington Sustainability Appraisal, August 2021
4.98	Warrington Green Belt Assessment, October 2016
4.99	Warrington Green Belt Assessment, September 2021
4.100	Warrington Green Belt Assessment, July 2017
4.101	Alternative Sites Assessment Rev B March 2018
<b>DR03 – Policy Imperative</b>	

4.102	The Build Back Better – Our Plan for Growth (2021), HM Government
4.103	Invest Liverpool City Region
4.104	Industrial Strategy – Building a Britain fit for the future, November 2017
4.105	Transport for the North – Freight and Logistics Strategy (2022)
4.106	The Northern Powerhouse One Agenda, One Economy, One North (2015)
4.107	Knight Frank Logistics Market Outlook (2022)
4.108	The Atlantic Gateway Strategic Plan (2018)
4.109	Cheshire and Warrington Local Enterprise Partnership Delivery Plan 2022/2023
4.110	The Northern Powerhouse Strategy, November 2016
4.111	Department for Transport’s Written Ministerial Statement with the Department for Levelling Up, Housing and Communities (2021)
4.112	Levelling Up the United Kingdom (2022)
4.113	Future of Freight: A Long-Term Plan (2022)
4.114	The Economic Contribution of Logistics in the Northern Powerhouse (2020)
4.115	What Warehousing Where Report (2019) British Property Federation
4.116	Levelling Up – The Logic of Logistics (2020), Savills on behalf of BPF
4.117	Strategic Economic Plan, Cheshire and Warrington Local Enterprise Partnership
4.118	Local Industrial Strategy (2019), Cheshire and Warrington Local Enterprise Partnership
4.119	Warrington Means Business (2020)
4.120	Liverpool City Region Statement of Common Ground, October 2019
4.121	Liverpool City Region SHELMA Executive Summary, March 2018
4.122	Liverpool City Region Assessment of the Supply of Large-Scale B8 Sites, June 2018
4.123	Liverpool City Region Areas of Search Assessment, August 2019
4.124	Places for Everyone Plan – Joint DPD, August 2021
4.125	Updated Note on Employment Land Needs in Greater Manchester, March 2021
4.126	Economic Forecasts for Greater Manchester, February 2020
4.127	Places for Everyone Employment Topic Paper, July 2021
4.128	Appeal APP/N4250/V/20/3253242 (J25 of the M6), June 2021
4.129	Appeal APP/V4205/V/20/3253244 (Wingates Industrial Estate), June 2021
4.130	Appeal Decision APP/H4315/V/20/3265899 (Omega Zone 8), November 2021
4.131	Appeal Decision APP/H4315/V/20/3253194 (Former Parkside Colliery), November 2021
4.132	Appeal Decision APP/H4315/W/20/3256871 (Haydock Point), November 2021
<b>DR04 – Summary of SoS Decisions on recent Employment sites in the North West</b>	
4.133	APP/H4315/V/20/3253230 and APP/M0655/V/20/3253232 (Winwick Road and Parkside Road), November 2021
<b>DR05 – Employment Alternative Sites Assessment (ASA) Update Statement</b>	
4.134	Statement of Common Ground between Warrington Borough Council and Peel L&P (Holdings) UK Ltd (SG02: August 2022)
4.135	Local Plan CD31 Matter 6c – Fiddlers Ferry Note for Inspectors
<b>DR08 – Climate Change and Energy</b>	

4.136	Decarbonising Transport – Setting the Challenge, March 2020
4.137	Decarbonising Transport – A Better, Greener Britain (2021)
4.138	Warrington Electric Vehicle Charging Strategy, December 2022
4.139	Appeal Decisions APP/M0655/W/19/3222603 and APP/M0655/V/20/3253083 (Barleycastle Lane), November 2020
4.140	Appeal Decision APP/R1038/W/20/3251224 (Williamthorpe Road), October 2020
4.141	Freight and Logistics Strategy (2022) Transport for the North
4.142	The Northern Powerhouse One Agenda, One Economy, One North (2015)
4.143	Logistics Market Outlook (2022) Knight Frank
4.144	The Atlantic Gateway Strategic Plan (2018)
4.145	Delivery Plan 2022/23 - Cheshire and Warrington Local Enterprise Partnership
<b>Call-In Documents</b>	
4.146	Further Information Statement to support Environmental Statement, March 2023, Six 56 Warrington
4.147	Section 106 Agreement
4.148	Draft Planning Conditions
4.149	Statement of Common Ground with Council, 1 March 2023
4.150	Secretary of State Letter, 22 November 2022
4.151	WBC Officers Report to Committee, 10 March 2022
4.152	WBC Statement of Case, February 2023
4.153	Secretary of State Letter, 16 May 2022
4.154	Cheshire East Decision Notice, 19 May 2022
4.155	EiP Statement of Common Ground with Council, August 2022
4.156	Letter from Planning Inspectorate, 8 February 2023
4.157	Inspector's CMC Summary and Directions, 15 February 2023
<b>Employment Land Quantum</b>	
4.158	National Planning Practice Guidance – Housing and Economic Needs Assessment (Paragraphs 026-031)
4.159	Warrington Economic Development Needs Assessment Refresh (2021), BE Group for Warrington Borough Council
4.160	Local Plan Examination Document CD10
4.161	Local Plan Examination Document CD10a
4.162	BE Group response to PINS letter (Ref: PINS/M0655/429/2), 13 January 2023
4.163	Warehousing and Logistics in the South East Midlands – Icenl Projects Limited on behalf of South East Midlands Local Economic Partnership (2022)
4.164	HCA Additionality Guide (2014)
4.165	HCA Density Guide (2015)
<b>5.0 Case Law</b>	
5.1	The Court of Appeal Judgement in the case of Mordue v Secretary of State for Communities and Local Government and others [2015] EWCA Civ 1243
5.2	The High Court judgement in R. (Oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)
5.3	High Court decisions in R (oao CPRE Kent) v Dover District Council [2016] EWCA Civ 936 and R (oao Shasha) v Westminster City Council [2016] EWHC 3282 (Admin)

5.4	The Queen (on the application of) Kenneth Kay v Secretary of State for Housing Communities and Local Government and Ribble Valley [2020] EWHC 2292 (Admin)
5.5	Supreme Court Decision: R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] 5
5.6	Euro Garages Ltd v The Secretary of State for Communities and Local Government & ANOR [2018] EWHC 1753
5.7	Wavendon Properties Limited v SSHCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)
5.8	Appeal 2022 Danescroft (Swindon PCDF IV) LLP v Swindon Borough Council – Land at Foxbridge North (Scheduled Monument)
<b>6.0</b>	<b>Proofs of Evidence and Appendices of the Applicant</b>
6.1	Noise – Dani Fiumicelli
6.2	Landscape – Carl Taylor
6.3	Heritage – Jim MacQueen
6.4	Transport – Alex Vogt
6.5	Air Quality – John Drabble
6.6	Ecology – Liz Seal
6.7	Employment Land Demand – Andy Pexton
6.8	Planning – Dave Rolinson
6.9	Employment Land Quantum – Matt Kinghan
6.10	Factual Statement – Dave Rolinson
<b>7.0</b>	<b>Proof of Evidence of the Rule 6 Party</b>
7.1	Main Proof - John Groves
7.2	Summary Proof – John Groves
7.3	Appendix 10 – Counsel’s Prematurity Opinion
7.4	Appendix 11 – Compton PC, Julian Cranwell and Ockham PC v Guildford BC and SoS HCLG [2019] EWHC 3242 (Admin)
7.5	Appendix 12 – Appeal Decision APP/V1505/W/19/3244082 (Willow Farm)
<b>8.0</b>	<b>Further Submissions</b>
8.1	Draft Planning Conditions, 25 April 2023
8.2	Draft CIL Compliance Statement, 25 April 2023
8.3	Draft s106 Agreement, 25 April 2023
8.4	Draft s106 ‘Points of Discussion’, 25 April 2023
8.5	Draft s106 Summary and List of Payments, 25 April 2023
8.6	Letter from Applicant to PINS, 25 April 2023

### **ANNEX 3 – SUBMITTED DOCUMENTS**

- ID 1 Written Statement, Mr Appleton (Stretton NDP Group)
- ID 2 Written Statement, Mr Mack (Rethinking South Warrington Group)
- ID 3 Statement of Case, Mr Groves (Rule 6 Party)
- ID 4 Statement Transcript, Cllr Harris (Walton Parish Council)
- ID 5 Natural England Consultation Response (11 June 2019)
- ID 6 Opening Transcript, Applicant
- ID 7 Opening Transcript, Rule 6 Party
- ID 8 Statement Transcript, Mr Webster (Local Resident)
- ID 9 Statement Transcript, Dr McAloon (Appleton Thorn NDP Group)
- ID 10 Statement Transcript, Mr Thrower (Local Resident)
- ID 11 Statement Transcript, Mr Ellam (Local Resident)
- ID 12 Statement Transcript, Cllr Jervis (Appleton Ward and Appleton Parish Council)
- ID 13 Statement Transcript, Cllr Marks (Lymm North and Thelwall Ward and Lymm Parish Council)
- ID 14 Statement Transcript, Cllr Taylor (Grappenhall and Thelwall Parish Council)
- ID 15 Statement Transcript, Ms Hoskinson (Warrington Local Plan Objection Group)
- ID 16 Ramboll LVIA Assessment Letter (5 December 2021)
- ID 17 Genecon Socio-Economic Impact Assessment Review (April 2021)
- ID 18 Draft s106 Agreement (10 May 2023)
- ID 19 Natural England Consultation Response (11 May 2023)
- ID 20 Statement Transcript, Andy Carter MP (Warrington South)
- ID 21 Response to Ms Hoskinson’s Representation, Applicant
- ID 22 Response to Mr Appleton’s Representation, Applicant
- ID 23 Pre-Commencement Condition Authorisation Letter (12 May 2023)
- ID 24 Arlington Securities Limited v SoS for the Environment v Crawley Borough Council [1989] WL 651254 1988
- ID 25 Truro City Council v Cornwall County Council [2013] EWHC 2525 (Admin), 2013 WL 3994891
- ID 26 Veolia ES (UK) Ltd v SoS CLG et al. [2015] EWHC 91 (Admin), 2015 WL 55798
- ID 27 Worthing BC v SoS LUHC and Persimmon Homes (Thames Valley) Ltd [2022] EWHC 2044 (Admin), 2022 WL 03028184

- ID 28 Asda Stores v Leeds City Council [2021] EWCA Civ 32, 2021 WL 00185220
- ID 29 Ground Level Note (Applicant)
- ID 30 WBC Emerging Plan HRA
- ID 31 LPI Note for Additional Hearing, 13 July 2023
- ID 32 Shadow HRA (Applicant)
- ID 33 NE Response to Shadow HRA, 1 August 2023
- ID 34 Further Information (ES) Statement – Shadow HRA
- ID 35 LPI Letter to Council, 2 August 2023
- ID 36 Proof Addendum – Mr Drabble
- ID 37 Proof Addendum – Ms Seal
- ID 38 Proof Addendum – Mr Vogt
- ID 39 Statement of Common Ground (Applicant and Rule 6 Party)
- ID 40 Statement Transcript – Mr Devenish
- ID 40a Applicant’s Response to Mr Devenish
- ID 41 Schedule of Proposed Main Modifications, March 2023
- ID 42 Further Comments from NE, 4 September 2023
- ID 43 Local Plan Examination Final Report, 23 October 2023
- ID 43a Schedule of Main Modifications (Inspectors)
- ID 43b Appendix 1, Amended Figures (Council)
- ID 43c Appendix 2, Housing Trajectory (Council)
- ID 44 Local Plan Adoption Report to Cabinet, 13 November 2023
- ID 44a Local Plan Adoption Report Appendices
- ID 45 Local Plan Cabinet Resolution
- ID 46 Agenda Pack for Council Meeting, 4 December 2023
- ID 46a Warrington Local Plan Appendices for Meeting
- ID 47 Local Plan Council Resolution
- ID 48 Warrington Local Plan, December 2023
- ID 48a Warrington Local Plan Policies Map
- ID 49 Proof Addendum – Mr Groves
- ID 50 Proof Addendum – Mr Rolinson
- ID 51 Proof of Evidence – Mr Johnson



- ID 52 Proof Addendum – Mr Kinghan
- ID 53 Main Modifications Letter, 3 February 2023
- ID 54 Revised Council Statement
- ID 55 Rule 6 SoCG Addendum
- ID 56 Council SoCG Addendum
- ID 57 New Framework Statement (Applicant)
- ID 58 Adjournment Application (Applicant)
- ID 59 Written Statement – Cllr Jervis
- ID 60 Draft Planning Obligation SPD (Council)
- ID 60a Holcroft Moss Draft SPD Addendum (Council)
- ID 61 Revised Conditions (9 January 2024)
- ID 62 Revised CIL Statement (9 January 2024)
- ID 63 Warrington Air Quality Action Plan
- ID 64 Employment Need Comparisons – Mr Kinghan
- ID 65 Revised Draft s106 agreement (Applicant)
- ID 66 Council Disclosure Opinion
- ID 67 Lakatamia Shipping Co Ltd v Su
- ID 68 Proof Addendum (10 May 2024) – Mr Groves
- ID 69 Proof Addendum (10 May 2024) - Mr Johnson
- ID 70 Proof Addendum (May 2024) – Ms Seal
- ID 71 Proof Addendum (May 2024)– Mr Rolinson
- ID 72 Proof Addendum (May 2024) – Mr Kinghan
- ID 73 Revised CIL Statement (5 June 2024)
- ID 74 Council Matters Statement (AM5.01)
- ID 75 GB Compensation Note (Applicant)
- ID 76 Bird Mitigation Proposal (Applicant)
- ID 77 Final CIL Statement (13 June 2024)
- ID 77a Bird Mitigation Calculation (Council)
- ID 78 Final Draft Planning Obligation
- ID 79 Pending NW Employment Schemes (Applicant)
- ID 80 Closing Statement (Mr Groves)

ID 81 Closing Statement (Mr White)

ID 82 Completed Planning Obligation

ID 82a Planning Obligation Comparisons

## **ANNEX 4 – SCHEDULE OF RECOMMENDED CONDITIONS**

1. No development shall take place in relation to any one phase (as defined by the phasing plan required by condition 5) until details of the appearance, landscaping, layout and scale (hereinafter called the "Reserved Matters") of that phase have been submitted to and approved in writing by the Local Planning Authority (LPA).

Reason: To enable the LPA to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

2. Application for approval of the reserved matters for the first phase (as defined by the phasing plan required by condition 5) shall be made to the LPA no later than 3 years from the date of this decision. Application for the approval of the reserved matters for the final phase shall be made within 6.5 years from the date of this decision.

Reason: To ensure that the LPA retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

3. The development hereby permitted shall commence either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last Reserved Matters, of the first phase (as defined by the phasing plan required by condition 5), whichever is later. Development of any subsequent phase shall commence no later than two years from the date of approval of the final reserved matters for that phase.

Reason: To ensure that the LPA retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following drawings:
  - a) 16-184 P002 Rev J Location Plan;
  - b) 16-184 P110 Rev G Development Cells Parameters Plan;
  - c) 16-184 P116 Rev I Disposition Parameters Plan;
  - d) 16-184 P111 Rev I Green Infrastructure Parameters Plan;
  - e) 16-184 P115 Rev H Heights Parameters Plan;
  - f) 16-184 P113 Rev G Access and Circulation Parameters Plan;
  - g) 16-184 P117 Rev H Drainage Parameters Plan;
  - h) 16-184 P114 Rev L Acoustic Considerations Parameters;

- i) 16-184 P112 Rev G Heritage Parameters;
- j) 16-184 P118 Rev F Demolition Parameters Plan;
- k) 64076-CUR-00-XX-DR-TP-75002-P02 (Western Access Roundabout);
- l) 64076-CUR-00-XX-DR-TP-75001-P03 (Eastern Access Roundabout);
- m) 64076- CUR-00-XX-DR-TP-75014-P02 (Pedestrian and Cycle Improvements); and
- n) 64076-CUR-00-XX-DR-TP-75011-P06 (Potential Improvements).

Reason: For the avoidance of doubt and to enable the LPA to adequately control the development and to minimise its impact on the amenities of the local area.

5. Concurrently with the submission of the first Reserved Matters application, a phasing plan shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved phasing plan. Each subsequent Reserved Matters application shall resubmit an updated phasing plan for approval and shall be implemented in accordance with the approved plan thereafter.

Reason: In order to ensure the satisfactory development of the site.

6. Each Reserved Matters application for each phase shall be accompanied by a design statement setting out, where relevant, the approach to scale and massing, design and appearance including the use of materials, hard and soft landscaping, public realm strategy and any interim design solutions required due to the phased nature of the development. These shall be submitted to and approved in writing by the LPA and carried out in accordance with the approved details.

Reason: To secure a high standard of design for the development in the interests of the amenity of the area, in accordance with LP Policy DC6.

7. Each Reserved Matters application for each phase relating to development within zones B, C or D, as shown on the Development Cells Parameters Plan (16-184 P110 Rev G), shall be accompanied by a heritage statement to include, but not be limited to, an assessment of the significance of heritage assets and an analysis of the impact of the application on the setting of such assets and any mitigation that may be required is submitted to and approved in writing by the LPA.

Reason: To enable the impacts on heritage assets to be fully assessed, in accordance with LP Policy DC2.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development shall only be used for uses associated with B8 Storage and Distribution with ancillary B1(a).

Reason: In the interests of the proper planning of the area and to enable the LPA to retain control over uses on the site.

9. The gross internal floor area of any building in Use Class B8 with ancillary office B1 (a) shall not be less than 8,919 sqm.

Reason: In order for the scheme to accord with the Alternative Sites Assessment within the Environmental Statement.

10. Each Reserved Matters application for each phase shall be accompanied by:

- a) A landscape retention and removal plan;
- b) Full details of proposed hard and soft landscaping with details of planting schedules and densities as well as a timescale for the delivery of landscaping within the first planting season for that part of the site;
- c) Information showing existing and proposed site levels; and
- d) Cross sections to illustrate any changes in site levels showing, where applicable, existing and proposed vegetation, proposed buildings and adjacent buildings and carriageways.

The landscaping detail shall be in general accordance with the principles outlined in the Green Infrastructure Parameters Plan (16-184 P111 Rev I).

of planting, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size, species and quality.

The plan shall be submitted to and approved in writing by the LPA and carried out in accordance with the approved details. Any trees, shrubs and plants which, within a period of 5 years from the date

Reason: In the interests of character and appearance, in order to minimise impacts on the landscape and to ensure the effectiveness of new landscaping in accordance with LP Policy DC6.

11. No development shall take place in any of its phases (as defined by the phasing plan required by condition 5), until a scheme for the protection of all trees, shrubs and vegetation to be retained both within and adjoining that phase of development has been submitted to and approved in writing by the LPA. This scheme shall also include a construction methodology for development within root protection areas and the installation of foundations, hard-surfacing, utility services and drainage systems in relation to root protection areas, in accordance with BS 5837:2012. Proposed materials, excavation depths and finished levels shall also be detailed in the scheme. The development of that phase of development shall be completed in accordance with the approved scheme and protective measures with all measures remaining in place for the duration of the construction works for that phase of development.

Reason: In the interests of character and appearance, in order to minimise impacts on the landscape and to ensure the effectiveness of new landscaping in accordance with LP Policy DC6. This information is required because it relates to vegetation that could be affected during specific construction phases of development.

12. All tree work shall be carried out according to BS 3998:2010, with any tree or hedgerow removal or other arboricultural work being carried out in accordance with the details and recommendations contained within the Arboricultural Survey and Impact Assessment (Revision A) prepared by Landscape Science Consultancy Ltd and dated February 2019 (Second Addendum to the Environmental Statement, Part 2, Landscape and Visual Technical Paper, Appendix 4.4).

Reason: In the interests of character and appearance, in accordance with LP Policy DC6.

13. Each Reserved Matters application for each phase shall be accompanied by a lighting strategy and impact assessment for the phase to which the application relates (as defined by the phasing plan required by condition 5). The strategy shall provide the following information:

- a) Details of lighting columns;
- b) Levels of illumination around the phase in the form of isolux drawings or lighting contour plots;
- c) Any overspill lighting beyond the physical phase boundary;
- d) An assessment of the likely landscape and visual effects;
- e) An assessment of the likely ecological effects including those that affect the commuting routes and foraging areas for bats and badgers; and
- f) Any mitigation/control measures such as time clocks/light sensors or other control methods proposed for that element.

The approved scheme shall be implemented in full prior to the commencement of first use of that phase and shall be retained and maintained in accordance with the manufacturer's instructions for the lifetime of the development.

Reason: In the interests of the amenity of the area and ecological and landscape interests, in accordance with LP Policies DC4 and DC6.

14. Concurrent with each Reserved Matters application, a scheme for the provision of refuse and recycling facilities, for the part of the site to which that phase applies, shall be submitted to the LPA and approved in writing. The agreed scheme shall be retained for the lifetime of the development.



Reason: To secure the provision of satisfactory refuse and recycling facilities within the development in accordance with the National Planning Policy for Waste and LP Policy ENV1.

15.No development shall take place in any individual phase (as defined by the phasing plan required by condition 5) until a Construction, Highways and Environmental Management Plan (CHEMP) for that phase has been submitted to the LPA and approved in writing. The CHEMP shall review all demolition and construction operations proposed in that phase, taking into account the content of any such documents for other phases of the development, including logistics and phasing details. It shall cover, as a minimum, the following areas of work, identifying appropriate mitigation measures as necessary:

A - Highways and Traffic

- i. Construction traffic routes, including provision for access to the site;
- ii. Entrance and exit from the site for visitors, contractors and deliveries;
- iii. Temporary roads and areas of hard standing;
- iv. Schedule for large vehicles delivering and exporting materials to and from site and details of manoeuvring arrangements with all construction vehicles loading and unloading within the confines of the site and not on the highway; and
- v. Details of street sweeping, street cleansing and wheel washing facilities.

B - Site Layout and Storage

- i. Proposed locations of site compound areas;
- ii. Haul routes;
- iii. Siting of temporary containers;
- iv. Location of directional signage within the site;
- v. Parking for contractors, site operatives and visitors;
- vi. Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition and construction;
- vii. Storage of soil and materials as well as large, heavy vehicles and machinery on site; and

- viii. Any required interim measures prior to the formation of bunding, including soil husbandry, specification of profiles and the cultivation, planting and management of screen planting.

#### C - Environmental Controls

- i. Proposed construction hours, proposed hours of site access and delivery hours of all vehicles to site, phasing of works including start and finish dates;
- ii. Details of activity on site outside the stated construction hours including worker activity, security on site, movement, setting up or dismantling of equipment, lighting and the installation of services;
- iii. Environmental mitigation measures, including noise and vibration mitigation measures in accordance with paragraph 8.1 of the Addendum to Environmental Statement Part 2 - Noise and Vibration Technical Paper 7 dated 14 October 2020, dust and air quality mitigation measures including consideration of using low emission non-road mobile machinery;
- iv. Details for the recycling, storage and disposal of waste resulting from the site;
- v. Membership of a Considerate Contractors Scheme;
- vi. A soil management plan; and
- vii. Details of any construction phase lighting, including temporary security lighting for compounds.

All identified measures within the CHEMP shall be implemented for that individual phase in accordance with the approved details and shall be reviewed on a monthly basis or upon the receipt of any justified complaint. Any changes to the identified measures from either the monthly review process or following receipt of a complaint shall be forwarded to the LPA. The CHEMP and agreed requirements therein shall remain in force for the duration of all construction activities in that phase of the development.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers, ecology and the landscape, in accordance with LP Policies ENV8, DC6 and INF1.

- 16. Concurrent with each Reserved Matters application, an up-to-date bat roost survey and mitigation scheme for the phase to which the application relates shall be submitted to the LPA and approved in writing. The survey shall be carried out at an appropriate time of the year and during the field season immediately preceding the intended implementation of that phase. It shall either demonstrate that the development to which the application relates would not have an impact either on the roost itself or any associated foraging

areas or commuting routes or, if an impact is likely, how that would then be mitigated. The scheme for that phase shall be carried out according to the approved details.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policy DC4.

17. Concurrent with each Reserved Matters application, an up-to-date badger survey and mitigation scheme for the phase to which the application relates shall be submitted to the LPA and approved in writing. The survey shall be carried out at an appropriate time of the year and during the field season immediately preceding the intended implementation of that phase. It shall either demonstrate that the development to which the application relates would not have an impact on any active badger sets, associated foraging areas or commuting routes or, if an impact is likely, how that would then be mitigated. The scheme for that phase shall be carried out according to the approved details.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policy DC4.

18. No development shall take place (including demolition, ground works, vegetation clearance) on any one phase (as defined by the phasing plan required by condition 5) until a Biodiversity Construction Environmental Management Plan (BIOCEMP) for that phase has been submitted to and approved in writing by the LPA. The BIOCEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of Biodiversity Protection Zones that shall include appropriate exclusion areas to protect the riparian vegetation of Bradley Brook and the root protection zones of all retained trees and hedgerows;
  - c) Method statements on practical measures, including physical measures and sensitive working practices, to avoid or reduce impacts on biodiversity to a *de minimis* level during construction;
  - d) The location and timing of sensitive works to avoid harm to species and retained habitats;
  - e) The times during construction when ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of a suitably qualified and accredited ecological clerk of works (ECoW) or similarly competent person, including reporting mechanisms/structures and frequency of reporting;
  - h) Use of protective fences, exclusion barriers and warning signs;

- i) Measures to control *Rhododendron*;
- j) Measures to protect Bradley Brook from any construction pollution; and
- k) Identification of features likely to be subject to Natural England protected species mitigation licences.

The approved BIOCEMP shall be adhered to and implemented throughout the construction period for that phase strictly in accordance with the approved details.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policy DC4.

- 19.No development shall take place until a strategy to deliver a minimum of 10% Biodiversity Net Gain (BNG) has been submitted to and approved in writing by the LPA. This strategy shall be implemented according to the approved details.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policy DC4. This condition is required before commencement as a framework for each phase of development.

- 20.No development, other than demolition and site clearance works, shall take place in any individual phase (as set out in Condition 5) until the following steps are undertaken:

A - Characterisation

With specific consideration to human health, controlled waters and wider environmental factors, the following documents shall be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- i. Preliminary Risk Assessment (PRA or Desk Study);
- ii. Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation;
- iii. A Detailed Quantitative Risk Assessment (DQRA); and
- iv. A Remedial Options Appraisal.

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

B – Submission of Remediation and Verification Strategy

As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy (if required) shall be submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified

receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures and objectives and how proposed remedial measures will be verified. The agreed strategies shall be carried out as approved.

The actions required in Sections A and B shall adhere to the following guidance: LCRM (Environment Agency/); BS10175 (British Standards Institution, 2011 + A2:2017); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion in accordance with LP Policy ENV8.

21.No occupation of any phase of the development shall take place until the following requirements have been met and the required information submitted to and approved in writing by the LPA for that phase:

A – Remediation and Verification

Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report shall be submitted to the LPA for approval.

B – Reporting of Unexpected Contamination

All unexpected or previously unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation and verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C – Long-Term Monitoring and Maintenance

If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

Each phase shall not be occupied until remediation and verification for that phase are completed. The actions required in Sections A to C above shall adhere to the following guidance: LCRM (Environment Agency/); BS10175 (British Standards Institution, 2011 +A2:2017); C665 (CIRIA 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion in accordance with LP Policy ENV8.

22. Concurrent with each Reserved Matters application, an acoustic assessment for the phase to which the application relates shall be submitted to the LPA and approved in writing. This shall assess predicted noise from the building(s), external activities, vehicular movements and the operation of any chiller units, for temperature-controlled storage, following the general provisions and approach identified within the Cundall Addendum to Environmental Statement Part 2 - Noise and Vibration Technical Paper 7, dated 14 October 2020. The assessment shall review the proposed activities and consider noise impacts arising from such activities at all nearby noise sensitive receptors, identifying necessary mitigation and control measures to minimise noise impacts in accordance with BS4142:2014 (as amended) guidelines. Where temperature-controlled storage is included as part of the operational plan, then additional consideration shall be given to specific measures to control chiller noise generation. All agreed mitigation and control measures shall be implemented prior to first use of that phase, retained and maintained in accordance with the manufacturer's instructions for the lifetime of the development.

Reason: In the interests of residential amenity, in accordance with LP Policy ENV8.

23. Prior to the commencement of any on site clearance or preparation works, including work on the new eastern access roundabout, as shown on the relevant drawing (64076-CUR-00-XX-DR-TP75001-P03), details of acoustic fence proposals including the phasing and implementation of the acoustic fence to the north of Grappenhall Lane shall be submitted to and approved in writing by the LPA. The fence shall be in accordance with the recommendations within the Cundall Addendum to Environmental Statement Part 2 - Noise and Vibration Technical Paper 7, dated 14 October 2020. The acoustic measures shall be implemented in accordance with the approved details, maintained in accordance with the manufacturer's instructions for the lifetime of the development.

Reason: In the interests of residential amenity, in accordance with LP Policy ENV8. This information is required prior to commencement because the construction works have the potential to have an unacceptable impact on residential amenity without appropriate acoustic fencing.

24. Where acoustic fences, bunds or barriers are identified for operational noise control (in accordance with the findings of any acoustic assessment required by Condition 22) for any individual phase, details of the height, specification, earthworks and method for construction of bunds, location, phasing and implementation of such acoustic mitigation shall be submitted with the Reserved Matters application covering the part of the phase within which the acoustic fences, bunds or barriers are located, in order to identify where such barriers may provide additional noise control to surrounding noise sensitive receptors during construction phases as well as the protection of operational noise.

Details shall be in accordance with the Acoustic Considerations Parameters Drawing No 16-184 P114 Rev L and the following Bund Site Sections which



detail the maximum gradient slopes and acoustic fencing heights identified within the Cundall Addendum to Environmental Statement Part 2 - Noise and Vibration Technical Paper 7, dated 14 October 2020:

- a) Bund Sections to show Noise Mitigation 01 (133-LYR-XX-XX-DWG-L-5002 Rev 2);
- b) Bund Sections to show Noise Mitigation 01 (133-LYR-XX-XX-DWG-L-5003 Rev 1); and
- c) Bund Sections to show Noise Mitigation 01 (133-LYR-XX-XX-DWG-L-5004 Rev 1).

The approved acoustic protection measures shall be implemented in accordance with the agreed phasing and implementation details.

Reason: In the interests of residential amenity, in accordance with LP Policy ENV8.

25. Except for site clearance and remediation, no development for any one phase (as defined on the phasing plan required by Condition 5) shall take place until full details in the form of scaled plans and/or written specifications have been submitted to and approved in writing by the Council as LPA to illustrate the following:

- a) Proposed highway layout including the highway boundary;
- b) Dimensions of any carriageway, cycleway, footway and verges visibility splays;
- c) Proposed buildings and site layout, including levels access points;
- d) Parking provision;
- e) Drainage and sewerage system;
- f) All types of surfacing (including tactile paving), kerbing and edging; and
- g) Full working drawings for any structures which affect or form part of the highway network.

The development of that phase shall be carried out in accordance with the approved drawings and details prior to first occupation of that phase of the development as identified in the Road Phasing and Completion Plan (RPCP) as set out in Condition 26.

Reason: To ensure a satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users together with suitable means of drainage, in accordance with LP Policy INF1.

26. Except for site clearance and remediation, no development shall take place on any one phase (as defined in condition 5) until a RPCP has been submitted to and approved in writing by the LPA. The RPCP shall set out the development phases and the standards to which roads serving each phase of the development will be completed, including details of bus infrastructure, including stops, shelters and turning facilities. The RPCP shall incorporate a link within the site between the two access points into the site from Grappenhall Lane. All works shall be carried out in accordance with the agreed plan.

Reason: To ensure that the highway infrastructure serving the development is completed to an acceptable standard in the interests of safety, in accordance with LP Policy INF1. These details are required because there is the potential for material harm to be brought about to highway and pedestrian safety.

27. Except for site clearance and remediation, no development shall take place until details of the proposed arrangements for future management and maintenance of the proposed roads within the development have been submitted to and approved in writing by the LPA. The roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established or an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that roads serving the development are maintained to an acceptable standard in the interests of safety, in accordance with LP Policy INF1. These details are required prior to the commencement of the development because there is the potential for material harm to be brought about to highway and pedestrian safety if development were to commence prior to these details being considered by the LPA and/or implemented.

28. The development hereby approved within the Use Class categories defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be limited to the following gross floor areas: Use Class B8 - 287,909 sq. metres (including ancillary B1a).

Reason: To ensure that the highway network is adequate to cater for the proposed development, in accordance with LP Policy INF1.

29. No development shall take place until schemes for the design and construction of highway improvement works, including a timetable for implementation, have been submitted to and approved in writing by the LPA. The schemes for the design and construction of highway improvement works shall include:

- a) Two roundabout access points to B5356 Grappenhall Lane to the principles of the Curtins plans (64076-CUR-00-XX-DR-TP-75002-P02 and 64076-CUR-00-XX-DR- TP-75001-P03);

- b) Footway and cycleway infrastructure along B5356 Grappenhall Lane between A50 Cliff Lane and a point 180m east of Broad Lane to the principles of the Curtins plan (64076-CUR-00-XX-DR-TP-75014-P02);
- c) Improvements to Public Rights of Way Nos. 23 and 28 including but not limited to surfacing in a bound material to ensure that the routes are passable and available for use throughout the year, lighting and drainage;
- d) Improvement works to the A50 Cliff Lane roundabout and the M6 J20 dumbbell roundabout to the principles of Curtins plan (64076-CUR-00-XX-DR-TP-75011/06), subject to inclusion of appropriate footway and cycleway infrastructure;
- e) Implementation and/or upgrade of street lighting necessary as part of the detailed design; and
- f) Drainage works necessary to facilitate the highway works.

The approved schemes shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions in accordance with LP Policy INF1. These details are required prior to the commencement of the development because there is the potential for material harm to be brought about to highway and pedestrian safety if development were to commence prior to these details being considered by the LPA and/or implemented.

30. The development shall be designed to prevent the discharge of water on to the public highway.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users, in accordance with LP Policy INF1.

31. The gradients of the vehicular access points to B5356 Grappenhall Road shall not exceed 1 in 40 for the first 20 metres into the site, as measured from the outside edge of the carriageway/channel line of the proposed roundabouts.

Reason: In the interests of road safety to enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users, in accordance with LP Policy INF1.

32. Concurrent with each Reserved Matters application (except for landscaping alone), a scheme identifying areas of parking (including cycle parking) and servicing for the phase to which the application relates shall be submitted to the LPA and approved in writing. Each phase shall not be brought into use until the areas identified have been surfaced, drained and permanently

demarcated in accordance with the agreed details. All parking and servicing areas shall be retained for the lifetime of the development.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard surfaced areas have a satisfactory appearance, in accordance with LP Policy INF1.

33. Within 3 months of any unit being brought into use, a Travel Plan for that unit shall be submitted to and approved in writing by the LPA. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. The Travel Plan shall include, but not be limited to:

- a) Involvement of employees;
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes;
- c) Access for all modes of transport;
- d) Targets for mode share;
- e) Resource allocation including Travel Plan Representative and budget;
- f) A parking management strategy;
- g) A marketing and communications strategy;
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel;
- i) An action plan including a timetable for the implementation of car dependence reduction measures; and
- j) Mechanisms for monitoring, reviewing and implementing the travel plan in cooperation with the Council's Smarter Travel Choices Team.

The Travel Plan for each individual unit shall be implemented as approved and shall continue to be implemented as long as the unit is occupied and remains in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the unit for a period of 3 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan in liaison with the Council's Smarter Travel Choices Team.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, in accordance with LP Policy INF1.

34.No individual unit of the development shall be occupied until the owners and/or occupiers of the unit have appointed an on-site Travel Plan Representative responsible for liaising with the Council's Smarter Travel Choices Team and internal communication and dissemination of materials and information related to the Travel Plan. The details (name, address, telephone number and email address) of the Travel Plan Representative shall be notified to the LPA upon appointment and immediately upon any change.

Reason: To ensure that an approved Travel Plan is implemented, in order to establish sustainable, non-car modes of transport, in accordance with LP Policy INF1.

35.Prior to first occupation of any part of the development hereby approved, details of a Transportation Steering Group shall be submitted to and approved in writing by the LPA and thereafter convened in accordance with the agreed details. The membership will include, but not be limited to, representation from each of the LPA, the Local Highway Authority, the Local Public Transport Authority, the applicant or agent or successors in title and site Travel Plan Representatives. The details shall include the role, responsibilities and frequency of meetings and the total period over which the Group shall be expected to operate.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, in accordance with LP Policy INF1.

36.No phase hereby approved shall be occupied unless and until a servicing, waste management and HGV movement strategy shall be submitted to the LPA and approved in writing. The strategy shall include details of how HGV movements will be managed to ensure that no layovers or waiting occurs on the highway and shall set out the design and operational proposals for servicing and the storage, transfer and collection of goods and waste ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The strategy shall be subsequently implemented in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate on-site provision is made for servicing and waste management collection to minimise operational impacts of the site on the surrounding transport network and to reduce impact on residential amenity and the general amenity of surrounding occupiers, in accordance with the National Planning Policy for Waste and LP Policy ENV1.

37.Each Reserved Matters application for each phase which requires parking provision shall be accompanied by a scheme for the provision of electric vehicle charging for the phase to which the application relates. The scheme shall be submitted to the LPA and approved in writing. The scheme shall be fully implemented prior to the first occupation of the phase to which it relates and maintained according to manufacturer's recommendations for the lifetime of the development.

Reason: To facilitate the use of low emission and electric vehicles, in accordance with LP Policy INF1.

38.No phase hereby approved shall be occupied unless and until a scheme for the design and implementation of freight traffic signage, including timetable for implementation, has been submitted to and approved in writing by the LPA. The freight traffic signage shall highlight that the recommended route for goods vehicles to and from the motorway network is via M6 J20 along A50 Cliff Lane to B5356 Grappenhall Lane. The approved scheme shall be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions on unsuitable roads in accordance with LP Policy INF1.

39.No development (excluding demolition and site clearance) shall take place until full design and construction details of the required improvements to the Junction of the M6 (J20) / A50 / B5158 has been submitted to the LPA and approved in writing. Such details shall be agreed by the LPA as shown in outline on submitted drawing number 64076 CUR 00 XX DR TP 75011 P06, including:

- a) How the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations, including the provision of yellow box markings, especially at the western roundabout on the circulatory carriageway where the west to north movement conflicts with the north-to-southwest movement;
- b) Full signing and lighting details;
- c) Signal phasing plan for all signalised elements of the highway improvements, incorporating MOVA delay management (or equivalent technology) and appropriate queue detection;
- d) Confirmation of full compliance with current Departmental Standards (DMRB) and Policies or approved relaxations or departures from such standards; and
- e) An independent Stage 2 Road Safety Audit, taking account of any Stage 1 Road Safety Audit recommendations, shall be carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

Reason: In the interests of the safety of all users of this roundabout junction and in favour of its efficient operation and in order to ensure that junction 20 of the M6 will fulfil its purpose as part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980. This information is required prior to commencement because there is the potential for material harm to be brought about to highway if development were to commence prior to these details being considered.



- 40.No part of the development shall be occupied unless the highway improvements, as shown in outline on drawing number 64076 CUR 00 XX DR TP 75011 P06 and as furthermore agreed in detail in accordance with Condition 39.

Reason: In the interests of the safety of all users of this roundabout junction and in favour of its efficient operation and in order to ensure that junction 20 of the M6 will fulfil its purpose as part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980.

- 41.No works within zone D as shown on the Development Cells Parameters Plan (16-184 P110 Rev G) shall begin until a detailed design and construction plan has been submitted to and approved in writing by the LPA. This shall include a working method statement relating to all associated construction operations with the motorway boundary and details of how the motorway boundary fence will be protected during these works. All works shall be implemented as approved.

Reason: In the interests of the safety of all users of this roundabout junction and in favour of its efficient operation and in order to ensure that junction 20 of the M6 will fulfil its purpose as part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980. This information is required prior to commencement of Zone D because there is the potential for material harm to be brought about to highway if development were to commence prior to these details being considered.

- 42.There shall be no pedestrian through route or vehicular access connecting to the M6 motorway (and associated slip roads) within Zone D of the site, as shown on the Development Cells Parameters Plan (16-184 P110 Rev G). To this end, no development in Zone D shall take place until:

- a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the Eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the LPA; and
- b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: In the interests of the safety of all users of this roundabout junction and in favour of its efficient operation and in order to ensure that junction 20 of the M6 will fulfil its purpose as part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980. This information is required before commencement because there is the potential for material harm to be brought about to the highway if development were to commence prior to these details being considered.

- 43.No drainage from the proposed development shall be connected to the motorway drainage system, nor shall any drainage from the site run-off onto the M6 motorway or adjoining slip roads.

Reason: In the interests of the safety of all users of this roundabout junction and in favour of its efficient operation and in order to ensure that junction 20 of the M6 will fulfil its purpose as part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980.

- 44.Concurrently with the submission of the first reserved matters application a Surface Water Drainage Strategy for the entire site shall be submitted to and approved in writing by the LPA. The strategy shall be in accordance with the principles established in the submitted Flood Risk Assessment and Drainage Strategy produced by Cundall and dated 14 October 2020 and shall include the following details:

- a) any surface water drainage infrastructure connections including the volume of flows between the different phases / development parcels of the development defined by the phasing plan required by Condition 5;
- b) identify any parts of the site where pumping is necessary. Thereafter, the strategy shall minimise the number of pumping stations throughout the site;
- c) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and
- d) a strategy for any temporary arrangements for surface water drainage during the construction of the development.

Each subsequent reserved matters application shall submit an updated Surface Water Drainage Strategy to the LPA to reflect any change in circumstances. No part of the development shall on any phase or part phase hereby permitted commence until the updated strategy submitted with the relevant reserved matters application has been approved in writing by the LPA.

No surface water, highway drainage or land drainage shall discharge directly or indirectly into the public sewerage system.

The Surface Water Drainage Strategy and its updates shall be carried out as approved.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with LP Policy ENV2. The drainage details will need to be understood and installed at an early stage in the development process and therefore it is appropriate to require this detail prior to the commencement of development.

- 45.Foul and surface water shall be drained to separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with LP Policy ENV2.

46. Prior to first occupation of each unit, a sustainable drainage management and maintenance plan for the lifetime of that unit shall be submitted to the LPA and agreed in writing. The sustainable drainage management and maintenance plan shall include, as a minimum:

- a) Arrangements for adoption by an appropriate public body, statutory undertaker or management and maintenance by a occupiers' management company; and
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

Each unit within each phase of the development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with LP Policy ENV2.

47. No development shall take place until a written scheme of archaeological investigation which has been submitted to and approved in writing by the LPA. The work shall be carried out in accordance with the approved scheme. The results of that investigation shall be submitted to the local Historic Environment Record within one month of completion.

Reason: In the interests of the historic environment, in accordance with LP Policy DC2. These details are required prior to the commencement of the development because they relate to below ground heritage which needs to be understood before any construction or ground clearance commences.

48. Concurrently with the submission of the first Reserved Matters application, a scheme to aid the public's understanding and engagement with the Bradley Hall moated site scheduled monument shall be submitted to and approved in writing by the LPA. The details shall include, but not be limited to, the following:

- a) Details of signage and interpretation/information boards including their design and locations;
- b) A programme for implementation of the signage and interpretation/information boards; and
- c) A management and maintenance plan for the signage and interpretation/information boards.

The approved scheme shall be implemented and maintained in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of the historic environment, in accordance with LP Policy DC2.

49. Prior to demolition of the agricultural building, as shown on the Demolition Parameters Plan (16-184 P118 Rev F), a historic building recording survey of the building shall be submitted to and approved in writing by the LPA and a copy shall also be submitted to the Historic Environment Record. The survey shall include, as a minimum:

- a) Photographs of the exterior of the building;
- b) Detailed sketches of any important exterior features, such as barge boards;
- c) A written account of the condition and known history of the building;
- d) Location and grid reference of the building;
- e) Internal photographs of the building;
- f) Sketches detailing any important internal features, such as coving or skirting;
- g) A full detailed report on the building's history/features and past uses;
- h) A description of the building's setting and its significance locally and nationally, and if applicable copies of any historic maps or specialist reports for the property;
- i) Any published information on the building;
- j) A glossary of terms;
- k) A full bibliography and reference list;
- l) Fully scaled plans of the building, both externally and internally; and
- m) Scaled plans of the key historic features within the building

Reason: In the interests of the historic environment, in accordance with LP Policy DC2.

50. Concurrently with each Reserved Matters application (except for landscaping alone) an energy statement for each phase shall be submitted and approved by the LPA in writing. This shall detail the energy demand reduction and energy efficiency measures that would be used within the part of the site to which the Reserved Matters application relates. All measures shall be implemented and retained as approved.

Reason: In the interests of energy efficiency, in accordance with LP Policy ENV7 and the NPPF.

51. Concurrently with each Reserved Matters application (except for landscaping alone) a detailed whole life cycle carbon assessment for each phase shall be submitted to the LPA and approved in writing. This shall detail measures to reduce life-cycle carbon emission throughout the lifecycle of the part of the development to which the Reserved Matters application relates. All measures shall be implemented as approved.

Reason: In the interests of securing carbon reductions, in accordance with LP Policy ENV7 and the NPPF.

52. Concurrently with the submission of the first Reserved Matters application, a site wide sustainable energy infrastructure framework shall be submitted to and approved in writing by the LPA. Such framework shall include, but not be limited to:

- a) Details of the heat and power provision for the development on the site;
- b) Details of how the development of the site can maximise meeting its energy needs from on-site renewable and low carbon energy; and
- c) Details of the decarbonisation of transport used in connection with the development.

Each Reserved Matters application (except for landscaping alone) shall thereafter be accompanied by a plan to demonstrate how the phase to which the application relates accords with the framework, which shall be approved in writing by the LPA and each phase shall thereafter be implemented in accordance with its approved plan.

Reason: in order to maximise opportunities for the use of decentralised renewable and low carbon energy and to minimise carbon dioxide emissions, in accordance with LP Policy ENV7.

53. No development shall take place, other than the highway detail shown on drawing numbers 64076-CUR-00-XX-DR-TP-75002-P02 (Western Access Roundabout), 64076-CUR-00-XX-DR-TP-75001-P03 (Eastern Access Roundabout), 64076-CUR-00-XX-DR-TP-0502-P02 (Cliff Lane Roundabout Proposed Improvements), 64076- CUR-00-XX-DR-TP-75014-P02 (Pedestrian and Cycle Improvements), until the residential use of the property identified on the Demolition Parameters Plan (16-184 P118 Rev F) referred to as the Bungalow, Bradley Hall Farm has permanently ceased and a timetable for its demolition has been submitted to and approved in writing by the LPA. The buildings shall be demolished in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with LP Policy ENV8. This is required prior to the commencement of the development to ensure human safety.

54. Prior to their demolition, a demolition method statement and details of site aftercare, including timescales for implementation, in respect of the Bungalow, Bradley Hall Farm and the agricultural buildings at Bradley Hall Farm, as shown on the Demolition Parameters Plan (16-184 P118 Rev F), shall be

submitted to and approved in writing by the LPA. The demolition and aftercare shall thereafter be carried out in accordance with the approved details and timescales.

Reason: In the interests of the amenity of the area, in accordance with LP Policy ENV8.

55. Notwithstanding the provisions of Part 15 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order) there shall be no development by a gas transporter or a statutory undertaker for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking, without the prior written approval of the LPA.

Reason: To enable the LPA to control the location of any such development.

56. Should any of the 30 *Tilia cordata* 'Greenspire' (lime) trees within the north and south grass verges of Grappenhall Lane be required to be removed as a result of highway improvement works associated with the development hereby approved, they shall be removed with a tree spade and transplanted in the first available planting season following their removal to a location to be approved in writing by the LPA prior to their removal. Any trees which are damaged or die during the transplanting process or within the five years following shall be replaced on a like-for-like basis in the first available planting season.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policies DC3 and DC4.

57. No site clearance, preparatory works or demolition, affecting the buildings to be demolished, as shown on the Demolition Parameters Plan (16-184 P118 Rev F), shall occur until an up-to-date breeding bird survey of the buildings, which identifies all nesting sites, has been undertaken and a mitigation strategy for the loss of active nests has been submitted to and approved in writing by the LPA. The survey shall be carried out at an appropriate time of the year by a competent individual during the field season immediately preceding the demolition. The submitted mitigation strategy shall include the requirement for a nesting bird check no more than 48 hrs in advance of demolition works to ensure no loss of nests that are in active use. The use of netting to block access to ancestral nest sites is strictly prohibited. The scheme shall be carried out in strict accordance with the approved details and implemented prior to demolition.

Reason: In the interests of ecology and biodiversity, in accordance with LP Policy DC4.



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## **ANNEX 5 – INFORMATION TO INFORM A HABITATS REGULATIONS ASSESSMENT**

### **INTRODUCTION**

1. The *Conservation of Habitats and Species Regulations 2017* (as amended) (the Habitats Regulations) require that where a plan or project is likely to have a significant effect on a European site<sup>165</sup> either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the SoS in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.
2. This information is based on a shadow HRA that was produced by the applicant and consulted upon during the course of the Inquiry<sup>166</sup>.

### **PROJECT LOCATION**

3. The scheme is located to the south-east of Warrington in close proximity to the M56 Motorway and M6 Motorway interchange (Junction 20 and 20A of the M6 and Junction 9 of the M56 Motorways). These are situated immediately to the south-east of the application site. The M56 Motorway runs east-west to the south of the site and the M6 Motorway running north-south to the east of the site.
4. The scheme, which is in outline with all matters reserved apart from access, is described as comprising the: "Construction of up to 287,909m<sup>2</sup> (gross internal) of employment floor space (Use Class B8 and ancillary B1(a) offices), demolition of existing agricultural outbuildings and associated servicing and infrastructure, including car parking and vehicle and pedestrian circulation, alteration of existing access road into the site including works to the M6 junction 20 dumbbell roundabout and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station and ecological works".

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<sup>165</sup> Regulation 8 of the Habitats Regulations 2017, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the '2019 Regulations'), defines European sites and European marine sites. European sites include: Special Areas of Conservation (SAC) and Special Protection Areas (SPA) already existing at 31 December 2020; any Site of Community Interest (SCI) placed on the EU Commission's list or any site proposed to the EU prior to 31 December 2020; and any SAC or SPA designated in the UK after 31 December 2020. As a matter of policy, the Government also applies the Habitats Regulations procedures to possible SACs (pSACs), potential SPAs (pSPAs), Ramsar sites and proposed Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on any of the above sites. European sites in the UK will no longer form part of the EU's 'Natura 2000' ecological network. The 2019 Regulations have however created a 'national site network'. The national site network includes existing SACs and SPAs, and new SACs and SPAs designated under the Habitats Regulations 2017 (as amended).

<sup>166</sup> ID32

5. There are a number of European Sites within 10 km of the application site. Their relative location and qualifying features are set out below.
- a) Rixton Clay Pits SAC (5.5 km to the northeast)
    - i. Great crested newt *Triturus cristatus*.
  - b) Manchester Mosses SAC (6.3 km to the north)
    - i. Degraded raised bogs still capable of natural regeneration.
  - c) Midland Meres and Mosses Phase 1 Ramsar (7.2 km to the east)
    - i. Criterion 1: Peatlands (including peat bog, and swamp and fen); permanent freshwater lakes; permanent freshwater marshes/pools; shrub dominated wetlands; and seasonal/intermittent freshwater marshes/pools.
    - ii. Criterion 2: Rare species of plants associated with wetlands including five nationally scarce species together with an assemblage of rare wetland invertebrates (three endangered insects and five other British Red Data Book species of invertebrates).
  - d) Rostherne Mere Ramsar (7.4 km to the east)
    - i. Criterion 1: Peatlands (including peat bog, and swamp and fen) and permanent freshwater lakes.
    - ii. Noteworthy Fauna: Nationally important numbers of wintering waterbirds including cormorant *Phalacrocorax carbo*, bittern *Botaurus stellaris* and water rail *Rallus aquaticus*.

## **HRA IMPLICATIONS OF THE PROJECT**

6. A number of threats are identified in relation to these sites which include human intrusion and disturbance, air pollution and airborne pollutants, human induced changes in hydraulic conditions, eutrophication and the introduction of non-native species. The likely impacts of these effects are screened as follows:
- a) Rixton Clay Pits SAC
    - i. No impact pathway for the above effects given the nature of the qualifying feature and the separation distance from the application site.
  - b) Manchester Mosses SAC
    - i. Holcroft Moss SSSI, a component of the Manchester Mosses SAC, is within 200 m of the major transport network to be used by the scheme. While some of the other sites may also support features at risk of the threats of air pollution and air-borne pollutants and eutrophication, they are all sufficiently distant (>200 m) from the

transport network to avoid air quality impact pathways arising from the scheme alone or in-combination.

c) Midland Meres and Mosses Phase 1 Ramsar

- i. No impact pathway for the above effects given the nature of the criterion features and the separation distance from the application site.

d) Rostherne Mere Ramsar

- i. No impact pathway for the above effects given the nature of the criterion features and the separation distance from the application site.

## **PART 1 - ASSESSMENT OF THE LIKELY SIGNIFICANT EFFECTS**

7. The screening suggests that likely significant effects would only be present in relation to Manchester Mosses SAC. Air pollution is identified as the only impact pathway with the potential to have a likely significant effect alone. As such there is no-need to consider in-combination effects at this stage as these are carried forward into the consideration of adverse effects on integrity.

## **PART 2 – FINDINGS IN RELATION TO THE ADVERSE EFFECTS ON THE INTEGRITY OF THE PROTECTED SITES**

### **Manchester Mosses SAC**

8. Regulation 63(1) requires a competent authority, which in this case is the SoS, to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives<sup>167</sup>. The conservation objectives in this instance are to ensure that the integrity of the site is maintained or restored as appropriate and to ensure that it contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring:
  - The extent and distribution of qualifying natural habitats;
  - The structure and function (including typical species) of qualifying natural habitats; and
  - The supporting processes on which qualifying natural habitats rely.
9. The most recent site condition assessment records Holcroft Moss as being “unfavourable – recovering”. It notes that re-wetting interventions have improved the site since 2013 and that target species have increased but that there are areas that have not improved as expected, despite being equally wet.

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<sup>167</sup> The Conservation of Habitats and Species Regulations 2017 (as amended)

One of the potential causes that has been identified, is the proximity of the site to the M62 and the effects of air borne pollutants arising from road traffic movements.

10. The predicted increases in ammonia and nitrogen deposition were modelled alone and in combination with existing background pollutant levels and with predicted growth in background levels up to 2029, as well as the contribution that would result in the adoption of the LP, as identified in the Local Plan HRA<sup>168</sup>. Whilst there would be no exceedance of the critical load threshold from the proposal alone, it would be exceeded when the in-combination effect of other development is considered. This would be the case for both pollutants<sup>169</sup>. Consequently, it cannot be ruled out, beyond all reasonable scientific doubt, that the proposal would not lead to an adverse effect on the integrity of the SAC.
11. I now turn to whether the adverse effects could be mitigated to ensure that they are reduced to a *de minimis* level and whether any such measures have been secured with the necessary degree of certainty. The proposed mitigation would seek to deliver long-term resilience measures via hydrological restoration, as indicated in supplementary advice for the site. Specifically, the measures would be associated with the part of the raised bog affected by the traffic movements, i.e. the 10% of raised bog habitat closest to the M62 motorway. The measures would be in addition to existing management action and would be secured through a planning obligation contribution.

## **NATURAL ENGLAND RESPONSE**

12. NE has indicated that it is satisfied with the conclusions of the HRA where this is set out and does not raise any objection to the approach<sup>170</sup>. The views of NE carry great weight and I have no reason to doubt that the proposed measures would be ineffective on the basis of the evidence before me or that its views have subsequently changed. The SoS will note that the necessary mitigation measures have been secured through the s106 agreement.

## **CONCLUSIONS ON THE HRA**

13. The proposed development has the potential to cause air pollution impacts on Manchester Mosses SAC in combination with other plans or projects that would have an adverse effect on the integrity of this site.
14. The proposed mitigation would be capable of reducing this adverse effect to a *de minimis* level and these measures are secured through a planning agreement.
15. The SoS will have to undertake an Appropriate Assessment of the implications of the proposed development on the qualifying feature of that site, in light of

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<sup>168</sup> ID 30

<sup>169</sup> ID 32, paragraph 4.22

<sup>170</sup> ID 33

the conservation objectives outlined above, if she wishes to grant planning permission.



# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's 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.