

Groves Town

Planning LTD

Chartered Town Planners and
Local Government Management Consultants
www.grovestownplanning.uk

Document Title	Proof of Evidence – John Groves
Version/Date	BA(hons) MRTPI V3 (Final) 11 April 2023
GTP ref	2301001
Application reference	2019/34799
PINS reference	APP/0655/V/22/3311877
Applicant	Langtree PP and Panattoni
Site	Land to the west of Junction 20 of the M6 Motorway, and Junction 9 of the M56 Motorway and to the south of, Grappenhall Lane/Cliff Lane (known as Six:56 Warrington) Grappenhall, Warrington

1 Introduction

- 1.1 I am John Groves. I am a chartered town planner and member of the Royal Town Planning Institute.
- 1.2 I have nearly 40 years experience practising as a Town Planner both within local government and private practice. I have operated at levels up to and including Head of Planning and Chief Planning Officer and I am now Director of Groves Town Planning a consultancy offering planning advice and related services.
- 1.3 I am familiar with the appeal site having advised the 4 years, having regard to the emerging Warrington Local Plan, but also given senior planning roles with the Council and as a local resident.
- 1.4 In particular I prepared and presented evidence for the call in Inquiry relating to the development of the adjoining site to the south – the “Stobart application”.
- 1.5 In many respects it may be considered that I have an unrivalled understanding of the site, its location and the consequences of its development.
- 1.6 My statement sets out to consider the following issues
 - To demonstrate the true scale and form of the development
 - To consider the impact that the grant of planning permission would have on the plan led process which is meant to govern and manage development.
 - To consider the role of the Green Belt in the location of the application both in terms of strategic significance and in terms of character and appearance.
 - To challenge the basis for the contention made by the applicant that very special circumstances outweigh harm to the Green Belt and any other harm.

Groves Town Planning Ltd

- To note the extent and nature of harm which would accrue from the proposed development.

1.7 The evidence I have prepared for this Inquiry is true and has been prepared in accordance with the guidance of my professional institution. The views expressed are my true and professional opinions.

2 The South Warrington Local Plan Working Group (SWP)

2.1 The South Warrington Parish Councils came together in reaction to a Preferred Development Options Paper issued by Warrington BC in July 2017 in respect of review of the February 2015 Warrington Local Plan Core Strategy. The PDO promoted the removal of large areas of land from the Green Belt around South Warrington for residential and employment related development.

2.2 The Parishes of Appleton, Grappenhall and Thelwall, Hatton, Lymm, Stretton and Walton have committed to present unified representations to the core principles of the emerging local plan. The mandate for the SWP was not however intended to prevent the presentation of representations of individual parish councils, parish or ward councillors where there were specific areas of local concern.

2.3 I am advised that there is agreement from participating Councils that the formation and actions of the SWP have been successful in enabling the presentation of focused, planning relevant challenges to both the local plan and planning applications, effectively representing the views of many thousands of the residents of South Warrington.

2.4 Whilst the emerging local plan has been under consideration two major proposals for distribution related development have emerged. The development which is the subject of this inquiry is one. Applications submitted jointly by Liberty Properties Development Ltd and Eddie Stobart Ltd, the second. The Liberty/ESL proposals relate to land which shares a boundary with the Six/56 site and effectively makes up the employment allocation in the emerging local plan known as the South East Warrington Employment Area (SEWEA). In response to public concern the SWP has

mandated to engage in presenting objection to development on both of these sites.

2.5 The PDO attracted 4000 plus representations, and a scale of local concern which clearly merited SWP engagement in the process of determination of related applications for planning permission including that which has become the subject of this inquiry.

2.6 SWP has consequently and subsequently made representations at each stage of the Local Plan process, including appearances at the Local Plan Examination which took place in September and October 2022.

2.7 Objections were tabled in opposing two applications made by Liberty/ESL. One application was refused and the subject of an appeal, the other recommended for approval by the Council and called in for determination by the Secretary of State. SWP appeared as a Rule 6 Party at the Inquiry which considered the appeal and application concurrently.

2.8 SWP first commented on the Six/56 proposals in June 2019 (WBC ref 2019/34799). Determination did not proceed – no reasons for delay have ever been publically explained.

2.9 SWP were advised that the application was to be considered by WBC Development Management Committee on 10 March 2022. Again there was no logical reasoning presented as to why the application came forward for determination at that point. SWP became aware that the appellant had been afforded the opportunity to present the proposals to members of the Committee in a closed meeting which excluded ward councillors and the public. Whilst SWP acknowledges this matter to be of limited relevance to this Inquiry, the matter will inevitably be highlighted by

members of the public who will express concern that the determination of the application was driven by corporate objectives rather than sound planning considerations.

2.10 Throughout the process of consideration of the application SWP has been in correspondence with the Secretary of State and the National Planning Case Unit seeking to ensure that the matter was considered outwith the local planning authority given the level of objection, the extent to which the development impacted on the Green Belt and the wider strategic significance of the proposed development.

2.11 Whilst the Secretary of State initially responded to referral by the LPA with a letter which indicated that there would be no intervention it was understood that this was issued in error. Subsequent correspondence directed the Council not to determine the application and then indicated that the matter would be decided by the Secretary of State.

2.12 SWP requested to be afforded Rule 6 status at this Inquiry. This status was granted through correspondence with PINS dated 10 January 2023.

2.13 It is regrettable that the Council has seen fit to provide only limited engagement with the Inquiry. This results in SWP providing the only means of challenge to the case presented in support of the development by the appellant.

3 Key policy considerations

3.1 The suggested form of the statement of common ground prepared by the applicant prevented sign up and agreement to its content from SWP.

3.2 There was however no specific disagreement with the key elements of national guidance and policy or with the policies of the development plan which would be considered to be of relevance to the consideration and determination of this appeal.

3.3 There is dispute over the weight which can be afforded to the policies of the emerging development plan as outlined below.

3.4 It is worthy of note that boundary changes over time have resulted in the area covered by the South East Warrington Employment Area now being located in different wards and parish areas than was previously the case.

4 Understanding the nature and scale of the proposed development

4.1 It is considered by SWP that the scale and form of the development has made it very difficult for members of the public and to some extent members of the Council's Development Management Committee to fully understand the size of the development, the footprint and the height of the proposed buildings. I share this concern.

4.2 The way in which the applicants have described the development to members of the Development Management Committee is to some extent unknown as presentations have taken place behind closed doors.

4.3 The officer report of 10 March 2022 references a member briefing during December 2021. It suggests that this meeting was held in line with the Council's Protocol for Development Management Committee although this document was not published until June 2022. That protocol indicates that where an applicant is allowed to brief members, either prior to or during the consideration of a planning application, copies of officer and applicant presentations will be published on the Council's website together with minutes noting attendance and topics which have been considered.

4.4 I raise this issue, not in expectation of consideration of the council's process or comparison with best practice, but to reflect my client's concern that there has consistently been a lack of understanding by Council members of the scale, impact and harm resulting from the development and an over emphasis on the benefits of and need for growth. The very fact that the reports to Development Management Committee are presented as the report of the Director of Growth as opposed to a Chief Planning Officer is telling in this regard.

4.5 In reality the proposed development represents the largest single development proposal on an unallocated site in Warrington.

4.6 The site measures 98ha (43 Hallelwell Jones rugby stadia, stands and all).

4.7 The existing area of the Stretton Airfield and Barleycastle Industrial estates combined is 70ha.

4.8 The site sits at one of the highest points in Warrington at 67m AOD. Submitted floor plans indicate a finished floor level of proposed buildings of between 61.5 and 65.5m AOD. Land form slopes away from the frontage of the site on Grappenhall Lane dropping to 10m AOD at the Manchester Ship Canal a distance of 3km.

4.9 In addition to illustrating the elevated position of the site the difference between existing and finished floor levels illustrates the degree to which the natural land form is manipulated to facilitate the proposed development.

4.10 The applicants' statement of case notes that the tallest building on the site will be 30m above ground level [Gateley Legal Statement of Case 6 Feb 2023 Section 5]. It is not stated whether ground level is as existing, as proposed or above the stated datum of finished floor levels. Sections originally submitted with the application, indicated that building height was measured from proposed finished floor levels. In the case of the largest building – plot 4. The finished floor level was at 61.0 AOD and the building shown to extend 40m above that level. Landscape appraisals seem to relate to a maximum height of 104m above AOD.

4.11 The latest submissions made to the Council appear from the Council's website to be those dated October 2020 – Parameters Plan Revision 1 – prepared by SGP Architects. At section 1.6 of that document the following is noted –

Across the Site, built form will range from 12.5m to 40m to haunch and 18.5m to 43.5m to ridge. The upper range of building heights will be located to the east and south of the site and the lower range to the north and west of the site where the building heights impact is at its least. Zone A will have a maximum of 12.5m (to haunch above FFL). In Zone C and the northern part of Zone B there will be a maximum of 15m (to haunch) above FFL. In the southern part of Zone B there will be buildings ranging from a maximum of 40m to 21m (to haunch) above FFL and in Zone D a maximum of 21m (to haunch) above FFL.

These are maximum unit heights but the final unit heights will ultimately be determined by end user requirements that are driven by commercial demand. The nature of logistics buildings and the myriad of different storage solutions require flexibility of building height.

This statement seems to then be contradicted by assessment in the following table which notes that the highest buildings in zone B2 will be based on a level of reaching between 83m and 91m above AOD with the highest ridge of a building at 30m.

4.12 For the purposes of consideration here I have assumed the highest individual building will measure 30m to the ridge and with the effect of ground level alteration will sit with that ridge at 91m above AOD.

4.13 In order to assist my clients and others in the consideration of the height of the proposed development, comparison was made with well known buildings elsewhere in Warrington. This included the now demolished New Town House, which until recently provided offices for the Borough Council which stood at 22m

high and the recently refurbished flats at Kingsway House on Kingsway South which are 27m high. Recently approved development within the town centre has been accepted up to 9 storeys. A 9 storey building is commonly considered to be 30m high.

4.14 With the exception of the Parish Church spire the proposed development will contain the highest buildings in Warrington.

4.15 The smallest single unit on the site is shown to be 8919m². One and half football pitches. The largest building on the site is shown to extend to 287909m² or 48 football pitches.

4.16 Submissions suggest that at least 148 HGVs will enter and leave the site in an hour. Presentation to the Warrington Local Plan Examination in September 2022 by the applicants planning consultants suggested that in addition to this a fleet of smaller delivery vehicles would be used to supply homes and businesses across Greater Manchester and Merseyside.

4.17 It is proposed that there will be 2400 car parking spaces on the site. This is larger than either of the town centre multi storey car parks, each of which can accommodate 1700 cars.

4.18 I would hope that the preceding comments provide some context to the scale of the development proposed and to the balance of material considerations – benefits and harm which would result from the development.

4.19 In reviewing assessment of the proposal I have taken account of the separate matters statements presented to the Local Plan Examination, which given the nature of the application site and the extent to which it reflects the scale and form of the SEWEA are considered to be of relevance here. These documents were

Groves Town Planning Ltd

appended to the Rule 6 party statement of case and are again appended here for reference.

5 Case for South Warrington Parish Council's objection to the proposed development

5.1 My proof will focus on two areas which demonstrate that the development cannot be considered to be sustainable in the terms set out within the NPPF and which leads me and my clients to consider that these clear justification for the refusal to grant planning permission.

5.2 In the first instance it will be shown how the grant of planning permission would be premature to the outcome of the process of adoption of the emerging Warrington Local Plan. This would justify refusal on prematurity grounds alone.

5.3 Secondly, it is acknowledged by all parties that the development is inappropriate development within the Green Belt. The applicant claims that very special circumstances clearly outweigh harm by reason of inappropriateness and any other harm. It is my contention that this is not the case and that any benefit of the proposed development – the very special circumstances claimed by the applicant, are outweighed by definitional harm, harm to the purposes and objectives of Green Belt designation, harm to the character and appearance of the Green Belt and harm to a range of other issues. Together these considerations mean that the balancing exercise to be undertaken by a decision maker must weigh against the grant of planning permission - and thus very special circumstances are not established.

6 Prematurity

6.1 I am aware of the provisions of paragraph 49 and 50 of the NPPF which consider the scope or perhaps limitations on the scope to consider that the determination of a planning application will be premature to the consideration of a development plan.

6.2 These paragraphs effectively set out that a prematurity argument will only justify immediate refusal on prematurity grounds where two circumstances apply.

6.3 Firstly that the development must be so substantial that to grant planning permission undermines the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.

6.4 Secondly, prematurity can only apply where the relevant emerging plan is at an advanced stage.

6.5 Is the development so substantial that to grant planning permission undermines the plan making process by predetermining decisions about scale, location and phasing of new development that are central to an emerging local plan?

6.6 There can be no argument about the significance of the development or a conclusion that it should be considered as substantial.

6.7 The nature of the site is of such significance that the local plan Inspectors found that inclusion of the wide site, of which the application site forms by far the greatest part in the Plan would cause it not to be sound. The Local Plan process would be undermined by the applicants' efforts to change that decision through this current process.

6.8 As presented in the preferred submission draft of the emerging local plan the 137ha of the application site represented 40% of the employment land allocation then proposed. Whilst SWP will continue an argument that the total requirement was excessive – a point clearly accepted by the Inspectors letter of December 2022, it is clear that the SEWEA and the application site is substantial, of strategic significance and of potential regional and possibly national significance.

6.9 The applicants, together with Liberty – applicants for the Stobart site, prepared a statement of common ground, agreed with the Council and submitted to the local plan examination. Within section 3 of that document the site is described as having a regional and national role, principally as result of location on the motorway network.

6.10 The Council in the matters statement presented to the Local Plan examination describes the site as significant in terms of consideration of delivery employment land delivery aspirations. Those aspirations have been questioned but the significance of the site remains.

6.11 In the same document the Council references the nature of the development in terms of securing comprehensive development and delivering infrastructure needs.

6.12 I recollect that in the early stages of consideration of the Omega development on the north side of Warrington, a site of comparable size and function, Regional Development Plans were in place. The RDP for the North West designated Omega as a Strategic Development regionally. The site was of enough importance to attract objection from local authorities in Manchester which reflected concern over the effect of development on sites in Warrington on regeneration in the Manchester conurbation

- 6.13 The development of the site or otherwise can only be considered to be of substantial importance in the consideration of the emerging local plan. The plan making process would be clearly undermined – more so than ever since the Local Plan Inspectors have recommended the deletion of the allocation.
- 6.14 The development or otherwise of the proposed development has massive implications given the location of the application site wholly within the Green Belt; the need to access an already congested local highway network and to utilise a motorway junction recognised as operating beyond design capacity. The development of itself would require major infrastructure improvements, which if development is to proceed should be considered strategically in the context of wider large scale development proposed in South Warrington.
- 6.15 The idea of the plan led system (NPPF para 15) is not delivered if an application of this scale is considered in isolation and predetermines the scope to consider development proposals as part of a strategic, integrated planned process
- 6.16 The limited circumstance where prematurity may be considered is meet in the terms outlined by NPPF 49(a)
- 6.17 Is the emerging plan at an advanced stage? (NPPF 49(b))
- 6.18 At the stage of preparation of this proof the emerging Warrington Local Plan has been through an examination. The two inspectors considering the soundness of the plan issued a letter dated 6th December 2022 which explained the need for major modifications to the Council's submission document, before the plan could be considered as sound.
- 6.19 The Council has now issued a consultation on the major modifications proposed with a final date for response of 26 April 2023.

6.20 In a report on the application presented to the Warrington Development Management Committee on 1 February 2023, Council officers noted

In the original report, it was concluded that the application was not premature because criterion b) did not apply as the emerging Plan had not been submitted so could not be said to be at an advanced stage. This was consistent with the first sentence of paragraph 50 (above). Following the submission of the emerging Local Plan for examination in April 2022, it is acknowledged that the Plan is now at an advanced stage and criterion b) therefore applies.

6.21 It is difficult to consider where an application could be at a significantly more advanced stage than the Warrington Local Plan has reached.

6.22 It is my view that by definition prematurity must become an issue where the determination of an application pre-determines and pre-empts a decision which ought to be taken in the Development Plan process by reason of its scale, location and nature. This is a view which I know is shared by most if not all of those represented by my client.

6.23 This position should preclude the grant of planning permission at this stage irrespective of wider issues

6.24 I have attached an opinion from Mr Riley-Smith of Counsel on the matter of prematurity.

6.25 As well as setting out case law relating to the issue, Mr Riley-Smith also sets out the scope for prematurity to be taken into account as a material consideration even where it may not be considered to prompt immediate refusal.

6.26 This position is not stated in any way which should be taken as a lack of confidence in the position outlined above. It is clear however that any judgement which balances benefit against harm can take account of the manner in which the

Groves Town Planning Ltd

grant of planning permission in this case would undermine the development plan process.

7 Economic benefits and meeting economic needs

7.1 To consider whether 'very special circumstances' exist, I first need to consider the purported benefits associated with the proposed development. It is these benefits that must 'clearly outweigh' the harms.

7.2 It is not my intention to challenge the detailed figures relating to need or the attempts to quantify the economic benefit of the proposed development.

7.3 I recognise that this is the primary basis on which the applicant claims that very special circumstances can outweigh harm to the Green Belt and other material considerations. My clients are not in a position to engage specialists to challenge the complex analysis presented on behalf of the applicants.

7.4 There is however reason to question the basis for the approach adopted by the Council which provides the fundamental considerations which underpin anticipated levels of growth and consequent expectations about the scale and form of employment land allocations.

Need

7.5 Historically Warrington developed as a result of its strategic location on transport routes. Initially its position on the River Mersey was significant providing the most westerly crossing point of the river. This strategic location comes to be of greater significance with the construction of the Bridgewater Canal, the West Coast mainline railway, railway connections between Manchester and Liverpool and then the Manchester Ship Canal.

7.6 In the 20th century the development of the Borough has been increasingly dominated by access to the motorway network – the M6 running north – south,

the M62 connecting Manchester and Liverpool and the M56 connecting Chester and North Wales with South Manchester. This location is unrivalled and has understandably attracted high levels of demand for logistics based operations. The availability of former World War 2 ex-military bases supported provision for this demand particularly with development at Risley, Birchwood and Woolston, together with the former Stretton Airfield which lies next to the application site.

7.7 The ability to meet this seemingly insatiable demand has more recently been accommodated through the release of the land which formed part of the former Burtonwood Airbase and which now forms the Omega development and the related Chapelford Urban Village.

7.8 It is important to note that none of the Omega or Chapelford sites have ever been included in the Green Belt. The wider mix of development has always been seen as a major regeneration project linking employment and residential development opportunities, including major infrastructure provision such the new Warrington West Railway Station, on the site of the former RAF Burtonwood Airbase.

7.9 I was responsible for a number of discussions with prospective occupiers of the site and I recall having to balance the considerable visual impact of development on the character and appearance of the locality. In many respects it is disappointing that promised mitigation in the form of landscaping has largely failed.

7.10 I also recall the dilemma of balancing economic benefit for Warrington in the form of jobs with the fact that new development commonly supported the rationalisation of logistics facilities into new up to date accommodation on a single site, but the closure of existing facilities elsewhere across the North West. Whilst logical in many respects Warrington's gain was to the detriment of less well

located neighbours. I am aware that one operator on the Omega site closed seven smaller depots in the process of relocating to Warrington.

7.11I fully understand that such decisions reflect complex business management decisions, some of which are based on algorithms and decisions made many thousands of miles away, but consider that it is important to consider the importance and purposed of the planning system to provide an appropriate level of intervention. As noted at paragraph 7 of the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development – meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.12 In this case I consider that the basis of the need for the development is overstated and relates to exaggeration of the benefits which are alleged by the application to outweigh the considerable harm which results from the development.

7.13 The 2021 update of the EDNA includes reference to the Cheshire & Warrington LEP – Strategic Economic Plan (SEP) (Second Edition 2018). This document has always been presented as the key basis for a highly aspirational approach to growth based almost entirely on geographical location and the town's location on strategic road and rail networks. Levels of growth expected for Warrington were almost entirely predicated by demand for logistics based operations driven purely by that strategic location. This overly aspirational approach was not followed by the examining Inspectors who considered that the levels of projected need were not sound evidence on which to predicate the plan.

7.14 Additionally emerging policy has drawn heavily on the anticipated impacts of HS2 and Northern Powerhouse Rail and the expected, but unresolved suggestion of an intersection between the two at Warrington Bank Quay. In reality it has become increasingly apparent that the delivery of strategic rail infrastructure will not be forthcoming within the plan period for the emerging local plan.

7.15 The SEP and EDNA essentially establish self fulfilling prophecy, demonstrating Warrington's key asset, its location and promoting that to demonstrate need and demand.

7.16 My clients and I have no difficulty in recognising this position, but have to flag the twin risks that the size of expected growth might be over egged, and crucially that any benefits of enabling the scale of development proposed and absolutely and clearly outweighed by harm.

7.17 It would seem that the arguments presented in support of development in this case, would extend to support development of the rest of SEWEA and potentially development beyond that area. It is clear from the recent local plan examination that there is developer interest in land to the north of junction 21 on both eastern and western sides of the motorway.

7.18 It is difficult in this context for SWP to provide evidence to counter that produced by the applicants. It is appropriate however to submit that even if the Inspector and the Secretary of State conclude that there is a need, the planning system is in place to provide a counter to that economic based assessment and to balance other factors against market forces.

7.19 It is of course in this context that the Local Inspector's have presented their proposition that the need for employment land in Warrington is not so great as to

outweigh the harm which will result to the Green Belt if the SEWEA was to be allocated.

7.20 In the Inspectors' letter of 6 December 2022 which outlined initial findings post examination the following observation was made

Given its location in relation to the junction of the M6 and M56 Motorways and its current greenfield, largely undeveloped nature, the site proposed for the SEWEA is clearly attractive to the development industry, particularly with respect to the logistics sector. There is strong interest in progressing proposals for the site and it would be likely to come forward for development relatively quickly.

And that there was

There is no strategic need in quantitative terms to alter the Green Belt and allocate land for employment development at the SEWEA or in Warrington as a whole.

7.21 The Inspectors went onto comment about the extent to which exceptional circumstances existed so as to justify the release of land which is currently within the Green Belt. I will turn to those considerations later in my proof.

Economic benefit

7.22 I am in a similar position in terms of being able to categorically counter the applicants' claims about the likely benefit of the proposed development.

7.23 It is pertinent at the outset of consideration of benefits to appraise not only the nature and quantum of those but where and how they will accrue. It is of course the case that any truly new job will be of benefit, but in this case the importance of that benefit is the manner in which it outweighs the harm which results from the development. I will cover this balancing exercise later in my proof

but it is important when considering benefits to consider where costs and benefits actually occur.

7.24 It is my view however that as skilful and as mathematically correct the figures produced may be there is inevitably a degree of uncertainty over the economic consequences of the development and the true benefit of development to the local economy.

7.25 A useful illustration of the level of uncertainty of benefit is illustrated in the Director of Growth's report to the Development Management Committee in March 2022. Appendix 2 to the Councils Statement.

7.26 At paragraph 10.195 the officer report notes that the Council correctly did not take the applicant's comments on socio-economic benefits as read, but sought specialist advice to consider those submissions.

7.27 The applicants have suggested that development will bring £216m per annum into the local economy – there is no definition of local. The figure produced for the Council suggests this figure will be £67.4. A variation of £148m per annum or 69%. It is difficult to imagine the applicant making any business decision where there would that degree of difference between two expert views and a level of uncertainty of that magnitude. Yet that is the basis on which the Council reached conclusions about the benefit of the development.

7.28 In terms of employment the applicant is noted as suggesting that the operation of the site will result in 4113 jobs at a Warrington level analysis. WBC sourced figures suggest 2989. A line in the table produced at page 89 of the report references net full time FTE's, presumably this references jobs which are

totally new to Warrington. The figures from specialist advisors for this line are 1990 and 1412.

7.29 Submissions made with the application as reported by Council officers – paragraph 10.190 present a expectation that 50% of the new jobs created by the proposed development would be taken up by Warrington residents, so that might mean just over 700 new jobs?

7.30 The unemployment rate in Warrington is 3.3% below regional and national averages. [Source WBC Economic Profile 2021]. All wards south of the Manchester Ship Canal benefit from a lower average deprivation score than any ward north of the Ship Canal.

7.31 There is a flaw in the applicant's assumption that the more deprived wards of Warrington are deprived simply because of the limited scope for employment and economic benefit. These areas suffer from lower levels of life expectancy, poor health, poorer levels of educational attainment, and greater numbers with a first language other than English.

7.32 Whilst I would not suggest that there will be no benefit, I am uncertain as to the scale of benefit and the direct relationship of a specific development with the deprived wards of Warrington. I have not seen evidence to show this is the case. I am not aware of any study which might show that investment in development of the kind proposed here ensures such direct local benefit.

7.33 I am unable to provide exact evidence relating to the financial impact of the development on the surrounding areas and Warrington as a whole. I would point again to the significant difference in "calculations" made by experts advising both the applicant and the Council. Experience tells me that these assessments are

inevitably based on a degree of assumption and whilst clearly the only quantitative means of assessing impact, consideration must be given to local circumstances and the context of the development.

7.34 The application site is detached from major areas of population, local or more general facilities. There are no shops or facilities in the village itself with the exception of the Thorn Public House. The closest shops are Tesco –Knutsford Road at 3.5km; Stretton Post Office at 4.0km and Dudlows Green at 4.2km. I understand that the likes of Eddie Stobart and the larger distribution sites operate their own catering facilities.

7.35 The nature of development will mean that even janitorial and cleaning services will not use a local service but a specialist operator operating at regional and national levels.

7.36 There is no basis to assume that staff engaged to provide such services will come from the immediate locality, but will be based in from elsewhere potentially from areas beyond Warrington. The site is difficult to access especially outside normal business hours especially from those parts of Warrington with higher levels of unemployment.

7.37 At a micro-economic level it is difficult to consider that the operation of the site will deliver significant benefit to the local economy where the detrimental impact of the development will be at its highest.

7.38 Benefit must not be considered in isolation but in this always referenced against the accepted harm to the Green Belt and other material considerations.

7.39 There is also question as to the benefit of the development at a macro-economic level.

7.40 It is over simplistic to present increase payments in business rates as a benefit. Business rates are not simply an additional payment into the Council's coffers but a payment for services. The proposed development will create a demand for public services, whether highways maintenance, traffic controls, emergency services.

7.41 It is equally over simplistic to assume that staff salaries and spend on goods and services will remain within the local economy. The acceptance that only half or less of those working on the site will come from the Warrington area provides illustration of the leakage of financial resource created in Warrington to areas outside of the Borough.

7.42 It has always been the case the strategic location of Warrington has brought disbenefit as well as benefit. The populations of the large out of town suburbs created through New Town related development have gravitated to retail, leisure and other facilities in adjacent areas often in preference to Warrington Town Centre. Shoppers in south Warrington will gravitate towards Northwich and Knutsford and Altrincham for convenience shopping. It is often as easy to access Liverpool One, the Trafford Centre or Cheshire Oaks for comparison shopping. The Warrington Borough Council Retail and Leisure Study Update 2021 recognises high levels of retail vacancy within the centre attributed to these issues and the added impact of online shopping.

7.43 Perversely the facilities which seem likely to be accommodated will create further challengers for town centre retail and opportunities to retain the spending power created by the development in Warrington. Again, the area which experiences the greatest level of adverse impact will not necessarily secure benefit.

7.44 It is my contention that without challenge to the exact numbers produced, the true level of benefit resulting from the proposed development should be viewed with caution. This benefit cannot be counted upon to a degree which clearly outweighs harm.

8 Harm

Impact on the Green Belt

8.1 There are three potential 'harms' to the Green Belt which need to be considered (and to which weight needs to be given in the planning balance). There is the definitional harm that arises due to the proposal being inappropriate development, and then there are the two 'actual' harms in terms of harm to openness and harm to purposes. In this section I will look at the level of harm to openness and purposes. However first it is worth setting out some wider context for how this area of Green Belt has been considered previously.

8.2 A view of the impact of the proposed development has largely been assessed by the local plan Inspectors in their post hearing letter of 16th December 2022. I consider this is worth quoting in full as it is so relevant to deliberations provided here. I have underlined some key phrases for emphasis

The site for the proposed SEWEA is located immediately to the east of the Appleton Thorn Trading Estate, Barleycastle Trading Estate and Stretton Green Distribution Park which are inset within (excluded from) the Green Belt. However, it is separated from the urban area of Warrington by significant areas of open countryside which are also within the Green Belt. In terms of the purposes of the Green Belt, the primary role of the site in its current form is to assist in safeguarding the countryside from encroachment. The site is bounded to the south by the M56, the east by the M6 and the north by the B5356 and so the allocation

could create strong, permanent Green Belt boundaries. Nonetheless, the scale and extent of the site and the development proposed on it would involve a substantial incursion into largely undeveloped and open countryside. It would represent significant encroachment into the countryside.

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

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

viewed from roads and public rights of way to the north. It would have a significant adverse effect on the character and appearance of the area.

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

8.3 I am conscious that at this time the development falls to be considered in the context of the current development plan – the Local Plan Core Strategy of 2014 which includes policies CS1 Delivering Sustainable Development, CS2 Quantity and Distribution of Development and CS5 Green Belt.

8.4 I am also aware that some caution is necessary in concluding that the NPPF test for Green Belt boundary revision of exceptional circumstance is different to the development management test of very special circumstances.

8.5 In Compton Parish Council, Julian Cranwell and Ockham Parish Council vs Guildford Borough Council and the Secretary of State for Housing Communities and Local Government [2019] EWHC 3242 (Admin) paragraph 70 Sir Duncan Ouseley notes the following

Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances."

8.6 It would seem to me in that context that there is logic in the conclusion that if justification for the SEWEA cannot meet the exceptional circumstances test, then a planning application for a substantial part of that allocation must fail the very special circumstances test.

8.7 It is less than 7 months since the Local Plan examination took place. The Inspectors were presented with a considerable amount of evidence, including the submissions made by SWP on the SEWEA and reference to various assessments of the Green Belt carried out throughout the lengthy process and gestation of the Local Plan. The land occupied by the proposed development has consistently been recognised as fulfilling key purposes of the Green Belt.

8.8 Submissions made by the Council included the Warrington Borough Council Green Belt Site Selection – Implications of Green Belt Release of 26 August 2021. This document was produced by Arup for the Council.

8.9 Page 9 of that document references the release of the SEWEA. The report notes that

The sites which comprise this allocation made a weak, moderate and strong contribution to Green Belt purposes. Development of this allocation would result in some encroachment into the countryside however development would not represent unrestricted sprawl as it would be reasonably contained and well defined along strong permanent boundaries to the north, east and south (the M6, M56 and the B5356). The remaining surrounding Green Belt could continue to perform its

Green Belt function. The removal of this site from the Green Belt will not harm the overall function and integrity of the Warrington Green Belt. The new Green Belt boundary would be recognisable and permanent being strongly defined to the north, east and south by the B5356, M6, and M56 respectively

8.10 Notwithstanding the presentation of this evidence the local plan Inspectors disagreed noting that the site was separated from the urban area by open countryside, with the land currently serving the function of assisting in the safeguarding of this area from encroachment – a key purpose of the Green Belt. Development would represent a substantial incursion into undeveloped open countryside where the existing high degree of visual openness would be lost. The Inspectors disagreed with the submissions made to them by the Council, in every regard.

8.11 Whilst a much smaller site, (15.7ha) the adjoining “Stobart” proposal, was considered by the Inspector and the Secretary of State who reached the conclusion that the development was inappropriate development in the Green Belt and that definitional harm must be given substantial weight. The site was considered to make a strong contribution to safeguarding the countryside from encroachment and accordingly to make a strong contribution to fulfilling the fundamental aim of the Green Belt in protecting the openness of the Green Belt. The proposed development would represent a clear encroachment into the countryside and considers it would give rise to significant harm in terms of Green Belt Purpose “c” as noted at paragraph 138 of the NPPF and reflected in policy CS5 of the Core Strategy.

8.12 In common with the more recent conclusions of the local plan Inspectors it was concluded that the scale of the proposed development on the Stobart site, together with related vehicular activity would give rise to adverse impact on both spatial and visual openness.

8.13 The Secretary of State's decision letter noted that

The Secretary of State agrees with the Inspector at MR306 that the definitional harm arising from the proposal being inappropriate development, coupled with the significant harm to the Green Belt purposes and the severe and significant harm to openness, mean that in accordance with Framework guidance this harm to the Green Belt has to carry substantial weight. The Secretary of State further agrees that the proposal would be in conflict with CS Policy CS5

8.14 In reporting their recommendation to the Development Management Committee in March 2022, Council officers appear to substantially agree with the position identified by both the Local Plan Inspectors and the decision relating to the Stobart scheme in terms of Green Belt impact.

8.15 It is accepted that the site provides a strong degree of openness as presented in the 2017 Green Belt appraisal on which the Council relies. Paragraph 10.9

8.16 The proposed built form would have a very significant adverse impact on both spatial and visual dimensions of openness. Paragraph 10.11 and 10.12.

8.17 The proposed development will result in significantly more vehicular and other activity with an appreciable impact on openness.

8.18 The Council clearly accepts that the proposed development will at the very least will have a substantial impact in terms of the purpose of Green Belt to

prevent encroachment and accepts that this issue must be given substantial weight in the balancing of harm against benefit.

8.19 It is difficult to find a precise definition of sprawl. Neither the NPPF or Planning Practice Guidance provide a definition. A 2021 appeal decision for 10 dwellings in the Green Belt resulted in both encroachment and urban sprawl. APP/V1505/W/19/3244082 Land rear of Willow Farm, Orchard Road, Ramsden Bellhouse, Billericay CM11 1RL.

8.20 I appreciate that each case will be considered on their individual merits but I would contend that the organisations and residents represented by my clients would support an argument that in this case sprawl and encroachment can be considered together and clearly result from the proposed development.

8.21 It is clear that the level of harm to the Green Belt in terms of openness, purpose and visual impact must be afforded substantial weight in the determination of this application.

8.22 I have set out the views of the Local Plan Inspectors, the views of the Stobart Inspector and the views of the Council in the presentation of the evidence base to the Local Plan examination

8.23 These deliberations assist in reaching my professional view over the impact of the development in terms of inappropriateness. The historic allocation of the site within the Green Belt, reviewed several times since designation, is clearly justified and appropriate. I cannot see any substantive dispute with this position.

8.24 There is national policy guidance and development plan policy which weigh against the grant of planning permission on the grounds of inappropriateness alone.

8.25 The grant of planning permission in this case would require one of the most stringent tests of the planning process to be passed – the demonstration of very special circumstances to clearly outweigh harm by reason of inappropriateness. It is my professional view that this test is not passed.

8.26 The NPPF of course takes the decision maker beyond this single point and requires consideration of wider harm including harm to the purposes of the Green Belt, visual harm and any other harm

8.27 It is my view that in addition to definitional harm there is clear harm to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. NPPF 137.

8.28 The development will result in urban sprawl. Existing open countryside will be lost to large areas of urban development.

8.29 There will be encroachment into the open countryside.

8.30 The adoption of market/need led approach to the location will have some inevitable impact on placing development in locations where regeneration would be supported.

8.31 The preceding and following chapters will support my view that the visual and physical impact of development in terms of the objectives and purposes of the Green Belt will be massive.

8.32 In addition to the impact of the some of the largest buildings in Warrington, placed in the most visually prominent location, the operation of the site will have a huge impact on the local and wider area. The PPGN on Green Belts includes advice that impact on openness can arise not just from physical buildings but also from the degree of activity likely to be generated, such as traffic. Car

parking for 2400 cars, plus an unspecified number of loading bays and areas for the parking and storage of vans, trailers and tractor units.

- 8.33 The level of harm resulting from the development to the principle of the Green Belt, its purposes, and visual harm is in my unassailable

Landscape and visual impact

- 8.34 To some extent landscape and visual impact is considered in the previous paragraphs relating to impact on the Green Belt.

- 8.35 The elevated position of the site is apparent to any observer looking north from Grappenhall Lane.

- 8.36 I do not attempt to present photographs in any formal landscape appraisal but use images to show the general arrangement and topography and to suggest view points from which submissions made by the applicants can be placed into context. No matter how formally and technically prepared views to and from the site vary considerably depending on location, but also weather conditions.



8.37 It is difficult to provide a photographic image which provided a true representation of the elevated position of the application and the manner in which the development will sit on crest elevated above its surroundings. This image presents a view north from the edge of the application site at the junction of Grappenhall Lane and Cartridge Lane. In the mid ground it is possible to see the A50 as it rises towards the junction with Grappenhall Lane.

8.38 It is clear that the Inspectors considering both the local plan and the Stobart appeal identified the prominence of this area, which combined with the scale of buildings would result in harm to the appearance of the locality. *“development on the scale proposed would cause substantial visual intrusion, particularly when viewed from roads and public rights of way to the north. It would have a significant adverse effect on the character and appearance of the area.”* Local Plan Inspectors’ comments at paragraph 29 of Post Hearing letter 16 Dec 2022.

8.39 The Stobart Inspector notes:

“... it is clear that the LVIA has found that the proposed development would give rise to some landscape and visual harm, albeit just of moderate to minor significance, and that both the Council and the Appellants accept that this harm needs to be weighed in the planning balance. These points lead me to conclude that the proposed development would have an adverse impact on the character and appearance of the surrounding area.

In addition, I consider that there would be some conflict with the development plan. I acknowledge that the proposed development would be well-designed in itself, thereby addressing some aspects of CS Policy QE7 and NDP Policy AT-D1.

However, the fact that it would cause some agreed harm shows that it would not fully protect, maintain, enhance or protect local character and distinctiveness and the settings of open landscapes, as is required by NDP Policies AT-D1 and AT-D2. I therefore find some conflict with these policies. (Stobart Inspectors report paragraphs 318 and 319)

8.40 At paragraph 10.143 of the officers report to committee in March 2022 the comments of the Council commissioned assessment of the LVIA submitted by the applicant are noted as follows

The Council commissioned Ramboll to consider the applicant's LVIA. The comments have resulted in changes to the scheme and the submission of additional /amended information, namely the reduction in maximum heights in some areas of the site and the submission of ES addenda. Ramboll has confirmed that there is a degree of consensus about the extent of the significant landscape and visual effects (i.e. they would be significant), and that the proposed perimeter landscaping and attenuation bunding are not expected to be particularly effective in overcoming the significant landscape and visual effects.

In addition, it is considered that these measures, in and of themselves are likely to have an impact and cause a significant effect on the character and amenity of the local countryside and residential receptors by foreshortening what are currently open views and establishing anomalous landforms.

8.41 In this context not only does the development create further harm to be considered in the planning balance but it would also go against a number of development plan policies seeking to protect the character and appearance of the

countryside, notably CC2 and QE7 of the Core Strategy and AT- D1 and AT-D2 of the Appleton Thorn Neighbourhood Plan.

8.42 The proposed development results in substantial harm in terms of landscape impact.

Highways and Transport

8.43 SWP is not in a position to contest the quantitative appraisals provided by the applicant to show how the development functions in terms of impact on the highway network.

8.44 I would fully expect that any local resident and those travelling to work at existing premises in Stretton and Appleton Thorn to offer the view that the network lacks the capacity to effectively deal with existing levels of traffic. It is recognised that it cannot be expected that an individual development can resolve existing issues in isolation.

8.45 One of few positives seen to be achieved by the scale of development proposed for south Warrington in the emerging local plan has been the promise of infrastructure improvements, particularly better links into central Warrington which might support regeneration in that area – a key strategic plank of the Plan. Whilst the SWP has consistently expressed concern over the ability to secure meaningful improvement, the emerging local plan at least provided scope for a comprehensive, integrated approach to highway provision. Consideration of this application in isolation outside this planned approach is a further concern in terms of prematurity and the missed opportunity to ensure a plan led approach to development.

8.46 Officer report (paragraph 10.86) clearly states that the arms of the junction at junction 21 of the M6 are operating at and beyond capacity, with queuing and congestion occurring. Problems with junction are frequently experienced confirming the technical findings of highways consultants advising on the application.

8.47 Am and pm peaks will see queues of vehicles travelling southbound on the A50 and east bound on Grappenhall Lane. It is common for the traffic light system on the north bound slip road onto the M6 to cause queuing back onto the dumbbell roundabout with knock on effects to the Grappenhall Lane/A50 roundabout. It is recognised that National Highways aspiration is to ensure free flow on the motorway at the cost of queuing on onramps.

8.48 The nature of the junction where the south bound off ramp meets the A50 frequently results in problems for HGV's entering the roundabout. Heavy traffic leaving the M6 and M56 northbound or travelling from Appleton Thorn/Stretton Airfield to Lymm Truck Stop and the south bound on ramp. Vehicles struggle to find adequate gaps to enter the roundabout. If HGVs do attempt to leave the south bound slip they will often block movement of vehicles already on the roundabout. A similar situation occurs as vehicles leave the A50 departing the Truckstop and Truck Wash facility. Access to the roundabout on this arm is complicated by adverse gradients and cambers which often results in HGVs setting off at extremely low speeds again compromising the free flow of the junction.

8.49 The solutions offered by the proposed development to mitigate the additional pressures it will bring effectively make roads wider and create more space for traffic to queue.

8.50 The nature of highway works proposed will increase the impact of development on the openness of the Green Belt, imposing greater and more complex highway infrastructure on areas of open countryside.

8.51 The conditions described above arise even in normal traffic conditions, but such is the volume of traffic on the M6 that problems are very frequent and the traffic conditions described above are compounded by closures, lane closures, breakdowns. In such circumstances vehicles leave motorway and use routes through Warrington.

8.52 Consultants acting for the applicant at the Local Plan Inquiry stressed the strategic location of Warrington and the application site between the Greater Manchester and Merseyside conurbations. This was explained as beneficial in terms of the ability for goods to be delivered to the site by HGV broken down and transported to their final destination by smaller electric vehicles. It is accepted that there is absolute logic in such an arrangement.

8.53 It is not clear however if this form of traffic generation has been explored correctly in the modelling exercises carried out for the development as it has been previously presented. This is important given that HGVs will be more restricted in the routes they will take. Partly they will be expected to travel of hub to hub and also as result of physical conditions and traffic regulations.

8.54 The only way an HGV can enter or leave Stretton/Appleton Thorn is via Grappenhall Lane and onto the A50. This is recognised in the Council's analysis of highway impact noting even that there has been no allowance for HGV's using the A50 northbound into Warrington. There are weight limits on the Barleycastle Lane and on the B5336 west of Appleton Thorn Village. Broad Lane cannot be used by

HGV's because of bridges over the Bridgewater Canal with weight limits of 7 tonnes.

8.55 These restrictions would not apply to smaller goods vehicles which would be able to use the local highway network to reach destinations. In many instances short cuts and rat runs through residential areas are more attractive, shorter and quicker alternatives to the motorway. There is no certainty that the appraisal of highway impact has dealt with this scenario.

8.56 It is considered that the impact of additional traffic on the network as described should be considered to adversely affect the character and appearance of the Green Belt and the amenity of local residents in addition to the problems of congestion and the lack of capacity on the existing highway network. The Inspector is invited to observe late afternoon traffic using Broad Lane as workers leave existing business in Appleton and Stretton.

8.57 The officer report to committee notes current development plan policy considerations relating to highways and transport. Policy C2 implies an amenity driven basis for ensuring that the location of warehousing and distribution does not result in heavy traffic in residential areas. Policy CS4 seeks reduction in the use of the private car and MP7 seeks assurance that new development does not have any significant affect on highway safety or on the local transport network.

8.58 Policy MP3 of the Core Strategy seeks to ensure that development takes account of the need to provide access to alternative means of transport particularly public transport and cycling.

8.59 It is noted that provision is made to ensure that a bus service would be provided to service the site. It is considered that this service will only be successful

access by private car to the site is limited. The provision of 2400 parking spaces seems to contradict the ambition to discourage car use.

8.60 The B52 bus route serving Omega is referenced as a successful example of bespoke service to link one of the more deprived parts of Warrington with a centre of employment. It has to be noted that Omega is much closely related residential and unlike the application site was already accessed by bus services. The B52 only serves the Westy area and the town centre. There are 12 round trips per day beginning at 0505 and ending at 2207. Some of these trips take 40 or 50 minutes to travel for a journey of less than 5.5 miles.

8.61 The more isolated location of the application site means that there are no existing bus services at all which will supplement any bespoke service. As noted above it is to be expected that those potentially employed at the site will come from a wide variety of locations. Many from outside Warrington. It is considered that greater detail should be provided to show how a bespoke bus service supported by developer funding will in reality support policy objectives to reduce dependence on the private car.

8.62 The application is presented with suggested improvements to the support the use of cycling as a means of reaching the site. Paragraph 10.80 of the officer report to Committee notes the applicants offer to provide improved footway and cycleway along the site frontage on Grappenhall Lane from the A50 Cliff Lane roundabout to a point 180m east of the Broad Lane Roundabout. It is unclear why it would stop here and how a cyclist or pedestrian would then continue beyond this point.

- 8.63 The provision represents another aspect of the urbanisation of the area which results from the development.
- 8.64 It is the way in reach this improved cycleway footway can be reached which raises the greatest level of concern. A cyclist travelling from Grappenhall would have to use the A50 a very busy artery into the urban area from junction 21, with no lighting and with the national speed limit applying. Walking on the footpath on Knutsford Road from the traffic light junction with the A56 is at best unpleasant and at worst dangerous.
- 8.65 Access to the Grappenhall Lane from the west requires negotiation of the dumbbell round about at junction 21.
- 8.66 Access via Broad Lane again requires use of a busy road, up a steep hill on an unlit route with a speed limit of 50mph
- 8.67 Access from Appleton Thorn uses roads of the same status.
- 8.68 Access to the site by any means other than the private car is unattractive.
- 8.69 The application site is not in an accessible location. The development would add to the problems of an already congested network, with few reasonable alternatives to the use of the private. Development would be contrary to the provisions of development plan policy and would result in substantial harm.
- 8.70 As a footnote to concerns over the harm resulting from highways and transportation issues I would refer to the Transport for the North publication Freight and Logistics Strategy of November 2022. I appended this document to the SWP statement of case.
- 8.71 If the Council's objectives of supporting sustainable development which permeate all of Warrington's policy documents then it would be logical to adopt

the approach presented in this Strategy. The Councils response to climate change depends on modal shift away from the car and road borne transport. The TfN document reflects this same approach advocating distribution and logistics developments which are served by rail.

- 8.72 The submission draft of the emerging local plan flags the challenges of dealing with congestion and car dependency and poor air quality. It is considered that the development of the application site in the manner proposed, especially in isolation from a wider plan led approach to development and the absence of connection to the delivery of the Council's Local Transport Plan, runs in complete contradiction of sound planning practice.

Heritage

- 8.73 The application site includes heritage assets
- 8.74 The proposed development pays insufficient regard to the scheduled monument at the centre of the site. The illustrative master plan shows the heritage asset located next to a roundabout at the centre of the road network within the development. It is otherwise enclosed by the largest buildings on the site, related hard standing and car parking. The proposed development is for a logistics centre. It is not for a highly landscaped, visually attractive science park. Review of any equivalent facility, including those existing on adjoining sites, amply demonstrates the inevitable appearance of areas in this form of use.
- 8.75 The Council has expended considerable effort in protecting the setting of scheduled monuments elsewhere in the Borough and has resisted development in the Green Belt in North Warrington largely on the basis of a battlefield

designation. The grant of planning permission on this site would be inconsistent with approach applied elsewhere.

8.76 Council officers in their report of March 2022 accept that the residual impact of the development on the Scheduled Monument is moderate adverse. Whilst this qualification of impact is understood in terms of a planning balance, the test required by the NPPF is different. The Council's officers do not reach a conclusion on this point merely repeating the position established by the applicants in their ES.

8.77 The actual response of the Council's specialist conservation officer has never been made publically available. It is not clear whether the current incumbent of the post has reviewed the position previously adopted by the Council

8.78 The applicants describe the impact as insignificant as a consequence of the proposed landscaping treatment and improved public access. The impact and harm of and the development is substantial. It is not mitigated by landscape and other treatment and is not justified by any benefit of the proposed development.

8.79 The SAM is surrounded by tall featureless buildings removing any semblance of the historic setting for the Hall and its moat.

8.80 Even if it is accepted that impact on the heritage asset is less than significant paragraph 201 of the NPPF requires that harm to be weighed against public benefit. The conclusion reached by the Local Plan Inspectors question the extent of the benefit. They conclude that there are insufficient exceptional circumstances to justify the release of Green Belt. There is no public benefit through as need for the development is not proven. There is considerable

disbenefit arising from the impact on openness and the visual impact of the development.

8.81 The development is inconsistent with the requirements of QE8 of the development plan and fails to follow the required approach of section 16 of the NPPF.

8.82 The Local Plan Inspectors report of December 2022 does not address the issue of heritage impact specifically, but does note that whilst tree planting could assist with mitigating visual impacts, it is likely that development on the scale proposed would cause substantial visual intrusion, particularly when viewed from roads and public rights of way to the north. It would have a significant adverse effect on the character and appearance of the area.

8.83 It is logical to conclude that if the development is considered to have such an adverse effect on character and appearance of the area then it must follow that such impact will also impact on the character of the setting of the SAM.

Air Quality

8.84 SWP and its constituent Parish Councils have consistently expressed concern on matters relating to air quality. The core substance of this concern is highlighted in the Local Plan Examination Hearing Statement.

8.85 There are a number of existing air quality management areas in Warrington. These are based around the motorway corridors of the M6, M56 and the M62 and the A49 as it enters the town centre.

8.86 The proposals increase the risk of issues for air quality.

8.87 2.3 The Councils Air Quality Management Study produced to support the PSV2019 has not been updated. A consultation version of an Air Quality Action Plan was produced in February 2021 but has not as yet been adopted. At the Local Plan Examination officers failed to produce any advice as to when the Action Plan might be adopted

8.88 DEFRA figures are quoted in WBC Air Quality Annual Status Report 2020 dated June 2020. This report notes improvement in levels of NO₂ Nitrogen Dioxide levels but an increase in levels of particulate matter PM 2.5 and PM 10. The source of pollution is recognised as road transport. The report notes that growth plans for the Borough emphasise the need for long term action plans.

8.89 The same DEFRA figures indicate that every Borough in Greater Manchester fails to WHO standards. The routes into Manchester from Warrington through Salford and Trafford are specifically recognised as exceeding limits for NO₂ up to 4 times the suggested WHO limit of 10µg/m³. Figures in the EDNA illustrate the clear relationship between place of residence in Warrington and place work in Greater Manchester. There is an undeniable link between housing supply in Warrington and the Greater Manchester employment market and therefore with traffic entering parts of the Manchester highway network susceptible to issues with air quality.

8.90 Recent attempts to introduce air quality management controls across the whole of Greater Manchester are clear evidence of the level of concern. It would be perverse for planning decisions in Warrington to support development which would potentially be restricted as they cross the boundary shared with Greater Manchester with no such measures for the area for which WBC is responsible.

- 8.91 It is possible that the introduction of charging through controls across Greater Manchester would result in journeys through Warrington to avoid those charges
- 8.92 The location of Warrington outside the Greater Manchester Combined Authority reduces scope for public transport initiatives to affect such travel patterns.
- 8.93 As it stands those plans are not an apparent element of a Local Plan totally focused on road base transport.
- 8.94 The 2019 AQMS notes that traffic levels predicted in the plan are based on the Multi-modal Transport Model, the veracity of which is questioned above. If, as suspected, the model anticipates traffic flows which assume no closure of the Ship Canal swing bridges, it follows that the assessment of impact of development on air quality is similarly flawed.
- 8.95 There is no clarity as to how the seismic modal shift in transportation will transit from road based travel to work and freight movement. Employment allocations rely heavily on the logistics sector and road based transport onto an already highly congested network. Initial infrastructure improvements will be focused on highway development. Public transport infrastructure is only planned for the end of the plan period or beyond.
- 8.96 The Air Quality Management Study assumes that increases in traffic, which is currently the main source of air pollution, will be balanced by technological changes which will remove road vehicles as a source of NO² and harmful particulates by 2040. This is of course outside the Plan period and it seems likely that significant parts of the development would take place before changes in

technology come into effect. The Plan assumes that development will reach a peak in the mid 2020's – some 15 years prior to these additional controls and measures coming into force.

8.97 The Air Quality Management Study notes the impact of traffic speed on pollution and air quality. It is difficult to judge from the technical data provided as to how much weight this has been given. Given comments noted above it is clearly a concern that congestion will increase as a result of the development proposed. The impact of closures of the swing bridges on congestion, and therefore on air quality, receives no consideration in the report.

8.98 The report notes a number of locations where air quality is currently a matter of concern. These areas will potentially suffer from air quality which is below emerging international WHO standards. Understandably these routes coincide with major traffic arteries, with key receptors identified as those dwellings and buildings at the edge of the highway. The study fails to take account of the significance of many of these routes as public thoroughfares and shopping streets – London Road, Stockton Heath, for example. The study does not take into account increases in pedestrian and cycle routes, a key element of the modal shift away from car transport and therefore, the increasing number of people exposed to traffic pollution.

8.99 The WHO Ambient Air Quality Database v11 – 29 May 2018 identifies towns and cities exceeding the recommended WHO limit of $5\mu\text{g}/\text{m}^3$ for PM_{2.5}. At $14\mu\text{g}/\text{m}^3$ Warrington is considered to have one of the highest levels for this type of particulate in the UK. The WBC Air Quality Action Plan notes strong evidence of impact from PM_{2.5} but has only one monitoring site, on Selby Street adjacent to

the A57 on the western side of the town centre, to measure levels, and notes that there have been no assessments of any hot spots where concentration could result in raised levels. Review of available data from the Selby Street monitor suggests levels of between 30 and 85 $\mu\text{g}/\text{m}^3$, levels which are considered dangerous by the WHO.

8.100 Section 4 of ENV8 references the need to manage impact of transport created by new development the Manchester Mosses Special Area of Conservation which is near to the M62 between junctions 10 and 12. There is little explanation of the detail of impact which needs to be avoided but it is difficult to see how the scale of development proposed in South Warrington can ever be consistent with this policy objective

8.101 South Warrington already has some of the most congested parts of the local highway network. The junctions of arterial routes, the A49, A50 and the A56 and the crossing over the Ship Canal Swing Bridges are particularly problematic.

8.102 It is recognised that increased weight of road vehicles – through the prevalence of SUV's, consequent higher forces in braking, larger tyre sizes and poorer road surfaces increase the production of the most harmful particulates.

8.103 Air monitoring equipment has in place in Stockton Heath for 2 years, although the pandemic and related untypical road use across that time may cause some figures to be unrepresentative. Even with the considerable reduction in traffic over the monitoring period the daily average for PM 2.5 was measured at 8.47 $\mu\text{g}/\text{m}^3$ against a WHO recommended maximum of 5 $\mu\text{g}/\text{m}^3$. WBC response to consultation over the setting of UK limits supported use of the WHO 3.6 DfT figures [Provisional Road Traffic Estimates – Great Britain July 2020- June 2021 all

motor traffic decreased by 5.5% across that period with car and lorry traffic reduced by more than 8% compared with the year ending June 2020.

8.104 A return to normal traffic levels plus the impact of additional traffic generated by the proposed development would inevitably result in increased pollution and particulate levels, beyond the level recommended by WHO.

8.105 As noted above, the Plan depends on the additional transport demands it creates being accommodated through modal shift or their impact lessened through technological change reducing vehicle emissions. At best this might be achieved at the end of, or after the plan period in the late 2030's or 2040's. The scale of development will, in the medium to long term, perpetuate issues of pollution levels across Warrington at a level acknowledged as damaging to health.

8.106 Policy ENV8 of the Submission Draft seeks to resist new developments which have an adverse impact on air quality. There is clear recognition of the potential for development to result in harm in terms in a failure to improve air quality. The scale of development proposed in the in this case would undermine this objective, exposing residents to higher levels of NO₂ and PM2.5 with consequent issues for morbidity and premature mortality.

8.107 The Air Quality Action Plan for Warrington relies entirely on achieving the modal shift and wider provisions of LTP4. As noted throughout this document it is the view of SWP the totality of LTP4 is undeliverable. That document itself has no expectation of infrastructure being delivered within the plan period.

9 The Planning Balance

9.1 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise.

9.2 The key policy in this case is CS Policy CS5, which states that the Council will maintain the general extent of the Green Belt for as far as can be seen ahead and at least until 2032, in recognition of its purposes – one of which is to assist in safeguarding the countryside from encroachment. The policy goes on to state that development proposals within the Green Belt will be approved where they accord with relevant national policy.

9.3 This national policy is to be found in the Framework, which makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. With regards to proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is agreed that the development proposed through this appeal should be seen as inappropriate development in the Green Belt.

9.4 The proposed development would result in a clear encroachment into the countryside, result in urban sprawl and potentially impact on the scope to secure regeneration, giving rise to a significant harm to the purposes of the Green Belt, and that the harm to the openness of the Green Belt would be severe and significant.

9.5 Taken together with the definitional harm by reason of inappropriateness, the Framework makes it clear that substantial weight should be attached to this harm.

9.6 In terms of other harm, I conclude that the proposed development would have an adverse impact on the character and appearance of the surrounding area, to which I attach substantial weight in line with the views of the Local Plan Inspectors.

9.7 I would also attach substantial weight to the harm which would result from the proposed development's failure to satisfy the environmental objective of sustainable development.

9.8 The heritage asset on the site is acceptance as being of significance. In other similar circumstances the Council has afforded substantial weight to the protection of similarly described assets. The decision as to whether public benefit can be seen to support the development against even less than significant harm to the asset is diminished by the conclusion that there is no need for the development and question over the scale of economic benefit. At the very least moderate harm results.

9.9 It is accepted that economic benefit should be afforded weight in the planning balance. It is questioned whether the form of that benefit, uncertainty over magnitude and the precise way in which benefit accrues is open to question. The physical separation of the site from parts of Warrington where additional employment opportunities might be of benefit diminishes the weight which should be afforded to this consideration.

9.10 The proposed improvements to M6 J20, and the A50/B5356 Roundabout would benefit not only development-related traffic, but also other traffic on the

network. However, producing a “nil detriment” situation at these junctions implies that there would be no overall improvement.

9.11 Both junctions would be congested without the proposed development – and both would still be congested if the development was to proceed. In these circumstances it is questionable whether users of the network would be able to discern any real benefit.

9.12 Even if other material considerations such as adverse impact on air quality are of themselves of insufficient consequence to justify refusal to grant planning permission, they will cumulatively provide additional weight which must be clearly outweighed by the benefits of the development proposed. In this context I would also refer to previous deliberation of the manner in which prematurity might be considered in this case.

9.13 It is my firm view that the substantial weight arising from the Green Belt harm, together with the other harm identified, would not be clearly outweighed by the other considerations detailed above. As such, I conclude that very special circumstances do not exist to justify this inappropriate development in the Green Belt. Accordingly, the proposal would conflict with CS Policies CS5 and CC2, and with NDP Policies AT-D1 and AT-D2. It would also be at odds with Green Belt policy in the Framework.

10 Appendices

- Appendix 1 Warrington BC Local Plan Submission Version April 2022
- Appendix 2 Appleton Thorn Ward NDP
- Appendix 3 SWP representations to Draft Local Plan
- Appendix 4 SWP Hearing Statements
 - Spatial Strategy
 - Economic Growth and Development
 - SEWEA
 - Transport and Infrastructure
 - Air Quality
- Appendix 5 Appeal decision APP/M0655/W/19/3222603 & APP/M0655/V/20/3253083 Liberty Properties and Eddie Stobart Ltd Barleycastle Lane Appleton Thorn Application refs REFS: 2017/31757 & 2019/34739]
- Appendix 6 SWP representations to application 2019/34799
- Appendix 7 WBC original committee report and subsequent update
- Appendix 8 Inspectors' Post Examination letter 16 December 2022
- Appendix 9 Transport for the North Freight and Logistics Strategy November 2022
- Appendix 10 Counsel's Opinion – Prematurity
- Appendix 11 Compton Parish Council, Julian Cranwell and Ockham Parish Council vs Guildford Borough Council and the Secretary of State for Housing Communities and Local Government [2019] EWHC 3242 (Admin) paragraph 70
- Appendix 12 APP/V1505/W/19/3244082 Land rear of Willow Farm, Orchard Road, Ramsden Bellhouse, Billericay CM11 1RL.