



Groves Town

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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 This supplementary proof principally sets out to consider the significant changes to the policy base against which this appeal must be determined. The change arises from the decision of Warrington BC to adopt the Local Plan which has been in process of consideration for the last 5 years. In that context the elements of my main proof which relate to development plan policy are clearly superseded and require review. This supplementary proof focuses on that topic area and does not seek to review other matters in detail.

2 The Warrington Local Plan – December 2023

- 2.1 I do not seek to present a review of the chronology of the gestation of the Local Plan. However, the critical events and changes which are pertinent to the determination of this application clearly arise from the outcome of the examination into the local plan which took place in September 2022.

2.2 The following documents inform my professional opinion and the position now adopted by the SWP.

- The initial report of the Inspector's of 16 December 2022 (CD3.2);
- The Inspectors' letter 2 August 2023 following the additional Local Plan hearing session held on 13 July 2023(ID35)
- Warrington Local Plan Inspectors Report Final (ID43, ID43a and ID43b)
- Reports to Cabinet and Full Council relating to adoption (ID44 and ID44a)

2.3 The Warrington Local Plan was adopted on 4th December 2023. It is now the development plan which is central to considerations under s.38 (6) of the Planning and Compulsory Purchase Act 2004.

3 Consequences of adoption of the Warrington Local Plan

3.1 The key consequence of the adoption of the WLP is the removal of proposed South East Warrington Employment Area as prompted by the main modifications suggested by the Local Plan Inspectors. This previously proposed allocation includes the application site.

3.2 It is important to note that the whole issue of the basis for economic growth and consequent need for employment land allocation has been scrutinised in great detail throughout the plan process.

3.3 Those with commercially driven interests have produced thousands of pages of statements and data in attempting to demonstrate a sound planning basis for the inclusion of land, including large expanses of the Green Belt, for employment uses. The Council itself has promoted development which exploits Warrington's strategically advantageous location at the expense of Green Belt release.

3.4 As the Local Plan Inspectors have initially concluded that there was no justification for the release of Green Belt land to accommodate the SEWEA, developers, with the support of the Council have challenged that conclusion and suggested modifications to the Plan.

3.5 Correctly, in the view of the SWP, the Inspectors provided opportunity for further submissions, beyond the normal scope for response to consultation on the main modifications. They took the exceptional step of re-opening the examination to hear further submissions and evidence relating to employment need with a particular focus their position that the SEWEA was not required and should not be allocated. Land owners, those with commercial interests in the application site and wider areas of land with potential for employment related use, and the Council took the opportunity to provide evidence which might support a sound planning basis to allocate more land for employment development.

3.6 Notwithstanding the level to which the Inspectors' suggested modifications have been scrutinised and challenged, they have concluded that the level of employment land is sufficient.

3.7 The Council have adopted the Plan on this basis.

3.8 The Local Plan Inspectors have gone further in terms of the potential allocation of the SEWEA in stating their view that such an allocation, and by implication the development of the application site, would result in harm to landscape character and appearance.

3.9 At the start of the Inquiry it was clearly the applicants' position that Local Plan had not reached a stage where weight could be given to the interim conclusions and suggested main modifications. The fact that there was still objection and on going

debate over employment need and land allocation and other matters meant that the application should be assessed in terms of balancing considered need for the development against the presumption against inappropriate development in the Green Belt, but with scope to take account of the potential allocation of the site.

- 3.10 The adoption of the local plan provides clarity over the status of the application site within adopted Green Belt. The applicants' points in relation to the 'emerging' status of the Local Plan have entirely fallen away.

4 Planning Considerations

- 4.1 In the context of the policy position which now applies it is clear that the provisions of paragraph 147 and 148 of the NPPF bite.
- 4.2 The proposed development is inappropriate and therefore is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.3 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless potential harm by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 4.4 The provisions of the NPPF are reflected in now adopted Local Plan policy GB1 (10) repeats the presumption against inappropriate development in the Green Belt.
- 4.5 Explanation to policy GB1 references the approach of the NPPF to the durability of Green Belt boundaries and the exceptional circumstances test required to justify amendment. The Council references the need for ongoing review particularly having regard to employment land requirements but it would be perverse if the

scope for such review is given weight in the determination of this application.

Confidence in the validity of a plan led planning system would be undermined.

4.6 The positions adopted by the applicant and the Council – in their resolution that the application should be approved are now absolutely inconsistent with adopted development plan policy. To date both very special circumstances and exceptional circumstances tests presented by the Council and the application have relied entirely on arguments based upon employment land requirements. The adoption of the plan and acceptance of the position taken by the Local Plan Inspectors removes scope to rely on this position. For the Council to continue to take an approach other than to resist the development proposed means that they will effectively support development which is contrary to the decision to adopt the plan and to operate under the policies which the plan contains.

4.7 Similarly, the applicants' position that need for the development provides very special circumstances is now untenable. There is no longer uncertainty as to the policy position. A robust process, subject to considerable levels of scrutiny and challenge, has resulted in those acting for the Secretary of State concluding that development of the application site does not pass the exceptional circumstances test and indeed in terms of impact on openness, encroachment and landscape value that there is wider harm than pure definitional harm.

4.8 The weight of the Local Plan's adoption on this appeal cannot be overstated. The Appeal Scheme is entirely in conflict with the freshly adopted Local Plan – so much so that the scheme was expressed removed from the Local Plan. S.38 (6) requires that the appeal proposal is refused and given the Local Plan has only just been

adopted there cannot be any material considerations which justify departing from it. To find so would entirely undermine the plan-led system.

5 Other harm

5.1 I have supported my clients' contention that it is not relevant to consider harm to the Green Belt, its function and purpose, but also to reflect the provisions of paragraph 148 of the NPPF which requires other harm to be taken into account in the planning balance.

5.2 The skilfully presented evidence of the several specialists who have presented evidence to the inquiry has noted that the proposed development will result in a degree of harm to a range of material planning considerations.

5.3 The development will impact on the highway network. The development will impact on the character and appearance of the landscape. The development will impact on air quality and noise. The development will impact on ecology and the natural environment. The development will impact on a heritage asset. There is a considerable degree of other harm which must be clearly outweighed for very special circumstances to exist.

5.4 The applicants' approach has been to respond to this harm by extensive mitigation. In most respects this mitigation deals simply with impacts. It does not remove the harm experienced locally. It relies on interventions remote to the application site – in the case of biodiversity net gain. It provides highway solutions which increase capacity for vehicles to queue at junctions onto and from the motorway but still adds many hundreds of vehicle movements onto an already

congested network. The development does not bring positive benefit, at best it mitigates some of the harms which it brings.

6 Conclusions

6.1 The key component of the applicants' case is based on the very special circumstances which result from the delivery of land for employment use.

6.2 A robust and extensive Local Plan process, in which the applicants' and a number of other developers have been represented, has failed to convince Inspectors' acting for the Secretary of State that land including the application site should be allowed to accommodate development.

6.3 The Council have adopted the Plan and by doing so accept this position. The appeal proposal is now entirely contrary to the freshly adopted Plan – given the requirements of s.38 (6) and the lack of any material considerations that could outweigh conflict with such a recent development plan.

6.4 The application should be refused.