



Ministry of Housing,  
Communities &  
Local Government

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

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

21 June 2021

Dear Sir,

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

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

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

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

### **Environmental Statement**

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

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

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

### **Policy and statutory considerations**

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

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

### *Emerging plan*

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

### **Main issues**

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

### **Green Belt**

#### *Inappropriate development in the Green Belt*

14. The Secretary of State notes that the entire application site is located within the Merseyside and Greater Manchester Green Belt. As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR10.3-10.22.
15. For the reasons given at IR10.3-10.4 the Secretary of State agrees with the Inspectors that the proposal constitutes inappropriate development in the Green Belt. He further agrees that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations (IR10.5).

#### *Openness of the Green Belt*

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

#### *Green Belt Purposes*

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

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

#### *Overall Impact on the Green Belt*

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

### ***Need and Economic Considerations***

#### *Need for Employment Land*

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

#### *Employment Land Supply*

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

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

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

#### *Economic benefits*

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

#### *Economic Considerations Overall*

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

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

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

### ***Highways – Impact of Development on the Road Network***

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

### ***Environmental Considerations***

#### ***Landscape and visual impact***

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

#### ***Ecology, Biodiversity and Arboriculture***

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

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

#### *Air quality*

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

#### *Public rights of way*

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

#### **Other matters**

##### *2013 Core Strategy Inspector's Report*

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

#### *Cross-boundary Matters*

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

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

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

#### **Planning conditions**

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

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

### **Planning obligations**

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

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

41. For the reasons given above, and in the light of his conclusion in paragraph 43 of this letter, the Secretary of State finds no conflict with development plan policies, and thus concludes that the application is in line with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

42. The material considerations weighing against the proposal are the definitional harm to the Green Belt by virtue of inappropriate development, the limited and localised harm to Green Belt openness and the moderate harm from encroachment into the countryside. The Green Belt harm carries substantial weight. Also weighing against the proposal is the moderate visual and landscape harm, which carries moderate weight.

43. Weighing in favour of the proposal are the delivery of logistics floorspace which he accords very substantial weight. The locational benefits carry further significant weight. The socio-economic benefits also carry substantial weight. The biodiversity net gain and highway benefits collectively attract moderate weight.

44. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development. As such he finds no conflict with CS Policy CP8 or Green Belt policy in Section 13 of the Framework.

45. Overall the Secretary of State considers that the material considerations in this case indicate a decision which is in line with the development plan – i.e. a grant of permission.

46. The Secretary of State therefore concludes that planning permission should be granted.

### **Formal decision**

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

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



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

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

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

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

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

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

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

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

Yours faithfully

*Phil Barber*

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

### **Annex A Schedule of representations**

### **Annex B List of conditions**

## **Annex A – Schedule of representations**

### **General representations**

<b>Party</b>	<b>Date</b>
Wigan Metropolitan Borough Council	17/02/2021

## **Annex B – List of conditions**

### **CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED**

#### **Full Planning Permission**

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

##### Full & Outline application

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

##### Full application only

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

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

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

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

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

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

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

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

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

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

### **Outline permission**

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

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

- 11) As part of the reserved matters submission(s), the following information relevant to that phase, shall be submitted to, and approved in writing by, the Local Planning Authority:
- A scheme of intrusive site investigations for mine entries on site;
  - A scheme of intrusive site investigations for the shallow coal workings and in order to locate the high wall(s) (if present);
  - A report of findings arising from the intrusive site investigations;
  - A layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones identifying any necessary no build area for the high wall(s);
  - A scheme of proposed treatment for the mine entries on site; and
  - A scheme of remedial works for the shallow coal workings.

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

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

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

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

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

any subsequent replacement national standards and include the following details;

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

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

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



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

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

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

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

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

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

### **Full and Outline Permission**

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

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

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

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

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

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

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

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

1. A phased programme and methodology to include:

- Historic Building Survey (Historic England level 2) (as appropriate);
- Additional detailed historic research;

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

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

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

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

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

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

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

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

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

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

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

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





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

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

**and**

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

**Inspectors appointed by the Secretary of State**

**Date 2 March 2021**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICATION BY**

**TRITAX SYMMETRY LTD**

**MADE TO**

**WIGAN METROPOLITAN BOROUGH COUNCIL**

Inquiry Held on 1-4 December 2020

Symmetry Park, Junction 25 of the M6, Wigan

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

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**Appendices**

- A**      **Appearances**
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**GLOSSARY**

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

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

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

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

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

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## **1. Procedural Matters**

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

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

March 2018. In accordance with the recommendation of professional Officers<sup>1</sup>, the committee resolved to approve the application subject to conditions and the completion of a section 106 agreement and referral to the SoS.

1.4 The matters which the SoS wishes to be informed about for the purposes of his consideration of the application are<sup>2</sup>:

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

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

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

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

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

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

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<sup>1</sup> CD: SWi\_OR\_1\_Officer Report

<sup>2</sup> CD: SWi\_PCU\_4

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

- 1.9 Although the Application Form gives the name of the Applicant company as 'DB Symmetry', it has since been confirmed that the company now trades as 'Tritax Symmetry'. As a result, a number of amended plans were submitted before the close of the Inquiry which updated the company logo on the elevations of the proposed units<sup>3</sup>.
- 1.10 A signed and dated agreement under s106 of the Town and Country Planning Act 1990 (S106) was submitted after the close of the Inquiry<sup>4</sup>. This contains obligations in respect of biodiversity net gain (BNG) and the potential future access road to Wheatlea Industrial Estate to the north of the site. A final draft version of the agreement was discussed at the Inquiry<sup>5</sup>. The proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later.
- 1.11 The proposal is Environmental Impact Assessment (EIA) development and following a review of the submitted Environmental Statement (ES), the Inspectorate wrote to the Applicant on 20 October 2020, pursuant to Regulation 25 of the EIA Regulations, seeking further information in relation to the effect of the proposal on climate change and a revised non-technical summary (NTS) to reflect amendments made to the proposal since the submission of the original ES. Having regard to the above and the revised NTS<sup>6</sup> submitted on 29 October 2020, the Panel is satisfied that sufficient information has been provided to enable a proper assessment of the environmental impacts of the proposal.
- 1.12 Planning<sup>7</sup> and Highways<sup>8</sup> Statements of Common Ground (SoCG) were submitted prior to the Inquiry. A further BNG/conditions SoCG<sup>9</sup> was submitted during the Inquiry accompanied by an updated CIL Compliance Statement<sup>10</sup>.
- 1.13 The Panel held a pre-Inquiry Case Management Conference on 2 October 2020 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. At the conference and with the agreement of the main parties, it was decided that the evidence would best be heard by way of topic-based round table sessions. A summary of the conference was subsequently sent to the main parties<sup>11</sup>.

## **2. The Site and Surroundings**

- 2.1 The site and its surroundings are comprehensively described in the Planning SoCG<sup>12</sup>, the Statements of Case<sup>13</sup> and the Planning Proofs of Evidence (PoE).

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<sup>3</sup> CD: Hearing\_Doc\_26-29

<sup>4</sup> CD: Hearing\_Doc\_38

<sup>5</sup> CD: Hearing\_Doc\_22 & 22a-22f

<sup>6</sup> CD: SWi\_Ei\_74

<sup>7</sup> CD: SWi\_In\_1

<sup>8</sup> CD: SWi\_In\_2

<sup>9</sup> CD: Hearing\_Doc\_21

<sup>10</sup> CD: Hearing\_Doc\_25

<sup>11</sup> CD: SWi\_PCU\_6

<sup>12</sup> CD: SWi\_In\_1

<sup>13</sup> CD: SWi\_In\_3 & 4

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

- 2.2 The application site has been extensively mined and re-worked, with an opencast mine first noted on Ordnance Survey Maps from 1946 and last observed in the late 1970s/early 1980s. Since the cessation of mining, the site has returned to greenfield status and is predominately arable farmland used for the production of silage.
- 2.3 The site is bounded by agricultural fields to the north, which separate it from Glead Wood, Winstanley, the Wheatlea Industrial Estate and the Premier Inn located on the A49. Three fishing ponds are located to the south-east of the site (outside the application boundary) which are bounded by the M6 J25 slip road.
- 2.4 Drummers Lane and Brocstedes Road bound the site to the south, with a triangular plot of land containing Low Brooks Farm located further south but outside the red-line boundary. The main carriageway of the M6 directly abuts the west/south-western site boundary.
- 2.5 The majority of the site contains arable farmland partitioned into fields that are mostly enclosed by hedgerows and/or wire fences. There are 14 existing structures on the site comprising a mixture of agricultural buildings and residential dwellings, arranged along Brocstedes Road in the western portion of the site. All of these buildings would be demolished<sup>14</sup>.
- 2.6 The site is currently accessed from the northbound carriageway of the A49, close to the Bryn Interchange via an informal priority junction. This access currently serves an unmade farm track which terminates at Cranberry Lea Farm. The southern and western sections of the site are served from Brocstedes Road which also terminates at Cranberry Lea Farm. A number of public footpaths cross the site<sup>15</sup>
- 2.7 The relevant planning history of the site is set out in the Officer's Report<sup>16</sup>.

### **3. The Proposal**

- 3.1 A full description of the application proposals is contained within the Planning SoCG and the Statements of Case.
- 3.2 The application is hybrid in nature, meaning that it is part full/part outline with the site split into two land parcels. The parameters plan<sup>17</sup> shows the extent of the outline and full elements of the scheme. The fully detailed element which is located on the eastern side of the site, closest to the Bryn interchange, comprises two units referred to as 'DBS1' and 'DBS2'.

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<sup>14</sup> See CD: SWi\_Ap\_24 for Demolition Plan

<sup>15</sup> CD: SWi\_Ap\_62 Existing Public Rights of Way Plan

<sup>16</sup> SWi\_OR\_1\_Officer Report

<sup>17</sup> CD: SWi\_Ap\_54

- 3.3 DBS1 would be the larger of the two units, with a gross internal area (GIA) of 16,815m<sup>2</sup> of ground floor B8 floorspace and 836m<sup>2</sup> of B1a first floor office space. It would be the first unit located off the internal estate road when accessing the site. The building would be rectangular in shape and orientated to enable the elevation to front the M6 slip road, with parking located to the east of the building and the service yard and further parking located to the north of the building. DBS1 would have a maximum ridge height of 20m.
- 3.4 Unit DBS2 would be located to the west of DBS1 and would have its own access from the internal estate road. It would comprise 9,755m<sup>2</sup> of B8 and 464m<sup>2</sup> of first floor B1a office floorspace. The car parking would be located to the west of the building, with the service yard located to the north-east. DBS2 would have a maximum ridge height of 17.5m.
- 3.5 The elevational drawings<sup>18</sup> indicate that the units would have curved roofs, and different coloured cladding to the main elevations. According to the Applicant, it is anticipated that the units in the outline element would align broadly with the same design principles.
- 3.6 The parameters and illustrative masterplan<sup>19</sup> also identify that, as part of the outline scheme, a maximum of 106,095m<sup>2</sup> floorspace could be accommodated within the developable area with a maximum building height of 23m above finished floor level. Matters relating to the final layout of the outline element would be addressed in the future through reserved matters applications.
- 3.7 The main vehicular and pedestrian access to the site is proposed via a new fourth arm of the existing A49/M6 slip road roundabout junction (Bryn Interchange). The access would lead into an internal estate road, which would run through the northern section of the full element serving DBS1 and DBS2. Footways and cycleways are proposed to run alongside the main estate road.
- 3.8 As shown on the Public Rights of Way (PROW) Upgrade Plan<sup>20</sup>, the existing public footpath which runs from the site to the junction of Allonby Close and Crowther Drive would be upgraded to a cycleway, with connections provided to DBS1 and DBS2.
- 3.9 The following works are proposed to existing highways in the area to mitigate the impact of the development:
- Signalisation of the site access and M6 arms of the Bryn Interchange;
  - Widening of the A49 Warrington Road northern approach to provide an additional lane, with associated widening of the circulatory carriageway;
  - Provision of a signalised pedestrian crossing facility on the A49 Warrington Road, in the vicinity of the existing bus stops;
  - Provision of a signalised pedestrian crossing facility on the site access arm;
  - Provision of a cycle lane and 2m wide footpath to the north of the site entrance; and

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<sup>18</sup> CD: SWi\_Ap\_15 and SWi\_Ap\_20

<sup>19</sup> CD: SWi\_Ap\_61

<sup>20</sup> CD: SWi\_Ap\_63



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

#### **4. Planning Law, Policy and Guidance**

##### *National Law and Policy*

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

- 4.6 NPPF paragraph 8a) sets out the three overarching objectives of national planning policy. The economic objective is characterised as building a *“strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”*. In the same vein, paragraph 80 states that planning *“decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 4.7 NPPF paragraph 8 recognises the specific locational requirements of different sectors and directs local planning authorities to make provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 4.8 Also relevant is NPPF paragraph 33 which states that planning decisions should reflect changes in the demand for land, informed by regular reviews of land allocated for development in plans and land availability. Similarly, paragraph 120 states that *“policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years”* taking into account changing circumstances affecting the area, or any relevant changes in national policy.
- 4.9 NPPF Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside, minimising impacts on and providing net gains for biodiversity and addressing unacceptable levels of pollution.
- 4.10 NPPF Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in AQMAs and Clean Air Zones is consistent with the local air quality action plan.
- 4.11 NPPF Paragraph 103 is also of relevance and states, in part, that *“significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”*.
- 4.12 Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this application. Of particular relevance to the proposed development is paragraph 31<sup>21</sup> which states that the logistics industry plays a critical role in enabling an efficient, sustainable, and effective supply of goods for consumers and businesses, as

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<sup>21</sup> Paragraph: 031 Reference ID: 2a-031-20190722

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

### *The Development Plan*

- 4.13 The development plan comprises the Wigan Local Plan Core Strategy 2013<sup>22</sup> (the CS), the 'Saved' Wigan Replacement Unitary Development Plan 2006<sup>23</sup> (the UDP), the Greater Manchester Joint Minerals Plan 2013<sup>24</sup> and the Greater Manchester Joint Waste Development Plan Document 2012<sup>25</sup>. Sections 4.2-4.4 of the Planning SoCG<sup>26</sup> set out the relevant development plan policies and it is not necessary for us to repeat them again here. We set out those policies of particular relevance to this application below.
- 4.14 The site was previously identified as part of a broad location for employment development during the preparation of the CS in 2011, which proposed to release 30ha from the Green Belt. This was considered via the Public Examination for the CS, with the examining Inspector concluding<sup>27</sup> that, in the absence of a developer-backed scheme and a lack of demonstrated need following the economic fallout of the 2009 financial crisis, there was no overriding imperative to release the site from the Green Belt.
- 4.15 CS Policy CP8 identifies the site as being within the Green Belt on the Council's adopted Policies Map and establishes that there will be no alterations to the boundaries of the Green Belt. Development within the Green Belt will only be allowed in accordance with national planning policy.
- 4.16 CS Policy CP5 seeks to create sustainable economic growth, boost economic performance and to provide a wider range of job opportunities. This was to be achieved by bringing forward a range of employment sites of the right quality in terms of location, accommodation provision and supporting infrastructure, in order to attract, maintain and grow businesses. The policy identifies the requirement for approximately 200ha of employment land between 2011 and 2026, including reviewing sites allocated previously and undeveloped.
- 4.17 Policy CP5 goes on to state that a phased approach will be established, through a subsequent local plan, to ensure the availability of employment land, with effective mechanisms in place to maintain a sufficient supply of suitable sites that are readily available and attractive to the market. The subsequent local plan was to have been an Allocations and Development Management Local Plan setting out detailed planning policies, designating areas and allocating land for development. The Council abandoned work on the plan in 2016 in order to engage with the emerging Greater Manchester Spatial Framework (GMSF).
- 4.18 The site is also located within a Mineral Safeguarding Area and part of the site is within an Air Quality Management Area (AQMA) which broadly aligns with the surrounding road infrastructure, comprising the M6 motorway, M6 J25 slip-road and the A49 Warrington Road/Bryn Interchange.

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<sup>22</sup> CD: Wi\_DP\_1\_Core Strategy

<sup>23</sup> CD: Wi\_DP\_2\_UDP

<sup>24</sup> CD: Wi\_DP\_3\_Minerals

<sup>25</sup> CD: Wi\_DP\_4\_Waste

<sup>26</sup> CD: SWi\_In\_1

<sup>27</sup> CD: Wi\_Ot\_13\_Inspectors Report

### *Emerging Policy*

- 4.19 Emerging policy appears in the form of the GMSF Publication Plan October 2020<sup>28</sup> which has been prepared by a collective of Greater Manchester authorities.
- 4.20 Draft Policy GM-P 4 seeks to provide at least 4,100,000m<sup>2</sup> of new, accessible, industrial and warehousing floorspace in Greater Manchester over the period 2020-2037. To achieve this, a high level of choice and flexibility will be provided in the supply of sites for new industrial and warehousing floorspace, making the most of the key locations. These locations are identified in Policy GM-P 1 (G)(ix) which identifies the "*M6 logistics hub in Wigan and extending into Warrington, St Helens and West Lancashire*" which it says "*provides a major cluster of warehousing and distribution activity with easy access to the Port of Liverpool via the M58*".
- 4.21 Paragraph 4.54 of the GMSF identifies the Wigan-Bolton Growth Corridor as important in supporting the long-term economic prosperity of the region. Policy GM-Strat 8 reflects the importance of the Wigan-Bolton Growth Corridor. Over the period 2020-2037, land to accommodate just over 1million m<sup>2</sup> of new employment floorspace has been identified within the area. The application site is identified in the policy as a key location for industrial/warehousing and is proposed to be released from the Green Belt and allocated for 'large-scale' employment use in accordance with GM Allocation 48.
- 4.22 An integral part of the evidence base underpinning the GMSF is the 2019 Employment Land Topic Paper<sup>29</sup> which sets out a requirement to allocate additional land for industrial and warehouse use. At paragraph 6.19 it identifies a total industrial and warehousing supply requirement of 5,064,000m<sup>2</sup> for the period 2018-2037. Taking into account the amount of available employment land this equates to a shortfall of 2,437,000m<sup>2</sup>. The Topic Paper goes on to identify various sites across Greater Manchester to meet this requirement, one of which, (GM Allocation 42) is the application site.
- 4.23 Submission of the GMSF to the SoS was originally anticipated for Summer 2021. However, Stockport has now withdrawn from the GMSF, leaving some uncertainty over its future. It appears that the other nine authorities are still committed to a joint plan and are currently looking at options as to how best to proceed. Timescales for the submission of a joint plan are unknown at the time of writing but it is reasonable to expect slippage from the intended submission date.
- 4.24 It is agreed between the parties that the GMSF carries little weight. Nonetheless, there is no dispute that the evidence base underpinning it, is a material consideration in this case<sup>30</sup>.

### *Other relevant policy documents*

- 4.25 The following key strategic documents are relevant:

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<sup>28</sup> CD: GM\_Ot\_14

<sup>29</sup> GM\_Ot\_6\_GMSF Topic Paper

<sup>30</sup> Paragraph 4.10 CD: SWi\_In\_1

- The Northern Powerhouse Strategy (2016)<sup>31</sup>
- The Greater Manchester Local Industrial Strategy (GMLIS) (June 2019)<sup>32</sup>
- The Greater Manchester Strategy<sup>33</sup>
- The “We Are Wigan” Economic Vision<sup>34</sup>
- The Wigan Deal 2030<sup>35</sup>

- 4.26 The Government’s Northern Powerhouse Strategy recognises that the North has lagged behind other areas of the country for too long. The strategy is built around investment in transport infrastructure, improvement to connections between urban areas and an improvement in education and skill levels.
- 4.27 One of the strategic priorities of the GMLIS is to “*Reduce inequalities, promote diversity and improve prosperity by addressing barriers to participating in employment and accessing opportunities across the city-region*”. The GMLIS references the GMSF which it states will set out the key locations that will be prioritised to drive inclusive economic growth. One of these key locations is the Wigan-Bolton Growth Corridor which the GMLIS states will “*complement the M62 North-East Corridor to ensure that there are significant investment opportunities across the northern areas*”.
- 4.28 The GMLIS aligns with the Greater Manchester Strategy (GMS) which prioritises the creation of a thriving and productive economy in all parts of Greater Manchester with good jobs and opportunities to progress and develop.
- 4.29 The strategic ambitions for Wigan are set out in the “*We are Wigan*” Economic Vision and The Wigan Deal 2030 which were both published in 2019. The overarching vision is to reduce inequality and stimulate fair economic growth for all. Key strands of these strategies align with the GMLIS and GMS including focus on certain growth sectors (including logistics), influencing skills provision to reflect opportunity and need, retaining young people and talent, and shaping places to be a supportive environment for businesses to start or invest in for growth.

## **5. Matters Agreed Between the Applicants and the Council**

- 5.1 Three SoCG’s covering planning<sup>36</sup>, highways<sup>37</sup> and bio-diversity matters<sup>38</sup> have been agreed between the Council and the Applicant.
- 5.2 Figure 5.1 lists 42 areas of agreement covering matters pertaining to the effect of the development upon: Green Belt (inappropriate development, openness, purposes and other harms), PROW, air quality, flood risk, noise and vibration, residential amenity, landscape and visual impact, ecology and biodiversity,

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<sup>31</sup> CD: Ov\_Ot\_4\_Northern Powerhouse

<sup>32</sup> CD: GM\_Ot\_7\_GM LIS

<sup>33</sup> CD: GM\_Ot\_8\_GM Strategy

<sup>34</sup> CD: Wi\_Ot\_12\_Vision2030

<sup>35</sup> CD: Wi\_Ot\_16\_Deal2030

<sup>36</sup> CD: SWi\_In\_1

<sup>37</sup> CD: SWi\_In\_2

<sup>38</sup> CD: Hearing\_Doc\_21

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

- 5.3 Of particular relevance are agreements points 1, 9 and 41 which state: the proposed development would constitute inappropriate development in the Green Belt; would result in harm to openness but would meet the very special circumstances test.
- 5.4 Figure 5.2 to the Planning SoCG contains just a single area of disagreement which relates to Green Belt purpose 'safeguarding the countryside from encroachment'. The Council argues the development would cause 'moderate harm' whereas the Applicant contends there would be 'no significant harm'.
- 5.5 The Highways SoCG contains agreements on a range of matters including but not limited to the following:
- Agreement that the distribution, trip rates, committed development flows, growth factors and assessment years used in the Transport Assessment are appropriate and robust;
  - Agreement that there are no inherent safety concerns on the Local Road Network (LRN) in the vicinity of the site;
  - Agreement that mitigation measures are not necessary at the A49/Worthington Way, A49/Poolstock Lane, A49/Bryn Road and M6 J24/A58 southbound off-slip junctions;
  - Agreement on the suitability and effectiveness of the off-site improvement at the A58 Liverpool Road/M6 J24 Northbound On-Slip junction;
  - Agreement that the site is accessible by public transport, cycling and walking;
  - Agreement that the level of car/lorry parking proposed as part of the full element is compliant with the Council's parking standards;
  - Agreement that the residual cumulative impact of the development on the LRN of Wigan would not be severe, and
  - Agreement that the development would not result in any unacceptable highway safety or capacity impacts.
- 5.6 The Biodiversity/conditions SoCG<sup>39</sup> addresses the revised BNG assessment carried out shortly before the commencement of the Inquiry. This is covered in more detail in the *Planning Obligations* section of this Report. The SoCG also contains a revised list of suggested planning conditions.

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<sup>39</sup> CD: Hearing\_Doc\_21



## 6. The Case for Wigan Council

The case for the Council is summarised as follows.

### *Overview*

- 6.1 At the heart of this case lies the balance between the protection of Green Belt and the need to boost economic development both in general and in Wigan in particular. The Council's position reflected in the professional judgement of its officers<sup>40</sup> and the resolution of its Planning Committee on 14th January 2020 is that the balance should be struck in favour of economic development.
- 6.2 The harm caused to the Green Belt by reason of the inappropriate nature of the development and all other harm (both Green Belt and non-Green Belt harm) is clearly outweighed by other considerations, those of a socio-economic nature in particular, such that very special circumstances exist to justify a favourable outcome to the application.

### *Inappropriateness*

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

### *Openness and permanence*

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

### *Green Belt purposes*

- 6.5 The Council does not consider that the proposal would result in any significant harm to Green Belt purposes, other than the purpose of assisting in safeguarding the countryside from encroachment. In this respect, the existing urbanising influences on the site mean that the harm would be no more than moderate.
- 6.6 As for checking the unrestricted sprawl of large built-up areas, the Council, mindful of the *Turner* judgment<sup>41</sup>, concludes that harm to the visual dimension of openness would be limited and there would be little perception of urban sprawl. The Council considers<sup>42</sup> that the area of open land to the north of the site, which separates it from the southern edge of the built up area would help to avoid the outward spread (or sprawl) of the built up area (and any perception

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<sup>40</sup> CD: SWi\_OR\_1\_Officer Report

<sup>41</sup> *Turner v Secretary of State* [2016] EWCA Civ 466.

<sup>42</sup> Jones PoE, paragraph 4.26

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

- 6.7 In terms of preventing neighbouring towns from merging into one another, the proposed development would not lead to Wigan merging with Ashton nor to Winstanley with Bryn. The gap would be reduced on the western side of the A49 but it is far from the case that it would disappear. There would remain Green Belt land to the south of the M6 slip. The buffer between the site and the developed edge of Winstanley would also add to the perception of separation. The M6 slip road would also continue to play a significant role in maintaining separation between the settlements.
- 6.8 There is no suggestion that the development would harm the setting and special character of historic towns. Finally, third party representations have suggested the development could offend the purpose of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. However, no details of where the use of specific sites might be discouraged by the proposed development have been provided.
- 6.9 The reality is that bringing forward employment development on sites in Wigan suffers from a battery of other challenges<sup>43</sup>. It is fanciful to suggest that a proposal which is readily deliverable by an experienced developer should be refused on the basis that it would frustrate regeneration on other unidentified sites. There are, in any event, no alternative sites in the Borough which can match the offer of the site or anything close to it.
- 6.10 In common with the Applicant, the Council cannot agree with the conclusion of the assessment of proposed allocations in the Stage 2 Greater Manchester Green Belt Study<sup>44</sup> that the proposed allocation of the site would cause a very high level of harm to Green Belt purposes. It is noteworthy that the GMSF allocation is larger than the site. Moreover, the authors of that assessment did not have the advantage of assessing a specific scheme; nor were they therefore able to take account of the careful design and mitigation measures which form part of the present application. It also appears that no consideration was given to the site’s level of visual containment (which represents the reality of matters on the ground). For these reasons, the Council submits that LUC’s assessment must be approached with a good deal of caution and should command little weight.

#### *Landscape and visual impact*

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

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<sup>43</sup> Kearsley PoE

<sup>44</sup> Final report by LUC September 2020 (CD: GM\_Ot\_9\_GMS F GB & 9a -9F)

<sup>45</sup> CD: SWi\_Ei\_52



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

### *Ecology*

6.12 In respect of biodiversity, the proposal will guarantee a 10% off-site BNG at the Wigan Wetlands<sup>46</sup> in respect of the detailed element of the scheme. The outline element would be subject to a condition requiring a habitat and landscape creation and management plan. This would be supplemented by a BNG rebalancing package to secure an appropriate net-gain in respect of each phase. The Council considers the BNG is a benefit of the proposed development of real significance given that a 10% net-gain has not yet been cemented into law.

### *Highways*

6.13 The proposal does not give rise to any materially adverse impacts in terms of highways<sup>47</sup>. All relevant bodies with highways responsibilities are content with the proposal.

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

- Far from adding to congestion along the A49 corridor, the improvements proposed to the Bryn Interchange would provide a net benefit (or betterment) for all highway users in the 2025 'with development' scenario;
- Concerns in relation to the J25 slip road queues and the future delivery of an all-ways junction<sup>48</sup> are not supported by Highways England (HE);
- The recent evidence from the South Lancashire Industrial Estate strongly suggests that the lack of an all-ways junction at J25 is not a significant commercial impediment. The Applicant would not be pursuing this application were it to be otherwise;
- HGV's from the proposed development could not be prevented from using the A49 and the LRN to the north of the site. However, the reality is that there would be little incentive for drivers to do so given the time penalties arising from, inter alia, speed limits, six sets of traffic signals and two controlled pedestrian crossings. The provision of the new link from Smithy Brook to J26 of the M6 is unlikely to alter this position;
- In light of the anticipated number of trips (fewer than one HGV turning movement per minute in the peak hours) there is minimal prospect of the development causing additional congestion at the A58/M6 northbound slip road junction at J24. The existing ghost island is already capable of accommodating right-turning HGVs without impeding ahead flows towards St Helens. As a result of the improvement at this junction, right-turning vehicles would be able to enter the slip road more efficiently than at present given the separation of right and left turning traffic achieved by the proposed splitter island.

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<sup>46</sup> Also known as the Wigan Flashes

<sup>47</sup> Strobe PoE

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

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

#### *Air Quality*

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

#### *Noise*

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

#### *Climate Change*

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

#### *Cross Boundary Issues*

- 6.19 The overarching point is that each scheme should primarily be considered on its own merits. In the case of this development, there is a specific need for it to take place in Wigan. Development outside the Borough will do little to meet Wigan's need.
- 6.20 It is also the case that development in St Helens at either Parkside or Haydock Point would not assist in meeting Greater Manchester's need for warehousing floorspace. Policy GM-P 4 of the GMSF<sup>50</sup> provides that at least 4,100,000m<sup>2</sup> of new, accessible, industrial and warehousing floorspace will be provided in Greater Manchester over the period 2020-2037.
- 6.21 Moreover, it is submitted that the Applicant's evidence suggests that the commercial market need in the M6 sub-corridor can accommodate the proposed development as well as those at Parkside and Haydock Point. The scheme at Wingates, Bolton is not relevant in respect of commercial market need in the M6 sub-corridor because it falls outside this corridor.

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<sup>49</sup> Guest and Redmore oral evidence

<sup>50</sup> CD: GM\_Ot\_5\_GMSF Draft

- 6.22 The Council has not sought to comment on the merits of other schemes elsewhere. If any other scheme fails on its own merits it will fall out of any comparative analysis which might become relevant. The Council does not seek to suggest that there would be any unacceptable cumulative impacts from the schemes, or any combination of them, nor does it seek to raise any cross-boundary issues in terms of impacts. It does however highlight that all the schemes are inappropriate development in the Green Belt. Moreover, in terms of need, it is pertinent that Wigan has failed to match the high levels of growth in nearby districts, including Warrington, St Helens and Bolton, which have attracted significant logistics development<sup>51</sup>.
- 6.23 Wigan is very much a poor relation to its local authority neighbours. Recent logistics developments at Florida Farm and Penny Lane were both in St Helens. It might therefore be an anomalous outcome if the proposed development were to be refused consent and further Green Belt logistics development is channelled to St Helens. Wigan needs to catch up rather than be left even further behind.

#### *The Core Strategy Inspector's report*

- 6.24 For the following reasons, the Council submits that very limited weight should be attached to the Core Strategy Inspector's report<sup>52</sup> which recommended the deletion of the 30ha allocation then proposed at J25.
- 6.25 First, there has been a fundamental change of circumstances since the Inspector's report in terms of the failure of Wigan's employment land supply to deliver the outcomes expected of it. Secondly, the Inspector lacked evidence to support the view that the majority of commercial traffic was likely to travel south and considered that, in this respect, "*insufficient account had been taken of the specific circumstances relating to J25*". Thirdly, the Inspector was influenced by what appeared to him to be uncertainty as to what form the development was intended to take with its reference to an employment park comprising offices, industrial, manufacturing and logistics, which also led him to the conclusion that offices were typical of uses found in town centres. Again, these are not matters relevant to the proposed development.

#### *Economic Considerations*

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

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<sup>51</sup> Kenny PoE paragraph 5.3

<sup>52</sup> CD: Wi\_Ot\_13

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

- 6.28 Wigan's disappointing performance in employment development shows that its supply of available, well-located and suitably large employment sites capable of attracting inward investment is severely limited. The consequence is that the Borough's economic development needs are not being met. If a remedy is not forthcoming the harm caused by the failure to meet those needs will continue and worsen. The Council cannot wait until the presently intended adoption date of 2022 for the GMSF to deliver fresh allocations of employment land. Significant uncertainty now surrounds the adoption of the GMSF in any event.
- 6.29 The lack of employment land take-up is not attributable to lack of demand. This is confirmed by the fact that, when good sites do become available, they are swiftly taken up for Class B2/B8 uses. This is shown by the re-development on the South Lancashire Industrial Estate in 2016-17 which accounts for the majority 13.35ha of the take up of the 20.15ha referred to above. The take-up in this year was exceptional in that it arose from the destruction of the former Georgia Pacific factory by fire. The re-development thus amounted to a recycling of existing employment land (rather than the provision of fresh land) and effectively substituted a new source of employment to replace a previous one which had been lost.
- 6.30 Aside from the weak take-up of employment land in the Borough, there has been a significant diminution in employment land supply since 2011 through losses to other uses, predominantly residential. A total of 118.52ha of employment land has been lost since 2011 (an annual average of 13.2ha).
- 6.31 The Council acknowledges that the current supply position is not satisfactory. The overall employment land supply (at October 2020) was 131.44 ha but there is considerable uncertainty about the availability and deliverability of 69.33ha of this<sup>53</sup>. Moreover, a significant proportion of the sites within the supply are small plots which are unattractive to the market for a variety of reasons including size, location, poor access to the motorway network and the existence of constraints such as nearby housing. 25 of the 32 sites in the supply are smaller than 5ha and collectively make up 33% of the overall land supply. Of these, 14 are under 2ha. The quality of the employment land supply reflects Wigan's industrial legacy, rather than being matched to modern day requirements.

#### *Other socio-economic considerations*

- 6.32 Wigan's economic output and business activity lags behind sub-regional and national comparators. This is despite the fact that there is a healthy level of demand for employment land and premises in the Borough. This is reflected in a significant number of enquiries for industrial units of over 100,000ft<sup>2</sup><sup>54</sup>. Wigan's disappointing economic performance suggests that enquiries are not being converted into investment.
- 6.33 Wigan's economy continues to be reliant on traditional declining market sectors and although unemployment in the Borough is relatively low, there is

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<sup>53</sup> See Kenny PoE paragraph 3.13

<sup>54</sup> See Mulligan PoE Section 5

nevertheless a preponderance of low value and low paid roles. These challenges were acknowledged in CS paragraph 9.26<sup>55</sup> which states that *"a high concentration of jobs are low skilled and within declining sectors of the economy, notably in manufacturing and engineering. There are low levels of skilled jobs and few businesses within 'key growth' and knowledge intensive sectors"*. The same paragraph refers to the Borough's *"low wage economy"*.

- 6.34 Wigan's lack of good quality commercial property and development opportunities of the size required by modern businesses (including logistics operators) has the consequence that economic growth is being compromised and job creation held back. The Council considers that the development represents an opportunity which should be grasped. In socio-economic terms the need for the proposed development in Wigan is clear. The proposal will bring substantial and much needed investment into the Borough, deliver significant job creation, provide training opportunities and supply a very welcome boost to economic output. Moreover, it will do this at a location which is in close proximity to areas of significant deprivation<sup>56</sup>.

#### *Commercial market need*

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

<sup>55</sup> CD: Wi\_DP\_1\_Core Strategy

<sup>56</sup> See CA PoE paragraphs 6.39 and 6.40

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

- 6.38 The emerging GMSF<sup>57</sup> allocates a site similar to, but not exactly matching the application site, for around 140,000m<sup>2</sup> of high quality B2 and B8 employment floorspace and concludes that the case for exceptional circumstances justifying the release of land from the Green Belt is met.
- 6.39 While it is common ground that the GMSF can command only limited weight, the justification for the allocation in the plan is entirely consistent with the Council's case. The GMSF recognises<sup>58</sup>: that logistics is a sector that is becoming increasingly central to the economy; that the M6 is a major business asset; that Wigan has a strategic location in the M6 corridor and is the only district in Greater Manchester with direct access to this motorway; that the J25 location is highly attractive to the market, including the key growth sector of logistics; that there is significant demand and requirement for large scale logistics development within the M6 corridor; that despite its strategic location, Wigan currently does not have the sites to meet this demand; and that a site at the J25 location has the scale, prominence and motorway connectivity to satisfy this demand and deliver new jobs and investment for the local economy. The Council agrees. At present Wigan is failing to capitalise on its advantages and investment is flowing to neighbouring authorities such as Bolton, St Helens and Warrington.
- 6.40 It should also be noted that the proposed development is consistent not just with the emerging allocation but also with many other strands of policy in the emerging GMSF, including that of seeking a significant increase in the competitiveness of the northern areas (Policy GM-Strat 6) and that of seeing delivery of a regionally significant area of economic growth in the Wigan-Bolton Growth Corridor (Policy GM-Strat 8).
- 6.41 The proposed development is further consistent with all relevant economic strategies, not least the GMLIS<sup>59</sup> and Wigan's own economic vision set out in the *We Are Wigan* Economic Vision<sup>60</sup> and *The Deal 2030*<sup>61</sup>.

#### *Alternative sites*

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

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<sup>57</sup> CD: GM\_Ot\_14

<sup>58</sup> See paragraphs 11.443-444 CD: GM\_Ot\_5\_GMSF Draft

<sup>59</sup> CD: GM\_Ot\_7

<sup>60</sup> CD: Wi\_Ot\_12

<sup>61</sup> CD: Wi\_Ot\_16



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

#### *The Benefits of the Proposal*

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

6.45 The job creation estimate for the operational stage of the development has been arrived at by using the Homes and Communities Agency Employment Density Guide (3rd Edition 2015)<sup>62</sup>, an established and reputable publication. It refers to a job density of one job per 70-95m<sup>2</sup> for Class B8 logistics uses depending on whether the development is a national, regional or final mile distribution centre. The estimate may in fact be conservative in light of data from the Poundland distribution centre on the South Lancashire Industrial Estate which led to the creation of around 600 jobs in 2017<sup>63</sup>. This equates to a density of one job per 17m<sup>2</sup>, demonstrating that such developments can generate significantly greater job growth locally.

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

6.47 There is nothing to substantiate the concern of some that the jobs created would be low paid. The evidence is to the contrary. The British Property Federation Report: Delivering the Goods in 2020<sup>64</sup> records that median salaries in the logistics sector are around £6,700 higher than the average for all sectors, at £31,600 compared to £24,900.

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<sup>62</sup> CD: Ov\_Ot\_7

<sup>63</sup> Kearsley PoE paragraph 5.8

<sup>64</sup> Aherne PoE, Appendix 3

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

*Very special circumstances and the planning balance*

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

*The Development Plan*

- 6.50 The Council publicised the application as a departure from the provisions of the development plan. This was on the basis of conflict with CS Policy SP1, which provides that the full extent of the Green Belt will be maintained, and the first part of CS Policy CP8, which provides that there will be no alterations to the boundaries of the Green Belt. The proposal would result in a practical alteration of the Green Belt boundary and would not, in practice, maintain the full extent of the Green Belt.
- 6.51 It is submitted that a development management provision such as Policy CP8 can only be referring to a physical alteration of Green Belt boundaries because a planning approval could never itself achieve such an alteration as that is a matter for the exceptional circumstances test via the local plan review. To interpret this part of the policy in any other way would render it meaningless as it would prohibit that which a planning application could never accomplish anyway.
- 6.52 The proposal is consistent with that part of Policy CP8 which provides that development within the Green Belt will only be allowed in accordance with national planning policy which, of course, provides for very special circumstances. And the proposal is also compliant with a raft of other development plan policies in respect of all technical matters. Nevertheless, the Council reached its conclusion for the reasons set out in the preceding paragraph.
- 6.53 The Council does not believe it is not correct to say that the requirement of Policy SP1 (that the full extent of the Green Belt is to be maintained) must defer to a very special circumstances test brought into Policy CP8 by its cross reference to national policy. The reverse is the case. A development management policy should not undercut the spatial strategy.
- 6.54 In the final analysis, if the development fails on development plan compliance, it assuredly should succeed on the basis of the other material considerations which make up the case for very special circumstances. In NPPF terms this would mean that the proposal succeeds under paragraph 12 rather than paragraph 11(c).



## *Conclusion*

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

## **7. The Case for Tritax Symmetry**

### *Overview*

- 7.1 At the heart of this application is the need to establish very special circumstances in order to obtain planning permission in the Green Belt. There is a significant number of planning benefits which, taken together, demonstrate very special circumstances. The first and most pressing is the ability to help address a compelling regional and sub-regional need for logistics floorspace in the M6 corridor whilst, at the same time, helping Wigan to address its own acute need for employment generating development.
- 7.2 As articulated through NPPF Paragraph 80, significant weight should be placed on the need to support economic growth and productivity and the specific locational needs of different sectors of the economy should be addressed along with local area weaknesses. The need to meet the needs of storage and distribution operations in suitably accessible locations is specifically noted in NPPF paragraph 82. Never has the national policy objective of supporting economic growth been more pertinent, with the country facing an economic emergency and with unemployment set to rise significantly, as a result of the current pandemic.
- 7.3 Some 30% of all Grade A<sup>65</sup> Transactions in the North West over the last ten years have been concentrated in the M6 corridor between J20 and J26. That inevitably puts pressure on the Green Belt, as in the case of Florida Farm and Penny Lane. There are three administrative areas within that corridor: Wigan, St Helens and Warrington. Wigan has been the poor relation in terms of achieving inward investment by way of logistics and advanced manufacturing development<sup>66</sup>. That pressure for development will continue to grow due to the relentless rise of e-commerce.
- 7.4 Take-up in the corridor has averaged 690,000ft<sup>2</sup> per annum over the last decade. That can be expected to increase with the continued rise of e-commerce. Wigan Council's evidence is that it has experienced high levels of enquiries for logistics space. The evidence is that there is potential demand for space in the corridor in the region of 8 million – 8.5 million ft<sup>2</sup>. By simply extrapolating forward the past take-up rate of 690,000ft<sup>2</sup> per annum the requirement is 160ha net<sup>67</sup>. The volume of enquiries received by the letting agents for this scheme is a clear reflection of high levels of demand. The number of call-ins in respect of the corridor is itself potent evidence of a commercial recognition of that demand. In this case, as in all the others, that demand translates into a planning need. It is a need because those requirements for space have to be met if the economy is to thrive. Logistics is

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<sup>65</sup> Grade A refers to units greater than 9,292m<sup>2</sup>, minimum 10m eaves height and less than 20 years old

<sup>66</sup> Aherne PoE, paragraphs 43-47

<sup>67</sup> Aherne PoE paragraphs 77-79

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

### *Call-in Matters*

7.5 The SoS wishes to be informed with respect to:

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

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

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

### *Call-in Matter (a) Green Belt*

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

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

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

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

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

7.10 Other harms are limited to:

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

While the on-site landscaping scheme will itself offer high ecological value, a net deficit still arises which is to be mitigated by enhancement to the Wigan Wetlands. The habitats to be created and/or enhanced are of significantly greater nature conservation value than the habitats to be lost and these enhancements will provide some mitigation for the impact on farmland birds<sup>68</sup>. There is therefore some ecological harm but it is substantially mitigated by a significant overall BNG.

- Trees: Within the full application area two individual trees, approximately 2,300m<sup>2</sup> of tree groups and 200 linear metres of hedgerow would be removed. Within the outline area, the comparable figures are 20 individual trees, approximately 5ha of tree groups and circa 1,400 linear metres of hedgerow. However, 60% of the trees to be lost are of poor quality and the rest are of moderate quality, save the loss of a single high-quality tree. The Arboricultural Impact Assessment<sup>69</sup> proposes a mitigation scheme of replacement (4:1 for the single high-quality tree; 2:1 for the moderate quality trees; and 1:1 for the low-quality trees). Based on the Landscape Masterplan, it is envisaged that the result would be a net gain in long term tree cover and quality at 40 years post-construction.
- There is a 20% loss of Grade 3(a) agricultural land.

7.11 Otherwise, impacts upon considerations of acknowledged interest are either negligible, neutral or beneficial. As a matter of record, no statutory consultees objected to the proposal. There are third party concerns relating to congestion on the A49 but the proposal is unlikely to add to that, due to a likely 6am-2pm-10pm shift change pattern. The Applicant's highway case is as set in the TAs<sup>70</sup> and Highways SOCG<sup>71</sup> and the Highways PoE<sup>72</sup> and is accepted by the Council.

### Need

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

<sup>68</sup> Hesketh PoE paragraphs 3.36-3.46

<sup>69</sup> CD: SWi\_Ei\_51

<sup>70</sup> CDs: SWi\_Ei\_40, SWi\_Ei\_60-68 & SWi\_Ei\_71-72

<sup>71</sup> CD: SWi\_In\_2

<sup>72</sup> Russell PoE

7.13 The current situation is summarised in the Council's October 2020 Wigan Employment Land Position Statement (ELPS) update<sup>73</sup>:

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

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

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

7.15 As noted earlier, Wigan's performance both in take-up rates and vacancy rates relative to Warrington and St Helens is extremely poor<sup>74</sup>. The reality is quite stark. If Wigan is to be able to compete for large logistics inward investment and reap the rewards that come from it, then it has to have a suitably located B8 site. Such a site has to be in the M6 corridor "sweet-spot" (J20 – 26). From Wigan's point of view, there are no alternative suitable and/or deliverable sites. Meeting the need outside the Borough will do nothing to help Wigan address the weaknesses with its employment land supply and consequent lack of competitiveness.

### *Commercial Factors*

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

<sup>73</sup> CD: Wi\_Ot\_14, paragraphs 11.1-11.2

<sup>74</sup> Aherne PoE, paragraphs 42-47

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

*Call in Matter (b) Economy*

- 7.20 This issue aligns very much with the very special circumstances case. The GMLIS<sup>75</sup> is a document signed off by many including the Government, the LEP and the Mayor. It identifies a Wigan-Bolton Growth corridor to facilitate investment into the northern parts of Greater Manchester. That is reflected in the GMSF which allocates the site for employment noting that the M6 is a major business asset and that Wigan is the only District in Greater Manchester with direct access to it.
- 7.21 The demand for large-scale logistics development is expressly recognised, as is the anomaly of Wigan failing to play a significant role in meeting that demand.

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<sup>75</sup> CD: GM\_Ot\_7\_GM LIS



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

#### *Call in Matter (c) – Development Plan*

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

#### *Very Special Circumstances*

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

### **8. The Case for Interested Persons**

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

*Yvonne Fovargue MP*

- 8.2 Ms Fovargue is the Member of Parliament for Makerfield and the application site is within her constituency<sup>76</sup>.
- 8.3 Ms Fovargue pointed out that the removal of the site from the Green Belt was rejected by the local plan Inspector in 2013 who found:

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<sup>76</sup> CD: Hearing\_Doc\_33

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

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



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

*Angela Lashley*

- 8.13 Ms Lashley<sup>77</sup> raised issues including the lack of technology to support electric HGV's, the potential for the development to negatively affect local air quality and the potential for littering along the improved pedestrian link to the Winstanley estate.

*Cllr Clive Morgan*

- 8.14 Cllr Morgan, who represents the Winstanley Ward, spoke briefly in relation to highway issues<sup>78</sup>. He highlighted existing problems on the A49 and was particularly concerned that the development would prejudice the future delivery of an all-ways junction at J25.

*Cllr Steven Kenny*

- 8.15 Cllr Kenny<sup>79</sup> represents the Winstanley Ward and also highlighted the 2013 local plan Inspector's report. It was argued that the development would similarly impact on the purposes of the Green Belt and would involve the sprawl of the built-up area and reduce the 'gap' between the areas of Ashton and Wigan, thus significantly reducing the openness of the Green Belt.

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<sup>77</sup> CD: SWi\_CR\_Lashley

<sup>78</sup> CD: SWi\_CR\_Cllr\_Morgan

<sup>79</sup> CD: Hearing\_Doc\_32

- 8.16 The application site is an important recreational resource for local people, being crossed by various rights of way. Whatever mitigation measures are taken, the open setting of the footpaths would be significantly diminished.
- 8.17 The development of the site would frustrate efforts to promote regeneration elsewhere in the Borough and sub-region and act as a disincentive to developers to assist in regeneration aspirations.
- 8.18 Cllr Kenny also questioned the very special circumstances case on the basis that there are a number of similar developments in the Borough, at the South Lancashire and Landgate Industrial Estates and in the adjoining areas of Leyland, St. Helens and Warrington, the developments of Florida Farm and Penny Lane being within close proximity.
- 8.19 The economic benefits proffered by the Applicant are also questioned with reference to media reports suggesting that the number of jobs proposed at the time of the application at Florida Farm have not materialised.
- 8.20 On highways, the lack of an all-ways junction at J25 is a major constraint, as this is a typical requirement within the logistics and distribution sector. Concerns were also raised with the operation of J24 at Ashton, in particular the need for HGVs to turn right and thereby cause additional congestion in and around the junction. Cllr Kenny also referred to existing congestion along the A49.
- 8.21 Finally, on air quality, Cllr Kenny pointed out that the area already suffers from high levels of NO<sub>2</sub> which is hazardous to children walking and cycling to school. The development would create more localised pollution.

*Steven Rennie*

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

## **9. Witten Representations**

- 9.1 As set out in the Council's Officer Report<sup>80</sup>, 347 letters of objection were received and 56 letters of support. The majority of these relate to the impact on the highway network, air quality, the loss of Green Belt land and question the need for more employment land. Other concerns include:
- Employment benefits overstated;
  - Lack of information accompanying the application;
  - Poor level of publicity for the application;
  - Contrary to the Localism Act and Wigan Council's 'Deal for the Future' initiative, with public opinion against the development;
  - There is a sufficient supply of warehousing and vacant employment units in the local area without the need for Green Belt development;

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<sup>80</sup> CD: SWi\_Or\_1 Officer Report

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

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

In support

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

## **10. Inspectors' Conclusions**

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

### ***Planning Considerations***

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

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

### ***Inappropriate development in the Green Belt***

- 10.3 In terms of the development plan, CS Policy CP8 states there will be no alteration to the Green Belt boundary and that development within the Green Belt will only be allowed in accordance with national policy. CS Policy SP1 also seeks to ensure that the full extent of the Green Belt is maintained. Given the deferment to national policy in Policy CP8, the Green Belt analysis should be carried out by applying the principles set out in the NPPF. [6.50, 6.53, 7.23]
- 10.4 Although the site is allocated for a Class B8 logistics use in the emerging GMSF, under current development plan policy the site remains in the Green Belt. There is no dispute that the proposal constitutes inappropriate development in the Green Belt. [4.21, 5.3, 6.3, 6.37, 7.21, 7.7]
- 10.5 Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. That balancing exercise is undertaken later in this Report. [4.4-4.5]

## **Openness of the Green Belt**

- 10.6 The PPG<sup>81</sup> outlines a number of factors which might be relevant when considering the potential impact of development on the openness of the Green Belt. These include spatial and visual aspects, the duration of the development and its remediability and the degree of activity likely to be generated.
- 10.7 In spatial terms, the application site is predominantly open at present, despite the buildings dispersed across the site. The scheme would introduce up to 133,966m<sup>2</sup> of B8 floorspace through a series of large warehouse units, up to 23m in height, and associated infrastructure. On any level, that scale of development would substantially erode the spatial openness of the Green Belt in this location. [2.1, 2.5, 3.2, 5.4, 6.4, 7.8]
- 10.8 In terms of the visual aspect of openness, the Panel concurs with the Applicant's Green Belt assessment<sup>82</sup>. This concludes that the extent of harm to openness would be limited by a combination of site-specific circumstances. First, as demonstrated by the Zone of Theoretical Visibility (ZTV), the site is visually contained behind mature landscaping along most of its boundaries. This would be retained and strengthened by new planting which would form part of the landscape mitigation works. Second, the site is located very close to the southern urban fringe of Wigan and is therefore already seen in an urban context. Third, the site is subject to a number of urbanising influences, such as the M6 slip road and M6 carriageway, along the southern and south-western site boundaries respectively, as well as prominent overhead electricity cables and lattice steel pylons. [2.1, 3.9-3.13, 6.5, 6.10, 6.11, 7.8, 7.9]
- 10.9 In light of the above, the loss of openness would not be experienced over a wide area but rather would be limited to localised public viewpoints immediately around the site. [6.11, 7.8, 7.10]
- 10.10 In coming to that view, the Panel accept that its findings contrast with those of the LUC Green Belt study, which forms part of the evidence base for the emerging GMSF<sup>83</sup>. This found that the release of Allocation GM48 from the Green Belt would "*constitute significant sprawl and encroachment on the countryside, and a significant impact on preventing the merger of towns. It would constitute a moderate weakening of retained Green Belt land. Harm from the release of the Allocation is therefore assessed as very high*".
- 10.11 However, this LUC document is not a detailed landscape study but a broad assessment. It was not intended to be treated as a determining factor in development management decisions without a further, detailed landscape assessment, which the Applicant has undertaken in this instance. The high-level nature of the LUC study is demonstrated by its strictly inaccurate assertions that the site has no "*urbanising development to diminish openness*" and is not "*significantly contained*". Despite these apparent shortcomings, it also has to be recognised that the authors of the LUC study were concerned with a larger allocation that included areas of land additional to the present

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<sup>81</sup> Paragraph: 001 Reference ID: 64-001- 20190722

<sup>82</sup> TEP Green Belt Assessment, Appendix 3 to the Planning Statement CD: SWi\_Ei\_Planning Statement

<sup>83</sup> CD: GM\_Ot\_17 pages B-316-317

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

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

### **Green Belt Purposes**

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

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

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

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

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

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

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



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

### ***Overall Impact on the Green Belt***

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

### ***Need and Economic Considerations***

#### ***Need for Employment Land***

- 10.23 A key objective of the NPPF is to build a strong and competitive economy. Part of that objective involves delivering logistic developments in the right locations. [1.4, 4.6, 4.7, 7.5]
- 10.24 Although the policies in the GMSF carry limited weight at this time, significant weight is to be given to its up-to-date evidence base, particularly the Employment Topic Paper<sup>84</sup>. [4.22, 6.38-6.40, 7.13, 7.19]
- 10.25 The GMLIS<sup>85</sup> identifies the Wigan-Bolton Growth Corridor as important in supporting long-term economic prosperity, and as an important cluster location for the logistics and manufacturing sectors. It states that the M6 logistics hub in Wigan (extending into Warrington, St Helens and West Lancashire) provides a major cluster of warehousing and distribution activity with good accessibility to the motorway network.
- 10.26 Based on the foregoing, there is an evident and compelling planning policy imperative for high-quality logistics floorspace regionally, sub-regionally<sup>86</sup> and locally.

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<sup>84</sup> CD: GM\_Ot\_6\_GMSF Topic Paper

<sup>85</sup> CD: GM\_Ot\_7\_GM LIS

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



- 10.27 This need is a result of a highly active logistics sector, fuelled primarily<sup>87</sup> by the rise of e-commerce, which has expanded substantially in recent years and is likely to account for over 35% of the market by the end of 2020. [4.20, 4.22, 5.3, 6.19-6.23, 6.35-6.43, 7.4, 7.13-7.22]
- 10.28 The demand for logistics floorspace is focused on the motorway corridors, as operators demand better access to their markets for 'just-in-time' delivery. Moreover, operators require good access to multi-modal supply chain facilities, such as depots, ports and airports. The M6 corridor is centrally located to supply chains and markets and has seen unprecedented levels of inward investment in the logistics sector over the last decade. [7.3]
- 10.29 With respect to the impact which Brexit might have on the need for logistics floorspace, the evidence before the Inquiry suggest a potential uplift in demand, given the severance of warehousing and distribution facilities, which previously served all of Europe<sup>88</sup>.
- 10.30 At the local level, evidence<sup>89</sup> shows that the Council is receiving a significant number of investment enquiries for large Class B8 units of 40,000 to above 100,000ft<sup>2</sup>.

#### *Employment Land Supply*

- 10.31 Due to the attraction of the M6 corridor for logistics operators, employment land supply has been unable to keep pace with demand and is now critically low, amounting to only around six months of supply based on annual average take-up rates<sup>90</sup>. There is a similar situation within the wider North West region, with approximately nine months of supply. [6.36, 6.39, 7.3, 7.16, 7.18, 7.24]
- 10.32 The supply rate of employment land within Wigan Borough itself since 2011 is even lower. CS Policy CP5 sought to provide 200ha of employment land in Wigan between 2011 and 2026 (approximately 13.3ha per annum). However, as set out in the latest ELPS<sup>91</sup>, the Borough only has 131.44ha of available employment land at October 2020. The Council's supply has been considerably weakened by a significant loss of employment land to other uses, predominantly residential<sup>92</sup>.
- 10.33 These figures mask the full reality of the situation as there is considerable uncertainty about the deliverability of around half of the supply due to factors including the need for significant transport infrastructure improvements and ground remediation. Of those sites that are earmarked as 'available', a significant proportion are small plots (under 5ha) and unattractive to the market for a variety of reasons including size, location, poor access to the motorway network and the existence of constraints such as nearby housing<sup>93</sup>. These constraints are reflective of Wigan's industrial legacy and its failure to allocate any new sites since the UDP was adopted. [6.31, 7.14]

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<sup>87</sup> Aherne PoE paragraph 12

<sup>88</sup> Aherne PoE, paragraphs 10, 12, 14 and 74

<sup>89</sup> Mulligan PoE, Section 5

<sup>90</sup> Aherne PoE, paragraphs 59-63

<sup>91</sup> CD: Wi\_Ot\_14

<sup>92</sup> See Kearsley PoE paragraph 3.8

<sup>93</sup> See Kearsley PoE Table 5

- 10.34 Take-up rates within Wigan since 2011 have been similarly poor, with only 20.15ha taken up, 13.35 ha of which was accounted for by redevelopment at the South Lancashire Industrial Estate in 2016-17. [4.16, 6.26-6.30, 6.37, 7.13-7.15]
- 10.35 However, the evidence suggests that the low take-up levels in Wigan are not symptomatic of an absence of demand. On the contrary, on those rare occasions when good quality sites have come forward, such as the South Lancashire Industrial Estate, they have been taken up quickly. [6.9, 6.14, 6.29, 6.45, 7.15]
- 10.36 There is a broad consensus that there are no suitable alternative sites in the Borough that could accommodate the proposed development. Some written representations have suggested that the development could be accommodated on the South Lancashire Industrial Estate Extension. However, for the reasons set out in the ELPS including land ownership and site access constraints, there are clearly significant impediments to the delivery of that site. Some objectors have also pointed to the other sites under consideration by the Panel. However, these sites would not address the shortage of employment land that exists in Wigan. [6.9, 6.42, 6.43, 7.9, 7.14, 7.16, 12.20]
- 10.37 Despite the fact that the Council is failing to provide the levels of employment land stipulated in Policy CP5, the CS monitoring mechanism provides no means of addressing the shortfall. The CS including Policy CP5 was predicated on the Council bringing forward an allocations document by 2016. This would have potentially remedied the shortfall by allocating new sites. However, that document was abandoned or paused by the Council in 2016, in favour of the GMSF. [4.19-4.24, 6.27, 7.13]
- 10.38 Given the significant uncertainty which now surrounds the GMSF, there is no imminent prospect of its adoption. Even if the GMSF is taken forward in amended form, its adoption is still some way into the future, resulting in a prolonged period since the Council last allocated any employment sites. The existing policy vacuum clearly runs counter to the approach advocated in NPPF paragraphs 33, 81 and 120 and is likely to result in valuable investment flowing into the adjacent authorities of Bolton, Warrington and St Helens, to the detriment of Wigan's residents. Another potential consequence is that existing businesses in the Borough who wish to expand will continue to leave, in order to find more suitable premises in neighbouring authority areas<sup>94</sup>. [4.19-4.24, 6.22, 6.28, 6.32, 6.39, 7.3, 7.16, 6.28]
- 10.39 It is common ground between the Applicant and Council that the current situation cannot be allowed to continue, and the lack of supply must be addressed now if Wigan is to compete for inward large logistics investment and reap the rewards that come from it. The Panel concurs with that assessment.
- 10.40 It is material that the site is available now and the detailed element of the scheme can be delivered relatively quickly to address known commercial and policy needs.

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<sup>94</sup> Asda to Warrington and Joy Mining to Bolton

### *Economic Benefits*

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

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

10.42 These benefits carry significant weight in a Borough where, according to the CS, a *"high concentration of jobs are low skilled and within declining sectors of the economy"*. The CS also refers to the Borough's *"low wage economy"*<sup>95</sup> with wages on average 8% below sub-regional and regional averages and 17% below the national average. More up-to-date evidence presented to the Inquiry confirmed that whilst unemployment in the Borough is relatively low, there is a preponderance of low-value and low-paid employment<sup>96</sup>. In terms of wages, figures derived from the Office of National Statistics indicate that salaries in the logistics sector are above average<sup>97</sup>. [6.36, 6.45, 7.2 8.19]

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

### *Economic Considerations Overall*

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

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

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<sup>95</sup> Paragraph 9.26 CD: Wi\_DP\_1\_Core Strategy

<sup>96</sup> Mulligan Oral Evidence

<sup>97</sup> See Aherne PoE, paragraphs 25-27

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

### **Highways - Impact of the Development on the Road Network**

- 10.46 Despite the number of highway objections to the scheme from the local population neither the Council's Highway Department, Transport for Greater Manchester (TfGM), St Helens Council nor Highways England (HE) object. All statutory consultees judge that the development would be acceptable in terms of its impact on the strategic and local road network (SRN & LRN), subject to appropriate mitigation. [3.9, 5.5, 6.13]
- 10.47 In the main, those concerns raised by local people relate to existing issues on the LRN, such as high levels of congestion along the A49 between the Poolstock Lane junction and the Bryn Interchange. Whilst these concerns are genuine, it is not the Applicant's responsibility to resolve existing traffic issues in the locality. Rather the Applicant is expected to mitigate any unacceptable impacts arising from the development itself. [8.10, 9.1]
- 10.48 The Applicant's assessment of the transport effects of the development are contained in the Transport Assessment<sup>98</sup>(TA) which forms part of the ES. This considers the broad nature of the road network in the vicinity of the site, including its accessibility by non-car modes of transport. The specific impact of the development is forecast from a number of future-year scenarios with and without the development. From this information, it is possible to ascertain where mitigation would be required. [5.5, 7.11]
- 10.49 In common with the other developments under consideration by the Panel, the trip rates and distribution<sup>99</sup> are taken from the Florida Farm, St Helens TA. Insofar as trip rates are concerned, these were originally calculated by interrogating the national Trip Rate Information Computer System to obtain trip rates from a number of similar developments. These trip rates were then supplemented by a survey of the Omega North, Warrington site. The trip rates that resulted from this exercise were then subject to further checking against surveys from the logistics developments at Hall Wood Avenue, Haydock, and Axis Business Park, Knowsley. Based on all of the above, the Panel considers that the Florida Farm trip rates are appropriate and provide a robust basis on which to assess the impact of the development. [5.5, 7.11]
- 10.50 The 33%-67% north/south split onto the M6 was calculated on consideration of: 1) the distribution of goods in the North West which tends to be focused on the two main conurbations of Liverpool and Manchester, accessed via the M62, and 2) Longer-distance HGV trips to and from the development would primarily be from the Golden Triangle<sup>100</sup> of the Midlands motorway network, southern ports and the Port of Liverpool. [5.5, 7.11]

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<sup>98</sup> CD: SWi\_Ei\_40, SWi\_Ei\_62 & SWi\_Ei\_71

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

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

- 10.51 Southbound movements to these destinations would account for the majority of operational traffic to and from the site and would egress the site via J25 before heading south on the M6. As a consequence, the development is unlikely to give rise to significant levels of additional HGVs on the LRN. [5.5, 6.14, 7.11]
- 10.52 It has been suggested that north-bound HGVs may prefer to use the A49 to access M6 J26 in preference to J24. However, the journey time evidence presented to the Inquiry by the highway witnesses, firmly dispelled that notion. The route to J26 from the application site, even allowing for the new M58/M6 link road<sup>101</sup>, would involve drivers negotiating six sets of traffic lights as well as additional pedestrian crossings. Whilst the possibility of some HGVs using the LRN cannot be totally discounted, the evidence clearly suggests that this would be an exceptional circumstance rather than a common occurrence and probably limited to those occasions when there might be a blockage on the M6. [6.14, 7.11]
- 10.53 There would of course be commuting trips by future employees on the LRN. However, given that logistics operators tend to favour 24-hour working, the resulting shift patterns are unlikely to coincide with traditional peak hours. The analysis contained in the TA demonstrates that the development would have a minimal impact on the majority of junctions within the study area to the north of the site and, as a result, would not require mitigation. [5.6, 7.11]
- 10.54 The Bryn Interchange would experience the biggest traffic flow increases of any junction in the study area, amounting to 6.3% during the weekday AM peak and 6.8% during the weekday PM peak. According to the TA, the A49 northern arm was observed to be generally free-flowing, though occasional long queues developed but dispersed quickly. On the A49 southern arm, consistent but small queues, developed during the AM peak, which were slightly longer than queues in the PM peak<sup>102</sup>. These observations are consistent with the evidence provided to the Inquiry from local residents and the Panel's own observations. [7.11, 8.10, 8.14, 8.20, 8.22, 9.1]
- 10.55 The additional traffic generated by the proposal would lead to a further reduction in the performance of the Bryn Interchange and particularly the northern approach. Having considered a wide range of potential solutions, the scheme agreed with the Council<sup>103</sup> proposes to signalise both the site access and M6 arms of the roundabout. Also proposed is widening of the A49 northern arm to provide a third lane and associated widening of the circulatory carriageway. Signalised pedestrian crossing facilities are proposed on the site access arm and to the north on the A49. [5.5, 7.11]
- 10.56 The scheme for the Bryn Interchange has been subject to modelling using industry standard software (ARCADY and LINSIG). In both the 2017 base and 2030 'with development' scenarios, the junction would operate within capacity with significantly less queuing and delay than without the improvement. Whilst queues on the M6 approach to the roundabout are forecast to increase<sup>104</sup>, HE have not objected given there would be no interference with flows on the main

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<sup>101</sup> See Plan 6 of the TA CD: SWi\_Ei\_40

<sup>102</sup> See Table 4.5 to the TA Addendum CD: SWi\_Ei\_62

<sup>103</sup> Dwg No 1687-F08 Rev H Appendix to CD: SWi\_Ei\_72

<sup>104</sup> See section 3, CD: SWi\_Ei\_59

M6 carriageway<sup>105</sup>. The modelling has been checked and verified by TfGM and a conclusion drawn that there would be overall betterment at the Bryn Interchange as a result of the proposed improvement scheme<sup>106</sup>. [5.5, 7.11]

- 10.57 Northbound traffic from the development would be limited to that accessing areas in Central and East Lancashire. The combined populations of these areas are significantly smaller than the main conurbations of Merseyside and Greater Manchester. Nonetheless, in light of restricted turning movements at J25, it would be necessary for northbound traffic to U-turn at J24. Although the number of vehicles performing this manoeuvre would be limited, at worst, to approximately one additional movement every 1 minute 20 seconds, a mitigation/improvement scheme is required at J24. This would help formalise existing turning movements onto the north-bound slip road from Liverpool Road<sup>107</sup>. [5.5, 7.11]
- 10.58 The Applicants have undertaken sensitivity testing of the J24 improvement to account for the construction of the M58/M6 Link Road. The results of that exercise are shown in Table 2.4 of the Response to HE<sup>108</sup> and demonstrate that the junction would continue to operate within capacity in all scenarios. The mitigation schemes for J24 and the Bryn Interchange have both been subject to Stage 1 Road Safety Audits<sup>109</sup>. [7.11]
- 10.59 Cllr Morgan and others suggested that an all-ways junction at J25 should be a pre-requisite for the development. Such concerns seek to draw support from comments made by the CS examining Inspector in 2013<sup>110</sup>. However, it has to be recognised that the highways evidence before that Inspector was very different (and much less detailed) than the evidence before the Panel now which demonstrates that the majority of HGVs will not be travelling to/from areas to the north<sup>111</sup>. Moreover, evidence from the South Lancashire Industrial Estate strongly suggests that the lack of an all-ways junction at J25 has not presented in any practical difficulties to those logistics operators. [6.14, 6.25, 8.10, 8.14, 8.20]
- 10.60 Although there is an aspiration in the Council's *"Our Five Year Transport Delivery Plan 2020-2025"* for an all-ways junction at J25, there is currently no policy requirement for one. Draft GMSF Policy GM 48 states that the allocation should *"Allow for the provision of an all-ways junction at junction 25 and the ability for more direct access from the motorway once provided, subject to agreement by Highways England."*<sup>112</sup>
- 10.61 Notwithstanding that policies in the GMSF carry limited weight, it is important to note the distinction between 'allowing' and 'providing'. The draft policy is not required to deliver the all-ways junction but simply suggests that the allocation should allow for its provision, i.e. not prejudice its delivery<sup>113</sup>.

<sup>105</sup> CD: SWi\_CR\_HE

<sup>106</sup> See Strode PoE 4.23

<sup>107</sup> Dwg No.1687-F05 Rev C, Appendix to CD: SWi\_Ei\_72

<sup>108</sup> CD: SWi\_Ei\_59

<sup>109</sup> Appendices 2 and 4 Russell PoE

<sup>110</sup> CD: Wi\_Ot\_13\_Inspectors Report, paragraphs 76-78

<sup>111</sup> See Strode PoE paragraphs 4.10-4.14

<sup>112</sup> Strode PoE, paragraph 4.5

<sup>113</sup> Strode & Russell oral evidence



- 10.62 HE's consultation response<sup>114</sup> raises no objection to the proposal subject to conditions relating to the implementation of off-site highways works at J24 and J25 and the provision of a Travel Plan for the development. As was pointed out by the Applicant, the layout of the proposal shown on the parameters plan would set aside sufficient areas within the site to allow for the delivery of an all-ways junction, if this were to be progressed by the Council, HE or another third party in the future.
- 10.63 The development would undoubtedly be well located to encourage sustainable modes of transport. The site is close to the built-up edge of Wigan and therefore within convenient walking and cycling distance from a large swathe of Wigan and Ashton. The existing public footpath connecting the site to the Winstanley estate to the north, at the junction of Allonby Close and Crowther Drive, would be enhanced to make it attractive for future employees wanting to walk or cycle to work. A new footway would be provided along the western side of the A49, linking the site access to the bus stop a short distance to the north, which is served by regular bus services running between Wigan and Ashton. [3.7, 3.8, 5.5, 6.15, 7.11]
- 10.64 Conditions are recommended to ensure that a Travel Plan is agreed for each built unit, as well as high-quality cycle parking facilities, together with staff showering and changing facilities. Overall, the development would promote sustainable forms of travel in accordance with NPPF paragraphs 102 and 103. Electric car charging points would be provided in accordance with the Council's standards and the construction of the parking areas would allow for the future installation of additional charging points. [6.18, 10.7]
- 10.65 Whilst the highway concerns that have been raised by local residents are understood, no substantial evidence has been adduced which would lead the Panel to depart from the conclusions of the TA. No objections have been received from specialist highway consultees. The proposed improvement schemes at J24 and the Bryn Interchange would mitigate the impact of development and, in the latter case, would provide some incidental betterment to highway users. The site boasts excellent sustainability credentials with walking, cycling and the use of public transport all viable and realistic alternatives to the private motor car. Based on the foregoing, the proposed development would comply with paragraphs 108 and 109 of the NPPF.

## ***Environmental Considerations***

### ***Landscape and Visual Impact***

- 10.66 The application was accompanied by a detailed LVIA which assessed the likely landscape and visual effects of the development based on a worst-case scenario in terms of the outline element<sup>115</sup>. The LVIA assessed the impacts of the development in the opening year and again 15 years after completion to allow for establishment of the structural landscaping. The visual impact of the scheme from a variety of representative viewpoints in the area is illustrated on

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<sup>114</sup> CD: SWi\_CR\_HE

<sup>115</sup> The LVIA takes account of the maximum developable area defined on the Parameters Plan (CD: Hearing\_Doc\_11) with buildings up to 23m in height.

a series of photomontages<sup>116</sup>. Whilst the Panel has had regard to the LVIA, our assessment is also informed by observations on the site visit.

- 10.67 The application site, although predominantly open, does not possess a strong bucolic character. The site is not within or immediately adjacent to any national or local designation, nor is it covered by any designation related to landscape quality. It is not a 'valued' landscape in the terms set out in NPPF paragraph 170. Extensive parts of the site were a former open-cast colliery and although there are few visual clues of that use today, the resulting landscape value of the site is limited. Its value is further diminished by the major roads that flank the east, south and western site boundaries as well as other urban features such as extensive street lighting, street furniture, telecommunication masts, telegraph poles and overhead electricity pylons. [2.2, 6.5, 6.11, 7.9, 7.10]
- 10.68 Despite its rather obvious landscape limitations, it is accepted that the site is valued by local people, primarily on account of it being a predominantly open space close to the built-up edge of Wigan with a network of public footpaths across it. [8.7, 8.16]
- 10.69 There is little doubt that the proposed development, whatever its final form, would impose a considerable extent of built development on the land. This would permanently alter the landscape character of the application site from open, sloping farmland, to a modern logistics park with large warehouse units and associated vehicular parking/circulation areas. The exact extent to which the outline element would be visible beyond the site would depend on details which have been reserved for future determination. Nonetheless, there would be a notable scale of change to the character of the local landscape, particularly in the short term. [6.4, 7.8]
- 10.70 Somewhat unusually, given the size of the site and its edge-of-settlement location, it is not unduly prominent in the wider landscape. That is a function of local topography and the site's level of visual containment. In the small number of longer-distance views identified in the LVIA, where the site is visible, it tends to be seen against the general townscape of Wigan. Having had the opportunity to observe the site from a range of viewpoints, including those contained in the LVIA, the Panel shares the views of the expert landscape witnesses that the site has a low sensitivity to change and any landscape and visual effects would be contained within the relatively narrow study area, as demonstrated by the ZTV in the LVIA<sup>117</sup>. [6.11, 7.8]
- 10.71 The vast majority of potentially sensitive public and private receptor points within the landscape study area would have no, or very limited, views of the proposed development, particularly after 15 years. There would of course be pronounced effects from other receptors, most notably from those PROWs within the site or immediately adjacent. From here, the visual impacts of the development would be significant and oppressive. [6.4, 6.11, 7.10, 8.7, 8.16, 9.1]
- 10.72 There would be some views into the site through the site access. However, given the amount of existing and proposed landscaping along the eastern site boundary, these would not be significant. It is likely that glimpsed views of the

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<sup>116</sup> Figures 8.1 – 8.6

<sup>117</sup> Figures 4 and 5



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

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

#### *Ecology, Biodiversity and Arboriculture*

- 10.74 Chapter 9 of the ES<sup>118</sup> assesses the effect of the development on wildlife and identifies potential areas of loss, disturbance or damage. The baseline for the site has been established through a full range of ecological and arboricultural surveys carried out in accordance with best practice and in consultation with the Council and the Greater Manchester Ecology Unit (GMEU).
- 10.75 These surveys revealed that the site is predominantly species-poor, agricultural grassland of low nature conservation value. There are a few exceptions including areas of plantation and semi-natural woodland, hedgerows, a single pond, semi-improved neutral grassland, marshy grassland and a ditch. The proposed development would retain and incorporate these higher value habitats where possible.
- 10.76 As a result of the site's history, those trees that are present on the site are generally of low and moderate quality. The best quality trees in the study area, including those protected by Tree Preservation Orders are located beyond the northern boundary and would not be impacted by the development. [2.2, 7.10]
- 10.77 There is little evidence to suggest the presence of protected or priority species on the site. Whilst bats use the site for foraging and/or commuting, no roosts have been found. Various farmland birds breed on the site, and there is potential for common toads and/or reptiles to be present. No great crested newts, badgers, water voles or otters have been found on or immediately adjacent to the site.
- 10.78 The new landscaping proposals, including new hedgerows, structural planting, wetlands and green buffer zones, specifically alongside the northern development boundary, would provide green infrastructure that, over time, would compensate for the adverse effects on most features affected by the proposals. The exception is for farmland birds which are reliant on open countryside habitats. Losses of habitats suitable for certain species such as skylark, lapwing and reed bunting are therefore expected. All other ecological

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<sup>118</sup> CD: SWi\_Ei\_15

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

- 10.79 Whilst the impact on farmland birds cannot be mitigated, the development proposes off-site biodiversity enhancements at the Wigan Wetlands, to achieve a BNG of at least 10%<sup>119</sup>. These enhancements would help deliver the Wetlands programme, providing benefits for reed bunting, tree sparrow and yellowhammer. [6.12, 7.10, 11.3-11.9]
- 10.80 The GMEU acknowledge that the proposed development would result in the loss of habitats of low distinctiveness but accepts that the ecological compensation proposed through the BNG arrangements would improve higher value habitats elsewhere<sup>120</sup>. The BNG contribution is covered in more detail in the Planning Obligations section of this Report. [5.6]
- 10.81 Overall, and notwithstanding the genuine concerns raised by local residents in respect of ecology matters, the Panel is satisfied that the impact of the development has been adequately assessed. The proposal would not result in harm to any designated nature conservation sites or loss of any irreplaceable habitats. Subject to mitigation measures to be secured either by condition or s106 agreement, the development would secure a 10% BNG consistent with the NPPF and CS Policies CP9 and CP12. [7.22]

#### *Air Quality*

- 10.82 Part of the site is within a designated AQMA<sup>121</sup> encompassing the surrounding road infrastructure, comprising the M6 motorway including the J25 slip-road, the A49 and the majority of the Bryn Interchange roundabout. [4.10, 4.18, 6.16]
- 10.83 The methodology for the Air Quality Assessment (AQA)<sup>122</sup> was agreed in advance with the Council. The AQA considered the impact of the development on air quality during both the constructional and operational phases. In order to assess NO<sub>2</sub> and particulate matter (PM<sub>10</sub>) concentrations in the local area, dispersion modelling was undertaken at 64 different receptor points in the locality. The AQA considered both 'do nothing' and 'with development' scenarios. The latter used predicted traffic flows taken from the TA.
- 10.84 There is agreement between the main parties that the development has the potential to cause air quality impacts, through dust and traffic exhaust emissions during the construction and operation phases respectively. However, it is also agreed that subject to mitigation, the development would accord with local and national policy regarding air quality considerations, including UDP Policy EV1B<sup>123</sup> which states that the Council will not permit development which would result in an unacceptable level of air pollution or have an unacceptable impact on air quality management areas.

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<sup>119</sup> 11.87% and 12.06% for the detailed and outline parts of the site respectively see paragraph 2.4 CD: Hearing\_Doc\_21

<sup>120</sup> CD: SWi\_CR\_GMEU\_GH

<sup>121</sup> See Appendix AQ1 Guest PoE

<sup>122</sup> CD: SWi\_Ei\_43

<sup>123</sup> See Agreement 15 in the CD: SoCG SWi\_In\_1

- 10.85 In terms of the construction effects, the Council's expert witness explained that dust emissions as a result of earthworks, demolition and construction activities could be adequately mitigated by the implementation of good practice measures secured via a CEMP.
- 10.86 The TA establishes that the development would not result in significant increases in traffic on the LRN. As a result, the modelling predicted that impacts on NO<sub>2</sub> and PM<sub>10</sub> concentrations would be negligible at all receptor locations and none of the 64 modelled scenarios would exceed legal limits for PM<sub>10</sub> or NO<sub>2</sub>. [6.16]
- 10.87 Air quality matters have been satisfactorily assessed and addressed in the evidence. Given the conclusions of the AQA which have not been challenged by cogent evidence, the Panel finds that there would be no conflict with CS Policy CP17, UDP Policy EV1B, the Air Quality Supplementary Planning Document or NPPF paragraph 181. [7.22]

#### *Public Rights of Way*

- 10.88 The proposals are accompanied by a PROW Strategy Plan<sup>124</sup>, the aim of which is to retain footpaths wherever possible, on their existing alignments, and to enhance accessibility to the development. Whilst the Plan is considered acceptable to the Council, it removes the opportunity for local residents to undertake a circular walk. However, the finer details for the treatment of those public footpaths through the outline element of the development are not fixed and it might be possible to incorporate such a route at a later date. The proximity of Winstanley Woods, said to be popular with local residents, provides for a variety of circular walks. [2.5, 3.7, 6.15, 8.7, 8.16]

#### **Conditions**

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

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<sup>124</sup> CD: SWi\_Ap\_27

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

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

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

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

### ***Planning Obligations***

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

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

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

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

#### *Biodiversity Net-gain*

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

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

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

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

10.102 The Applicant's initial Biodiversity Impact Assessment Methodology Note was undertaken in August 2019<sup>126</sup>. At the time the Warwickshire County Council calculator was used within the Biodiversity Impact Methodology Note. However, in order to align with the forthcoming Environment Bill, it is now best practice to use The DEFRA Biodiversity Metric 2.0. As a result, the BNG assessment was updated in October 2020<sup>127</sup>. That assessment demonstrated an overall BNG for both the detailed and outline elements of the scheme (11.87% and 12.06% respectively) which was achieved when taking into account both on and off-site mitigation measures.

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

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<sup>125</sup> Paragraph: 022 Reference ID: 8-022-2019072

<sup>126</sup> CD: SWi\_Ei\_70

<sup>127</sup> CD: Hearing\_Doc\_3

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

10.104 The contributions will be used to support a number of schemes forming the Wigan Wetlands Project Plan at the Wigan Wetlands and Three Sisters Local Nature Reserves some 1,600 metres (closest point) to the east/north east of the application site. The costings were agreed between Lancashire Wildlife Trust and the Council and the overall approach to BNG is supported by the GMEU<sup>128</sup>. It is therefore concluded that the BNG obligation meets the statutory tests.

#### *Wheatlea Industrial Estate*

10.105 The obligation relating to the stub/access road to Wheatlea Industrial estate arises from representations made by the owners of the land to the north of the site (Derbyshire House Farm) which cites a recent legal judgement involving the Applicant<sup>129</sup>. Along with the application site, the Derbyshire House land makes up the balance of the proposed allocation 42 in the GMSF. The Applicant recognises the need to provide such a connection and originally intended, with the agreement of the Council, to deal with the matter through a planning condition having shown the location of the access road on the Access and Movement Plan<sup>130</sup>.

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

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

#### **Other Matters**

##### *The 2013 CS Inspector's Report*

10.108 The SoS will note that the overall conclusion formed in this Report is at odds with that of the CS examining Inspector in 2013. However, there has been an irrefutable change of circumstances<sup>131</sup> since that time such that the 2013 findings have little relevance to the current scheme, which must be assessed purely on the planning merits that apply now. Based on the evidence, the Panel does not consider that the 2013 decision should command any significant weight in this case. [3.15, 6.24, 6.25, 8.3, 8.10, 8.12, 8.15, 10.1]

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<sup>128</sup> CD: SWi\_CR\_GMEU\_GH

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

<sup>130</sup> CD: SWi\_Ap\_58

<sup>131</sup> See Jones PoE, paragraph 4.12



### *Cross-boundary Matters*

- 10.109 In terms of whether there are any cross-boundary issues that the SoS should consider, the evidence presented to the Inquiry is clear that none of the other developments would meet the acute need for employment land in Wigan.
- 10.110 Putting that fundamental point to one side, the economic evidence suggests that there is sufficient commercial demand in the M6 sub-region to accommodate the proposed development as well as those in St Helens. The scheme at Wingates, Bolton falls outside the M6 sub-corridor. It should also be noted that the St Helens schemes are geared towards satisfying an identified need in the Liverpool City Region rather than Greater Manchester. [1.5-1.8, 6.19-6.22, 7.24]
- 10.111 Based on the foregoing, cross-boundary issues do not arise. It therefore follows that the present application may appropriately be determined independently by the SoS on the basis of this Report alone.

### *Mineral Safeguarding*

- 10.112 Objectors have pointed out that the site is located within a Mineral Safeguarding Area. However, the SoCG<sup>132</sup> states that neither the Council nor Applicant consider this would justify refusal of the application. The Council's Officer Report<sup>133</sup> further points out that the Coal Authority has been consulted and raised no objections, subject to the imposition of conditions relating to intrusive site investigation works into the coal mining legacy of the site and potential implementation of resultant remedial measures.

### *Living Conditions*

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

### *Odours and Hazardous Chemicals*

- 10.114 Concerns that hazardous chemicals would be stored on the site and the development will lead to unpleasant smells have not been substantiated. The Panel consider it unlikely that a B8 storage and distribution logistics use would give rise to such issues<sup>134</sup>. In any event, should any such issues arise they would be subject to control through separate statutory mechanisms.

### *Emergency vehicle access*

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

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<sup>132</sup> CD: SWi\_In\_1\_SoCG (Agreement 2)

<sup>133</sup> Paragraph 10.43

<sup>134</sup> Officer Report paragraph 10.55

### *Publicity*

- 10.116 Despite generalised concerns about a lack of information, no specific information is before the Panel in this regard. A significant volume of supporting evidence has been submitted with the application through the ES and this has been assessed as satisfactory. <sup>[1.11]</sup>
- 10.117 In terms of publicity, section 5 of the Officer's Report sets out the publicity that has taken place since the application was submitted and confirms that this was in accordance with all the relevant statutory requirements. In addition, the Applicant submitted a Statement of Community Consultation Report with the application<sup>135</sup>. This explains that pre-application public consultation commenced in May 2018 with two public exhibitions taking place on May 24 and 25. The consultation period closed on June 6. Based on the foregoing, the Panel is satisfied that an appropriate level of consultation and publicity has been carried out.

### *Flood Risk*

- 10.118 The site is located within Flood Zone 1 and therefore has a low probability to flooding. A Flood Risk Assessment<sup>136</sup> containing a Foul and Surface Water Drainage Strategy was submitted with the application to consider the impact of the development upon flood risk and vice versa. Subject to the imposition of drainage conditions there is no objection from the Environment Agency, United Utilities or the Council's Drainage Engineers as Lead Local Flood Authority. <sup>[5.2]</sup>

### *Property Values*

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

### *Localism*

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

### **Overall Conclusions and Planning Balance**

- 10.121 The Panel considers that CS Policy CP5 is now out of date in light of the latest evidence relating to employment land need contained in the GMSF evidence base. It has therefore been overtaken by events. Apart from that, we are satisfied that development plan policy relevant to this application remains up to date.
- 10.122 There is a small divergence in views between the main parties regarding the question of compliance with CS Policies CP8 and SP1 of the development plan. The corollary of that disagreement is whether the proposal falls to be considered under NPPF paragraph 11c) or 12. <sup>[6.50-6.54, 7.23]</sup>

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<sup>135</sup> CD: SWi\_AP\_48\_SCC

<sup>136</sup> CD: SWi\_Ei\_54



- 10.123 The proposal if approved would not formally change the Green Belt boundary. It would be inappropriate development within the Green Belt requiring justification by very special circumstances and hence the development would not amend the general extent of Green Belt as defined on the Proposals Map. The Panel is therefore satisfied that the scheme can be considered under NPPF paragraph 11c).
- 10.124 The Panel has found that the development would be inappropriate in the Green Belt. Moreover, limited and localised harm to openness and moderate harm to the Green Belt purpose 'safeguarding the countryside from encroachment' has been identified. There would also be moderate and localised landscape and visual harm. All other matters weighing against the proposal could satisfactorily be addressed by conditions or at reserved matters stage.
- 10.125 The identified harms must be afforded substantial weight, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm identified is clearly outweighed by other considerations.
- 10.126 In favour of the scheme, there are a number of forceful '*other considerations*' the most significant of which are those which pertain to the supply of employment land in Wigan. These undoubtedly form the cornerstone of the Applicant's very special circumstances case. Section 6 of the NPPF attaches great importance to building a strong, competitive economy with significant weight being given to the need to support economic growth.
- 10.127 There is a pressing need in Wigan, the M6 sub-region and the wider North-West for warehousing and distribution development. Wigan, has and continues to, suffer from poor take up rates due to qualitative and quantitative constraints on its supply of employment land. In light of the current policy vacuum there is no imminent prospect of the supply issue being addressed. Consequently, very substantial weight has to be accorded to the delivery of up to 133,966m<sup>2</sup> of high-quality logistics floorspace, a proportion of which could be brought to the market relatively quickly by an experienced logistics developer to address known commercial and policy needs.
- 10.128 The locational benefits of the site are indisputable. It is located within the "sweet-spot" of the M6, being roughly equidistant from Liverpool and Manchester and having convenient access to the M58, A580, M62 and M56 as well as to and multi-modal supply chain facilities in the region, including the Port of Liverpool, Manchester and Liverpool Airports and the rail freight facilities in Trafford Park and Knowsley. The site also boasts excellent connectivity to local labour markets, another key requirement for logistics operators. The locational benefits carry further significant weight in favour of the application.
- 10.129 The socio-economic benefits would boost the local economy and would help to address economic inequalities in nearby communities. These benefits also carry substantial weight.
- 10.130 The BNG and highway benefits collectively attract moderate weight.
- 10.131 The Panel consider that the '*other considerations*' listed above are of such magnitude that they clearly outweigh the Green Belt and non-Green Belt harms we have identified. On a further matter of judgement, we conclude that very

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

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

## **11. Recommendation**

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

*D. M. Young*

Inspector

*Brian J Sims*

Inspector

## Appendix A

### APPEARANCES

#### FOR THE APPLICANT

David Manley QC instructed by the Applicant

He called:

Mr Chris Argent BA (HONS) MTPL MRTPI

CBRE

Mr Jethro Redmore BEng (Hons) MSc CEnv MIAQM MEnvSc PIEMA

Redmore Environmental

Mr Timothy Russell BSc(Hons), CEnv, MCIEEM, CMLI, MICFor

Croft Transport Solutions

Mr Paul William Beswick BA (Hons) Dip LA

Enzygo Limited

Mr Andrew Aherne BSc (Hons) Land Management MRICS

Aherne Property Consultants

#### FOR THE LOCAL PLANNING AUTHORITY

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

He called:

Mr Gareth Jones MA Civic Design

Wigan Council (Planning)

Mr Kenneth Strode BA(Hon) HNC

Wigan Council (Highways)

Ms Michaela Guest BTEC level 5 NVQ level 5

Wigan Council (Air Quality)

Mr David Kearsley MA TCP

Wigan (Land Supply)

Ms Kealey Mulligan BA (Hons) MSc

Wigan Council (Economic Development)

#### INTERESTED PERSONS

Yvonne Fovargue MP

Member of Parliament for Makerfield

Cllr Steven Kenny

Member for Winstanley Ward

Cllr Clive Morgan

Member for Winstanley Ward

Mr Steven Rennie

Local Resident

Ms Angela Lashley

Local resident

## Appendix B

**DOCUMENTS SUBMITTED AT THE INQUIRY**

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

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

## Appendix C

**CORE DOCUMENTS****Application plans and documents**

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

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

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

### Environmental Impact Assessment (EIA) documents

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



			CONTENTS_F01
<b>SWi_Ei_3</b>	August 2018	ES - Chapter 1	ES_CH01_WIGAN_INTRODUCTI ON_F01
<b>SWi_Ei_4</b>	August 2018	ES - Chapter 2	ES_CH02_WIGAN_EIA METHODOLOGY_F01
<b>SWi_Ei_5</b>	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC & DEV PROP_F01
<b>SWi_Ei_6</b>	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC_FIGURES1_F01.
<b>SWi_Ei_7</b>	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC_FIGURES2_F01
<b>SWi_Ei_8</b>	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC_FIGURES3_F01
<b>SWi_Ei_9</b>	August 2018	ES - Chapter 3	ES_CH03_WIGAN_SITE DESC_FIGURES4_F01
<b>SWi_Ei_10</b>	August 2018	ES - Chapter 4	ES_CH04_WIGAN_ALTERNATIVE S & DESIGN EVOLUTION_F01
<b>SWi_Ei_11</b>	August 2018	ES - Chapter 5	ES_CH05_WIGAN_CONSTRUCTI ON STRATEGY & PROG_F01
<b>SWi_Ei_12</b>	August 2018	ES - Chapter 6	ES_CH06_WIGAN_TRANSPORTA TION & ACCESS_F01
<b>SWi_Ei_13</b>	August 2018	ES - Chapter 7	ES_CH07_WIGAN_AIR QUALITY_F01
<b>SWi_Ei_14</b>	August 2018	ES - Chapter 8	ES_CH08_WIGAN_NOISE & VIBRATION_F01
<b>SWi_Ei_15</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY & ARBORICULTURE_F01.
<b>SWi_Ei_16</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES1_F01
<b>SWi_Ei_17</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES2_F01
<b>SWi_Ei_18</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES3_F01
<b>SWi_Ei_19</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES4_F01
<b>SWi_Ei_20</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES5_F01
<b>SWi_Ei_21</b>	August 2018	ES - Chapter 9	ES_CH09_WIGAN_ECOLOGY_FI GURES6_F01
<b>SWi_Ei_22</b>	August 2018	ES - Chapter 10	ES_CH10_WIGAN_LANDSCAPE & VISUAL_F01
<b>SWi_Ei_23</b>	August 2018	ES - Chapter 10	ES_CH10_WIGAN_LANDSCAPE_ FIGURES_F01
<b>SWi_Ei_24</b>	August 2018	ES - Chapter 11	ES_CH11_WIGAN_WATER ENVIRONMENT_F01
<b>SWi_Ei_25</b>	August 2018	ES - Chapter 12	ES_CH12_WIGAN_SOCIO- ECONOMICS_F01
<b>SWi_Ei_26</b>	August 2018	ES - Chapter 13	ES_CH13_WIGAN_CUMULATIVE EFFECTS_F01

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

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

### Planning application notification

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

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

### Representations

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

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

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

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

### Planning Casework Unit

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

## 7. Associated policy and guidance documents

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

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

<b>SWi_Ot_2_GMSF Rep 2</b>	January 2017	GMSF Call for Site
<b>SWi_Ot_3_GMSF Rep 3</b>	January 2019	GMSF Call for Site

**Officer's Planning Committee Report**

<b>Document Inquiry Reference</b>	<b>Document Created</b>	<b>Document Name</b>
<b>SWi_OR_1_Officer Report</b>	January 2020	Public reports pack 14 <sup>th</sup> - Jan-2020 14.00 Planning Committee

**Inquiry Documents**

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

**Updated Evidence (2020)**

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



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

## Proofs of Evidence

### The Applicant

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

**Wigan Council**

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

**Representations from Interested Parties (Since Call in)**

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

## Appendix D

### **CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED**

#### **Full Planning Permission**

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

##### Full & Outline application

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

##### Full application only

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

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

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

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

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

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

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

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

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

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

### **Outline permission**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

### **Full and Outline Permission**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





# Ministry of Housing, Communities & Local Government

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## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

## SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

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

### Challenges under Section 288 of the TCP Act

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

## SECTION 2: ENFORCEMENT APPEALS

### Challenges under Section 289 of the TCP Act

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

## SECTION 3: AWARDS OF COSTS

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

## SECTION 4: INSPECTION OF DOCUMENTS

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