

Extra MSA Section 78 appeal

Ref: APP/M0655/W/21/3288180

Refusal of Outline Planning Permission  
for Erection of a Motorway Service Area  
(2019/35726) - Land to the North of  
Junction 11 of the M62, Warrington

General Statement of Common Ground.

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## Introduction

1. This document is a Statement of Common Ground (**SoCG**) agreed between the Appellant (Extra MSA Group), and Warrington Borough Council (**the Council**).

## Appeal Proposals

2. The site address is: Land North of Junction 11, M62, Warrington.
3. The description of development is:
4. ***‘Environmental Assessment Application, Outline Planning Permission (Major) including details of access - Proposed Erection of a Motorway Service Area including Facilities Building, up to 100-bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities landscaping and amenity areas and associated infrastructure, all other details (Appearance, Landscaping, Layout and scale) reserved for subsequent applications’***
5. The Decision Notice confirming refusal of the outline planning application was issued on 17th June 2021. It states as follows: -

***“The proposed development would constitute inappropriate development in the Green Belt and by definition would be harmful to the green belt. The applicant’s case for Very Special Circumstances is not considered to outweigh the harm to the Green Belt, by way of functionality and loss of openness, and any other harm resulting from the development. As such the proposed development is contrary to guidance within the NPPF section 13 and policies CS5, CC2 and QE7 of the Warrington Local Plan Core Strategy.”***

6. On 3<sup>rd</sup> February 2022 the Council’s Development Management Committee (DMC) considered an update report in respect of the appeal. The update report dealt with

the appellant's Environmental Statement Addendum, the updated position of National Highways (as set out in Statement of Common Ground) and legal advice.

7. Members of DMC resolved that the Council did not wish to continue to defend the appeal.
8. This means that the reason for refusal referred to in paragraph 6 above has now been overturned by the Council and that the Council now endorses the approach and conclusions set out in the officer reports to the Councils Development Management Committees of 9<sup>th</sup> June 2021 and 3<sup>rd</sup> February 2022.

## Description of the area

9. The appeal site (**the Appeal Site**) is located to the northeast of the urban area of Warrington, approximately 8.5km (5 miles) from the centre of Warrington. The centre of Manchester is located approximately 17.5km (11 miles) to the east of the Site and the centre of Liverpool, approximately 32 km (20 miles) to the west.
10. The M62 Motorway corridor runs in an east/west direction to the north of Warrington. It is the west-east Trans-Pennine Motorway in Northern England, connecting the two major ports of Liverpool and Hull, via intervening conurbations including Manchester, Warrington, St Helens and Leeds, and connects the two City Regions of Liverpool and Manchester.
11. The Site is located to the north of the M62 Motorway at Junction 11, within its north east quadrant and has direct access to Junction 11 via a spur to the motorway junction roundabout (Birchwood Way). The M62 Motorway also provides access to the wider Strategic Road Network, with the M6 Motorway running north/south, approximately 4km (2.5 miles) to the west of the Site, and the M60 Motorway, which runs around Manchester, approximately 10km (6.1 miles) to the east of the Site.
12. Junction 11 of the M62 Motorway also provides access to the A574 Birchwood Way and the Birchwood area of Warrington, which is located to the south of the M62

Motorway corridor and consists of Birchwood Park (a business park) and beyond this, residential areas of Gorse Covert and Oakwood, which are suburbs to Warrington.

13. Immediately to the west of the Site is a former landfill site (Risley Landfill), where landfilling began in 1979, but which has now ceased, and the site restored and planted. There are a series of permissive footpath routes across the restored landfill site. To the east and north is arable farmland. A disused railway line crosses the farmland that is beyond the Site boundary, and arches to the east and north approximately 0.6km (0.4 miles) from the Site boundary.
14. The settlement of Culcheth lies to the north west of the Site, with its centre approximately 2 km (1.2 miles) from the Site. The planning application redline encompasses the M62 J11 Motorway Roundabout, spur from the roundabout and the main part of the Site. The main part of the Site relates to an area of land of approximately 15.41ha in extent, whilst the total land within the redline boundary and therefore including highway works to M62 J11 Motorway Roundabout is 16.81ha. The Site is greenfield and located within the Green Belt. It comprises agricultural land and rough grassland. The agricultural land within the Site comprises a large arable field (11.58 ha). A small triangular area of rough grassland is present to the west of the Site (approximately 1.0 ha), this land previously formed part of a larger agricultural field, the majority of which was incorporated into the Risley Landfill Site. The remnant field area was removed from agricultural use by the operation of the landfill site and is therefore considered to be non-agricultural. All other land within the Site is also non-agricultural comprising areas of restored landfill and hardstanding. The agricultural land is partially located over peat deposits, which are located predominantly to the south western section of the Site.
15. The M62 J11 Motorway roundabout and the spur from the roundabout junction into the Site is at a higher level to the rest of the Site. The roundabout is vegetated to its edges with grass, shrubs and trees. The M62 Motorway Corridor and Junction 11 is lit in the vicinity of the Site.

16. The Site is set at a lower level than the M62 Motorway Junction 11 and its associated slip roads but is higher than the M62 Motorway itself. From the Motorway Junction and the spur from this, the land falls away sharply into the main part of the Site, which is set at a lower level and is relatively level across the remainder of the Site.
17. There are trees to the eastern, and part of the southern and south western boundaries. A post and rail fence marks the southern boundary. The Site is bounded to the east, north and part of the western boundary by dry ditches. To the western boundary is another water course, known as Silver Lane Brook, that extends into part of the Site as a 'dog leg'. It is identified by the Environment Agency as a main river. The Site is within Flood Risk Zone 1 and as such at low risk of flooding.
18. A Public Right of Way (Footpath number 13) runs parallel with the western boundary of the Site and leads north to Silver Lane Pools, and west around the adjacent restored landfill site, before heading north to Culcheth and east to Holcroft Lane. Footpath number 28 continues around the north of the restored landfill site, connecting to Footpath 14a to the western boundary, which connects to Footpath 25 to the southern boundary, before reconnecting with Footpath 13 adjacent to the Application Site. This also links to a footpath at the spur of the Junction 11 roundabout and around the roundabout, before linking to Footpath 25 to the south eastern quadrant of the Junction 11 roundabout in Birchwood.
19. The HS2 Safeguarded Land corridor arcs around the north eastern corner of the Site and is located outside the Redline Site Boundary.
20. A 50m Buffer Motorway Air Quality Management Area (MAQMA) runs along the Motorway corridor.
21. There is a high-pressure gas main that runs north to south through the eastern extent of the Site and comprises an inner, middle and outer PADHIZone. Consultation has been undertaken with the HSE (Health and Safety Executive) to discuss the proposals and the extent of development that is acceptable within each of these zones. The Site lies within 5km of Manchester Mosses SAC and within 2km of Risley Moss SSSI and LNR and Holcroft Moss SSSI. Beyond the M62 Motorway, to the south of the Site is

Pestfurlong Moss, a Local Wildlife Site. To the north west of the Site is Silver Lane Risley, which is also a Local Wildlife Site and incorporates the ponds to the north of the restored landfill site.

22. The Glazebrook Timberland Trail (located to the east of the Holcroft Moss SSSI) is a linear signposted recreation route following footpaths close to the Pennington and Glaze Brooks from Pennington Flash Country Park in Leigh, to the Manchester Ship Canal at Cadishead. The route passes the remnant mosslands of Chat Moss, an area of relict and active peat bogs some of which are of notable wildlife value and extends through areas rich in history including Little and Great Woolden Halls, the Liverpool to Manchester railway, Hope Carr Nature Reserve and Pennington Flash Country Park.

## Relevant Planning Policy

### Statutory Development Plan

23. The statutory Development Plan for the consideration of this application comprises the adopted Local Plan Core Strategy (July 2014)

24. Core Strategy policies of relevance to the Appeal Proposals include the following: -

- **Policy CS1: Overall Spatial Strategy – Delivering Sustainable Development**
- **Policy CS2: Overall Spatial Strategy - Quantity and Distribution of Development**
- **Policy CS 4: Overall Spatial Strategy – Transport.**
- **Policy CS 5: Overall Spatial Strategy – Green Belt**
- **Policy CS 6: Overall Spatial Strategy – Strategic Green Links**

25. The Core Strategy also contains various general policies that relate to a range of planning issues, these include:

- **Policy PV 1 Development in Existing Employment Areas.**

- **Policy PV 3 Strengthening the Borough's Workforce.**
- **Policy PV 4 Retail Development within the Town Centre and Primary Shopping Area.**
- **Policy PV 5 Enhancing the Town Centre Economy.**
- **Policy SN 4 Hierarchy of Centres**
- **Policy SN 5 New Retail and Leisure Development Within Defined Centres.**
- **Policy SN6 Sustaining the Local Economy and Services**
- **Policy SN 7 Enhancing Health and Well-being.**
- **Policy QE 1 Decentralised Energy Networks and Low Carbon Development.**
- **Policy QE 3 Green Infrastructure.**
- **Policy QE 4 Flood Risk.**
- **Policy QE 5 Biodiversity and Geodiversity.**
- **Policy QE 6 Environment and Amenity Protection.**
- **Policy QE 7 Ensuring a High Quality Place.**
- **Policy QE 8 Historic Environment.**
- **Policy MP 1 General Transport Principles.**
- **Policy MP 3 Active Travel.**
- **Policy MP 4 Public Transport.**
- **Policy MP 5 Freight Transport.**
- **Policy MP6 Transport Infrastructure**
- **Policy MP 7 Transport Assessments and Travel Plans.**
- **Policy MP10 Infrastructure**
- **Policy CC 2 Protecting the Countryside.**



## Other Relevant Policies and Documents

- **Emerging Local Policy**
  - Preferred Development Option Consultation. September 2017
  - Warrington Updated Proposed Submission Version Local Plan, 2001-2038, September 2021
  
- **Warrington: A Landscape Character Assessment 2007**
- **National Policy Statement for the National Networks (December 2014)**
- **National Planning Policy Guidance (PPG)**
- **Written Ministerial Statement – Road Haulage Update, May 2018**
- **Written Statement to Parliament – Planning reforms for lorry parking, 8<sup>th</sup> November 2021, The Rt Hon Grant Shapps MP**
- **DfT Strategic Framework for Road Safety (2011)**
- **DfT Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development.**
- **Transport for the North Strategic Transport 2019**
- **TFN Major Roads Report –Strategic Transport Plan Evidence Base January 2018**
- **TFN Draft Decarbonisation Strategy, June 2021**
- **TFT Freight –Logistics Enhanced Analysis Report, 2018**
- **ROSPA Driver Fatigue and Road Accidents. A literature review and position paper (2001/2011)**
- **ROSPA Driver Fatigue and Road Accidents. A literature review and position paper (2020)**
- **Think Road Safety – Advice and Statistics, Various Data Sets**
- **The official Highway Code: Rules for Drivers and Motorcyclists and Driving on the Motorway – Rules 91 and 262**
- **National Report on the Spatial Planning Review of Strategic Road Network Service Areas – Highways Agency (2010)**

- **The UK Industrial Strategy, November 2017**
- **Policy Paper – The Grand Challenges, Updated January 2021 (BEIS)**
- **Economic Recovery Plan –Build Back Better (2020)**
- **Build Back Better: Our Plan for Growth (2021)**
- **Atlantic Gateway – Strategic Plan, January 2018**
- **Northern Powerhouse, November 2016**
- **The Northern Powerhouse Independent Economic Review, June 2016**
- **Roadmap to a Single European Transport Area (2011)**
- **Climate Change Committee - Sixth Carbon Budget – Surface Transport**
- **National Highways – Net Zero Highways: our 2030/2040/2050 Plan**
- **Highways England Annual Report (2020) – 2020: Our Journey So Far**
- **Policy Paper – Government Vision for the Rapid Chargepoint Network in England (2020)**
- **The Ten Point Plan for a Green Industrial Revolution (2020)**
- **UK Hydrogen Strategy (2021)**
- **Warrington BC – Green Energy Strategy (2019)**
- **Cheshire and Warrington Local Enterprise Partnership Strategic Economic Plan, July 2017 (Second Edition-Review 2018)**
- **Cheshire and Warrington Industrial Strategy, Evidence and Insight Summary March 2019**
- **Building a Better Future Together: Supporting Recovery in Cheshire and Warrington 2021/2022, June 2021**
- **Warrington Means Business 2020: Warrington’s Economic Growth and Regeneration Programme**
- **Economic Development Needs Assessment (EDNA) (2021)**
- **Warrington Borough Council Green Belt Assessment Final Report (2016)**
- **Green Belt Assessment Addendum following Regulation 18 Consultation 2017**
- **Additional Site Assessments of Call for Sites Responses and SHLAA Green Belt Sites, May 2017**

- **Green Belt Assessment for Fiddlers Ferry, April 2021, Green Belt Assessment Gardens Suburbs Options April 2021, and Green Belt Site Selection Implications of Green Belt Release, April 21**

## Matters of Agreement.

26. The following matters are agreed by the Appellant and the Council.

### The Relevant Planning Policy

27. It is agreed that the policies referred to in paragraphs 23-25 above are of relevance to the determination of the Appeal proposals.

### Format of Planning Application and Supporting Material

28. It is agreed that the format of the outline planning application, including all plans and supporting documents, fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

29. It is agreed that the Environmental Statement that accompanied the Appeal application was appropriate in its scope and included the necessary environmental information to be able to properly assess the Appeal application.

## Principle of Development in the Green Belt

### Inappropriate Development

30. It is agreed that the Appeal proposals represents inappropriate development within the Green Belt and by definition are harmful to the Green Belt.

31. It is agreed that there is “definitional harm” to the Green Belt and that substantial weight must be given to any harm to the Green Belt (NPPF para 148).

## Impact on the purposes of the Green Belt

32. It is agreed that the contribution of the Appeal Site to Green Belt purposes has been thoroughly assessed in the Local Plan Green Belt Assessment (2016 and 2017 Addendum) and it has been concluded overall to make a **WEAK** contribution to the Green Belt purposes.
33. It is agreed that the Appeal proposals will not conflict with Green Belt purpose (a) “Check the unrestricted sprawl of large built-up areas” and therefore there is **no harm** to Green Belt purpose (a).
34. It is agreed that the Appeal proposals will not conflict with Green Belt purpose (b) “Prevent neighbouring towns merging into one another” and therefore there is **no harm** to Green Belt purpose (b).
35. It is agreed that the Appeal proposals will lead to encroachment into the countryside and therefore will result in **some harm** to Green Belt purpose (c) “Assist in safeguarding the countryside from encroachment”.
36. It is agreed that the Appeal proposals make no contribution towards the Green Belt purpose (d) “Preserve the setting and special character of historic towns” and therefore there is no conflict with this purpose and therefore **no harm** to Green Belt purpose (d).
37. In respect of purpose (e) it is agreed that there are no urban regeneration sites that can accommodate the MSA.

## The effect of the proposals on the openness of the Green Belt

38. It is agreed that the Appeal proposals would introduce new built form into the Appeal Site along with associated infrastructure, and car and lorry parking. The introduction of these built elements will have an adverse impact upon the spatial openness of the Green Belt in this location by the introduction of built development where there was previously none.

39. It is agreed however that through future reserved matters applications for layout, appearance and landscaping, the harm attributed to the loss of visual openness in a visual sense can be reduced / mitigated.

## Other Harms resulting from the Proposals

### Landscape Character and Visual Amenity

40. These are dealt with in a separate Statement of Common Ground.

### Main Town Centre Uses (retail, food and drink, hotel)

41. It is agreed that the Appeal proposals include: Food and drink sales (Approx. 2,200 sq.m), Retail uses Approx. (500 sq.m) Communal seating/ circulation area (Approx. 1,000 sq.m), Customer facilities including toilets, showers, business facilities, amusements (Approx. 750 sq.m) and Staff facilities & plant/ ancillary space (approx. 550 sq.m). It is agreed that the retail provision of 500sqm within the Facilities Building is integral to an MSA offer. A planning condition is agreed to limit the retail floorspace to a maximum of 500sqm. It is agreed that this retail provision is below the threshold in Policy PV5 of the Local Plan which requires a retail impact assessment to be undertaken. This being the case it is also agreed that a retail impact assessment and a sequential assessment is not required for the proposed retail uses.

42. It is agreed that Birchwood Town Centre is the nearest district centre to the Appeal Site and that there will be no significant adverse impact on the vitality and viability of Birchwood Town Centre as a result of the Appeal proposals.

43. It is agreed that the Appeal proposals would not become a destination in their own right and that the limit to the retail floorspace and the likely food and drink offer would be of a scale and nature that is reasonable in relation to its function as a roadside facility. It is therefore also agreed that the Appeal proposals are not likely to attract significant visitors beyond the intended motorway users.

44. It is agreed that a hotel with up to 100 beds is a typical feature of an MSA and serves the function of the Appeal Site as an MSA. Furthermore, it is not considered to compete with hotels within the town centre.
45. It is agreed that a condition can ensure that the hotel that forms part of the Appeal proposals would not include a communal lounge or bar and no conference room facilities.
46. It is agreed that the Fuel Filling Station (FFS) shop of up to 500sqm is an expected feature of an MSA and that it is ancillary to the main use of the FFS and is below the threshold within Local Plan Policy PV5 to require a retail impact assessment.

### Effect of Appeal proposals on the availability of Best and Most Versatile Agricultural Land.

47. It is agreed that there will be a loss of 11.7ha of agricultural land of which 10.7ha is BMV. It is also agreed that, as such, the loss of BMV is below the 20ha which is the Natural England threshold of significance. It is therefore agreed that whilst the loss results in minor harm, the loss would not be significant in its own right and there is no objection from Natural England.

### Highways Impact

48. A separate Statement of Common Ground has been agreed with the Council in its capacity as Highways Authority which the Council endorses in its capacity as local planning authority.

### Public Rights of Way (PROW), Pedestrian and Cycle Movement

49. It is agreed that the proposed traffic signal control is the most appropriate and efficient means of catering for the movement of vulnerable road users (i.e., pedestrians and cyclists) through Junction 11 of the M62 Motorway.

50. It is agreed that the comprehensive package of improvement measures, drawing on the Council's principles of active travel and using the existing highway, Public Right of Way and pedestrian/cycle network in the wider area to secure appropriate connectivity is acceptable.
51. It is agreed that the Appeal proposals will deliver significant improvements that will benefit connectivity across the wider areas and for local users of the public footpath network.

### Residential Amenity – Impact on surrounding residents (including noise)

52. It is agreed that the nearest residential property is 350m away (separated by the M62 Motorway) and others lie in excess of 500m of the Appeal Site.
53. It is agreed that suitable noise and lighting assessments have been undertaken and that the Appeal proposals will have minor adverse to negligible noise impact during construction and negligible noise impact during operation, with no negative impact from light spill. Suitably worded planning conditions have been agreed to control this and therefore it is agreed that there will not be unacceptable impact on residential amenity overall and hence this is neutral when it comes to the planning balance.

### Heritage

54. It is agreed that there will be no harm to the significance of the above ground heritage assets (Grade II\* Holcroft Hall) and that the Appeal proposals will not result in changes to elements of its setting which affects its historic or architectural interests. It is also agreed that there will be no harm to the significance of or setting of the non-designated assets (Cawley Farm).
55. It is also agreed that the proposed planning conditions provide appropriate and adequate mitigation when it comes to any potential impact on archaeological heritage assets.

## Ecological Implications and green infrastructure (Including peat mitigation and Habitat Regulations assessment).

56. These are to be dealt with in a separate Statement of Common Ground.

## Flood Risk, Drainage and Ground Conditions (including Water Framework Directive)

57. It is agreed that the residual impact on ground conditions of these works would be negligible and neutral weight should be ascribed to this issue in the planning balance.

58. It is agreed that through the details submitted with the application, the risks to ground water associated with the Appeal proposals can be suitably managed.

59. It is agreed that the Appeal proposals have no flood risk from tidal, sewer or artificial sources and a low risk of flooding from fluvial, surface water and groundwater sources. It is also agreed that any residual flooding can be suitably mitigated. It is also agreed that it has been demonstrated that a suitable surface water drainage system, with storage, can be provided, ensuring no flood risk on or off the Appeal Site. Planning conditions have been agreed for a detailed surface water drainage layout and attenuation to be submitted for agreement.

60. It is agreed that the Appeal proposals can be connected to mains water and the sewage network.

61. It is agreed that surface water runoff from the existing site will be reduced by the Appeal proposals mitigation.

## Air Quality

62. It is agreed that the Parameter Plans ensure that the built development is outside of the Air Quality Management Area (AQMA).

63. It is agreed that the air quality assessment undertaken as part of the Environmental Assessment is acceptable.

64. It is agreed that the traffic movements associated with the Appeal proposals will not be significant enough to create air quality concerns for the nearest receptors.



65. It is agreed that the odour assessment (associated with the emissions from the old Risley Landfill site) undertaken as part of the Environmental Assessment is acceptable and the odour risk is negligible and no mitigation is required.
66. It is agreed that there will be negligible impacts on sensitive receptors with all predicted pollutant concentrations well below the relevant health-based air quality objectives / limit values. There will be negligible impact and neutral weight in respect of this matter when it comes to the planning balance.

### Utilities, Waste & Energy

67. It is agreed that the potential for waste generated is negligible.
68. It is agreed that the impact on utilities, waste and energy will be negligible and should be given neutral weight in the planning balance.

### Effect of the Appeal proposals on Climate Change

69. It is agreed that that the release of any additional CO<sub>2</sub> gas would not result in a localised impact on human health It is also not considered that the matter of potential carbon release associated with the proposed development would justify grounds for refusal.

### Other Matters

#### HS2 Safeguarding Area

70. It is acknowledged that there are no matters of disagreement between HS2 and the Appellant and that suitable planning conditions have been agreed. Accordingly, the issue of HS2 safeguarding should be given neutral weight in the planning balance.

#### High Pressure Gas Pipeline

71. It is agreed that the Appeal proposals in relation to the proximity to a High-Pressure Gas Pipeline are acceptable, on the basis that the works are in line with the Parameter

Plans and therefore the built development is outside of the National Grid's easement. Accordingly, this issue should be given neutral weight in the planning balance.

## Matters Which Are Capable of Amounting to Very Special Circumstances

72. Following the approach taken in the Officer Report to the Development Management Committee of 9 June 2021, it is agreed that the following matters are capable of amounting to Very Special Circumstances.

### Transport Policy Need, Public Safety and Gap Analysis

73. It is agreed that the Strategic Road Network plays a key role in the safe and efficient movement of goods, supplies and people around the United Kingdom and its essential road safety function in ensuring the safety and welfare of drivers and their passengers. This underpins the safe and efficient operation of the M6, M62 and M60 in the North West of England and other Motorways throughout the country. The essential road safety and welfare role played by MSAs is confirmed by Circular 02/2013, read together with the NPPF.

74. It is agreed that the Appeal proposals are in accordance with other relevant policy including Highways England: The strategic road network: Planning for the future (September 2015). The Highways England 2015 Document supports the importance of public safety considerations and the contribution of the SRN to the national economy and re-affirms the role and relevance of both the NPPF and Circular 02/2013.

75. It is agreed that for the purposes of applying the policy on "need" as set out in the Circular, it is not permissible to take a graduated approach to need by reference to the number of drivers using a particular stretch of the strategic road network or any other considerations such as route choice or the nature of the journeys. The existence of the requisite gap is conclusive evidence of need, and in the particular circumstances of this case it removes any necessity to debate how many drivers will choose a particular route, in preference to any other route.

76. It is agreed that there is a need to provide a new MSA on the M6 / M62 / M60 corridors of the Strategic Road Network in the North West of England having regard to the above context.
77. It is agreed that the Highways Agency report in January 2010 entitled: “Spatial Planning Framework Review of Strategic Road Network Service Areas” was commissioned to assess the provision of service areas on the Strategic Road Network in England.
78. It is agreed that the purpose of this Study was to “encapsulate the results of the MSA study which provides a gap study of those MSAs located in each region”.
79. It is agreed that the Report identified the gaps on the network as set out below: -

<b>From</b>	<b>To</b>	<b>Current Route</b>	<b>Current Distance</b>
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles

80. It is agreed that the distances set out above are clearly in excess of the 28-mile maximum distance and importantly the travelling time over these distances is significantly in excess of the 30-minute maximum time set out in Circular 02/2013 ‘The Strategic Road Network and the Delivery of Sustainable Development’.
81. It is agreed that the existence of Burtonwood Services and Lymm Services do not address the identified gaps because some drivers will take a journey whereby despite the existence of these two MSAs they will drive for more than 28 miles (and significantly longer than 30 minutes) before they encounter an MSA.
82. The Optimal Search Area within the Alternative Site Assessment (ASA) is agreed.
83. It is agreed that the sites identified by objectors are outside this Optimal Search Area and as such do not satisfy the “need” i.e., Junction 21 (M6), Dean Moor Wood and Tatton/Bowden (proposed MSA) (although it is acknowledged that this proposed MSA

was not taken into account when the planning application was considered by the Council in June 2021).

- 84. It is agreed that the Appeal Site is within the Optimal Search Area.
- 85. It is agreed that there are no other non-Green Belt sites to meet the need.
- 86. It is agreed that the Appeal Site is the most sequentially preferable location to meet the identified need having regard to the locational requirements of the new MSA and a wider range of environmental, planning and engineering constraints.
- 87. It is agreed that the Appeal Site lies within the Optimal Search Area of public safety need identified having regard to the policy requirements set out in Circular 02/2013 and will fully address the four unmet gaps on the M6 / M62 / M60, M58 and M67 corridors in the North West Region, reducing distances between MSAs to at or below the 28-mile maximum (see table below).

From	To	Current Route	Current Distance	New Route	Proposed Distance
M58 Terminus (Switch Island)	Birch Services	M58/M6/M62/M60/M62	40 miles	M58/M6/M62	24 miles
Charnock Richard Services	Birch Services	M6/M62/M60/M62	35 miles	M6/M62	19 miles
M58 Terminus (Switch Island)	M67 Terminus (Hattersley Roundabout)	M58/M6/M62/M60/M67	52 miles	M62/M60/M62	16 miles
Charnock Richard Services	M67 Terminus (Hattersley Roundabout)	M6/M62/M60/M67	47 miles	M62/M60/M67	28 miles

- 88. It is agreed that the Appeal Site (land within the NE Quadrant of Junction 11 - Site 2) is the most sequentially preferable location upon which to site a new MSA having regard to the specific locational requirements to meet the identified need along with the consideration of planning, engineering, safety, operational and environmental factors.

89. It is agreed that of the sites identified, it has the least Green Belt impact, being classified as having a “weak” contribution with the emerging Warrington Local Plan evidence base.
90. It is agreed that there is no need for a retail impact assessment or sequential assessment; no detrimental impact on existing town centres; and the MSA would not become a destination in its own right.
91. It is agreed that additional 23 HGV parking above the Circular 02/13 guidance requirement could be regarded as a benefit associated with the Appeal proposals and can be secured by a planning condition and through a Reserved Matters submission if the requirement is evidenced at the Reserved Matters stage.

### Economic Benefit - The employment created by the Proposed Development

92. It is agreed that there will be significant positive economic benefit to Warrington associated with the Appeal proposals. It is estimated that the overall construction phase will result in 97 FTE (Full Time Equivalent) gross jobs. Further jobs will also be created during the Construction Phase due to supply chain expenditure and workers on the development spending money in local shops and facilities.
93. It is agreed that after the development has been completed, it is estimated that up to 228 gross FTE jobs would be created on-site, along with further new employment opportunities in the local economy due to additional economic activity being generated off-site.

### Economic Benefit - Investment in the local economy through the Appeal proposals

94. It is agreed that the Appeal proposals will have a significant positive economic benefit to Warrington. It is agreed that the Appellant would provide significant inward investment of approximately £75 million capital investment to deliver the Appeal proposals. In terms of the overall economic impact of the construction phase, it is agreed that the investment could generate a net additional GVA of £24.6 million at

the Warrington level and £28.6 million across the wider catchment area. In addition, once the Appeal Site has been fully occupied, it is agreed that the economic impact of the scheme will be around £8.47 million per annum (Net additional GVA). In addition, it is agreed that the Appeal proposals would lead to an increase in business rates within Warrington, estimated to be approximately £1.05 million per annum.

95. It is also agreed that beyond the direct impacts associated with the Appeal proposals, the investment is expected to result in a range of wider benefits.

### Economic Benefit - Social / training and skills benefits of Appeal proposals

96. It is agreed that the Appeal proposals will provide new training and apprenticeship opportunities. It is agreed that the Construction Phase could provide the opportunity for 4 no. constructed related professional apprenticeships and 8 no. construction related apprenticeships. In addition, it is agreed that the Construction Phase would provide employment opportunities for residents living in nearby deprived communities.

97. It is agreed that the Appeal proposals will provide benefits to local people. This would involve working with local partners to raise the awareness of future opportunities and equip local people with the necessary skills to access the new jobs that will be created by virtue of the Appeal proposals.

98. It is agreed that due to the nature of the employment created, the Appeal proposals offer an accessible route into work for those who are currently unemployed.

### Recreational and Health Benefits

99. It is agreed that the Appeal proposals will deliver a number of recreation and health benefits by improving pedestrian and cycle access across the motorway junction (Junction 11 of the M62), enhancing the Public Rights of Way through the Appeal Site, and delivering a number of improvements to the surrounding Public Right of Way network. The Appeal proposals will provide controlled pedestrian and cycle crossings through the signalisation of J11 and the extension of the existing footway to provide a

footway and cycle connection from the Appeal Site to the existing walking and cycling network to the north and south of the M62. The footpath running through the Appeal Site would be improved through an on-site diversion thus creating a more direct link from Silver Lane to the footpaths to the north of the Appeal Site with a high-quality path removing the current steps at the south west corner of the Appeal Site. In addition, the Appeal proposals will provide improvements to the PROW network to the north of the M62 connecting the site to Culcheth and to existing pedestrian links along Silver Lane south of M62 and/or links that run adjacent to Birchwood Way to the south of the M62. These improvements in combination will strengthen the strategic green link, which connect Culcheth, Birchwood and Pestfurlong Hill.

## The Need for Alternative fuels on the Strategic Road Network

100. It is agreed that there are benefits of the Appeal proposals when it comes to access to Alternative Fuels which will cover both EV and hydrogen. The Warrington MSA would be part of the fully functioning network of alternative fuel stations on the SRN.

## Development Plan Compliance and the Planning Balance

101. It is agreed that the Appeal proposals are in accordance with the Development Plan as a whole.

102. It is agreed that, taking account of the harms associated with the Appeal proposals and the established need for an MSA and the substantive public safety benefit as well as the economic benefits arising from the Appeal proposals, and other benefits, together with the contributions secured through s106 agreement, the benefits put forward clearly and demonstrably outweigh the harm identified and the case for very special circumstances has been demonstrated.

103. So, in summary, it is agreed that compelling very special circumstances exist which justify approval of the Appeal proposals subject to the completion of a S106 Agreement.

## Planning Obligations

104. Prior to the consideration of the outline planning application by the Council's Development Management Committee, the Appellant and Council agreed the terms of a final draft Section 106 Agreement (**The Draft Agreement**). The terms of the Draft Agreement are referred to in the Officer Report to the Development Management Committee and were taken into account in framing the Officer Recommendation to approve the outline planning application.

105. The Draft Agreement includes the following planning obligations which are agreed to be appropriate and lawful when assessed against the statutory tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010, in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development:

105.1. A Pedestrian and Cycle Link Contribution of £481,562 to fund the following improvement works:

- Silver Lane link including new inclusive access between Silver Lane and Junction 11 of the M62 involving surfacing improvements, wayfinding and enhanced lighting;
- Links to Culcheth (PROW) including surfacing improvements and wayfinding;
- Gorse Covert Mounds Path including surfacing improvements, wayfinding, access barrier alterations and enhanced lighting; and
- Pestfurlong Hill link including new path/bridge to connect the existing path with Junction 11 of the M62.

105.2. A Public Art Contribution of £50,000 to be used towards the refurbishment of the Encounter statue at Junction 11 on the M62.



- 105.3. A Travel Plan Co-ordinator Contribution of £38,000 to cover costs associated for the Council's Smarter Choices Manager to act as Travel Plan Co-ordinator for the development for a minimum of five years.
- 105.4. A Travel Plan Measures Contribution of £50,000 towards measures to implement a Travel Plan for the development.
- 105.5. A Travel Plan Publicity Contribution of means the sum of £3,000 to be used to fund the design, printing and delivery of a leaflet and bespoke website to encourage the implementation of Travel Plan Measures in relation to the Development and liaison with local taxi and bus operations.
- 105.6. Employment and training obligations requiring the Appellant to work closely with Warrington & Co (the investment and regeneration agency of the Council) to develop an employment and training scheme to promote employment opportunities for local people during the construction of the MSA and requiring the Appellant to work with Warrington & Co to promote employment and training opportunities after the MSA has become operational. Warrington & Co would be provided with details of all opportunities for local people such as, job vacancies, apprenticeship opportunities, work placements etc. in a timely manner so that these can be promoted locally and Warrington & Co would receive on a monthly basis, details of the recruitment and retention of Local People as employees and the training in place for apprentices and the existing workforce by reference to national industry standards.

## Planning Conditions

106. A draft schedule of planning conditions and reasons was developed and agreed between the Appellant and the Council prior to the Council's determination of the Appeal proposals. An extract of the suggested conditions appended to the Officer Report to the Development management Committee appears at Appendix 1. These include draft conditions (41-45) that have been agreed with HS2 Ltd. This agreement is confirmed in a separate SoCG with HS2 Ltd.

## Signature Page

<b>Signed</b> 	<b>Signed</b> 
<b>Name</b>  R.M. Pritchard	<b>Name</b>  Martha Hughes
<b>On Behalf of</b>  Extra MSA Group	<b>On Behalf of</b>  Warrington Borough Council
<b>Date 1.3.22</b>	<b>Date 1.3.22</b>

# APPENDICES

## Appendix 1 – Draft Planning Conditions

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 2 below, whichever is the later.

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

2. a) Details of the reserved matters set out below (the reserved matters) shall be submitted to the Local Planning Authority for approval within three years from the day of this permission:

(i) layout;

(ii) scale;

(iii) appearance; and

(iv) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning

Authority in writing before any development is commenced.

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

3. The details submitted in pursuance of condition 2 of this consent shall include plans showing existing and proposed levels across the site and including finished slab levels of all proposed buildings. Proposed plans shall include a level (e.g., highway or footpath) adjacent to the site that will remain fixed/ unchanged.

Reason: No details of these matters have been submitted with the application and bearing in mind the topography of the site and to accord with Policy QE6 of the Warrington Core Strategy and the Warrington Design and Construction SPD (2010).

4. The development shall be carried out in accordance with the following documents:

The planning application form, Environmental Statement and following information

(a) Site Location Plan Ref: RMS-519-ZZ-XX-DR-A-0740 P3

- (b) Development Cells Parameter Plan Ref: RMS-519-ZZ-XX-DR-A-0720 P10
- (c) Green Infrastructure Parameter Plan Ref: RMS-519-ZZ-XX-DR-A-0721 P10
- (d) Restrictive Zones Parameter Plan Ref: RMS-519-ZZ-XX-DR-A-0722 P4
- (e) Combined Parameter Plan Ref: RMS-519-ZZ-XX-DR-A-0703 P12
- (f) Submitted drawing No's ITM12377-SK-025 rev B (access) and ITM12377-SK-024 Rev E (signals) received on {23 October 2019}.

Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

5. No development shall take place until a Phasing Plan for the site has been submitted to and approved in writing by the Local Planning Authority.

Development shall take place in accordance with the approved phasing plan unless otherwise agreed in writing with the LPA.

Reason: To clarify how the site is to be phased to assist with the approval of details required by subsequent conditions attached to this permission.

6. No building works for each building hereby approved shall be carried out until written and photographic details of the external roofing and facing materials (including manufacturer's details) for that building have been submitted to the local planning authority for approval. Materials samples shall be made available to view on site and shall NOT be deposited with the Local Planning Authority. The development shall be constructed in accordance with the approved details/samples

Reason: In order to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

7. Full details of all surfacing materials to be used on all hard-surfaced areas of the development outside the buildings for each phase of development shall be submitted to and approved by the local planning authority prior to any such works being undertaken on that phase. The development shall accord with approved details.

Reason: In order to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) details of the position, type and height of all fences and walls to be erected on the site for each phase of development shall be submitted to the local planning authority for approval. The development shall thereafter accord with approved details.

Reason: In order to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

#### Floorspace

9. Within the amenities building there shall be a maximum of 500sqm retail floor space.

Reason: In accordance with the submitted application and having regard to Local Plan policy PV5.

10. The development hereby permitted shall not exceed the total quantum of development as detailed below:

- Amenity Building containing no more than 4,500 square metres of gross internal floor space;

- Fuel Filling Station and Ancillary Forecourt Shop (maximum of 450 square metres of gross internal floor space)

- Hotel containing up to 100 bed spaces.

Reason: in accordance with the submitted application having regard to policy

PV5 and CS5.

11. As part of future reserved matters applications full details in the form of scaled plans and/or written specifications shall be submitted to and approved in writing by the Council as Local Planning Authority to illustrate the following:

a) proposed highway layout within the site including the highway boundary

b) dimensions of any carriageway, cycleway, footway and verges

c) visibility splays

d) proposed buildings and site layout, including levels

e) vehicular and pedestrian access points

f) parking provision including cycle parking

g) drainage and sewerage system

h) all types of surfacing (including tactile paving), kerbing and edging

i) full working drawings for any structures which affect or form part of the highway network as part of proposed section 278 and section 38 works



The development shall be carried out in accordance with the approved drawings and details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

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

12. Except for site clearance and remediation no development shall commence until a scheme for the design and construction of highway improvement works, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the works shall include:

- i. Installation of proposed traffic signal scheme at M62 J11 to the principles of i-Transport Drawing No. ITM12377-SK-024 Rev E including all works necessary to tie into existing footway and carriageway alignments.
- ii. Replacement/upgrade of street lighting necessary as part of the detailed design.

iii. Drainage works necessary to facilitate the highway works.

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

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

13. Prior to the commencement of any works on site, the developer shall provide in writing a Construction, Highways & Environmental Management Plan (CHEMP) to the LPA for written approval. The CHEMP shall review all demolition and construction operations proposed on site including logistics. It shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

A. Highway and Traffic

- Construction traffic routes, including provision for access to the site. Entrance/exit from the site for visitors/contractors/deliveries.
- Temporary roads/areas of hard standing.
- Schedule for large vehicles delivering/exporting materials to and from

site and details of manoeuvring arrangements. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.

- Details of street sweeping/street cleansing/wheel wash facilities.

#### B. Site layout and Storage

- Proposed locations of Site Compound Areas.
- Siting of temporary containers.
- Location of directional signage within the site.
- Parking for contractors, site operatives and visitors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Storage of materials and large/heavy vehicles/machinery on site.

#### C. Environmental Controls

- Proposed Construction Hours, Proposed delivery hours to site, Phasing of works including start/finish dates.
- Details of activity on site outside the stated construction hours, e.g. workers / security on site, movement, setting up or dismantling of equipment, lighting, installation of services, etc.

- Environmental mitigation measures, including noise & vibration, dust and air quality measures mitigation measures including consideration of using low emission non-road mobile machinery.
  
- Piling operations method statement, to include the following details:
  1. Details of the method of piling
  
  2. Days / hours of work
  
  3. Duration of the pile driving operations (expected starting date and completion date)
  
  4. Prior notification to the occupiers of potentially affected properties
  
  5. Details of the responsible person (e.g., site manager / office) who could be contacted in the event of complaint

Details for the recycling/storage/disposal of waste resulting from the site.

Consideration for joining a Considerate Contractors Scheme.

Once approved in writing, all identified measures within the CHEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint.

The CHEMP and agreed requirements therein shall remain in force for the

duration of all construction activities on site.

Any changes to the identified CHEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

14. A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of the Facilities Building and Hotel and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of

transport.

15. Any future reserved matters application shall include details of how construction access to the future HS2 scheme can be achieved through the site.

Reason: To ensure a satisfactory development of the site and the wider area and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users.

16. No development pursuant to planning application number 2019/35726 shall commence unless and until the developer has submitted full design and construction details of the required improvements to Junction 11 of the M62 Motorway; Such details to be agreed by the local authority, in consultation with the secretary of State for Transport, and shown in outline on submitted drawing number ITM12377-SK-024, including:

- 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. confirmation of full compliance with current Departmental Standards

(DMRB) and Policies (or approved relaxations / departures from

standards),

e. an independent stage 2 Road Safety Audit (taking account of any Stage 1

Road Safety Audit recommendations) carried out in accordance with

current Departmental Standards (DMRB) and Advice Notes.

Reason: In the interests of the operation of the Strategic Road Network

17. No part of the development shall be first occupied unless and until the highway

improvements, as shown in outline on drawing number ITM12377-SK-024 and

as furthermore agreed in detail in accordance with condition 1 above, has been

implemented to the satisfaction of the local planning authority in consultation

with the Secretary of State.

Reason: In the interests of the operation of the Strategic Road Network

18. No development pursuant to this application shall commence until a detailed

construction plan working method statement (including Risk Assessment

Method Statement and reporting, in general accordance with CD 622) relating

to site development earthworks and drainage alongside M62 has been submitted to and approved by the Local Planning Authority in consultation with Highways England.

Reason: In the interests of the operation of the Strategic Road Network

19. No development shall take place until:

(a) A plan showing the alignment and elevational treatment of a close boarded fence of not less than two metres in height to be erected along the Southern boundary of the development site alongside the M62 (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the local planning authority in consultation with Highways England; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details. Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

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



Reason: In the interests of the operation of the Strategic Road Network

20. No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway.

Reason: To ensure that the safety and integrity of the M62 motorway is not compromised.

#### Underground Storage Tanks

21. The development hereby permitted may not commence until such time as a scheme to install the 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, associated pipework and monitoring system.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason: To ensure that the underground storage tanks do not harm the water

environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement D2 of the 'The Environment Agency's approach to groundwater protection'.

#### Surface Water Drainage Scheme

22. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water and install oil and petrol interceptors has been submitted to, and approved in writing by, the local planning authority.

The scheme shall have regard to the management of the Peat Habitat Zone.

The scheme shall be implemented as approved.

Reason: To ensure that the proposed forecourt, roadway and car parking drainage does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement G of the 'The Environment Agency's approach to groundwater protection'>.

#### Water Framework Directive (WFD) Compliance

23. No development shall take place until the applicant has provided evidence to show that the risks posed by the scheme have been fully assessed and included

sufficient information to reach a high level of confidence that the scheme proposals meet the objectives of the River Basin Management Plan (RBMP).

The detailed design for the proposed diversion of Silver Lane Brook and adjoining riparian corridor shall be submitted to, and approved in writing by, the local planning authority and include:

- Sufficient cross-sections to represent all design proposals (i.e., any proposed in channel enhancements, channel meanders, straight sections of channel, sections of channel narrowing/widening, where and what type of new revetment proposed).
- Details of bed and bank substrate.
- Detailed proposals for any new structures within 8 m of the channel and any bed/bank protection and its installation.
- Timing of works.
- Access to banks and channel.
- Site supervision requirements.
- A pre and post construction monitoring plan for the Silver Lane Brook channel.

Reason: To comply with paragraph 170 of the National Planning Policy

Framework (NPPF), which recognises that the planning system should enhance the environment by preventing development from contributing to, or being put at unacceptable risk from, water pollution. The WFD Regulations also require that all water bodies are protected from deterioration and pollution. If a significant risk of water pollution from a development cannot be avoided or adequately mitigated, planning permission should be refused.

24. A Water Framework Directive Screening Assessment must provide enough evidence to demonstrate with a high level of confidence that the activity supports the objectives of the River Basin Management Plan. This application seeks to fill in Silver Lane Brook and relocate it. The diverted Silver Lane Brook should be designed to provide an ecologically diverse watercourse, with minimal artificial modifications, which reinstates natural processes and provides a betterment to the existing.

Reason: Insufficient information is available at outline design stage to provide adequate evidence with regard to the WFD biological elements to conclude that the scheme will be compliant having regard to paragraph 170 of the

National Planning Policy Framework (NPPF), and the WFD Regulations.

Undeveloped buffer zone

25. No development shall take place until a scheme for the provision and management of an undeveloped buffer zone has been submitted to, and approved in writing by, the local planning authority. This undeveloped buffer zone should be at least 8 metres wide (on both sides of the river), measured from bank top for the whole extent of Silver Lane Brook. Bank top is defined as the point at which the bank meets normal land levels as designated on a site plan.

Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans and cross sections showing the extent and layout of the buffer zone
- details of any proposed planting scheme

- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: This approach is supported by paragraphs 174 and 179 of the National Planning Policy Framework (NPPF 2021) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

The development must also adhere to Warrington Council's planning policies including DC3, DC4 and ENV2. Silver Lane Brook is to be filled in and relocated as part of this proposal.

## Fish Rescue

26. No development shall take place until a plan for the protection of fish during construction works has been submitted to and approved in writing by the local planning authority. A fish rescue maybe required prior to the loss of the watercourses on site. Alternatively, the applicant may wish to undertake fish surveys to better understand what fish population is present within the watercourses and then decide on a plan to protect them.

Reason: To protect the fish within the development site and avoid damaging the site's fisheries value in compliance with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF 2021) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Protection is also provided by Salmon & Freshwater Fisheries Act 1975, the Animal Welfare Act and the Eel Regulations 2009. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last

resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to fish.

### Great crested newts

27. Prior to commencement of development, further analysis of the waterbodies WB1 – WB11 (shown on Wardell Armstrong Waterbody Location Plan SH11739/008 Rev B 22/07/2019) is

required for the presence of GCN and the use of Reasonable Avoidance

Methods. If GCN are found to be present in the ponds then it will be necessary to consider whether the clearance of habitats can

be achieved without the need for a Habitats Regulations' European Protected Species derogation licence. The survey Report should be submitted in writing and outline any changes to distribution and abundance of the species, along with details of any necessary changes to mitigation and compensation. The agreed changes should subsequently be implemented.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/2005, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and in order to comply with



the NPPF and Policy QE5 of the Warrington Core Strategy.

#### Badgers

28. Prior to commencement of development a survey of the site and immediate area should be undertaken to check for the signs of Badgers prior to the commencement of works. This survey should include an area of 30m from the application site boundary. The survey Report should be submitted in writing and outline any changes to distribution and abundance of the species, along with details of any necessary changes to mitigation and compensation. The agreed changes should subsequently be implemented.

Reason: In the interests of Badgers and their habitat in accordance with the Protection of Badgers Act 1992 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

#### Water vole

29. Prior to commencement of development further water vole survey should be undertaken. The survey Report should be submitted in writing and outline any changes to distribution and abundance of the species, along with details of any necessary changes to mitigation and compensation. The agreed changes should subsequently be implemented.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/2005 and Wildlife and Countryside Act 1981 (as amended) in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

Nesting birds

30. No removal of hedges, grassland, trees or shrubs or demolition of buildings or structures that may be used by nesting birds shall take place during the breeding season (1st March – 31st August inclusive (British Standard 42020:2013 condition D.3.2.1)) unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/2005 and Wildlife and Countryside Act 1981 (as amended) in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

Invasive Non-Native Species method statement

31. No development on a relevant phase shall commence until a detailed Invasive Species Management Plan for the removal/long-term management/control of invasive species identified on the site is submitted to and approved in writing by the local planning authority. The management plan shall include:

- measures that will be used to prevent the spread of invasive plant species plants during any operations e.g., mowing, strimming or soil movement; and
- measures to ensure that any soils brought onto the site are free of the seeds/root/stem of any invasive plant covered under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Development shall take place thereafter in accordance with the approved method statement.

Reason: Himalayan balsam and Japanese rose are present on the site

Biodiversity Construction Environmental Management Plan (BCEMP) –

32. No development shall take place (including demolition, ground works, vegetation clearance) until a biodiversity construction environmental

management plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP shall incorporate the Soil and Peat Management Plan and the INNS Method Statement as well as the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Pollution control and specific working methodology for the following activities: -
  - closing Silver Lane Brook
  - creation and opening up of new brook channel and
  - peat handling/placement – including the Soil and Peat Management Plan as identified within the Peat Ecological and Construction Management Report
  - construction phase surface water management plan

- breeding bird monitoring strategy for ground nesting species

f) Detailed inspection of any trees to be felled as part of the scheme shall be carried out prior to any tree felling works by a suitably qualified ecologist to establish the potential of those trees to support any bat roosts. Trees with the moderate or higher potential to support bat roosts shall be subject to survey as per

the BCT guidelines with standard precautionary safeguards utilised for any trees with low potential in line with BCT Guidelines. If bats are found to be using features in any tree for

roosting purposes, a licence will be obtained from Natural England in order to comply with wildlife legislation, with mitigation implemented as per the

licence and accompanying mitigation prior to felling. Where potential

roosting features are present within trees requiring felling but no evidence

of roosting bats are found, these trees shall be felled under a PWMS

(Precautionary Working Method Statement), which shall be submitted to

the local planning authority prior to any works being undertaken on site.

Once agreed in writing by the local planning authority, this Method

Statement must be implemented in full.

g) The times during construction when specialist ecologists may need to be

present on site to oversee works.

h) Responsible persons and lines of communication.

i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

j) Use of protective fences, exclusion barriers and warning signs.

The approved BCEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: In the interests of protected species and their habitat in accordance with Circular 06/2005, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and in order to comply with

the NPPF and Policy QE5 of the Warrington Core Strategy.

### Landscape and Biodiversity

33. The landscape reserved matters details shall be submitted alongside the appearance and layout reserved matters.

Reason: It is considered necessary to consider these details together in the interests of visual amenity and character of the area.

34. The Landscape reserved matters shall include the following information:

- Further detailed baseline appraisal and analysis to prioritise design/mitigation measures;
- A clear description of how the detailed design of the site layout and buildings has responded to the landscape and visual baseline;
- A schedule of mitigation for construction and operational stages of the proposed development, including lighting design;
- A detailed landscaping masterplan that includes outline specification of planting and seeding works and management objectives;
- Planting specification of locally native species which would not compromise the establishment of the Peat Habitat Zone, by increasing risk of inappropriate colonisation of that habitat.
- A detailed assessment of residual landscape and visual effects as evidence of the efficacy of the design and mitigation measures, and the effect of the finalised design on the character, simplicity and openness of the landscape.
- Demonstration by recalculation of the Biodiversity Net Gain that the submitted RM landscape scheme achieves 10% net gain.

The submitted landscape scheme shall also include the following details as

shown on the Illustrative Masterplan:

- scrub on High Pressure Gas Main, unless otherwise agreed in writing
- PRow marking plans to manage visitor pressure on Silver Lane Ponds LWS
- screening planting to help decrease disturbance particularly to winter

farmland birds e.g. flocks 150+ lapwing

Reason: To ensure a satisfactory landscape scheme in the interests of visual amenity and integration with the surrounding landscape, having regard to policy QE3 and QE7 of the Local Plan Core Strategy.

#### Landscape & Habitat Management Plan (LHMP)

35. A landscape and habitat management plan (LHMP) shall be submitted to the local planning authority for approval in writing prior to the commencement of each phase of development. The LHMP shall include the following:

- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;
- Temporary internal roads/areas of hard standing; Storage of materials and large/heavy vehicles/machinery on site Report APP/M0655/W/17/3178530
- Description and evaluation of important landscape and habitat features to



be retained, created and managed thereafter including the Peat Habitat

Zone creation;

- Details of the aims and objectives of ongoing management, including ecological trends and constraints on the site that might influence management;
- A management work schedule (including an annual work plan capable of being rolled forward over a thirty-year period) demonstrating how the aims and objectives will be achieved; including details of ongoing monitoring; and setting out how remedial measures would be agreed and implemented if required;
- Details of the management body or organisation responsible for implementation of the LHMP, including details of how the legal and funding mechanism(s) will be secured to enable that body or organisation to deliver the long-term implementation of the plan.

The LHMP shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the

Habitats (Natural Habitats, &c.) Regulations 2010 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

36. Prior to first operation of the MSA hereby approved, details of interpretation signs relating to the Peat Habitat Zone (PHZ) to provide information relating to the long term management objectives of the habitat creation shall be submitted and approved in writing by the Local Planning Authority and shall be implemented in accordance with timescales to be agreed in writing by the LPA.

Reason: To provide information to members of the public in relation to the process and objectives for the habitat creation.

37. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In line with the guidance set out in Paragraphs 189 & 199, Section 16

(Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (Revised 2018), published by the Department for Communities and Local Government and Managing Significance in Decision-Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2 (Historic England 2015).

Contaminated Land Condition: Characterisation & Remediation Strategy

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

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

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

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

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall be submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

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

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

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary

Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para179).

Contaminated Land Condition: Completion

39. No individual phase of the development shall be taken into use until the following requirements have been met and required information submitted to and approved by the Local Planning Authority (LPA):

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

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously unidentified contamination encountered during development works in that phase must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation,

risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures for that phase shall be carried out in accordance with the approved details.

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

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

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), and Section 4 of the Environmental Protection Supplementary

Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para179).

#### External Lighting Assessment Condition

40. Prior to installation, details of a highways lighting scheme and an external lighting proposal for the exterior of the service area, hotel and other structures within the development shall be submitted, to the Local Planning Authority.

The scheme shall show levels of illumination around the site (isolux drawings) but shall also show any overspill lighting beyond the physical site boundary.

Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods. Once approved, the agreed scheme shall be implemented in full for that phase of the site prior to the commencement of use of that lighting and shall be retained as approved thereafter.

Reason: In the interests of the amenities of the area, biodiversity and to minimise unnecessary light spillage above and outside the development site.

In accordance with: Policy QE5, QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraph 180(c) of the National Planning Policy Framework (February 2019); and Section 5 of the Environmental Protection Supplementary Planning Document (May 2013)

### Odour abatement

41. Any hot food outlet shall have odour abatement fitted in compliance with the requirements of the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems EMAQ+ 2018, BESA Specification for Kitchen Ventilation Systems DW/172 and Building Regulations Part F' prior to the commencement of trading.

The installed equipment shall thereafter be operated and maintained in accordance with the manufacturer's instructions and shall be used at all times when any cooking activities are occurring.

Reason: To safeguard the local environment from disturbance or loss of amenity caused by odour, fumes, food droplets to nearby properties.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Section 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013)



### Noise Condition: Externally Located Plant or Equipment

42. Any externally located plant or equipment for any individual phase and cumulatively across the entire site shall not cause an increase in the ambient background noise level at the boundary of any nearby residential properties prefixed as ESR within the Noise Monitoring and Existing Sensitive Receptors Location Plan contained within the 'Wardell Armstrong Warrington Motorway Service Area J11 M62 Environmental Statement, Part 2, Noise and Vibration Technical Paper 7'. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted. For the avoidance of doubt calculated rated noise levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background level in accordance with the results of a BS4142:2014 noise assessment.

On completion of any phase of development and within one month of that completion, a validation report shall be submitted demonstrating that ambient noise levels have not increased at the nearest residential properties from external plant and equipment at that phase, or on completion of the entire development, cumulatively from all such equipment.

Reason: To prevent an increase in background noise levels and protect the amenity of any residents.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraphs 170(e) & 180(a) of the National Planning Policy Framework (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

43. No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding plans [Plan SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport unless and until detailed design and method statements for all works, proposed to be constructed on the Site to provide access to the HS2 compound from Junction 11 of the M62 have been submitted to, and approved in writing by, the local planning authority in consultation with HS2 Limited. The detailed design for the works on the Site must be supported by appropriate traffic modelling which demonstrates that Junction 11 of the M62 will [safely] accommodate the overall level of traffic anticipated during the construction of HS2 works, including the HS2 construction traffic which will access Junction 11 from the Site and from the compound off Silver Lane South,

and that waiting times at the proposed traffic signals on the Junction will be acceptable to the local highway authority [and Highways England]. The Development shall be carried out in accordance with the detailed design and method statements so approved

Reason: In the interests of the interfaces with the HS2 safeguarded area.

Utility Construction Zone condition

44. No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding Plans [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport (“the Utility Safeguarded Area”) unless and until the Utility Construction Zone Assessment undertaken by National Grid on behalf of HS2 Ltd has been completed and either:

- (a) HS2 has confirmed in writing that the Utility Safeguarded Area is not required for any works relating to HS2; or
- (b) Detailed design and method statements for all works proposed in respect of the Utility Construction Zone Assessment affecting the Site which allow for the necessary HS2 Utilities Works to be undertaken have been submitted to, and approved in writing by, the local planning authority in

consultation with HS2 Limited. The Development shall be carried out in accordance with the detailed design and method statements so approved.

Reason: In the interests of the interfaces with the HS2 safeguarded area.

Ecological Mitigation Zone condition

45. No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding Plan [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport (“the Ecology Safeguarded Area”) unless and until the Ecological Mitigation Assessment undertaken on behalf of HS2 Ltd has been completed and either:

(a) HS2 has confirmed in writing that the Ecology Safeguarded Area is not required for any works relating to HS2; or

(b) Detailed design and method statements for all works proposed in respect of the Ecological Mitigation Assessment affecting the Site which allow the necessary HS2 ecological mitigation works to be carried out have been submitted to, and approved in writing by, the local planning authority in consultation with HS2 Limited.

The Development shall be carried out in accordance with the detailed design

and method statements so approved.”

Reason: In the interests of the interfaces with the HS2 safeguarded area.

46. There shall be no communal lounge or bar and no conference room facilities as part of the hotel hereby approved.

Reason: In accordance with the submitted application and having regard to Local Plan policy PV5.