

STATEMENT OF COMMON GROUND

**Between Langtree Property Partners (the “Applicant”) and
South Warrington Parishes (“SWP”)**

9 October 2023

Gateley LEGAL

1. INTRODUCTION

- 1.1 This is a Statement of Common Ground prepared, agreed and signed by Langtree Property Partners (the “Applicant”) and South Warrington Parishes (“SWP”) in respect of the proposed Six 56 planning application.

2. SITE LOCATION

- 2.1 The site is located in the Borough of Warrington in North West England approximately 6km to the South East of the town of Warrington and is strategically located between the cities of Liverpool and Manchester at the junction of the M6 and M56 motorways providing links north, south, east and west.
- 2.2 The application site is 98ha, the majority of which is located within the borough of Warrington, (92.16ha) with a small area of 5.93ha located in the borough of Cheshire East. Each Local Planning Authority has been responsible for dealing with the planning application for the parts of the development within its administrative boundary. Cheshire East Council granted planning permission for the development of the part of the site within its boundary on 19 May 2022. The decision notice forms Appendix 1 to this Statement of Common Ground (“SoCG”).
- 2.3 The site lies north of the M56 motorway and west of the M6 motorway. Beyond the site’s western boundary is the existing Appleton Thorn Trading Estate. Beyond the northern boundary of the application site are a number of scattered residential properties.
- 2.4 The application site itself is in use for arable and pastoral farming and contains a series of hedges and trees. It is generally level with some undulation. There are wooded areas within the site, including Bradley Gorse and Wrights Covert in the south-eastern portion of the site. Bradley Farm, located off Cliff Lane, comprises two houses (Bradley Hall farmhouse and the Bungalow) and farm buildings. Bradley Hall itself is a moated site and a Scheduled Ancient Monument. The application site excludes Bradley Hall Cottages and Bradley View, which are to the north of Bradley Hall farmhouse and on the west side of the existing access road from Cliff Lane.

3. THE PROPOSAL

3.1 The application description is:

“Outline application (all matters reserved except for access) comprises the construction of up to 287,909m² (3,099,025ft²) (gross internal) of employment floorspace (Use Class B8 and B1(a) offices), demolition of existing agricultural outbuildings and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation, alteration of existing access road into site including works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station, and ecological works.”

3.2 These works are shown on the illustrative masterplan at Appendix 2.

3.3 The application proposals comprise the following:

- *Up to 287,909m² (3,099,025ft²) (gross internal) of employment floorspace (Use Class B8 with ancillary B1(a) offices)*
- *Alteration to the existing access into the site with two new roundabouts into the site from the B5356 Grappenhall Lane*
- *Works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 roundabout*
- *Associated car parking and service areas*
- *Internal vehicle circulation roads*
- *Pedestrian and cycle circulation routes*
- *Earthworks to create development platforms and bunds*
- *Drainage features, including attenuation areas and SuDs*
- *Landscaping including noise mitigation features*
- *Ecological works including wetland ponds*
- *Electrical Substation and pumping station*

3.4 The application proposals are to be controlled by a series of “parameters” which have been tested as part of the Environmental Assessment. These include:

- *Development Cells – Developable areas across the site.*
- *Disposition – Land use and disposition of uses across the site, number of units and floor space.*
- *Green Infrastructure – strategic landscaping, open green corridor, ecological mitigation, retained vegetation.*
- *Access and Circulation – points of access into the Site, improvements to A50 junction and M6 J20 dumbbell roundabouts including existing, proposed and diverted footpaths and cycleways and areas safeguarded for potential highway improvements.*
- *Drainage – including details of the proposed drainage strategy.*
- *Noise – including areas identified for noise mitigation.*
- *Building Heights – zonal areas identifying maximum building heights across the site.*
- *Heritage – buffer to Bradley Hall moated site Scheduled Ancient Monument.*
- *Demolition – buildings proposed for demolition.*

3.5 The Illustrative Masterplan shows how the site could be developed, taking account of the Parameters Plans.

4. **PLANNING HISTORY**

4.1 There are no previous planning applications submitted to the LPA which are directly relevant to this application. Cheshire East Council granted planning permission for the development of the part of the site within its boundary on 19 May 2022.

4.2 Drawing P0002 Rev J found at Appendix 3 shows the administrative boundary of Cheshire East Council hatched green. The remainder of the land within the red edge boundary is land within the administrative boundary of Warrington Borough Council.

5. **EMERGING LOCAL PLAN**

The Emerging Warrington Local Plan has been subject to the process of the examination in public. The Local Plan Inspectors issued a post hearing letter on 16th December 2022. The Inspectors did not consider this planning application, but a wider allocation known as the South East Warrington Employment Area (SEWEA), of which the application site forms a part. The Inspectors have recommended main modifications which have been advertised by the Council and a further hearing session has been held into those. The Inspectors have not yet issued their final report into the examination.

6. **OTHER MATTERS**

6.1 It is agreed that the matters set out below are material considerations in the determination of the application. The Applicant and SWP address these matters and the weight to be accorded to them in their evidence.

7. **HIGHWAYS**

7.1 Warrington Borough Council, as the Local Highway Authority and National Highways had no objections to the planning application, subject to conditions and a S106 obligation.

7.2 The Applicant's position is that there are no severe highways impacts and that the proposal is satisfactory in terms of traffic and transportation and accords with the National Planning Policy Framework.

7.3 SWP's position is that the proposed development will add traffic to an already congested highway network operating at an above capacity. The addition of traffic to this network will result in a degree of harm which must be weighed in the balancing of material considerations in assessing the acceptability of inappropriate development in the Green Belt

8. **HERITAGE**

8.1 The Applicant considers that there will be less than substantial harm to Bradley Hall moated site scheduled monument, Tanyard Farm (Grade II* listed), Barleycastle Farmhouse, Booths Farm Shippon and Booths Farm farmhouse (all Grade II listed).

8.2 Historic England had no objections to the application as set out in the March 2022 Committee Report (section 6, page 39).

8.3 SWP's position is that there is harm to the heritage, even if that harm is less than substantial.

8.4 **GREEN BELT**

8.5 It is agreed that there would be harm to the Green Belt by reason of inappropriateness, harm to the openness of the Green Belt and by reason of encroachment.

8.6 It is agreed that national policy (NPPF paragraphs 147-148) requires that substantial weight should be attributed to any harm to the Green Belt, and that permission should not be granted for such development except in very special circumstances.

8.7 The question of the extent of the harm to the Green Belt and any other harm, and whether that harm is clearly outweighed by other considerations such that very special circumstances are demonstrated is a matter of judgement for the SoS. The Applicant demonstrates that very special circumstances exist in its evidence. SWP does not accept that very special circumstances exist.

9. **DRAINAGE AND FLOOD RISK**

9.1 United Utilities, the Council as Lead Local Flood Authority and the Environment Agency had no objections to the application subject to conditions.

9.2 The Applicant's position is that the application is acceptable and in accordance with policy and requirements relating to drainage and flood risk.

9.3 SWP has no evidence to dispute this position

10. **ECOLOGY AND NATURE CONSERVATION**

10.1 Natural England had no objections to the application.

10.2 The Applicant's position is that subject to conditions in the Section 106 Obligation there would be no unacceptable impacts on ecological or biodiversity interests.

10.3 A shadow Habitats Regulation Assessment has been prepared by the Applicant and has been accepted by Natural England. SWP's position is that there is acknowledged harm to ecological and biodiversity interest notwithstanding attempts to minimise and mitigate. That harm must be taken into account in the balance of planning considerations

11. **SOCIO ECONOMIC**

11.1 The Applicant's position is that the proposal would have a very significant positive socio-economic effect. Submissions by SWP have questioned the scale and nature of this benefit to be considered in the planning balance.

12. **NOISE AND VIBRATION**

12.1 Subject to conditions, noise and vibration impacts would be mitigated such that they would not be no unacceptable effects. This is agreed between the Applicant and SWP.

13. **AIR QUALITY, ODOUR AND DUST**

13.1 The proposed development would not have significant impacts in air quality terms and that the impacts of the proposed development in respect of air quality, odour and dust are considered to be acceptable (paragraph 10.234).

14. **SECTION 106 OBLIGATION**

14.1 The Council and the Applicant are working towards producing an agreed Section 106 Obligation.

APPENDICES

APPENDIX 1

DECISION NOTICE

Mr Gavin Winter,
Spawforths
Junction 41 Business Court
East Ardsley
Wakefield
West Yorkshire
WF3 2AB

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **19/1685M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

The outline application (all matters reserved except for means of access) comprises the construction of up to 287,909m² (3,099,025ft²) (gross internal) of employment floorspace (Use Class B8 and E(g)(i) offices), demolition of existing agricultural outbuildings and associated servicing and infrastructure including car parking and vehicle and pedestrian circulation, alteration of existing access road into site including works to the M6 J20 dumbbell roundabouts and realignment of the existing A50 junction, noise mitigation, earthworks to create development platforms and bunds, landscaping including buffers, creation of drainage features, electrical substation, pumping station, and ecological works.

Location

Land Off, M56 TO M6 LINK ROAD, MACCLESFIELD

for **Mr Neal Biddle, Langtree PP & Panattoni**

In pursuance of its powers under the above Act, the Council hereby GRANTS outline planning permission for the above development referred to in the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the approval of the last reserved matters,

whichever is the later.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Application for approval of reserved matters shall be made within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Details of landscaping, scale, appearance and layout shall be submitted as part of any application for reserved matters.

Reason: To ensure these details, which may affect the determination of the reserved matters application, are fully assessed.

4. The development hereby approved shall be carried out in total accordance with the approved plans numbered

- 16-184 P002 Rev J Location Plan
- 16-184 P110 Rev G Development Cells Parameters Plan
- 16-184 P116 Rev I Disposition Parameters Plan
- 16-184 P111 Rev I Green Infrastructure Parameters Plan
- 16-184 P115 Rev H Heights Parameters Plan
- 16-184 P113 Rev G Access and Circulation Parameters Plan
- 16-184 P117 Rev H Drainage Parameters Plan
- 16-184 P114 Rev L Acoustic Considerations Parameters
- 16-184 P112 Rev G Heritage Parameters
- 16-184 P118 Rev F Demolition Parameters Plan

received by the Local Planning Authority on 21.02.2022.

Reason: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

5. No unit hereby approved shall be occupied unless and until a scheme for the design and implementation of freight traffic signage including timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the freight traffic signage shall highlight that the recommended route for goods vehicles to and from the motorway network is M6 J20 along A50 Cliff Lane to B5356 Grappenhall

Lane. The approved scheme shall be implemented prior to first occupation of the development hereby approved.

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

6. At the time of the submission of the first reserved matters application an updated badger survey of the ecological mitigation area as shown on approved plan 16-184 P111 Rev I Green Infrastructure Parameters Plan shall be submitted.

Reason: in the interests of nature conservation at the site.

7. The first reserved matters application shall be accompanied by: a Construction Environmental Management Plan detailing safeguarding of Bradley Brook, a habitat creation specification detailing the types of habitats to be created, a habitat creation method statement, an ecological monitoring strategy and a 30 year habitat management plan for all the retained, enhanced and newly created habitats for the Ecological Mitigation Area shown on the submitted Illustrative Masterplan (drawing reference 16-184-F013 001 Rev: AG) .

The habitat creation method statement to detail how the newly created habitats will be delivered and a include a timetable for the delivery of habitats in accordance with the proposed details.

The 30 year habitat management plan will provide target conditions for all retained, enhanced and newly created habitats in the ecological mitigation area and detail how the newly created, retained and enhanced habitats in the ecological mitigation area be managed to achieve these target conditions.

The ecological monitoring strategy shall include proposals for the surveying and reporting of the results of the habitat creation and management works to the LPA for the duration of the management plan period. The strategy shall include a mechanism whereby revised management and habitat creation proposals shall be submitted to and approved by the Local Planning Authority in the event that habitats are found to be failing to achieve their condition targets.

The agreed, habitat creation specification, a habitat creation method

statement; ecological monitoring strategy and 30 year habitat management plan to be implemented in full.

Reason: to safeguard biodiversity in accordance with Local Plan Policy SE3.

8. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority. Prior to first occupation/use of the development, confirmation should be provided to the LPA that no such contamination was found, and if so what remedial measures were agreed and implemented.

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

Community Infrastructure Levy (CIL)

The development approved by this permission may be liable for a charge under the Community Infrastructure Levy Regulations (as Amended) 2010. If your scheme is liable, and you have not already done so, you must submit an 'Assumption of Liability Notice' to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a 'Commencement Notice' to the Council before the development commences and await the Council's acknowledgement. Any relevant applications for 'Relief' or 'Exemption' must be submitted to the Council before commencement of development. Any relevant applications for 'Relief' or 'Exemption' which are applied for after development is deemed to have commenced will be refused.

The Council will impose penalties where the correct forms are not submitted, are late, or where the information provided is inaccurate.

All forms are available at www.cheshireeast.gov.uk/cil and once completed, should be emailed to cil@cheshireeast.gov.uk

For further information you can contact the Council's CIL Team on cil@cheshireeast.gov.uk or Tel: 0300 123 5014.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of

the area.

The reason(s) for approving this application is/are:

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 19 May 2022



Signed

Authorised Officer for
Cheshire East Borough Council

We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us you will need to pay a fee and submit a separate application. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must submit your appeal within:

- 12 weeks of the date of this notice in the case of householder applications
- 8 weeks of the date of this notice for advertisement applications or
- 6 months of the date of this notice in all other cases

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 03034445000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

APPENDIX 2

ILLUSTRATIVE MASTERPLAN



Rev. Date By Description

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**Stephen George
+ Partners LLP**
Architects + Masterplanners

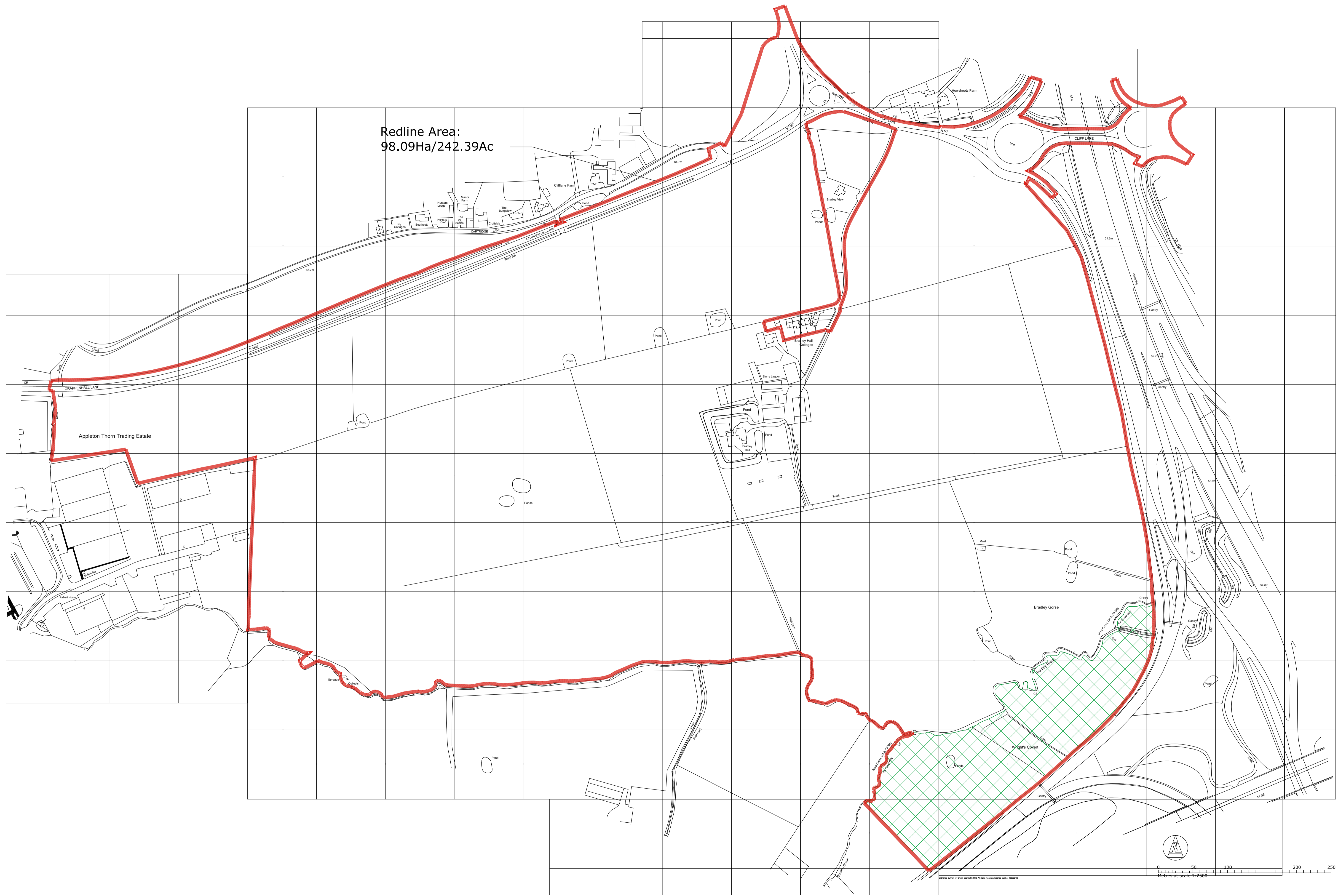
Waterside House
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t: +44 (0)1392 447 0557
www.stephengeorge.co.uk

Six 56 Warrington
Illustrative Masterplan

CDI Reference
Drawn: mjm
Team: MMS
Scale: 1:2500 @ A1
Date: 09/2018
Drawing Status: Preliminary
CAD Reference: 16-184-F013-001
Date: 09/2018
Project No: 16-184-F013 001
Dwg No: 001
Rev: AG

APPENDIX 3

ADMINISTRATIVE BOUNDARY OF CHESHIRE EAST COUNCIL



Redline Area:
98.09Ha/242.39Ac

Appleton Thorn Trading Estate


Bradley Gorse

Virgins Court



0 50 100 200 250
Metres at scale 1:2500

Rev	Date	By	Description
J	11.01.19	MMS	Redline revised

 Area within the Cheshire East Council Administrative boundary

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Six 56 Warrington
Location Plan
CDE Reference

Drawn: MMS
Team: MMS
Scale: 1:2500 @ A1
Project No: 16-184
16-184

Drawing Status: Planning
CAD Reference: 16-184-P002
Date: 09/2018
Dwg No: P002
Rev: J

SIGNED on behalf of Langtree
Property Partners LLP



Dated:

9 October 2023

SIGNED on behalf of
Warrington Parishes



Dated:

9 October 2023