



Ministry of Housing,  
Communities &  
Local Government

Hanna Mawson  
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Our ref: APP/R0660/V/24/3345318  
Your ref: 22/0872M

5 March 2025

*Sent by email only*

[Hanna.mawson@pegasusgroup.co.uk](mailto:Hanna.mawson@pegasusgroup.co.uk)

Dear Hanna Mawson

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY TATTON SERVICES LTD  
LAND BETWEEN JUNCTIONS 7 AND 8 OF THE M56 MOTORWAY, TATTON,  
CHESHIRE  
APPLICATION REF: 22/0872M**

*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 by David M H Rose BA(Hons) MRTPI, who held a public local inquiry on 15-17 and 22 October 2024, which closed in writing on 4 November 2024, into your client's application for planning permission for 'Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works', in accordance with application Ref. 22/0872M, dated 28 Feb 2022, as amended by a revised proposal submitted on 12 May 2023.
2. On 23 May 2024, the previous Secretary of State, the Rt Hon Michael Gove MP, directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

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

Email: [PCC@communities.gov.uk](mailto:PCC@communities.gov.uk)

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

3. The Inspector recommended that the application is approved subject to conditions.
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 grant 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 environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.9-IR1.12 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.

## **Matters arising since the close of the inquiry**

6. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The Secretary of State referred back to parties in respect of the revised Framework on 19 December 2024. Representations were received from Pegasus on behalf of the applicant, Cheshire East Council, Trafford Council and Stop Tatton Services and these are listed in Annex A to this decision letter. These representations were circulated to the main parties on 14 January 2025. Representations received in response are also listed in Annex A and were circulated on 24 January 2025. Where material, these representations have been taken into account, however the Secretary of State does not consider that they alter her conclusions or the decision in this case. The Secretary of State deals with Green Belt matters in paragraphs 30-37 below. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.
7. The Framework was further updated on 7 February 2025. The Secretary of State does not consider it is necessary to refer back to parties in respect of this further update, which amended the end of the first sentence of paragraph 155: as set out on gov.uk<sup>1</sup>, the amendment to paragraph 155 is not intended to constitute a change to the policy.
8. A Written Ministerial Statement and revised Planning Practice Guidance was published on 27 February 2025. This includes guidance relating to the identification of grey belt land and development on Green Belt land.<sup>2</sup> However, the Secretary of State considers that in this instance it does not raise any new matters which are relied on in her decision that

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<sup>1</sup>[Updates – National Planning Policy Framework](#): 'This version of the National Planning Policy Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024.'

<sup>2</sup> [Written statements - Written questions, answers and statements - UK Parliament](#) and [Green Belt - GOV.UK](#), Paragraphs 005-011 and 014

would require her to refer back to the parties for further representations, and she is satisfied that no interests have thereby been prejudiced.

### **Policy and statutory considerations**

9. 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.
10. In this case the development plan consists of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) adopted July 2017, the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) adopted December 2022, saved policies in the Cheshire East Replacement Minerals Plan 1999 and saved policies in the Cheshire East Waste Local Plan adopted 2007. The Secretary of State considers that relevant development plan policies include those referenced at IR1.45-1.46 and IR1.51.
11. Other material considerations which the Secretary of State has taken into account include the the Framework published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance ('the Guidance'), the Department for Transport Circular 01/2022 - Strategic road network and the delivery of sustainable development (IR1.50) and The Trafford Core Strategy adopted January 2012 (IR.1.48).

### *Emerging plan*

12. The Council consultation on an issues paper closed in July 2024. Paragraph 49 (previously 48) of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State considers that the emerging plan is at a very early stage of preparation, and gives it no weight.

### **Main issues**

#### *Need for an MSA*

13. For the reasons given at IR7.28-IR7.36 and IR7.38-IR7.40 the Secretary of State agrees with the Inspector's conclusion at IR7.97 that the need for a MSA on this part of the strategic road network is indisputable, that the proposal would reduce a significant number of gaps and reduce others, and that there is no realistic prospect of an equivalent alternative site. She further agrees that the safety and welfare benefits endorsed by National Highways should be given substantial weight. In reaching this conclusion she has taken into account the Inspector's reasoning at IR7.72 and IR7.98 on the economic and social benefits of reducing fatigue related collisions. She considers that these form part of the safety and welfare benefits of the proposal, and has not given them separate weight.
14. For the reasons given at IR7.36 the Secretary of State agrees with the Inspector's conclusion at IR7.99 that increased HGV parking would have benefits in meeting wider need and she agrees that this benefit should attract significant weight.
15. For the reasons given at IR7.37 the Secretary of State agrees with the Inspector's conclusion at IR7.100 that hotel provision, although not an essential requirement for a

MSA, would be an added facility contributing to the safety and welfare of motorists and she agrees that this benefit should attract significant weight.

16. For the reasons given at IR7.82 and IR7.101 the Secretary of State agrees with the Inspector's conclusion at IR7.101 that the electric vehicle (EV) charging facilities, of the scale proposed and directed at meeting a fundamental objective of government policy, attract substantial positive weight.

#### *Economic Impacts*

17. For the reasons given at IR7.43-IR7.46 the Secretary of State agrees with the Inspector's conclusion at IR7.46 that the extent to which the proposal would be likely to act as a local destination in its own right, as opposed to a destination of choice for motorists making a long journey on the strategic road network, would be extremely limited and that there is no basis to conclude that it would result in unsustainable patterns of travel in general. For these reasons and the reasons given at IR7.69-IR7.71 the Secretary of State agrees with the Inspector's conclusions at IR7.104 that the economic and social benefits taking account of any potential minor effects on nearby centres are such to merit substantial positive weight.

#### *Highways and Sustainability*

18. For the reasons given at IR7.41-IR7.42 the Secretary of State agrees with the Inspector's conclusion at IR7.42 that whilst the MSA would introduce additional traffic movements, arising from motorists breaking their journeys along the motorway or on the A556, the effects would be localised and focused on the Bowdon roundabouts. She further agrees with the Inspector's conclusion that there is nothing to suggest that the proposal would have any consequential adverse effects on the A556 link road between M6 Junction 19 and the M56 or undermine the purpose of, and past investment in, that project.
19. For the reasons given at IR7.80-IR7.81 and IR7.88-IR7.89 (Energy efficiency), IR7.75, IR7.84 and IR7.102 (Design), and IR7.86 (Retention of existing buildings), the Secretary of State agrees with the Inspector that the proposal would be in accordance with CELPS Policies SE1, SE9 and SADPD Policy GEN1 and agrees with the Inspector's conclusion at IR7.103 that the overall approach to design and sustainability is one that merits significant positive weight.
20. For the reasons given at IR7.85 the Secretary of State agrees with the Inspector's conclusion at IR7.85 that the identified need for the MSA can be regarded to be of strategic importance and thus there would be no conflict with CELPS Policy SD2 on Sustainable Development Principles.
21. For the reasons given at IR7.73 and IR7.105 the Secretary of State agrees with the Inspector's conclusion at IR7.105 the provision of the employee bus scheme attracts significant positive weight.
22. For the reasons given at IR7.74 and IR7.106 the Secretary of State agrees with the Inspector's conclusion at IR7.106 that the financial contribution towards the feasibility study of providing an off site pedestrian/cycle link should attract limited positive weight.

#### *Heritage*

23. For the reasons given at IR7.47-IR7.50 the Secretary of State agrees with the Inspector's conclusion at IR7.50 and IR7.94 that overall, there would be less than substantial harm at

the lowest end of the scale for a temporary period to the contribution of setting to the significance of the scheduled Watch Hill Motte and Bailey Castle, but no harm to the physical elements which contribute to the principal significance of this asset. In line with paragraph 212 (previously 205) of the Framework, the Secretary of State considers that this harm carries great weight. She weighs this harm against the public benefits of the proposal in paragraph 44 below.

24. For the reasons given at IR7.51-IR7.56 the Secretary of State agrees with the Inspector's conclusion at IR7.56 that taking account of the significance of the non-designated heritage asset, its current circumstances and the very positive constituents of repurposing, adaption and change, the resultant balance points to a low level of harm. The Secretary of State agrees with the Inspector at IR7.95 that this should be given limited weight.

### *Natural Environment*

25. For the reasons given at IR7.57-IR7.59 the Secretary of State agrees with the Inspector's conclusion at IR7.58-IR7.59 that the proposed development is not likely to lead to significant adverse effects on the integrity of the Rostherne Mere Ramsar Site (Site of Special Scientific Interest and National Nature Reserve), when considered alone or in combination with other projects and that there should be no concerns that the implementation of the proposal would constitute a breach of legislation.
26. The Secretary of State notes the Inspector's comments at IR7.60 but as she agrees with his conclusion there is no requirement to undertake an Appropriate Assessment.
27. For the reasons set out at IR7.67-IR7.68 the Secretary of State agrees with the Inspector's conclusions at IR7.93 that the loss of Best and Most Versatile (BMV) Agricultural Land merits moderate negative weight.
28. For the reasons set out at IR7.61 (Yarwood Heath Covert Local Wildlife site), IR7.62-IR7.66 (Trees and Hedgerows), IR7.76 (Biodiversity Net Gain), and IR7.77-IR7.79 (habitats, flood risk in respect of surface water issues and ground water, dust, noise, lighting and ground conditions) the Secretary of State agrees with the Inspector's conclusions at IR7.96 that whilst there would be minor harm through the loss of some hedgerows and trees, the implementation of a comprehensive landscaping scheme, the commitment to the management of Yarwood Heath Covert, and the very substantial biodiversity net gains, point to an overall significant benefit and corresponding significant positive weight.
29. For the reasons set out at IR7.20-IR7.25 the Secretary of State agrees with the Inspector's conclusion at IR7.27 and IR7.92 that the landscape and visual effects of the proposal, taking account of site context and the design response, would be localised, diminishing over time, and carry moderate negative weight. She further agrees with the Inspector's reasoning and conclusion at IR7.87 that CELPS Policy SE4 is fulfilled.

### *Green Belt*

30. The inquiry was held prior to the publication of the revised Framework and associated guidance, and the Inspector considered Green Belt issues on that basis. The Secretary of State notes that at the time the Inquiry was held and the IR written it was common ground between parties that the proposed MSA would be inappropriate development in the Green Belt and did not fall within any of the exceptions listed in paragraphs 154 and 155

of the Framework (now combined in paragraph 154) (IR7.5) and repeated in CELPS Policy PG3 part 3 and 4. She notes the Inspector's view that the impact of the development on the Green Belt would be substantial (IR7.12), and that there would be an inevitable and substantial loss of openness in both spatial and visual terms (IR7.13). She further notes that the Inspector assigned substantial weight to the harm to the Green Belt by reason of inappropriateness and also from the reduction in openness (IR7.91). She also notes the Inspector's conclusions at IR7.108 that the cumulation of the benefits clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm such that the proposal would comply with CELPS Policy PG3 part 2 which requires very special circumstances to be demonstrated. The Secretary of State agrees with the Inspector's conclusion at IR7.108 that when assessed against CELPS Policy PG3, the very special circumstances test would be met, and the proposal is therefore in accordance with this element of the development plan.

31. At the time the Inquiry was held and the IR written, CELPS Policy PG3 reflected national Green Belt policy, and was up to date. However, as national Green Belt policy has now changed, including with the introduction of policy on grey belt, and CELPS Policy PG3 does not reflect those changes, it is now not fully up to date, and does not carry full weight.
32. The Secretary of State has therefore gone on to consider the proposal against current national Green Belt policy, which is a material consideration in this case. She has first considered whether the application site meets the definition of grey belt, as set out in the glossary to the revised Framework, and has gone on to consider whether it meets the relevant criteria set out in paragraph 155 of the revised Framework.
33. For the reasons set out at IR7.8 the Secretary of State agrees with the Inspector's conclusion that the site does not play any role in checking the sprawl of large built up areas or in preventing neighbouring towns merging into one another and that Green Belt purposes a) and b) are not engaged. For the reasons set out in IR7.9 she further agrees with the Inspector's conclusion that the site does not contribute to preserving the setting and special character of any historic town and would not conflict with the purpose of assisting urban regeneration and that purposes d) and e) are not engaged. In light of the conclusions that purposes a), b), d) and e) are not engaged the Secretary of State considers that the site does not strongly contribute to any of the purposes a), b) or d). She has also considered whether the relevant matters set out in the Framework footnote 7 provide a strong reason for refusing the application. Given her conclusions on heritage (paragraphs 23-24 above and 44 below), habitats sites (paragraphs 25-26 above) and flood risk - surface water issues and ground water (paragraph 28 above) she considers that none of these matters provide a strong reason for refusal. She therefore considers that the site meets the definition of grey belt in the Glossary of the Framework.
34. The Secretary of State has gone on to consider whether all the applicable criteria in paragraph 155 of the Framework are met. She has concluded at paragraph 33 above that the site would utilise grey belt land. She has further considered the remaining Green Belt in the plan area, and whether the development would fundamentally undermine the Green Belt purposes (taken together) of that remaining Green Belt as required by paragraph 155(a). She has concluded at paragraph 33 above that four out of five of the Green Belt purposes (a, b, d and e) are not engaged. For the reasons set out at IR7.8-IR7.26 she agrees with the Inspector's conclusion at IR7.26 that in the context of this proposal only purpose c), to safeguard the countryside from encroachment, is engaged and that the site plays a limited or weak role in safeguarding the countryside from encroachment. The Secretary of State has further taken into account that the application

site is essentially a standalone pocket of land, within the countryside, predominantly bound by highways infrastructure (IR7.8). Overall, in the particular context of this site and this proposal, the Secretary of State is satisfied that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. She considers that criterion 155(a) is therefore met.

35. The Secretary of State has concluded that there is a need for an MSA in this location (paragraphs 13-16 above), and therefore considers that criterion 155(b), that there is a demonstrable unmet need for the type of development proposed, has been met.
36. The Secretary of State has further found that the development is in a sustainable location (paragraphs 17-22 above). She also considers that the proposals comply with paragraphs 110 and 115 of the Framework having regard to the type of development proposed, the identified strategic need for an MSA in this location, traffic impacts and highway safety (paragraph 18 above), accordance with DfT Circular 01/2022 requirements (IR1.53) and the sustainable transport measures secured (paragraphs 21-22 above). Overall she considers that criterion 155(c), that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, would be met.
37. The Secretary of State has concluded that the criteria in paragraph 155(a)–(c) are met. Paragraph 155(d) does not apply to the proposal, as it does not involve the provision of housing. Consequently, under paragraph 155 the proposal is not inappropriate development in the Green Belt, and in line with paragraph 153 and footnote 55, she is not required to give substantial weight to any harm to the Green Belt, including harm to its openness.

### **Planning conditions**

38. The Secretary of State has had regard to the Inspector's analysis at IR6.1-IR6.22, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 (previously 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 57 of the Framework and that the conditions set out at Annex B should form part of her decision.

### **Planning obligations**

39. The Secretary of State has had regard to the Inspector's analysis at IR6.23-IR6.42, the planning obligation dated 1 November 2024, paragraph 58 (previously 57) of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR6.23-IR6.42, she agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

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

40. For the reasons given above, no conflict with development plan policies, including CELPS Policy PG3, have been identified, and the Secretary of State considers that the proposal is 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.

41. Weighing in favour of the proposal are safety and welfare benefits arising from the MSA (substantial weight), economic and social benefits (substantial weight), EV charging facilities (substantial weight), overall benefit for the natural environment (significant weight), provision of additional HGV parking (significant weight), provision of a hotel (significant weight), approach to design and sustainability (significant weight), employee bus scheme (significant weight), and the feasibility study for a pedestrian/cycle link (limited weight).
42. Weighing against the proposal are harm to landscape and visual effects (moderate weight), loss of BMV (moderate weight), less than substantial harm at the lower end of the scale to the setting of the scheduled monument of Watch Hill, Motte and Bailey castle (great weight), and harm to the non-designated Yarwood Heath Farm (limited weight).
43. The Secretary of State has assessed the proposal against national Green Belt policy, which is a material consideration in this case. She has concluded that the proposal is not inappropriate development in the Green Belt, and in line with paragraph 153 and footnote 55, she is not required to give substantial weight to any harm to the Green Belt, including harm to its openness.
44. In line with the heritage balance set out at paragraph 215 (previously 208) of the Framework, the Secretary of State has considered whether the identified 'less than substantial' harm to 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 considers that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of scheduled monument of Watch Hill, Motte and Bailey castle. She considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to the proposal.
45. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.
46. The Secretary of State therefore concludes that the application should be approved.

### **Formal decision**

47. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works, in accordance with application Ref. 22/0872M, dated 28 Feb 2022 as amended by a revised proposal submitted on 12 May 2023.
48. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.



## **Right to challenge the decision**

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

50. A copy of this letter has been sent to Cheshire East Council and Trafford Council, 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 Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf*

## Annex A Schedule of representations

Representations received in response to the Secretary of State's reference back letter of 19 December 2024

<b>Party</b>	<b>Date</b>
Stop Tatton Services	13 January 2025
Cheshire East Council	09 January 2025
Pegasus on behalf of applicant	13 January 2025
Trafford Council	19 December 2024

Representations received in response to the Secretary of State's circulation for information letter of 14 January 2025

<b>Party</b>	<b>Date</b>
Pegasus on behalf of applicant	20 January 2025

## Annex B List of conditions

### General

1. The development hereby approved shall be begun within three years of the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans (except where varied by other conditions of this permission):

#### Architectural:

- Site Location Plan – Drawing Reference: 2237-20-DR-A-(10)00001 P01
- Existing Layout Plan – Drawing Reference: 2237-20-DR-A-(10)00002 P01
- Proposed Masterplan – Drawing Reference: 2237-20-DR-A-(10)00005 P07
- Proposed Layout Plan (Amenity Building and Hotel) – Drawing Reference: 2237-DR-A-(10)00006 P04
- Proposed Site Plan – Ground Floor (Drawing Title Proposed Layout Plan Amenity Building and Hotel) – Drawing Reference: 2237-20-DR-A-(10)00010 P03
- Parameters Plan – Drawing Reference: 2237- 20-DR-A-(10)00020 P04
- Amenity Building – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)1100 P04
- Amenity Building – L01 GA Plan – Drawing Reference: 2237-01-DR-A-(20)1101 P04
- Amenity Building – Roof Plan 2237-02-DR-A-(20)1102 P04
- Amenity Building – GA Section AA & BB – Drawing Reference: 2237-ZZ-DR-A-(20)1300 P04
- Amenity Building – North and South Elevation – Drawing Reference: 2237-00-DR-A-(20)1200 P04
- Amenity Building – East and West Elevation – Drawing Reference: 2237-00-DR-A-(20)1201 P02
- Hotel – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)2100 P05
- Hotel – L01 GA Plan – Drawing Reference: 2237-01-DR-A-(20)2101 P05
- Hotel – L02 GA Plan- Drawing Reference: 2237-02-DR-A-(20)2102 P05
- Hotel – Roof Plan – Drawing Reference: 2237- 03-DR-A-(20)2103 P05
- Hotel – North and South Elevations– Drawing Reference: 2237-ZZ- DR-A-(20)2200 P03
- Hotel – West and East Elevations – Drawing Reference: 2237- ZZ-DR-A-(20)2201 P03
- Hotel – GA Section CC & DD – Drawing Reference: 2237-ZZ-DR-A-(20)2300 P03
- Hotel – GA Section EE – Drawing Reference: 2237-ZZ-DR-A-(20)2301 P02
- Fuel Barn – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)3100 P01
- Fuel Barn – L01 GA Plan – Drawing Reference: 01-DR-A-(20)3101 P01
- Fuel Barn – Drawing Reference: North and South Elevations ZZ-DR-A-(20)3200 P01
- Fuel Barn - West and East Elevations – Drawing Reference 2237- ZZ-DR-A-(20)3201 P01
- Fuel Barn Roof Plan – Drawing Reference: 2237-02-DR-A-(20) 3102 P01
- Fuel Barn – GA Section EE & FF – Drawing Reference: 2237-ZZ-DR-A-(20)3300 P01

- Indicative Design and Location of Auxiliary Structures – Drawing Reference: 2237-ZZ-DR-A-(20)4200 P06
- West Barn – Elevations – Proposed – Drawing Reference: 2337-00-DR-A-(20)4202 P01
- East Barn – Elevations – Proposed – Drawing Reference: 2337-00-DR-A-(20)4201 P01
- Proposed Site Sections Sheet 1 - Drawing Reference: 2237-00-DR-A-(20)1100 P04
- Proposed Site Sections Sheet 2 – Drawing Reference: 2237-00-DR-A-(20)1101 P04
- Existing Site Sections Sheet 1 - Drawing Reference: 2237-00-DR-A-(20)1110 P01
- Existing Site Sections Sheet 2 – Drawing Reference: 2237-00-DR-A

#### Landscape:

- Landscape Masterplan – Drawing Reference: 2607-PLA-XX-XX-DR-L-0002 S4-P11
- Highway Boundary Plan – Drawing Reference: 2607-PLA-XX-XX-DR-L-0004 S4-P05
- Landscape Hardworks – Drawing Reference: 2607-PLA-XX-XX-DR-L-1000 S4-P09
- Landscape Softworks – Drawing Reference: 2607-PLA-XX-XX-DR-L-2000 S4-P11
- Furniture Plan – Drawing Reference: 2607-PLA-XX-XX-DR-L-4000 S4 P08
- 2607-PLA-XX-XX-DR-L-8000 S4 P05-Detail Plan - Hotel and Kitchen Gardens

#### Civils:

- SuDS Drainage Strategy M56-BWB-DDG-XX-DR-C-500 S1 P8
- Outline FW Drainage Strategy M56-BWB-DDG-XX-DR-C-501 S1 P6
- Finished Levels M56-BWB-DGT-XX-DR-C-600 S1 P12
- Earthworks Cut and Fill Isopachytes M56-BWB-DGT-XX-DR-C-630 S1 P10
- Site Sections Sheet 1 M56-BWB-DGT-XX-DR-C-635 S1 P8
- Site Sections Sheet 2 M56-BWB-DGT-XX-DR-C-636 S1 P8

#### Highways:

- M56-BWB-GEN-XX-SK-CH-SK018\_Yarwoodheath Lane-S2-P05
- M56-BWB-GEN-XX-SK-CH-SK026\_MSA area subject to HS2 planning condition-S2-P04
- M56-BWB-HGN-01-DR-CH-0100\_General Arrangement Sheet 1 Bowdon North Roundabout-S1-P06
- M56-BWB-HGN-01-DR-CH-0105\_Bowdon North Roundabout Vehicle Tracking-S1-P04
- M56-BWB-HGN-02-DR-CH-0100\_General Arrangement Sheet 2 Bowdon South roundabout-S1-P10
- M56-BWB-HGN-02-DR-CH-0105\_Bowdon South Roundabout Vehicle Tracking-S1-P09
- M56-BWB-HGN-03-DR-CH-0100\_General Arrangement Sheet 3 MSA Access Road-S1-P10
- M56-BWB-HGN-03-DR-CH-0105\_MSA Access Road Vehicle Tracking-S1-P06

- M56-BWB-HGN-04-DR-CH-0100\_General Arrangement Sheet 4 MSA Internal Road-S1-P06
- M56-BWB-HGN-04-DR-CH-0105\_MSA Internal Road Vehicle Tracking-S1-P04

#### Materials

3. For each of the buildings, no development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Before work on the external walls of the farmhouse and/or retained barn first commences, a sample panel of brickwork shall be made available for inspection and approved in writing by the Local Planning Authority. Any such brickwork which receives the written approval of the Local Planning Authority shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.
5. Notwithstanding any detail indicated on the plans hereby approved, details of all windows and doors of the farmhouse and eastern and western barns shall be the subject of plans submitted to and approved by the Local Planning Authority before their installation. The development shall be carried out in accordance with the approved details and the details approved by virtue of this condition shall be retained thereafter.

#### Farmstead

6. Notwithstanding any detail indicated on the plans hereby approved, a detailed repair schedule for works to the farmhouse and eastern barn shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the farmhouse and/or eastern barn taking place. The repair schedule shall include a timetable for the implementation of the repair works and details of a heritage information board relating to the Yarwood Heath Farmstead. The development shall be carried out in accordance with the approved details.
7. Prior to the first operation of the development hereby approved a timetable for the construction of the cycle store (western barn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. Prior to the removal of the western barn, a detailed methodology for the dismantling of the western barn and for the re-use of the salvaged brickwork within the new cycle store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Ecology/Lighting

9. Prior to the installation of any external lighting, details of the proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should reflect both the submitted Lighting Condition Support document prepared by Light Pad and the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance. It should include dark areas and avoid light spill upon bat roost

features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- proposed lighting regime;
- number and location of proposed luminaires;
- luminaire light distribution type;
- lamp type, lamp wattage and spectral distribution;
- mounting height, orientation direction and beam angle;
- type of control gear; and
- the requirements set out in Condition 35 below.

The approved lighting strategy shall be implemented prior to the first operation of the development. No other external lighting shall be implemented without written approval from the Local Planning Authority.

## Ecology

10. An updated badger survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The survey shall identify any required mitigation and the development shall be carried out in accordance with the approved details.
11. No removal of any vegetation or the demolition, extension or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
12. Prior to the commencement of development an Ecological Management Plan covering the construction and operational phases of the development shall be prepared, informed by the recommendations of Table 8.4 of the Environmental Statement Addendum, dated 21.02.23, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. Prior to the commencement of development (excluding demolition), a habitat creation method statement and a 30-year Habitat Management Plan for the retained and newly created habitats on site shall be submitted to and approved in writing by the Local Planning Authority. The habitat creation method statement shall detail habitat creation and enhancement measures to ensure the delivery of those habitats specified in the biodiversity metric calculations (FPCR Biodiversity Net Gain Report September 2024 and associated Figures 1-5) submitted with the application. For the avoidance of doubt, this is to include proposals for the enhancement of Yarwood Heath Covert Local Wildlife Site.

The 30-year Habitat Management Plan shall detail how the newly created, enhanced and retained habitats will be managed to achieve the target condition specified in the Biodiversity Metric Calculations (FPCR September 2024) submitted with the application. The Habitat Management Plan shall include a schedule of ecological monitoring and reporting and a mechanism to secure the agreement and implementation of contingency measures in the event that monitoring reveals that

habitats on site are failing to achieve their target distinctiveness and/or condition. The development shall be carried out in accordance with the approved details.

14. Prior to the commencement of development, a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in fences to facilitate the movement of hedgehogs, native species planting and brush piles. The proposals shall be permanently installed in accordance with the approved details.

#### Water/Drainage

15. The development of the Fuel Barn hereby permitted shall not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround including tertiary containment, associated pipework and monitoring system. The scheme shall be fully implemented prior to the use of the Fuel Barn and subsequently maintained in accordance with the approved scheme.

16. Prior to the commencement of any drainage works, a detailed scheme to dispose of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and prior to first operation.
17. Prior to the commencement of any drainage works, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority 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 or statutory undertaker, or management and maintenance by a management company or the operator; and
  - b. arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

#### Trees/Landscape

18. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the first operation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

19. No development or other operations shall take place except in accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment by Seed (1128-AIA-V1-B) dated 6th December 2021, with measures to be implemented under Arboricultural supervision in accordance with 'BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations'.
20. Prior to the commencement of the development (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS shall include:
- a) a scheme for the protection of the retained trees produced in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, to include sequencing and phasing of works;
  - b) details of any access facilitation pruning in accordance with BS3998:2010 Tree Work – Recommendations; and
  - c) a methodology which addresses demolition, breaking out of existing hard surfaces and construction within the root protection areas that may impact on the retained trees.
- The development shall be carried out in accordance with the approved details.
21. No development shall commence unless and until full details of all new soft landscaping to be provided within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall build upon the provisional details already shown on plan refs: 2607-PLA-XX-XX-DR-L-0002.S4 P11 (landscape masterplan) and 2607-PLA-XX-XX-DR-L-2000 S4 P11 (landscape-softworks) and shall provide for a revised, enhanced scheme of soft landscaping for part of the northern boundary of the site located between points A and B on drawing reference: 2607-PLA-XX-XX-DR-L-2001 S4 P01 (Existing Landscape Enhancements) - dated 16.10.24. The submitted details shall include: planting plans, schedules of plants (noting species, plant sizes and proposed numbers), existing landscaping to be retained, details of a load-bearing system to support any new trees planted within and adjacent to hard surfaces, and a planting implementation programme. The soft landscaping works shall be implemented in accordance with the approved details and the agreed timetable.
22. The approved landscaping plan shall be completed in accordance with the following:-
- a) all hard and soft landscaping works shall be completed in accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority;
  - b) all trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification - for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces);



- c) all new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations); and
  - d) any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
23. Notwithstanding the Highways Boundary Plan (Ref: 2607-PLA-XX-XX-DR-L-0004 P05) hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the first operation of the development. The boundary treatment shall be carried out in accordance with the approved details and permanently retained.
24. The development hereby permitted shall be constructed in accordance with the earthworks details. These details are shown on submitted drawing numbers as set out in drawings Finished Levels M56-BWB-DGT-XX-DR-C-600 S1 P12 and Earthworks Cut and Fill Isopachytes M56-BWB-DGT-XX-DR-C-630 S1 P10. Development shall be carried out in accordance with the approved details and retained thereafter.
25. A Landscape Management Plan, aligned with the 30-year Habitat Management Plan required by Condition 13 (above), including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the first operation of the development. The management plan shall be implemented as approved.

## Highways

26. No development shall commence unless and until the developer has submitted and received agreement from the Local Planning Authority to full design and construction details of the required improvements to the A556 Bowdon Roundabouts, Junction 7 of the M56 Motorway and Yarwoodheath Lane. The general arrangement of these works are shown on submitted drawing numbers M56-BWB-HGN-01-DR-CH-0100 P06 (Mitigation Scheme at the Bowdon North Roundabout), M56-BWB-HGN-02-DR-CH-0100 P10 (Mitigation Scheme at the Bowdon South Roundabout) and M56-BWB-HGN-03-DR-CH-0100 P10 (MSA Access Road Layout). The full design and construction details shall include:
- a. how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
  - b. full signing and lighting details;
  - c. signal phasing plan for all signalised elements of the highway improvements;
  - d. for any works on the Strategic Road Network, details of how current National Highways Design Standards (DMRB) have been addressed; and
  - e. an independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with National Highways Standard GG 119 or any subsequent replacement standard.

27. No development beyond groundworks shall take place until the fence depicted on drawing number 2607-PLA-XX-XX-DR-L-0004 S4 P05 (Highway Boundary Plan) has been erected along the boundary of the development site alongside the M56 and associated slip road (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this).
28. No drainage from the proposed development other than works associated with the proposed access arrangements to Bowdon south roundabout and offsite highway works shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M56 motorway.
29. No development pursuant to this application shall commence until a detailed construction plan working method statement, (including Risk Assessment Method Statement) relating to site development, land stability, earthworks and drainage alongside the M56, has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
30. No part of the development shall be first operated unless and until the highway improvements, as shown in outline on drawing numbers:
  - M56-BWB-HGN-01-DR-CH-0100 P06 (Mitigation Scheme at the Bowdon North RB);
  - M56-BWB-HGN-02-DR-CH-0100 P10 (Mitigation Scheme at the Bowdon South RB);
  - M56-BWB-HGN-03-DR-CH-0100 P10 (MSA Access Road Layout); and
  - M56-BWB-HGN-04-DR-CH-0100 P06 (MSA Internal Road Layout).

as furthermore agreed in detail in accordance with Condition 26 (above), has been implemented

#### Sustainable Travel

31. In accordance with the Framework Travel Plan, dated March 2023 (P04), a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within the three months prior to the site first operating. The submitted full Travel Plan shall include: objectives and incentives to reduce car travel in association with non-motorway-based journeys and to increase the use of non-car modes of travel; details of a private bus service scheme for employees; quantifiable targets against which the success of the Travel Plan can be monitored over time; a monitoring and review schedule; and a commitment to future travel surveys. The submitted full Travel Plan shall be implemented prior to first operation and shall continue to be implemented (subject to monitoring and future updates) for the lifetime of the development.

#### Site Parking

32. All vehicular and cycle parking shown on the approved plans shall be provided prior to the first operation of the approved development or in accordance with a programme agreed with the Local Planning Authority and retained at all times thereafter.

#### Aircraft Safety: Drainage

33. Prior to the commencement of any drainage works, full details of all SuDS / water features within the site shall be submitted to and approved in writing by the Local

Planning Authority. The approved details shall be implemented in full prior to the first operation of the development.

All the SuDS attenuation should be designed to help prevent easy access between water and land for waterfowl hazardous to aircraft safety, or for members of the public who may feed them.

Ornamental water features / ponds within and to the north of the car park shall be in accordance with the relevant approved plans listed in Condition 2 and retained thereafter.

#### Aircraft Safety: Ecology

34. Prior to the commencement of development, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan shall be implemented as approved and on completion of the development shall be retained thereafter for the duration of development. No subsequent alterations to the plan shall take place unless first submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:
- how hazardous species of birds will be deterred during the construction process;
  - monitoring of any standing water within the site temporary or permanent;
  - management of all roofs including roofs that include solar PV, and buildings within the site which may be attractive to nesting, roosting and 'loafing' birds;
  - maintenance of planted and landscaped areas, particularly in terms of not providing habitat for species of birds that are hazardous to aircraft, including regular litter picking from landscaping;
  - waste management from the perspective of not attracting scavenging birds;
  - monitoring and audit of waste management;
  - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
  - signs deterring people from feeding the birds; and
  - staff awareness training, both for new staff and refresher training for all staff.

#### Aircraft Safety: Lighting

35. Any lighting scheme submitted under Condition 9, or for the site in general, shall also provide details for capping all luminaires at the horizontal with no upward light spill, and shall be approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first operation of the development and retained, without addition or modification, in accordance with the approved details.

#### Aircraft Safety: Materials

36. Prior to the installation of any reflective materials on any building forming part of the development, other than clear or obscure glass, a scheme providing details of the works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first operation of the development and retained, without addition or modification, in accordance with the approved details.

## Aircraft Safety: Glint and Glare

37. Notwithstanding the provision of Part 14, Class J, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no solar thermal or solar photovoltaic equipment shall be installed, other than that shown on the approved plans, without the express consent of the Local Planning Authority. Prior to the installation of any solar thermal or solar photovoltaic equipment a full aviation perspective Glint and Glare assessment shall be submitted to and approved in writing by the Local Planning Authority. If approved, there shall be no changes to the approved layout of the solar PV panels.

## HS2

38. No development hereby permitted shall take place in any part of the area shown edged purple on drawing M56-BWB-GEN-XX-SK-CH-SK026 Revision P04 (being an area subject in part to safeguarding directions dated 6 June 2022 made by the Secretary of State for Transport) unless and until detailed design and method statements for all works proposed to be constructed within the said area edged purple, to provide access for HS2 vehicles during construction of the HS2 railway to works authorised by the High Speed Rail (Crewe-Manchester) Bill, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the detailed design and method statements so approved.

## Retail Impact

39. The Amenity Building shall contain no more than 998 square metres of net retail floorspace for the display and retail of goods (as defined by Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no more than 1,712 square metres of net dining and servery floorspace (as defined by Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended)). No more than 150 square metres of the 998 square metres of net retail floorspace of the Amenity Building shall be dedicated to the display and retail of comparison goods. The floorspace within the Amenity Building used for retail, dining and servery shall not be used for any purpose other than a Class E(a) and Class E(b) use, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). The Fuel Barn shall contain no more than 182 square metres of net retail floorspace and no more than 229 square metres of net dining and servery floorspace.

## Construction

40. No development (including vegetation clearance or building demolition) shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Construction Environmental Management Plan shall provide for (although shall not be limited to):
1. hours of construction and pre-construction (including demolition) activity;
  2. the parking of vehicles of site operatives and visitors;
  3. the loading and unloading of plant and materials, including times of access/egress;

4. the storage of plant and materials used in constructing the development;
5. the erection and maintenance of security hoardings;
6. wheel washing facilities;
7. measures to control the emission of dust and dirt during demolition and construction, and procedures to be adopted in response to complaints of fugitive dust emissions;
8. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
9. measures to prevent undue impact of disturbance from noise and vibration in accordance with the principles of Best Practicable Means as described in BS 5228: 2009 (parts 1 and 2), including from piling activity and plant including generators;
10. information on how any asbestos material which is identified will be treated or disposed of in a manner that would not cause undue risk to adjacent receptors; and
11. contact details for the site manager and procedures for dealing with any complaints.

The approved Construction Environmental Management Plan shall be implemented in full throughout the vegetation clearance, demolition and construction period.

#### Noise Mitigation

41. Details of the proposed noise mitigation measures outlined in the Noise and Vibration Chapter of the Environmental Statement (paragraphs 14.7.7 to 14.7.9) shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the Hotel building. The approved details shall be implemented as approved prior to the first operation of the Hotel building and retained at all times thereafter.

#### EV Charging

42. Prior to the commencement of the car park, a detailed phasing strategy for Electric Vehicle (EV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall include a timetable for implementation of all 96 proposed EV charging points, a commitment to implement no less than 12 high powered for the amenity building and 12 standard powered EV charging for the Hotel prior to operation. Details of ducting for all parking areas (including HGV, Coach and Caravan parking areas) and a commitment to annual monitoring shall also be provided. The phasing strategy shall be implemented as approved.

#### Energy Strategy

43. Prior to the first commencement of the buildings, an updated energy strategy for the existing buildings to be retained and the proposed new buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first operation of the development.

## Environmental Health

44. No development (other than agreed demolition and site clearance works) shall commence until:
- (a) a post demolition Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the Local Planning Authority; and
  - (b) if Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the Local Planning Authority.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the Local Planning Authority.

45. Prior to the operation of any building a Verification Report relating to ground gasses and contamination shall be prepared in accordance with the approved Site Investigation Report (Phase 1 dated December 2021 and Phase 2 dated February 2022) and shall be submitted to and approved in writing by the Local Planning Authority.
46. Any soil or soil forming materials to be brought to site for use in soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development), which can be found on the Development and Contaminated Land page of Cheshire East Council's website.

Prior to first operation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.

47. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

## Archaeology

48. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation (comprising level II building surveys of the farmhouse and the brick-built barns) which has first been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved scheme.

## Tourist Information

49. Prior to the first operation of the development, details of the proposed Tourist Information Area, including a timetable for implementation, shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

#### Substations

50. Notwithstanding the details shown on the approved plans, final details of the proposed substations shall be submitted to and approved in writing by the Local Planning Authority prior to first operation and shall include details of their siting and appearance (and landscaping details around them in accordance with Condition 21). The proposed substations shall not exceed 4.5m in height. The substations shall be implemented in accordance with the approved details.



Planning Inspectorate

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

**by David M H Rose BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 4 December 2024**

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## **Town and Country Planning Act 1990**

**Application for Planning Permission**

**by Tatton Estates Ltd**

**Land between Junctions 7 and 8 of the M56,**

**Tatton, Cheshire**



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<b>List of Abbreviations</b>	
AM	Ante meridiem
CEC	Cheshire East Council
CELPS	Cheshire East Local Plan Strategy
CIL	Community Infrastructure Levy
CO <sub>2</sub>	Carbon Dioxide
BMV	Best and Most Versatile
CPRE	The Countryside Charity (The Campaign to Protect Rural England)
DfT	Department for Transport
eDNA	Environmental DNA (Deoxyribonucleic Acid)
e.g.	For example
eHGV	Electric Heavy Goods Vehicle
etc	Etcetera
EV	Electric Vehicle
Framework	National Planning Policy Framework
FTE	Full-time Equivalent
GDP	Gross Domestic Product
GVA	Gross Value Added
ha	Hectares
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HS2	High Speed 2
kg	Kilogramme
kWh	Kilowatt Hour
LLDA	Local Landscape Designation Area
LSOA	Lower Super Output Areas
LVIA	Landscape and Visual Impact Assessment
m	Metre
m <sup>2</sup>	Square metre
MMs	Main Modifications
MSA	Motorway Service Area
NH	National Highways
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NVQ	National Vocational Qualification
PfE	Places for Everyone
PM	Post meridiem
PV	Photovoltaic
Rt Hon	Right Honourable
SADPD	Site Allocations and Development Policies Document
SoCG	Statement of Common Ground
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
TfN	Transport for the North
UK	United Kingdom
£	Pound Sterling
%	Percent

## **File Reference: APP/R0660/V/24/3345318**

### **Land between Junctions 7 and 8 of the M56 Motorway, Tatton, Cheshire**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 23 May 2024.
- The application is made by Tatton Services Ltd to Cheshire East Council.
- The application, reference 22/0872M, is dated 28 February 2022.
- The development proposed is '**Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works**'.
- The reason given for making the direction was based on the Secretary of State's Policy to call in cases that may conflict with national policies or those that could have significant effects beyond their immediate locality.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - a. the extent to which the proposed development is consistent with government policies for Protecting Green Belt Land (NPPF Chapter 13);
  - b. the extent to which the proposed development is consistent with government policies for Conserving and Enhancing the Natural Environment (NPPF Chapter 15);
  - c. the extent to which the proposed development is consistent with the development plan for the area; and
  - d. any other matters that the Inspector considers relevant.

### **Summary of Recommendation:**

**The application be approved subject to conditions.**

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## **1. Introduction**

### **The Inquiry, site visits and documents**

- 1.1 The evidence for the above planning application was heard at a Public Inquiry held at Cottons Hotel, Knutsford on 15 – 17 October 2024. Closing submissions were heard virtually on 22 October 2024.
- 1.2 I closed the Inquiry in writing on 4 November 2024,<sup>1</sup> having allowed time for the completion of a Planning Obligation by Deed of Agreement under section 106 of the Town and Country Planning Act 1990. The agreement is made between Cheshire East Council, the Owners<sup>2</sup> of the land and the Applicant and is dated 1 November 2024.

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<sup>1</sup> ID10

<sup>2</sup> The personal representatives of Randle Brooks' estate

- 1.3 I made an extensive accompanied visit to the site and its wider surroundings on the afternoon of Monday 14 October, before the opening of the Inquiry, to gain general familiarisation with locations referred to in the evidence. Prior to that, I visited Lymm truck stop unaccompanied. I also made additional unaccompanied site visits on 17 October 2024, including Knutsford Services (southbound) on the M6. At the Inquiry, it was agreed that a further accompanied site visit was unnecessary.
- 1.4 A Case Management Conference was conducted on my behalf on 28 August 2024. In addition to those matters identified by the Secretary of State (a - d), and with particular reference to d, a number of other matters were identified by my colleague in discussion with the principal parties:<sup>3</sup>
- i. The need for the development and any other significant benefits so as to amount to the very special circumstances necessary to clearly outweigh any harm to the Green Belt by reason of inappropriateness and any other identified harm.
  - ii. The effects of the proposed development on highway safety and the free-flow of traffic including the effect on the A556.
  - iii. The effects of the proposed development on heritage assets.
  - iv. The effects of the proposed development on best and most versatile agricultural land (BMV).
  - v. The adequacy of the GAP Analysis.
  - vi. Any potential detrimental economic effects, with particular regard to Altrincham Town Centre.
  - vii. The effect on the Rostherne Mere Ramsar Site (Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)).
  - viii. Energy efficiency in relation to EV charging points.
  - ix. Landscape and visual effects (would be considered as part of the overall Green Belt evidence).
- 1.5 The parties to the Case Management Conference were the Applicant, the Local Planning Authority and three Rule 6(6) parties namely: Trafford Council (a neighbouring planning authority); Stop Tatton Services (a local opposition group); and Moto Hospitality Ltd (a provider of Motorway Services and other facilities including Lymm truck stop). Subsequently, the latter two withdrew their status and appeared at the Inquiry as interested participants.
- 1.6 On 10 October 2024, Trafford Council confirmed the withdrawal of its objection to the application.<sup>4</sup> This was based on the signing of a Statement of Common Ground with the Applicant which in turn followed the Applicant's Statement of Common Ground with National Highways. I approved the Council's request to retain Rule 6(6) status with a view to it contributing to the round table discussion on planning conditions and obligations.

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<sup>3</sup> ID3

<sup>4</sup> Including the withdrawal of its written evidence

1.7 Following the submission of proofs of evidence, and other statements, I refined the likely main considerations which are set out at paragraph 1.13 below.

1.8 Proofs of evidence as originally submitted are included as Inquiry documents; but their content may have been affected by oral evidence, concessions and corrections. Written closing submissions are also listed.

**Environmental Impact Assessment**

1.9 The application was accompanied by an Environmental Statement, in two volumes, with an accompanying non-technical summary.<sup>5</sup>

1.10 Following the submission of the application and Environmental Statement, further technical discussion with both statutory and non-statutory consultees took place. This resulted in the provision of supplementary information and/or amendments to some detailed elements of the scheme providing an addendum to be considered as part of the environmental information.<sup>6</sup>

1.11 The Applicant also provided an Ecology Survey Update Note, dated July 2024, comprising an updated walk-over survey, relating to great crested newts and bats. It confirmed that the baseline ecology data presented in the Environmental Statement remained valid.<sup>7</sup>

1.12 Having examined all of the environmental information, I am satisfied that the Environmental Statement is satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

**Main considerations (a – g)**

1.13 The likely main considerations before the Inquiry were:

- a) The effects of the proposed development on the openness of the Green Belt and its purposes; including the landscape and visual effects of the proposal.
- b) Whether there is a need for the proposed development having regard to the current gaps in Motorway Service Area provision.
- c) The effects of the proposal on highway safety including the effect on the A556.
- d) Whether the proposal would have an unacceptable economic effect on local centres and result in unsustainable patterns of travel.
- e) The effects of the proposed development on heritage assets.
- f) The effects of the proposal on the natural environment including:
  - (i) The Rostherne Mere Ramsar Site (Site of Special Scientific Interest and National Nature Reserve);
  - (ii) Yarwood Heath Covert Local Wildlife Site;

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<sup>5</sup> CD1.4  
<sup>6</sup> CD3.6  
<sup>7</sup> CD16.8

- (iii) Trees and Hedgerows; and
  - (iv) Best and Most Versatile Agricultural Land.
- g) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### **Site and Surroundings**

- 1.14 The application site is located within the administrative area of Cheshire East Council and a short distance to the south of the boundary with the neighbouring local authority, Trafford Council.
- 1.15 It is situated within an island of land to the north of the M56 North Cheshire Motorway and to the east of the A556 dual carriageway with their related link and slip roads in the remaining directions. Junctions 7 and 8 comprise a single complex junction known as the Bowdon Interchange.<sup>8</sup>
- 1.16 The built up area of Greater Manchester to the north, with the settlements of Bowdon, Hale and Altrincham, lies beyond a narrow swathe of open countryside, either side of the River Bollin. Little Bollington is to the west, alongside the A56, in a wide expanse of open countryside which includes National Trust Dunham Massey.
- 1.17 Open countryside prevails to the south of the motorway, taking in Rostherne Mere, Rostherne and National Trust Tatton Park. Manchester Airport, related infrastructure and supporting facilities are situated a short distance to the east around Junctions 5 and 6 of the M56.
- 1.18 The site includes an existing vacant farmstead, Yarwood Heath Farm, comprising a red brick farmhouse, a range of traditional and more modern agricultural buildings and land laid to pasture. Access is taken from the southern, smaller, of the two Bowdon roundabouts along the former Yarwoodheath Lane which was stopped up and replaced by a cycle track as part of the wider upgraded highway works forming the interchange.
- 1.19 The site lies within the Bollin Valley Local Landscape Designation Area (LLDA) and an Ecological Network Core Area. The closest internationally designated site is Rostherne Mere Ramsar Site, located approximately 0.4km south of the application site at its closest point. It is separated from the site by the M56 and agricultural land.
- 1.20 An area of woodland, Yarwood Heath Covert, lies immediately to the west of the planning application site boundary, but within the Applicant's ownership. It contains a predominance of oak, birch, scots pine and larch and is identified as a non-statutory designated Local Wildlife Site. It also includes a number of ponds.
- 1.21 Adjacent to the south-east of the site, between the east-bound carriageway of the motorway and the east-bound on and off slip roads and the west-bound off slip road, there is a triangular area of woodland which was planted during the late 1970s as part of the construction of the M56.

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<sup>8</sup> Junction 7 comprises the intersection of M56 with A556/A56 for M56 east and westbound vehicles; Junction 8 is a single loop from the A556 southbound to the M56 westbound



Roadside planting lines the embankments to the stopped up section of Yarwoodheath Lane as it rises to cross the motorway. Substantial areas of new trees have recently been planted adjacent to the new road layout surrounding the eastern portion of the site including the roundabout to the north.

- 1.22 The site is located entirely within Flood Zone 1 on the Environment Agency Flood Map for planning purposes and is therefore land at low risk of fluvial flooding. However, there are some very limited areas shown to be at risk of surface water flooding on the Flood Map.
- 1.23 In the wider surroundings, the M56 motorway runs from its intersection with the A34/M60, westwards. It passes Manchester Airport and, beyond the site, crosses and intersects with the M6 motorway. It runs to the south of Warrington and Runcorn and north of Chester and continues, beyond Dunkirk, as the A494/A55 into Wales.
- 1.24 The M56 also forms an integral part of the network of principal motorways around Manchester, including the M60 (Manchester Outer Ring Road), M67, M62 and M61.
- 1.25 The A556 links Junction 19 of the M6 (Knutsford), to the south of the site, with the A56 at Bowdon as it runs northwards, skirting Bowdon, and passing through Altrincham and Sale towards Junction 7 of the M60.
- 1.26 The application site sits entirely within the Green Belt. The immediate surrounding landscape generally comprises the road network and arable fields. Views are often broken by topography and vegetation.
- 1.27 There are a number of designated heritage assets within the wider vicinity of the application site. Most notably, the Grade II\* Registered Park and Garden of Dunham Massey; and the Grade II\* Registered Park and Garden of Tatton Park. Historic England and the National Trust raise no objections.<sup>9</sup> The Scheduled Ancient Monument of Watch Hill Motte and Bailey Castle is located approximately 1km to the north of the site boundary.

#### **The Application for Planning Permission**

- 1.28 The application for planning permission was made on 28 February 2022. Following consultation and discussions, a revised proposal was submitted on 12 May 2023.<sup>10</sup> This is reflected in the current description of the application. A second round of consultation was undertaken.
- 1.29 Further information, in response to consultee comments, namely Natural England, Environment Agency and the Council's Arboricultural Officer, was submitted on 21 August 2023.<sup>11</sup> Additional minor amendments were made on 1 September 2023 to take account of comments from Manchester Airport Group.<sup>12</sup> There is nothing to suggest that these revisions altered the nature of the application under consideration.

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<sup>9</sup> CD7.31; CD7.50

<sup>10</sup> CD3.1

<sup>11</sup> CD4.1 – CD4.5

<sup>12</sup> CD5.1 – CD5.11

- 1.30 The application was referred to the Council's Strategic Planning Board on 25 October 2023 with an Officer recommendation for approval. The Board approved the application subject to a section 106 agreement, conditions and referral to the Secretary of State.<sup>13</sup>
- 1.31 On 23 May 2024 it was confirmed that the planning application had been called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990.

**Scheme Development according to the Revised Design and Access Statement (extracts)<sup>14</sup>**

- 1.32 The Revised Design and Access Statement (March 2023), read as a whole, explains the design principles and concepts that have been applied to the proposed development. Selected extracts help to explain the vision and scheme development.
- 1.33 Section 4.2, setting the concept, recognises:  
*'the nature of this site has changed significantly over recent years, from part of the wider Cheshire agricultural countryside included within the Green Belt to an island defined by road infrastructure associated with the M56 .....'*
- 1.34 It further records:  
*'The Design Team's plan and ambition is to reconnect and reinvent the site as a farm, taking it back to its origins, and also making full advantage of the roads which make it an unusual island site. There remain a number of features on site that can be maintained and integrated as part of embedding the MSA proposal within the land and making it fit discreetly within the Cheshire landscape ..... Creating the feeling of arriving on a farm, rather than another typical MSA, is seen as a positive way to break a driver's journey.'*
- 1.35 In acknowledgement of existing features, section 4.3 states:  
*'..... It is proposed that the main Farmhouse is retained as part of the scheme, to be used as office/ storage space. The low-quality dilapidated brick barns and steel portal sheds are however proposed to be demolished. The existing avenue of trees is also being retained, as it is a strong landscape feature which can help to define links through the site. Where possible, the existing field patterns and hedges will also be retained. Keeping these elements will help to preserve the existing character of the site .....'*
- 1.36 In terms of building requirements, section 4.8 explains:  
*'..... It has been important to ensure that the buildings are efficient in their proportions and presentation given their location in the Green Belt, but also that a sufficient level of space is provided to meet the operational requirements to serve the safety and welfare needs of all travellers throughout the course of a year. This was an important balance to achieve in the Masterplan.'*
- 1.37 Section 4.10 describes masterplan development:  
*'Since planning submission in February 2022 the team has received design and heritage related comments, including from Cheshire East Council. Comments were received around the following themes; Scale and Massing, Hardscaping, Access and Parking, Landscaping, Heritage Context and Other general comments.'*

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<sup>13</sup> CD8.1 – CD8.3

<sup>14</sup> CD3.1.6

1.38 It was recognised that:

*'The retention of the West and East barns has the potential to help retain the existing farm character and help to strengthen the sense of place. It was agreed that the team would explore opportunities for the retention of the barns.'*

*'Subsequently, a number of meetings were held with CEC Conservation and Design officers whereby further information, including a Structural Survey and further Heritage Review were presented and design options discussed. It was identified that the barns are in a poor condition and specifically that the Western Barn which has been subject to fire damage and is not in its original form. After which a site visit took place and the following principles were agreed:*

- The West Barn could be demolished and replaced with a smaller structure that reflects some of the historical features of the original barn and would be re-purposed as a cycle store;*
- A shorter East Barn could be acceptable, and it was agreed that different options could be tested showing how a shorter barn could be integrated into the Masterplan, recognising the limitations of space to the south of the buildings;*
- The contemporary extensions to the barns could be removed;*
- That a landscape design solution would be appropriate to retain the memory of the barns; and*
- That specific details in respect of the renovation of the farmhouse are not required to be submitted at this stage, however, a firm commitment on the long-term use of the farmhouse would be needed.'*

1.39 Moving on to design aims in section 7, key aim 5 has the heading *'Architecturally contemporary but sensitive, crafted and distinctly local'*. The narrative provides elucidation:

*'The buildings should feel of their place. Where possible and practical, materials should be locally sourced. The design is intended to be contemporary in style and take cues from the local agricultural vernacular of the wider area and reflect the previous historic uses of the site.'*

1.40 This develops in section 7.3 into the *'Design Principles: A New Farmstead'* and the following text:

*'The buildings should be designed to read as an extension of the existing farmhouse with the low-quality agricultural buildings being replaced by the Amenity Building, MSA Hotel and landscaping. The height of the MSA buildings will reflect the heights of existing agricultural buildings on site.'*

*The new family of buildings should integrate with the existing farmhouse and farmyard environment, linked by strong pedestrian axes. The buildings should be carefully choreographed to be read together as a collection of buildings through a family of architectural details, materials and similar yet unique roof forms.*

*The existing Yarwood Heath Farmhouse has expanded and morphed over time with the addition of variety of agricultural structures. From the original red brick stables and hay barn, through to the large span portal framed cow sheds. The intention is that the new MSA buildings should continue this history of agricultural architecture, now introducing more modern representation. The materials and forms reflect a traditional British farm. The MSA Hotel and fuel filling station should also tie in with the architecture of the Amenity Building.'*

1.41 Section 7.5 'Materials and Details' records the following:

*'Across the whole scheme, the aim is to design buildings which are distinct to their use but are tied together through their detailing. The following details have been explored:*

- Expressive rainwater pipes which have an agricultural aesthetic and tie into the colour of the roofs.*
- Pitched roofs with overhanging eaves to shade the buildings from summer sun yet capture the sun's rays in winter.*
- Simple but crafted standing seam which is a durable material often seen in contemporary agricultural buildings.*
- Metal columns and timber roof structure tied together with readily available components.*
- Tapering roof profiles to give the roofs the impression of lightness so that they appear slim and therefore modern.'*

1.42 The ensuing extracts are taken from section 11.1 'Conclusion':

*This statement explains how the proposal has been developed using a completely integrated landscape and architectural design solution which will provide a unique user experience, leaving the motorway behind and introducing the user to the Cheshire area. It is evident that the Masterplan has been landscape and visually led, such that the location and height of the proposed MSA buildings has been carefully considered within set parameters, and the buildings have been designed as a development of Yarwood Heath Farm to tie the site to the local historic and architectural context. The buildings are made efficient and effective in their proportions to meet operational requirements whilst minimising the overall impact of built form. Key landscape features are retained, particularly the existing avenue of trees, and planting is proposed which includes additional trees and native species to enhance the proposed design and layout, in keeping with NPPF Paragraph 131.*

*The statement confirms that the buildings themselves are beautiful, grounded, and designed using high-quality and sustainable materials. Careful consideration has been given to how the architectural details can reflect the agricultural context of the site, tie the three buildings together. The result is a set of buildings which feel of their place, which are not excessive in their proportions, which efficiently and effectively meet operational requirements, and which at the same time create beautiful spaces for drivers taking a break from the motorway to enjoy.*

*The high-quality design ethos extends to the outside spaces, which are designed to provide tranquil areas, offer shelter, and develop productive micro-climates for plants to grow. The beautiful Kitchen Garden is a new concept for MSAs, continuing the 'landscape first' design approach and harking back to the site's origins as a farm. The integrated SuDS, landscaping and biodiversity strategy delivers on all these key requirements in a coherent and attractive manner, securing significant biodiversity net gain, planting enhancements and drainage control through a water management system that features in the design and layout of the outdoor space.'*

1.43 A copy of the Revised Masterplan and other illustrations of the proposal, reproduced from the Revised Design and Access Statement, follow.<sup>15</sup>

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<sup>15</sup> CD3.1.6





4.11 Revised Masterplan

- 1 Amenity Building
- 2 Hotel
- 3 Existing Farmhouse
- 4 Car Park
- 5 Coach Parking
- 6 Caravan Parking
- 7 Fuel Barn
- 8 HGV Parking
- 9 HGV Fueling
- 10 Staff Parking
- 11 Indicative Substation
- 12 Indicative Cycle Store
- 13 Indicative Bin Store





Image of Proposed Amenity Building (Figure 41 Revised Design & Access Statement – viewed from South-West)



Sketch Illustration of MSA Hotel (Page 50 Revised Design & Access Statement – viewed from West)



Sketch Illustration of MSA Fuel Barn (Page 52 Revised Design & Access Statement – viewed from East)



Farmhouse and Barns North Elevation (Figure 57 Revised Design & Access Statement)





Farmhouse and Barns West Elevation (Figure 57 Revised Design & Access Statement)



Aerial view of Farmstead and Farmyard (Figure 59 Revised Design & Access Statement – Buildings 1, 2, 3, 12 & 13 – from the South))



Image of 'Old Farmyard' and Amenity Building (Figure 61 Revised Design & Access Statement – Buildings 1 & 13)

## **The Development Plan**

- 1.44 The statutory development plan for Cheshire East comprises the Cheshire East Local Plan Strategy 2010-2030 (CELPS) which sets out the overall vision and planning strategy for development within the Borough. It is supplemented by the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) which provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy.
- 1.45 A full list of relevant policies is referenced in the Statement of Common Ground between the Applicant and the Local Planning Authority. Although the Council identifies tensions with several policies (which are referenced in paragraph 1.51 below), both parties agree that the proposal would be in accordance with the development plan when read as a whole.
- 1.46 The most significant policy in this case is Local Plan Strategy Policy PG 3 'Green Belt'. Part 2 states '*Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.*'<sup>16</sup>
- 1.47 The Cheshire East Replacement Minerals and Waste Local Plan does not contain any saved policies of relevance to the application proposal.
- 1.48 In terms of Trafford Council, its development plan comprises the Trafford Core Strategy setting out a spatial strategy for development up to 2026. More recently, Places for Everyone (PfE) provides collective strategic planning policies for nine constituent Greater Manchester Boroughs up to 2039.

### **Statement of Common Ground: Tatton Services Ltd and Cheshire East Council<sup>17</sup>**

- 1.49 The Statement of Common Ground records the progress of the planning application; a description of the site and surrounding area; relevant planning history; relevant planning policy; the development plan and other material policy considerations; the application proposal; application determination; draft planning conditions; and planning obligations.<sup>18</sup>
- 1.50 Section 9 sets out matters of agreement which are summarised below:
- (a) **Environmental Statement:** The scope and methodology of the Environmental Statement comprises a robust basis for decision taking
  - (b) **Green Belt:** The proposal is inappropriate development in the Green Belt resulting in loss of openness; there is conflict with Green Belt purpose c) '*to assist in safeguarding the countryside from encroachment*'; substantial weight should be afforded to the harm to the Green Belt.
  - (c) **Character and Appearance:** The design, seeking to recreate a farmstead, retaining and rebuilding selected buildings is a positive aspect of the scheme; the Hotel is an appropriate part of the MSA on safety grounds; the

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<sup>16</sup> CD10.1 page 61/467

<sup>17</sup> CD14.1; CD14.2 The Statement of Common Ground is to be read as a whole – this section sets out selected relevant background

<sup>18</sup> CD14.1 Sections 1 – 8 and related Appendices 1 - 6



scale of development is dictated by Circular 01/2022 and is appropriate in this location; the site is already enclosed by the surrounding road network; proposed landscaping will help screen the proposal; and the retention of some existing buildings helps reinforce the existing character of the farm cluster.

- (d) **Landscape and Visual Impact:** The proposed development would not affect the wider Bollin Valley Local Landscape Designation Area (LLDA); effects would be localised and containment would increase as existing and proposed planting matures; Landscape Character Area 10a – Bollin Valley would be subject to some 'significant' effects at construction and operation at Year 1, reducing to moderate/minor and 'not significant' at Year 15; the wider landscape impacts would be relatively limited; initial visual effects would reduce over time and the proposal would become integrated with the surrounding landscape over time; on completion there would be no views of the development from Dunham Massey Registered Park and Garden;<sup>19</sup> and visual effects of the proposal may affect the visual openness of the Green Belt but in the long term the proposal would be unlikely to affect the perception of openness in the surrounding areas.
- (e) **Trees and Woodland:** The loss of trees would be limited and adequately offset elsewhere within and around the site through the provision of new planting.
- (f) **Habitats and Biodiversity:** The application is supported by a Shadow Habitats Regulations Assessment (HRA), including appropriate assessment;<sup>20</sup> this contains all the information the Competent Authority reasonably requires to inform their formal assessment pursuant to the Habitats Regulations; the Assessment concludes that the proposal would, be acceptable, such that there should be no concerns that the implementation of the proposal would constitute a breach of the relevant legislation. Thus, Natural England considers that the proposed development will not have likely significant effects on the Rostherne Mere Ramsar Site and has no objection to the proposed development.
- Yarwood Heath Covert Local Wildlife Site will not be adversely affected by the proposal subject to ensuring best construction working practices are employed and the implementation of a sensitive lighting scheme, both of which can be secured by condition; the application was submitted well before the mandatory biodiversity net gain requirements were in force – nonetheless, these targets would be comfortably exceeded; finally, with the mitigation measures proposed, there would be no significant residual impacts on fauna and habitat ecological receptors.
- (g) **Heritage and Archaeology:** In relation to the scheduled Monument of Watch Hill Motte and Bailey Castle, there would be less than substantial harm; Historic England, noting that whilst the castle was sited to command views over the river crossing, the view is now constrained by woodland and affected by the road system surrounding the application site, did not object to the application; and whilst the proposal would cause a slight change in significance and cause minor harm to the non-designated heritage asset of Yarwood Heath Farmhouse, the substantial retention of traditional buildings would be a positive aspect.

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<sup>19</sup> The National Trust stated in consultation that there is no objection in terms of visual impact

<sup>20</sup> CD3.6.3.5 Appendix 8a Shadow Habitats Regulations Assessment

- (h) **Open Space:** Open space is provided in the form of an outdoor seating area in the central courtyard/kitchen garden area together with walkways around, and access to, the fields to the west of the buildings, including for dog owners, which is considered to be a benefit of the scheme.
- (i) **Agricultural Land:** The loss of 13.0ha of Grade 2 agricultural land, in a wider area which is predicted to be mostly of BMV quality, and detached from surrounding farmland by the road network, is not considered to be significant - however, this weighs moderately against the proposal.
- (j) **Land contamination:** No significant contamination was encountered during ground investigation works; and further assessment can be secured by planning conditions.
- (k) **Flood Risk, Drainage and Groundwater:** The site is located entirely in Flood Zone 1; the drainage strategy is agreed; there is no potential for impact on Rostherne Mere; the design of underground fuel tanks will be subject to conditions;<sup>21</sup> and the Lead Flood Authority and The Environment Agency raise no objections.<sup>22</sup>
- (l) **Noise and Air Quality:** A range of measures to mitigate noise and vibration during construction can be secured by conditions; bunding and landscaping will minimise noise in outdoor seating areas; and bespoke glazing for the Hotel will reduce internal noise levels.
- (m) **Minerals:** The draft Minerals and Waste Plan is of limited weight; the site lies in a Mineral Safeguarding Area; however, working the site for sand and gravels could potentially affect Rostherne Mere; the site is constrained by the road network; and there are other areas in the wider region where extraction would be more practical and viable.
- (n) **Highways and Access:** It is common ground that subject to the provision of appropriate mitigation and conditions, the traffic and transport impacts can be satisfactorily assimilated into the highway network; it will be possible to secure improvements to active travel; the provision of additional HGV parking attracts substantial weight; and a strategy for sustainable travel will be secured through a detailed Travel Plan.
- (o) **HS2:** A Safeguarding Direction remains applicable and there is a legal agreement with the applicant and HS2 addressing the interface between the proposed MSA and the HS2 Phase 2b safeguarding directions.
- (p) **Town Centre Impact:** The MSA has very specific locational requirements; uses that form part of the MSA collectively are to serve the travelling public; health checks of nearby local centres have shown them to be vital and viable with vacancies below national averages; and diversion of trade from existing retail facilities and town centres will be so widespread and low so as to have negligible impacts (quantified at less than 1%).
- (q) **Energy Efficiency:** the project has been designed in accordance with the Energy Hierarchy; the development plan policy of securing 10% of the energy requirement for the 96 EV charging points is not achievable - however, the charging points will contribute to an overall reduction in carbon emissions.
- (r) **Need:** There is an evidenced need for a MSA in this location; there are 20 gaps in MSA provision on 10 routes that exceed 28 miles; the scheme would

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<sup>21</sup> CD4.4

<sup>22</sup> CD14.2

remove nine gaps; four would be consolidated; and seven gaps would remain, albeit significantly reduced in length.

- (s) **Alternatives:** The methodology for the Alternative Site Assessment contained within the planning application is appropriate and sufficient for the purpose of identifying that the application site is the most suitable for a MSA. There are no other sites that warrant assessment as part of the exercise.
- (t) **Socio Economic Issues:** The development would result in 207 direct construction jobs for up to two years and could support an additional 352 indirect jobs in the wider economy and up to £66.4 million of Gross Value Added (GVA) during the build period. It is estimated that in the operational phase 234 full-time equivalent jobs would be generated; there would be around £9.2 million of GVA per annum; business rates of approximately £628,000 per annum and some £4.7 million in staff wages. The Applicant has a unique offer drawing on local suppliers; a tourist information area would be provided; and the economic benefits cumulatively attract substantial weight in favour of the application.
- (u) **Planning Balance:** Despite the slight difference in interpretation of the scheme against the development plan and other material considerations and weighting in the planning balance, that the benefits of the proposed development are considered to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm. Very special circumstances are therefore considered to exist.

1.51 Matters of disagreement are:

- (a) **Visual Impact:** The localised urbanising effect on the rural character of the area and the extent of compliance with Cheshire East Local Plan Strategy Policies SE 1, SE 4 and SD 2 and Sites Allocations and Development Policies Document Policy GEN 1.
- (b) **Energy Efficiency:** There is disagreement on compliance with Local Plan Strategy Policy SE 9.
- (c) **Hedgerow Loss:** There is dispute as to whether any of the hedgerows shown to be removed (in part) are '*important*' under the Hedgerow Regulations and the degree of weight to be attached to such loss.
- (d) **Lymm truck stop:** The Council considers that the facilities at Lymm truck stop are to be given very limited / limited weight in the planning balance whereas the applicant considers no weight is attributable.

**Statement of Common Ground: Tatton Services Ltd and National Highways<sup>23</sup>**

1.52 In short, the parties agree that there are no matters still to be resolved nor are there any matters of disagreement.

1.53 The principal points of agreement are:

- (a) The Applicant's Gap Analysis Report<sup>24</sup> identifies 20 one-directional gaps in MSA provision on the M56 that pass the application site and a further number of gaps for HGV drivers; the consented Warrington MSA at Junction 11 on the M62 does not affect the findings of the analysis; and Lymm truck stop is correctly omitted from the analysis;

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<sup>23</sup> CD14.3

<sup>24</sup> CD1.2.8

- (b) The Tatton MSA would close or remove 9 of the 20 gaps identified with the remaining gaps consolidated into 7 gaps, and the length of the remaining gaps, although above 28 miles, would be significantly reduced;
- (c) The development would provide a significant benefit (safety and welfare) by increasing lorry parking within Cheshire East and produce a wider safety benefit by reducing inappropriate HGV parking.
- (d) The provision of a Hotel is a recognised and permitted part of MSA provision serving the safety and welfare needs of road users; no concern is raised in relation to paragraph 83 of Circular 01/2022 sets out that *'roadside facilities should be well designed to serve passing traffic and not be destinations in their own right'*.
- (e) The parking calculation for the facility is compliant with the Circular and will improve electric vehicle charging opportunities on the strategic road network.
- (f) The traffic impacts of the scheme have been assessed in detail; the impacts are agreed and any mitigation measures are incorporated in the proposed highway works.
- (g) The proposal has been subject to a Stage 1 Road Safety Audit and the site access arrangements during construction and operation can be secured by draft Conditions 26 to 32.

**Statement of Common Ground: Tatton Services Ltd and Trafford Council<sup>25</sup>**

- 1.54 Having considered the implications of the Statement of Common Ground between the Applicant and National Highways, Trafford Council no longer disputes that there is a need for the proposed development. Further, it no longer disputes that very special circumstances exist since it is agreed with the Applicant that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.
- 1.55 The Statement of Common Ground goes on to confirm that Trafford Council had reached agreement with the Applicant and Cheshire East Council on the revised wording of three draft planning conditions relating to: landscaping (21); Travel Plan (31); and Construction Environmental Management Plan (40).
- 1.56 Further discussion on retail floorspace restrictions (39) was ongoing. An additional condition, suggested by Trafford Council, relating to pedestrian improvements (51) remained in dispute.

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<sup>25</sup> CD14.4

## **2. The Case for Tatton Estates Ltd<sup>26</sup>**

### **Introduction**

- 2.1 After an extensive period of engagement with Cheshire East Council, the Authority's Strategic Planning Board resolved, in accordance with officer recommendation, to approve the application subject to conditions, a section 106 agreement, and referral to the Secretary of State.
- 2.2 The Council has re-affirmed its continued support for the proposal and invites the Inspector to recommend the scheme for the Secretary of State's approval.
- 2.3 Shortly before the start of the Inquiry, National Highways entered into a Statement of Common Ground with the Applicant<sup>27</sup> confirming:
- (a) there is an immediate need for a MSA in this location to meet an existing deficit in provision across a range of routes along the motorway and strategic road network of the North West;
  - (b) the need is not an abstract one, but relates to the adequacy of facilities to ensure the safety of those using the motorways and strategic road networks of the North West;
  - (c) the Applicant's gap analysis produced is accurate, endorsed and clearly evidences that need;
  - (d) the gap analysis correctly does not include facilities which are not signed (or will not be signed) as MSAs;
  - (e) there is not a preferential alternative site to meet the need; and
  - (f) safe and convenient access will be provided into the proposed MSA.
- 2.4 In light of the above, Trafford Council withdrew its objections. This underscores two key matters. Firstly, the gap analysis evidence and indisputable need for the proposal are benefits that clearly outweigh the Green Belt and other harm so as to amount to very special circumstances; and secondly, Moto's proposal to improve its truck stop at Lymm is a positive investment in motorway facilities – but is essentially irrelevant to the determination of this application.
- 2.5 The Applicant has made it clear that it has never considered Moto to be a rival proposal. Moto's spokesperson at the Inquiry confirmed that approval of Tatton's application would not jeopardise Moto's proposal to invest at Lymm if it receives permission. Significantly, even if Lymm was capable of becoming a MSA, extensive gaps would remain in the strategic road network which would be addressed by Tatton's proposal.
- 2.6 Moto's initial proposal to create what would have been signed as a MSA from the M56 and a truck stop from the M6 was rejected by National Highways. Moto now accepts that its scheme is hundreds of parking spaces short of being a MSA. However, National Highways would accept the enlargement of the site and facilities to form an improved truck stop.

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<sup>26</sup> IN29

<sup>27</sup> CD14.13

- 2.7 It is agreed that Lymm truck stop (now or if subsequently improved) should not be ignored – but, at best, it is a matter of limited weight.
- 2.8 The entirety of the Applicant's case from the outset has been its now firmly endorsed understanding of, and conviction in, there being an essential need for a new MSA to be located in this location – to provide facilities for the safety and welfare of the strategic road network users; and that there is no better site which could accommodate this need.
- 2.9 The importance of a safety and welfare facility cannot be overestimated. National Highway's data<sup>28</sup> shows that 6.7% of motorway collisions in 2021 (more than 1 in 20) resulted from fatigue. Examples of typical journeys that would use the route past the application site<sup>29</sup> indicate the proposed MSA would align well with government advice within the Circular<sup>30</sup> that '*motorists should stop and take a break at least 15 minutes every 2 hours*'.<sup>31</sup> This means that MSA's should be spaced at most around half an hour journey time apart.
- 2.10 There is clear evidence to show that the site has an optimal location within the strategic road network, which would address multiple gaps in provision. For example, there is not a single MSA on the 34.8 miles of the M60 orbital route around the whole of Manchester. The gap between Birch MSA (westbound), travelling clockwise around the M60 towards North Wales along the M56, and the next facility at Chester MSA is some 47.5 miles. The exercise could be repeated multiple times - but the point is that the gaps are extensive and startling.
- 2.11 The site, as well as being ideally placed, has characteristics which mean that it is an '*obvious*' site for the proposed use. Tellingly, Trafford Council described it as '*an island of land which is surrounded by main highways*'.<sup>32</sup> The site is already largely, and directly, connected to the strategic road network; the access to the M56 will be using already built roads; and the site benefits from an existing power supply which would accommodate its immediate needs upon opening.
- 2.12 Moreover, the site already benefits from existing landscaping and earth bunding. As such, the visual effects of the proposal, even on opening, will be localised; and upon maturity, effects will largely be restricted to users of the MSA. To the north, north-east and north-west, it is bounded by bunding and raised roads; to the west by an extensive woodland; and from the south, public views are limited and have the presence of the motorway.
- 2.13 Whilst the site sits within the Green Belt,<sup>33</sup> its particular characteristics justify the epithet of '*ideal*' for a host of reasons, and that the very special circumstances test is surmounted comfortably on the evidence.

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<sup>28</sup> CD16.2.1 paragraph 4.1

<sup>29</sup> CD16.2.1 paragraph 4.3

<sup>30</sup> DfT Circular 01/2022

<sup>31</sup> CD9.1 paragraph 74

<sup>32</sup> CD18.1 paragraph 4.35 (withdrawn proof of evidence)

<sup>33</sup> CD14.1 Section 2



- 2.14 Looking in more detail, the Applicant's analysis of the site's relevant features, and elements of the surrounding topography and landscape, combine to demonstrate that it is an ideal location for the proposal.<sup>34</sup>
- 2.15 These range from its visual enclosure (with the site feeling 'closed in'); limited long views out from the site in most directions; and the physical and visual presence of the surrounding strategic road network and perpetual traffic noise.
- 2.16 The site sits in an area of transition between the Greater Manchester conurbation and the countryside of the wider Cheshire Plain. It has a number of features that make it an appropriate location:
- (a) an existing electric sub-station to facilitate the delivery of the development, demonstrating the obvious potential of the site to accommodate EV charging as part of a future MSA;<sup>35</sup>
  - (b) it is a ready-made site for a MSA, given that most of the road infrastructure has been put in place as part of the Development Consent Order A556 improvements;
  - (c) those improvements included the public right of way being stopped up across the site and diverted;<sup>36</sup> and
  - (d) the related landscape planting/screening has become more established since the Applicant's original Landscape and Visual Impact Assessment.<sup>37</sup>
- 2.17 It is plain, and clearly recorded, that the highway infrastructure works were regarded as having the potential to unlock development in line with government policy.<sup>38</sup> That potential will be brought to life by the current proposal. There is no basis for Stop Tatton Services' position that the proposal would entirely undo the benefit of those works or justify the Applicant repaying the cost (£192 million) of the scheme.
- 2.18 Importantly, it is the Applicant's view that the product of the new A556 Link Road would be to facilitate additional economic growth opportunities. Indeed, the existing access to the application site has been designed and built in a manner which would provide a significant part of the road infrastructure to accommodate the MSA. This is a relevant and key material consideration in favour of the proposed development.<sup>39</sup>
- 2.19 The Applicant acknowledges that it would have been better for any new MSA proposal to be first endorsed by a strategic site allocation in the development plan. However, there is no such allocation, and the earliest indicative adoption of a new Local Plan would be the first quarter of 2028. Given that this application was submitted literally years ago in order to meet an existing need – waiting any longer for the plan-led system to catch up would be senseless.

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<sup>34</sup> CD16.1.1 paragraphs 3.8 – 3.10

<sup>35</sup> CD16.1.1 paragraphs 3.24 – 3.27

<sup>36</sup> CD16.1.1 Appendix 10; IN10

<sup>37</sup> CD16.4.1; CD1.4.5.10 (viewpoints 1 and 2 in particular)

<sup>38</sup> CD16.1.1 paragraph 3.21

<sup>39</sup> CD16.1.1 paragraph 3.23

- 2.20 It is emphasised that the application before the Secretary of State has been submitted in full; there are no highway or technical constraints to its delivery; and, assuming the grant of planning permission in early 2025, it is expected that the MSA would be operational in late 2026/early 2027.
- 2.21 Finally, by way of context, whilst the Applicant is not seeking a personal permission, it is relevant to note the standing of the two parties to the application:- one a local landowner and the other, Westmorland Ltd.
- 2.22 Westmorland has a proven track record of delivering high quality MSAs around the UK. It now employs over 1,000 people and works with over 400 food and craft producers local to its operations and offers extensive opportunities to local businesses, secured by planning obligation.<sup>40</sup>
- 2.23 There is an obvious focus on creating opportunities for the local communities, which forms the basis for the vision with which this proposal has come forward. It is testimony to Westmorland's reputation that potential suppliers have spoken in favour of the scheme at the Inquiry, and that criticism from others has been because of the very high quality that Westmorland would bring to its produce at the MSA.
- 2.24 It is a well-established principle that consideration may be given to the probable consequences of the grant of planning permission even if those consequences are not tied to an obligation (or in this case a personal permission).<sup>41</sup> Here the probable consequences are the delivery of a 'top notch' MSA, comparable to the high quality facilities at Tebay (M6), Gloucester (M5) and Cairn Lodge (M74) which would add to the local economy.
- 2.25 There is no basis to assume that its high quality offer to the motoring public could conceivably detract from the vitality and viability of any nearby centre. To the contrary, with such a high quality 'gateway' provision on the motorway – it is far more likely to be viewed as an enhancement and a positive investment to the local economy to its wider benefit, including the local centres of Hale and Altrincham.
- 2.26 In this regard, there is unambiguous evidence in respect of the vision and approach adopted – these considerations ought to attract significant weight.<sup>42</sup>
- 2.27 Whilst the alleged effect upon Altrincham Town Centre has been part of the argument put by Stop Tatton Services for some time, its belated submission following Mr Dixon's appearance at the Inquiry invites response.<sup>43</sup>
- (a) The Applicant undertook a very detailed retail assessment which provides robust and clear detail as to why Altrincham is considered to be a resilient centre; even making highly conservative assumptions as to the locations from which trade is drawn, the trade diversion from Altrincham will be extremely limited and certainly way below the level at which a significant adverse effect might arise.

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<sup>40</sup> CD16.1.1 paragraphs 2.11 (see IN16) and 5.31

<sup>41</sup> *SWIP v Cherwell DC* [2013] EWHC 3968 (Admin) paragraphs 45, 46 & 52; CD15.7

<sup>42</sup> CD1.2.2; CD16.1.2 Appendix 4, Appendix 24, Appendix 5c & Appendix 21

<sup>43</sup> IN25; IN29 paragraphs 26 - 31



- (b) That work was not just accepted by Trafford Council – it commissioned an audit by Nexus who found Altrincham, Hale District Centre and Bowdon Local Centre to be '..... *relatively resilient* .....'.<sup>44</sup>
- (c) Officers of Trafford did not raise objections to the application on retail grounds; members opposition was not founded on any meaningful evidence base; and that opposition has subsequently been withdrawn.
- (d) Mr Dixon's partial survey of vacancies is not new evidence as all of these were identified in the August/September health check;<sup>45</sup> Claire's Accessories has not shut; Altrincham Town Centre's vacancy rate is below the national average; vacancy rates can hide ongoing investment through refurbishment; Poundland took occupancy of the former Wilko store but were unable to agree terms with the landlord once Wilko's lease expired; unit 100 Stamford New Road (previously identified as vacant) is now occupied; and turnover of units adds to vibrancy and interest.

2.28 Overall, none of the above undermines the Applicant's evidence which has convinced officers (and now members) of the two local authorities most concerned with the application.

### **The main considerations**

#### **a) The effects of the proposed development on the openness of the Green Belt and its purposes; including the landscape and visual effects of the proposal**

##### **Green Belt**

- 2.29 Matters of Green Belt policy are agreed with Cheshire East Council.<sup>46</sup>
- 2.30 The Applicant acknowledges that the proposal amounts to inappropriate development in the Green Belt and that very special circumstances have to be demonstrated.
- 2.31 Activity on the proposed site is anticipated to be high in terms of movements generated from staff and visitors using the strategic road network, and delivery vehicles given the very nature of the use and the need for it to be a 24-hour service. Moreover, mitigation will take time to establish. As such, it is accepted that the localised impact from the development will be significant.
- 2.32 Further, the Applicant accepts that the built development resulting from the proposal, when compared to the existing development, will result in an inevitable reduction in the openness of the Green Belt, and that substantial weight has to be afforded to any harm to the Green Belt (including definitional harm).
- 2.33 The starting point is to evaluate the context of the existing site, its use and built form, its surroundings, visibility and the role it plays towards the five Green Belt purposes as set out in paragraph 143 of the Framework.<sup>47</sup>

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<sup>44</sup> CD11.6 paragraph 4.59

<sup>45</sup> CD16.1.2 Appendix 36 (see in particular paragraphs 1.10 to 1.23 and the GOAD / Vacancy Plan at Appendix 1 to the rear of the Health Check)

<sup>46</sup> CD14.1 paragraphs 9.5 – 9.8

<sup>47</sup> CD16.1.1 paragraph 3.4

- 2.34 When considered in context, the impacts on the openness of the Green Belt are considerably moderated and mitigated and that the purposes of the Green Belt would not be seriously undermined, as a whole. The only meaningful conflict would be with purpose c) (*'to assist in safeguarding the countryside from encroachment'*).<sup>48</sup>
- 2.35 Whilst the extent of the harm is not fully agreed – the key point is that impacts on purpose c),<sup>49</sup> as assessed by the Local Planning Authority, are still not considered to be so harmful as to dissuade it from supporting the application.
- 2.36 As to the degree of harm within that high banding, the extent of the harm needs to be looked at in terms of the landscape, how the proposal can be screened and the purpose and function of the site.
- 2.37 The application site has been considered under various different parcels by Arup and the Council but each assessment concluded that this parcel only ever made an overall '*Contribution*' to the Green Belt purposes, which Arup defined as '*makes a limited degree of contribution to the purpose, as some relationship has been identified between the parcel and the purpose*'.<sup>50</sup>
- 2.38 Arup's approach to ranking at the time followed the Council's original Green Belt Assessment (prepared as part of the evidence base for the then emerging Local Plan). It did not align with its more up-to-date Green Belt assessments. Had Arup applied its updated ranking methodology to the site,<sup>51</sup> the inevitable finding would have been one of a weak contribution to the Green Belt from the application site.
- 2.39 Indeed, as part of the Local Plan Strategy hearing process, the Council considered releasing land from the Green Belt in this location in order to meet longer term needs on the basis that the harm in doing so would not undermine the overall function and purposes of the Green Belt.<sup>52</sup> This is indicative of it not being the most sensitive Green Belt location.
- 2.40 The Applicant has reviewed the application site against Arup's current methodology. The overall analysis presented leads to the inevitable conclusion that whilst the Council relies on Arup's Assessment of Parcel N7<sup>53</sup>, in which the application site lies, and concludes there to be a significant contribution towards purpose c), that assessment is out of date. In this regard, it does not align with Arup's preferred approach and methodology used elsewhere, or indeed as part of Arup's assessment of parcel ANX03<sup>54</sup> which largely reflects the application site. For this reason, the Applicant's assessment is to be preferred.

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<sup>48</sup> CD16.1.1 paragraphs 3.28 – 3.65; CD16.1.2 Appendix 13, 13a & 13b

<sup>49</sup> Also referred to as purpose 3

<sup>50</sup> CD16.1.1 paragraphs 3.28 – 3.65; CD16.1.2 Appendix 13; CD12.5 Section 4.4 & definition of '*Contribution*'

<sup>51</sup> CD16.1.1 paragraph 3.33

<sup>52</sup> CD12.6: CD16.1.1 paragraph 3.35

<sup>53</sup> CD12.5 Figure 7.1 page 85; CD17.1 paragraph 6.14

<sup>54</sup> CD12.4 (copied in CD16.1.2 Appendix 13 pages 4 – 5 & Figure 2 page 2)

- 2.41 Overall, the Applicant has conclusively demonstrated that the site makes no meaningful contribution to any of the Green Belt purposes other than purpose c) which represents a weak contribution. The key points to note are:<sup>55</sup>
- (a) there are strong durable boundaries created by the M56 slip roads and the Bollin River/Valley preventing future encroachment of the site towards the existing settlement edge of Trafford;
  - (b) similarly, whilst Yarwoodheath Lane would be slightly re-aligned and present a weaker boundary, Yarwood Heath Covert still represents a strong boundary on the south-western side of the site;
  - (c) the existing farmstead represents the main built form within the site. There are also other physical forms of development visible next to the site and located within the Green Belt (notably powerlines to the north and motorway infrastructure to the north and south);
  - (d) the open fields within the site /adjacent to it provide a degree of openness but are viewed and curtailed in the context of strategic infrastructure with the current connections out of the site being influenced by the motorway network; and
  - (e) focusing on the real point of impact - the degree of connection to the open countryside – there are limited long-line views across the site towards the open countryside due to the highly contained nature of the site by the motorway infrastructure and associated slip roads and the A556.
- 2.42 Therefore, it has been established in largely unchallenged evidence that the site makes a weak contribution to the five Green Belt purposes and its development for a MSA would not compromise the durability of the surrounding Green Belt. Despite the extent of the proposed development – in reality this is a Green Belt case where the real impact is a spatial one.
- 2.43 As such, whilst substantial weight applies to the harm to the openness of the Green Belt, the actual harm to the Green Belt is at the lower end of the scale taking account of the characteristics of the site, and the nature of the development based on a robust landscape-led masterplan.<sup>56</sup>
- 2.44 Finally, it is worth noting that Trafford Council has withdrawn its objection that was primarily on Green Belt policy grounds:<sup>57</sup>

*'..... Trafford Council no longer disputes that there is a need for the proposed development. Further to this, Trafford Council no longer disputes that very special circumstances exist since it is agreed with the Applicant that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.'*

#### **Landscape and visual effects of the proposed development**

- 2.45 The Applicant's unchallenged evidence has addressed the landscape impact, specifically relating to impact on landscape character and the locally valued landscape and their special qualities.

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<sup>55</sup> CD16.1.1 paragraphs 3.49 – 3.45

<sup>56</sup> CD16.1.1 paragraphs 3.66 - 3.67

<sup>57</sup> CD14.4 paragraphs 1.7 – 1.8

- 2.46 The principal conclusions, in summary, are:<sup>58</sup>
- (a) the site is contained by highways infrastructure /vegetation and topography;
  - (b) its character/ local landscape context is influenced by the same highways infrastructure, along with other detracting elements (e.g. overhead power lines and the nearby sewage treatment works);
  - (c) both landscape and visual effects can be minimised through mitigation;
  - (d) the mitigation is appropriate to the landscape character of the site and surrounding area;
  - (e) impacts and effects at a site level are expected and accepted; and
  - (f) in the longer term – the impacts of the proposed development are not considered significant in respect of either landscape character, or the Local Landscape Designation Area.
- 2.47 In the context of paragraph 182 of the Framework, great weight should be given to conserving and enhancing defined landscapes of importance. The application site is not within any of these designations and the weight afforded to the landscape here will necessarily be lower.
- 2.48 However, the site sits within a Local Landscape Designation and is part of an area which has been recognised as one of the highest quality and most valuable landscapes within the Borough, albeit the designation long predates the extensive road infrastructure around the site.
- 2.49 It is of note that the Applicant made representations in respect of Sites Allocations and Development Policies Document Policy ENV 3, seeking to remove the designation from the site because the land had been further severed by the A556 improvements, become detached from the Bollin Valley and the landscape of the site had been altered considerably. However, the representations failed and the status was retained.
- 2.50 The Inspector, in his post hearing comments, stated:<sup>59</sup>
- '..... Whilst the tranquillity of the land around Yarwood Heath Farm is broken by the noise of traffic on the M56, the motorway and its wooded embankments serve to enclose the wider valley landscape to the south of the Bollin River at this point in its course. Whilst I agree with the decision to remove the slip road infrastructure from the LLD, **I am satisfied that the landscape character and qualities of Yarwood Heath Farm justify its retention within the LLD. Retaining the farm and the landscape north of the M56 within the LLD boundary will also help to ensure that any development proposals within this area are properly considered in terms of their effect on the special qualities of the Bollin Valley landscape.***<sup>60</sup> Subject to the MMs discussed at the Hearing to incorporate the LLDs into Policy ENV 3, no changes to the boundary of the Bollin Valley LLD in this location are necessary for soundness.'
- 2.51 It is obvious that the Local Plan Inspector was not ruling out development on the site; and in doing so it was recognised that the designation would be useful to retain in order to guide development, so as to ensure that the special qualities of the Bollin Valley are protected.

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<sup>58</sup> CD16.4.2 Section 4

<sup>59</sup> CD10.9 paragraph 241; CD16.1.2 Appendix 33 page 19

<sup>60</sup> Applicant's emphasis

- 2.52 The inevitable conclusion is that this part of the Local Landscape Designation is not as important as the land within the Bollin Valley proper to the north of the slip roads. However, very careful attention has been given in the scheme's design so as to minimise any impact on that area. In short, the objective of the Local Plan Inspector's recommendation has been achieved by this proposal. The Applicant submits that the site is a good location for the proposed development in landscape and visual terms.
- 2.53 Moreover, it has been agreed with Cheshire East Council that:<sup>61</sup>
- (a) the proposal would not affect the wider Bollin Valley Local Landscape Designation which is physically separated by M56 slip roads;
  - (b) the impact on the Lower Bollin Valley Landscape Character Area would be moderate but '*could be significant*' in year one but by year 15 would be moderate/minor and not significant;
  - (c) the wider landscape impacts are considered to be relatively limited due to the containment of the site and additional landscaping (bundling and planting to boundaries) proposed; and
  - (d) visual effects – upon completion, some inevitable visual effects would occur from those receptors either within, directly adjacent to, or in close proximity to the proposed development, but those effects would be highly localised and will reduce as the mitigation matures.
- 2.54 It is noted that the Council relies on its landscape officer comments for landscape impact and the view that there would be significant impact at construction and year one and moderate/minor impact in year 15 – i.e. not significant.<sup>62</sup> Both parties afford moderate weight to the visual impacts of the development on the landscape outside of its Green Belt context.<sup>63</sup>
- 2.55 In relation to the impacts as initially envisaged, the Applicant invites consideration and comparison of viewpoints 1 and 2 with the original Landscape and Visual Assessment in particular; and whether the impacts during construction and at year one could be less than previously envisaged taking account of the extent to which planting has become established and will continue to mature prior to the commencement of development and first operation.<sup>64</sup>
- 2.56 In relation to the views for a driver concentrating on the road, these are peripheral and experienced at speed. They would be congruent with the character of the journey and consistent with the Inspector's comments in the Solihull decision:<sup>65</sup>

*'Views of the proposed developments would be possible in both cases from the M42, but drivers passing by would not be sensitive to the introduction of such motorway related facilities and are unlikely to be making their journey with the intention of enjoying the landscape views. In any case, they would pass the MSA sites very quickly and so a negligible effect on their experience of the landscape would result.'*

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<sup>61</sup> CD14.1 paragraphs 9.28 – 9.31

<sup>62</sup> CD17.2 paragraph 2.3; CD7.19 foot of page 2

<sup>63</sup> CD16.1.1 Table 9.2; CD17.1 paragraph 6.10 (final sentence)

<sup>64</sup> CD16.4.1; CD1.4.5.10

<sup>65</sup> IN27; CD15.9 paragraph 37

- 2.57 There is some limited difference between the Applicant's planning witness and the Council's planning witness in relation to Local Plan landscape policies. The latter finds some limited conflict with Strategic Policies SD 2, SE 1, SE 4 and Sites Allocations and Development Policies Document Policy GEN 1 when considering visual impacts. The Applicant does not.
- 2.58 In this regard, the Applicant sees Policy SD 2<sup>66</sup> as a long overarching policy requiring there to be a need to 'respect', 'conserve' the landscape and 'where possible, enhance'.
- 2.59 Firstly, the policy does not seek to impose absolute protection of the highest order, and has to be read as a whole and with a sensible eye.
- 2.60 Secondly, the Applicant's evidence has addressed all the most sensitive local receptors and landscape features within the area concluding that the development respects its settings.
- 2.61 As such, it is difficult to understand why the Council concludes there to be a policy conflict.
- 2.62 Local Plan Strategy Policy SE 4, paragraph 3,<sup>67</sup> whilst seeking to conserve the landscape character of the Borough, does not seek to prevent development altogether:  
*'Where development is considered acceptable in principle, measures will be sought to integrate it into the landscape character of the area by:*  
*i Protecting, restoring and enhancing the character and appearance of the local area through suitable planting, landscape and / or woodland;*  
*ii Making suitable provision for better public access to, and enjoyment of, the Local Landscape Designation Areas.'*
- 2.63 In this case, clearly the Council has accepted: a) the principle of the development; b) that a need exists for the development; and c) that the development of a MSA on the strategic road network is an acceptable use. In the absence of alternatives, there will be no conflict.
- 2.64 Moreover, taking account of the recognised qualities of the area, the proposal:<sup>68</sup>
- (a) provides help to protect and restore the character of the area through the provision of additional planting and landscaping;
  - (b) improves the quality of Yarwood Heath Covert, through appropriate woodland management, adjacent to the site;
  - (c) offers significant woodland planting on all sides of the development which will complement and bolster the planting that was provided as part of the A556 upgrade works;
  - (d) refurbishes and rebuilds part of the original farmstead; and
  - (e) retains some of the older field patterns to the north of the farmhouse and closest to the River Bollin.

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<sup>66</sup> CD10.1 page 83

<sup>67</sup> CD10.1 page 132

<sup>68</sup> CD16.1.1 paragraphs 7.43 – 7.46



- 2.65 Based on the above, the Applicant has established that the proposal has properly considered the landscape setting of the site and will preserve the special characteristics of the site that contribute positively to the Local Landscape Designation.
- 2.66 Furthermore, in terms of enhancing public access to the Local Landscape Designation Area, the proposal will improve pedestrian and cycle access southwards through the site and over the M56 and help to better connect two existing Local Landscape Designation Areas by creating a link with the Rostherne/Tatton Park designation.<sup>69</sup>
- 2.67 In view of the above, and given that the overall design of the proposal is deemed to be positive and the landscape masterplan is in principle accepted by the Council, the scheme is clearly Policy SE 4 compliant.

**b) Whether there is a need for the proposed development having regard to the current gaps in Motorway Service Area provision**

- 2.68 Looking first at the Gap Analysis Report, this provides an understanding of the strategic road network within the North West, including the location of the existing MSAs. The approach has been to look at the network as a whole.<sup>70</sup>
- 2.69 The next step was to determine the routes on that network which use the M56 between the M6 and Manchester; determine the spacing between signed MSAs and the ends of motorways, in each direction; and where the spacing is greater than 28 miles record it as a gap.<sup>71</sup>
- 2.70 The Gap Analysis Report has been demonstrated to be both robust and accurate. It is unchallenged.
- 2.71 DfT policy in Circular 01/2022 does not correlate the need for a MSA with a number of drivers needing a break or likelihood of them requiring a break; it is based on an objective measure of distance i.e. not more than 28 miles between signed MSAs.
- 2.72 The Gap Analysis Report has also clearly set out the strategic context of the gaps in MSA provision, specifically referring to journeys of over two hours whereby the drivers in need of a rest at the two hour mark would be afforded an opportunity to take a break at the MSA.
- 2.73 Whilst Stop Tatton Services questioned the adequacy of the Gap Analysis Report, as an earlier version of the study did not include Warrington MSA (permission granted in Spring 2022 – located on M62 at Junction 11), none of the gaps within the Gap Analysis Report routed via M62 Junction 11. Hence, the presence or absence of a M62 Warrington MSA has no bearing on the gap analysis. This is endorsed by National Highways.<sup>72</sup>

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<sup>69</sup> CD16.1.1 paragraph 7.45

<sup>70</sup> CD16.1.1 paragraph 4.83

<sup>71</sup> There is no minimum requirement of 14 miles, as suggested by Stop Tatton Services; CD14.3 'Spacing of Signed MSAs'

<sup>72</sup> CD6.2.1 paragraph 2.14; CD14.3

- 2.74 Moreover, contrary to what has been suggested by Stop Tatton Services, there is no policy or other basis requiring exceptional circumstances for such a development to come forward.
- 2.75 As to Lymm truck stop, it is not a MSA and has been properly omitted from the analysis. This is agreed by National Highways.<sup>73</sup>
- 2.76 Moto, whilst suggesting that the Applicant is overstating the need for the proposal also confirms that Moto does not seek to 'undertake an overall assessment of need' or 'to undertake an overall planning balance'.<sup>74</sup> Indeed, it was confirmed that Moto was not offering any expert evidence to the Inquiry. Moto's spokesperson expressly disavowed doing anything other than presenting his client's view rather than his expert opinion. In short, Moto failed to substantiate any real objection to the Inquiry.
- 2.77 The Applicant has demonstrated conclusively that there is a clear need to provide a MSA in this location. The facility would offer safety benefits for the travelling public and amount to a significant supporting benefit.
- 2.78 A presence of a single gap of more than 28 miles on the strategic road network would be sufficient to demonstrate that, in principle, a need for a new MSA exists. Circular 01/2022 (replacing 02/2013), which is the key policy document, is clear:

*'..... the **maximum** distance between signed motorway service areas should be 28 miles.'*

- 2.79 The conclusions to the Gap Analysis Report (pre-dating Circular 01/2022) are as follows:<sup>75</sup>

*'Based on the maximum spacing of 28 miles as stated in DfT Circular 02/2013 the detailed analysis above has confirmed that:*

- Considering each direction separately there are 20 gaps in MSA provision (termed MSA gaps) for routes that use the M56 between the M6 and Manchester in whole or in part; and*
- Considering each direction separately there are a further 8 gaps in MSA provision for HGVs (termed Additional HGV gaps) due to Knutsford MSA only providing emergency HGV parking.*

*As gaps in MSA provision in excess of 28 miles exist there is a demonstrable need for a new MSA so that drivers are able to stop and take a break in their journey.*

*The proposed M56 Tatton MSA would remove nine of the twenty MSA gaps to be within 28 miles and would reduce the distance and journey time on remaining gaps.*

*The proposed M56 Tatton MSA would remove four of the eight Additional HGV gaps and would reduce the distance and journey time on remaining gaps.*

*If the proposed M56 Tatton MSA is constructed then there would be seven gaps on the motorway network between Tatton and other MSAs and the beginning/end of motorways. These remaining gaps would be much shorter than the present gaps, some of which are marginally above the 28-mile threshold.<sup>76</sup>*

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<sup>73</sup> CD14.3

<sup>74</sup> IN5

<sup>75</sup> CD12.8 Section 6

<sup>76</sup> Inspector's note – ranging between 28.6 miles and 33.4 miles – source CD12.8 Table 5.4



*If the proposed M56 Tatton MSA is constructed then the total mileage (i.e., the sum total of all the gaps) would be less than 20% (217) of the current total (841).*

*A new MSA at Tatton on the M56 at J7/8 would remove several of the gaps identified. Where a gap remains, its length is considerably reduced from that without an MSA at Tatton.*

*As the proposed MSA closes a number of gaps and shortens the remainder, it contributes to economic growth by assisting in the development of a well-functioning strategic road network with suitably placed services, to enable the fluent movement of goods and people around the UK.'*

- 2.80 The Applicant's evidence has established the presence of not one but 20 one directional gaps on 10 routes on the strategic road network in this part of the North West: a finding that a) correlates to the analysis offered in the Gap Analysis Report; and b) is now agreed by National Highways.<sup>77</sup>
- 2.81 The proposal would bring about a considerable change to the current position – it would not only remove nine of the 20 existing gaps but would also reduce the distance and journey time on all the remaining gaps. Furthermore, eight of the 11 remaining gaps would be consolidated into four, leaving only seven residual gaps.<sup>78</sup>
- 2.82 Due to the lack of HGV parking at M6 Knutsford MSA, the Gap Analysis Report identified further gaps in provision for HGV drivers (i.e. 'additional HGV gaps') when travelling to and from the M6 to the south of Manchester.<sup>79</sup>
- 2.83 The proposal would remove four of the eight additional HGV gaps and reduce the distance and journey time on all the remaining gaps. The remaining gaps would range between 29.2 miles and 31.7 miles.<sup>80</sup>
- 2.84 This is important as three of the five lorry parks in Cheshire East have been shown to have usage above capacity;<sup>81</sup> and the M6 Knutsford MSA does not have parking for HGVs except in an emergency. Provision at Tatton will play an important role in providing sufficient lorry parking throughout the North West in general, and this area in particular.
- 2.85 As to the position and the relevance of the existence of Lymm truck stop, the status of a roadside facility on the strategic road network is governed by National Highways. In this regard, operators enter into a Traffic Signs Agreement with National Highways to enable their facility to be signed on the network. The prerequisite is that the facility has to meet the requirements of Circular 01/2022.
- 2.86 Lymm truck stop, in common with some other truck stops, provides a level of facilities for all road users. However, it does not meet the requirements of the Circular to be a MSA and so it cannot be signed as such. Even with the proposed, but unconsented, improvements to its facilities, Lymm will not be a MSA and will fall short by a considerable margin (most notably a deficit of 428 car parking spaces against the minimum requirement for a MSA in this location).

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<sup>77</sup> CD1.2.8; CD16.1.1 paragraph 4.16; CD14.3

<sup>78</sup> CD16.2.1 paragraph 4.5; CD16.2.2 Appendix 9

<sup>79</sup> CD16.2.1 Paragraph 2.6; CVD16.2.1 Table 7 page 3

<sup>80</sup> CD12.8 Table 5.2

<sup>81</sup> CD16.2.1 paragraphs 5.10 – 5.12

- 2.87 It is clear that the distance of 28 miles, as referred to in the Circular, is not a distance between a truck stop and a MSA; it is the maximum distance between signed MSAs. Signing on the westbound M56,<sup>82</sup> west of the application site (before Junction 9 and the exit towards Lymm) points the motorist to the nearest MSA (heading to the north on the M6) as being 31 miles away. At the same time it informs the HGV driver that there is a truck stop eight miles away. That is not telling the tired motorist that there is a MSA at Lymm in order to take a break, either now or in the future.
- 2.88 As to the original proposal to extend Lymm truck stop, that site cannot have dual status (as a MSA for M56 users and a truck stop for M6 users); in any event there would be implications for Knutsford Services which would have to be downgraded to a Motorway Rest Area.<sup>83</sup>
- 2.89 In the latest proposal (to which National Highways raise no objections) Lymm would remain as a truck stop and offer complementary provision for the network of signed MSAs. Even if Moto could secure MSA status for Lymm, significant gaps would still remain and, according to National Highways, Knutsford would then be downgraded to a Motorway Rest Area creating more gaps. In this scenario Tatton would address 10 of these 14 gaps.<sup>84</sup>
- 2.90 Further, and hypothetically, if Lymm was to be approved as a MSA only for the M56, 22 gaps would remain and Tatton MSA would address 12 of these.<sup>85</sup>
- 2.91 All in all, the Applicant's evidence is clear that there is nothing to change the justification for the scheme.
- 2.92 The same considerations apply to all of the other complementary roadside facilities listed by Stop Tatton Services and identified in various written representations.<sup>86</sup>
- 2.93 Government advice within the Circular is that '*motorists should stop and take a break of at least 15 minutes every 2 hours.*'<sup>87</sup> Typical journey times are illustrated as follows:<sup>88</sup>
- 2 hours from the Irish Sea port of Holyhead;
  - 4 hours from Exeter; and
  - 2 hours and 20 minutes from Lincoln.
- 2.94 The claim made by Stop Tatton Services, to the effect that some drivers may take their break at some alternative provision earlier in their journey, at the point when they pass some earlier facilities on their route, is misplaced. Whilst very careful drivers might plan their stops meticulously, most will be reactive and expect facilities to be available at the right time.

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<sup>82</sup> IN20 Appendix A - sign reference 25

<sup>83</sup> CD16.2.1 paragraph 2.21

<sup>84</sup> IN20

<sup>85</sup> IN20

<sup>86</sup> CD21.1 page 12

<sup>87</sup> CD9.1 paragraph 74

<sup>88</sup> CD16.2.1 paragraph 4.1

- 2.95 Drivers from Leeds to North Wales, might think ahead before passing Birch services an hour or so into their journey, but regret their decision not to stop once they realise that the next MSA, at Junction 14 on the approach to Chester, is almost 50 miles further down the road with the inconsistent 'joy' of the M60 in between.
- 2.96 Although some drivers may choose to take a break shortly after commencing their journey, the conclusive point is that those earlier breaks would not be at the two hour mark where there is a need for a break according to government advice and a corresponding gap in provision.
- 2.97 As to the issue of route choices, the Inspector in the Warrington MSA appeal decision<sup>89</sup> provides a helpful pointer on the issue of understanding the intent of the Circular when it comes to route choice:<sup>90</sup>
- 'It might appear counter-intuitive, to factor out traffic flows and route choice when assessing need and the weight to be attached to it. However, it strikes me as being both deliberate and sensible. Sensible, in relation to the starting premise, i.e., the important road safety function played by MSAs. Deliberate in that there is, as far as I am aware, no established methodology accepted by NH that identifies the level of flows on any stretch of the SRN.'*
- 2.98 The argument put forward by Stop Tatton Services, to the effect that it is unproven how many drivers would, in fact, use the facility, is irrelevant as there is no requirement in the policy to indicate the number of drivers that would use the services – the test is one of distance between MSAs. Further, although it was said that Lymm truck stop benefits from at least one blue 'Services' sign, the evidence shows that the advance warning signs are overwhelmingly for a 'Truck stop'. Indeed the 'Services' sign appears to be at a point when the driver has already committed to leave the motorway in any event.<sup>91</sup>
- 2.99 In light of the above evidence, the position, as agreed with National Highways, is a material consideration.<sup>92</sup> As set out by the Inspector in the Warrington appeal, the relevant Circular and views of National Highways are material considerations. Established caselaw indicates that a decision maker should give the views of statutory consultees, '*great or considerable weight*' and that to depart from those views requires '*cogent and compelling*' reasons.<sup>93</sup>
- 2.100 Accordingly, very substantial weight should be afforded to the highway and safety benefits of the scheme – especially as the number of gaps that will be removed, consolidated and reduced would be comparatively greater than achieved in the Warrington MSA.<sup>94</sup> A diagrammatic representation of the existing gaps and those remaining with Tatton MSA are illustrated on the following two pages.<sup>95</sup>

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<sup>89</sup> CD15.1

<sup>90</sup> albeit this was made in reference to the previous Circular (02/2013) which explicitly included wording about route choice being disregarded

<sup>91</sup> ID20 Appendix A - sign reference 14

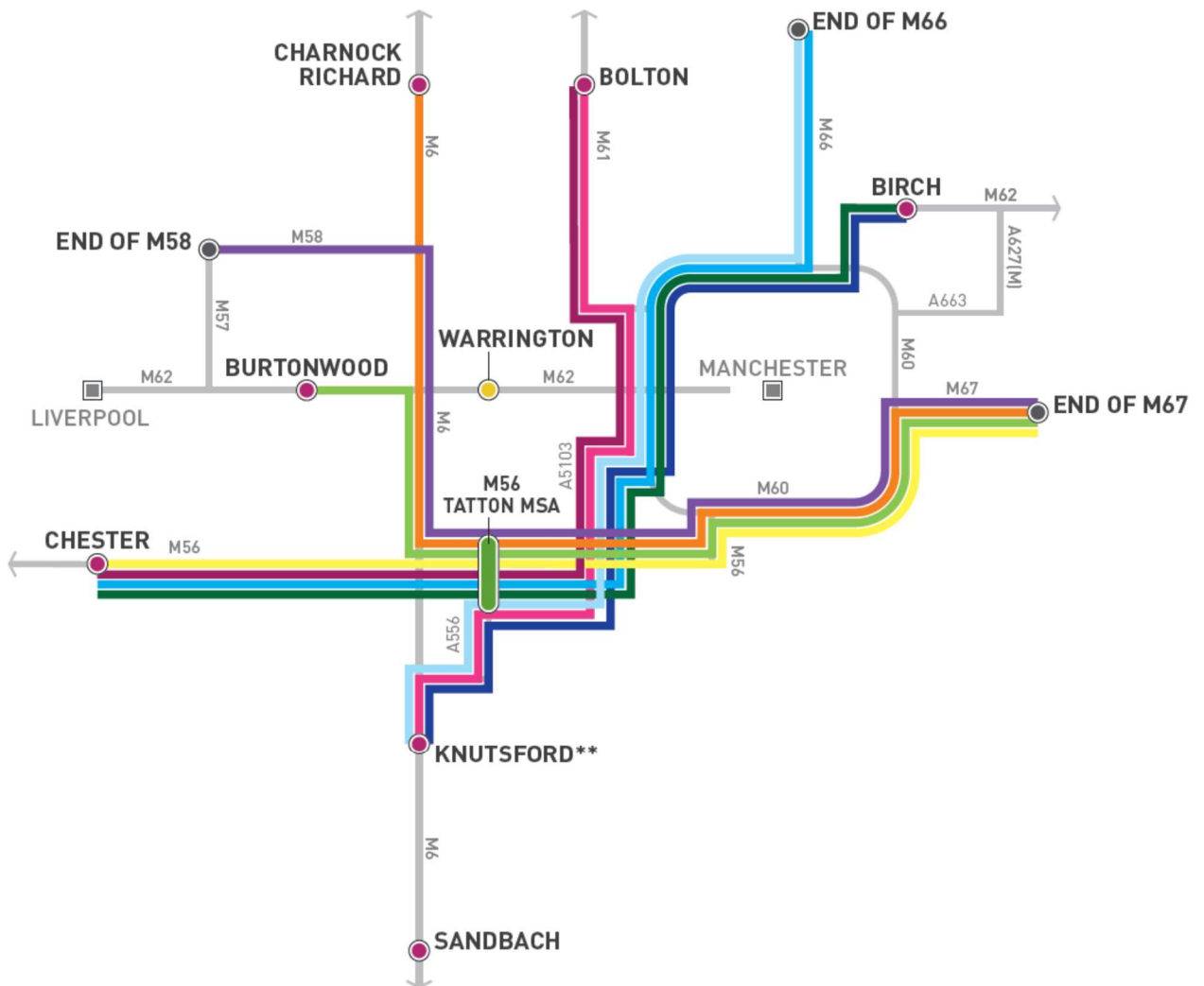
<sup>92</sup> CD14.3

<sup>93</sup> CD16.1.1 paragraph 4.45

<sup>94</sup> CD16.1.1 paragraph 4.46

<sup>95</sup> CD1.2.8 Figures 3.2 & 5.2

**Diagrammatic Representation of existing gaps (coloured routes)**



**Routes via M56 J7/J8**

- |  |   |
|--|---|
| <span style="color: yellow;">█</span> M56 CHESTER MSA TO END OF M67        | <span style="color: orange;">█</span> M6 CHARNOCK RICHARD MSA TO END OF M67 |
| <span style="color: maroon;">█</span> M56 CHESTER MSA TO M61 BOLTON MSA    | <span style="color: lightblue;">█</span> M6 KNUTSFORD MSA TO END OF M66*    |
| <span style="color: cyan;">█</span> M56 CHESTER MSA TO END OF M66          | <span style="color: darkblue;">█</span> M6 KNUTSFORD MSA TO M62 BIRCH MSA*  |
| <span style="color: green;">█</span> M56 CHESTER MSA TO M62 BIRCH MSA      | <span style="color: pink;">█</span> M6 KNUTSFORD MSA TO M61 BOLTON MSA*     |
| <span style="color: lightgreen;">█</span> M62 BURTONWOOD MSA TO END OF M67 | <span style="color: grey;">█</span> MOTORWAY                                |
| <span style="color: purple;">█</span> END OF M58 TO END OF M67             |   |

  PROPOSED M56 TATTON MSA

  PROPOSED M62 J11 MSA (Application no. 2019/35726)

● EXISTING MOTORWAY SERVICE AREA

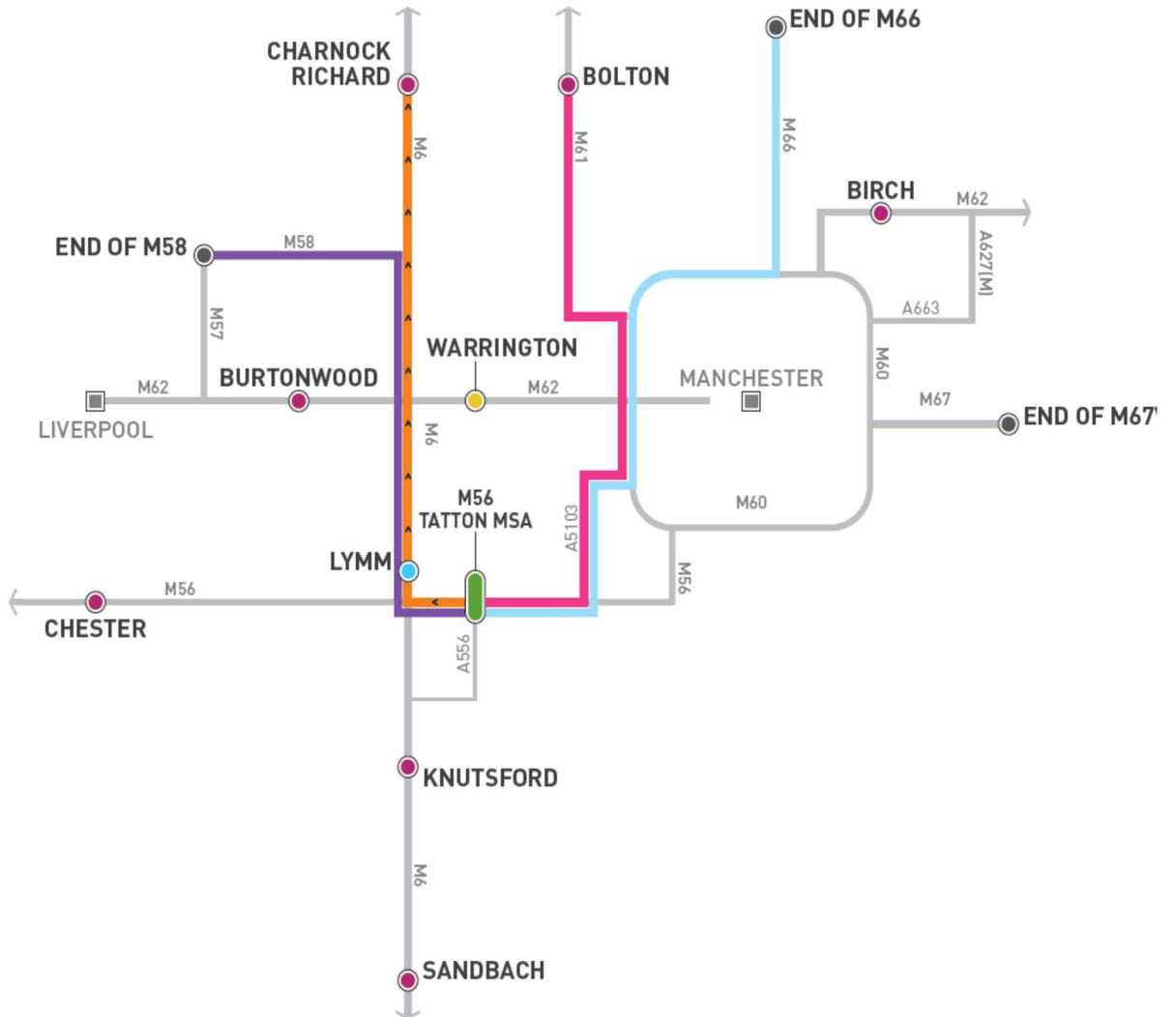
● END OF MOTORWAY

\* Via A556, M56, A5103 & M60

\*\* There is no HGV parking at Knutsford

**NOTE:**  
There is a gap in both directions on the coloured routes shown.

**Diagrammatic Representation of residual gaps with Tatton MSA (coloured routes)**



**Routes via M56 J7/J8**

- END OF M58 TO M56 TATTON MSA - Remaining gap in both directions
- M56 TATTON MSA TO THE END OF M66 - Remaining gap in both directions
- M56 TATTON MSA TO M61 BOLTON MSA - Remaining gap in both directions
- ← M56 TATTON MSA TO M6 CHARNOCK RICHARD MSA - Remaining gap in one direction, from Tatton to Charnock Richard
- MOTORWAY
- PROPOSED M56 TATTON MSA
- PROPOSED M62 J11 MSA (Application no. 2019/35726)
- EXISTING MOTORWAY SERVICE AREA
- END OF MOTORWAY

2.101 In the Warrington appeal the Inspector stated:<sup>96</sup>

*'I acknowledge that the Circular does not give advice on the weight to be attributed to the need. However, this is where the response of NH is important and the requirement of case law to give that response great/considerable weight. I do not believe for one moment that NH would have signed a SoCG that contains an unequivocal invitation to the decision maker to afford very significant weight to the need for and resultant highway safety benefits of this development without proper assessment.'*

2.102 With the above in mind, the Applicant emphasises that National Highways has invited the decision maker to afford very significant weight to the need for, and resultant highway welfare and safety benefits of, the proposal.<sup>97</sup>

2.103 The Applicant applies very substantial weight to these benefits as part of the planning balance, however, even if very significant weight was to be attached – it is clear it would not rebalance the overall case for development in the other direction.

2.104 As to the issue of alternative sites – this has been considered within the Alternative Sites Assessment,<sup>98</sup> which sets out, in detail, the reasoning behind the conclusion of the site being the most appropriate location. Notably, no party has sought to challenge the assessment or air any views in respect of alternative sites at the Inquiry.

2.105 Finally, although the Highways Agency report from 2010 produced data on the spacing of roadside facilities and wrongly referenced Lymm as a MSA, it did not advocate that such facilities should be treated as MSAs. Moreover, the report was based on a version of a Circular (01/2008) which is now twice superseded and the criteria for gaps has changed including removal of a minimum spacing of 12 miles between MSAs. National Highways has confirmed that the only document that is relevant is DfT Circular 01/2022.<sup>99</sup>

2.106 In so far as EV need is concerned – essential to the Government's intention to move to zero emission vehicles is having in place infrastructure that allows for this ambition to materialise. There is simply no point in promoting zero emission vehicles if drivers do not have the requisite facilities to be able to use them.

2.107 It is agreed with Cheshire East Council<sup>100</sup> that the proposal will deliver 96 EV charging points with associated parking spaces for the MSA and hotel. These will include 54 high power charge points for users of the main Amenity Building and 42 standard powered chargers for users of the MSA Hotel and colleague car park.

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<sup>96</sup> CD15.1 paragraph 58

<sup>97</sup> CD14.3 paragraph 'Need for a MSA'

<sup>98</sup> CD1.2.9; updated in CD16.1.2 Appendix 14

<sup>99</sup> CD16.2.1 paragraph 2.18; CD14.3

<sup>100</sup> CD14.1

- 2.108 The Council's Draft EV Charging Infrastructure Strategy (June 2021)<sup>101</sup> (whilst being somewhat out of date) confirms that the Council and the private sector will have a major role to play in delivering sufficient infrastructure, including charging points at car parks at key destinations and on route charging points to serve the major road network. This is exactly what the proposal seeks to achieve.
- 2.109 Furthermore, in view of the available sub-station, the site benefits from the significant positive advantage that the electricity supply for the first few EV charging bays is immediately available upon opening. In this context, it is to be noted that there is a limited provision on this stretch of the strategic road network and the general areas around the site.<sup>102</sup>
- 2.110 Overall, it is clear from the site's location that it will deliver a very significant immediate benefit to an area of the motorway network where there are extremely high volumes of traffic running to and from key destinations within the region, including Manchester City Centre and Manchester Airport.
- 2.111 It is also relevant to consider the following:
- *the key findings of the Transport for the North's ('TfN') EV Charging Infrastructure Framework;*<sup>103</sup> and
  - *TfN's on-line mapping system which indicates that current and future forecast demand at the site/respective junction for those travelling along the A556 is higher than the demand along the M56. This demand increases as one travels south either onto the M6 towards Stoke or A556 towards Northwich, and north on the M56 and onto the A5103 towards Manchester City Centre.*
- 2.112 Given the location of the application site on a key route into and out of Greater Manchester for those travelling to and from the south of the UK, the proposal would result in a significant benefit.
- 2.113 Having regard to the Warrington appeal decision<sup>104</sup> as a 'barometer', the Applicant's case is that EV provision attracts significant beneficial weight.
- 2.114 Finally, it is emphasised that the Alternative Sites Assessment<sup>105</sup> is agreed by Cheshire East Council to be accurate and offering sound conclusions. The assessment has also been updated in the context of Agricultural Land Classification, Flood Risk, and Draft Minerals Policy considerations.<sup>106</sup>
- 2.115 In summary, it has been demonstrated that the application site ranks as the best of all of the alternative site locations when considered in relation to a range of planning considerations.<sup>107</sup>

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<sup>101</sup> CD10.11 Section 8.1

<sup>102</sup> CD16.1.1 paragraph 4.57

<sup>103</sup> CD12.33; 16.1.1 paragraph 4.63

<sup>104</sup> CD15.1 - In the Warrington appeal moderate weight was afforded to the provision of 6 fast charge EV points and infrastructure to provide up to 50 along with future provision that would allow for hydrogen fuelling (appeal determined under the former Circular 02/2013 that provided no guidance on EV charging at MSAs)

<sup>105</sup> CD1.2.9; CD14.1 paragraphs 9.153 – 9.157

<sup>106</sup> CD16.1.2 Appendix 14

<sup>107</sup> CD16.1.1 paragraph 4.83



**c) The effects of the proposal on highway safety including the effect on the A556**

- 2.116 There is no reason to conclude that the proposed MSA would attract traffic back onto the roads relieved by the A556 improvement scheme. There is simply no evidence to substantiate the assertions made by Stop Tatton Services.
- 2.117 It is evident that there would be no 're-introduction' of any traffic as only those drivers that choose to use MSAs would take up the journey there. The argument to the effect that the scheme would reverse the benefits of the A556 works has not been made out in any evidence.
- 2.118 Moreover, only limited highway works would be necessary to accommodate the development. These include:<sup>108</sup>
- *Widening of the A56 approach (From Bowdon) to the north roundabout to provide three lanes with consequential amendments to the central island and traffic signs and signals;*
  - *Enlargement of the Bowdon south roundabout to provide capacity for the access to and egress from the MSA;*
  - *Widening of the M56 east and westbound approach to four lanes to provide sufficient capacity for traffic seeking to enter the MSA;*
  - *Provision of a replacement Toucan crossing at the end of the M56 east and westbound approach; and*
  - *A segregated left-turn lane for traffic leaving the MSA seeking the A556 southbound and M56 westbound.*
- 2.119 These works would provide sufficient capacity such that the strategic road network will continue to function effectively and safely including improved lane rationale on the Bowdon south roundabout.
- 2.120 Irrespective of any allegation that navigating a complicated roundabout going shopping is less safe than staying on the road, the most important benefit would be to allow drivers to take a break – it is irrefutable that a significant percentage of accidents result from driver fatigue.
- 2.121 Moreover, the proposed works have been subject to a Stage 1 Road Safety Audit.<sup>109</sup> Although the audit does not cover the A556 and M56 merges and diverges, no works are proposed or required to facilitate the MSA. Further, the assessment work for the project was undertaken on the basis of the M56 'smart' motorway being a committed scheme which has subsequently been implemented (summer 2023). The substantial amendment to the layout of the eastbound merge renders Stop Tatton Services' evidence on collisions based on CrashMap data 1999 – 2022 as misleading.<sup>110</sup>
- 2.122 Overall, the arguments advanced by Stop Tatton Services lack any credible basis, and are largely founded upon highly personalised experience and fears, and not an objective justification based upon dispassionate hard data.

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<sup>108</sup> CD16.2.1 paragraphs 6.1 – 6.2; CD6.4.3 – 6.4.10; CD3.16 Figure 17

<sup>109</sup> CD16.2.2 Appendix 8; IN20 Section 4

<sup>110</sup> CD21.1 Figure within paragraph 4.3



- 2.123 The Applicant's evidence confirms that the traffic generated by the proposed MSA was calculated based on the percentage of vehicles that turn into existing MSAs from mainline traffic. The Transport Assessment considered the specific days/times when the highest number of vehicle trips would be generated, so that any junction capacity assessment could consider these specific data points. Capacity assessments, in turn, were modelled and mitigation at the Bowdon roundabouts developed, providing additional capacity above a nil detriment position – to ensure the network functions well in the immediate vicinity of the MSA.<sup>111</sup>
- 2.124 The Applicant's evidence has also demonstrated that merge/diverge assessments were undertaken at both the M56 and A556 Junction 7/8 respectively. The AM/PM peak periods show that in the future, with the addition of the generated development flows, there is a negligible impact at the M56/A556 Junction 7/8 which lies within the same category as the without development in the future year scenario.<sup>112</sup>
- 2.125 Moreover, it is clear that the proposal is primarily designed for passing traffic as defined within Circular 01/2022 which states:<sup>113</sup>
- 'Roadside facilities should be well-designed to serve passing traffic and not be destinations in their own right. Consequently, the transport assessment to accompany a planning application for a new or improved facility must show that there would only be a minimal overall increase in trip mileage to be acceptable in this regard.'*
- 2.126 This is not disputed by any of the relevant authorities.<sup>114</sup>
- 2.127 Overall, the Applicant has fully considered the capacity of the Bowdon roundabouts within the Transport Assessment and the engagement with National Highways. Further, it has been shown that aside from mitigating the impact of the MSA on traffic movements local to the roundabouts, the enhancement proposed provides additional benefit to the wider highway network by adding capacity and resolving safety issues that were identified.<sup>115</sup>

**d) Whether the proposal would have an unacceptable economic effect on local centres and result in unsustainable patterns of travel**

- 2.128 Following the submission of the planning application, Trafford Council instructed Nexus to review the proposal on the appropriate application of the sequential and impact tests given the retail offer within the proposed scheme.<sup>116</sup>
- 2.129 The Applicant's detailed response,<sup>117</sup> indicated a 0.12% impact (convenience goods) and a 0.003% impact (comparison goods) on Altrincham Town Centre and 0.83% and 0.45% impacts on Hale District Centre.

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<sup>111</sup> CD6.4.2; CD6.4.10

<sup>112</sup> CD16.3.1 paragraph 7.6

<sup>113</sup> CD9.1 paragraph 83

<sup>114</sup> CD16.3.1 paragraph 9.5

<sup>115</sup> CD16.3.1 paragraph 9.9

<sup>116</sup> CD11.6

<sup>117</sup> CD2.2; CD16.1.1 paragraph 8.7

- 2.130 In added response to Nexus,<sup>118</sup> by applying additional expenditure data to market share information, the Applicant maintained that any trade diversion would be marginal.<sup>119</sup>
- 2.131 Nexus subsequently advised Trafford Council that:  
*'.....the proposed development would not lead to an adverse impact in respect of any existing, committed and planned public and private sector investment' and '..... impacts arising within Trafford's centres would be low. Key centres (namely Altrincham, Hale and Bowdon) are generally healthy and would not be the subject of any material decline as a result of the proposed development ..... and as such Trafford Council would have no grounds to object to the proposal on retail and town centre planning policy grounds'.*<sup>120</sup>
- 2.132 Health checks on Altrincham and Hale were undertaken shortly before the Inquiry:<sup>121</sup>  
*'Overall, Altrincham Town Centre is in very good health with a diverse retail mix and a vacancy rate below the national average. The Council's 2019 Retail and Leisure Study concludes Altrincham Town Centre's principal strength is its strong leisure service offer, of which Altrincham Market is a key anchor. The centre also benefits from a high environmental quality, with a strong public realm and a good level of accessibility with links from Altrincham Interchange to areas throughout Trafford and Greater Manchester.'*  
*Overall, Hale District Centre is in very good health with a diverse retail mix and a vacancy rate nearly half the national average. The Council's 2019 Retail and Leisure Study concludes Hale District Centre's principal strength is its diverse, well-used centre with a number of high-end leisure uses. Additionally, the centre provides a range of services considered suitable to serve the needs of the surrounding residential areas.'*
- 2.133 It is material to have regard to the vision and approach adopted by Westmorland; the anticipation that the project will be delivered; and sourcing of services and products from the local community. A number of local businesses have registered support for the project which they see as an opportunity for growth and spin-off benefits. The products sold at Westmorland services generally have the names of the particular farms printed on the labels and there are opportunities for farmers to sell their produce. All in all, this approach is entirely complimentary to the local centres, and there will be a clear opportunity for local businesses to benefit.
- 2.134 In any event, the Applicant has demonstrated that any economic/ financial impact upon the vitality and viability of Altrincham Town Centre is negligible and will not conceivably undermine the turnover of the centre. Draft Condition 39 limits the scale and nature of the facilities.
- 2.135 Stepping back, whilst Westmorland is a superb operator of MSAs, the proposal is essentially one modestly scaled retail facility serving the motoring public – the idea that it would out-compete the dozens of well-

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<sup>118</sup> CD2.4; CD2.5

<sup>119</sup> CD16.1.1 paragraphs 8.4 – 8.14

<sup>120</sup> CD16.1.1 paragraph 8.14

<sup>121</sup> CD16.1.1 paragraph 8.3; CD16.1.2 Appendix 36a & 36b

established shops and facilities in a centre as large and vibrant as Altrincham is risible. Both Altrincham and Hale are some of the most vibrant and healthy centres within Greater Manchester, which have shown very strong signs of resilience over recent years.<sup>122</sup>

- 2.136 In Trafford's withdrawn evidence, it is to be noted that the Nexus report showed that impacts arising within Trafford's centres would be low; the impact associated with the proposal would not be of a '*significant adverse*' magnitude; and that the proposal did not offend the Framework impact test.<sup>123</sup>
- 2.137 As to the issue of the MSA acting as a destination in its own right, whilst the proposal will result in a facility of a very high quality, that does not make it a leisure destination as such. Indeed, it is a very odd criticism that what is proposed is too good – with the presumed, but absurd implication that Westmorland ought to make their offer a bit poorer in this location.
- 2.138 As part of the original Retail Policy Response,<sup>124</sup> a broad conservative assumption was made that at least 85% of the MSA's turnover from the sale of convenience and comparison goods would be diverted from other MSA locations on the network based on the '*like for like*' principle.
- 2.139 It was also accepted that some trade diversion might come from other types of retail facilities on the basis that a passing visitor to the MSA, might also use it as an opportunity to pick up certain items that they might otherwise have bought from a store that they would typically visit closer to home.<sup>125</sup> However, this could relate to literally anywhere in the country.<sup>126</sup>
- 2.140 On a more practical level, no evidence whatsoever has been presented to show that Westmorland's current successful facilities (e.g. Gloucester Services) have become a destination in their own right. As indicated by the exit survey that was undertaken there, of the 594 customers that responded, only 10 of those surveyed (1.68%) stated that their trip was specifically to visit the facilities.<sup>127</sup>
- 2.141 It is evident then that despite the fact that Gloucester Services has been voted the best MSA by 'Which?' for several years to date – there is no correlation between that status of a high-quality facility and it operating as a destination in its own right.
- 2.142 Furthermore, when considering whether the facility would be a destination in its own right, it is relevant to account for a variety of other factors in the offer of a MSA, such as: a higher price point; range of product (biased towards food on the go); the primary function of the facility (services); absence of shopping trolleys (only handheld baskets); and the standard of any restaurants on offer.<sup>128</sup>

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<sup>122</sup> CD16.1.2 Appendix 36a & 36b

<sup>123</sup> CD11.6 paragraph 5.6

<sup>124</sup> CD2.4

<sup>125</sup> CD16.1.1 paragraph 8.22

<sup>126</sup> CD16.1.1 paragraph 8.24 & Table 8.1; CD2.4 Table 17 and paragraph 7.47

<sup>127</sup> CD13.11 Appendix 3; CD16.1.1 paragraph 8.28

<sup>128</sup> CD16.1.1 paragraphs 8.33- 8.39

- 2.143 Ultimately, there is simply no evidence to suggest the proposal does not satisfy paragraphs 83 and 93 of Circular 01/2022 (and paragraphs 92 and 94 of the Framework, should these be considered relevant to the consideration of this proposal).
- 2.144 As to the weight given to the supposed impacts on town centres, any effects will be so marginal/negligible that this consideration should only attract limited weight in the overall balance.

**e) The effects of the proposed development on heritage assets**

**Watch Hill Motte and Bailey Castle**

- 2.145 The scheduled monument of Watch Hill Motte and Bailey Castle is located on a triangular promontory on the north bank of the River Bollin, approximately 420m from the northern site boundary. It is evident that it was sited in this location for its defensive qualities.<sup>129</sup>
- 2.146 The majority of the asset at present is very overgrown and difficult to identify.<sup>130</sup> Even in winter months there are a number of self-seeded trees which obscure the views towards, and from, this asset. Although a public right of way runs to the south/foot of the asset boundary, there is no public access to the asset itself.<sup>131</sup> Views towards the application site from the ground-level footpath are heavily filtered and influenced by highway infrastructure and electricity pylons in the foreground of one of the modern agricultural barns on the site.<sup>132</sup>
- 2.147 The significance of this asset is formed primarily by its surviving fabric and earthworks which demonstrate its archaeological and historic interest.
- 2.148 Its setting contributes to significance, but the contribution is far less than that made by its physical fabric. The principal elements of its setting which contribute to its heritage significance are (in summary form):<sup>133</sup>
- the route of the River Bollin to the south and the line of the A56/A556 to the west, over which the motte was probably constructed to defend or have control over the crossing point;
  - the immediate surroundings of this asset, the topography of the promontory being an ideal location for this defensive feature;
  - the land to the west within the Dunham Estate of which the motte was once a part;
  - views to and from the asset do contribute to its significance as this was constructed as a defensive feature;
  - views moving along the Bollin Way also contribute to significance as this is a medieval route; and

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<sup>129</sup> CD16.5.1 paragraphs 4.1 – 4.7; Plates 2 - 5

<sup>130</sup> CD16.5.1 paragraphs 4.8 – 4.15; Plates 6 - 11

<sup>131</sup> Inspector's note: Access was granted by the landowner for the accompanied site visit

<sup>132</sup> CD16.5.1 paragraph 4.12 and Plate 6

<sup>133</sup> CD16.5.1 paragraphs 4.16 – 4.20

- views in all directions from the motte are of significance due to the defensive nature and its role as a control of movement within the region. At present, the views from the motte and bailey are severely hampered by the vegetation and tree belt which lines the route of the River Bollin. Even if this were to be removed, the landscape south and south-west of the asset has experienced very significant change in recent years due to the construction of the road network for Junctions 7 and 8 of the M56 and A556.
- 2.149 Overall, it is not considered that the application site makes any meaningful contribution to the significance of this asset – other than elements of existing built form are visible within wider views from the footpath south of the asset and are anticipated to be visible from the motte during winter months.<sup>134</sup>
- 2.150 There is no statutory provision for the protection of the setting of Scheduled Monuments but it is relevant as a consequence of national policy if there is an effect upon significance by reason of a change within an asset's setting.<sup>135</sup>
- 2.151 Long sections produced showing theoretical visibility of a viewer stood on the summit of the motte demonstrate that at day one of the operation of the scheme, a portion of the Amenity Building would be visible in the view south from the motte but only on a glimpsed basis and during winter months at best.<sup>136</sup>
- 2.152 The glimpsed view would recede as landscaping within the site matures and by year 15, and predictably many years earlier, this view would dissipate until there was no view at all and no impact at all on the motte's significance. This temporary glimpsed view of the Amenity Building, in a wider arc of view, would cause a small, temporary limited reduction in the ability to appreciate a key view towards Dunham Road (A56), a main thoroughfare from the Roman period onwards, which contributes to the historic interest of the asset.<sup>137</sup>
- 2.153 Overall, the proposal is considered to result in less than substantial harm at the lowest end of the scale on day one of operation diminishing as vegetation matures both within the site itself, and along the banks of the A556, reaching a level of no harm by year 15 at the latest.<sup>138</sup>
- 2.154 It is to be noted that Historic England acknowledged that the Environmental Statement provided an accurate assessment of the limited impacts on the setting of the asset and confirmed that the impacts would cause little or no harm to the setting of the designated heritage asset.<sup>139</sup>
- 2.155 In summary, there has been no challenge to the Applicant's heritage evidence.<sup>140</sup> It has been demonstrated that the proposal would result in less than substantial harm, at the lowest end of the scale for a temporary

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<sup>134</sup> CD16.5.1 paragraph 4.21

<sup>135</sup> CD16.5.1 paragraph 4.23

<sup>136</sup> CD16.5.1 paragraphs 4.24 – 4.27; Plates 12 and 13

<sup>137</sup> CD16.5.1 paragraphs 4.30 – 4.31

<sup>138</sup> CD16.5.1 paragraph 4.32

<sup>139</sup> CD16.5.1 paragraph 4.36

<sup>140</sup> CD16.5.1

period, to the significance of the scheduled Watch Hill Motte and Bailey Castle and not cause any harm to the principal elements which contribute to the significance of this asset.

#### **Yarwood Heath Farm**

2.156 The non-designated heritage asset is considered to comprise the main farmhouse, the two-storey barn to the east of the farmhouse and the single storey barn to the west of the farmhouse – but this barn is only included due to the elements of local distinctiveness it displays.<sup>141</sup>

2.157 The farmhouse and barns are first shown on the 1828 Manor of Rosthern(e) map. The early 19<sup>th</sup> century farmhouse is of two storeys and built of red-brick with a pitched, slate roof. The eastern red-brick barn, under a slate roof, has later additions and its southern end has been rebuilt. The single-storey western barn, again extended and altered, is far from original in appearance. Some of the alterations could be attributable to a devastating fire in 1949.<sup>142</sup>

2.158 In terms of significance:

*'The significance of the farmhouse is demonstrated by the historic and architectural interest. The architectural interest is provided by the simple form typical of Cheshire farmhouses of the 19th century with historic interest provided by the information the asset provides not only for the understanding of the agricultural economy of Cheshire during the 19th century but also the fact that this is an estate farm linked with Tatton Park to the south and the other Egerton estate lands .....*

*The eastern barn is far from original in its appearance ..... [it] retains enough of its historic architectural appearance to enable its principal historic uses to still be identified .....*

*The western barn has been substantially altered and much of its original fabric has been lost. Its heritage significance is derived from its historic use as forming part of a 19<sup>th</sup> century dairy farm that represents the predominant farm type in Cheshire in that period. It also has some group value with the eastern barn and the farmhouse, but its architectural interest is considered to be low.'*

2.159 As to setting:

The setting of these assets contributes to their significance, but this contribution is less than that made by their physical fabric. The principal elements of setting which are considered to contribute to its heritage significance are:

- the garden around the farmhouse which provides the immediate surroundings from which the architectural interest of the farmhouse can be experienced .....
- the lime tree avenue which forms an historic designed access to the farmhouse .....

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<sup>141</sup> CD16.5.1 paragraph 5.2

<sup>142</sup> CD16.5.1 paragraphs 5.3 – 5.18; Plates 15 - 31



- the wider farmstead which forms the immediate surroundings of the asset and the area from which the historic U-shaped layout can be understood; and
- the surrounding fields which once formed the agricultural land served by the farm.<sup>143</sup>

2.160 The contribution of site to significance relates to the manner in which it *'forms the wider and immediate surroundings of the asset and comprises both the 'working' area of the farmstead as well as the wider fields of pasture which would have supported the cattle on this former dairy farm.'*<sup>144</sup>

2.161 The impact assessment records a number of matters:<sup>145</sup>

- (a) Yarwood Heath Farmhouse will be restored and reused;
- (b) the western barn is to be demolished with material reused for a cycle store on the same footprint;
- (c) the southern end of the eastern barn will be demolished and modern extensions removed; rebuilding of gable ends will allow brick ventilators to be restored and distinctive features which illustrate the function of the barn will be retained;
- (d) harm will arise from the demolition of the western barn against earlier alterations and rebuilding; demolition will result in a slight reduction in architectural and historic interest; reuse of materials and recreation of footprint will retain a legible layout preserving the grouping of buildings around a courtyard;
- (e) although the setting of the farmhouse will change from agricultural to commercial, preservation of the U-shaped layout of buildings will safeguard the understanding of the farmstead as first shown on the 1828 map;
- (f) change in setting, positive and negative, needs to be considered in the context of the removal of later large, utilitarian, agricultural buildings which will better reveal the architectural interest of the original buildings;
- (g) although the proposal will result in a change to the surroundings of the asset, the scheme retains knowledge of the former function and anchors the scheme in its historic farmyard context;
- (h) the scheme will bring benefit through the reuse of the farmstead and historic buildings which are in a poor state of repair and retaining the historic layout of much of the farmstead; and
- (i) an interpretation board will be provided within the site setting out the history of the farmstead and its links to the Tatton Estate.

2.162 The conclusion is that the proposal would result in a low level of harm to the non-designated asset of Yarwood Heath Farm.<sup>146</sup>

2.163 Following the revision of the scheme to include elements of the eastern barn and retain and reuse material from the western barn, the Council's Design and Heritage team, in support of the scheme stated:<sup>147</sup>

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<sup>143</sup> CD16.5.1 paragraph 5.22

<sup>144</sup> CD16.5.1 paragraph 5.23

<sup>145</sup> CD16.5.1 paragraphs 5.24 – 5.33

<sup>146</sup> CD16.5.1 paragraph 5.34

<sup>147</sup> CD16.5.1 paragraph 5.36



*'This scheme will see the historic farm group put back into active use and saved from dereliction. Modifications have been made to the original submission to ensure that the buildings and landscaping works coming forward respond to the retained heritage assets .....'*

- 2.164 In summary, the proposal would result in a low level of harm, whilst guaranteeing a long-term future for the farmhouse, to its heritage benefit. An information board will assist in securing the legibility of what is proposed to be preserved.<sup>148</sup>

**f) The effects of the proposal on the natural environment**

**(i) The Rostherne Mere Ramsar Site (Site of Special Scientific Interest and National Nature Reserve)**

- 2.165 The potential for effects on Rostherne Mere Ramsar Site were identified in consultation with Natural England and concerned the potential effects from any changes to water quality and hydrological function, and air quality effects.<sup>149</sup>
- 2.166 The potential for effects was summarised in the Environmental Statement and supported by a Shadow Habitats Regulations Assessment.<sup>150</sup> Further information, in the form of Technical Notes followed.<sup>151</sup>
- 2.167 Natural England has confirmed:<sup>152</sup> *'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.'*
- 2.168 In the precautionary sense, the risk of any impact upon its habitats or the assemblage of species for which it is designated can be excluded when the proposal is considered alone or in combination with other plans or projects. This conclusion is agreed by Natural England and Cheshire East Council.<sup>153</sup>
- 2.169 As such, the proposal is, by definition, acceptable, such that there should be no concerns that the implementation of the project would constitute a breach of the relevant legislation.<sup>154</sup>

**(ii) Yarwood Heath Covert Local Wildlife Site**

- 2.170 Yarwood Heath Covert Local Wildlife Site would not be directly affected by the proposal. However, potential effects during construction are identified to include disturbance, direct encroachment (for example of construction vehicles and / or inappropriate deposition of soils and / or storage of materials), water pollution, air pollution and dust deposition. These would be prevented through adherence to a suitably worded Construction Environmental Management Plan secured by way of draft Condition 40.<sup>155</sup>

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<sup>148</sup> CD16.5.1 Appendix 4 by way of example

<sup>149</sup> CD16.6.1 paragraph 5.1

<sup>150</sup> CD16.6.1 paragraph 5.2; CD14.5.17; CD3.6.3.5 Appendix 8.5

<sup>151</sup> CD16.6.1 paragraph 5.3 - 5.6; CD4.3; CD4.5

<sup>152</sup> CD7.45

<sup>153</sup> CD7.54

<sup>154</sup> CD16.1.1 paragraphs 6.36 - 6.37

<sup>155</sup> CD16.6.1 paragraph 5.10

2.171 Further effects during operation include the potential effects of artificial lighting. Any significant effect would be prevented by a suitable lighting strategy to protect the woodland edge. This could be secured by condition and is accepted by the Council's Ecologist.<sup>156</sup> On this basis, significant impacts on Yarwood Heath Covert would be avoided.

**(iii) Trees and Hedgerows**

2.172 The planning application was supported by an Arboricultural Impact Assessment.<sup>157</sup> Tree loss to accommodate the proposal would be limited to the removal of one Category A tree; one group of Category B trees; and one individual and one group of low-quality Category C trees.<sup>158</sup> Their loss is not opposed and it is agreed that removal would be offset by new planting in and around the site.<sup>159</sup>

2.173 In terms of hedgerows, following the making of the planning application, the Council's Forestry Officer raised the matter of hedgerow loss from within the site:<sup>160</sup>

*'Hedgerow H1 and part of Hedgerow H2 and H3 are shown to be removed to accommodate the proposal. The hedgerows are described as single species early mature hedgerows some of which may be subject to the Hedgerow Regulations 1997 and which appear to follow the line of the 1840 tithe map.'*

2.174 The application scheme would require the removal of H1; the reduction in length of H2 with a loss of 102 metres; and the creation of a gap in H3, removing 11 metres, to accommodate a footpath loop for dog walking.

2.175 Subsequent survey by the Applicant<sup>161</sup> is recorded as follows:

*Hedgerow H1*

- *Hedgerow H1 is a single species hawthorn hedgerow which is regularly maintained. This hedgerow extends east from the existing farm buildings.*
- *No qualifying features in respect of wildlife and landscape (Paragraphs 6 & 7 - Schedule 1 - Part II of the Hedgerow Regulations) were noted during the tree or ecological surveys.*
- *The Heritage Note sets out that H1 does not meet the criteria in respect of archaeology and history (Paragraphs 1 to 5 - Schedule 1 - Part II of the Hedgerow Regulations).*
- *Therefore, H1 is not considered to qualify as 'Important' under the Hedgerow Regulations 1997.*

*Hedgerow H2*

- *Hedgerow H2 is a single species hawthorn hedgerow which is regularly maintained. This hedgerow stands either side of the farm access track to the west of the existing farm buildings.*

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<sup>156</sup> CD16.6.1 paragraphs 5.11 – 5.12; CD3.6.3.7; CD7.54

<sup>157</sup> CD1.4.4.18 Appendix 8.7; CD1.4.5.19

<sup>158</sup> CD14.1 paragraph 9.36

<sup>159</sup> CD14.1 paragraphs 9.36 – 9.38

<sup>160</sup> CD16.5.1 paragraph 6.1; Plate 32; CD7.15

<sup>161</sup> CD4.2 Section 3

- *No qualifying features in respect of wildlife and landscape (Paragraphs 6 & 7 - Schedule 1 - Part II of the Hedgerow Regulations) were noted during the tree or ecological surveys.*
- *The Heritage Note sets out that H2 does not meet the criteria in respect of archaeology and history (Paragraphs 1 to 5 - Schedule 1 - Part II of the Hedgerow Regulations).*
- *Therefore, H2 is not considered to qualify as 'Important' under the Hedgerow Regulations 1997.*

*Hedgerow H3*

- *Hedgerow H3 is a single species hawthorn hedgerow which is regularly maintained. This is a typical field boundary hedgerow which stands to the east of the farm buildings.*
- *No qualifying features in respect of wildlife and landscape (Paragraphs 6 & 7 - Schedule 1 - Part II of the Hedgerow Regulations) were noted during the tree or ecological surveys.*
- *The Heritage Note sets out that H3 does not meet the criteria in respect of archaeology and history (Paragraphs 1 to 5 - Schedule 1 - Part II of the Hedgerow Regulations).*
- *Therefore, H3 is not considered to qualify as 'Important' under the Hedgerow Regulations 1997.*

- 2.176 Whilst the Council accepts that Hedgerow H1 (to the east of the farm buildings) does not qualify as 'important', it maintains that H3 (to the north-west of the farmhouse) and the bottom of H2 (the access to the farm buildings) can potentially be defined as 'important'. This is based on the reference as occurring on early mapping and it is thus alleged that they could meet criteria 5(a) and 5(b) of the Hedgerow Regulations.
- 2.177 It is the Applicant's case that these hedges are neither 'an integral part of a field system' nor are they 'substantially complete'. In terms of the former, the hedgerows appear to mark the line of access tracks and one field boundary with the field system associated with the farm located to the south and east of the farmstead. As to the latter, the field system is not substantially complete as the field system associated with the farm has undergone substantial change in the 20<sup>th</sup> century resulting in the removal of nearly all the hedgerows within the site.<sup>162</sup>
- 2.178 However, it is to be noted that the Council's Forestry Officer<sup>163</sup> disputed the assessment as to whether the hedgerows could be categorised as 'integral' on the basis that roads and trackways could be accepted as part of a field system with hedgerows marking their boundaries.
- 2.179 It is important to note that: '*the hedges in question do not extend along the entirety of any track or access into the farm – they are remnant sections. H3 for example – the access road as shown on the 1828 map is no longer extant and therefore only one of the hedges in this location survives. These fragments of hedgerow cannot be said to be an integral part of the 1828 field system.*'<sup>164</sup>

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<sup>162</sup> CD16.5.1 pages 46 – 51 with particular reference to Plate 33 & Plate 34

<sup>163</sup> CD7.55

<sup>164</sup> CD16.5.1 page 51 (paragraph 6.8)

2.180 Moreover, the officer came to no conclusion on whether H2 or H3 was considered to be 'important' and opined that it was something that would need to be considered in the overall planning balance.

2.181 In conclusion, the extent of tree and hedgerow loss will be very limited. The scale and nature of replacement planting would secure a significant uplift in biodiversity net gain which more than offsets any such loss.

**(iv) Best and Most Versatile Agricultural Land**

2.182 The proposal will result in the loss of 13ha of Grade 2 very good quality agricultural land and 2.8ha of non-agricultural land.<sup>165</sup> The existing farm buildings are vacant and the traditional buildings of very limited use.

2.183 The fields within the ring of highway infrastructure are let on short term contracts by the Estate for grazing livestock. Apart from two fields, the highway works have resulted in the loss of land and the creation of smaller parcels on three sides of the farm buildings. It is also noted that the land does not form a secure part of an agricultural enterprise. The farmhouse is vacant and not occupied in connection with any farm business.<sup>166</sup>

2.184 Planning policy does not place a bar on the loss of agricultural land as such. However, the Framework requires consideration of the economic and other benefits of best and most versatile land along with a long-standing policy preference not to use it if other suitable land is available to accommodate the development.<sup>167</sup>

2.185 The Applicant's case is that the amount of best and most versatile land is limited in extent; it is not easy to use; and the constraints of road infrastructure has resulted in the application site being lightly managed rather than actively farmed.<sup>168</sup> The land is let for summer grazing or for producing winter forage and the economic and food production benefits are negligible.<sup>169</sup>

2.186 The Applicant and Cheshire East Council agree that the harm attracts moderate weight.<sup>170</sup>

**g) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal**

**Other considerations**

**Employment, the Local Economy and wider economic considerations**

**Introduction**

2.187 The Applicant has demonstrated that the proposal would bring substantial benefits for the purposes of considering very special circumstances which can be summarised as follows:<sup>171</sup>

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<sup>165</sup> CD16.1.1 paragraphs 6.11 – 6.18; CD 16.1.2 Appendix 6 paragraphs 3.6 – 3.7; CD1.4.5.21

<sup>166</sup> CD16.1.2 Appendix 6 paragraphs 3.8 – 3.11

<sup>167</sup> CD16.1.2 Appendix 6 paragraphs 4.1- 4.9; 5.4

<sup>168</sup> CD16.1.2 Appendix 6 paragraphs 5.6 – 5.11

<sup>169</sup> CD16.1.2 Appendix 6 paragraphs 7.5 – 7.11; 8.3 – 8.10

<sup>170</sup> CD17.1 paragraph 6.66

<sup>171</sup> CD16.1.1 Section 5

- (a) The need for the development and the associated improvements to highway safety and wellbeing for users of the strategic road network delivered by the MSA, main facilities, the 100 bed hotel and additional HGV parking.
- (b) The provision of 96 EV charging spaces (including 54 rapid chargers) and the associated benefits this will provide, in relation to meeting national government and local targets; increasing the uptake of EV; improving peace of mind/journey security for EV users of the strategic road network; and the wider environmental benefits EV charging contributes to reducing CO<sub>2</sub> emissions and improving air quality.
- (c) Wider socio-economic benefits through significant job creation and a targeted approach to employing staff from more deprived communities within a reasonable distance from the site.
- (d) The commitment to deliver a high quality and locally distinctive design.
- (e) The commitment to deliver highly sustainable and energy efficient buildings with a significant contribution of the energy requirements provided by on site renewable energy sources.
- (f) The significant uplift in biodiversity net gain.

**Socio-Economic**

- 2.188 In terms of socio-economic benefits, the figures for jobs, GVA, wages etc. are matters agreed with the Council.<sup>172</sup> The up-to-date position is:<sup>173</sup>
- 602 construction jobs (direct and with a multiplier applied);
  - 234 net FTE jobs during operation;
  - £39.8m GVA per annum during construction; and
  - £11.9m GVA per annum during operation.
- 2.189 In relation to the proposed targeted employment and skills opportunities for local people, the Applicant has confirmed, as set out within the section 106 Agreement, all job opportunities will be first advertised to residents within the Lower Super Output Areas (LSOA) that fall within the administrative area of Cheshire East Council, within 10 miles radius of the site and in wards that fall within the 30th lowest percentile of the Indices of Multiple Deprivation.<sup>174</sup>
- 2.190 Second priority will then be afforded to residents located within the Lower Super Output Areas that fall outside Cheshire East and within a five-mile radius of the site and within the 30th lowest percentile of the Indices of Multiple Deprivation.<sup>175</sup>
- 2.191 Thereafter, jobs will be advertised more widely but the section 106 Agreement still applies targets to use best endeavours to employ a minimum of:<sup>176</sup>

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<sup>172</sup> CD14.1 paragraphs 9,167 – 9,168

<sup>173</sup> CD16.1.1 paragraph 5.5 & Table 5.1

<sup>174</sup> CD16.1.1 table 5.2; IN30 (coloured yellow on plan); CD16.1.2 Appendix 23

<sup>175</sup> IN30 (coloured cyan on plan); CD16.1.2 Appendix 23

<sup>176</sup> CD16.1.1 paragraph 5.13

- 15% local residents employed during the construction phase;
- 3 construction trade apprenticeships leading to NVQ Level 2 during the construction phase;
- 60% of local residents employed during the operational phase; and
- 10 apprenticeship places leading to NVQ Level 2 during the operational phase.

2.192 It is relevant to note that many of the Lower Super Output Areas within the Bucklow-St Martins Ward of Trafford correlate with the Partington Priority Regeneration Areas, identified by the Trafford Local Plan, which is one of the most deprived areas within Trafford.<sup>177</sup>

2.193 Whilst the Trafford Core Strategy does not form part of the relevant development plan in the consideration of this application, the above approach would represent a beneficial material consideration that would be in accordance with part L3.8 of Policy L3 of the Core Strategy which states:

*'Outside any identified Regeneration Area, the ability of a development proposal to provide facilities that would be of significant benefit to one or more of the identified regeneration areas, would be a material consideration in the determination of that application.'*<sup>178</sup>

2.194 Finally, in respect of the employment benefits, it is emphasised that the final operative Travel Plan for the scheme will be influenced by the location of employees that eventually take up positions.

2.195 These considerations attract substantial weight.

#### **Wider Economic Benefits**

2.196 The proposal will result in the reduction of accidents/delays on the network. The Eddington Report,<sup>179</sup> within the initial conclusions identified that there has been a compelling link between the transport system and economic prosperity through history.

2.197 At paragraph 2.12 the Report states:

*'The safety and security of travel is also valued by travellers. Accidents ..... on the transport network can cause severe injury and loss of life. As well as the direct social costs, there are costs to the economy through the loss of output from workers and potential adverse effects on the reliability of journeys because of the disruption to the network. In the UK road casualties cost the economy an estimated £2.5 billion or 0.22 per cent in lost GDP in 2004.'*

2.198 In light of this, it is clear that the role of a new MSA in this optimal location will have a beneficial impact through reducing gaps in the network and fatigue related accidents, which, in turn, will lead to a road safety

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<sup>177</sup> CD11.1 Policy L3 part L3.4

<sup>178</sup> CD16.1.1 paragraph 5.19

<sup>179</sup> CD12.34 section 1.2 pages 21 – 22 The Eddington Transport Study 2006 – commissioned by the Treasury: *'Transport's role in sustaining the UK's productivity and competitiveness'*



improvement. This will reduce both social and economic costs, which is a substantial benefit in favour of the proposal.

**Local procurement benefits**

- 2.199 In line with the success achieved at Gloucester Services, Westmorland is committed to supporting local and regional supply chains. The MSA could support some 130 'local suppliers' and a further 70 regional suppliers.
- 2.200 The Applicant's evidence demonstrates that in the case of Gloucester, contracts with these suppliers total over £5 category per annum which is over 50% of the value of all contracts.<sup>180</sup>
- 2.201 This approach represents a key component of the business' operation. It would be secured by planning obligation requiring the submission and approval of a Construction Local Procurement Scheme before the development commences and an End User Local Procurement Scheme prior to the occupation of the MSA. It would also require engagement with the Council to target local businesses that could provide services during the construction and operational stages of the project.<sup>181</sup>
- 2.202 In addition, for the operational stage, the obligation sets how the operator will:
- achieve the target of enabling at least 50 businesses that are based within a 30-mile radius of the site to partner with the operator; which captures the entire Borough of Cheshire East;<sup>182</sup>
  - advertise bidding opportunities to partner with the operator to local businesses and persons;
  - liaise with the Local Planning Authority and local industry and trade groups; and
  - make arrangements for 'meet the buyers' events to provide information to local businesses and occupiers about the opportunities that will arise in relation to the development.
- 2.203 Local businesses and farmers who spoke at the Inquiry see the proposal as potentially offering them a very beneficial opportunity – it offers them a number of vast spin-off benefits.
- 2.204 In this regard, the proposal is consistent with a component of the 'The Case for Growth' of the Cheshire East Local Plan Strategy 'to promote a thriving rural economy and tourism industry.' It is also consistent with Strategic Priority 1.4 – 'Improving the economy in rural areas by supporting the development of rural enterprise, diversification of the rural economy, sustainable tourism ..... and the continued importance of farming and agriculture'.<sup>183</sup>

**Design and Energy Efficiency**

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<sup>180</sup> CD16.1.1 paragraph 5.29

<sup>181</sup> CD16.1.1 paragraph 5.30

<sup>182</sup> CD16.1.2 Plan at Appendix 25

<sup>183</sup> CD10.1 page 36 (final bullet); CD10.1 page 44



- 2.205 Paragraph 139 of the Framework confirms significant weight should be given to:  
*'development which reflects local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*
- 2.206 The Revised Design and Access Statement<sup>184</sup> confirms that a key component of the design rationale is the creation of courtyard areas of development (heavily influenced by the more historic buildings on the existing farmstead including the farmhouse and two of the earlier brick barns).
- 2.207 The relationship of those buildings and the removal of more modern-day structures re-instates what would have been the original three-sided / U-shaped courtyard area between the farmhouse and east and west barns.<sup>185</sup>
- 2.208 For those visiting or passing through the area, the proposal would provide an opportunity to witness and actively utilise parts of a former Cheshire dairy farm; experience some of its past history (which will be visible through information provided on the site);<sup>186</sup> and then purchase products from the new farm shop within the Amenity Building.
- 2.209 This connection, so far as the Applicant is aware, is unique and clearly represents a locally distinctive approach reinforced by the high quality and distinctive design of the proposed use.<sup>187</sup> Utilising the site's history as key influence for the design is a broad approach endorsed by Cheshire East's Design Guide<sup>188</sup> and the Council agrees that the recreation of the farmstead is a positive aspect of the scheme.<sup>189</sup>
- 2.210 Turning to energy efficiency, paragraph 159 of the Framework identifies that new development should be planned for in ways that:  
*'..... (b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'*
- 2.211 Paragraph 160 outlines that to help increase the use and supply of renewable and low carbon energy and heat, plans should:  
*'..... (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'*
- 2.212 In determining new applications, paragraph 162 outlines that development should be expected to:  
*'(a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant,*

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<sup>184</sup> CD1.6 Section 4.10.2

<sup>185</sup> CD16.1.1 paragraph 5.44

<sup>186</sup> CD16.5.1 Appendix 4; Draft Condition 6

<sup>187</sup> CD16.1.1 paragraph 5.50

<sup>188</sup> CD10.4 Figure iii01 (page 69 – The Urban Design Process)

<sup>189</sup> CD14.1 paragraph 9.11

*having regard to the type of development involved and its design, that this is not feasible or viable; and*

*(b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

- 2.213 The Energy Strategy<sup>190</sup> that accompanied the application, sought to achieve two main targets:
- Target 1 - To support the planning application and in particular to ensure at least 10% of the projects [*sic*] predicted annual energy consumption (kWh) is met from decentralised and renewable or low carbon sources.<sup>191</sup>
  - Target 2 - To meet the project sustainability aspiration of reducing building regulated carbon emissions (kg CO<sub>2</sub>/m<sup>2</sup>) by 50% compared to Part L of the Building Regulations (December 2021) for a building heated by natural gas; as defined by the project Sustainable Aspirations Mapping.
- 2.214 Alternative low and zero carbon technologies to replace natural gas as the main fuel for heating and hot water generation were reviewed for each building. Having discounted a number of the technologies as being inappropriate, the proposed Energy Strategy for the Amenity Building and MSA Hotel includes ground source heat pump, solar, thermal and photovoltaics.
- 2.215 An air source heat pump, rather than ground source, is recommended for the Fuel Barn.
- 2.216 The data presented for photovoltaics on roofs illustrates each of the buildings proposed would achieve considerably more than the 10% policy requirement for renewable energy generation from this source alone.<sup>192</sup> This is a scheme which is well designed and aiming very hard to minimise its carbon footprint.

**Energy Efficiency in relation to EV charging points**

- 2.217 It has already been set out that the proposal would deliver 96 EV chargers. These would be of significant benefit to those travelling to and from the Greater Manchester area, and will substantially assist in encouraging the changes in the vehicle fleet sought by government.
- 2.218 On opening, the Amenity Building and the Hotel, draft Condition 42 requires 12 dedicated EV chargers for each – i.e. 25% of the chargers would be available from very early in the life of the development to the obvious advantage of those members of the travelling public who are actively investing to reduce their carbon footprint.
- 2.219 Local Plan Strategy Policy SE 9 is addressed in paragraphs 2.238 – 2.242 below.

**Biodiversity Net Gain**

- 2.220 Despite there being no legal or direct policy requirement at the time of the application, given the general direction of travel in terms of the use of

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<sup>190</sup> CD1.2.6 page 5/51

<sup>191</sup> CD10.1 Policy SE 9(2)

<sup>192</sup> CD16.1.1 paragraphs 5.64 – 5.65 & Figure 5.1

biodiversity metrics as a tool to aid in the quantification of biodiversity net gain, the application was supported by a biodiversity metric (then version 3.0). This was used to provide a quantitative measure of biodiversity gains and losses.<sup>193</sup>

- 2.221 Since the planning application was made, there have been four further versions of the Metric. Each update also included revision of, or updates to, the accompanying guidance documents, including those to assess habitat condition. Although the Applicant is not required to do so, the assessment using the statutory Biodiversity Metric indicates that the proposal would deliver an uplift of 36.98 habitats units, an increase of 78.18%, and 1.19 hedgerow units, an increase of 27.05% (including the enhancement of the offsite woodland associated with Yarwood Heath Covert Local Wildlife Site).<sup>194</sup>
- 2.222 Overall, with the application of appropriate mitigation and compensation, and active management, the proposal would not result in more than short-term effects, leading to significant beneficial effects in the medium to long term. There are no reasons relating to matters of ecology, biodiversity, which should prevent the application being approved.<sup>195</sup>
- 2.223 Overall, the Applicant has demonstrated that any environmental impacts are suitably avoided, or, where appropriate, mitigated and ultimately controlled by conditions where necessary, or otherwise are limited and weighed into the planning balance and decisively outweighed by the scheme's benefits.

**Natural Environment – other considerations**

- 2.224 In relation to ecology, the Applicant has demonstrated that the proposal would not result in the loss or deterioration of irreplaceable habitats and provides mitigation and compensation for the loss of habitats within the site.<sup>196</sup> The Environmental Statement and Addendum to the Environmental Statement provide a full assessment of all relevant matters.<sup>197</sup>
- 2.225 The baseline habitats predominantly comprise low value habitats, namely modified agriculturally improved grassland, buildings and hardstanding, bare ground and ruderal / ephemeral vegetation. Linear field boundary features include hedgerows; an avenue of trees, which are of greater value; and fence lines.
- 2.226 Evidence of protected species was confined to the presence of a pipistrelle bat roost in the avenue of trees leading to the farm buildings and the presence of great crested newts eDNA from a pool located within the Yarwood Heath Covert Local Wildlife Site. Further investigation failed to confirm the presence of this species and the eDNA record is thought to be a false-positive.<sup>198</sup>

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<sup>193</sup> CD3.6.3.6

<sup>194</sup> CD16.6.1 paragraphs 5.22 – 5.29; CD16.1.2 Appendix C

<sup>195</sup> CD16.6.1 paragraph 2.4

<sup>196</sup> CD16.6.3 paragraph 6.1

<sup>197</sup> CD1.4.4 Chapter 8: CD3.6.6.2

<sup>198</sup> CD16.6.1 paragraphs 4.21 – 4.25; 4.31 – 4.36

- 2.227 The update walkover and habitat survey (July 2024) identified some minor changes although these changes do not significantly alter the conclusions in the Environmental Statement as a whole.<sup>199</sup>
- 2.228 The landscaping scheme for the proposal includes native tree and shrub mix, semi-mature tree planting, native hedgerow planting, species-rich lawn and wildflower grassland establishment, aquatic planting, rain garden planting, as well as ornamental planting closer to the new buildings and facilities. The provision of these new habitats will not only mitigate for the limited losses of habitats of interest but also provide significant net benefits and new opportunities for wildlife.
- 2.229 The submitted assessments confirm that habitats are generally unremarkable; the site is not managed for nature conservation; and mitigation and compensation will create habitats of similar or better quality which will be subject to long term management.<sup>200</sup>
- 2.230 The application site is located entirely within Flood Zone 1. However, there are isolated areas within the site that are vulnerable to fluvial flooding in the event of heavy rainfall which would be capable of mitigation by incorporating surface water attenuation and storage. Discharge of surface water eventually out-falling to the Birkin Brook would be at the equivalent greenfield rate.<sup>201</sup>

#### **Employee Bus Scheme**

- 2.231 Measures within the Travel Plan are aimed at reducing single occupancy car trips and to promote active and public transport to the site. In recognition that the site is not currently well served by public transport, it is intended to operate a private shuttle bus service, with Altrincham Interchange the most likely pick up point for connecting buses east towards Wythenshawe and Heald Green and west towards Partington. These areas have been identified as Priority Target Areas for employee opportunities.<sup>202</sup>
- 2.232 Altrincham Interchange also serves the Metrolink (Tram) from Sale and Stretford to the north. Connections to Knutsford Town Centre would be investigated further, should the demand arise.<sup>203</sup>
- 2.233 Westmorland operates similar private shuttle services at its Gloucester and Tebay sites with dedicated services running daily throughout the year for employees. Uptake in Gloucester is around 25% of staff with a service connecting between the MSA and the city centre. At Tebay, a staff-only service runs to areas around the MSA and a dedicated bus runs to Kendal Town Centre. Approximately 70% of staff are registered to use the bus service.<sup>204</sup>

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<sup>199</sup> CD16.8

<sup>200</sup> CD16.6.1 paragraphs 5.13 – 5.21

<sup>201</sup> CD16.1.2 Appendix 19

<sup>202</sup> CD16.3.1 paragraphs 4.1 – 4.3

<sup>203</sup> CD16.3.1 paragraphs 4.3 – 4.4

<sup>204</sup> CD16.3.1 paragraph 4.5; CD16.3.2 Appendix 1

**Funding for New Cycle Route – Bowdon Link Feasibility Study (Active Travel)**

- 2.234 Yarwoodheath Lane is currently an unadopted highway in the form of a cycle track created as part of the A556 upgrade works. The planning application proposes the provision of a separate cycle track through the site connecting the Bowdon south roundabout with the M56 overbridge and the wider network of rural cycle routes to the south of the motorway. This forms part of a wider strategy being promoted by the Council to improve walking and cycling provision along the Bollin Valley and connecting into local areas.<sup>205</sup>
- 2.235 An offer was made to the Council, during consideration of the application, for the Applicant to fund a feasibility study aimed at better connecting the site to the north and with the urban area of Trafford. However, the Council considered that the contribution was not necessary and could not therefore be secured by planning obligation. The purpose of the study would be to build on earlier work carried out on behalf of Highways England in 2019.<sup>206</sup>
- 2.236 The section 106 Agreement would secure (subject the Secretary of State's endorsement) a contribution of £100,000 towards a feasibility study to re-examine three earlier identified routes across the Bollin Valley.
- 2.237 The Applicant has identified other potential contributors<sup>207</sup> to any resultant scheme and is of the view that such a study may be the catalyst which is needed to get the scheme 'off the ground'. It is considered that the obligation attracts moderate weight.

**The extent to which the proposed development is consistent with the development plan for the area**

- 2.238 The Applicant submits that the Local Planning Authority is mistaken to suggest a potential conflict with Cheshire East Local Plan Strategy Policy SE 4 (The Landscape) and Site Allocations and Development Policies Document Policy ENV 3 (Landscape Character).
- 2.239 Further, it is apparent that the Council has mis-approached Local Plan Strategy Policy SE 9 (Energy Regeneration) because:
- (a) it fails to adequately consider the supporting text to Policy SE 9;<sup>208</sup>
  - (b) it does not sit comfortably with the language used within '*Climate Change and Sustainable Energy Planning Research*' (which evidently and consistently refers to 'buildings');<sup>209</sup> and
  - (c) the same applies to the '*Establishment of a New Renewable Energy Policy (May 2010)*' as key evidence – a key supporting evidence base for the policy.<sup>210</sup>
- 2.240 Overall, the Applicant's analysis shows that the 10% target for renewable energy generation is to be applied to the energy requirement of buildings

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<sup>205</sup> CD16.2.1 paragraphs 6.18 – 6.19 & Figure 6.2; CD6.4.1

<sup>206</sup> CD16.1.1 paragraphs 5.76 – 5.79; CD16.1.2 Appendix 26a, 26b & 28

<sup>207</sup> IN11

<sup>208</sup> CD16.1.1 paragraph 7.60

<sup>209</sup> CD10.15; CD16.1.1 paragraphs 7.61 – 7.64

<sup>210</sup> CD16.1.1 paragraph 7.65

(and not the energy requirement of vehicles visiting a site). It would be an odd conclusion to arrive at – that the policy penalises the proposal because it over-provides EV charging points compared to the minimum requirement of policy, at a time when there is an urgent need to improve facilities to help transform the UK vehicle fleet.

- 2.241 The Applicant has also demonstrated that the policy has not been applied in this cumbersome way in other instances where EV chargers have been provided as part of an employment use development proposal.<sup>211</sup>
- 2.242 Moreover, it has been calculated that the energy requirement for 96 EV chargers would require some 2ha of solar PV. This cannot be accommodated within the application site and such an installation on adjoining land would have Green Belt implications.<sup>212</sup>

### **Planning Balance**

- 2.243 As agreed with the Local Planning Authority, despite there being some minor variance to the weight to be attached to certain considerations weighing in the planning balance, and the interpretation of a minority of policies, the scheme's benefits are collectively very substantial and clearly outweigh the harm to the Green Belt by virtue of inappropriateness and any other harms identified.
- 2.244 Overall, the balance indicates that very special circumstances exist to deliver this proposal within the Green Belt.
- 2.245 This conclusion therefore satisfies paragraph 153 of the Framework and Cheshire East Local Plan Strategy Part 2 of Policy PG 3: Green Belt.
- 2.246 With the existence of very special circumstances, reference is made to Policy CO2 , Part 2v, of the Local Plan Strategy, which confirms the following and is satisfied alongside the requirements of Circular 01/2022:
- 'The Council will support new developments that are (or can be made) well connected and accessible by enabling development by supporting transport infrastructure, regeneration and/or behaviour change initiatives that will mitigate the potential impact of development proposals including .....*
- v. supporting the improvement of national motorway network facilities, where appropriate.'*
- 2.247 It is firmly submitted that very special circumstances have been demonstrated, and that the application conforms to the policies of the development plan taken as a whole. National policy requires that such a proposal ought to have been approved '*without delay*'. That is far from what has happened in this case.
- 2.248 In conclusion, this is a good scheme that ought to have been operational long before now. However, in view of the above analysis, and given the suitable mitigation of the development impacts, the Inspector is respectfully invited to recommend that planning permission is granted.

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<sup>211</sup> CD16.1.1 paragraph 7.67

<sup>212</sup> CD16.1.1 paragraph 7.72; CD16.1.2 Appendix 35

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### 3. The Case for Cheshire East Council<sup>213</sup>

#### Introduction

- 3.1 Cheshire East Council, the Local Planning Authority, invites the appointed Inspector to recommend that planning permission be granted and the Secretary of State to grant planning permission thereafter.

#### The main considerations

**a) The effects of the proposed development on the openness of the Green Belt and its purposes; including the landscape and visual effects of the proposal**

- 3.2 The proposed development is inappropriate development in the Green Belt.<sup>214</sup> It follows that it is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.<sup>215</sup> Substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.<sup>216</sup>
- 3.3 The built development associated with the MSA would inevitably result in a reduction in Green Belt openness.<sup>217</sup> There would be a significant reduction in Green Belt openness in both visual and spatial terms.<sup>218</sup>
- 3.4 The application site makes a limited contribution to the Green Belt.<sup>219</sup> Nonetheless, the proposal conflicts with the Green Belt purpose in Framework paragraph 143c), namely 'to assist in safeguarding the countryside from encroachment'.<sup>220</sup> The conflict with this purpose is significant.<sup>221</sup>
- 3.5 The design rationale of reinventing a traditional farmstead in a contemporary context is a very positive aspect of the scheme, and one which "helps assimilation into the landscape". The site is physically contained by the strategic road network which "creates a great deal of enclosure" of the site. It is "essentially an island site," and "very much an isolated parcel". It is "not an essential part of the Local Landscape Designation Area". The application site is "a very good location for a MSA", and it "feels like a ready-made site".<sup>222</sup>
- 3.6 However, the scale of the proposal and its spread across the application site (including the extent of car parking, lighting and the level of activity associated with the operation of the MSA) would have a localised urbanising effect upon this countryside location. There would be some moderate localised harm to the open rural character of the application site, and a "moderate adverse effect on the Local Landscape Designation Area at site level."<sup>223</sup>

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<sup>213</sup> IN28

<sup>214</sup> CD14.1 paragraph 9.5

<sup>215</sup> Framework paragraph 152; CD14.1 paragraph 9.5

<sup>216</sup> Framework paragraph 153; CD14.1 paragraph 9.5

<sup>217</sup> CD14.1 paragraph 9.6

<sup>218</sup> CD17.1 paragraph 6.4

<sup>219</sup> CD17.1 paragraph 6.15

<sup>220</sup> CD14.1 paragraph 9.7

<sup>221</sup> CD17.1 paragraph 6.11

<sup>222</sup> All of the above quotations are taken from the Applicant's Planning and Landscape witnesses (evidence in chief)

<sup>223</sup> Applicant's Landscape witness (evidence in chief)

3.7 Views into the application site from some of the closest visual receptors would remain post-development. There is thus some limited conflict with Local Plan Strategy Policies SD 2, SE 1, SE 4 and Site Allocations and Development Policies Document Policy GEN 1, albeit the moderate harm to the character of the area is likely to reduce over time and this harm attracts moderate weight.<sup>224</sup>

**b) Whether there is a need for the proposed development having regard to the current gaps in Motorway Service Area provision**

3.8 The Applicant's gap analysis is adequate. In fact, it is more than adequate. It is detailed and comprehensive. It clearly identifies gaps in MSA provision in the relevant highway network. There are 20 one-directional gaps in MSA provision on the M56 on the west side of Manchester that pass the proposed Tatton MSA site.<sup>225</sup>

3.9 The spokesperson at the Inquiry for Moto Hospitality Ltd, conceded that gaps would remain even if one takes Lymm Services into account and assumes that the current application to extend the site and its facilities is approved. Put another way, even treating Lymm Services as a MSA does not alter the need for the proposed development.<sup>226</sup>

3.10 For the record, Lymm Services is not a MSA within the meaning of Circular 01/2022. It is a truck stop, not a signed MSA, which has been correctly omitted from the Applicant's gap analysis. It will not be a MSA within that meaning even if the extant planning application is granted and implemented. The Tatton MSA proposal would address (i.e. close or remove) 9 of the 20 gaps identified, with the remaining 11 gaps consolidated into 7 gaps and the length of the remaining gaps, although above 28 miles, significantly reduced. National Highways agrees.<sup>227</sup>

3.11 There is, given the gaps in MSA provision, a clear need for a MSA in the location of the application site.<sup>228</sup> Cheshire East Council, Trafford Council and National Highways all agree that there is a need for the proposed development.<sup>229</sup> This need, and the benefit of the proposed development in terms of addressing it, attracts, at the very least, substantial weight.

3.12 Indeed, National Highways affords 'very significant weight' to the need for the proposed development and the associated highway welfare/safety benefits.<sup>230</sup> At paragraph 53 of the M62/J11 appeal decision,<sup>231</sup> the Inspector found as follows: '*Circular 02/2013 and the view of NH are material considerations. Established case law indicates that a decision maker should give the views of statutory consultees, in this case NH, "great or considerable weight" and that to depart from those views requires "cogent and compelling" reasons. Thus, the position of NH as set out in the SoCG attracts considerable weight.*'<sup>232</sup>

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<sup>224</sup> CD17.1 paragraph 6.10

<sup>225</sup> CD14.3 page 2

<sup>226</sup> Evidence of Applicant's Highways witness

<sup>227</sup> CD14.3 pages 2 - 3

<sup>228</sup> CD17.1 paragraph 6.68

<sup>229</sup> CD14.4 paragraph 1.7; CD14.3 page 3

<sup>230</sup> CD14.3 page 3

<sup>231</sup> CD15.1

<sup>232</sup> The Inspector cited case-law in a footnote to his paragraph 53. Circular 02/2013 has since been superseded, but this does not affect the paragraph 53 approach or conclusions

3.13 In the present case, there are no good, cogent or compelling reasons, to depart from the views of National Highways.

**c) The effects of the proposal on highway safety including the effect on the A556**

3.14 National Highways maintains the strategic road network and, if it concluded that the proposed development would have unacceptable impacts on its operation, it would raise those concerns.<sup>233</sup> It has raised no such concerns. On the contrary, and as recorded above, it acknowledges that the proposed development would have a positive effect in terms of highway safety by helping to avoid driver fatigue.<sup>234</sup>

3.15 The proposed development would not have an adverse effect on the A556 or its upgrade. There would be no reversion to the pre-A556 upgrade position. There would be an increase in the size of the Bowdon roundabouts, mitigating the impact of the proposed MSA such that the A556 upgrade benefits would remain, and in fact there would be a slight betterment to highway network capacity.<sup>235</sup>

3.16 Trips associated with the proposed MSA would not be new trips on the network, as it would not be a destination in its own right. Rather, the trips associated with the MSA would be breaks during pre-existing trips. A Stage 1 Road Safety Audit has been done, and the infrastructure design has been based on it.<sup>236</sup> Injury data provided on behalf of Stop Tatton Services is out of date as it shows injuries before the A556 upgrade.<sup>237</sup>

**d) Whether the proposal would have an unacceptable economic effect on local centres and result in unsustainable patterns of travel**

3.17 The proposal would not have an unacceptable economic effect on local centres. On the contrary, there is ample evidence (including evidence associated with the Gloucester and Tebay MSAs) to the effect that local businesses (including those based in local centres, such as MOST Bakery of Altrincham) are likely to benefit economically from the proposed development.

3.18 Mr Hayward<sup>238</sup> gave evidence to the same effect, as did Mr Barnston of Barnston Estate as well as Mr Fenton. The latter had even gone to the trouble of contacting people at a range of farm shops near the Gloucester MSA, and learnt in so doing of the economic benefits accruing to them by reason of the Gloucester MSA.

3.19 The End User Local Procurement Scheme in the section 106 Agreement provides further support for a conclusion that the proposed development would have a positive economic effect on local centres. As well as these beneficial economic effects with respect to local businesses, many of which would be likely to supply the proposed MSA, the substantial employment

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<sup>233</sup> Oral evidence of Applicant's Highways witness in answer to a question from the Inspector

<sup>234</sup> Evidence of Applicant's Highway's witness – questioned by Mr Dixon

<sup>235</sup> Evidence of Applicant's Transport witness

<sup>236</sup> Evidence of Applicant's Transport witness

<sup>237</sup> Evidence of Applicant's Highways witness

<sup>238</sup> Chief Executive of North Cheshire Chamber of Commerce; member of the Business Advisory Board of Cheshire & Warrington on behalf of Cheshire & Warrington Chambers. His evidence is IN18

benefits of the proposed MSA (during both construction and operation phases) are likely to provide additional economic benefits to local centres given the likelihood of employee spend in local centres.

- 3.20 Mr Dixon's documented snapshot walk through a small part of Altrincham Town Centre, on 19 October 2024,<sup>239</sup> does not amount to a cogent assessment of the likely economic effect of the proposal on that local centre. His view is contradicted by expert evidence and the support of one independent trader in the town (MOST Bakery) who spoke at the Inquiry. Irrespective of whether the centre should be described as recovering or resilient is immaterial as the economic effect of the proposed development upon it is likely to be positive.
- 3.21 The proposed development would not be a new trip generator, because, as recorded above, it would not be a destination in its own right. The Travel Plan/Employee Bus Scheme, to be secured by planning condition or planning obligation, would greatly assist in terms of ensuring sustainable patterns of travel. It is envisaged that more than 25% of the employees would use this bus facility.<sup>240</sup>
- 3.22 The upgrading of the existing cycle track through the site along Yarwoodheath Lane, complete with underpass, and the provision of a Toucan crossing at the Bowdon south roundabout would improve pedestrian/cycle connectivity and further ensure sustainable patterns of travel. A safe travel pattern, to which the proposed MSA would contribute, should be regarded as an element of a sustainable pattern of travel. The same goes for the proposed EV charging points, given that sustainable development has an environmental objective. In short, the proposal would not result in unsustainable patterns of development.

**e) The effects of the proposed development on heritage assets**

- 3.23 The proposed development would give rise to a slight change in significance and minor harm to the non-designated asset of Yarwood Heath Farmhouse and barns.<sup>241</sup> There is potential for damage to archaeological features albeit that an archaeological watching brief can be secured by condition and the Council's Archaeologist does not object to the application.<sup>242</sup>

**f) The effects of the proposal on the natural environment**

- 3.24 The proposed development would entail the loss of a Category A Oak tree, albeit that it is unprotected and not clearly visible.<sup>243</sup> There would be a loss of some semi-mature trees recorded on the National Forest Inventory, a loss of some hedgerows and a loss of 13ha of best and most versatile agricultural land, which in the local context would not be significant.<sup>244</sup>

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<sup>239</sup> IN25

<sup>240</sup> Evidence of Applicant's Transport witness

<sup>241</sup> CD14.1 paragraph 9.64

<sup>242</sup> CD14.1 paragraph 9.63

<sup>243</sup> CD14.1 paragraph 9.37

<sup>244</sup> CD14.1 paragraph 9.69

3.25 Countering these losses, there would be a net gain for biodiversity of 78.18% (habitats) and 27.05% (hedgerows).<sup>245</sup> Looked at in the round, the proposal is consistent with government policies for Conserving and Enhancing the Natural Environment (Framework Chapter 15).

**g) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal**

3.26 There is a range of considerations weighing in favour of the proposed development, including but not limited to: need, and the extent to which the proposed development meets that need, which attracts substantial or very significant weight; economic and employment benefits, which attract substantial weight; biodiversity net gain, significantly in excess of the 10% minimum in the Environment Act 2021; provision of 96 EV charging points, which would contribute to an overall reduction in carbon emissions by significantly increasing the availability of EV charging points for an increased number of electric vehicles;<sup>246</sup> and upgrading of the cycle track and provision of a Toucan crossing, improving pedestrian/cycle connectivity.

3.27 These considerations clearly outweigh the harm by reason of inappropriateness and any other harm, so as to amount to the very special circumstances required to justify the proposed development. Trafford Council agrees.<sup>247</sup> It follows that the proposed development is consistent with government policies for Protecting Green Belt Land (Framework Chapter 13).

**Consistency with the development plan**

3.28 Whilst there is some conflict with specific development plan policies, the proposal is consistent with the development plan as a whole.<sup>248</sup>

**Conclusion**

3.29 Subject to appropriate planning conditions and planning obligations, the appointed Inspector is respectfully urged to recommend that planning permission be granted and the Secretary of State is respectfully urged to grant planning permission thereafter.

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<sup>245</sup> The applicant has re-assessed the biodiversity net gain, and CEC accepts the revised results

<sup>246</sup> CD14.1 paragraph 9.138

<sup>247</sup> CD14.4 paragraph 1.7

<sup>248</sup> CD17.1 paragraph 6.76

## **4. The Case for Trafford Council**

### **Summary**

- 4.1 As indicated in Section 1 of this Report, and for the avoidance of doubt, Trafford Council withdrew its objection to the proposal before the opening of the Inquiry. It does not dispute, on the basis of the signing of the Statement of Common Ground with the Applicant,<sup>249</sup> consequential on the Applicant's Statement of Common Ground with National Highways,<sup>250</sup> that there is a need for the proposed development. Further, it no longer disputes that very special circumstances exist since it is agreed with the Applicant that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.

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<sup>249</sup> IN14.4

<sup>250</sup> IN14.3

## 5. The Case for Other Parties

### Appearing at the Inquiry

#### Bill Dixon (Stop Tatton Services including Bowdon Conservation Group)<sup>251</sup>

- 5.1 The appearance supplements the group's Statement of Case, initially a Rule 6(6) party, and a written statement having abandoned formal status.<sup>252</sup>
- 5.2 The A556 link road between M6 Junction 19 (Knutsford) and the M56, which opened in 2017, was created to relieve congestion and to improve highway safety at a cost of £192 million.
- 5.3 The access created to Tatton's land, from the smaller of the two Bowdon roundabouts, is now intended to serve the proposed MSA. That roundabout was not designed to take additional traffic; the junction is currently fully developed; and a MSA in this location was never envisaged.
- 5.4 The proposal would therefore negate the rationale behind the link road and would ignore the well-intended investment to improve the strategic road network.
- 5.5 The proposal, with its 96 EV charging points and an estimated 4 million customers annually, would conflict with National Highway's policy that roadside facilities *'should not be destinations in their own right'*. The policy also prefers on-line facilities;<sup>253</sup> however, a motorist travelling from Manchester would travel 1.2 miles from the point of leaving the motorway to the entrance of the proposed site.
- 5.6 The Gap Analysis Report produced by the Applicant relies on illustrating gaps in excess of 28 miles between MSAs. However, the safety factors have not been properly presented and do not take sufficient account of the dangers from additional traffic using the facility. In addition, inadequate consideration has been given to the approval of a MSA at Warrington (M62 Junction 11); and personal experience suggests, whichever route is taken around Manchester, the two hours *'need to take a break'* would not arise.
- 5.7 In terms of the financial benefits claimed by the Applicant, no account is taken of the wasted £192 million; the cost of additional collisions and potential loss of livelihood/life; and the damage to the economy of Altrincham and Knutsford Town Centres.

#### Moto Hospitality Ltd<sup>254</sup>

- 5.8 This appearance supplements the company's Statement of Case, initially a Rule 6(6) party, and a written statement having relinquished formal status.<sup>255</sup>

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<sup>251</sup> IN4

<sup>252</sup> CD13.5; CD21.1

<sup>253</sup> Inspector's note - on-line facilities are services that are accessible direct from the motorway

<sup>254</sup> IN5

<sup>255</sup> CD13.3.1 - 13.3.7; CD19.1



- 5.9 Moto operates the nearby Lymm truck stop services which is available to all road users and offers all of the facilities of a MSA and, despite the signage, functions as such. Lymm is quite unique, operating in tandem with Knutsford MSA by catering for the HGV parking needs that Knutsford is unable to accommodate.
- 5.10 Moto has submitted a planning application, to Warrington Borough Council, to increase parking provision for all vehicles and to provide 66 new EV car parking spaces and eight eHGV fast charging facilities. This will allow the services to meet the full Circular parking requirements for a MSA from the M56. Further investment will be made in the Amenity Building.
- 5.11 Moto maintains that the omission of Lymm Services from the Gap Analysis Report distorts the provision of services within the locality and, in turn, overstates the need for Tatton.
- 5.12 Lymm occupies an unusual position at the junction of two motorways which dictates a very high level of parking provision to meet the combined needs of the network to qualify as a MSA. Moto intends to enter discussions with National Highways seeking a departure from standards. If Lymm was approved as a MSA, fewer gaps would remain and the 'need' for Tatton would reduce significantly.
- 5.13 The Applicant claims that the presence of Lymm should attract 'no weight' as it is not a MSA. Nonetheless, it is clear that Lymm serves an important role at short distance from Tatton. As such it should be given substantial weight when assessing need in light of its function in the 'real world'.

**Councillor Paul Cassidy (Little Bollington with Agden Community Council)**

- 5.14 The principal concerns of the community, with more residents opposing than supporting the development, relate to light pollution, additional traffic, the impact on Bowdon south roundabout, flooding, and the effects of extensive parking. The diversion route for the motorway, in the event of closure, takes drivers along the A56, a variously speed restricted route passing houses and a primary school.
- 5.15 Road users will be aware that Lymm is recognised as providing services for users of M6 and M56 and HGV drivers will know of its presence. The proposal would compound two years of seeking the restoration of the temporary highways compound, on the western side of Bowdon north roundabout, to agriculture.

**Dominic Fenton (Parish Councillor, local farmer and farm shop owner)**

- 5.16 Millington and Rostherne Parish Council do not oppose the application as the development would be well screened and bunding and landscaping would reduce existing road noise. As a farmer, there is a need to either diversify or achieve a better market for food. In terms of the farm shop, the initial concern about the MSA has been dispelled in the knowledge that farm shops near Gloucester Services have benefited from more business based on grouping farm outlets.

**Trafford Green Party (Bridget Green and Gareth Twose)**

- 5.17 It is said that the majority of local people are against the development. The proposal would act as a 'go to' destination and visitor attraction undermining the recovering economy of Altrincham and having an adverse effect on Hale. Green Belt, rural character, views would all be irrevocably lost. The sustainability claims are disputed in that the construction and running of the facility would result in significant CO<sub>2</sub> emissions. The quality of the Westmorland offer should not be a material factor.

**Matt Townley (MOST Bakery, Altrincham)**

- 5.18 Mr Townley, supporting the development, is the co-owner of an independent bakery in Altrincham. The town has a thriving core with a good balance of national and local traders. The MSA would not threaten established businesses but rather offer a showcase for local produce as evidenced at Tebay and Gloucester MSAs. The MSA would be a great place to stop, a good place to shop and provide training opportunities and investment in the area.

**Paul Gallagher (Resident of Bowdon)**

- 5.19 Mr Gallagher opposes the development as there are other MSAs nearby and numerous local filling stations. It is unsuitable for a valued rural location; Rostherne Mere and Tatton Park are close by; and the Green Belt status should be maintained. There would be a marked increase in traffic.

**Terry Hayward (Chief Executive of North Cheshire Chamber of Commerce and a member of the Business Advisory Board of Cheshire and Warrington on behalf of Cheshire and Warrington Chambers)<sup>256</sup>**

- 5.20 Infrastructure projects are needed and the development should be supported on safety and welfare grounds. Westmorland is a leader in the MSA industry and once delivered the proposal has the potential to be a blueprint for how such facilities should be designed and operated – environmentally friendly, customer focused and benefits to local people and businesses.
- 5.21 Westmorland and Tatton have a track record of sympathetic and responsible developments – the proposal will enhance the site and provide improvements to footpaths and cycle paths. Whilst acknowledging its Green Belt location, the site is surrounded by major roads and is ideally suited to a MSA.
- 5.22 The development will boost the local economy during construction and operation and provide much needed jobs and opportunities for training and career guidance. Construction and end user local procurement will benefit local businesses and provide new outlets for producers marketing Cheshire brands. Tourist information will be an added benefit to the wider area.

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<sup>256</sup> IN18

**Edward Barnston (Barnston Estate and Cheshire Country Land and Business Association)**

- 5.23 The Westmorland family has an extensive track record operating three sites. They employ some 1,000 people and have over 400 craft suppliers. The joint venture with Tatton Estates will be a success. Benefits will include: construction and operational jobs; business rates; employment across local communities; working with local primary schools; charitable donations to local causes; and outlets for growers and artisan suppliers.
- 5.24 In the context of a climate emergency, energy crisis and movement to net zero, the development will provide sustainable jobs, low carbon buildings, embedded energy generation, EV charging and local procurement.

**Written representations made at application stage to Cheshire East Council<sup>257</sup>**

- 5.25 The Council's Strategic Planning Board Agenda<sup>258</sup> identifies two rounds of public consultations relating to the first submission of the planning application and following receipt of the revised scheme. Apart from statutory consultees, the report indicates approximately 150 representations (including a letter from Rt Hon Sir Graham Brady MP, Member of Parliament for Altrincham and Sale West,<sup>259</sup> CPRE Cheshire, and Bowdon Conservation Group) the contents of which are set out in summary form.<sup>260</sup>
- 5.26 The report also identifies 27 letters of support and a precis of their main points. Reference is also made to ten letters setting out general observations in bullet form.<sup>261</sup>
- 5.27 The public representations came from a broad area in the North West with a predominance of comments from addresses in the Altrincham area, including Bowdon and Hale. My reading of these indicates the following broad areas of objection:
- Location of the site in the Green Belt; loss of countryside amenity and countryside intrusion.
  - The MSA is not required in this location – plenty of other options – lacks direct access to M56 – increased HGVs/congestion/dangers on local roads – lack of public transport – Highways England prefers on-line services – added effects of HS2 if constructed.
  - Potential destination in its own right (out-of-town shopping/airport amenity overspill); duplication of facilities and services and effects on local shops/garages/cafes.
  - Loss of woodland/trees/hedgerows and other habitat; impact on nature/ecology - proximity to Dunham Massey Park and Rostherne Mere Nature Reserve - reduction in biodiversity and geodiversity.
  - Loss of farm land and related agricultural heritage assets.

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<sup>257</sup> The full text of the representations is available in the blue folder 3179609 'LPA Initial Docs'- a summary is provided in the report of the Head of Planning and Regulation to the Strategic Planning Board

<sup>258</sup> CD8.1 pdf pages 6 - 7 of 63

<sup>259</sup> Inspector's note – Altrincham and Sale West is a former constituency and ceased to exist following the boundary change in 2024 – now The Rt Hon. the Lord Brady of Altrincham

<sup>260</sup> CD8.1 pdf pages 7 - 11 of 63

<sup>261</sup> CD8.1 pdf pages 11 - 12 of 63

- Air/noise/light/ground pollution, litter and carbon footprint.
- Majority of jobs will be low-paid hospitality jobs (significant vacancies in locality) resulting in car borne journeys (not 'green' jobs).
- Impact on residential amenity.
- Contrary to local, strategic, regional and national planning policies and local plans – no social or environmental need – contrary to health and sustainability.
- Adverse visual impact of design and layout in their widest sense – over intensive development.
- Precedent for further development on nearby land; and loss of potential to develop a Science and Technology Park on the site.
- Increased flood risk.

5.28 Supporting observations include a number of local suppliers and business leaders/groups with the following main points:

- Job creation – boost to local economy – positive impact for local suppliers/farmers; proposed operators *'are real champions of sustainability and local produce'*.
- Compelling need for a MSA and will assist in meeting the safety and welfare needs of motorway users including EV chargers.
- Scheme is sensitively designed in landscape-led setting with enhanced biodiversity – Westmorland Group has a track record of sensitively designed services with sustainability in mind.
- The site is redundant land surrounded by road infrastructure.
- There is potential to improve active travel/connectivity (cycle and footpath).<sup>262</sup>

#### **Written representations made following call-in of the application**

5.29 Several additional representations have been made which, in general terms, repeat or reinforce earlier objections:

- There is no need for the facility; it would conflict with MSA guideline spacings; it will cause traffic chaos and negate local road improvements; competence of operator is immaterial; and will increase car-borne journeys for employment.
- Loss of Green Belt; loss of valuable green space; impact on watercourses flora, fauna and well-being of residents.
- If the proposal is deemed to be necessary, the toilets in the main block should be available around the clock; the 'drive-through' coffee kiosk, hotel and farm shop facilities should be omitted.

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<sup>262</sup> Also reflected in a number of general observations

## **6. Planning Conditions and Planning Obligations**

### **Draft Planning Conditions**

- 6.1 A list of 51 draft planning conditions, in successive iterations, was discussed at the Inquiry. In the final version,<sup>263</sup> Conditions 1 – 50 are agreed by the Applicant (including the pre-commencement conditions), Cheshire East Council and Trafford Council. Condition 51, sought by Trafford Council, was not agreed, but subsequently withdrawn by Trafford Council.
- 6.2 Conditions 1 and 2 set out, respectively, the statutory time period in which the development is to be begun and the list of approved plans for the avoidance of doubt.
- 6.3 Details of facing materials; the design of windows and doors and a repair schedule for the retained/reconstructed buildings; a detailed methodology for the removal of the western barn and the re-use of materials for the cycle store, and the provision of a heritage information board, in accordance with an agreed timetable for implementation, need to be approved to ensure harmony in context and recognised heritage value (Conditions 3 – 8).
- 6.4 A number of conditions to safeguard ecology and biodiversity are necessary. These include: agreement on external lighting; an updated badger survey; restrictions on the timing of vegetation removal and building demolition; approval and implementation of an Ecological Management Plan; a habitat creation method statement and a 30-year Habitat Management Plan; and a strategy for incorporating biodiversity enhancements (Conditions 9 – 14).<sup>264</sup>
- 6.5 The water environment is to be safeguarded by conditions requiring structural details of underground fuel storage tanks; the disposal of surface water; and a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development (Conditions 15 – 18).
- 6.6 The protection of retained trees and other landscape features during construction; details and specification of all new planting and replacement of losses; highway boundary treatments and earthworks; and future management aligned with the Habitats Management Plan are necessary to safeguard and enhance natural amenity assets; and to secure appropriate landscaping, having regard to landscape character and the relationship with Watch Hill Motte and Bailey Castle (Conditions 19 – 25).<sup>265</sup>
- 6.7 Maintaining highway safety justifies conditions requiring full construction and related details, including an independent Stage 2 Road Safety Audit of required highway improvements; fencing to the highway boundary with the M56 and associated slip road; drainage controls; a construction plan working method statement; and the implementation of all of the highway works and parking facilities prior to opening of the MSA (Conditions 26 – 30 and 32).<sup>266</sup>

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<sup>263</sup> IN24

<sup>264</sup> Inspectors note: Condition 13, part 1 - I have inserted the word 'Heath' after 'Yarwood' in the final line

<sup>265</sup> Inspector's note: Condition 20 has been amended in consultation with the parties to correct the BS number and to remove extraneous text

<sup>266</sup> Inspector's note: Condition 29 – I have added an implementation clause for clarity; Condition 32 – I have replaced 'car' with 'vehicular' so as to embrace HGV and coach parking

- 6.8 In recognition of the location of the site, distant from public transport facilities, and absent convenient and complete walking/cycle routes, a Travel Plan is an integral sustainability requirement (Condition 31).
- 6.9 Proximity to Manchester Airport dictates, in the interests of aircraft flight safety, related to bird strike and glint and glare, restrictions on water features; a Bird Hazard Management Plan; and restrictions on lighting, reflective materials and solar thermal or solar photovoltaic equipment (other than expressly approved) (Conditions 33 – 37).
- 6.10 A safeguarding direction for the HS2 programme remains in force for part of the site which is to be protected from development (Condition 38).
- 6.11 It is important to restrict retail and dining floorspace in the Amenity Building and Fuel Barn to prevent enlargement and potential adverse effects on nearby centres (Condition 39).
- 6.12 As a major construction project, it is essential that good practice is secured through a Construction Environmental Management Plan (Condition 40).<sup>267</sup>
- 6.13 Given the proximity of the Hotel to the strategic road network, it is necessary to secure appropriate noise and vibration mitigation measures within the building (Condition 41).
- 6.14 EV charging facilities, limited initially with subsequent phased provision, is essential to serve the needs of motorists and to promote the decarbonisation of vehicular traffic (Condition 42).
- 6.15 Assessment of potential ground contamination and any necessary remedial measures; and controls on the importation of soil forming materials are required on environmental and public health grounds (Conditions 43 – 47).
- 6.16 A programme of archaeological work will allow the safeguarding, recording and reporting of archaeological deposits which might be found during the course of ground preparation (Condition 48).
- 6.17 The provision of a tourist information area has the valid objective of promoting the visitor economy of the area (Condition 49).
- 6.18 Details, including siting, appearance and landscaping, of additional sub-stations on the site are aimed at securing an appropriate form of development (Condition 50).
- 6.19 I am satisfied that all of the above meet the legal tests - that conditions must be: imposed for a planning purpose and no other purpose, however desirable; fairly and reasonably related to the development permitted;<sup>268</sup> and not so unreasonable that no reasonable planning authority could have imposed them – that is, 'Wednesbury' unreasonable.<sup>269</sup>
- 6.20 The conditions would also meet the six policy tests<sup>270</sup> - in that they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

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<sup>267</sup> Inspector's note: Condition 40 - I have deleted 'Suitable' from clause 1 as it is imprecise

<sup>268</sup> *in Newbury DC v SSE & Others [1980] 2 WLR 379, [1981] AC 578*

<sup>269</sup> *Associated Provincial Picture Houses v Wednesbury Corporation [1948] (Court of Appeal)*

<sup>270</sup> Framework paragraph 56; Planning Practice Guidance paragraph 21a-003-20190723



- 6.21 Trafford Council in seeking additional off-site highway improvements, alongside A56 Dunham Road, confirmed on further consideration that it was no longer pursuing draft Condition 51.
- 6.22 Finally, I have made some minor, inconsequential, amendments to a minority of conditions (for example capitalisation of words for consistency).

### **Section 106 Agreement**

#### **Introduction**

- 6.23 Turning to the section 106 Agreement, attention is drawn to clause 3.3 as follows:

*'If the Secretary of State, in the Decision Letter, concludes that any of the planning obligations set out in this Deed are incompatible with any one of the tests for planning obligations set out at Regulation 122 of the CIL Regulations, and accordingly attached no weight to that obligation in determining the Application then the relevant obligation shall, from the date of the Decision Letter, cease to have effect and the Owners and the Beneficiary shall be under no obligation to comply with them'.*

#### **Employment**

- 6.24 The first Schedule to the Agreement sets out three covenants with the Council.
- 6.25 The first, relating to employment, is in three parts. In short, part one deals with local employment and apprenticeships during the construction phase. The objectives are to achieve a minimum of 15% of the construction jobs being available to local residents<sup>271</sup> and residents residing in defined Target Areas.<sup>272</sup> First advertisement of vacancies will be aimed at the Target Areas. It is also intended to employ no fewer than three construction trade apprentices aimed at achieving a minimum qualification of NVQ Level 2.
- 6.26 Part two relates to the operational phase. This has the aim to achieve a target of a minimum of 60% of the total number of jobs to be taken by local residents or residents residing in the Target Areas. Again, first advertisement would be aimed at the Target Areas. Part two also seeks collaborative initiatives aimed at improving the employment and training opportunities to local residents and those living within the Target Areas; and the employment of no fewer than ten apprentices leading to a minimum qualification of NVQ Level 2.
- 6.27 Part three sets out commitments to local procurement during the construction and operational phases. The former has a target of no less than 15% of the value of all goods and services being sourced from individuals and businesses within 10 miles of the site; and the latter has the target of partnering with at least 50 businesses within a 30 mile radius of the site.

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<sup>271</sup> Meaning residents residing within a 10 mile radius of the site

<sup>272</sup> Meaning the Lower Super Output Areas – generally north and south Handforth, and north of Knutsford in Cheshire East (1<sup>st</sup> Priority Target Areas); and within a 5 mile radius outside Cheshire East including Partington and Wythenshawe (2<sup>nd</sup> Priority Target Areas)



- 6.28 The CIL Compliance Statement<sup>273</sup> identifies the relevant development plan policies which promote sustainable development with focus on improving economic and social conditions. In my view, this obligation as a whole is necessary, directly related to the development and fairly and reasonably related in scale or kind to the development. Hence it meets the relevant tests.

#### **Employee Bus Scheme**

- 6.29 This obligation outlines a number of components comprising the employee bus scheme. It is intended to be read with recommended Condition 31 relating to the Travel Plan. The Applicant and Cheshire East Council agree that an employee bus scheme is a necessary part of sustainable travel, with reference to relevant development plan policies, but differ as to whether it should be secured by obligation or by condition. The Council considers that a planning condition should be the preferred means of addressing the matter.
- 6.30 The relevant part of the condition, as drafted, includes the provision: *'details of a private bus scheme for employees'*. The obligation sets out a number of elements, for example *'the party responsible for operating the bus service; the timing and frequency of the bus service; the type of vehicles to be used .....'*
- 6.31 Whilst the condition would be capable of securing all of these aspects, part of the obligation is to explicitly relate the bespoke bus service to residents in the Target Areas identified in the Employment obligation. Monitoring, reporting and setting out improvements and/or amendments to the service are also factored into the obligation.
- 6.32 It can be seen therefore, that the obligation would bring more certainty and precision to the objectives and performance of the employee bus scheme in tandem with the employment objectives and benefits. To my mind, these factors tip in favour of supplementing the planning condition with the obligation. The CIL tests would be fulfilled.

#### **Funding for New Cycle Route - Bowdon Link Feasibility Study (Active Travel)**

- 6.33 *'Bowdon Link Feasibility Study'* has the following meaning:  
*'a study to be undertaken by the Council to consider the feasibility of and options for the creation of a pedestrian and cycle link between Bowdon and the Site linking with other public rights of way as shown on Plan 1, such study to include: topographical survey, usage estimation, A56 traffic assessment, new bridge assessment, existing bridge assessment, flood and hydraulic risk assessment, highway design, environmental study, land availability and utilities, costing and contingencies subject to the agreement between the Parties.'*
- 6.34 The Applicant undertakes to make payment to the Council, towards the study, in the sum of £100,000 prior to occupation of the development.

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<sup>273</sup> IN19

- 6.35 The ability to create a link to the north of the site, connecting Bowdon through the site to the network of existing rural cycle routes to the south of the M56 would be a benefit for recreational users, the wider community and the National Trust to connect Dunham Massey to Tatton Park. The project is likely to rely on multi agency co-operation and funding, resolution of land ownerships and a not inconsiderable challenge as a result of topography. Possible sources of interest and potential funding have been recorded.
- 6.36 The CIL Compliance Statement identifies policies that support sustainable travel and access to the countryside.<sup>274</sup> However, the Council considers that the study would not by itself bring any tangible benefits and, as such, the contribution is not necessary to make the development acceptable in planning terms.
- 6.37 Although the Council is correct that the contribution would not bring any quantifiable benefits, in the sense that it would not fund physical works, it would nonetheless act as a potential catalyst to determine feasibility and provide a basis for investment decisions by others.
- 6.38 Planning Practice Guidance '*Green Belt*', albeit in relation to '*How might plans set out ways in which the impact of removing land from the Green Belt can be offset by compensatory improvements?*', indicates that '*strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt Land.*'
- 6.39 Whilst there is no parallel here, in the case of a development proposal within the Green Belt, funding of the feasibility study would contribute to the aim of improving access to the Green Belt and providing connection from the built-up area. These are legitimate planning objectives.
- 6.40 Significantly, Policy SE 4 of the Local Plan Strategy sets out that where a development is considered to be acceptable in a Local Landscape Designation, one of the identified means of securing integration is by '*making suitable provision for better public access to, and enjoyment of, the Local Landscape Designation Areas*'.
- 6.41 At the present time dedicated pedestrian and cycle access from the built up area into and across the Bollin Valley Local Landscape Designation and into the application site is lacking. Improvements to cycle/pedestrian facilities within the site will cross the M56 and provide linkage into the Rostherne/Tatton Park Local Landscape Designation Area.
- 6.42 The contribution for the feasibility study can therefore be seen to be justified by the policy and necessary to make the development acceptable in planning terms. The obligation would be directly related to the development, and it would be fairly and reasonably related in scale and kind. The financial contribution is supported by estimated costs for the various surveys, studies and modelling.<sup>275</sup> As such the obligation can be considered to be a material consideration.

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<sup>274</sup> IN19 paragraph 2.2

<sup>275</sup> IN19 paragraph 2.5 (table)

## 7. Inspector's Conclusions and Recommendation

### Introduction

- 7.1 The references in brackets [x] are to the principal paragraphs in my report of the cases from where my conclusions are drawn.
- 7.2 The main considerations before the Inquiry were set out as:
- a) The effects of the proposed development on the openness of the Green Belt and its purposes; including the landscape and visual effects of the proposal.
  - b) Whether there is a need for the proposed development having regard to the current gaps in Motorway Service Area provision.
  - c) The effects of the proposal on highway safety including the effect on the A556.
  - d) Whether the proposal would have an unacceptable economic effect on local centres and result in unsustainable patterns of travel.
  - e) The effects of the proposed development on heritage assets.
  - f) The effects of the proposal on the natural environment including:
    - (i) The Rostherne Mere Ramsar Site (Site of Special Scientific Interest and National Nature Reserve);
    - (ii) Yarwood Heath Covert Local Wildlife Site;
    - (iii) Trees and Hedgerows; and
    - (iv) Best and Most Versatile Agricultural Land.
  - g) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal. [1.13]
- 7.3 An additional implicit main consideration was whether the proposed development would be consistent with the development plan. [1.45; 2.247; 3.28]
- 7.4 I discuss each of these below.
- a) The effects of the proposed development on the openness of the Green Belt and its purposes; including the landscape and visual effects of the proposal**
- 7.5 The starting point is to record the agreement that the site is located within the Green Belt and that the proposed MSA would be inappropriate development. The project does not fall within any of the exceptions listed in paragraphs 154 and 155 of the Framework. [1.26; 1.50(b); 2.30; 3.2]
- 7.6 The Framework sets out in paragraphs 152 and 153 as follows:
- 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'* [3.2]

- 7.7 The introductory paragraph (142) to Chapter 13 of the Framework 'Protecting Green Belt land' states:  
*'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*
- 7.8 It is well known that Green Belts serve five purposes. The application site is essentially a stand-alone pocket of land, within the countryside, predominantly bound by highways infrastructure. It does not play any role in checking the sprawl of large built-up areas or in preventing neighbouring towns merging into one another. Purposes a) and b) are not engaged. [2.41]
- 7.9 Further, the site does not contribute to preserving the setting and special character of any historic town; and, given the locational requirements for a MSA and the findings of the Alternative Sites Analysis undertaken by the Applicant, the proposal would not conflict with the purpose of assisting urban regeneration, by encouraging the recycling of derelict and other urban land. Purposes d) and e) are similarly not engaged. [1.50(s); 2.3(e); 2.41; 2.63; 2.104; 2.114; 2.115]
- 7.10 In the context of this proposal, the relevant Green Belt purpose is purpose c) 'to assist in safeguarding the countryside from encroachment'. [1.50(b); 2.33; 2.34; 2.41; 3.4]
- 7.11 Reverting to the essential purposes of Green Belt, Planning Practice Guidance 'Green Belt' indicates that 'assessing the impact of a proposal on the openness of the Green Belt ..... requires a judgement based on the circumstances of the case ..... the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
  - *the degree of activity likely to be generated, such as traffic generation.'*
- 7.12 Taking these in reverse order, the MSA would be a major generator of traffic, including HGVs. The level of activity would be very high, given the scale of the development and its mandatory 24-hour operation throughout the year. The development is intended to be permanent and non-reversible. On these two grounds, the impact of the development on the Green Belt would be substantial. [2.31; 3.3; 3.6]
- 7.13 The remaining ground requires more detailed analysis in order to understand the impact on openness both spatially and visually. Although the application site contains a farmhouse and a range of large farm buildings, the site is otherwise undeveloped and open. Whilst the modern agricultural buildings would be demolished, their replacement by new buildings over a larger area of the site, extensive circulation and parking areas, ground modelling and landscaping would result in an inevitable and substantial loss of openness in both spatial and visual terms. [2.32; 2.42; 3.3]

- 7.14 Outwardly, as ground modelling and new planting takes effect, over a relatively short period of time, views of built development, to the extent that they would remain, would be limited and within a strong landscape framework. Given the current setting of the site and the manner in which infrastructure impinges on openness, I am satisfied that in the medium to long term the proposal would have minimal effect on the perception of openness in the locality, most notably in visual terms. [1.26; 1.50(d); 2.12; 2.15; 2.41(e); 2.56; 3.7; 5.17]
- 7.15 Context here is of importance. In acknowledging that Yarwood Heath Farm was once deeply embedded within the open countryside, successive change, most notably with the construction of the motorway and the upgrading of the A556, with attendant junctions, has left the farmstead visually and spatially substantially disconnected from the wider rural landscape. [1.18; 1.33; 1.50(i); 2.183; 3.5]
- 7.16 Whilst the relationship of the land to the wider countryside has not been entirely severed, surrounding topography, including engineered works and structures associated with the strategic road network, Yarwood Heath Covert and roadside planting partially enclose the site. The sight and sound of movement on the highways adds to the perception of the application site being dominated by, and enveloped within, its surroundings. The concept of spatial and visual openness hereabouts has been severely diminished. [1.20; 1.21; 1.26; 1.33; 2.14; 2.41(b)(c)(d)(e); 2.46]
- 7.17 Adding to context, is the consideration of the site's contribution to the Green Belt. Plan preparation has inevitably addressed this in one form or another. Use of terminology, in seeking to define the level of '*contribution*', has not always been consistent and descriptors appear to have evolved and refined over time. [2.33; 2.37; 2.38; 2.40]
- 7.18 In this regard, the Council, on the basis of the Green Belt Review Update (2015), identifies a '*significant contribution*' whereas the Applicant, based on later methodology and rankings applied elsewhere, identifies a '*weak contribution*'. Nonetheless, the Council's view makes no difference to its overall support for the proposal. [2.35; 2.40 - 2.42]
- 7.19 For my part, the application site has, in the main, durable and well defined boundaries. Although the open land, including Yarwood Heath Covert, within the strong band of highway infrastructure contributes to rural character, limited untarnished outward aspect to the wider countryside leads me to the conclusion that the site makes a limited or weak contribution to Green Belt purpose c).
- 7.20 Moving on to landscape and visual effects, and starting with landscape character, the site lies within the Bollin Valley Local Landscape Designation Area and Landscape Character Area 'Lower Bollin'. The two have different boundaries and are not interchangeable. [1.19]
- 7.21 The Bollin Valley Local Landscape Designation, as confirmed in Sites Allocations and Development Policies Document Policy ENV 3, has the purpose of ensuring that any development within that area '*..... should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area .....*'. The underpinning Strategic Policy SE 4,

Part 3, sets out that *'where development is considered to be acceptable in principle; measures will be sought to integrate it into the landscape character of the area .....'* [2.48 – 2.51]

- 7.22 Although parts of the highway infrastructure have been removed from the Designation Area, the site remains within it. It is apparent that retention serves the primary purpose of ensuring that any development deemed to be acceptable in principle should address the special qualities of the area. [2.49; 2.50]
- 7.23 With reference to the Landscape Character Area, the application site is both physically and visually separated from the Bollin Valley proper. The character area, in the immediate locality of the site, lies to the south of the urban edge of Bowdon. The application site has no intrinsic relationship with either the settlement or the characteristics of the river valley and wider character area due to separation by highway infrastructure. [1.50(d); 2.52; 2.53]
- 7.24 Taking the Landscape Designation Area and the Landscape Character Area in tandem, it is my view that both the special qualities of the wider locality and landscape character have been comprehensively and successfully addressed by the landscape-led approach to the project and the overall design vision, including disposition of buildings within the site, their scale, massing and materials and additional landscaping.
- 7.25 Nobody denies that elements of the development would remain visible particularly from the closest viewpoints. Most of these would be glimpsed views, at speed, by those travelling on the strategic road network and of little or no consequence to their journey. [2.56]
- 7.26 In summary, substantial weight is to be applied to the harm to the Green Belt by virtue of inappropriateness. Whilst not seeking to diminish that weight, it is relevant to note that of the five purposes, only purpose c) is engaged and that the site plays a limited or weak role in safeguarding the countryside from encroachment. [2.43]
- 7.27 Additionally, the landscape and visual effects of the proposal, taking account of site context and the design response, would be localised and of moderate negative weight.

**b) whether there is a need for the proposed development having regard to the current gaps in Motorway Service Area provision**

- 7.28 DfT Circular 01/2022: Strategic road network and the delivery of sustainable development states, in paragraphs 4 – 6, as follows:
- 'The principal purpose of the SRN is to enable safe, reliable, predictable, efficient, often long distance, journeys of both people (whether as drivers or passengers) and goods in England between our:*
- *main centres of population*
  - *major ports, airports and rail terminals*
  - *geographically peripheral regions of England and*
  - *chief cross-border routes to Scotland and Wales*



*In this regard, the SRN provides critical links between our cities and other urban areas, serves as a gateway to global markets and travel destinations, connects our communities with families and job opportunities, and binds and strengthens our union. It drives productivity and prosperity by unlocking growth, encouraging trade and attracting investment, and plays a vital role in levelling up the country.*

*The SRN also has an essential role in supporting the government's commitments in Decarbonising Transport: A Better, Greener Britain ("the transport decarbonisation plan") .....*

7.29 Paragraphs 71 and 74 - 76 explain:

*'The primary function of roadside facilities is to support the safety and welfare of road users. Roadside facilities should be sympathetic to the character of the site and its surrounding area, and create a safe, inclusive and accessible environment. In most cases it is for the private sector to promote roadside facilities .....*

*Roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every 2 hours.*

*The network of signed roadside facilities on the SRN is intended to provide opportunities to stop at intervals of approximately half an hour. However, the timing is not prescriptive as travel between services may take longer on congested parts of the SRN.*

*On this basis, the maximum distance between signed motorway service areas should be 28 miles.'*

7.30 The Applicant's Gap Analysis Report, submitted with the application for planning permission, is dated 'February 2022' and was presented prior to the publication of the above Circular. However, the then extant Circular, Circular 02/2013, similarly indicated that the maximum distance between MSAs should be no greater than 28 miles.

7.31 The detailed and comprehensive report identified the M56 in the context of interrelated motorways in the North West including M62, M58, M6, M61, M66, M67 and M60 (Manchester Orbital) and the associated existing MSAs. National Highways, in the Statement of Common Ground, confirms that the inclusion of the A556 and A5103 in the gap analysis is agreed as appropriate given the strategic nature of these routes. [1.53(a); 2.68 - 2.80; 3.8]

7.32 Criticism by interested parties asserted that the analysis omitted Lymm truck stop and, in turn, the approved proposal for a MSA on the M62 at Junction 11 (Warrington). [5.6; 5.27; 5.29]

7.33 In the case of Lymm, it is unequivocal that it is not a MSA, despite it providing facilities for all road users. Even with its proposed expansion, it would fall well short of qualifying as a MSA for the M56 and M6 in view of parking deficiencies. National Highways has confirmed that Lymm could not be a MSA for M56 traffic and a truck stop for M6 traffic. In any event it has a symbiotic relationship with Knutsford MSA, providing the HGV facilities which Knutsford lacks. Change in status of Lymm could downgrade Knutsford to a Motorway Rest Area with resulting consequences in gaps between MSAs. [2.5 - 2.7; 2.75; 2.85 - 2.90; 2.98; 2.105; 3.9; 3.10; 5.9; 5.10]



- 7.34 As to the approved facilities at Junction 11 of the M62, it has been confirmed that the introduction of this scheme does not have bearing on the original Gap Analysis Report. [1.53(a); 2.73]
- 7.35 The settled position between the Applicant and the relevant authorities is that there is an evidential need for a MSA in this location. The proposal would close or remove nine of the 20 gaps identified in the Gap Analysis Report. The remaining gaps would be consolidated into seven gaps and the length of the remaining gaps, although above 28 miles, would be significantly reduced and exceed this distance by a limited amount. [1.50(r); 1.54; 2.3; 2.4; 2.8; 2.10; 2.19; 2.44; 2.77 - 2.79; 2.81; 2.96; 3.9; 3.11; 3.12; 3.26; 4.1]
- 7.36 Similarly, the additional HGV gaps would reduce from eight to four, again with limited exceedances. Further, the provision of 57 HGV parking spaces would add much needed additional capacity in Cheshire East where three of its five lorry parks are at a critical level of usage. The benefit of reducing inappropriate parking and increased welfare and safety for HGV drivers is endorsed by the Council and National Highways. [1.50(n); 1.53(a)(c); 2.79; 2.82 - 2.84]
- 7.37 In terms of hotel provision, which some interested parties oppose, Circular 01/2022, at paragraph 96, confirms that National Highways will not object to overnight accommodation where the impacts on safety and network capacity is acceptable and where separate parking is provided over and above the general parking provision available to other road users. No such objection has been raised; and the relevant planning authority does not oppose its inclusion. Overnight accommodation, within the proposed MSA, would offer additional safety and welfare benefits to motorists. [1.50(c); 1.51(d); 1.53(d)]
- 7.38 Further criticism arises from the representations in respect of the location of the proposed MSA as it would not be an on-line facility. The Circular, at paragraphs 84 - 86, expresses a preference for on-line service areas as being more accessible to users of the strategic road network. However, the Secretary of State's policy confirms that '*where an on-line facility cannot be delivered ..... the development of a site that shares a common boundary with the highway at a junction with the strategic road network ..... is to be preferred to the continued absence of such facilities*'.
- 7.39 No alternative has been demonstrated to be available or feasible. Local facilities, away from the motorway, for refuelling, seeking refreshment and the like provide no equivalence or substitute to the offer and need for comprehensive facilities in this location. It is telling that National Highways invites the decision maker to afford very significant weight to the need for, and resultant highway welfare and safety benefits of, the proposed development. [1.50(s); 2.3(e); 2.9; 2.63; 2.91; 2.92; 2.99 - 2.104; 2.114; 2.115; 3.12; 3.26]
- 7.40 Whilst the facilities at Lymm are a material consideration, they are of little consequence in the terms of the Circular; and, in either their current or proposed form, they do nothing to undermine the overwhelming need for the Tatton proposal. [2.7; 3.13]

**c) The effects of the proposal on highway safety including the effect on the A556**

- 7.41 The proposed MSA would be served largely by existing road infrastructure comprising the Bowdon interchange. However, some modifications would be required, by way of mitigation, to accommodate the development in terms of capacity and highway safety. The proposed works have been the subject of a Stage 1 Road Safety Audit. Despite local concerns, there is no technical evidence to counter the agreed position with National Highways that impacts can be mitigated. [1.15; 1.53(g); 2.118; 2.119; 2.121; 2.123; 2.127; 3.14 - 3.16]
- 7.42 Whilst the MSA would introduce additional traffic movements, arising from motorists breaking their journeys along the motorway or on the A556, the effects would be localised and focused on the Bowdon roundabouts. There is nothing to suggest that the proposal would have any consequential adverse effects on the A556 link road between M6 Junction 19 and the M56 or undermine the purpose of, and past investment in, that project. [2.17; 2.116; 2.117; 2.124; 3.15]

**d) Whether the proposal would have an unacceptable economic effect on local centres and result in unsustainable patterns of travel**

- 7.43 The Applicant has undertaken comprehensive and robust assessment of the proposal and its potential impacts on local centres, largely in response to initial concerns raised by Trafford Council. Engagement with, and response to, its independent advisors effectively settles the position that the proposal would not have any material impact on Altrincham, Hale and Bowdon. [1.50(p); 2.25; 2.27; 2.128 - 2.136; 2.144; 3.17 - 3.20]
- 7.44 This conclusion is not undermined to any degree by genuinely held local concerns expressed in a number of the representations and the well-intended walk-around and photographic record of Altrincham Town Centre provided by Stop Tatton Services. Contrast is provided by support from a business currently operating in that centre. [2.27; 2.28; 3.20]
- 7.45 It is inevitable, on opening and shortly thereafter, that the proposal would attract some local curiosity; and throughout its life the farm shop could be an infrequent stop-off at the beginning or end of a long journey. However, the retail, food and beverage offer of a MSA is very different to the facilities on offer in established centres and pricing at MSAs in general carries a premium. [1.53(d); 2.125; 2.137 - 2.143; 3.16; 3.21]
- 7.46 In my view, the extent to which the proposal would be likely to act as a local destination in its own right, as opposed to a destination of choice for motorists making a long journey on the strategic road network, would be extremely limited. I find no basis to conclude that it would result in unsustainable patterns of travel in general. [1.50(n); 3.21; 3.22]

**e) The effects of the proposed development on heritage assets**

**Watch Hill Motte and Bailey Castle**

- 7.47 In terms of designated heritage assets, paragraph 205 of the Framework states:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

- 7.48 The primary significance of Watch Hill Motte and Bailey Castle is its surviving earthworks fabric. Its defensive qualities, through topography in particular, are evident with once commanding views to and from the motte in all directions. However, the asset is heavily cloaked in vegetation and there is no authorised public access. [1.50(g); 2.145 - 2.149]
- 7.49 Its relationship with the application site is somewhat tenuous and heavily influenced by intervening substantial highways infrastructure. Limited elements of the proposal on first completion would be apparent to a minor degree with a resultant effect on the original outlook from the castle. However, impacts would diminish as existing and proposed planting, with added emphasis on the northern boundary of the site as intended by recommended Condition 21, takes effect. Within a short period of time, the proposed development would have no perceptible impact on the contribution of setting to the significance of the asset. [2.150 - 2.155]
- 7.50 Overall, there would be less than substantial harm at the lowest end of the scale for a temporary period to the contribution of setting to the significance of the scheduled Watch Hill Motte and Bailey Castle. However, there would be no harm to the physical elements which contribute to the principal significance of this asset. [2.153; 2.155]

#### **Yarwood Heath Farm**

- 7.51 For non-designated heritage assets, Framework paragraph 209 sets out:  
*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 7.52 The original farmhouse, as depicted on the 1828 Manor of Rosthern map, has survived with minimal alterations. Its contemporary outbuildings, forming a U-shaped courtyard, are much altered, extended and dominated by later utilitarian agricultural buildings. [1.33; 2.156 - 2.164]
- 7.53 Nonetheless, the setting of the original farmstead remains legible by reference to the courtyard of buildings, the avenue of lime trees leading to the farmhouse and the wider agricultural fields. [1.35]
- 7.54 The proposal would see the renovation and reuse of the farmhouse; rationalisation, repair/rebuild of the flanking barns and restoration/recreation of vernacular detail. Some loss of historic fabric, often diminished by later works, would be inevitable and the setting of the farmhouse would become much altered. [1.34; 1.38 - 1.42; 1.50(g); 3.23]
- 7.55 However, it is apparent that the layout, design and detailing of the scheme draws on, and is influenced by, the context and value of the non-designated assets and the ability to better reveal their historical and architectural interest. An interpretation board, secured by recommended

Condition 6, outlining historical origin and transformation through time, would be an educational asset. [1.37 – 1.42; 1.50(c)(t); 2.164; 2.205 – 2.209; 3.5]

7.56 In my opinion, taking account of the significance of the non-designated heritage asset, its current circumstances and the very positive constituents of repurposing, adaptation and change, the resultant balance points to a low level of harm.

**f) The effects of the proposal on the natural environment**

**(i) The Rostherne Mere Ramsar Site (Site of Special Scientific Interest and National Nature Reserve)**

7.57 The Shadow Habitats Regulations Assessment provided by the Applicant identifies that the proposed development would not result in a likely significant adverse effect on this designated site either alone or in combination with any other plans or projects. As such, there would be no need to undertake an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats Species Regulations 2017. This is underscored by Natural England. [1.19; 1.50(f)(k); 2.165 – 2.169]

7.58 Having regard to the above, and my overall assessment of the evidence and relevant information, I have reached the conclusion that the proposed development is not likely to lead to significant adverse effects on the integrity of the Ramsar Site, when considered alone or in combination with other plans or projects.

7.59 Accordingly, the proposal would, by definition, be acceptable such that there should be no concerns that the implementation of the proposal would constitute a breach of the relevant legislation. Accordingly permission may be granted.

7.60 However, if the Secretary of State disagrees with this conclusion, the relevant information required to undertake an Appropriate Assessment is contained at Annex B to this report.

**(ii) Yarwood Heath Covert Local Wildlife Site**

7.61 The potential adverse effects arising from construction and operational lighting could be avoided by planning conditions to secure a Construction Environmental Management Plan and a lighting strategy. On this basis, significant impacts on Yarwood Heath Covert Wildlife Site would be avoided. [1.20; 1.50(f); 2.170; 2.171]

**(iii) Trees and Hedgerows**

**Trees**

7.62 It is common ground that the limited loss of trees from within the site would be offset by replacement planting. I am satisfied, on the basis of the evidence and my site inspection, that the identified tree removal would have minimal effect and that measures to secure the protection of retained trees and extensive additional landscaping would be consistent with the overall landscape-led approach to the project. [1.42; 1.50(e); 2.172; 3.24]

### **Hedgerows**

- 7.63 It is important to establish whether any of the hedgerows, notably H2 and H3, are '*important hedgerows*' for the purpose of The Hedgerow Regulations 1997 to determine whether the separate process of notification would be triggered. The presumption is in favour of protecting and retaining important hedgerows. [1.51(c); 2.173 - 2.181]
- 7.64 The test is whether the hedgerows are an integral part of a field system pre-dating the Inclosure Acts. '*Integral*' is not defined and has to be assigned its normal everyday meaning, commonly - '*being an essential part of something*'.
- 7.65 Whilst the hedges may have once been integral to a former field system, even on the basis of separating a field or fields from a track or roadway, survival in part and relative isolation, and change elsewhere, significantly weakens their historic interest and contribution to the character and interest of the landscape. [2.177 - 2.179]
- 7.66 On balance, and given the Council's apparent ambivalence, and absent any contrary robust evidence to the Applicant's assessment, I am not convinced that H2 and H3 can be categorised as '*important hedgerows*'. It is perhaps notable that the Council's closing submissions provide tacit acceptance to the removal of the hedgerows in the terms '*.....a loss of some hedgerows .....*', without qualification or apparent demur. [3.24]

#### **(iv) Best and Most Versatile Agricultural Land**

- 7.67 Paragraph 180 b) of the Framework indicates that planning decisions should contribute to and enhance the natural environment by '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land .....*'.
- 7.68 The proposal would result in the loss of 13ha of best and most versatile agricultural land. However, the use of the land has been affected by, and is constrained by, highway infrastructure, resulting in a low key and less than optimum level of use. It is apparent that the current economic and food production benefits of the land are negligible and it is material to note that agricultural land in the wider area is likely to be of best and most versatile quality. [1.50(i); 2.182 - 2.185; 3.24]

#### **g) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal**

##### **Other considerations**

##### **Employment, the Local Economy and wider economic considerations**

- 7.69 Akin to any major construction project, the proposal would deliver direct socio-economic benefits through employment creation during construction and operation of the MSA. The numbers are likely to be significant with an estimated 219 full time equivalent posts on site during construction and a further 383 jobs as part of the wider supply chain. At the operational stage some 234 net full time equivalent situations would be created. [1.50(t); 2.18; 2.187(c); 2.188; 3.19; 3.26]

- 7.70 These figures are the more compelling as advertisement of vacancies would be first targeted to those areas in the locality that are in need of, and would benefit from, employment opportunities. Apprenticeships and skills training are a further consideration. [2.189 – 2.193]
- 7.71 The proposal would also bring benefits to the wider local economy with targeted procurement of services and goods during construction and following the opening of the MSA. Westmorland's existing MSAs at Gloucester, Tebay and Cairn Lodge provide the model and evidence of the opportunities that are likely to be available for farmers and food producers in particular. Local procurement has the added advantage of minimising food miles. [2.21 – 2.26; 2.199 – 2.204; 3.17 – 3.19; 5.16; 5.18; 5.20 – 5.23]
- 7.72 In terms of wider economic considerations, the ability for motorists to take a break has recognised benefits in terms of reducing fatigue related collisions. Delays on the strategic road network and road casualties inevitably impose a cost on the economy in addition to the social and human factors. [2.196 – 2.198]

**Employee Bus Scheme**

- 7.73 The employee bus scheme is intended to serve two purposes, namely, to provide a sustainable pattern of travel for employees and in turn to make the MSA accessible to areas of employment need and to achieve the intended related social benefits. Given the location of the site, and the current limitations of public transport in the locality, good connectivity to an established transport hub is essential, more so one that has established routes to and from the Priority Target Areas for employment. The Applicant has demonstrated successful uptake of dedicated transport at its other operations. [2.194; 2.195; 2.231 – 2.233; 6.29 – 6.32]

**Funding for New Cycle Route – Bowdon Link Feasibility Study (Active Travel)**

- 7.74 The aim to provide better accessibility to the open countryside to the south of the application site, with a dedicated cycle/pedestrian route from the built up area to the north, has long been recognised as an important and legitimate objective. The task is far from easy due to a combination of topography within the Bollin Valley, land ownership, the presence of the strategic road network and inevitable high cost. Without funding for further investigation, the process is stalled. The obligation would provide the means for that funding, arising from and allied to the proposed development, and an opportunity to determine a preferred route and the prospects for implementation. [2.66; 6.33 – 6.42]

**Design**

- 7.75 It is clear that the Applicant has demonstrated an understanding of the place and its wider landscape context, reinforced by active engagement and dialogue with the Local Planning Authority. In my view, the scheme would function well and add to the overall quality of the area; it would be visually attractive as a result of good architecture, layout and landscaping; it would be sympathetic to local rural character with an identifiable sense of place; it would offer a high standard of amenity to future users; and include a good level of sustainability. It is to be commended. [1.32 – 1.42; 1.50(c); 2.205 – 2.209; 3.5]



**Biodiversity Net Gain**

- 7.76 The planning application was made before the mandatory requirement for developers to deliver a minimum of 10% biodiversity net gain over the pre-development value of on-site habitats. The Applicant has demonstrated, using the latest biodiversity metric, that the proposal would deliver some 78% increase in habitat units and around 27% increase in hedgerow units on-site and within the off-site woodland associated with Yarwood Heath Covert. There is also commitment to long term management. [1.50(f); 2.64(b); 2.187(f); 2.220 – 2.223; 2.228; 2.229; 3.25; 3.26]

**Natural Environment – other considerations**

- 7.77 The baseline habitats within the site are generally of low quality consistent with agricultural grazing and cropping. The supporting assessments confirm that habitats are generally unremarkable. The landscape proposals for the site, retaining the majority of trees and most of the hedgerows, would not only mitigate for any necessary losses but also offer varied habitats and processes for long term management. I agree that these measures would result in net benefits. [1.50(e); 2.224 – 2.229; 3.24; 3.25]
- 7.78 The application site is located in Flood Zone 1 (low risk). Known surface water issues within the site would be capable of mitigation; and discharge to the River Birkin would be attenuated through a sustainable drainage system. [1.22; 1.50(k); 2.230]
- 7.79 Control measures in relation to dust, noise, lighting, ground conditions and ground water can be controlled by conditions. [1.50(j)(i); 2.170]

**Energy Efficiency and EV Charging Provision**

- 7.80 Each of the main buildings, including the Fuel Barn, would employ low carbon technologies for heating and hot water delivering a reduction of 50% CO<sub>2</sub> emissions compared to the relevant requirement under Part L of the Building Regulations. [1.50(q); 2.211 – 2.216]
- 7.81 In terms of the Local Plan Strategy, Policy SE 9 seeks to secure at least 10% of the project's predicted energy consumption from decentralised and renewable or low carbon sources. Each of the three main buildings would exceed that expectation. However, the development as a whole, based on the inclusion of the EV charging facilities, would fall short of that target. I return to the interpretation of the policy below. [1.51(b); 2.210 – 2.219]
- 7.82 As to the provision of EV charging points, comprising 54 rapid chargers for the main parking areas and 42 standard charging spaces for the Hotel, roll out by the private sector is critical to the Government's intention to move to zero vehicle emissions. The location of the site, serving the strategic road network, and on a key route into and out of Manchester, is well placed to serve a recognised need within the area and to assist in the reduction of CO<sub>2</sub> emissions and encourage the uptake of EV vehicles and its attendant benefits. [1.50(q); 2.16; 2.106 – 2.112; 2.187(b); 2.217; 2.218; 3.22; 3.26; 5.24]



**Consistency with the development plan**

- 7.83 The Statement of Common Ground between the Applicant and Cheshire East Council sets out a comprehensive list of development plan policies. Both parties agree that, despite some minor differences in interpretation, the proposal would be in accordance with the development plan when read as a whole. [1.44 - 1.47; 1.50(t); 2.242; 3.28]
- 7.84 Turning to the areas of dispute, Policy SE 1 (Design) of the Local Plan Strategy is design focused with the headline:  
*'development proposals should make a positive contribution to their surroundings .....'*  
Reading the policy in the round, and having regard to the quality of the design, I consider that the policy is met. [1.51(a); 2.57; 3.7]
- 7.85 In terms of Local Plan Strategy Policy SD 2 (Sustainable Development Principles) the proposal would *'contribute positively to an area's character and identity .....'* and *'respect ..... the landscape character of the area'*. Further, although there is a call to *'avoid the permanent loss of areas of agricultural land quality of 1, 2 or 3a .....'* exception is permitted where *'..... the strategic need overrides these issues'*. The identified need for the MSA can be regarded to be of strategic importance and thus there would be no conflict with this policy. [1.51(a); 2.57 - 2.61; 3.7]
- 7.86 Policy GEN 1 of the Site Allocations and Development Policies Document is allied to the above policies. I identify no apparent discrepancy and it is worthy of note that criterion 8 identifies that *'wherever possible, retain and creatively re-use existing buildings as part of the new development.'* In this case, the existing buildings of note provide an underlying rationale for the scheme. [1.51(a); 2.57]
- 7.87 Strategy Policy SE 4 (The Landscape) seeks to safeguard Local Landscape Designation Areas. However:  
*'where development is considered to be acceptable in principle, measures will be sought to integrate it into the landscape character of the area .....'*  
Having regard to the contribution of landscaping and improved access through and to the south of the site, the policy would be fulfilled. Further, the proposal would not be at odds with allied Site Allocations and Development Policies Document Policy ENV 3. [1.51(a); 2.62 - 2.67; 2.238 - 2.242]
- 7.88 Policy SE 9 of the Local Plan Strategy relates to energy efficient development. It includes the proviso:  
*'..... development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.'*
- 7.89 It is evident that the policy is qualified and, in this instance, the Applicant has established that the scale of any on-site renewable installation would not be feasible. I am therefore content that the Applicant has satisfied the exception provided by the policy, which itself reflects paragraph 162 a) of the Framework, and the policy is thus met. [1.51(b); 2.212; 2.238 - 2.242]

### **The Planning Balance**

- 7.90 In the following paragraphs, in terms of defining weight, I use the descending hierarchy of substantial, significant, moderate and limited. These reflect my considerations and assessment above.
- 7.91 The application is inappropriate development in the Green Belt. Substantial weight is to be applied to the harm to the Green Belt by virtue of inappropriateness and also from the reduction in openness.
- 7.92 The landscape and visual effects of the proposal would be localised, diminishing over time and therefore of moderate negative weight.
- 7.93 The loss of best and most versatile agricultural land, by virtue of its extent and Grade 2 quality, also merits moderate negative weight.
- 7.94 In terms of heritage assets, and the need to give great weight to an asset's conservation, some upper elements of the proposal would be visible, in heavily filtered views, from the Watch Hill Motte and Bailey Castle. This would lead to less than substantial harm, at the lowest end of the scale, and for a temporary period. This harm is to be weighed against the extensive public benefits of the proposal as described below.
- 7.95 For Yarwood Heath Farm, my balanced view, as a result of purposeful reuse and renovation, points to a low level of harm of limited weight.
- 7.96 As to the natural environment, there would be minor harm through the loss of some hedgerows and trees. However, the implementation of a comprehensive landscaping scheme, the commitment to the management of Yarwood Heath Covert, and the very substantial biodiversity net gains, point to an overall significant benefit and corresponding positive weight.
- 7.97 The need for a MSA on this part of the strategic road network is indisputable and the proposal would remove a significant number of gaps and reduce others. There is no realistic prospect of an equivalent alternative site. The safety and welfare benefits, endorsed by National Highways, are to be given substantial weight.
- 7.98 I regard the benefit of reducing fatigue related collisions, against the resultant adverse economic and social consequences, to be of significant positive weight.
- 7.99 Whilst a predetermined level of HGV parking is mandatory for qualification as a MSA, increased parking would have benefits in meeting wider need, attracting significant weight.
- 7.100 Hotel provision, although not an essential requirement for a MSA, would be an added facility contributing to the safety and welfare of motorists, also of significant positive weight.
- 7.101 The EV charging facilities, on the scale proposed and directed at meeting a fundamental objective of government policy, attract substantial positive weight.

- 7.102 Whilst good design is a legitimate expectation and key element of sustainable development, paragraph 139 of the Framework indicates that significant weight should be given to:
- 'a) development which reflects local design policies and government guidance on design .....; and/or*
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally .....'*
- 7.103 From my earlier analysis, the overall approach to design and sustainability is one that merits significant positive weight.
- 7.104 In terms of the economic and social benefits, the level of job creation, both during construction and operation, targeted procurement and employment, skills development and benefits to the wider economy, taking account of any potential minor effects on nearby centres, are such as to merit substantial positive weight.
- 7.105 The employee bus scheme, whether secured by condition and/or obligation, would encourage sustainable travel and provide accessibility to areas that would benefit from employment opportunities. Its provision attracts significant positive weight.
- 7.106 The financial contribution towards the feasibility study of providing an off-site pedestrian/cycle link, if accepted, would not offer any security of subsequent provision of the aspirational link. Nonetheless, it would be an important starting point in identifying the possibility of connectivity and I identify limited positive weight on this basis.
- 7.107 I am satisfied that there are no other important matters that should apply to the planning balance.
- 7.108 Against this background it is my firm conclusion that the cumulation of the benefits clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal would thus comply with Local Plan Strategy Green Belt Policy PG 3 part 2.
- 7.109 As explained above, whilst the main parties have identified some very limited tensions with a minority of policies in the Cheshire East Local Plan Strategy and the Cheshire East Local Plan Site Allocations and Development Policies Document, I conclude that the proposal would be in accordance with the development plan when read as a whole.
- 7.110 Returning to those matters specifically identified by the Secretary of State, I consider that, as there is a clear balance of very special circumstances, the proposed development would be consistent with government policies for Protecting Green Belt land (Framework Chapter 13); and Conserving and enhancing the natural environment (Framework Chapter 15). I have also found that the proposed development is consistent with the development plan for the area.

- 7.111 Moreover, the proposal would be consistent with government policies for Achieving well-designed and beautiful places (Framework Chapter 12) and Meeting the challenge of climate change ..... (Framework Chapter 14).  
[2.205 – 2.216]

**Recommendation**

- 7.112 From the foregoing I recommend that the planning application be approved subject to the imposition of the conditions in Annex A to this Report.

*David MH Rose*

Inspector

## **ANNEX A: Recommended Conditions (1 – 50)<sup>276</sup>**

### **General**

1. The development hereby approved shall be begun within three years of the date of this permission.

*To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in accordance with the following approved plans (except where varied by other conditions of this permission):

#### **Architectural:**

- Site Location Plan – Drawing Reference: 2237-20-DR-A-(10)00001 P01
- Existing Layout Plan – Drawing Reference: 2237-20-DR-A-(10)00002 P01
- Proposed Masterplan – Drawing Reference: 2237-20-DR-A-(10)00005 P07
- Proposed Layout Plan (Amenity Building and Hotel) – Drawing Reference: 2237-DR-A-(10)00006 P04
- Proposed Site Plan – Ground Floor (Drawing Title Proposed Layout Plan Amenity Building and Hotel) – Drawing Reference: 2237-20-DR-A-(10)00010 P03
- Parameters Plan – Drawing Reference: 2237- 20-DR-A-(10)00020 P04
- Amenity Building – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)1100 P04
- Amenity Building – L01 GA Plan – Drawing Reference: 2237-01-DR-A-(20)1101 P04
- Amenity Building – Roof Plan 2237-02-DR-A-(20)1102 P04
- Amenity Building – GA Section AA & BB – Drawing Reference: 2237-ZZ-DR-A-(20)1300 P04
- Amenity Building – North and South Elevation – Drawing Reference: 2237-00-DR-A-(20)1200 P04
- Amenity Building – East and West Elevation – Drawing Reference: 2237-00-DR-A-(20)1201 P02
- Hotel – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)2100 P05
- Hotel – L01 GA Plan – Drawing Reference: 2237-01-DR-A-(20)2101 P05
- Hotel – L02 GA Plan- Drawing Reference: 2237-02-DR-A-(20)2102 P05
- Hotel – Roof Plan – Drawing Reference: 2237- 03-DR-A-(20)2103 P05
- Hotel – North and South Elevations– Drawing Reference: 2237-ZZ- DR-A-(20)2200 P03
- Hotel – West and East Elevations – Drawing Reference: 2237- ZZ-DR-A-(20)2201 P03
- Hotel – GA Section CC & DD – Drawing Reference: 2237-ZZ-DR-A-(20)2300 P03
- Hotel – GA Section EE – Drawing Reference: 2237-ZZ-DR-A-(20)2301 P02

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<sup>276</sup> Reasons in italics

- Fuel Barn – L00 GA Plan – Drawing Reference: 2237-00-DR-A-(20)3100 P01
- Fuel Barn – L01 GA Plan – Drawing Reference: 01-DR-A-(20)3101 P01
- Fuel Barn – Drawing Reference: North and South Elevations ZZ-DR-A-(20)3200 P01
- Fuel Barn - West and East Elevations – Drawing Reference 2237- ZZ-DR-A-(20)3201 P01
- Fuel Barn Roof Plan – Drawing Reference: 2237-02-DR-A-(20) 3102 P01
- Fuel Barn – GA Section EE & FF – Drawing Reference: 2237-ZZ-DR-A-(20)3300 P01
- Indicative Design and Location of Auxiliary Structures – Drawing Reference: 2237-ZZ-DR-A-(20)4200 P06
- West Barn – Elevations – Proposed – Drawing Reference: 2337-00-DR-A-(20)4202 P01
- East Barn – Elevations – Proposed – Drawing Reference: 2337-00-DR-A-(20)4201 P01
- Proposed Site Sections Sheet 1 - Drawing Reference: 2237-00-DR-A-(20)1100 P04
- Proposed Site Sections Sheet 2 – Drawing Reference: 2237-00-DR-A-(20)1101 P04
- Existing Site Sections Sheet 1 - Drawing Reference: 2237-00-DR-A-(20)1110 P01
- Existing Site Sections Sheet 2 – Drawing Reference: 2237-00-DR-A

**Landscape:**

- Landscape Masterplan – Drawing Reference: 2607-PLA-XX-XX-DR-L-0002 S4-P11
- Highway Boundary Plan – Drawing Reference: 2607-PLA-XX-XX-DR-L-0004 S4-P05
- Landscape Hardworks – Drawing Reference: 2607-PLA-XX-XX-DR-L-1000 S4-P09
- Landscape Softworks – Drawing Reference: 2607-PLA-XX-XX-DR-L-2000 S4-P11
- Furniture Plan – Drawing Reference: 2607-PLA-XX-XX-DR-L-4000 S4 P08
- 2607-PLA-XX-XX-DR-L-8000 S4 P05-Detail Plan - Hotel and Kitchen Gardens

**Civils:**

- SuDS Drainage Strategy M56-BWB-DDG-XX-DR-C-500 S1 P8
- Outline FW Drainage Strategy M56-BWB-DDG-XX-DR-C-501 S1 P6
- Finished Levels M56-BWB-DGT-XX-DR-C-600 S1 P12
- Earthworks Cut and Fill Isopachytes M56-BWB-DGT-XX-DR-C-630 S1 P10
- Site Sections Sheet 1 M56-BWB-DGT-XX-DR-C-635 S1 P8
- Site Sections Sheet 2 M56-BWB-DGT-XX-DR-C-636 S1 P8

### **Highways:**

- M56-BWB-GEN-XX-SK-CH-SK018\_Yarwoodheath Lane-S2-P05
- M56-BWB-GEN-XX-SK-CH-SK026\_MSA area subject to HS2 planning condition-S2-P04
- M56-BWB-HGN-01-DR-CH-0100\_General Arrangement Sheet 1 Bowdon North Roundabout-S1-P06
- M56-BWB-HGN-01-DR-CH-0105\_Bowdon North Roundabout Vehicle Tracking-S1-P04
- M56-BWB-HGN-02-DR-CH-0100\_General Arrangement Sheet 2 Bowdon South roundabout-S1-P10
- M56-BWB-HGN-02-DR-CH-0105\_Bowdon South Roundabout Vehicle Tracking-S1-P09
- M56-BWB-HGN-03-DR-CH-0100\_General Arrangement Sheet 3 MSA Access Road-S1-P10
- M56-BWB-HGN-03-DR-CH-0105\_MSA Access Road Vehicle Tracking-S1-P06
- M56-BWB-HGN-04-DR-CH-0100\_General Arrangement Sheet 4 MSA Internal Road-S1-P06
- M56-BWB-HGN-04-DR-CH-0105\_MSA Internal Road Vehicle Tracking-S1-P04

*For the avoidance of doubt and to specify the plans to which the planning permission relates*

### **Materials**

3. For each of the buildings, no development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*To ensure that the external appearance of the building/structure is acceptable.*

4. Before work on the external walls of the farmhouse and/or retained barn first commences, a sample panel of brickwork shall be made available for inspection and approved in writing by the Local Planning Authority. Any such brickwork which receives the written approval of the Local Planning Authority shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

*To ensure that the external appearance of the building/structure is acceptable.*

5. Notwithstanding any detail indicated on the plans hereby approved, details of all windows and doors of the farmhouse and eastern and western barns shall be the subject of plans submitted to and approved by the Local Planning Authority before their installation. The development shall be carried out in accordance with the approved details and the details approved by virtue of this condition shall be retained thereafter.

*Having regard to the heritage value and character of the buildings.*



## **Farmstead**

6. Notwithstanding any detail indicated on the plans hereby approved, a detailed repair schedule for works to the farmhouse and eastern barn shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the farmhouse and/or eastern barn taking place. The repair schedule shall include a timetable for the implementation of the repair works and details of a heritage information board relating to the Yarwood Heath Farmstead. The development shall be carried out in accordance with the approved details.

*Having regard to the site and the area in which it is located.*

7. Prior to the first operation of the development hereby approved a timetable for the construction of the cycle store (western barn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Having regard to the heritage value and character of the group of farm buildings.*

8. Prior to the removal of the western barn, a detailed methodology for the dismantling of the western barn and for the re-use of the salvaged brickwork within the new cycle store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Having regard to the heritage value and character of the group of farm buildings.*

## **Ecology/Lighting**

9. Prior to the installation of any external lighting, details of the proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should reflect both the submitted Lighting Condition Support document prepared by Light Pad and the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance. It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- proposed lighting regime;
- number and location of proposed luminaires;
- luminaire light distribution type;
- lamp type, lamp wattage and spectral distribution;
- mounting height, orientation direction and beam angle;
- type of control gear; and
- the requirements set out in Condition 35 below.

The approved lighting strategy shall be implemented prior to the first operation of the development. No other external lighting shall be implemented without written approval from the Local Planning Authority.

*In the interests of visual amenity and to safeguard biodiversity.*

## **Ecology**

10. An updated badger survey shall be undertaken and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The survey shall identify any required mitigation and the development shall be carried out in accordance with the approved details.

*To safeguard biodiversity in accordance with Local Plan Strategy Policy SE 3.*

11. No removal of any vegetation or the demolition, extension or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

*To safeguard biodiversity in accordance with Local Plan Strategy Policy SE 3.*

12. Prior to the commencement of development an Ecological Management Plan covering the construction and operational phases of the development shall be prepared, informed by the recommendations of Table 8.4 of the Environmental Statement Addendum, dated 21.02.23, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*To safeguard biodiversity in accordance with Local Plan Strategy Policy SE 3.*

13. Prior to the commencement of development (excluding demolition), a habitat creation method statement and a 30-year Habitat Management Plan for the retained and newly created habitats on site shall be submitted to and approved in writing by the Local Planning Authority. The habitat creation method statement shall detail habitat creation and enhancement measures to ensure the delivery of those habitats specified in the biodiversity metric calculations (FPCR Biodiversity Net Gain Report September 2024 and associated Figures 1-5) submitted with the application. For the avoidance of doubt, this is to include proposals for the enhancement of Yarwood Heath Covert Local Wildlife Site.

The 30-year Habitat Management Plan shall detail how the newly created, enhanced and retained habitats will be managed to achieve the target condition specified in the Biodiversity Metric Calculations (FPCR September 2024) submitted with the application. The Habitat Management Plan shall include a schedule of ecological monitoring and reporting and a mechanism to secure the agreement and implementation of contingency measures in the event that monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition.

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

*To safeguard biodiversity in accordance with Local Plan Strategy Policy SE 3.*

14. Prior to the commencement of development, a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in fences to facilitate the movement of hedgehogs, native species planting and brush piles. The proposals shall be permanently installed in accordance with the approved details.

*To safeguard biodiversity in accordance with Local Plan Strategy Policy SE 3.*

### **Water/Drainage**

15. The development of the Fuel Barn hereby permitted shall not commence until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround including tertiary containment, associated pipework and monitoring system. The scheme shall be fully implemented prior to the use of the Fuel Barn and subsequently maintained in accordance with the approved scheme.

*To ensure that the underground storage tanks do not harm the water environment in line with the National Planning Policy Framework and Position Statements G1, D1, D2 and D3 of the 'The Environment Agency's approach to groundwater protection'.*

16. Prior to the commencement of any drainage works, a detailed scheme to dispose of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and prior to first operation.

*To prevent pollution of groundwater in line with Position Statement G11 of 'The Environment Agency's approach to groundwater protection'*

17. Prior to the commencement of any drainage works, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority 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 or statutory undertaker, or management and maintenance by a management company or the operator; and
- b. arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

*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.*

## **Trees/Landscape**

18. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the first operation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

*To ensure the continued well-being of the trees in the interests of the amenity of the locality.*

19. No development or other operations shall take place except in accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment by Seed (1128-AIA-V1-B) dated 6<sup>th</sup> December 2021, with measures to be implemented under Arboricultural supervision in accordance with 'BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations'.

*To ensure the continued well-being of trees in the interests of the amenity of the area having regard to Policy SE 5 of the Cheshire East Local Plan Strategy.*

20. Prior to the commencement of the development (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS shall include:

- a) a scheme for the protection of the retained trees produced in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, to include sequencing and phasing of works;
- b) details of any access facilitation pruning in accordance with BS3998:2010 Tree Work – Recommendations; and
- c) a methodology which addresses demolition, breaking out of existing hard surfaces and construction within the root protection areas that may impact on the retained trees.

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

*To ensure the continued well-being of the trees in the interests of the amenity of the locality having regard to Policy SE 5 of the Cheshire East Local Plan Strategy.*

21. No development shall commence unless and until full details of all new soft landscaping to be provided within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall

build upon the provisional details already shown on plan refs: 2607-PLA-XX-XX-DR-L-0002.S4 P11 (landscape masterplan) and 2607-PLA-XX-XX-DR-L-2000 S4 P11 (landscape-softworks) and shall provide for a revised, enhanced scheme of soft landscaping for part of the northern boundary of the site located between points A and B on drawing reference: 2607-PLA-XX-XX-DR-L-2001 S4 P01 (Existing Landscape Enhancements) - dated 16.10.24. The submitted details shall include: planting plans, schedules of plants (noting species, plant sizes and proposed numbers), existing landscaping to be retained, details of a load-bearing system to support any new trees planted within and adjacent to hard surfaces, and a planting implementation programme. The soft landscaping works shall be implemented in accordance with the approved details and the agreed timetable.

*To ensure appropriate landscaping of the site and to mitigate against potential harm to heritage assets.*

22. The approved landscaping plan shall be completed in accordance with the following:-
- a) all hard and soft landscaping works shall be completed in accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority;
  - b) all trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification - for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces);
  - c) all new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations); and
  - d) any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

*To ensure appropriate landscaping of the site.*

23. Notwithstanding the Highways Boundary Plan (Ref: 2607-PLA-XX-XX-DR-L-0004 P05) hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the first operation of the development. The boundary treatment shall be carried out in accordance with the approved details and permanently retained.

*To ensure adequate and appropriate treatment to all boundaries in the interests of the visual amenity of the locality.*

24. The development hereby permitted shall be constructed in accordance with the earthworks details. These details are shown on submitted drawing numbers as set out in drawings Finished Levels M56-BWB-DGT-XX-DR-C-600 S1 P12 and Earthworks Cut and Fill Isopachytes M56-BWB-DGT-XX-DR-C-630 S1 P10. Development shall be carried out in accordance with the approved details and retained thereafter.

*To ensure appropriate landscaping of the site in the interests of the visual amenity of the area.*

25. A Landscape Management Plan, aligned with the 30-year Habitat Management Plan required by Condition 13 (above), including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the first operation of the development. The management plan shall be implemented as approved.

*To ensure appropriate landscaping of the site in the interests of the visual amenity of the area.*

## **Highways**

26. No development shall commence unless and until the developer has submitted and received agreement from the Local Planning Authority to full design and construction details of the required improvements to the A556 Bowdon Roundabouts, Junction 7 of the M56 Motorway and Yarwoodheath Lane. The general arrangement of these works are shown on submitted drawing numbers M56-BWB-HGN-01-DR-CH-0100 P06 (Mitigation Scheme at the Bowdon North Roundabout), M56-BWB-HGN-02-DR-CH-0100 P10 (Mitigation Scheme at the Bowdon South Roundabout) and M56-BWB-HGN-03-DR-CH-0100 P10 (MSA Access Road Layout). The full design and construction details shall include:
- a. how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
  - b. full signing and lighting details;
  - c. signal phasing plan for all signalised elements of the highway improvements;
  - d. for any works on the Strategic Road Network, details of how current National Highways Design Standards (DMRB) have been addressed; and
  - e. an independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with National Highways Standard GG 119 or any subsequent replacement standard.

*In the interests of highway safety.*

27. No development beyond groundworks shall take place until the fence depicted on drawing number 2607-PLA-XX-XX-DR-L-0004 S4 P05 (Highway Boundary Plan) has been erected along the boundary of the development site alongside the M56 and associated slip road (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this).

*In the interests of highway safety.*



28. No drainage from the proposed development other than works associated with the proposed access arrangements to Bowdon south roundabout and offsite highway works shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M56 motorway.

*In the interests of highway safety.*

29. No development pursuant to this application shall commence until a detailed construction plan working method statement, (including Risk Assessment Method Statement) relating to site development, land stability, earthworks and drainage alongside the M56, has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*In the interests of highway safety.*

30. No part of the development shall be first operated unless and until the highway improvements, as shown in outline on drawing numbers:

- M56-BWB-HGN-01-DR-CH-0100 P06 (Mitigation Scheme at the Bowdon North RB);
- M56-BWB-HGN-02-DR-CH-0100 P10 (Mitigation Scheme at the Bowdon South RB);
- M56-BWB-HGN-03-DR-CH-0100 P10 (MSA Access Road Layout); and
- M56-BWB-HGN-04-DR-CH-0100 P06 (MSA Internal Road Layout).

as furthermore agreed in detail in accordance with Condition 26 (above), has been implemented

*In the interests of highway safety.*

### **Sustainable Travel**

31. In accordance with the Framework Travel Plan, dated March 2023 (P04), a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within the three months prior to the site first operating. The submitted full Travel Plan shall include: objectives and incentives to reduce car travel in association with non-motorway-based journeys and to increase the use of non-car modes of travel; details of a private bus service scheme for employees; quantifiable targets against which the success of the Travel Plan can be monitored over time; a monitoring and review schedule; and a commitment to future travel surveys. The submitted full Travel Plan shall be implemented prior to first operation and shall continue to be implemented (subject to monitoring and future updates) for the lifetime of the development.

*To reduce staff car travel to and from the site, in connection with local trips, in the interests of sustainability.*

### **Site Parking**

32. All vehicular and cycle parking shown on the approved plans shall be provided prior to the first operation of the approved development or in accordance with a programme agreed with the Local Planning Authority and retained at all times thereafter.

*In the interests of highway safety.*



### **Aircraft Safety: Drainage**

33. Prior to the commencement of any drainage works, full details of all SuDS / water features within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first operation of the development.

All the SuDS attenuation should be designed to help prevent easy access between water and land for waterfowl hazardous to aircraft safety, or for members of the public who may feed them.

Ornamental water features / ponds within and to the north of the car park shall be in accordance with the relevant approved plans listed in Condition 2 and retained thereafter.

*In the interests of aircraft safety.*

### **Aircraft Safety: Ecology**

34. Prior to the commencement of development, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan shall be implemented as approved and on completion of the development shall be retained thereafter for the duration of development. No subsequent alterations to the plan shall take place unless first submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- how hazardous species of birds will be deterred during the construction process;
- monitoring of any standing water within the site temporary or permanent;
- management of all roofs including roofs that include solar PV, and buildings within the site which may be attractive to nesting, roosting and 'loafing' birds;
- maintenance of planted and landscaped areas, particularly in terms of not providing habitat for species of birds that are hazardous to aircraft, including regular litter picking from landscaping;
- waste management from the perspective of not attracting scavenging birds;
- monitoring and audit of waste management;
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
- signs deterring people from feeding the birds; and
- staff awareness training, both for new staff and refresher training for all staff.

*Flight safety – Bird strike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Manchester Airport (MAN) that would increase the risk of a Birdstrike to aircraft. It is necessary to robustly manage the whole site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Manchester Airport.*

### **Aircraft Safety: Lighting**

35. Any lighting scheme submitted under Condition 9, or for the site in general, shall also provide details for capping all luminaires at the horizontal with no upward light spill, and shall be approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first operation of the development and retained, without addition or modification, in accordance with the approved details.

*In the interests of flight safety and to prevent distraction and confusion to pilots using Manchester Airport.*

### **Aircraft Safety: Materials**

36. Prior to the installation of any reflective materials on any building forming part of the development, other than clear or obscure glass, a scheme providing details of the works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first operation of the development and retained, without addition or modification, in accordance with the approved details.

*In the interests of flight safety and to prevent distraction and ocular damage to pilots using Manchester Airport.*

### **Aircraft Safety: Glint and Glare**

37. Notwithstanding the provision of Part 14, Class J, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no solar thermal or solar photovoltaic equipment shall be installed, other than that shown on the approved plans, without the express consent of the Local Planning Authority. Prior to the installation of any solar thermal or solar photovoltaic equipment a full aviation perspective Glint and Glare assessment shall be submitted to and approved in writing by the Local Planning Authority. If approved, there shall be no changes to the approved layout of the solar PV panels.

*Flight safety - to prevent distraction and ocular damage to pilots and Air Traffic Controllers. It is imperative that there are no predictions of Yellow or Red glare.*

### **HS2**

38. No development hereby permitted shall take place in any part of the area shown edged purple on drawing M56-BWB-GEN-XX-SK-CH-SK026 Revision P04 (being an area subject in part to safeguarding directions dated 6 June 2022 made by the Secretary of State for Transport) unless and until detailed design and method statements for all works proposed to be constructed within the said area edged purple, to provide access for HS2 vehicles during construction of the HS2 railway to works authorised by the High Speed Rail (Crewe-Manchester) Bill, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the detailed design and method statements so approved.

*To safeguard the HS2 programme and to protect HS2 assets (or future Northern Powerhouse Rail route).*

## **Retail Impact**

39. The Amenity Building shall contain no more than 998 square metres of net retail floorspace for the display and retail of goods (as defined by Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no more than 1,712 square metres of net dining and servery floorspace (as defined by Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended)). No more than 150 square metres of the 998 square metres of net retail floorspace of the Amenity Building shall be dedicated to the display and retail of comparison goods. The floorspace within the Amenity Building used for retail, dining and servery shall not be used for any purpose other than a Class E(a) and Class E(b) use, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). The Fuel Barn shall contain no more than 182 square metres of net retail floorspace and no more than 229 square metres of net dining and servery floorspace.

*To reflect the basis on which the application has been assessed and in order to safeguard investment in, and protect the vitality and viability of, existing town centres.*

## **Construction**

40. No development (including vegetation clearance or building demolition) shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Construction Environmental Management Plan shall provide for (although shall not be limited to):
1. hours of construction and pre-construction (including demolition) activity;
  2. the parking of vehicles of site operatives and visitors;
  3. the loading and unloading of plant and materials, including times of access/egress;
  4. the storage of plant and materials used in constructing the development;
  5. the erection and maintenance of security hoardings;
  6. wheel washing facilities;
  7. measures to control the emission of dust and dirt during demolition and construction, and procedures to be adopted in response to complaints of fugitive dust emissions;
  8. a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
  9. measures to prevent undue impact of disturbance from noise and vibration in accordance with the principles of Best Practicable Means as described in BS 5228: 2009 (parts 1 and 2), including from piling activity and plant including generators;
  10. information on how any asbestos material which is identified will be treated or disposed of in a manner that would not cause undue risk to adjacent receptors; and

11. contact details for the site manager and procedures for dealing with any complaints.

The approved Construction Environmental Management Plan shall be implemented in full throughout the vegetation clearance, demolition and construction period.

*To ensure that appropriate details are agreed before works start on site to minimise disturbance, risk and nuisance to users of the highway and to occupiers of any nearby residential properties.*

### **Noise Mitigation**

41. Details of the proposed noise mitigation measures outlined in the Noise and Vibration Chapter of the Environmental Statement (paragraphs 14.7.7 to 14.7.9) shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the Hotel building. The approved details shall be implemented as approved prior to the first operation of the Hotel building and retained at all times thereafter.

*To minimise the potential impacts from noise and vibration.*

### **EV Charging**

42. Prior to the commencement of the car park, a detailed phasing strategy for Electric Vehicle (EV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall include a timetable for implementation of all 96 proposed EV charging points, a commitment to implement no less than 12 high powered for the amenity building and 12 standard powered EV charging for the Hotel prior to operation. Details of ducting for all parking areas (including HGV, Coach and Caravan parking areas) and a commitment to annual monitoring shall also be provided. The phasing strategy shall be implemented as approved.

*To promote the decarbonisation of vehicular traffic and to ensure a sustainable form of development.*

### **Energy Strategy**

43. Prior to the first commencement of the buildings, an updated energy strategy for the existing buildings to be retained and the proposed new buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first operation of the development.

*To ensure that the amount of renewable energy generation is maximised on the site (for the existing buildings as well as the new buildings), having regard to Policy SE 9 of the Cheshire East Local Plan Strategy.*

### **Environmental Health**

44. No development (other than agreed demolition and site clearance works) shall commence until:
  - (a) a post demolition Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the Local Planning Authority; and

- (b) if Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the Local Planning Authority.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the Local Planning Authority.

*To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.*

45. Prior to the operation of any building a Verification Report relating to ground gasses and contamination shall be prepared in accordance with the approved Site Investigation Report (Phase 1 dated December 2021 and Phase 2 dated February 2022) and shall be submitted to and approved in writing by the Local Planning Authority.

*To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.*

46. Any soil or soil forming materials to be brought to site for use in soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development), which can be found on the Development and Contaminated Land page of Cheshire East Council's website.

Prior to first operation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.

*To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.*

47. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

*To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.*

## **Archaeology**

48. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation

(comprising level II building surveys of the farmhouse and the brick-built barns) which has first been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved scheme.

*To allow the safeguarding and reporting of archaeological deposits having regard to the heritage assets on the site.*

### **Tourist Information**

49. Prior to the first operation of the development, details of the proposed Tourist Information Area, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

*To ensure the development is carried out as proposed and in the interests of the visitor economy of the area.*

### **Substations**

50. Notwithstanding the details shown on the approved plans, final details of the proposed substations shall be submitted to and approved in writing by the Local Planning Authority prior to first operation and shall include details of their siting and appearance (and landscaping details around them in accordance with Condition 21). The proposed substations shall not exceed 4.5m in height. The substations shall be implemented in accordance with the approved details.

*To ensure the appropriate landscaping of the site.*

**END OF CONDITIONS**

## **ANNEX B: Information to inform the Secretary of State's Habitats Regulations Assessment (if considered necessary)<sup>277</sup>**

### **Introduction**

1. The proposed development is for a new Motorway Service Area (MSA), comprising a facilities building (the Amenity Building), Hotel, fuel filling station (the Fuel Barn), parking for all categories of vehicle, open space, landscaping and associated access, roads, cycle links and infrastructure.
2. The Conservation of Habitats and Species Regulations 2017 (as amended) require that where a plan or project is likely to have a significant effect on a European site 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 Secretary of State 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.

### **Project Location**

3. The proposed development site is located within the administrative area of Cheshire East Council and a short distance to the south of the boundary with the neighbouring local authority, Trafford Council.
4. It is situated within an island of land to the north of the M56 North Cheshire Motorway and to the east of the A556 dual carriageway with their related link and slip roads in the remaining directions.

### **Rostherne Mere Ramsar Site**

5. Rostherne Mere Ramsar Site is located approximately 0.4km to the south of the proposed development site, at its closest point.
6. Rostherne Mere Ramsar Site qualifies under Ramsar criterion 1.<sup>278</sup> The Information Sheet on Ramsar Wetlands (RIS) confirms it to be '*one of the deepest and largest of the meres of the Shropshire-Cheshire Plain. Its shoreline is fringed with Common Reed Phragmites australis*'.
7. The physical features of the catchment area are described as: '*Rostherne Mere lies at the end of a single-stream system, receiving water from the much shallower Little Mere (an artificial amenity lake formed in the 19th century) and Mere Mere. The three meres drain a small catchment of agricultural, urban and parkland.*'
8. Notably, the site is not designated under the Ramsar criteria for the presence of any particular species or species assemblage.

### **Site of Special Scientific Interest (SSSI) Qualifying Features**

9. Rostherne Mere SSSI is designated primarily on account of its open water and marginal reed swamp habitat.

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<sup>277</sup> Please refer to my conclusion at paragraph 7.60

<sup>278</sup> A wetland should be considered internationally important if it contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region



10. It is also nationally important for birds, acting as a winter roost for large numbers of ducks with nationally significant numbers of Pochard *Aythya ferina* and Pintail *Anas acuta* and good numbers of other common species associated with freshwater.
11. Over 10,000 gulls regularly roost on the water; and up to 90 Cormorants *Phalacrocorax carbo* roost in the trees along the edge. Because of its size and depth, it is the last freshwater body in the area to freeze in winter and is consequently an important refuge in severe weather.

#### **National Nature Reserve**

12. Rostherne Mere is also designated as a National Nature Reserve. It is the largest of the Cheshire meres and also the deepest, with the original basin having been deepened by salt subsidence.
13. Rostherne Mere is primarily of importance for its wintering wildfowl populations, particularly Pochard. Additionally, Mallard, Teal, Pintail and Shoveler are regular visitors and in cold weather Ruddy Duck, Gadwall and Goosander often visit the site.
14. The surrounding reed beds support a large breeding population of Reed Warblers, and Bittern is a regular visitor during the winter months.
15. Birds of the surrounding woods include all three native Woodpecker species together with Tawny Owl, Sparrowhawk and Kestrel.
16. Scrub areas are home to Reed Bunting, Willow Warblers and Whitethroat.
17. After being absent for many years, Otter have returned to the area. The reserve supports a population of Harvest Mice which are uncommon in Cheshire.
18. The reserve also supports a number of butterfly species, most notably Whiteletter Hairstreak, Purple Hairstreak and Common Blue.
19. The National Nature Reserve designation is not relevant to the HRA process, but is included for completeness.

#### **HRA Implications of the Project**

20. In light of the physical separation of the proposed development site from the designated site, and the absence of any impact pathways, the proposed development would not be likely to have a significant effect on Rostherne Mere through physical damage or degradation either when considered alone or in combination with other plans or projects. No specific avoidance or mitigation measures are therefore required in this regard.
21. However, taking a precautionary stance, in the absence of avoidance or mitigation measures there remains potential for the development proposal to contribute towards a significant effect on Rostherne Mere Ramsar Site through potential hydrological or air quality effects, when considered alone or in combination with other plans and projects. These are the issues raised by Natural England in consultation; no other issues were raised.

## **Assessment of Likely Significant Effects**

### **Identification of Potential Pathways**

22. The proposed development site is separated from the Ramsar Site by the adjacent M56, and by open countryside, and is located 0.4km from the designations at its closest point. On this basis, it is considered that there would be no significant direct effects from the application site arising as a result of lighting, air quality, or noise impacts during the construction or operational phases of the development proposal.
23. Natural England identified water quality / hydrological function (site related) and air quality (highway/traffic related) as the two issues to consider as part of the assessment.

### **Water Quality / Hydrological Function Vulnerability**

24. For Ramsar Site features which are dependent on wetland habitats supported by surface water, maintaining the quality of the water supply is critical. Poor water quality can adversely affect the availability and suitability of breeding, rearing, feeding and roosting habitats.
25. The proposed development site is underlain by up to 3.2m of granular water-bearing Glaciofluvial Sheet Deposits over cohesive Glacial Till. The Glacial Till to the south of the application site, and underlying the Rostherne Mere Ramsar Site / SSSI, is indicated to comprise significant thickness of largely cohesive soils.
26. The presence of Rostherne Mere, above the Glacial Till, demonstrates the low permeability of the surrounding geology as it is effectively acting as an impermeable liner to the SSSI. It is considered highly unlikely that there is any direct connectivity between groundwater at the proposed development site and the Rostherne Mere SSSI.
27. Rostherne Mere is located on the Birkin Brook which flows in a generally northerly direction in proximity to the Mere and the proposed development site. The Birkin Brook joins the River Bollin approximately 2.5km downstream of the Rostherne Mere.
28. Although the Rostherne Mere is surrounded by a 'Nutrient Impact Area', both the site itself and the Bowdon Wastewater Treatment Works are located outside this area. The wastewater from the site is proposed to enter the United Utilities public foul water sewer network and eventually the Bowdon Wastewater Treatment Works. The discharge from the Wastewater Treatment Works is to the River Bollin (before its confluence with the Birkin Brook) which is downstream of the Rostherne Mere site.
29. The River Bollin flows in a northerly / westerly direction in this location before entering the Manchester Ship Canal approximately 7.7km northwest of the proposed development site.
30. In summary, the site and environs are out-with the Nutrient Impact Area; and the site lies downstream and downhill of Rostherne Mere. Hence significant adverse effects from hydrological sources are not likely.

31. On this basis it can be concluded that there will be no adverse effects on Rostherne Mere through water quality and hydrological effects.

**Air Quality Vulnerability**

32. Design Manual for Roads and Bridges indicates that where a statutory ecological designation is located within 200m of a proposed development or an 'affected road', an assessment of the impact of development-generated traffic on the ecological designation may be required.
33. However, the proposed development will not meet the 'affected road' criteria on any road links within 200m of Rostherne Mere and therefore, consideration of the impact of development-generated road traffic emissions on ecological designations does not need to be considered further.
34. On this basis it can be concluded that there will be no adverse effects on Rostherne Mere through air quality effects.

**HRA Conclusions**

35. I conclude that the proposal is not likely to lead to significant adverse effects on the integrity of the Ramsar Site, when the proposal is considered alone or in combination with other plans or projects.
36. As such, the proposal would, by definition, be acceptable, such that there should be no concerns that the implementation of the proposal would constitute a breach of the relevant legislation.
37. These conclusions represent my assessment of the evidence presented to me. If the Secretary of State disagrees, and finds that an Appropriate Assessment is required, the relevant information to undertake such an assessment as the Competent Authority is set out above.

*David MH Rose*

Inspector

## ANNEX C: Documents

<b>1.</b>	<b>Original Application Submission (February 2022)</b>
1.1.1	Covering Letter – 28.02.2022
1.1.2	Application Form
1.1.3	Community Infrastructure Levy (CIL) – Form 1
1.1.4	Planning Application Fee Calculation Note
1.2.1	Design and Access Statement (February 2022)
1.2.2	Planning Statement with Appendices (February 2022)
1.2.3	Consultation Statement (February 2022)
1.2.4	Utilities Report (February 2022)
1.2.5	Sustainability Statement (February 2022)
1.2.6	Energy Strategy (February 2022)
1.2.7	Socio-Economic Benefits Report (February 2022)
1.2.8	Gap Analysis Report (February 2022)
1.2.9	Alternative Sites Assessment Report (February 2022)
1.2.10	EVC Proposals (February 2022)
1.2.11	Tatton Services Draft Heads of Terms (February 2022)
1.3.1.1	2237-GHA-ZZ-20-DR-A-(10)00001-Site Location Plan
1.3.1.2	2237-GHA-ZZ-20-DR-A-(10)00002-Existing Layout Plan
1.3.1.3	2237-GHA-ZZ-20-DR-A-(10)00005-Proposed Masterplan
1.3.1.4	2237-GHA-ZZ-20-DR-A-(10)00006-Proposed Layout Plan (Amenity Building & Hotel)
1.3.1.5	2237-GHA-ZZ-20-DR-A-(10)00020-Parameters Plan

1.3.1.6	2237-GHA-MS-00-DR-A-(20)1100-Amenity Building - L00 GA Plan
1.3.1.7	2237-GHA-MS-01-DR-A-(20)1101-Amenity Building - L01 GA Plan
1.3.1.8	2237-GHA-MS-02-DR-A-(20)1102-Amenity Building - Roof Plan
1.3.1.9	2237-GHA-HO-00-DR-A-(20)2100 -Hotel - L00 GA Plan
1.3.1.10	2237-GHA-HO-01-DR-A-(20)2101-Hotel - L01 GA Plan
1.3.1.11	2237-GHA-HO-02-DR-A-(20)2102-Hotel - L02 GA Plan
1.3.1.12	2237-GHA-HO-03-DR-A-(20)2103-Hotel - Roof Plan
1.3.1.13	2237-GHA-FF-00-DR-A-(20)3100-Fuel Barn - L00 GA Plan
1.3.1.14	2237-GHA-FF-01-DR-A-(20)3101-Fuel Barn - L01 GA Plan
1.3.1.15	2237-GHA-FF-02-DR-A-(20)3102-Fuel Barn - Roof Plan
1.3.1.16	2237-GHA-MS-ZZ-DR-A-(20)1200-Amenity Building - N&S Elevation
1.3.1.17	2237-GHA-MS-ZZ-DR-A-(20)1201-Amenity Building - E&W Elevation
1.3.1.18	2237-GHA-HO-ZZ-DR-A-(20)2200-Hotel - N&S Elevation
1.3.1.19	2237-GHA-HO-ZZ-DR-A-(20)2201-Hotel - E&W Elevation
1.3.1.20	2237-GHA-FF-ZZ-DR-A-(20)3200-Fuel Barn - N&S Elevation
1.3.1.21	2237-GHA-FF-ZZ-DR-A-(20)3201-Fuel Barn - E&W Elevations
1.3.1.22	2237-GHA-MS-ZZ-DR-A-(20)1100-Proposed Site Sections
1.3.1.23	2237-GHA-MS-ZZ-DR-A-(20)1101-Proposed Site Sections
1.3.1.24	2237-GHA-MS-ZZ-DR-A-(20)1110-Existing Site Sections - Sheet 1
1.3.1.25	2237-GHA-MS-ZZ-DR-A-(20)1111-Existing Site Sections - Sheet 2
1.3.1.26	2237-GHA-MS-ZZ-DR-A-(20)1300-Amenity Bdg - Section AA & BB

1.3.1.27	2237-GHA-HO-ZZ-DR-A-(20)2300-Hotel - Section CC & DD
1.3.1.28	2237-GHA-HO-ZZ-DR-A-(20)2301-Hotel - Section EE
1.3.1.29	2237-GHA-FF-ZZ-DR-A-(20)3300-FFS - Section EE & FF
1.3.1.30	2237-GHA-FF-ZZ-DR-A-(20)4200-Indic. Design & Loc of Aux Struc.
1.3.2.1	2607-PLA-XX-XX-DR-L-0002-Landscape masterplan
1.3.2.2	2607-PLA-XX-XX-DR-L-0003-Tree Retention and Removal
1.3.2.3	2607-PLA-XX-XX-DR-L-1000-Hardworks
1.3.2.4	2607-PLA-XX-XX-DR-L-2000-Softworks
1.3.2.5	2607-PLA-XX-XX-DR-L-3000-Long Site sections - Sheet 1
1.3.2.6	2607-PLA-XX-XX-DR-L-3001-Long Site sections - Sheet 2
1.3.2.7	2607-PLA-XX-XX-DR-L-4000-Furniture
1.3.2.8	2607-PLA-XX-XX-DR-L-8000-Hotel&KitchenGardens
1.3.3.1	M56-BWB-DDG-XX-DR-C-500_[S1-P5]_SuDS Drainage Strategy
1.3.3.2	M56-BWB-DDG-XX-DR-C-501-[S1-P3]_FW Drainage Strategy
1.3.3.3	M56-BWB-DGT-XX-DR-C-600-[S1-P9]_Finished Levels
1.3.3.4	M56-BWB-DGT-XX-DR-C-630-[S1-P6]_Earthworks Cut and Fill
1.3.3.5	M56-BWB-DGT-XX-DR-C-635_[S1-P5]_Site Sections Sheet 1
1.3.3.6	M56-BWB-DGT-XX-DR-C-636_[S1-P5]_Site Sections Sheet 2
1.3.4.1	M56-BWB-GEN-XX-SK-CH-SK018_Yarwoodheath Lane walking and cycling proposals-S2-P03
1.3.4.2	M56-BWB-HGN-01-DR-CH-0100_General Arrangement Sheet 1 Bowdon North Roundabout-S1-P06
1.3.4.3	M56-BWB-HGN-01-DR-CH-0105_Bowdon North RB Tracking-S1-P04

1.3.4.4	M56-BWB-HGN-02-DR-CH-0100_General Arrangement Sheet 2 Bowdon South roundabout-S1-P10
1.3.4.5	M56-BWB-HGN-02-DR-CH-0105_Bowdon South RB Tracking-S1-P07
1.3.4.6	M56-BWB-HGN-03-DR-CH-0100_GA Sheet 3 MSA Access Road-S1-P08
1.3.4.7	M56-BWB-HGN-03-DR-CH-0105_MSA Access Tracking-S1-P06
1.3.4.8	M56-BWB-HGN-04-DR-CH-0100_General Arrangement Sheet 4 MSA Internal Road Layout-S1-P03
1.3.4.9	M56-BWB-HGN-04-DR-CH-0105_MSA Internal Tracking-04-S2-P02
1.3.5.1	BOW-BWB-00-01-DR-G-0001-Existing Site Plan-Sheet 1 of 6-S2-P1
1.3.5.2	BOW-BWB-00-02-DR-G-0001-Existing Site Plan-Sheet 2 of 6-S2-P1
1.3.5.3	BOW-BWB-00-03-DR-G-0001-Existing Site Plan-Sheet 3 of 6-S2-P1
1.3.5.4	BOW-BWB-00-04-DR-G-0001-Existing Site Plan-Sheet 4 of 6-S2-P1
1.3.5.5	BOW-BWB-00-05-DR-G-0001-Existing Site Plan-Sheet 5 of 6-S2-P1
1.3.5.6	BOW-BWB-00-06-DR-G-0001-Existing Site Plan-Sheet 6 of 6-S2-P1
1.4.1	Environmental Statement Non Technical Summary
1.4.2	Environmental Statement Competency Statement
1.4.3	Environmental Statement Contents Page
1.4.4	Environmental Statement Volume 1 (Chapters & Figures), including chapters 1.4.4.1 - listed below.
1.4.4.1	01_Introduction_REVB_040222
1.4.4.2	02_ASM_REVC_040222
1.4.4.3	03_App_Site_REVA_040222
1.4.4.4	04_Pro Dev_ REVI_230222
1.4.4.5	05_Planning_REVD_080222



1.4.4.6	06_SocioEC_REVB_070222
1.4.4.7	07_LVIA_REVI_230222
1.4.4.8	08_Ecology_REVA_161221
1.4.4.9	09_ArchHeritage_REVH_070222
1.4.4.10	10_Ag&Soils_081221
1.4.4.11	11_Ground_091221
1.4.4.12	12_Water_REVC_161221
1.4.4.13	13_Transport_REVC_162121
1.4.4.14	14_Noise&Vib_REVB_180222
1.4.4.15	15_Airquality_REVB_180222
1.4.4.16	16_Summary_REVB_070222
1.4.4.17	17_Glossary_131221
1.4.4.18	18_References_131221
1.4.5	Environmental Statement Volume 2 Appendices - which includes items 1.4.5.1 – 1.4.5.30 listed below.
1.4.5.1	Appendix 2.1 Scoping Request
1.4.5.2	Appendix 2.2 Scoping Opinion CEC
1.4.5.3	Appendix 2.3 Scoping consultee responses
1.4.5.4	Appendix 3.1 Topo Survey
1.4.5.5	Appendix 3.2 M56 smart motorway future baseline
1.4.5.6	Appendix 4.1 Earthwork levels
1.4.5.7	Appendix 3.3 M6 J19 Improvement

1.4.5.8	Appendix 4.2a 2607-PLA-XX-XX-DR-L-3000-Long Site sections - Sheet 1
1.4.5.9	Appendix 4.2b 2607-PLA-XX-XX-DR-L-3001-Long Site sections - Sheet 2
1.4.5.10	Appendix 7.1 Summer Photo record & Winter Photo Record
1.4.5.11	Appendix 7.2 LVIA_Appendix 7.2-VP-Assessment_HS_031221
1.4.5.12	Appendix 7.3 Obtrusive Light Assessment
1.4.5.13	Appendix 8.1 Magic Mapping
1.4.5.14	Appendix 8.2 Ecological Technical Note
1.4.5.15	Appendix 8.3 Bat and Barn Owl Survey Report
1.4.5.16	Appendix 8.4 Great Crested Newt Survey Report
1.4.5.17	Appendix 8.5 SHRA
1.4.5.18	Appendix 8.6 BNG Metric 3 App Site 13.12.2021 & BNG Report
1.4.5.19	Appendix 8.7 AIA
1.4.5.20	Appendix 9.1 Heritage Baseline
1.4.5.21	Appendix 10.1 Agricultural Land Classification Report
1.4.5.22	Appendix 11.1 M56-BWB-00-XX-RP-YE-0001_Ph1-S2-P3
1.4.5.23	Appendix 11.2 M56-BWB-SGT-XX-RP-CE-0001_Ph2 Report
1.4.5.24	Appendix 12.1 BOW-BWB-ZZ-XX-RP-YE-0003_FRA_S2-P05
1.4.5.25	Appendix 12.2 BOW-BWB-ZZ-XX-RP-YE-0004_SDS_S2-P03
1.4.5.26	Appendix 13.1 Transport Assessment
1.4.5.27	Appendix 13.2 Framework Travel Plan
1.4.5.28	Appendix 14.1 Noise Glossary

1.4.5.29	Appendix 14.2 Noise Policy
1.4.5.30	Appendix 15.1 Air Quality Appendices
<b>2.</b>	<b>Response to Trafford Council (November – December 2022)</b>
2.1	Pegasus Response Letter to Trafford Council (dated 04.11.22)
2.2	Retail Policy Response (dated 01.11.22)
2.3	Long Site Sections - 2607-PLA-XX-XX-DR-L-3002 Sheet 3
2.4	Retail Policy Response: Additional Information (dated 23.11.22)
2.5	Retail Policy Response Addendum (dated 20.12.22)
<b>3.</b>	<b>Revised Scheme Submission (May 2023)</b>
3.1	Planning Covering Letter (dated 12.05.23)
3.1.2	Revised Application Forms
3.1.3	Cil Forms March 2023
3.1.4	Planning Statement Addendum (March 2023)
3.1.5	S106 Draft Heads of Terms (March 2023)
3.1.6	Revised Design and Access Statement Revision P04 (March 2023)
3.1.7	Assessment Against DfT Circular 01/2022
3.1.8	RAM-SK-EL-001 Substations & EVC rev 5
3.1.9	Sustainability Statement March 2023
3.1.10	Minerals Assessment March 2023
3.1.11	Applicants Response to Consultation March 2023

3.2.1	2237-GHA-ZZ-20-DR-A-(10)00005-Proposed Masterplan
3.2.2	2237-GHA-ZZ-20-DR-A-(10)00006-Proposed Site Plan
3.2.3	2237-GHA-ZZ-20-DR-A-(10)00010-Proposed Site Plan - Ground Floor
3.2.4	2237-GHA-ZZ-20-DR-A-(10)00020-Parameters Plan
3.2.5	2237-GHA-MS-00-DR-A-(20)1100-Amenity Bldg - L00 GA Plan
3.2.6	2237-GHA-MS-01-DR-A-(20)1101-Amenity Bldg - L01 GA Plan
3.2.7	2237-GHA-MS-02-DR-A-(20)1102-Amenity Building - Roof Plan
3.2.8	2237-GHA-MS-ZZ-DR-A-(20)1100-Proposed Site Sections - Sh1
3.2.9	2237-GHA-MS-ZZ-DR-A-(20)1101-Proposed Site Sections - Sh2
3.2.10	2237-GHA-MS-ZZ-DR-A-(20)1300-Amenity Bldg-Section AA&BB
3.2.11	2237-GHA-MS-ZZ-DR-A-(20)1200-Amenity Bldg-N&S Elevation
3.2.12	2237-GHA-MS-ZZ-DR-A-(20)1201-Amenity Bldg-E&W Elevation
3.2.13	2237-GHA-HO-00-DR-A-(20)2100 -Hotel - L00 GA Plan
3.2.14	2237-GHA-HO-01-DR-A-(20)2101-Hotel - L01 GA Plan
3.2.15	2237-GHA-HO-02-DR-A-(20)2102-Hotel - L02 GA Plan
3.2.16	2237-GHA-HO-03-DR-A-(20)2103-Hotel - Roof Plan
3.2.17	2237-GHA-HO-ZZ-DR-A-(20)2200-Hotel - N&S Elevation
3.2.18	GHA-HO-ZZ-DR-A-(20)2201-Hotel - E&W Elevation
3.2.19	2237-GHA-HO-ZZ-DR-A-(20)2300-Hotel - Section CC&DD

3.2.20	2237-GHA-HO-ZZ-DR-A-(20)2301-Hotel - Section EE
3.2.21	2237-GHA-FF-ZZ-DR-A-(20)4200-Aux. Structures
3.2.22	2237-GHA-MS-ZZ-DR-A-(20)4202-West Barn - Elevations Plan
3.2.23	2237-GHA-MS-ZZ-DR-A-(20)4201-East Barn - Elevations Plan
3.3.1	2607-PLA-XX-XX-DR-L-0002-Landscape masterplan
3.3.2	2607-PLA-XX-XX-DR-L-0004-Highway Boundary Plan
3.3.3	2607-PLA-XX-XX-DR-L-1000-Hardworks
3.3.4	2607-PLA-XX-XX-DR-L-2000-Softworks
3.3.5	2607-PLA-XX-XX-DR-L-3000-Long Site sections - Sheet 1
3.3.6	2607-PLA-XX-XX-DR-L-3001-Long Site sections - Sheet 2
3.3.7	2607-PLA-XX-XX-DR-L-3002-Long Site sections - Sheet 3
3.3.8	2607-PLA-XX-XX-DR-L-3003-Long Site sections - Sheet 4
3.3.9	2607-PLA-XX-XX-DR-L-4000-Furniture
3.3.10	2607-PLA-XX-XX-DR-L-8000-Detail Plan - Hotel & Kitchen Gardens
3.4.1	M56-BWB-DDG-XX-DR-C-500_[S1-P8]_SuDS Drainage Strategy
3.4.2	M56-BWB-DDG-XX-DR-C-501-[S1-P6]_FW Drainage Strategy
3.4.3	M56-BWB-DGT-XX-DR-C-600-[S1-P12]_Finished Levels
3.4.4	M56-BWB-DGT-XX-DR-C-630-[S1-P10]_Earthworks Cut and Fill
3.4.5	M56-BWB-DGT-XX-DR-C-635_[S1-P8]_Site Sections Sheet 1

3.4.6	M56-BWB-DGT-XX-DR-C-636_[S1-P8]_Site Sections Sheet 2
3.5.1	M56-BWB-GEN-XX-SK-CH-SK018_Yarwoodheath NMU-S2-P05
3.5.2	M56-BWB-GEN-XX-SK-CH-SK026_HS2 planning con area-S2-P04
3.5.3	M56-BWB-HGN-02-DR-CH-0105_Bowdon South RB Tracking-S1-P09
3.5.4	M56-BWB-HGN-03-DR-CH-0100_GA Sh3 MSA Access Rd-S1-P10
3.5.5	M56-BWB-HGN-04-DR-CH-0100_GA Sh4 MSA Internal Rd-S1-P06
3.5.6	M56-BWB-HGN-04-DR-CH-0105_MSA Internal Tracking-S1-P04
3.6.1	Environmental Statement Non-Technical Summary March 2023 (Incorporating Addendum Information)
3.6.2	Environmental Statement Addendum Chapters – which includes items 3.6.2.1 – 3.6.2.12 listed below.
3.6.2.1	00_Contents_ADD_230323
3.6.2.2	Pre-ambble_REVD_230323
3.6.2.3	04_Pro Dev_ ADD_REVC_210223
3.6.2.4	Planning Policy_ADD_REVA_060223
3.6.2.5	07_Landscape_Add_REVA_060223
3.6.2.6	08_Ecology_ADD_210223
3.6.2.7	09_ArchHeritage_ADD_REVA_060223
3.6.2.8	12_Water Resources_211222
3.6.2.9	13_Transport_ADD_REVD_060223

3.6.2.10	14_NoiseVib_ADD_REVA_230323
3.6.2.11	15_Airquality_ADD_REVA_230323
3.6.2.12	16_Summary_ADD_REVA_230323
3.6.3	Environmental Statement Addendum Appendices - which includes items 3.6.3.1 – 3.6.3.19 listed below.
3.6.3.1	Appendix 4.1a, which includes items 3.6.3.1-3.6.3.1.4 listed below:
3.6.3.1.1	M56-BWB-DGT-XX-DR-C-600-[S1-P12]_Finished Levels
3.6.3.1.2	M56-BWB-DGT-XX-DR-C-630-[S1-P10]_Earthworks Cut and Fill
3.6.3.1.3	M56-BWB-DGT-XX-DR-C-635_[S1-P8]_Site Sections Sheet 1
3.6.3.1.4	M56-BWB-DGT-XX-DR-C-636_[S1-P8]_Site Sections Sheet 2
3.6.3.2	Appendix 4.2a – Drawings 2607-PLA-XX-XX-DR-L-3000-Long Site sections - Sheet 1 & 2607-PLA-XX-XX-DR-L-3001-Long Site sections - Sheet 2
3.6.3.3	Appendix 4.3 2607-PLA-XX-XX-DR-L-0004-Highway Boundary Plan
3.6.3.4	Appendix 7.2a – Revised Viewpoint Assessment
3.6.3.5	Appendix 8.5a – Shadow Habitats Regulations Assessment February 2023
3.6.3.6	Appendix 8.6a – Biodiversity Net Gain Assessment & Metrics
3.6.3.7	Appendix 8.8 Additional Lighting Information
3.6.3.8	Appendix 9.2 Yarwood Heath Farm Structural Report (November 2022)
3.6.3.9	Appendix 9.3 Heritage Review of Yarwood Heath Farm Buildings – dated 27.10.22
3.6.3.10	Appendix 9.4, includes drawings 2607-PLA-XX-XX-DR-L-3002-Long Site sections - Sheet 3 & 2607-PLA-XX-XX-DR-L-3003-Long Site sections - Sheet 4



3.6.3.11	Appendix 12.1a – Flood Risk Assessment – March 2023
3.6.3.12	Appendix 12.2a – Sustainable Drainage Assessment – March 2023
3.6.3.13	<p>Appendix 13.1a, which includes:</p> <ul style="list-style-type: none"> <li>• M56-BWB-GEN-XX-SK-CH-SK018_Yarwoodheath Lane walking and cycling proposals-S2-P05</li> <li>• M56-BWB-HGN-02-DR-CH-0105_Bowdon South Roundabout Vehicle Tracking-S1-P09</li> <li>• M56-BWB-HGN-03-DR-CH-0100_General Arrangement Sheet 3 MSA Access Road-S1-P10</li> <li>• M56-BWB-HGN-04-DR-CH-0100_General Arrangement Sheet 4 MSA Internal Road-S1-P06</li> <li>• M56-BWB-HGN-04-DR-CH-0105_MSA Internal Road Vehicle Tracking-S1-P04</li> </ul>
3.6.3.14	Appendix 13.2a Framework Travel Plan – March 2023
3.6.3.15	Appendix 13.3 HS2 Assessment (new)
3.6.3.16	Appendix 13.4 Technical Note 'Review of TA' (new)
3.6.3.17	Appendix 13.5 Technical Note – Additional Information for Highways (new)
3.6.3.18	Appendix 13.6 Area subject to HS2 Planning Condition (new)
3.6.3.19	Appendix 13.7 AADT/AAWT HS2 construction traffic flows (new)
3.6.4	Environmental Statement Addendum Figures
<b>4.</b>	<b>August 2023 – Additional Information Submission</b>
4.1	Submission Email to Cheshire East (dated 21.08.23)
4.2	Hedgerow Assessment (Ref: 1128-HRA-V1-A) dated 15.08.23
4.3	Impacts of Air Quality on Rostherne Mere Technical Note (NTH2346) dated 18.08.23
4.4	Fuel Storage Feasibility Assessment (Ref: BOW-BWB-EGT-XX-RP-LE-0001_TN) dated 03.08.23

4.5	Natural England Response (Ref: BOW-BWB-ZZ-XX-RP-YE-0005_TN) dated 19.07.23
4.6	Pegasus Email in respect of Regulation 25 - dated 30.08.23
5.1	Planning Covering Letter – dated 01.09.23
5.2	2237-GHA-ZZ-20-DR-A-(10)00005-Proposed Masterplan
5.3	2607-PLA-XX-XX-DR-L-0002-Landscape masterplan
5.4	2607-PLA-XX-XX-DR-L-2000-Softworks
5.5	2607-PLA-XX-XX-DR-L-1000-Hardworks
5.6	2237-GHA-FF-ZZ-DR-A-(20)4200-Indic. Design & Location of Aux. Struc.
5.7	2237-GHA-HO-00-DR-A-(20)2100-Hotel - L00 GA Plan
5.8	2237-GHA-HO-01-DR-A-(20)2101-Hotel - L01 GA Plan
5.9	2237-GHA-HO-02-DR-A-(20)2102-Hotel - L02 GA Plan
5.10	2237-GHA-HO-03-DR-A-(20)2103-Hotel - Roof Plan
5.11	2607-PLA-XX-XX-DR-L-0004-Highway Boundary Plan
<b>6.</b>	<b>Final Plans before Cheshire East Council for consideration at October 2023 Planning Committee</b>
6.1.1	M56-BWB-DDG-XX-DR-C-500_[S1-P8]_SuDS Drainage Strategy
6.1.2	M56-BWB-DDG-XX-DR-C-501-[S1-P6]_FW Drainage Strategy
6.1.3	M56-BWB-DGT-XX-DR-C-600-[S1-P12]_Finished Levels
6.1.4	M56-BWB-DGT-XX-DR-C-630-[S1-P10]_Earthworks Cut and Fill
6.1.5	M56-BWB-DGT-XX-DR-C-635_[S1-P8]_Site Sections Sheet 1
6.1.6	M56-BWB-DGT-XX-DR-C-636_[S1-P8]_Site Sections Sheet 2
6.2	RAM-SK-EL-001 Substations & EVC rev 5
6.3.1	2237-GHA-FF-00-DR-A-(20)3100-Fuel Barn - L00 GA Plan

6.3.2	2237-GHA-FF-01-DR-A-(20)3101-Fuel Barn - L01 GA Plan
6.3.3	2237-GHA-FF-02-DR-A-(20)3102-Fuel Barn - Roof Plan
6.3.4	2237-GHA-FF-ZZ-DR-A-(20)3200-Fuel Barn - North and South Elevation
6.3.5	2237-GHA-FF-ZZ-DR-A-(20)3201-Fuel Barn - West and East Elevations
6.3.6	2237-GHA-FF-ZZ-DR-A-(20)3300-FFS - GA Section EE & FF
6.3.7	2237-GHA-FF-ZZ-DR-A-(20)4200-Indicative Design and Location of Auxiliary Structures
6.3.8	2237-GHA-HO-00-DR-A-(20)2100-Hotel - L00 GA Plan
6.3.9	2237-GHA-HO-01-DR-A-(20)2101-Hotel - L01 GA Plan
6.3.10	2237-GHA-HO-02-DR-A-(20)2102-Hotel - L02 GA Plan
6.3.11	2237-GHA-HO-03-DR-A-(20)2103-Hotel - Roof Plan
6.3.12	2237-GHA-HO-ZZ-DR-A-(20)2200-Hotel - North and South Elevation
6.3.13	2237-GHA-HO-ZZ-DR-A-(20)2201-Hotel - West and East Elevation
6.3.14	2237-GHA-HO-ZZ-DR-A-(20)2300-Hotel - GA Section CC & DD
6.3.15	2237-GHA-HO-ZZ-DR-A-(20)2301-Hotel - GA Section EE
6.3.16	2237-GHA-MS-00-DR-A-(20)1100-Amenity Building - L00 GA Plan
6.3.17	2237-GHA-MS-01-DR-A-(20)1101-Amenity Building - L01 GA Plan
6.3.18	2237-GHA-MS-02-DR-A-(20)1102-Amenity Building - Roof Plan
6.3.19	2237-GHA-MS-ZZ-DR-A-(20)1100-Proposed Site Sections - Sheet 1
6.3.20	2237-GHA-MS-ZZ-DR-A-(20)1101-Proposed Site Sections - Sheet 2
6.3.21	2237-GHA-MS-ZZ-DR-A-(20)1110-Existing Site Sections - Sheet 1
6.3.22	2237-GHA-MS-ZZ-DR-A-(20)1111-Existing Site Sections - Sheet 2

6.3.23	2237-GHA-MS-ZZ-DR-A-(20)1200-Amenity Building - North and South Elevation
6.3.24	2237-GHA-MS-ZZ-DR-A-(20)1201-Amenity Building - East and West Elevation
6.3.25	2237-GHA-MS-ZZ-DR-A-(20)1300-Amenity Building - GA Section AA & BB
6.3.26	2237-GHA-MS-ZZ-DR-A-(20)4201-East Barn - Elevations Plan
6.3.27	2237-GHA-MS-ZZ-DR-A-(20)4202-West Barn - Elevations Plan
6.3.28	2237-GHA-ZZ-20-DR-A-(10)00001-Site Location Plan
6.3.29	2237-GHA-ZZ-20-DR-A-(10)00002-Existing Layout Plan
6.3.30	2237-GHA-ZZ-20-DR-A-(10)00005-Proposed Masterplan
6.3.31	2237-GHA-ZZ-20-DR-A-(10)00006-Proposed Site Plan
6.3.32	2237-GHA-ZZ-20-DR-A-(10)00010-Proposed Site Plan - Ground Floor
6.3.33	2237-GHA-ZZ-20-DR-A-(10)00020-Parameters Plan
6.4.1	M56-BWB-GEN-XX-SK-CH-SK018_Yarwoodheath Lane -S2-P05
6.4.2	M56-BWB-GEN-XX-SK-CH-SK026_MSA area subject to HS2 planning condition-S2-P04
6.4.3	M56-BWB-HGN-01-DR-CH-0100_General Arrangement Sheet 1 Bowdon North Roundabout-S1-P06
6.4.4	M56-BWB-HGN-01-DR-CH-0105_Bowdon North Roundabout Vehicle Tracking-S1-P04
6.4.5	M56-BWB-HGN-02-DR-CH-0100_General Arrangement Sheet 2 Bowdon South Roundabout-S1-P10
6.4.6	M56-BWB-HGN-02-DR-CH-0105_Bowdon South Roundabout Vehicle Tracking-S1-P09
6.4.7	M56-BWB-HGN-03-DR-CH-0100_General Arrangement Sheet 3 MSA Access Road-S1-P10
6.4.8	M56-BWB-HGN-03-DR-CH-0105_MSA Access Road Vehicle Tracking-S1-P06
6.4.9	M56-BWB-HGN-04-DR-CH-0100_General Arrangement Sheet 4 MSA Internal Road-S1-P06
6.4.10	M56-BWB-HGN-04-DR-CH-0105_MSA Internal Road Vehicle Tracking-S1-P04

6.5.1	2607-PLA-XX-XX-DR-L-0002-Landscape masterplan
6.5.2	2607-PLA-XX-XX-DR-L-0003-Tree Retention and Removal
6.5.3	2607-PLA-XX-XX-DR-L-0004-Highway Boundary Plan
6.5.4	2607-PLA-XX-XX-DR-L-1000-Hardworks
6.5.5	2607-PLA-XX-XX-DR-L-2000-Softworks
6.5.6	2607-PLA-XX-XX-DR-L-3000-Long Site sections - Sheet 1
6.5.7	2607-PLA-XX-XX-DR-L-3001-Long Site sections - Sheet 2
6.5.8	2607-PLA-XX-XX-DR-L-3002-Long Site sections - Sheet 3
6.5.9	2607-PLA-XX-XX-DR-L-3003-Long Site sections - Sheet 4
6.5.10	2607-PLA-XX-XX-DR-L-4000-Furniture
6.5.11	2607-PLA-XX-XX-DR-L-8000-Detail Plan - Hotel and Kitchen Gardens[9]
<b>7.</b>	<b>Relevant Application Responses</b>
7.1	Bowdon Conservation Group 26.06.23
7.2	Bowdon Conservation Group – 31.07.23
7.3	Cadent Gas – 21.03.22
7.4	Cheshire Business Leaders 01.06.22
7.5	Cheshire County Land & Business Association 04.07.22
7.6	Cheshire East Archaeology Response – 23.03.22
7.7	Cheshire East Council Design Comments– 31.05.22
7.8	Cheshire East Council Design Comments – 30.06.23
7.9	Cheshire East Strategic Planning Response – 18.03.22

7.10	Cheshire East Ecology – 01.06.22
7.11	Cheshire East Ecology – 19.06.23
7.12	Cheshire East Economic Development Team – 04.05.22
7.13	Cheshire East Environmental Health Officer – 27.04.22
7.14	Cheshire East Environmental Health Officer – 03.07.23
7.15	Cheshire East Forestry/Trees – 18.03.22
7.16	Cheshire East Heritage Response – 27.05.22
7.17	Cheshire East Heritage Response – 06.07.23
7.18	Cheshire East Highways Response – 19.08.22
7.19	Cheshire East Landscape Response – 15.08.22
7.20	Cheshire East Local Flood Authority Response 30.08.23
7.21	Cheshire East Local Flood Authority Response – 19.09.23 & 20.09.23
7.22	Cheshire East Public Rights of Way – 08.04.22
7.23	Cheshire Gardens Trust – 07.04.22
7.24	Cheshire Gardens Trust – 08.06.23
7.25	CPRE 06.05.22
7.26	Cheshire Wildlife Trust – 05.05.22
7.27	Environment Agency – 27.06.23
7.28	Environment Agency -15.09.23
7.29	High Legh Parish Council 05.04.22
7.30	High Legh Parish Council – 29.06.23

7.31	Historic England – 26.04.22
7.32	Historic England – 05.06.23
7.33	HS2 – 08.04.22
7.34	HS2 – 29.06.23
7.35	Little Bollington with Agden Parish Council – 27.06.23
7.36	National Highways Response – 07.04.22
7.37	National Highways Response – 06.06.22
7.38	National Highways Response – 08.07.22
7.39	National Highways Response – 22.08.22
7.40	National Highways Response – 23.05.23
7.41	National Highways Response – 31.05.23
7.42	Natural England DAS Advice – 19.11.20
7.43	Natural England – 25.04.22
7.44	Natural England – 15.06.23
7.45	Natural England – 11.09.23
7.46	Manchester Airport Group (MAG) – 08.04.22
7.47	Manchester Airport Group (MAG) – 30.06.23
7.48	Millington Parish Council – 20.04.22
7.49	Moto Hospitality Limited – 16.06.23
7.50	National Trust – 04.05.22
7.51	Rostherne Parish Council 24.05.22



7.52	Ringway Parish Council 31.05.23
7.53	United Utilities – 10.05.22
7.54	Cheshire East Ecology – 25.09.23
7.55	Cheshire East Forestry – 04.09.23
<b>8.</b>	<b>Cheshire East Strategic Planning Board Committee</b>
8.1	Committee Report
8.2	Update Report to Committee
8.3	Committee Minutes
<b>9.</b>	<b>National Policy Documents &amp; Guidance</b>
9.1	Department for Transport Circular 01/2022
9.2	National Planning Policy Framework (December 2023)
9.3	Draft Revised National Planning Policy Framework (Published 30 July 2024)
9.4	National Planning Policy Framework Annex 3: Flood risk vulnerability classification
9.5	Town and Country Planning EIA Regulations 2017 (amended 2018)
9.6	The Town and Country Planning (Development Management Procedure) (England) Order 2015
9.7	Department for Transport Circular 02/2013
9.8	Historic Environment Good Practice Advice in Planning 2: Managing Significance in Decision-Taking in the Historic Environment
9.9	Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, the key guidance of assessing setting
9.10	Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets
9.11	Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment.
9.12	<a href="#">Planning Practice Guidance - Green Belt December 2023</a>

9.13	The Hedgerows Regulations 1997
9.14	DEFRA – Local Air Quality Management Technical Guidance (TG22) – August 2022
9.15	CIEEM – Advice Note on Lifespan of Ecological Reports & Surveys
9.16	<a href="#">Planning Practice Guidance - Biodiversity Net Gain</a>
9.17	Department for Transport Circular 01/2008
<b>10.</b>	<b>Cheshire East Planning Policy Documents</b>
10.1	Cheshire East Local Plan Strategy 2010-2030
10.2	Cheshire East Local Plan Site Allocations and Development Policies Document
10.3	Cheshire East Replacement Minerals and Waste Local Plan (adopted 1999)
10.4	Cheshire East Council Design Guide (2017) – Volume 1
10.5	Cheshire East Sustainable Drainage Systems SPD 2024
10.6	Cheshire East Environmental Protection SPD 2024
10.7	Cheshire East Ecology and Biodiversity Net Gain SPD 2024
10.8	Cheshire East DRAFT Minerals and Waste Plan (2022)
10.9	Inspectors Report for Cheshire East Site Allocations and Development Policies Document
10.10	Cheshire East Council Local Transport Plan
10.11	Cheshire East Council Electric Vehicle Strategy Report June 2021
10.12	Extract from Adopted Policies Map for Cheshire East in relation to application site
10.13	Inspector's Interim Views – Examination of Local Plan Strategy (Dated 28.11.14)

10.14	Inspector's Final Report of Examination of Cheshire East Local Plan Strategy (Dated 20.06.17)
10.15	Cheshire East Climate Change & Sustainable Energy Planning Research: Technical Report (September 2011)
<b>11.</b>	<b>Trafford Council Planning Policy Documents, Officer Report and Response to Regulation 18 Consultation</b>
11.1	Trafford Local Plan: Core Strategy (Adopted 2012)
11.2	Revised Trafford Unitary Development Plan (2006)
11.3	Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan (March 2024)
11.4	Trafford Council Local Highway Authority Response to Article 16 consultation – 25.05.22
11.5	Trafford Council Air Quality – 27.05.22
11.6	Nexus Planning Retail Response - 23.06.22
11.7	Heritage Officer Response – 21.07.22
11.8	Bowdon Conservation Group – 10.01.23
11.9	Officers' report (Trafford) to the meeting of Trafford's Planning and Development Management Committee of 19th January 2023 (regarding consultation application reference 107928/ART16/22)
11.10	Trafford Council Article 18 Consultation Response – 20.01.23
11.11	Trafford Council's Statement of Representations to the Secretary of State (November 2023)
11.12	Pegasus Letter to Trafford MBC dated 26.07.24
11.13	Transcript of Trafford planning committee meeting (N005v1)
11.14	Rebecca Coley Response to Pegasus Letter dated 06.08.24
11.15	Minutes of Trafford Planning and Development Management Committee – 19 <sup>th</sup> January 2023

11.16	Nexus Final Report January 2023
<b>12.</b>	<b>Relevant Evidence Base Documents</b>
12.1	Cheshire East EV Charging Infrastructure Strategy (June 2021)
12.2	Cheshire East New Green Belt and Strategic Open Gap Study 2013
12.3	Cheshire East Green Belt Assessment Update Final Report
12.4	Cheshire East Green Belt Assessment Update – Annex Parcels
12.5	Cheshire East Council Green Belt Assessment Update 2015 Final Consolidated Report
12.6	Cheshire Gateway Report (March 2016) – Appendix 5 – Green Belt Assessment
12.7	Wirral Borough Council Green Belt Review Full Report (November 2019)
12.8	Cheshire East Level 1 Strategic Flood Risk Assessment (January 2024)
12.9	Cheshire East Council Strategic Flood Risk Assessment 2013
12.10	Cheshire East Council Strategic Flood Risk Assessment 2013 Appendix A
12.11	Cheshire East Landscape Character Assessment (May 2018)
12.12	Cheshire East Local Landscape Designation Review (2018)
12.13	HS2 Safeguarding Direction
12.14	Greater Manchester Green Belt Assessment (July 2016)
12.14.1	Appendix 4.10 of Greater Manchester Green Belt Assessment (July 2016)
12.14.2	Figure 4.41 of Greater Manchester Green Belt Assessment (July 2016)
12.14.3	Figure 4.42 of Greater Manchester Green Belt Assessment (July 2016)
12.14.4	Figure 4.43 of Greater Manchester Green Belt Assessment (July 2016)
12.14.5	Figure 4.44 of Greater Manchester Green Belt Assessment (July 2016)

12.14.6	Figure 4.45 of Greater Manchester Green Belt Assessment (July 2016)
12.14.7	Appendix 4 of Greater Manchester Green Belt Assessment (July 2016)
12.15	Places for Everyone Green Belt Topic Paper
12.16	Places for Everyone Site Selection Background Paper
12.17	Cheshire East SADPD Call for Sites (August 2020)
12.18	Cheshire East SADPD Site Selection Methodology Report (August 2020)
12.19	Cheshire East SADPD Consultation Statement Part 1 (September 2020)
12.20	Cheshire East SADPD Consultation Statement Part 2 (April 2021)
12.21	Inspector's Report to Cheshire East Council (October 2022)
12.22	National Highways A556 Knutsford to Bowdon improvement - One-year post-opening project evaluation
12.23	National Survey of Lorry Parking 2022 – part one (September 2022)
12.24	National Survey of Lorry Parking 2022 - part two (May 2023)
12.25	Written Statement to Parliament – Planning reforms for Lorry Parking, 8th November 2021
12.26	A556 Knutsford to Bowdon Improvement – Cycleway North of Bowdon Roundabout Feasibility Study (Atkins, January 2019)
12.27	Warrington Borough Council Green Belt Assessment (ARUP, October 2016)
12.28	Office of Rail and Road (ORR) second annual assessment of safety performance on the strategic road network – December 2023
12.29	Greater Manchester Electric Vehicle Charging Infrastructure Strategy
12.30	Greater Manchester Transport Strategy 2040
12.31	HM Government – Taking charge: the electric vehicle infrastructure strategy
12.32	HM Government News Story: Pathway for zero emission vehicle transition by 2035 becomes law 03.01.24

12.33	Transport for the North – Electric Vehicle Charging Infrastructure Framework – October 2022
12.34	The Eddington Transport Study – Main Report (December 2006)
12.35	Trafford Retail and Leisure Study 2019 (including associated appendices)
12.36	Cheshire East Retail Study Quantitative Update (2018)
12.37	Cheshire East Retail Study Partial Update (2020)
12.38	Department for Transport – Future of Freight: a long-term plan (June 2022)
12.39	Establishment of a Renewable Energy Policy (ea technology consulting) May 2010
<b>13.</b>	<b>Statements of Case</b>
13.1.1	Applicant's Statement of Case
13.1.2	Applicant's Statement of Case Appendix 1 Correction
13.2.1	Cheshire East Council Statement of Case
13.2.2	Cheshire East Council Corrected Statement of Case
13.3.1	Moto Hospitality Ltd (Rule 6 party) Statement of Case
13.3.2	Appendix 1 of Moto Statement of Case
13.3.3	Appendix 2 of Moto Statement of Case
13.3.4	Appendix 3 of Moto Statement of Case
13.3.5	Appendix 4 of Moto Statement of Case
13.3.6	Appendix 5 of Moto Statement of Case
13.3.7	Appendix 6 of Moto Statement of Case
13.4	Trafford Council (Rule 6 party) Statement of Case
13.5	Stop Tatton Services (Rule 6 party) Statement of Case

<b>14. Statements of Common Ground</b>	
14.1	Statement of Common Ground with Cheshire East Council
14.2	Addendum Statement of Common Ground with Cheshire East Council
14.3	Statement of Common Ground with National Highways
14.4	Statement of Common Ground with Trafford Council
<b>15. Relevant Appeal Decisions &amp; Case Law</b>	
15.1	Land at J11, M62 (Warrington) – Appeal Reference: APP/MO655/W/21/3288180
15.2	Conjoined Inquiry APP/E2734/W/20/3245778 for the proposed Vale of York MSA and APP/E2734/W/23/3261729 for the proposed Ripon MSA.
15.3	Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847
15.4	R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)
15.5	Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061
15.6	Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292
15.7	Scottish Widows PLC v Cherwell District Council [2013] EWHC 3968 (Admin)
15.8	Malmesbury Appeal Decisions – Appeal References APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923 and APP/Y3940/W/21/3282365
15.9	Solihull Appeal Decisions – Appeal References APP/Q4625/W/21/3273047 & APP/Q4625/W/21/3275290
<b>16. Applicant's Appeal Documents</b>	
16.1.1	Mr Tibenham – Main Proof of Evidence - Planning
16.1.2	Mr Tibenham - Planning Appendices
16.1.3	Mr Tibenham – Summary Proof of Evidence
16.2.1	Mr Hilditch – Main Proof of Evidence - Highways



16.2.2	Mr Hilditch - Highways Appendices
16.2.3	Mr Hilditch – Summary Proof of Evidence
16.3.1	Mr Ash – Main Proof of Evidence - Transport
16.3.2	Mr Ash – Transport Appendices
16.3.3	Mr Ash – Summary Proof of Evidence
16.4.1	Mr Atkin – Main Proof of Evidence - Landscape
16.4.2	Mr Atkin – Summary Proof of Evidence
16.5.1	Ms Garcia – Main Proof of Evidence - Heritage
16.6.1	Mr Hoy – Main Proof of Evidence - Ecology
16.6.2	Mr Hoy – Ecology Appendices
16.6.3	Mr Hoy – Summary Proof of Evidence
16.7	DRAFT Section 106 Agreement – dated 27.08.24
16.8	Correspondence with PINS environmental Services Team in relation to updated Ecology surveys – Email dated 05.09.24 and Ecology Technical Note (July 2024)
16.9	Updated DRAFT Section 106 Agreement – submitted 01.10.24
<b>17.</b>	<b>Cheshire East Council's Appeal Documents</b>
17.1	Mr Paul Wakefield – Main Proof of Evidence - Planning
17.2	Mr Paul Wakefield – Summary Proof of Evidence
<b>18.</b>	<b>Trafford Council (Rule 6 Party) Appeal Documents</b>
18.1	Mrs Bethany Brown – Main Proof of Evidence – Planning (Withdrawn)
18.2	Mrs Bethany Brown – Appendices (Withdrawn)
18.3	Mrs Bethany Brown - Summary Proof of Evidence (Withdrawn)

18.4	Mrs Bethany Brown – Rebuttal Evidence (Withdrawn)
18.5	Mrs Bethany Brown – Rebuttal Evidence Appendix (Withdrawn)
<b>19.</b>	<b>Moto Appeal Documents</b>
19.1	Written Inquiry Statement
<b>20.</b>	<b>Inspector's &amp; Inquiry Documents</b>
ID.1	Call in Letter (Department for Levelling Up, Housing & Communities) – 23.05.24
ID.2	Inspector's Pre-Conference Note
ID.3	Case Management Conference (CMC) Summary Note – 28.08.24
ID.4	Itinerary for Inspector's Site Visit
ID.5	Site Visit Plan – Pedestrian – Drawing Reference: P24_1424_EN_19 Rev E.
ID5.1	Site Visit Plan – Pedestrian (Corrected following Site Visit) Drawing Reference: P24_1424_EN_19 Rev F. Submitted to PINS 18.10.24
ID.6	Site Visit Plan - Driving
ID.7	Draft Conditions with Trafford Council comments
ID.8	Draft Inquiry Timetable (PINS v3)
ID.9	Draft Inquiry Timetable (PINS v4)
IN.1	List of Appearances for Applicant
IN.2	Applicant's Opening Submission
IN.3	Council's Opening Submission
IN.4	Bill Dixon Opening Comments
IN.5	Moto Opening Comments

IN.6	Gap Analysis for MSAs Plan
IN.7	Lengths of the SRN Assessed for Potential MSA Sites Plan – Drawing Reference: P17-1058_31 Rev C (handed to Inspector)
IN.7.1	Lengths of the SRN Assessed for Potential MSA Sites Plan – Drawing Reference: P17-1058_31 Rev D (Updated)
IN.8	Updated National Highway Comments on Lymm Planning Application
IN.9	Updated Draft Conditions List
IN.10	Site Aerial Photos
IN.11	Potential Contributors to Bollin Valley Cycle Way Link: Funding and Skills
IN.12	Updated Draft Conditions List (V2)
IN.13	Updated Section 106 Agreement – 15.10.24
IN.14	Section 106 Plan Public Rights of Way & Land Ownership – Drawing Reference: 24_1424_EN_17 Rev D (handed to Inspector)
IN14.1	Section 106 Plan 1 – The Site and Cycle Link Options (Drawing Reference: P24_1424_EN_17 Rev F) - Updated
IN.15	Section 106 Plan Employment Opportunities Phases 1 & 2 - Drawing Reference: P24_1424_EN_12 Rev C – Handed to Inspector
IN15.1	Section 106 Plan 2 – Employment Opportunities Phases 1 & 2 (Drawing Reference: P24_1424_EN_12 Rev D) - Updated
IN.16	Errata Note – Mr Tibenham PoE
IN.17	Updated Draft Conditions (V3) - dated 16.10.24
IN.18	Comments from Terry Hayward (Chief Executive of North Cheshire Chamber of Commerce)
IN.19	Cheshire East CIL Compliance Statement (17 <sup>th</sup> October 2024)
IN.20	Mr Hilditch Additional Evidence/Highways Responses to matters raised
IN.21	Final Section 106 Agreement – entitled 'FINAL - CEBC s106(234017404.1)' [See IN.30]
IN.22	Existing Landscape Enhancements Plan (Drawing Reference: 2607-PLA-XX-XX-DR-L-2001 S4 PO1 – Landscaping plan in respect of draft condition 21

IN.23	Updated Draft Conditions (V4) - dated 21.10.24 - Tracked Change Version
IN.24	Updated Draft Conditions (V4) - dated 21.10.24 - Clean Version
IN.25	Stop Tatton Services Additional Representations and Photographs of Altrincham Town Centre - submitted to PINS 21.10.24
IN.26	Trafford Council email dated 21.10.24 - withdrawal of suggested condition
IN.27	Solihull Appeal Decision APP/Q4625/W/21/3273047 & APP/Q4625/W/21/3275290
IN.28	Cheshire East Council Closing Statement
IN.29	Applicant's Closing Statement - V8.3 - Corrected Version
IN.30	Completed Section 106 Agreement dated 1 November 2024
<b>21.</b>	<b>Stop Tatton Services Appeal Documents</b>
21.1	Written Statement

## **ANNEX D: Appearances**

### **FOR TATTON ESTATES LTD**

Paul G Tucker KC and  
Arevik Jackson  
Counsel for the Applicant

Instructed by  
Pegasus Group

#### **They called**

Simon Hilditch  
MEng(Hons) MICE MCIHT

Director  
BWB Consulting Ltd

Malcolm Ash  
CEng(Hons) MICE MCIHT CMILT

Associate Director  
BWB Consulting Ltd

James Atkin  
BSc (Hons) DipLM CMLI

Senior Director (Landscape) &  
Deputy Head of the Environment Service  
Pegasus Group

Sebastian Tibenham  
MA MRTPI

Executive Director  
Pegasus Group

#### **Witnesses not called**

Peter Hoy  
BSc(Hons) PgDip MCIEEM

Senior Director  
FPCR Environment and Design Ltd

Laura Garcia  
BA(Hons) MCIfA

Senior Director (Heritage)  
Pegasus Group

#### **Section 106 Contributor**

Richard Lloyd

Partner Eversheds

### **FOR CHESHIRE EAST COUNCIL**

Stephen Whale  
Counsel for the Local Planning  
Authority

Instructed by  
James Thomas, Planning Solicitor  
Cheshire East Council

#### **He called**

Paul Wakefield  
BSc(Hons) MA MRTPI

Planning Team Leader  
Development Management  
Cheshire East Council

**FOR TRAFFORD COUNCIL (RULE 6(6) – Planning Conditions/S106)**

Bethany Brown  
BA(Hons) Dip TP MRTPI

Major Planning Projects Officer  
Trafford Council

**INTERESTED PARTIES/PERSONS**

Bill Dixon

Stop Tatton Services

Nick Jenkins  
MRICS

Director  
Smith Jenkins Ltd

Councillor Paul Cassidy

Little Bollington with Agden Community  
Council

Dominic Fenton

Chair Millington and Rostherne Parish Council;  
local farmer; and farm shop owner

Bridget Green

Trafford Green Party

Gareth Twose

Trafford Green Party

Matt Townley

Co-owner MOST Bakery, Altrincham

Paul Gallagher

Resident of Bowdon

Terry Hayward

Chief Executive North Cheshire Chamber of  
Commerce

Edward Barnston  
NSch MIAgrM FRASE

Barnston Estate



# Ministry of Housing, Communities & Local Government

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

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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