

SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT – LANGTREE PP AND PANATTONI.

**PLANNING APPLICATION FOR OUTLINE PERMISSION [ALL MATTERS RESERVED
SAVE FOR ACCESS] FOR THE CONSTRUCTION OF UP TO 287,909 M² OF
EMPLOYMENT FLOORSPACE AT LAND SOUTH OF GRAPPENHALL LANE/CLIFF LANE,
GRAPPENHALL, WARRINGTON, CHESHIRE [KNOWN AS “SIX/56”]**

INSPECTOR - DR ROGER CATCHPOLE.

THE CLOSING SPEECH OF THE APPLICANT

Housekeeping matters: All references to the NPPF, unless otherwise stated are to the latest December 2023 version.

The structure of this closing speech:

1. Section 1 – Introduction – the fundamental case of the applicant.
2. Section 2 – Matters of agreement between the principal parties.
3. Section 3 - Whether the proposal is inappropriate development? (Main Issue 1)
4. Section 4 - The effect of the proposal on the SAM Bradley Hall Moated Site. (Main Issue 3) and other heritage assets.
5. Section 5 - Whether the proposal complies with the EIA Regulations? (Main Issue 4)
6. Section 6 - The effect of the proposal on the highway network? (Main Issue 5)
7. Section 7 - The effect of the proposal on local air quality? (Main Issue 6)
8. Section 8 - The effect of the proposal on landscape character? (Main Issue 7) and visual amenity.
9. Section 9 - Whether the site is appropriate for the proposed development considering the development plan and national planning policy? (Main Issue 8)
10. Section 10 - Would the grant of planning permission be premature in the light of where the emerging plan is and the guidance in the NPPF relating to such matters? (Main Issue 9)
11. Section 11 - What harm is there to be considered overall? (Main Issue 10)
12. Section 12 - Are there circumstances which outweigh the harm to amount to very special circumstances? (Main Issue 11)
13. Section 13 – Whether the harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances to justify the grant of planning permission? (Main Issue 2)
14. **Appendices:**
 - 14.1. Appendix 1 – The programme followed at this inquiry.
 - 14.2. Appendix 2 – What the proposal is actually for.
 - 14.3. Appendix 3 – The updated chronology in this matter.

Section 1 – Introduction – the fundamental case of the applicant.

1. You must have asked yourself why the Applicant has continued with this application in the light of the changing context which surrounds it.
2. The fundamental reason why the Applicant is still seeking planning permission is that it is driven by a conviction that planning is about bringing about change for the benefit of all. This is a proposal which on any metric will bring about extraordinary benefit to many people if planning permission is granted. It is one of those rare applications that can materially change lives by bringing forward a substantial development which will materially improve economic wellbeing, investment and growth in Warrington, the wider area and even with a proposal of this magnitude nationally.
3. That is why with complete conviction and sincerity we commend the proposal to you as articulated by Mr Rolinson yesterday. Its benefits are varied and weighty. Its impacts are expected and proportionate. It compellingly proves the existence of very special circumstances to justify it receiving planning permission.
4. The application historically was made with full support of the LPA and the emerging development plan supporting its allocation for employment use and its removal from the Green Belt.
5. Obviously now three material changes in circumstances have occurred during the course of this inquiry firstly the updated development plan has now been adopted, secondly the land has not been allocated for employment use and thirdly the land remains within the Green Belt.
6. Consequently, in law and policy:
 - 6.1. the proposal has to satisfy you and the Secretary of State that there are very special circumstances that justify the grant of planning permission in the light of the promotion of inappropriate development in the Green Belt as per paragraph 153 of the NPPF; and
 - 6.2. that there are other material circumstances which are weighty enough to set aside the statutory presumption in favour of the development plan as set out in Section 70(2) of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.
7. **It is a heavy evidential burden, and the Applicant does not shirk from it.**
8. However, in considering the need to show very special circumstances and the need to show therefore overriding material considerations that outweigh an up-to-date development plan as set out above it is the contention of the Applicant that those two hurdles are overcome significantly and clearly by the proposal that sits before this inquiry because of the following factors:

- 8.1. Factor 1 – This is a unique site which has extraordinary characteristics siting so perfectly on the junction of the M6 and M56. Locational characteristics are of paramount importance with such proposals as Mr Johnson stated. There is simply no better site for bringing about the development sought as shown by Model Logic’s report in March 2023.¹ This site is ranked number one when compared to other potential sites. That needs to be emphasised. It is not just a contender, but the best site as identified by the leading consultancy in this regard.
- 8.2. Factor 2 – There is no other site identified in the development plan which will meet the specific needs of the strategic logistics employment sector to the extent of this site.
- 8.3. Factor 3 – There is no alternative site outside the Green Belt which can meet the needs of the strategic logistics employment sector as this site can. This matter has been addressed on various occasions in both the application and in the evidence put before this inquiry by Mr Rolinson.
- 8.4. Factor 4 – This site will bring enormous if not overwhelming economic benefits with potentially over 4,000 jobs created here which is a reasonable and fair estimate again when one contemplates that the proposal seeks to put nearly 3 million square feet of such floorspace into operation.
- 8.5. Factor 5 – The benefits both direct and indirect to the economy will be vast.
- 8.6. Factor 6 – The LPA have been supportive of this site from the very beginning. Their current position of neutrality emphasises how attractive this proposal actually is.
- 8.7. Factor 7 – The harms for a development of 98 hectares are remarkably small and proportionate. There will be material harm to the GB, the landscape and heritage assets but it is inconceivable that such harms would not accrue elsewhere with a proposal of this magnitude and scale.
- 8.8. Factor 8 – The latest expression of Government Policy in the recent NPPF makes it clear that significant weight should be given to the need to support economic growth and productivity. This proposal does exactly that.
- 8.9. Factor 9 – This proposal has received enormous scrutiny and has passed with flying colours both at this inquiry and whilst under consideration by the LPA.
- 8.10. Factor 10 – The level of opposition to this proposal is actually tiny when one considers the scale and magnitude of the proposal.
- 8.11. Factor 11 – The EIP Inspectors have misjudged the extent of need quite dramatically. For the reasons that Mr Rolinson gave yesterday there is no legal challenge. However, that does not reduce the concerns of the applicant regarding the reasoning and approach of the EIP Inspectors. As Mr Kinghan has made clear the Inspectors made some quite dramatic errors in reaching their view that only 168 hectares of employment land needed to be allocated in that plan. Those errors are:
 - 8.11.1. Deviating quite materially from the guidance in the NPPG which requires that the evidence of business needs is based on evidence of market demand and rigorous evidence.
 - 8.11.2. The evidence base for the submission version of the LP relied on the EDNA refresh of 2021 [CD4.159]. This utilised past take up rates and labour demand modelling. However, it is important to note that the 2021 EDNA considered the

¹ Johnson Appendix 9.

most appropriate forecasting tool was to rely on historic take up rates with labour demand modelling deemed as not representative of property requirements, demonstrated by retrospective testing [See Kinghan March 2023 proof (CD 6.9), paragraph 3.32 and CD 4.159, table 39]

- 8.11.3. The submission version of the LP endorsed the EDNA approach and was based on a projection forward of past take up rates [See Submission version – paragraph 4.2.13].
- 8.11.4. Therefore, the submission version sought to allocate 316.26 hectares of land [EIP Inspectors report at paragraph 91] which was largely based on projecting forward take up rates.
- 8.11.5. The fundamental concerns of the EIP Inspectors were that such an approach failed to result in a broad alignment with the housing figure in the plan and the consequent growth in labour supply and also that the scale of need on a sub-regional or regional level for logistics had not been quantified.
- 8.11.6. The Inspectors made a prediction of how many jobs would be available in the light of the housing figures. As they say there needs to be broad alignment between employment land provision, estimated jobs growth and labour supply, in order for the local economy and housing market to function effectively and to avoid substantial increases in unsustainable commuting patterns.
- 8.11.7. The requirement was therefore reduced to 168 hectares to achieve this broad alignment and provide a reasonable degree of flexibility.
- 8.11.8. Mr Kinghan has shown that this approach is fundamentally wrong because:
 - 8.11.8.1. Error 1 – The approach of the EIP Inspectors ignores past take up rates in any form of employment land figure and gives complete priority, indeed supremacy to labour demand and supply models which ignores what has actually happened in the past on the ground.
 - 8.11.8.2. Error 2 – The figures relied on to show the labour demand figure utilised by the Inspectors are confusing and it is impossible in part to work out how they arrived at their figures. Stages of the workings in simple terms are not logical and transparent and it is impossible to become informed as to how they were arrived at.
 - 8.11.8.3. Error 3 – The allegation that the proposed housing numbers would not support that level of employment land is fundamentally wrong because the Inspectors misjudged the components relevant to the proposed employment land. In essence the Inspectors assumed a far higher number of jobs would be generated with the submission figure. As Mr Kinghan [ID 52 paragraph 3.58] shows if the correct figures are used that would result in the land generating a range of 14,611 to 22,256 jobs against the assumed potential labour supply of 18,300. In essence there is no real imbalance which was so feared by the EIP Inspectors and clearly heavily influenced them to reduce the amount of allocated employment land in the plan.
 - 8.11.8.4. Error 4 – Being most fundamental in reaching their preferred need figure of 168 hectares they apply a figure of 142 jobs per hectare to the known labour supply of 18,300 jobs. The 142 jobs per hectare is derived from the 1996-2020 total jobs and land change ratio [CD 3.2, paragraph 11] being a period when

much of the development was higher density in offices, rather than the current and future market outlook for industrial and warehouses. Thus, this density and resulting figure directly opposes market signals and bears no actual relationship to the objectively assessed employment land need for Warrington and is not compliant with the NPPG or set out in any EDNA.

8.11.8.5. Error 5 – There appears to be no real appreciation of the wider market area. Of course, the Inspectors were concerned with the Warrington picture but with proposals of this scale and size one has to look beyond administrative boundaries as Mr Kinghan does. The Inspectors accepted in their paragraph 71 that in their view, the scale of need on a sub-regional or regional level for logistics or employment land generally had not been quantified. Mr Kinghan provides this evidence to you (which the LPA Inspectors did not have) and hence if one looks at the Warrington FEMA²/WEG³ then one can see that there would be serious under provision even with Six56. Without it then the shortfall is 172 hectares.

8.11.9. These issues are fundamental and serious and lead to a significant under provision of employment land in the newly adopted development plan.

8.11.10. There is also the issue that Mr Kinghan estimates that the objectively assessed need for Warrington is actually nearer 280 hectares of land and therefore the SEWEA is still required into the future for the provision of employment land.

9. The purpose of the planning system, inter alia, is to contribute to the achievement of sustainable development, including the provision of commercial development in a sustainable way.
10. This proposal will do that as the evidence has shown and will be set out in the following sections of this closing.

Section 2 – Matters of agreement between the applicant and the LPA.

11. The following matters are agreed and not in dispute but are important factors to consider in this matter:
 - 11.1. The Site – Amounts to 98.09 hectares. The historic use of the land was for and is currently for agriculture with ancillary domestic accommodation.
 - 11.2. The LPAs - In terms of relevant local planning authorities most of the application site lies in Warrington [92.16 hectares] with a small amount of the southeast of the site falling within Cheshire East [See page 6 of the POR] amounting to just over 5.93 hectares.
 - 11.2.1. Warrington Borough Council - Warrington is a borough of 200,000 people. It was designated a new town in 1968. There are areas of material deprivation – 11 Super Output Areas fall within the 10% most deprived nationally [2.18, WLP page 13]

² Functional Economic Market Area shown on Kinghan Table 4.1.

³ Warrington Wider Economic Geography shown on Kinghan Table 4.1.

- 11.2.2. Cheshire East Council – granted planning permission for the part of the development which falls in its administrative area in May 2022.
- 11.3. The Development Plan:
 - 11.3.1. The Warrington Local Plan of December 2023.
 - 11.3.2. Appleton Parish Thorn Ward Neighbourhood Plan to 2027 – Amended Version – February 2017.
- 11.4. Green Belt Designation - The whole of the application site lies within the Green Belt.
- 11.5. The Key Heritage Assets - The relevant heritage assets are:
 - 11.5.1. Asset 1 – Bradley Hall Moated Site – Scheduled Ancient Monument – which comprises the buried and earthwork remains of a medieval moated site for a medieval manor house which is to be retained.
 - 11.5.2. Asset 2 – Bradley Hall Farmhouse and barn – Locally listed [NDHA]
 - 11.5.3. Asset 3 – Tanyard Farm building – Grade II*.
 - 11.5.4. Asset 4 – Barleycastle Farmhouse – Grade II.
 - 11.5.5. Asset 5 – Booths Farmhouse – Grade II.
 - 11.5.6. Asset 6 – Booths Farm Shippon – Grade II.
 - 11.5.7. Asset 7 – Beehive Farmhouse – Grade II.
 - 11.5.8. Asset 8 – Yew Tree Farmhouse – Grade II.
 - 11.5.9. Asset 9 – Non – designated assets – See MacQueen Table 1.1.
 - 11.5.9.1. Bradley Hall and Barn.
- 11.6. Inappropriate development in the GB - The proposed development is inappropriate development as so defined by planning policy and in particular the NPPF.
- 11.7. EIA development - The proposal constitutes EIA development and has been accompanied by an ES.
- 11.8. Landscape Character Areas:
 - 11.8.1. The majority of the site falls in NCA 60 [Mersey Valley] [CD4.49]
 - 11.8.2. A small part of the southern land falls in NCA 61 [Shropshire, Cheshire and Staffordshire Plain]
 - 11.8.3. The vast majority of the site falls within Local landscape character Area Type 1 – Undulating Enclosed Farmland – 1B Appleton Thorn.
 - 11.8.4. All LCA’s are characterised to have a medium sensitivity [Taylor page 35]
- 11.9. Potential viewpoints of the development:
 - 11.9.1.27 viewpoints – both near and far – were considered in the ES with 9 having wireframe photomontages [Taylor 5.89]

Section 3 - Whether the proposal is inappropriate development? (Main Issue 1)

- 12. It is accepted in the SoCG with the LPA that the proposal is inappropriate development [Paragraph 8.5]. Consequently, substantial weight must be given to any harm to the GB [Paragraph 153].

Section 4 - The effect of the proposal on the SAM Bradley Hall Moated Site. (Main Issue 3) and other heritage assets.

13. The starting point to consider this matter is that there was no Historic England objection subject to the imposition of satisfactory conditions.
14. The only professionally qualified witness before the inquiry is that of Mr MacQueen who addressed matters in relation to heritage on behalf of the Applicant.
15. The Applicant's position is as follows:

	ASSET TYPE	NAME	EXTENT OF HARM ACCEPTED BY MACQUEEN	NPPF RELEVANT PARAGRAPH
1.	SCHEDULED MONUMENT	BRADLEY HALL MOATED SITE	LTSH ⁴ [MINOR TO MODERATE]	PARAGRAPH 208
2.	GRADE II* LISTED BUILDING	TANYARD FARM FARMBUILDING	LTSH [MINOR]	PARAGRAPH 208
3.	GRADE II LISTED BUILDING	BOOTH'S FARMHOUSE	NO HARM	NOT ENGAGED
4.		BOOTH'S FARM	NO HARM	
5.		BEEHIVE FARMHOUSE	NO HARM	
6.		YEW TREE FARMHOUSE	NO HARM	
7.	LOCALLY LISTED BUILDINGS [NDHA]	BRADLEY HALL AND BARN	MINOR HARM	PARAGRAPH 209
8.		TANYARD FARM BUILDINGS	MINOR HARM	
9.		TAN HOUSE COTTAGE	MINOR HARM	
10.		TAN HOUSE BARN	MINOR HARM	
11.		HUNTERS MOON	MINOR HARM	
12.		BARN AT MANOR HOUSE FARM	NO HARM	
13.		OLD CHAPEL	NO HARM	
14.	NON-DESIGNATED HERITAGE ASSETS	BARN BUILDINGS TO THE NORTHEAST OF BRADLEY HALL	MAJOR HARM TO ASSET AND MINOR HARM TO HISTORIC ENVIRONMENT	PARAGRAPH 209

16. The evidence presented detailed the assessment process and the sources consulted to arrive at the conclusions drawn. The evidence presented also details the relevant National and Local Policy applicable to heritage. It is the contention of the Applicant that best practice has been followed in considering the significance of these heritage assets and additionally in identifying the effect of the proposal on the significance of those assets.
17. Mr MacQueen described the designated and non-designated heritage assets within and outside of the Application Area that would be impacted by the proposed development. Specific mention was given to Bradley Hall Moated Site (Scheduled Monument), Bradley Hall and Barn, Bradley Hall farm buildings, the possible Roman road, and the medieval cross all of which lie within the site.

⁴ LTSH – Less than substantial harm.

18. Those which lay outside the site were also detailed including Tanyard Farm (listed at grade II*), Barleycastle Farm (Grade II) and Tanyard Farm Buildings.
19. The evidence presented stated that the development proposals would result in harm to the setting of a number of designated and non-designated heritage assets. This harm was conveyed as less than substantial in National Planning Policy Framework terms, therefore engaging paragraph 208 of the document and minor-moderate in extent within that bracket. The harm to non-designated heritage assets was also outlined with an acknowledgement that this engages paragraph 209 of the Framework.
20. In consideration of the findings of less than substantial harm, Mr MacQueen concluded that the development proposals engage with paragraph 208 of the NPPF, which requires that the harm is balanced with the public benefits. It was also outlined that regard should also be had, in the planning balance, to the impact upon non-designated heritage assets in which the NPPF advises (paragraph 209) that a balanced (unweighted) judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset.
21. In his evidence Mr MacQueen highlighted that the assessment undertaken by the local planning authority on heritage matters was consistent with the Environmental Statement submitted in support of the planning application.
22. It was also highlighted that no objections to the proposals were raised by Historic England or Cheshire Archaeology Planning Advisory Service.
23. Mr Rolinson also highlighted that the planning benefits of the proposal would outweigh the harm identified.
24. In respect of Development Plan policy Mr MacQueen stated that the proposed development is consistent with the aims of Policy QE8 of the adopted Local Plan⁵ with no conflict as acknowledged in the Officer's Report to Committee.
25. Mr MacQueen also set out that the development proposals are consistent with the aims of Policy AT-D2 of the Neighbourhood Plan.
26. In his evidence Mr MacQueen outlined the position with respect to criterion (e) of Neighbourhood Plan Policy AT-D2. This indicates that the consideration of the conservation of traditional farm buildings should accord with the provisions of Core Strategy policy QE8. Policy QE8 indicates that assets, to be included on the local list, should be substantially unaltered and retain the majority of their original features. In considering the demolition of the barn buildings to the north-east of Bradley Hall, Mr MacQueen explains that these buildings have been substantially altered and extended which has significantly diminished retained heritage values. As such Mr MacQueen concludes that no conflict with criterion (e) will arise.

⁵ Mr MacQueen gave evidence in the context of the Old development Plan.

27. Therefore in relation to main issue 3 the Applicant has set out in the clearest terms the extent of harm which is required to be weighed in the external balance but in closing this issue the following points should be made:

27.1. No objection from Historic England.

27.2. No direct harm to any heritage asset.

27.3. The only effects under consideration are setting harms.

27.4. The proposal has been designed to lower the level of harm with various design changes such as the 30-metre buffer zone to the SAM in the parameter plan.

27.5. That it would be rare for a proposal of 98 hectares not to affect the significance of a heritage asset or some heritage assets.

27.6. The NPPF allows for an external balance – namely the consideration of public benefits which was done in evidence by Mr Rolinson and for reasons that will be covered later in this speech it is the view of the Applicant that the benefits do clearly outweigh the impacts. A conclusion which is not peculiar or perverse but reflects comparative approaches taken by the Secretary of State elsewhere like in the Parkside Call In inquiry decision of November 2021.

Section 5 - Whether the proposal complies with the EIA Regulations? (Main Issue 4)

28. The Proof of Evidence of Ms Seal addressed matters relating to ecology. Ms Seal has a BSc in Zoology and MSc in Behavioural Ecology, she is Chartered Environmentalist and a full member of the Chartered Institute for Ecology and Environmental Management. Her evidence confirmed the data gathered was appropriate, it set out the relevant ecology legislation, policies and guidance, described baseline ecology conditions and discussed changes in conditions likely to arise as a result of the proposed development.

Baseline

29. Ms Seal explained that most of the site has currently relatively low inherent ecological value, there are no wildlife designations within c2km, the site itself is largely low diversity agricultural land dominated by grazed pasture with species-poor hedgerows.

30. Areas of greater ecological value include species-rich hedgerows along the east boundary and along Bradley Brook, semi-natural broadleaved woodland habitats (Bradley Gorse and Wright's Covert), a network of 12 ponds and Bradley Brook.

31. Priority habitats are limited to native hedgerows, semi-natural broadleaved woodland and those ponds supporting priority species. Habitats are valued at “negligible” or “site-level” importance except for hedgerows, ponds, woodland and Bradley Brook which are valued at “local” importance.

32. Protected species comprise bats including non-maternity roosts and a small population of great crested newt in one onsite pond. Priority species include Amber and Red listed Birds

of Conservation Concern, brown hare, hedgehog and common toad. Species using the site are valued at no more than “local” importance.

33. It is contended that the survey material put in evidence by the Applicant give full and adequate baseline information to consider the effect of the proposal on ecological interests.

Predicted Effects and Mitigation

34. The Applicant readily accepts that the proposals would result in loss of habitats.
35. However, it would also provide new habitats including within an ecological mitigation area granted permission by Cheshire East Council.
36. The landscaping would include new and enhanced hedgerows, new tree and scrub planting, enhancement to woodlands and grasslands, new and enhanced ponds on a 2 for 1 ratio for the replacement of the GCN breeding pond and strengthened wildlife corridors along Bradley Brook, the site boundaries and to the centre of the site.
37. In general, pre-start survey updates and CEMP measures would mitigate adverse effects on protected and priority species during construction. Speed limits, wildlife-friendly lighting, and green links would mitigate effects during operational phases.
38. Roosts of common bat species are in three buildings onsite. Two of these buildings would be lost but timing of works, improvements to commuting and foraging habitats, provision of alternative roosts and sensitive lighting will mitigate the effects on bats.
39. One pond with great crested newts and three with common toad would be lost. New ponds in a connected landscape with supporting habitats and long-term management would provide enhanced and more sustainable conditions for amphibian populations.
40. Brown hare and hedgehog may experience minor adverse residual impacts. The bird assemblage will experience varying effects, with many species benefiting from the greater quality and diversity of habitats. However, breeding skylark, wintering lapwing and starling would experience Minor Adverse residual impacts which would be compensated via offsite measures secured by a S106 obligation.
41. Consequently, it is the position of the Applicant that the overall effect on the species resident on the site is not a significant harm weighing against the proposals.

HRA Conclusions

42. In July 2023, the applicant prepared a shadow HRA during the first adjournment.
43. This assessment determined there will be no likely significant effects arising from the scheme alone.

44. However, in combination with proposals outlined in both draft Warrington and Greater Manchester local plans, there was potential for effects on the Holcroft Moss component of Manchester Mosses SAC as a result of increased traffic movements past the SAC.
45. Taking account of mitigation, the contribution to mitigate Holcroft Moss, the travel policies and SAC habitat mitigation set out in the local plan, it was concluded overall there will be no adverse effects on the integrity of Manchester Mosses SAC.
46. Natural England agreed with this conclusion which also matched that of Warrington Council's HRA.

The overall effect of the proposal

47. Warrington's ecological advisors, Natural England, the Environment Agency, and Cheshire East Council have no objection.
48. The Case Officer previously concluded that subject to conditions and S106 obligation there would be no unacceptable impacts on ecology or biodiversity interests and the application accords with relevant policy.
49. The parameter plans demonstrate how the mitigation hierarchy has been applied and how habitat works will deliver ecological benefits. Features that do or could contribute to green infrastructure, local wildlife corridors, or ecological networks would be enhanced / created within the site. Unavoidable damage or disturbance would be mitigated by measures detailed in a CEMP. The conditioned phasing plan would ensure habitat loss and creation/enhancement is phased across the site.
50. Positive management for at least 30 years will turn intensively managed agricultural land into a diverse mosaic of habitats of greater value for wildlife.

Habitats:

51. No irreplaceable habitats would be impacted, and no loss of semi-natural woodland, watercourses, ditches, or species rich hedges is proposed. Species poor hedgerows and ponds would be the only priority habitat losses and new and enhanced pond and hedgerow habitats would be provided on site to mitigate these losses.

Species:

52. Measures have been outlined to avoid or mitigate impacts on most priority species and compensation provided for any adverse effects on some farmland bird species. Minor Adverse residual effects would likely remain for brown hare and potentially hedgehogs; species valued at the local level but overall, the ecology chapter of the ES concludes only negligible effects on ecology.

Compliance:

53. Therefore, it is demonstrated that the scheme complies with Chapter 15 of the NPPF. Similarly, it is also compliant with Warrington Local Plan Policy DC3 and DC4 and relevant sections of neighbourhood development plan policies AT-D2 and AT-TH2.
54. Measures have been outlined to ensure favourable conservation status on site of European protected species (non-maternity bat roosts and a small population of great crested newt) and it is reasonable to assume NE would issue the necessary licences.

BNG

55. The application is not subject to the Environment Act 2021 provisions for 10% BNG which came into force in January 2024, and they are not applied to applications retrospectively.
56. It does however deliver Biodiversity Net Gain to greater than 16% and 25% for habitats and hedgerows has been demonstrated under the latest biodiversity metric and in general accordance with the submitted Green Infrastructure Parameters Plan.
57. This is a degree of gain which goes beyond current policy and legislation.

Gatewarth Bird Mitigation Site proposed.

58. The Section 106 provides a sum of money to enhance the offsite habitat for the benefit of birds impacted by the proposal.
59. Gatewarth is now proposed to be the recipient of that money. The site is owned by the Council. It is the view of Ms Seal that the proposed site will be suitable and satisfactory in dealing with Skylarks and Lapwings as is set out in the Seal addendum dated May 2024.

Conclusion on ecology

60. In summary, the outline mitigation and compensation proposals demonstrate how the proposed development meets the mitigation hierarchy, wildlife legislation requirements, is in accordance with planning policy and exceeds biodiversity net gain requirements.

Section 6 - The effect of the proposal on the highway network? (Main Issue 5)

61. The Proof of Evidence and oral evidence of Mr Alex Vogt addressed matters relating to traffic and transport.
62. Mr Vogt has a Master of Science Degree in Transport Engineering and Planning, holds the Transport Planning Professional (TPP) qualification from the Chartered Institution of

Highways and Transportation (CIHT) and achieved Fellowship status with the same body in 2019.

The site location adjacent to M6 and M56

63. Mr Vogt described the highway network surrounding the site and how the site is exceptionally well located in relation to the Strategic Road Network (SRN). Both the M56 and M6 are less than 1km from the site which equates to a less than five-minute drive time. The SRN provides access to Liverpool 13 miles to the west and Manchester 19 miles to the east and obviously the national motorway network can be reached from both junctions in an expeditious and simple manner.

The proposals

64. The evidence explained how vehicular access is proposed via two new roundabouts on Grappenhall Lane to the north of the site. Land adjacent to Grappenhall Lane is also safeguarded at the request of WBC in case any expansion works are required in the future. The access proposals are accompanied by major highway improvements at the A50/M6 Junction to the east of the site as required and sought by the highway authority and National Highways.

65. With regard to Active Travel, the proposals include a new 1.2km 3.5m wide shared footway/cycleway along the site frontage on Grappenhall Lane. An additional contribution of £405,000 is also agreed to extend the footway further to the west and south to tie in with the existing trading state, Barleycastle Lane and the existing footway network leading to Appleton Thorn.

66. When combined, the contribution and improvements along the site frontage deliver circa 1.6km of new pedestrian and cycle infrastructure to provide a continuous link between the site and Appleton Thorn in the west. Street lighting is also proposed along the entire length of Grappenhall Lane, and this coupled with a reduction in the speed limit will also assist Active Travel. As explained by Mr Rolinson, this links to the pedestrian and cycle infrastructure to be delivered by the developers of the Southeast Warrington Urban Extension which is now part of the adopted LP.

67. Public Transport improvements will be delivered via a 685k contribution agreed to provide a bespoke shuttle bus that would serve the site. A bus of this nature would connect the most deprived areas with the site at times when people actually need the bus and will also provide benefits to the current occupiers of the adjacent employment site who currently have limited public transport opportunities.

68. A Travel Plan has been prepared and this will be developed further with support of WBC Highways and via a 50k contribution secured for monitoring and implementation. A steering group would also be established similar to the Omega Transport Steering Group.

Assessment

69. The evidence demonstrated how the planning application was supported by a Transport Assessment, a Traffic and Transport Environmental Statement Chapter and a Framework Travel Plan. In preparing these documents extensive discussions were held with Warrington Borough Council (WBC) Highways and National Highways (NH).
70. Prior to determination of the application, agreement was reached with Warrington Borough Council (WBC) and National Highways (NH) that the proposed development would not give rise to unacceptable traffic and transport impacts, subject to the implementation of agreed mitigation.
71. Neither party attended the Inquiry nor contested this position.
72. Notwithstanding the position of no objection, the evidence considered the National and Local policy context and concluded that that there are two fundamental requirements that must be achieved. Firstly, does the development represent sustainable development in accordance with the National Planning Policy Framework (NPPF) and the Local Plan. Secondly, will the development result in an unacceptable impact on highway safety or residual cumulative impacts that are severe as set out in NPPF Para 111.
73. With regard to sustainable development, the evidence set out that:
 - 73.1. Opportunities for sustainable travel in the vicinity of the Site are currently limited. However, this is a factor of the Site location, remote from the existing settlement, which is typical of Sites appropriate for B8 logistical use, where a key requirement is good connectivity to the Strategic Road Network. This is recognised in Para 87 of the NPPF.
74. However:
 - 74.1. Pedestrian and cycle infrastructure along the entire frontage of the Site and to the west of the Site, in the form of a 3.5m shared pedestrian cycle route, would be secured via a combination of condition and obligation.
 - 74.2. A contribution of £685,000 could be secured towards a bespoke bus service that will provide connections between the Site and areas where the workforce live.
 - 74.3. A Travel Plan and the establishment of a Transport Steering Group can be secured via condition and obligation.
75. With these measures in place, the site is considered accessible in accordance with the NPPF. Furthermore, the proposals offer benefit to existing residents and employees of existing employment units and are considered compliant with Appleton Thorn Neighbourhood Plan AT-TH2 and the WBC Local Plan.

76. With regard to highway impact, detailed modelling has been undertaken and this describes that there would be no severe impact on the operation of the highway network, subject to appropriate mitigation.
77. Mitigation has been identified in the form of a comprehensive improvement scheme for the A50 Cliff Lane/B5356 Grappenhall Lane roundabout and the M6 J20 dumbbell roundabouts. This mitigation scheme is conditioned and is considered to be deliverable.
78. With the mitigation in place the evidence described how the junction is predicted to operate with levels of queuing and delay that are better or comparable to the without development base years. The evidence described how WBC Highways and National Highways are in agreement with this conclusion.
79. The highway impact assessment also considered highway safety data over a five-year period on the highway network surrounding the site. The conclusion was that there were no unusual highway safety issues.

Response to Representations

80. Several representations referred to traffic and transport matters, and these were addressed within the Proof of Evidence and oral evidence.
81. In particular, the Rule 6 Party sought to suggest that the generation/distribution was not appropriate as all HGV's are assigned to the motorway network, but smaller electric delivery vehicles could use local roads to the west and south. i.e. they could bypass the HGV weight restrictions.
82. In oral evidence Mr. Vogt described how this was not the case:
 - 82.1. There is no certainty that operators will use a fleet of smaller vehicles. Each occupier is different and many simply use standard HGVs.
 - 82.2. Even if smaller vehicles are used, the fastest route to Manchester and Liverpool is still via the M6.
 - 82.3. Notwithstanding, the TA assess all types of movements.
 - 82.4. The trip generation is based on surveys at Omega North which provides robust figures that are higher than TRICS.
 - 82.5. Omega North likely to have comparable operational practices to proposed site so smaller vehicles captured in the generation figures.
 - 82.6. All HGV's assigned to the motorway network, but cars and vehicles under 3.5t which could be electric vehicles, are assigned to a combination of the motorway and the local network.
 - 82.7. Trip generation, composition of traffic and distribution is fully agreed with Highways and NH.

Conclusions

83. In conclusion, the evidence described how the site could be made sustainable and how there would be no severe residual cumulative impact arising from traffic associated with the proposed development.
84. Therefore, in line with the NPPF and the key policies in the Local Plan the proposed development should not be refused on transport grounds. That judgment is corroborated by the professional work of Mr. Vogt, the local highway authority, and National Highways.

Section 7 - The effect of the proposal on local air quality? (Main Issue 6)

85. The Proof of Evidence of Mr Drabble addressed matters relating to air quality. Mr Drabble has a Master of Science Degree (with Distinction) in Environmental Protection, is a Chartered Environmentalist, and a Full Member of the Institute of Air Quality Management. His evidence set out the relevant air quality legislation, policies and guidance, provided a review of the documents submitted in the application, and addressed objectors' concerns.
86. The evidence addressed the likely changes in local air quality during the construction of the development, and as a consequence of exhaust emissions from the road traffic predicted to be generated by the scheme once operational, and of accumulative effects with other planned developments.
87. Mr Drabble described the existing air quality in Warrington, citing long-term measurements made by Warrington Borough Council and the Government's mapped datasets, which both showed that ambient air pollutant concentrations have been and in future will continue to reduce over time.
88. In consideration of both annual and short-term average NO₂, PM₁₀ and PM_{2.5} concentrations, the relative change at all residential receptor locations due to Six56 generated traffic, and therefore the impact of these emissions, would be negligible.
89. The evidence also described how the likely impacts at Woolston Eyes SSSI had been assessed, by comparing modelled NO_x levels and deposition values to the relevant Critical Levels and Critical Loads, at the closest point within the designation. The pollutant deposition impacts at this SSSI will be negligible.

Adjournment and HRA Conclusions

90. Following the Inquiry adjournment in July 2023, the applicant prepared a shadow HRA to determine the likely effects upon the Manchester Mosses SAC, specifically Holcroft Moss. A detailed traffic emissions dispersion modelling study showed that HGV traffic generated by the Six:56 development would not give rise to a significant impact (of greater than 1%) of any Critical Level or Critical Load value. The Six:56 development HGV traffic, added to future growth as well and WBC Local Plan traffic projections, in combination with the existing and projected baseline values, showed that the ammonia Critical Level and the

nitrogen and acid deposition Critical Load values would be exceeded, but this is the case in the existing situation. This was as concluded by Warrington Council's own HRA report.

Response to Representations

91. Several representations made reference to a WHO report on air pollution in cities around the world, and mistakenly made the interpretation that Warrington is 'in the top five of most polluted locations in the UK'. The WHO report which was cited included annual data as measured at the urban background Selby St station in Warrington. The same dataset is fully available on the Government's air quality website, is published annually by WBC, and is provided in the ES.
92. Mr Drabble explained in cross-examination that the Warrington levels are not in the top five for any of the published pollutants, NO₂, PM₁₀ or PM_{w2.5}. He also addressed the question on fine airborne particulate matter generated by vehicle tyre and brake wear, confirming that this material is measured by the background monitoring systems and therefore is reported, and is also included in the traffic modelling emission factors and therefore was accounted for in the ES.

Conclusion on air quality

93. Overall, the proposed development of itself or in combination with other relevant developments will not result in any exceedances of the Government's health-based air quality Objectives, and air quality within designated Air Quality Management Areas (AQMAs) will not be significantly affected. Exhaust pollutant effects on designated ecological sites will not be significant.
94. It is considered that there will be very limited harm to air quality, and the evidence presented showed that the relevant requirements of the NPPF, the UK Air Quality Strategy Objectives, the air quality PPG and local plan policies, will be met.
95. Consequently, very limited weight can be given to this harm in the overall planning balance.

Section 8 - The effect of the proposal on landscape character? (Main Issue 7) and visual amenity

96. The only qualified landscape evidence before this inquiry is that of Mr Taylor who is a highly experienced and respected witness. His evidence on landscape and visual impact was comprehensive and detailed and builds on the work previously done in the ES and the original LVIA.
97. The starting point of course is to consider what is actually proposed – See Appendix 2.
98. This proposal is of significant magnitude. It is a very significant development. The methodology to be applied to landscape character harm and visual amenity harm will

inevitably identify significant harm when one is considering effectively greenfield land, inserting significant built development and then considering the extent of change.

99. The EIP Inspectors considered that the SEWEA draft allocation which included the application site would have a significant adverse effect on the character and appearance of the area. [Paragraph 184]

100. That is true for the SEWEA draft allocation.

101. That conclusion and the weight to be given to the harm has to be considered in the following context:

101.1. The application site is only part of the SEWEA draft allocation.

101.2. This site is 98 hectares which makes it a very large development which will inevitably cause material and significant harm. No proposal of this magnitude could do not have such consequences in terms of visual amenity and landscape character.

101.3. It is noteworthy that no party contends that this development can take place on brownfield land.

101.4. It is noteworthy that all 5 Secretary of State applications in 2021 took place on greenfield land and in 4 out of 5 the Secretary of State accepted that such harm could be justified when considering the proposals and the benefits that would be brought.

101.5. No one sensibly contends that the need can be met without needing to use greenfield land.

101.6. The land is not designated, and no one contends that it should be considered valued as so defined in paragraph 180 of the NPPF.

101.7. The sensitivity of the local landscape character areas of LCA 1,4 and 3 do not have a sensitivity higher than medium.

101.8. Therefore, the proposal is intended for a landscape which is not of great sensitivity or value and that is an important starting point.

101.9. The majority of the harm will be on LCA 1b Appleton Thorne which is currently heavily affected by the Appleton Thorne Industrial Park and Barleycastle Trading Centre.

101.10. Its rural character is clearly diminished by existing large-scale infrastructure – the motorways, associated noise and the two large industrial estates in close proximity.

101.11. There will be Moderate/Substantial adverse effect to the LCA 1b.

101.12. The effects to LCA 3A and 7A are less pronounced.

101.13. In terms of visual effects 29 receptors have been considered in the LVIA and the ES.

101.14. Within close proximity of the development the visual effects vary from moderate to substantial.

101.15. Inevitably there will be material and harmful effects in close proximity to the development.

101.16. However, the receptors are limited if one considers the topography of the site, the number of receptors and the intervening vegetation which will assist in screening views.

101.17. Additionally, it is proposed to plant significant amounts of landscaping which will assist in the screening of the proposal. Mitigation measures have been proposed which will include landscape bunds and woodland planting.

101.18. Minimal tree loss is required to implement the development and large areas of existing woodland and hedgerows are retained.

101.19. Additionally, the landscape and ecological mitigation are extensive and include:

101.19.1. The provision of new ponds.

101.19.2. The planting of wildflower meadow and grassland.

101.19.3. Hedgerows and woodland planting.

101.20. It is the overall view of Mr Taylor that visual effects that remain significant are restricted to within 1 kilometre of the site and the majority of these impacts being recorded within or at the boundaries where such impacts would be considered inevitable and likely.

101.21. Fundamentally the actual area of visual influence is very local and significant effects retained within an area of 0.5 to 1 kilometre from the centre of the site.

102. Therefore, there will be moderate/substantial landscape character and visual impact if planning permission is granted but that harm will be restricted to a relatively small area considering the size of the proposals and such harm is inevitable in such a proposal. However, it is important that this harm is not being imposed on a valued landscape, not identified in any way as being above the ordinary and no one has contended credibly that it should be considered valued. It is also highly material that no one has contended properly that there would be a landscape that could host the development with less harm in the vicinity that the Applicant has ignored or avoided.

Section 9 - Whether the site is appropriate for the proposed development considering the development plan and national planning policy? (Main Issue 8)

103. In accordance with law and policy, the Secretary of State will need to consider whether the proposal complies or not with the development plan.

104. The position of Mr Rolinson is clear – this is a proposal that does not overall comply with the development plan but there are numerous policies which are complied with.

TABLE 2 - COMPLIANCE OR NOT WITH THE DEVELOPMENT PLAN FOR THE PURPOSES OF SECTION 38(6) OF THE TCPA 1990					
THE 2023 LOCAL PLAN					
	POLICY	PAGE	COMPLIANCE OR NOT	WEIGHT	
MOST IMPORTANT					
1.	DEV 4 - ECONOMIC GROWTH AND DEVELOPMENT	56	PARTIAL NON-COMPLIANCE - NOT IDENTIFIED IN PART 4 OF THE POLICY	FULL	
2.	GB 1 - GREEN BELT	70	PARTIAL NON-COMPLIANCE - BREACHES PART 1 OF THE POLICY.		
3.	INF 1 - SUSTAINABLE TRAVEL AND TRANSPORT	85	YES		
POLICIES MOST RELEVANT					
4.	INF 2 - TRANSPORT SAFEGUARDING	91	YES	FULL	
5.	INF 3 - UTILITIES, TELECOMMUNICATIONS AND BROADBAND	96	YES		
6.	INF 5 - DELIVERING INFRASTRUCTURE	103	YES		
7.	DC 1 - WARRINGTON'S PLACES	110	NO - PROTECTION OF COUNTRYSIDE FROM INAPPROPRIATE DEVELOPMENT.		
8.	DC2 - HISTORIC ENVIRONMENT	116	YES		
9.	DC 3 - GREEN INFRASTRUCTURE	120	YES		
10.	DC 4 - ECOLOGICAL NETWORK	128	YES		
11.	DC 6 - QUALITY OF PLACE	141	NO - ADVERSE IMPACT ON LANDSCAPE CHARACTER		
12.	ENV 1 - WASTE MANAGEMENT	147	YES		
13.	ENV 2 - FLOOD RISK AND WATER MANAGEMENT	152	YES		
14.	ENV7 - RENEWABLE/ LOW CARBON ENERGY DEVELOPMENT	173	YES		
15.	ENV 8 - ENVIRONMENTAL AND AMENITY PROTECTION	178	YES		
16.	M1 - LOCAL PLAN MONITORING.	250	N/A		
THE APPLETON PARISH THORN NEIGHBOURHOOD DEVELOPMENT PLAN 2017					
1.	POLICY AT - D1 - DESIGN	36	PARTIAL NON-COMPLIANCE WITH CRITERIA [E] CHARACTER OF AREA AND [I] RESPECTING LOCAL SETTINGS.		FULL
2.	POLICY AT - D2 - LOCAL LANDSCAPE CHARACTER	38	PARTIAL NON-COMPLIANCE WITH RESPECT TO PRESERVING OPEN LANDSCAPES [CRITERIA [D]		
3.	POLICY AT-D3 - FLOOD RISK	39	YES		
4.	AT-TH1 - TRAFFIC MANAGEMENT	41	YES		
5.	AT - TH2 - SUSTAINABLE TRANSPORT MEASURES	41	YES		
6.	AT- E1 - NEW LOCAL EMPLOYMENT OPPORTUNITIES	43	YES		

Section 10 - Would the grant of planning permission be premature in the light of where the emerging plan is and the guidance in the NPPF relating to such matters? (Main Issue 9)

105. Obviously, this issue has been superseded by events and there is no issue of prematurity in principle when a development plan has been recently adopted and there is no emerging development plan in the near future.

Section 11 - What harm is there to be considered overall? (Main Issue 10)

106. The audit of harm is as follows:

- 106.1. There are 8 specific harms arising from this proposal as set out below.
- 106.2. Harm 1 - The definitional harm to the Green Belt.
- 106.3. Harm 2 - The harm to the Green Belt openness.
- 106.4. Harm 3 - The harm to the third purpose of the Green Belt namely encroachment.
- 106.5. Harm 4 - The Harm to Heritage Assets.
- 106.6. Harm 5 - The Harm to the development plan system.
- 106.7. Harm 6 - The effect on BMV.
- 106.8. Harm 7 - The Effect on Air Quality.
- 106.9. Harm 8 - Landscape character and visual impact
- 106.10. The cumulative weight to be given to the harms.

107. They will now be dealt with in turn:

- 107.1. Harm 1 - The definitional harm to the Green Belt - The Applicant accepts that significant weight needs to be given to this harm as set out in NPPF paragraph 153. The proposal is for inappropriate development and therefore significant weight needs to be given to this harm. This weighting is set out in terms in the NPPF and cannot be queried or challenged.
- 107.2. Harm 2 - The harm to the Green Belt openness - The fundamental aim of GBs is to keep the land permanently open to prevent urban sprawl and therefore this proposal which seeks the development of 98 hectares will by definition cause harm to openness and again Mr Rolinson accepts that this should receive significant weight both in terms of spatial and visual terms which are material when assessing openness.
- 107.3. Harm 3 - The harm to only the third purpose of the Green Belt namely encroachment - The LPA have looked at this matter in great detail particularly in the context of the evidence base that underpinned the submission version of the Local Plan and concluded that the only real harm is the encroachment into the countryside namely purpose 3. In contrast to the position of the Rule 6 party, the Inspectors to the Local Plan at paragraph 185 made clear that the only harm was to “one of the purposes” of the Green Belt. Mr Rolinson agrees with that assessment and again accepts that there is significant weight to this harm.
- 107.4. Harm 4 - The harm to heritage assets - Overall for the reasons set out under Main issue 3 and by Mr Rolinson at paragraph 5.63 of his evidence the harm is limited to moderate.

- 107.5. Harm 5 - The harm to the development plan system – there will be harm to the development plan system and in particular the confidence of the public in the plan led system. However, it must be recognised as discussed with Mr Groves in XX that the law allows for other material considerations to outweigh the development plan even if recently adopted and given full weight as required by statute. In this regard Mr Rolinson judges that the harm should be limited.
- 107.6. Harm 6 - The effect on BMV – The proposal will result in the loss of 24.65 ha of BMV agricultural land. The reality is that the vast majority of the site – 73 hectares is not BMV and the loss of BMV has been minimalised by the proposal. Mr Rolinson’s planning judgment is that this should get limited weight in the planning balance.
- 107.7. Harm 7 - The Effect on Air Quality – This matter is dealt with in Section 7. Mr Drabble overall concludes that the harm would be “very limited” and consequently Mr Rolinson gives this very limited weight in the planning balance.
- 107.8. Harm 8 – Landscape and visual impact – This matter is dealt with above in Section 8. Mr Rolinson accepts that this is a harm that needs to be weighed in the balance and therefore should be given moderate/substantial weight in the planning balance.
- 107.9. The cumulative weight to be given to the harms is therefore:

NUMBER	HARM	WEIGHT
1.	DEFINITIONAL HARM TO THE GREEN BELT	SIGNIFICANT
2.	HARM TO THE OPENNESS OF THE GB	SIGNIFICANT
3.	HARM TO THE PURPOSES OF THE GB	SIGNIFICANT
4.	HARM TO HERITAGE ASSETS	LIMITED/MODERATE
5.	HARM TO THE DEVELOPMENT PLAN SYSTEM	LIMITED
6.	THE EFFECT ON BMW	LIMITED
7.	EFFECT ON AIR QUALITY	VERY LIMITED
8.	LANDSCAPE CHARACTER AND VISUAL AMENITY	MODERATE/SUBSTANTIAL
CUMULATIVE WEIGHT TO HARM		MODERATE/SIGNIFICANT

Section 12 - Are there circumstances which outweigh the harm to amount to very special circumstances? (Main Issue 11)

108. Now one needs to consider the benefits relied on by Mr Rolinson and whether they amount to very special circumstances as required by NPPF paragraph 153:
- 108.1. Benefit 1 – Planning policy support for the proposal.
- 108.2. Benefit 2 – The urgent need and demand for employment land.
- 108.3. Benefit 3 – The lack of alternative sites for the proposal.
- 108.4. Benefit 4 – The locational advantages of the site and its delivery.

- 108.5. Benefit 5 – The economic benefits of the proposal.
 - 108.6. Benefit 6 – The social benefits of the proposal.
 - 108.7. Benefit 7 – The improvements in the Highway network.
 - 108.8. Benefit 8 – The environmental benefits.
 - 108.9. Benefits 9 – the position of Cheshire East
 - 108.10. The cumulative benefit to be given to the benefits.
109. They will now be dealt with in turn:
- 109.1. Benefit 1 – Planning policy support for the proposal.
 - 109.1.1. This is shown by the following factors:
 - 109.1.2. The key expression of Government Planning Policy is set out in the up-to-date NPPF which is explicit, recent, and highly consequential.
 - 109.1.3. In essence the planning system should achieve sustainable development.
 - 109.1.4. One of the overarching objectives of the NPPF is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity.
 - 109.1.5. It is the contention of the applicant that this proposal with its economic benefits is completely of the right type in the right place and at the right time.
 - 109.1.6. Additionally, there is a social overarching objective to support strong, vibrant and healthy communities which this proposal will do with its very significant investment and jobs that will be generated by this proposal.
 - 109.1.7. Finally, there is the environmental objective of seeking to improve biodiversity which this proposal will absolutely do.
 - 109.1.8. Additionally, it must not be forgotten that chapter 8 is entitled building a strong competitive economy.
 - 109.1.9. It also seeks that planning decisions should help create the conditions in which businesses could invest, expand and adapt. [Paragraph 85]
 - 109.1.10. Para 87 requires the specific locational requirements of different sectors to be taken into account in planning decisions including specifically “storage and distribution operations at a variety of scales and in suitably accessible locations”.
 - 109.1.11. It is also clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
 - 109.1.12. This is a benefit which Mr Rolinson gives significant weight to in the planning balance which accords in terms with NPPF 85.
 - 109.2. Benefit 2 – The urgent need and demand for employment land.
 - 109.2.1. The Secretary of State has shown his willingness to accept this issue by his decisions in 2021 when he confirmed that there is an evidence and compelling planning policy imperative for high-quality logistics floorspace regionally, sub-regionally and locally.
 - 109.2.2. That is set out in terms in Mr Rolinson’s Appendix DR 03.
 - 109.2.3. It is the position of the Applicant for the reasons articulated by Mr Kinghorn that there is a requirement for a further significant uplift in employment provision.

- 109.2.4. That is endorsed by Mr Johnson who it must be stressed is clearly an agent of significant expertise and knowledge of the local market. His evidence corroborates the previous views of Mr Pexton, Model Logic and the evidence given in 2021 relating to need in the NW.
- 109.2.5. The nub of his evidence is as follows:
- 109.2.5.1. Warrington is an incredibly attractive location in the NW.
 - 109.2.5.2. It is the epicentre of occupier's requirements.
 - 109.2.5.3. It is noteworthy that the R6 party accept that "*Warrington has a huge strategic locational advantage where demand for sites for logistics related development is almost incapable of being satisfied*" [R6 Closing para 29].
 - 109.2.5.4. There will be a crisis in the provision of employment land unless the supply improves significantly.
 - 109.2.5.5. The recent past was an exceptionally low year for take up and must be viewed as an exception.
 - 109.2.5.6. The take up in 2024 is considerably better and a significant proportion of stock will have been taken up by the year end.
 - 109.2.5.7. The additional buildings in the pipeline will not meet the market requirements as they are spread throughout the NW and do not meet the locational requirements of strategic logistics occupiers.
 - 109.2.5.8. There is now a significant upturn in enquiries for large units.
 - 109.2.5.9. The 4 current locations for large units [Deeside, Heyward, Preston, and Crewe] and the three sites with existing permissions are disparate in location and are not in the key M6 corridor save for Heyward.
 - 109.2.5.10. There is a shortage of supply in both larger units and the wider market.
 - 109.2.5.11. If he is right, then by the end of the year there will be only 9 months supply.
 - 109.2.5.12. If nothing is done there will be a crisis in 2-3 years.
 - 109.2.5.13. It is also the case that proposed occupiers do not go to secondary locations like Birkenhead. The huge costs involved which can be in tens of millions preclude the attraction of secondary locations and add trunking costs.
 - 109.2.5.14. The occupier will wait for an opportunity in the location they want or will go outside the region.
 - 109.2.5.15. That is also evidenced that where developers have built speculatively in secondary locations then the units do not appeal to the market and sit empty for years.
 - 109.2.5.16. Therefore, this is the site, and this is the location that the market want.
 - 109.2.5.17. It is noteworthy that no one has said that if planning permission is granted there will be no market interest in these units.
 - 109.2.5.18. There appears a consensus which reflects Mr Johnson's evidence that these units will be incredibly attractive because of the site's characteristics and therefore the benefits claimed will be realised.
 - 109.2.5.19. These units will be utopia.
 - 109.2.5.20. These units represent 10/10.

- 109.2.5.21. Therefore, grant permission and a vast supply of the highest quality employment space will be available to the strategic market.
- 109.2.5.22. Refuse and all the benefits of developing here will be lost elsewhere or not be realised for many years.
- 109.2.6. It is also necessary to note that Mr Groves (contrary to PRS's XX yesterday) accepted the proposition put to him in XX that the demand was insatiable. That was the evidence of the R6 party and corroborates everything Mr Johnson told you in evidence yesterday.
- 109.2.7. This is a benefit which Mr Rolinson gives significant weight to in the planning balance.
- 109.3. Benefit 3 – The lack of alternative sites for the proposal.
- 109.3.1. Enormous thought has been devoted to this and research both by the applicants and the local planning authority.
- 109.3.2. The applicant has carried out very significant investigation both at the application stage and at this inquiry.
- 109.3.3. Mr Rolinson has done an extensive search which has revealed no alternative site [Application documentation and DR Appendix 5].
- 109.3.4. That work has been corroborated and endorsed by the LPA.
- 109.3.5. The reality is that there is simply no alternative site which could meet this need identified.
- 109.3.6. Even the EIP Inspectors accepted that the site is clearly attractive to the development industry [Paragraph 174]
- 109.3.7. This is a benefit which Mr Rolinson gives significant weight to in the planning balance.
- 109.4. Benefit 4 – The locational advantages of the site and its delivery.
- 109.4.1. The locational advantages of the site are clear.
- 109.4.2. The actual location benefits from unique and superb access to two motorways with the junctions to the M56 and M6 being in incredibly close proximity to the site.
- 109.4.3. The site is perfectly suited to benefit from access to Manchester and Liverpool.
- 109.4.4. The locational position of the site has been examined in detail by Model Logic and compared to other sites.
- 109.4.5. It is ranked as number 1 site by them.
- 109.4.6. That view is corroborated by the EDNA to support the local plan in August 2021 [CD4.93] which concluded that this was the only site granted an A+.
- 109.4.7. This is a benefit which Mr Rolinson gives significant weight to in the planning balance.
- 109.5. Benefit 5 – The economic benefits of the proposal.
- 109.5.1. The Applicant has commissioned a leading consultancy to consider the proposal – Amion.
- 109.5.2. Their approach and methodology was endorsed by the Secretary of State in the Parkside call in inquiry of 2021.
- 109.5.3. Their view is that both through construction and operation the proposal will generate huge number of jobs.

- 109.5.4. Directly at least 183 construction jobs will be created through the 6.5 years of construction.
- 109.5.5. Added to that is between 46-84 jobs indirect, direct, and induced jobs.
- 109.5.6. During operation the job predictions for both direct and indirect range from 3,129 to 4113 again an incredibly significant number.
- 109.5.7. This is a benefit which Mr Rolinson gives significant weight to in the planning balance.
- 109.6. **Benefit 6 – The social benefits of the proposal.**
- 109.6.1. Those jobs will be done by locals and those that live in the vicinity of the site encouraged through a Local Employment Agreement.
- 109.6.2. Significant training and career advancement will be available as well for those employed on the site.
- 109.6.3. The Application will bring forward many social benefits for the local population.
- 109.6.4. Understandably given the guidance in the NPPF this is a benefit which Mr Rolinson gives significant weight to in the planning balance.
- 109.7. **Benefit 7 – The improvements in the highway network.**
- 109.7.1. As is set out in Section 6 the proposal will bring forward many benefits to the highway network particularly focussed upon the provision of the new shuttle bus facility.
- 109.7.2. This is a benefit which Mr Rolinson gives moderate weight to in the planning balance.
- 109.8. **Benefit 8 – The environmental benefits.**
- 109.8.1. There will be material environmental benefits principally by reason of the BNG proposed.
- 109.8.2. This is a benefit which Mr Rolinson gives moderate/limited weight to in the planning balance.
- 109.9. **Benefits 9 – the position of Cheshire East**
- 109.9.1. This is a benefit which Mr Rolinson gives moderate weight to in the planning balance.
- 109.10. The cumulative benefit to be given to the benefits.

NUMBER	BENEFIT	WEIGHT GIVEN BY ROLINSON
1.	NATIONAL POLICY SUPPORT	SIGNIFICANT
2.	NEED/DEMAND FOR EMPLOYMENT LAND	SIGNIFICANT
3.	LACK OF ALTERNATIVE SITES	SIGNIFICANT
4.	LOCATIONAL ADVANTAGES OF THE SITE	SIGNIFICANT
5.	THE ECONOMIC BENEFITS	SIGNIFICANT
6.	THE SOCIAL BENEFITS	SIGNIFICANT
7.	THE HIGHWAY IMPROVEMENTS	MODERATE
8.	THE ENVIRONMENTAL BENEFITS	MODERATE/LIMITED
9.	THE GRANT OF PP BY CHESHIRE EAST	MODERATE
CUMULATIVE WEIGHT TO BENEFITS		VERY SIGNIFICANT

Section 13 – Whether the harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances to justify the grant of planning permission? (Main Issue 2)

110. It is important to focus on the final words of Mr Johnson: *“This situation is a potential crisis down the road which will lead to market failure and therefore reinforces the urgent need for additional floor space. If consented Six 56 will become the best strategic employment site in the Northwest and due to its attributes will be top of the list for the majority of occupier requirements. Its prime location on the M6 along with its ability to offer a wide range of unit sizes including several plots over 46,500 sq. m, gives it a unique position compared to all other consented sites. In my opinion not granting consent for the scheme will be a very significant missed opportunity for the Northwest region, the town, and the economy”* [Addendum paragraph 1.25, ID 69]
111. The planning system can be a major force of good.
112. It can fundamentally change lives for the better by improving the environment, by providing for social benefits and bringing about economic growth.
113. This proposal does all of that in spades – It will be a real game changer for this authority, this region, and this country.
114. That is not just an advocate’s hyperbole but the actual position having heard Mr Johnson’s evidence yesterday.
115. The truth is that this site represents utopia. It is a 10/10 site. It has the capacity to provide for between 4 and 13 units with a total floorspace just below 300,000 square metres.
116. It will become a site of national significance to this country’s economy.
117. The proposal has been subject to a huge amount of scrutiny by the LPA.
118. This proposal has been subject to a huge amount of scrutiny by the Rule 6 party at this inquiry.
119. No harm has been identified which is so weighty as to outweigh the benefits which will so significantly and materially arise if planning permission is granted.
120. The legal framework identifies and allows the development plan to be outweighed by other material considerations. That happens in this case.
121. The policy framework currently identifies and allows inappropriate development in the Green Belt if there are very special circumstances to justify it. That happens in this case.

122. The policy framework currently allows harm to be imposed on designated heritage and non-designated heritage assets if the benefits outweigh the harm. That happens in this case.
123. Finally, it is open to you to recommend planning permission should be granted where you are faced with a unique, compelling, and powerful case that supports the grant of planning permission. That happens in this case.
124. And be in no doubt that you are in very good company:
- 124.1. The Officers Report to the LPA [March 2022] which concluded that the identified need, absence of alternatives and socio-economic benefits is compelling and weighs very heavily in favour of the proposed development [Paragraph 12.2, CD] and there was VSC to outweigh any harm to the GB. [CD 4.151]
- 124.2. The Secretary of State concluded in relation to the Junction 25 Wigan Call in: “There is an evident and compelling planning imperative for high-quality logistics floorspace regionally, sub-regionally and locally” [Rolinson Appendix DR04, paragraph 1.4] and there was VSC to outweigh any harm to the GB.
- 124.3. The Secretary of State concluded in relation to the Wingates Bolton Call in: “There is persuasive evidence that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in the development” [Rolinson Appendix DR 04 paragraph 1.8] and there was VSC to outweigh any harm to the GB.
- 124.4. The Secretary of State concluded in relation to the Omega, St Helens Call in: “There is a shortage in the supply of readily available sites to meet the needs of major logistics operators in the Northwest” [Rolinson Appendix DR 04 paragraph 1.13] and there were VSC to outweigh any harm to the GB.
- 124.5. The Secretary of State concluded in relation to Parkside Call in: “There is clearly a pressing commercial need for new logistics floorspace at a local, Liverpool City Region and Northwest level and an evident need for the development proposed, and that the need for employment land has to be afforded very substantial weight” [Rolinson Appendix DR 04 paragraph 1.17] and there were VSC to outweigh any harm to the GB.
- 124.6. The approach of officers of Wakefield in March 2024 to give the economic benefits VSC and that pp should be granted notwithstanding the harm to the GB [See ID71, page 112 of Appendix 1].
125. Therefore, in conclusion it is open to you to recommend the grant planning permission when those four important factors are met, numerous other comparative planning judgments have taken the same approach and the evidence here is so compelling as to why planning permission should be granted.

13 JUNE 2024.

SASHA WHITE K.C.
LANDMARK CHAMBERS.

THE APPENDICES

APPENDIX 1 - THE INQUIRY PROGRAMME:

WEEK ONE – 9-12 MAY 2023		
DAY	DATE	PROGRAMME
1.	TUESDAY 9 MAY 2023	INSPECTORS OPENING REMARKS, OPENING SPEECHES, THIRD PARTY REPRESENTATIONS.
2.	THURSDAY 11 MAY 2023	GROVES EVIDENCE FOR THE RULE 6. TAYLOR – LANDSCAPE WITNESS FOR THE APPLICANT.
3.	FRIDAY 12 MAY 2023	ANDY CARTER MP.
FIRST ADJOURNMENT		
WEEK TWO – 10-11 OCTOBER 2023		
4.	TUESDAY 10 OCTOBER	MACQUEEN – HERITAGE WITNESS FOR THE APPLICANT. VOGT – TRAFFIC WITNESS FOR THE APPLICANT.
5.	WEDNESDAY 11 OCTOBER	SEAL – ECOLOGY WITNESS FOR THE APPLICANT. DRABBLE – AIR QUALITY WITNESS FOR THE APPLICANT.
SECOND ADJOURNMENT		
WEEK THREE – 9-11 JANUARY 2024		
6.	TUESDAY 9 JANUARY 2024	ADJOURNMENT NECESSITATED BY SECTION 113 CHALLENGE TO THE LOCAL PLAN BY BROOKLINE LIMITED.
THIRD ADJOURNMENT		
WEEK FOUR – 11-13 JUNE 2024		
7.	TUESDAY 11 JUNE 2024.	GROVES – PLANNING FOR THE RULE 6. KINGHAN EMPLOYMENT LAND [QUANTUM] WITNESS FOR THE APPLICANT. [VIRTUALLY]
8.	WEDNESDAY 12 JUNE 2024	JOHNSON EMPLOYMENT LAND [DEMAND] WITNESS FOR THE APPLICANT ROLINSON PLANNING WITNESS FOR THE APPLICANT
9.	THURSDAY 13 JUNE 2024	CONDITIONS AND SECTION 106 AGREEMENT ROUND TABLE. CLOSING SPEECHES OF THE MAIN PARTIES.

APPENDIX 2 - WHAT THE APPLICATION IS FOR?

1. The proposal is as follows:
 - 1.1. It is an outline planning application with all matters reserved save for access.
 - 1.2. Therefore, matters relating to appearance, landscaping, the layout, and the scale of the development are reserved and will require the subsequent approval of the LPA⁶ if planning permission is granted.
 - 1.3. The total red line area is 98.09 hectares of which permission is sought to utilise 62.9 for development of buildings and other development.
 - 1.4. The demolition of 6 existing agricultural buildings [See Demolition Parameters Plan]
 - 1.5. The construction of up to 287,909 sqm gross internal employment floorspace principally in Use Class B8 but with some ancillary E(g)(i) use floorspace (offices) in buildings ranging in height from 16 metres to 30 metres:
 - 1.5.1. In four zones – A, B, C and D. [See Development Cells Parameters Plan]
 - 1.5.2. In Zone A [2.33 ha] it is sought to allow maximum floorspace of 8,919 sqm in 1-3 units with a maximum building height of 83.50 AOD.
 - 1.5.3. In Zone B [32.84 ha] it is sought to allow maximum floorspace of 146,417 sqm in 1-6 units with a maximum building height of 84 AOD in Zone B1 and 91 AOD in Zone B2.
 - 1.5.4. In Zone C [5.06 ha] it is sought to allow maximum floorspace of 24,155 sqm in 1 unit with a maximum building height of 79 AOD.
 - 1.5.5. In Zone D [22.67ha] it is sought to allow maximum floorspace of 108,418 sqm in 1-3 units with a maximum building height of 79.50 AOD in Zone D1 and 78.00 in Zone D2.
 - 1.5.6. Therefore, there could be 4 units up to 13 units across 62.9 hectares of developed land.
 - 1.6. The provision of car and lorry parking.
 - 1.7. The provision of noise bunds and significant landscaping within the site.
 - 1.8. The creation of ecological works and drainage features.
 - 1.9. In terms of changes to the highway network:
 - 1.9.1. The existing access will be altered with the creation of two new roundabouts off Grappenhall Lane [See Access Parameters Plan]. These will constitute the main access into the development site. There will be a western access roundabout [SEE Drawing 75002 PO2] and an eastern access roundabout [See 75001 Po3]
 - 1.9.2. The internal form and layout of the roads will be for subsequent determination, but it is envisaged that there will be two internal main estate roads.
 - 1.9.3. Off-site it is envisaged there will be improvements:
 - 1.9.3.1. to the Cliff Lane Roundabout [Plan 05002 Po2]
 - 1.9.3.2. To Junction 20 of the M6 [Plan 75011 Po6]
 - 1.9.3.3. To Pedestrian and Cycle accessibility on Grappenhall Lane [75014 Po2]
 - 1.10. The creation of a SAM 30 metres buffer zone in which no buildings will be allowed to be built in or encroach into this area.
2. Additionally, it is envisaged although not sought by this planning application that the Bradley Hall Farmhouse will be retained and re-used for conversion.

⁶ Section 3 of CD 4.33 – This development’s planning application form.

APPENDIX 3 – CHRONOLOGY.

- 1968 – Warrington designated as a new town by the Government.
- 1990 – Town and Country Planning Act passed into law.
- 2004 – Planning and Compulsory Purchase Act passed into law.
- 2007 – Warrington Landscape Character Appraisal [CD 4.51]
- July 2014 – Warrington Local Plan Core Strategy adopted.
- February 2015 – High Court challenge to parts of the housing policies succeeds which result in the removal of certain parts of the housing chapter but all other policies in the LP remain unaltered.
- 2016 – LPA carry out Green Belt assessment with application site falling within GA 10 and parcels AT6-8 were within application site. [See Pare 152 of POR].
- 2016 – BE Group report for WBC Employment Needs Study.
- 2016 – Spawforths instructed to develop and submit planning application for the site. [Rolinson paragraph 1.4]
- October 2016 – LPA Executive Board agree to commence the process of reviewing the existing Local Plan Core Strategy.
- February 2017 – Appleton Thorn Ward Neighbourhood Plan made. [CD2,3]
- 7th March 2017 – First pre-application meeting with LPA. [Followed by subsequent pre-application meetings on 6/12/2017, 21/06/18, 30/07/2018, 31/08/2018]
- 2017 – Green Belt assessment carried out by the LPA.
- July 2017 – Preferred Development Options published by LPA identifying the Site to be removed from GB for employment related development.
- 18 July to 29 September 2017 – Consultation undertaken on PDO with 4,500 responses received.
- 23 February 2018 – EIA scoping report submitted by Applicant to LPA.
- 6 April 2018 – LPA provides a scoping opinion concluding the proposal does amount to EIA development.
- April to June 2019 – Consultation undertaken on Regulation 19 emerging plan.
- May 2019 - Outline Application (all matters reserved except for access) submitted to both local authorities comprising the construction of up to 287,909 m² submitted to two LPAs [98.09 hectares] – 92.16 hectares in Warrington and 5.93 hectares within Cheshire East

forming 4 developable cells⁷ and a maximum developable area of 62.9 hectares, in a range of 7-13 buildings across the site.

- 9 May 2019 – PPA signed with WBC.
- 15 May 2019 – Application validated by Warrington Borough Council [2019/34799].
- 24 May 2019 – Application validated by Cheshire East Council.
- June 2019- October 2019 – Consultation undertaken by WBC.
- 16 October 2020 – First amendment of Application with an ES addendum and removal of change of use of Bradley Hall Farm in proposal.
- October-November 2021 – Further round of consultation undertaken.
- November 2020 – Application for National Distribution Centre on land north of Barley Castle lane dismissed on appeal by Secretary of State.
- 2021 – BE Employment Needs Assessment Refresh Update.
- April 2021 – LPA undertake Green Belt Site Selection – Implications of Green Belt release.
- July 2021 – NPPF 4 published.
- August 2021 – Emerging Local Plan Employment Demand Need Assessment (“EDNA”) [CD4.93]
- September 2021 – Proposed updated Emerging Warrington Local Plan submission version. Policy MD 6 proposes the Southeast Warrington Employment Area [SEWEA] of 137 hectares for employment use and removal of the land from the Green Belt.
- 17 November 2021 – Secretary of State grants planning permission for the Parkside Employment Scheme outside St Helens [for 1 million square feet]. [CD4.126]
- November – December 2021 – Further round of consultation undertaken by LPA.
- November 2021 – Second Amendment of application included updated landscape and visual technical paper with main change a reduction in height of buildings from 40 metres to 30 metres.
- December 2021 – Members receive a briefing from officers on the scheme.
- 2 March 2022 – Agenda and report for Development Management Committee issued.
- 10 March 2022 – Warrington’s Development Management Committee consider the application with a recommendation for approval.

⁷ Cell A = 2.33 Ha, Cell B = 32.84 Ha, Cell C = 5.06 Ha, Cell D = 22.67 Ha.

- April 2022 – Application referred to the SoS due to the site’s location within GB and the scale of the proposed development.
- 22 April 2022 – Warrington Proposed Local Plan submitted to SoS for Examination in Public.
- 4 May 2022 – Cheshire East Strategic Planning Board approve the grant of pp.
- 16 May 2022 – In response to third party requests to call in for determination the application the Secretary of State decides not to call in the application and is content that it should be determined by the local planning authority.
- 19 May 2022 – Cheshire East Council grant planning permission for the development in their administrative area.
- 26 May 2022 – Secretary of State directs LPA not to grant planning permission without specific authorisation.
- 6 September to 6 October 2022 – Hearing Sessions of the Emerging Plan EIP.
- 22 November 2022 – Application called in by the Secretary of State. [CD4.150].
- 16 December 2022 – Emerging Local Plan Inspectors issue a post hearing letter stating that requirement for employment land of 316.26 hectares should be reduced to 168 hectares.
- 10 January 2023 – SWP granted Rule 6 status by PINS.
- 13 January 2023 – BE Group response to the PINS Inspectors letter [CD4.162]
- 1 February 2023 – Application reported back to LPA DMC. The LPA resolve not to provide evidence either supporting or objecting to the proposed development.
- 3 February 2023 – Letter received from EIP Inspectors regarding Local Plan draft modifications.
- 8 February 2023 – The Planning Inspectorate write to the Applicant’s solicitor requesting additional information pursuant to Regulation 25 of the TCP (EIA) Regulations 2017.
- 15 February 2023 – Case Management Conference held virtually.
- February 2023 – LPA Committee Report in which it determines it will be neutral at the forthcoming public inquiry.
- 15 March 2023 – Council formally publishes a schedule of main modifications. The schedule includes a reduction in the employment land to 168 hectares and the deletion of the SEWEA.
- 15 March – 26 April 2023 – Consultation period on main modifications. The Applicant, by way of Spawforths, have submitted extensive objections to the proposed modifications.
- 11 April 2023 – Submission of Proofs of Evidence by Applicant and Rule 6 party to this inquiry.

- 9 May 2023 – Commencement of the Public Inquiry at the Base.
 - 11 May 2023 – Receipt of further letter from NE.
 - 12 May 2023 – Inquiry adjourns in order to address points raised by NE.
 - 13 July 2023 – EIP hearing into emerging plan re-opened and particularly the issue of employment demand.
 - 10-11 October 2023 – Inquiry recommences at St James Business Centre, Warrington.
 - 23 October 2023 – EIP Inspectors report received.
 - 4 December 2023 – Adoption of the Warrington Local Plan 2023. [ID44a]
 - 15 December 2023 – Submission of final proofs of evidence to the inquiry.
 - 9 January 2024 – Inquiry resumed at the Base but adjourned due to Section 113 challenge to the Local Plan.
 - 19 March 2024 – The High Court refuses to grant leave to the Section 113 challenge by order of Mr Justice Ouseley.
 - 29 April 2024 – Further virtual CMC held.
 - 14 May 2024 - Exchange of addendum evidence by parties.
 - 3 June 2024 – Rebuttal evidence deadline although none produced by any party.
 - 11 June 2024 – Re-commencement of the inquiry for the fourth time.
 - 13 June 2024 – Close of the inquiry.
 - 12 July 2024 – Final date for the submission of the completed Section 106 agreement.
-