

TOWN AND COUNTRY PLANNING ACT 1990
LAND AT ASHTON ROAD, STOCKPORT SK6 1QD

CLOSING ON BEHALF OF STOCKPORT METROPOLITAN BOROUGH COUNCIL

Introduction

1. The Opening that was provided at the commencement of the Inquiry is adopted without further repetition¹.

The Main Issues

2. The main issues as between the Appellants and the LPA are set out in the Notes following the CMC. They are:
 - (a) The effect of the proposal on the openness of the Green Belt;
 - (b) The effect of the proposal on the character and appearance of the area, including landscape character and visual amenity;
 - (c) Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

(a) The effect of the proposal on the openness of the Green Belt

¹ ID-002.

3. The development proposal consists of 93,184 m² of industrial/warehousing units of up to 22 m in height together with associated car-parking. It is, and is intended to be, a development of considerable scale with a consequential impact. The impact on the visual component of openness includes affecting long distance views, visual links to the wider Green Belt and intervisibility between settlements. The scale of the proposal is apparent from the Illustrative Masterplan² and the proposed Site Sections³.
4. The appeal proposal is recognised by the Appellants as amounting to inappropriate development in the Green Belt.

Openness

5. The Government attaches great importance to Green Belts and considers that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open⁴. The concept of openness has two components: spatial openness and visual openness⁵.

Spatial

6. It is unquestionably the case that in spatial terms the proposed development of 21 ha (net) of land within the approved Green Belt will harm this essential characteristic of openness. This is acknowledged in the evidence of the Appellants:

“The introduction of new built development that is inappropriate will by definition have an adverse effect on openness. I accept in spatial terms the proposal development of circa 21 hectares of Green Belt will therefore harm this essential characteristic.”⁶

Visual

7. The Appellants’ evidence further acknowledges that in terms of visual openness the proposed development will have an adverse effect on this element⁷. The Appellants maintain that the effect is moderated by landscaping.

² CD 1.14.

³ ID-005.

⁴ Paragraph 137 NPPF

⁵ PPG ID: 64-001

⁶ SP PoE 7.40/52.

⁷ SP PoE 7.50/54.

8. In assessing the effect of the proposal on the openness of the Green Belt and the purposes to which the land performs against the purposes of including land within the Green Belt has been the subject of a number of independent studies.

Greater Manchester Green Belt Assessment (July 2016)⁸

9. The broad extent of the Green Belt in Greater Manchester was established in the 1981 Structure Plan. The detailed boundaries were introduced in the Greater Manchester Green Belt Local Plan that was adopted in 1984.
10. The report was prepared by LUC and its stated overall aim was to assess the extent to which the land within the Greater Manchester Green Belt performs against the purposes of Green Belts⁹. Importantly for the context of this appeal, its further aim was to provide the GM Authorities with an *“objective, evidence-based and independent assessment of how Manchester’s Green Belt contributes to the five purposes of Green Belt”* - it does not consider whether *“exceptional circumstances”* existed or make any recommendations relating to the alteration or review of Green Belt boundaries¹⁰.
11. The Assessment described itself as:

“... an important part of the GMSF evidence base, providing evidence to support the identification of Green Belt boundaries that are capable of enduring beyond the Plan period in line with National Policy.”¹¹
12. Within the Assessment the Appeal Site (“the AS”) fell within parcel reference SP05. Paragraph 4.24 of the Assessment¹² provided the ratings for parcel SP05 and identified the strength of the contribution to the various purposes of including land within the Green Belt.
13. The detail of that assessment appears in Appendix 4.8 of the Assessment study. The plan showing the extent of SP05¹³ shows that the majority of the parcel comprises land that is proposed for development in the current scheme. In the detailed analysis, national policy purposes of Green Belt were analysed:

⁸ CD 6.2.

⁹ CD 6.2, para.1.2/7.

¹⁰ CD 6.2, para.5/7.

¹¹ CD 6.2, para.1.9/8.

¹² CD 6.2, para.66/96.

¹³ Appendix 4.8 Stockport: 34/246.

- (i) Check the unrestricted sprawl of large built-up areas.

The Rating was “Strong” with the following comments noted:

“There are limited urbanising features within the parcel ... The influence of the urbanising features on the parcel is very limited. Farmland and woodland provides a strong sense of openness. The parcel plays a strong role in checking urban development between Bredbury Park Industrial Estate and Woodley.”¹⁴

- (ii) Preventing neighbouring towns merging into one another.

Once again the Rating in this context was “Strong”. The notes include this assessment:

“The settlements of Denton and Bredbury are in very close proximity (around 700 m apart) and this parcel forms a critical gap between these two settlements. The parcel plays an essential role in preventing the merging or erosion of the visual and physical gap between these two settlements.”¹⁵

- (iii) Assisting in safeguarding the countryside from encroachment.

The Rating in this context was “Moderate”. The comments include:

“There is limited sense of visual encroachment due to the surrounding urban edge, which includes large industrial units. Though, the parcel has a relatively intact and rural character and displays some characteristics of the countryside.”

14. Parcel SP05 was concluded to make no contribution to Purpose (iv) - the preservation of the setting and special character or historic towns. Purpose (v) - assisting in urban regeneration - the Assessment recognised that it was difficult to distinguish the extent to which each Green Belt parcel delivers against this purpose.

Stage 2 Greater Manchester Green Belt Study (September 2020)¹⁶

15. LUC undertook for the Greater Manchester Combined Authority an assessment of the 2020 Spatial Framework allocations. The purpose of the study was to assess the potential harm to the Green Belt that could result from the release of land within the development allocations

¹⁴ Appendix 4.8 Stockport 35/264.

¹⁵ Appendix 4.8 Stockport: 35/264.

¹⁶ CD 6.19.

proposed in the Revised Draft January 2019 Spatial Framework. The intention was to inform the finalisation of the proposed allocations¹⁷. The area discussed in the Assessment relevant to the appeal proposal was GM34 “Bredbury Park Extension”¹⁸.

16. The plan clearly shows the “red edge” of the then allocation in the reiteration of the Spatial Framework. However, and importantly for the purposes of this appeal, that boundary was not considered an appropriate one. The plan is very clear in excluding approximately half of the Site from being an employment allocation. It is proposed that the roughly rectangular block closest to the River Tame was retained within the Green Belt.
17. The Assessment breaks down the Site into three substantial components: GM34-1, GM34-2 and GM34-3. The analysis¹⁹ states:

“The harm resulting from release of the GMSF 2019 Allocation was assessed as high, as land in the north-east of the allocation makes a significant contribution to checking the sprawl of Greater Manchester and preventing encroachment on the countryside, and a relatively significant contribution to maintaining the separation of Bredbury and Denton. Release would also reduce the connectivity of retained Green Belt land as well as reducing the gap between Bredbury and Denton.”
18. The analysis also observed the effect of the retention within the Green Belt would help to preserve connectivity along the valley of the River Tame.
19. Appendix B contains the “Detailed Allocation Stage 2 Harms Assessment”.
20. This document is extensive²⁰ and provides a comprehensive analysis for the rationale of the conclusions made in respect of the sites throughout Greater Manchester. The importance of this document is that it represents a significant part of the evidence base for the Spatial Framework at a time when Stockport was an Authority supporting the promotion of the GMSF. Importantly, the analysis is that of expert independent professionals provided in a comprehensive, consistent and objective manner across the whole of Greater Manchester. It is the submission of the LPA that the detailed analysis should carry significant weight in the assessment of the appeal proposals and their impact upon the Green Belt.

¹⁷ CD 6.19, 1.1/10.

¹⁸ CD 6.19, 77/128.

¹⁹ CD 6.19, 79/128.

²⁰ 634 pages.

21. The detailed analysis of GM34 - Bredbury Park Extension²¹ was split into three sub-areas to reflect variations in harm to Green Belt purposes.

GM34-1

22. The sub-area²² states that the:

“Sub-area has no urbanising development to diminish openness and is not contained by urbanising development.”

23. The analysis that follows in respect of sub-area GM34-1 references the impact on purposes of including land within the Green Belt:

- (i) Checking the unrestricted sprawl of large built-up areas.

The Rating was “Significant” and the observation as to development expanding in the area constituting sprawl and adds:

“The sub-area is open and has a strong relationship with open countryside, which contributes to its role in preventing sprawl.”

- (ii) Preventing neighbouring towns merging into one another.

The Rating was “Relatively Significant”. The analysis recognised that releasing sub-area GM34-1 would “reduce an already narrow gap between the towns of Bredbury and Denton, which are distinct but intervisible due to the valley landform.”

It recognised that the river valley would remain as a separating feature but added²³:

“The release would nonetheless significantly weaken the integrity of this Green Belt gap.”

- (iii) Assisting in safeguarding the countryside from encroachment.

The Rating was “Significant”. The Assessment observed that the release would encroach on land that because of the absence of urbanising development and lack of

²¹ CD 6.19 Stage 2 375/634.

²² CD 6.19 Stage 2 378/634.

²³ CD 6.19 Stage 2 379/634

containment was “*perceived as countryside*” with the sloping nature of the river valley landform contributing to the sense of openness.

24. In respect of Purposes (iv) and (v) the Assessment was as previously²⁴. The overall conclusion²⁵ was that:

“Harm from the release of the sub-area is therefore assessed as High.”

GM34-2

25. This sub-area²⁶ is described as “open farmland” with no urbanising development to diminish openness. The area description continued that it had only a very limited sense of containment by surrounding urbanising uses.

26. The analysis of the contribution to the purposes of including land within the Green Belt was set out in accordance with the methodology previously deployed:

- (i) Check the unrestricted sprawl of large built-up areas.

The Rating was “Relatively Significant”. The observation was that the development expanding into the area constituting sprawl but the limited distinction with urbanising uses on the edge of Bredbury Industrial Estate “*limits its role in preventing sprawl.*”

- (ii) Preventing neighbouring towns merging into one another.

The Rating was “Moderate”. The analysis included the observation that the release of this land would reduce the gap between the neighbouring towns of Bredbury and Denton which was recognised as being “*relatively narrow*”. It added that the wooded river valley would remain a significant separating feature.

- (iii) Assisting in safeguarding the countryside from encroachment.

The Rating in this case was “Relatively Significant”. The analysis included the observation that despite the proximity with urbanising uses it is “*generally perceived*”

²⁴ CD 6.2.

²⁵ CD 6.19 Stage 2 381/634.

²⁶ CD 6.19 Stage 2 382/634 et seq.

as countryside” and that the sloping nature of the land contributed to the sense of openness.

27. The observations in relation to the purpose of preserving the setting and special character of historic towns and assisting in urban regeneration were as previously expressed.

28. The overall harm was assessed to be “Moderate – High” with the observation²⁷:

“The case of the sub-area as part of the release of the Allocation as a whole would constitute relatively significant sprawl and encroachment on the countryside, and a moderate impact on preventing the merger of towns.”

GM34-3

29. The area description of this plot²⁸:

“The sub-area has no urbanising development to diminish openness, however the surrounding urban edge to the south and the washed over development to the east create a degree of urbanising containment.”

30. As before, there was a methodical analysis of the purposes of including the land within the Green Belt.

(i) Check the unrestricted sprawl of large built-up areas.

The Rating here in respect of this sub-area was Moderate”. The analysis observed that expanding into the area would constitute sprawl but the sense of containment within the sub-area and the limited distinction with the urbanising uses on the edge of the Bredbury Industrial Estate limited its role in preventing sprawl.

(ii) Preventing neighbouring towns merging into one another.

The Rating was “Relatively Limited”. It was observed that the land does lie in the gap between the neighbouring towns of Bredbury and Denton. It observed that because the sub-area does not extent further east than existing urbanising development to the south, that had the effect of limiting the role of this land in preserving the gap between towns

²⁷ CD 6.19 Stage 2 385/634.

²⁸ CD 6.19 Stage 2 387/634.

(iii) Assisting in safeguarding the countryside from encroachment.

The Rating for this sub-area was “Moderate”. It concluded that the release would encroach on land which is free from urbanising development but where a sense of containment limited its perception as open countryside.

31. The overall harm to Green Belt purposes was assessed as moderate²⁹.
32. The position of the parties to this appeal is markedly different. The LPA consider that the LUC analysis in 2016 and 2020 should attract weight in the assessment in respect of openness and the contribution the land makes to the purposes of including land within the Green Belt³⁰.
33. As set out above, whilst the Appellants consider there would be harm to openness, a major distinction between the evidence of the LPA and that of the Appellants relates to the contribution of the AS to the purpose of including land within the Green Belt.
34. Whilst SP acknowledged the development engages consideration of Purpose (iii) “encroachment into open countryside” but his assessment excluded purposes (i) “prevention of unrestricted sprawl” and Purpose (ii) “coalescence”.
35. The forensic point adopted by SP (and forming part of the Appellants’ case) is that whilst there is “sprawl” but because it is asserted such sprawl is “restricted” by the presence of the River Tame the purpose of including land within the Green Belt has to be discounted³¹. Logic would dictate this would always apply whenever this Green Belt purpose was considered – any sprawl will eventually hit a feature that will restrict it.
36. As is clear from the above analysis, this is an approach that is entirely inconsistent with the analyses by LUC and the evidence of SW in this case. It is submitted that this is a classic case of urban sprawl.
37. In respect of the purpose relating to the coalescence of neighbouring towns, SP in his evidence maintains that there are two elements to consider in this regard: “physical” and “perceived”

²⁹ CD 6.19 Stage 2 389/634.

³⁰ SW PoE 3.10/9 in respect of the 2016 LUC analysis (CD 6.2) and 5.10 et seq in respect of the 2020 LUC analysis (CD 6.19).

³¹ Xx of SP.

coalescence. The Appellants argue that by reason of the fact that the appeal development would not actually result in physical coalescence (i.e. joinder) of the settlements the purpose is not engaged in this case. In respect of “perception” of a gap the Appellants argue that there would remain a perception of a gap would remain because of the presence of the River Tame.

38. Again, this is an overly forensic argument of no merit. Consideration of the plans in this case³² clearly demonstrates the diminution in the gap between the two settlements. The LUC 2020 Assessment in respect of GM34-1 made the observation that releasing that land would reduce an already narrow gap between towns that are distinct but intervisible³³.

39. It is the submission of the LPA that consistent with the evidence of SW and the independent assessment of LUC the release of the AS and especially area GM34-1 would significantly weaken the *“integrity of this Green Belt gap.”*

(b) The effect of the proposal on the character and appearance of the area, including landscape character and visual amenity

Introduction

40. There is no dispute between the main parties on principle in respect of this main issue. The Appellants acknowledge that the proposal would be harmful to the character and appearance of the area in respect of both landscape character and visual amenity. The issue, such as it is, is the extent of such harm.

41. The conclusion of the Landscape Chapter of the Environmental Statement³⁴ in respect of Residual Effects³⁵ concluded in respect of the operation phase of the development (post-construction) the impacts would be of considerable extent. The assessment concluded:

- The development would result in a permanent *“albeit localised changes in the landscape”*³⁶;
- It recognised that the character of the landscape of the AS would change from a pastoral one to a developed one;

³² CD 1.14.

³³ CD 6.19 Stage 2 379/634.

³⁴ CD 2.11.

³⁵ CD 2.11 37/42.

³⁶ CD 2.11 J7.6/37.

- The development would extend the built edge of Bredbury “slightly further north towards the Tame Valley, although this is already a well-developed river corridor.”³⁷
- The landscape effects of the completed development will lessen over time with the successful establishment and maturing of the proposed planting³⁸.

42. In respect of the landscape issue, the ES had the following conclusion:

“With the beneficial effects of the green infrastructure considered, the long-term effects of the proposed development on the Site are considered to be Moderate Adverse, with a Minor Adverse long-term effect on its setting.”

43. The Landscape Chapter of the ES stated that in visual terms with the maturing of the planting there would be “localised benefits” to some of the receptors with views towards the development. The identified impact on Visual Effects is found at CD 2.11, Appendix J3. It noted that it is recognised that, for example, PROW users of Footpath 49BR would have a Moderate/Major Adverse impact on the overall effect at 15 years completion.

44. The LVIA did not express a judgment on sensitivity³⁹.

45. Before analysing the evidence available to the Public Inquiry, the policy context has to be addressed.

Policy Context

46. The policies of the Stockport Unitary Development Plan Review (May 2006)⁴⁰ continue to be relevant and attract weight notwithstanding the fact that the policies pre-date NPPF. Section 2⁴¹ identifies that the chapter of the UDPR contains policies to ensure that land use decisions take account of all available information on landscape character and the longstanding and successful approach to the protection and enhancement of the Borough’s River Valleys is continued.

47. Policy LCR 1.1 “Landscape Character Areas” states that:

³⁷ CD 2.11 J7.7/37.

³⁸ CD 2.11 J7.8/37.

³⁹ SW Appendix 1, 2.3.12/10.

⁴⁰ CD 4.4.

⁴¹ CD 4.4/6.

“Development in the countryside will be strictly controlled, and will not be permitted unless it protects or enhances the quality and character of the rural areas.”

48. Policy CLCR 1.1(a) deals with the Urban Fringe including the River Valleys. It provides⁴² that:

“Proposals for development in the urban fringe should protect, conserve and improve the landscape quality and natural history of the locality, and encourage the development of a variety of attractive landscape types.”

49. There would be no basis for asserting that the development the subject matter of the appeal accords with these policies⁴³.

50. Paragraph 2.23 of the UDPR⁴⁴ provides an interesting historical context for the River Valleys. It states:

“Since the 1970s the Council, in co-operation with other agencies, has pursued an integrated approach to environmental protection and recreational provision in the Borough’s four River Valleys (the Mersey, Tame, Etherow/Goyt and Ladybrook). The Council recognises the distinctive history of the valley areas and the importance of a co-ordinated and consistent approach.”

51. The Stockport Core Strategy (March 2011)⁴⁵, in the context of policies for the protection of the natural environment, Policy SIE-3⁴⁶ requires:

“The Borough’s urban and rural landscape will be conserved and enhanced in line with the Borough’s Landscape Character Assessment.”

Landscape Character and Sensitivity Assessment

52. As in respect of the consideration of the impact on openness and the purposes of including land within the Green Belt, a number of studies were undertaken in August/September 2018 by the Defendant’s consultants LUC as to the impact of the proposals in the emerging Spatial Framework. LUC undertook a bespoke analysis for Stockport MBC⁴⁷. The wider Greater Manchester proposal was produced for the Combined Authority⁴⁸.

⁴² CD 4.4 9/139.

⁴³ GH Xx

⁴⁴ CD 4.4 10/139.

⁴⁵ CD 4.3.

⁴⁶ CD 4.3 113.

⁴⁷ CD 9.2.

⁴⁸ CD 9.2.

53. The purpose of the GM Landscape Character and Sensitivity Assessment⁴⁹ was to produce up-to-date landscape evidence to support the preparation of the Spatial Framework⁵⁰ that would inform the overall development strategy. The AS is within the “Incised Urban Fringe Valleys” category⁵¹. Consideration of sensitivity commences in CD 9.2 56/128 et seq. The overall assessment of landscape sensitivity (albeit at a wide basis) concluded that in respect of commercial/industrial developments the sensitivity was High. Specifically, the observation included the following:

“The naturalistic setting of these valleys with a typical abundance of mature and native woodland have a generally high scenic value with pockets of rural tranquillity and are assessed as being of high sensitivity to both development scenarios. Such areas are found within the ... Tame (LCA 36) valleys.”

54. Specifically in respect of the River Tame, the LCA was judged to be Moderate – High sensitivity to commercial/industrial developments. It was observed that these contained large developments including industrial complexes resulting in lower sensitivity judgments than the LCA as a whole.

55. Of considerably more importance is the finer grain analysis contained within the Stockport Landscape Character Assessment and Landscape Sensitivity Study⁵². The analysis of the area within which the AS lies is the Tame Valley and Brinnington East⁵³. The commentary continues:

“The River Tame is a prominent feature carving through the LCA, creating a distinct valley profile with steep-sided banks and an undulating landform throughout”

56. The landscape evaluation⁵⁴ in addressing the current landscape condition and creating a major green corridor into the centre of Stockport observes that there are a number of well-wooded paths creating quiet, tranquil routes into the countryside although in close proximity to many urban settlements. It adds the prescient observation:

“Issues around the current condition mainly relate to urban development nibbling away at the valley and threatening land that is regarded as one of Stockport’s major green lungs.”

⁴⁹ CD 9.2.

⁵⁰ CD 9.2 1.1/5.

⁵¹ CD 9.2 Fig.4.1 30/128.

⁵² CD 9.1.

⁵³ CD 9.1 62/124.

⁵⁴ CD 9.1 64/124.

57. The LUC analysis specifically addressed an overall assessment of landscape sensitivity to development scenarios⁵⁵. In terms of large-scale commercial development (large distribution/warehousing/logistics (B8 Use)), the sensitivity was assessed to be Medium – High. It also noted:

“The LCA as a whole would be highly sensitive to any major urban extensions or significant housing developments, with single or very small numbers of group dwellings most likely to be appropriately sited within this landscape.”

58. Specifically in the context of the immediate environment of the AS, the following appears⁵⁶:

“Landscape sensitivity to small-scale commercial/solar PV and large-scale commercial development is slightly less in the area immediately adjacent to the Bredbury Park Industrial Estate, where industrial development already influences landscape character.”

59. It is quite apparent from the plan that if the development was to take place as proposed⁵⁷ with the buildings up to the boundary of the River Tame this would result would be close to virtually severing parts of this LCA.

Landscape Character and Value

60. The major area of difference in the approach to analysis by the Appellants and the LPA relates to whether the AS can be seen as one homogenous area or requires a more sophisticated analysis resulting in a conclusion that there are different qualities and values associated with different parcels within the AS itself.
61. In this regard, GH considers the AS as one homogenous entity in landscape and value terms. This contrasts with the approach of LUC in their Green Belt analysis⁵⁸ and the Stockport Landscape Sensitivity Analysis⁵⁹ which acknowledged (as quoted above) sensitivity to development is *“slightly less”* in the area *“immediately adjacent”* to the Bredbury Industrial Estate.

⁵⁵ CD 9.1 66/124.

⁵⁶ CD 9.1 66/124.

⁵⁷ Reference to CD 1.14, Landscape Masterplan.

⁵⁸ CD 6.19 Stage 2.

⁵⁹ CD 9.1.

62. The LPA's evidence is prepared by MF of Stephenson Halliday⁶⁰. The plan at Inset 1⁶¹ identifies three areas of differing landscape susceptibility within the AS. The area washed yellow is that influenced by the existing Industrial Estate. The area washed orange exhibits less influence derived from the Industrial Estate. The area washed red is one, in the judgment of the LPA, of high sensitivity.
63. As previously observed, the LVIA did not express a judgment on sensitivity. The methodology used drew upon Guidelines for Landscape and Visual Assessment (3rd edition); Natural England publication for "An Approach to Landscape Sensitivity Assessment" and Technical Guidance Note 02/21 "Assessing Landscape Value outside National Designations" produced by the Landscape Institute 2021.

Landscape Character

64. The ES anticipated a construction period over five years. During construction, largescale groundworks and the use of cranes and extensive vehicular movements would be apparent. VP22 and VP23 would clearly be affected in this regard⁶².
65. During the Site's operation - post-construction⁶³ - there would be an obvious change in character of the AS that would be permanent. Recognising the ES, the change from pastoral fields to industrial estate would have occurred. Part of the perimeter of the Site would become woodland as part of the landscape mitigation proposals. Outside of the AS into the wider area there would remain views of buildings of considerable scale including alteration to the skyline.
66. A further effect in relation to the permanent consequences of the appeal proposal would be that as the Site physically occupies most of the width of the Landscape Character Area, that would result in the full width of the character type and area being altered between Castle Hill and the Sports Village disrupting the continuity of the character type and area.
67. The overall analysis is that the "host" LCA is judged to be of High/Medium sensitivity taking into account the slighter lower sensitivity of the area immediately adjacent to the existing

⁶⁰ SW Appendix 1.

⁶¹ SW Appendix 1 9/67.

⁶² SW Appendix 1 para 2.3.19/11.

⁶³ SW Appendix 1 para 2.3.22/12.

Bredbury Park Industrial Estate. The effects on the host LCA would be greater than indicated as Moderate and Adverse by the ES and would be Major/Moderate Adverse on completion⁶⁴.

Visual Receptors

68. Figure 1 within Appendix 5 to Landscape Appendix to SW's evidence shows a zone of theoretical visibilities (ZTV) of the proposed development derived from the FFL and building heights identified in the ES. Taking on board the point made by GH in Xx (concerning the extent to which views would be possible within the area shown) it is fair to describe the results as allowing widespread visibility from within the Tame Valley including the users of the PROW network. It is also clear that there would be views along some streets in Brinnington of the AS in its operational phase. Users of open space accessed via Chaucer Lane would also experience notable changes including a new skyline formed by the industrial development.
69. The reliance by the Appellants on the efficacy of screen planting is, it is submitted, overstated. Firstly, it will take a considerable period to become established and, nevertheless, would not achieve an effective screen mitigation of the buildings having regard to the scale and massing of the industrial and warehouse buildings proposed.
70. The significant effects on visual receptors include:
- Users of the footpaths within and adjacent to the Site;
 - Users of the informal open space accessed via Chaucer Avenue;
 - Residents of Castle Hill Park;
 - Users of the local road and public footpath network and residents at Castle Hill.
71. The landscape planting woodland proposals will be of limited effectiveness in the vicinity of the Site at the Site entrance as the buildings would remain visible at that point⁶⁵. The planting generally will take many years to achieve any degree of screening and in any event, as observed in the LPA evidence⁶⁶:

⁶⁴ SW Appendix 1 para 2.3.27/13.

⁶⁵ SW Appendix 1 para 2.4.10/16.

⁶⁶ SW Appendix 1 para 2.4.12/16.

“Even if full screening is achieved over time, the replacement of open views with dense woodland planting would still result in permanent significant effects.”

(c) **Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development**

Introduction

72. This main issue is inextricably linked with the test provided for at Paragraph 148 of NPPF.
73. The VSC case of the Appellants is essentially founded upon the asserted urgent need for industrial/warehouse development and the associated economic, employment and wellbeing benefits that flow from the development of the scale proposed. Actual evidence of acute need that is required to be satisfied by the grant of planning permission **now** is profoundly thin.
74. The LPA evidence has emphasised the importance of the identification of the role of the LPA as Plan-maker as an essential component of the background to the consideration of a VSC case. Paragraph 11 of NPPF deals with the presumption in favour of sustainable development. It states:

“Plans and decisions should apply a presumption in favour of sustainable development.

For Plan-making this means that –

...

(b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses as well as any needs that cannot be met within neighbouring areas unless –

(i) the applications of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the Plan area.”

Footnote 7 identifies one such area as the designated Green Belt.

75. This necessarily means that it is for the LPA, consistent with NPPF, to provide for objectively assessed needs for (inter alia) employment uses **unless** the application of - for example, Green Belt policy provides a strong reason for restricting the overall scale, type or distribution of development within their Plan area.

76. This is not a prematurity point. This is a point in which NPPF is absolutely clear. The responsibility for the judgment as to what extent objectively assessed needs should be met is a decision for the LPA alone. It is not appropriate for an individual applicant or the determination of a Section 78 appeal to identify what the objectively assessed need for industrial or other uses is and, more particularly, the extent to which the LPA must meet that need within the Plan area.
77. Whether a VSC case is established is a wholly different exercise.

Employment Need

78. In February 2020 Nicol Economics produced a “Note on Employment Land Needs for Greater Manchester”⁶⁷. It expressed the view that there was limited guidance on exactly how to assess employment land needs. It observed that no single method is preferred or required by PPG rather, the guidance encourages the use of as wide a range of data as possible. It continued that the approach that was adopted attempted to “triangulate”⁶⁸ across the methods to produce a reasonable range from which an average from different methods is used. The data sources included:
- (a) The use of past employment land take-up;
 - (b) The use of forecasts of economic drivers;
 - (c) The use of forecasts of labour supply.
79. The report then added:
- “We have used or at least considered all of these methods. There is not a robust enough data set to be able to model the relationship between GVA and employment floorspace needs for GM, therefore we have not used a GVA forecasting method.”*
80. Table 6.1 provides the estimate of future floorspace needs 2020-37 in respect of Industrial and Warehouse need. The total gross need ranged between 3.03M – 3.149M m² and following the addition of a five year margin identified a range required for the whole of GM between 3.9M m² – 4.1M m².

⁶⁷ CD 6.11.

⁶⁸ CD 6.11 1.9/3.

81. Consistent with the recognition of the changes of the national economy and especially that in the North-West, it observes that:

“Taken in the round, both sources of data reviewed support the conclusion that, historically and indeed up to the current day, there have been largescale losses of, particularly, premises (and so land) in existing use for I&W.”⁶⁹

82. The Appellants emphasise that this evidence and analysis was considered in SoS Decision Letters. In particular, the Wigan appeal⁷⁰ of June 2021. Here the SoS in light of the decision of the Association of Greater Manchester Authorities’ (AGMA) not to progress the GMSF gave no weight to the provisions of the Spatial Framework. However, Paragraph 12 continued:

“Noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document ‘Places for Everyone’, the Secretary of State agrees with the Inspectors for the reasons given in IR 4.24, that the evidence base underpinning it is a material consideration in this case.”

83. Subject to one qualification, the LPA agrees that the evidence base underpinning the emerging Spatial Framework is a material consideration. The qualification is that a material difference must be made between those Authorities that remained part of the Consortium of Greater Manchester Authorities promoting “Places for Everyone” and Stockport. The evidence of SW⁷¹ demonstrates that part of the reason for Stockport not progressing the SF was the extent of Green Belt release. It follows that in respect of the appeals in Bolton⁷² and Wigan⁷³, those called-in decisions by the Secretary of State arose in circumstances where the relevant LPAs supported the development proposals and, more particularly, did so on the basis of their acceptance of the evidence associated with the SF and “Places for Everyone”. The allocations in Bolton and Wigan were also extensive Green Belt releases in their entirety.

84. The LPA would also point out that part of that evidence base is that already referred to in the context of Green Belt analysis and landscape character analysis. The evidence base comprised of the independent Green Belt and Landscape Analysis by LUC remain part of the evidence base that can be regarded as a material consideration in this appeal.

⁶⁹ CD 6.11 4.28/23.

⁷⁰ CD 7.3.

⁷¹ XXX.

⁷² CD 7.2.

⁷³ CD 7.3.

85. The Greater Manchester Spatial Framework Publication Plan 2020 - draft for Approval (October 2020)⁷⁴ - was a product of the joint working of all the GM Authorities that included Stockport at that time. In the preamble to the policy dealing with Industrial and Warehousing Development, it stated that there was evidence that past industrial and warehousing completions have been constrained by a lack of suitable sites within Greater Manchester and in order to address that issue a “*considerable uplift on past development rates is needed, in the order of around 25%.*”⁷⁵ Policy GM-P4 then stated:

“At least 4,100,000 sqm of new, accessible, industrial and warehousing floorspace will be provided in Greater Manchester over the period 2020-2037.”

86. It will be noted that in identifying the floorspace requirements for the emerging SF, the upper end of the range identified by Nicol Economics⁷⁶ was embedded in the proposed policy. Table 6.2⁷⁷ provided the SF Allocations 2020-2037. The figure for Stockport was 60,000 m². A total requirement that is markedly lower than that proposed in this appeal.

87. It is clear that the figure takes into account some of the spatial disparities within the GM sub-region. Paragraph 6.35⁷⁸ states:

“Industrial and warehousing development has an important role to play in addressing the economic disparities across Greater Manchester, and in particular to boost the competitiveness of northern areas. It can help to deliver more balanced growth across the sub-region and tackle deprivation. Consequently the release of Green Belt for employment use is focused primarily in the northern parts of Greater Manchester with a string of high quality opportunities of varying sizes focused particularly around the key motorway corridors. Overall, this will result in around two-thirds of the supply being in the districts of Wigan, Bolton, Bury, Rochdale, Oldham and Tameside, where just over one-half of the supply in land availability assessments is in those six districts.”

88. Paragraph 6.36⁷⁹ comments on the need for Green Belt release. The Green Belt analysis⁸⁰ preceded the production of the emerging SF policy⁸¹ and states:

⁷⁴ CD 6.4.

⁷⁵ CD 6.4 6.30/116.

⁷⁶ CD 6.11.

⁷⁷ CD 6.4 119/491.

⁷⁸ CD 6.4 120/491.

⁷⁹ CD 6.4 120/491.

⁸⁰ CD 6.19 and CD 6.19 Stage 2.

⁸¹ CD 6.4 120/419.

“The Green Belt sites have been selected in order to make the most of key assets and locations, with a focus on realising the potential of transport infrastructure such as the motorway network, the Manchester Ship Canal and Manchester Airport. The lowest level of new supply is in the east/south-east of Greater Manchester (Stockport and Tameside), where there will be a greater reliance on existing sites and premises, such as in the Tame Valley, which will need to be protected accordingly.”

89. The short point derived from this is that there was embedded within the emerging Plan a distribution of employment uses to various parts of the sub-region that did not reflect an allocation to meet the individual need arising in each of the GM districts.
90. The proposed allocation for Stockport can be compared to that of Wigan at 200,000 m² and Bolton at 486,000 m² who were the other GM Authorities the SoS had called in planning applications for his own determination. The allocation that was proposed was Policy GM Allocation 31⁸² known as the Bredbury Park Extension. Picture 11.44⁸³ shows the retention of the northern part of what is now the AS within the Green Belt. As at October 2020 (shortly prior to Stockport resolving not to continue with the Spatial Framework proposals) the evidence base consisting of the assessment of need/impact on the Green Belt, spatial distribution within the sub-region and landscape considerations resulted in a conclusion of development of around 60,000 m² of B2 and B8 floorspace. It follows:
- (a) There is no justification whatsoever in any evidence base of the emerging Statutory Development Plan for a development of the spatial extent of development in the Green Belt or the quantum of floorspace as is proposed in this appeal; and,
- (b) It is the case that a portion of the AS was never proposed to be released from the Green Belt.
91. It should be noted in particular that requirements placed upon the development included:
- The creation of a retained Green Belt buffer zone that will manage the transition, minimise impact on the Tame Valley and safeguard views creating strong defensible boundaries at the edge of the developable area⁸⁴; and

⁸² CD 6.4 341/491.

⁸³ CD 6.4 341/491

⁸⁴ CD 6.4 para.11 342/491.

- Designed to minimise any adverse impacts on the remaining Green Belt⁸⁵.

92. In this context “*remaining Green Belt*” is that shown on the plan in CD 6.4 and is self-evidently not the appeal proposal.

93. This part of the evidence was examined in considerable detail during the Xx of CR. Interestingly, during the course of the evidence of SP in Ex-in-C expressed the view that the reduction in the site size seen in CD 6.4 was an issue that came about because of Tameside Officers’ “threat to derail” Bredbury Gateway as they wanted the extent of the proposed release from the Green Belt to be pulled away from the River Tame. This is interesting because it is self-evidently a professional judgment of Tameside Officers who were engaged with the production of the SF and part of its process. This is not an evidence base that was “created”⁸⁶. This is a product of the careful independent and professional assessment by LUC.

94. In August 2021 the “Places for Everyone” publication stage eLP of the remaining nine GM Authorities was published⁸⁷. Policy JP-J4⁸⁸ deals with Industry and Warehousing Development and states:

“At least 3,330,000 sqm of new, accessible, industrial and warehousing floorspace will be provided in the Plan area over the period 2021-2037.”

95. The changes made reflect the absence of any contribution of Stockport. Importantly the is the continued recognition that the spatial distribution that was within the SF continues such that there is a “policy on” redistribution within the sub-region and the priority given to the northern parts of it remain. As quoted above in respect of the focus primarily in the northern parts of Greater Manchester, the distribution of employment related development is repeated virtually verbatim in CD 6.5⁸⁹.

96. It therefore inevitably follows that the Greater Manchester Authorities have retained the identification of need that they are proposing to address in exactly the same distribution of development that appeared in the previous iteration of the SF⁹⁰. The “Places for Everyone” assessment of need assumed no more than 60,000 m² being developed in Stockport. This can

⁸⁵ CD 6.4 para.14 342/491.

⁸⁶ CR Xx.

⁸⁷ CD 6.5.

⁸⁸ CD 6.5 119/468.

⁸⁹ See CD 6.5 para.6.35/6.36 125/468.

⁹⁰ CD 6.4.

be seen by a comparison between the allocations. The GMSF allocations 2020-2037 total 2,219,880 m² at Table 6.2⁹¹. The “Places for Everyone” allocations 2020-2037 total 2,154,880 m².⁹² (2,219,880 – 2,154,880 = 65,000)

97. The short and compelling point to note is that the differences merely reflect the departure of Stockport and it follows on from this that the broad intention of the remaining GM authorities of meeting their own within Greater Manchester remains the same together with the approach to the spatial distribution of employment land to meet that need.

98. The progression of “Places for Everyone” also draws on further evidence produced by Nicol Economics. In particular, the Updated Note on Employment Land Needs for Greater Manchester (March 2021)⁹³ calculated the needs of GM as a whole including Stockport. The production of the data that was “fit for purpose” required the assessment of both the 9 and 10 GM Authorities. The Plan period from 2021 to 2037 is a slight adjustment. In addition, there has been an adjustment to the approach for calculating need that focuses on the past completions approach to assess future employment needs for the GM-9⁹⁴. The conclusion that is articulated in Table 1.2⁹⁵ produces an Industrial and Warehousing requirement 2021-2037 for all GM Authorities **including** Stockport with a five year margin of 3.57M m². This can be compared with the figure for the period 2020-37 SF⁹⁶ of 4.1M m². The resulting figure for the 9 authorities that is within “Places for Everyone” is 3.33M m². An explanation for the difference is explained as due to⁹⁷ :

- (a) Covering the need for 9 rather than 10 districts;
- (b) Covering 16 rather than 17 years;
- (c) The use of past completions approach which generated slightly lower forecasts for need in 2020 than the use of employment forecasts.

⁹¹ CD 6.4 119/491.

⁹² CD 6.5 123/468

⁹³ CD 6.7.

⁹⁴ CD 6.7 para.1.19 3/15.

⁹⁵ CD 6.7 5/15.

⁹⁶ CD 6.4.

⁹⁷ CD 6.7 para.1.27 10/15.

99. But what it also clearly demonstrates is that the methodology for calculating employment need is not clearly fixed in national policy and guidance. The floorspace need on the latter basis is reduced by 530,000 m² (4.1M m² – 3.57M m² = 530,000 m²) on a like for like basis.
100. The interesting consequence when one considers the changes that have occurred since the determination of the appeal application can be summarised as follows:
- (a) The GM Authorities have reduced the amount of land required in the sub-region for Industrial and Warehousing development by a significant proportion. However, the stated objective of meeting the full need arising in the eLP area remains. The previous iteration of SF had a requirement of 4.1M m² whereas the more recent iteration (including Stockport in its calculation) is one of 3.57 m²; and
 - (b) Since the determination of the appeal application, over 230,000 m² have been granted in the sub-region (the GM Authorities of Bolton and Wigan).

Employment Land Review 2018⁹⁸

101. CBRE have been responsible for producing the Employment Land Review 2018⁹⁹ and the previous ELR (2015)¹⁰⁰. The most recent review identified a requirement for 4.8 ha of industrial land. The express purpose was to assess current and future demand for employment land and to consider whether existing supply and allocated sites are sufficient to meet projected demand and forecast requirements¹⁰¹. The GMFM¹⁰² approach was adopted in the analysis as the most robust to provide the baseline figures for industrial land requirements. The outturn of that exercise estimated a need of 4.4 ha of industrial land to 2035.
102. The CBRE analysis was that there had been an inability to capture existing high levels of “pent-up demand” and in those circumstances the GMFM approach was to be adjusted upwards to try and capture an element of such demand. Although there were no definitive guidelines on how that could be quantified, it proposed a 10% figure be added to the forecasting figures to

⁹⁸ CD 6.1.

⁹⁹ CD 6.1.

¹⁰⁰ CD 6.6.

¹⁰¹ CD 6.1 para.1.2 5/365.

¹⁰² Greater Manchester Forecasting Model

provide a better reflection of the current market. As a consequence, the figure of 4.8 ha to 2035 is a product of the exercise.

103. The basis of the Appellant's case whereby industrial land lost to other uses is to be replaced in its entirety unjustifiably inflates the "requirement" assessed by the Appellants. The 2018 ELR represents a comprehensive and robust evidence base document.

Qualitative Need

104. Typically the needs of large logistic operators go well beyond the boundaries of individual Local Authority Districts¹⁰³. Since the determination of the application a number of called-in applications have been determined that granted planning permission, in the Green Belt, for logistics operations. These include:

- (a) Wingates, Bolton¹⁰⁴. Planning permission was granted for 100,000 m². The site was allocated in the GMSF as part of a wider site proposed for a development of 440,000 m²¹⁰⁵.
- (b) Wigan Site¹⁰⁶. The total development proposed was 134,000 m². The subject site in that case was identified as a key location for industrial/warehousing development to be released from the Green Belt¹⁰⁷.
- (c) Omega Zone 8 in St Helens¹⁰⁸. A total of 205,500 m² was proposed as to 70% B8 and 30% B2¹⁰⁹.
- (d) Parkside Colliery, St Helens¹¹⁰. The proposal was for 92,900 m² (Paragraph 1 of the SoS DL).

105. It therefore follows that a total of 531,000 m² in the North-West Region – the Region in this context that as assessed by AP - has been granted planning permission. Specifically in relation

¹⁰³ CB PoE 5.14/50.

¹⁰⁴ CD 7.2.

¹⁰⁵ Para.2.32, CD 7.2.

¹⁰⁶ CD 7.3

¹⁰⁷ CD 7.3, para.4.21.

¹⁰⁸ CD 7.4.

¹⁰⁹ CD 7.4, p.10, Condition 1.

¹¹⁰ CD 7.5.

to the GM sub-region 234,000 m² has been granted planning permission. It is quite clear that in the two GM cases the relevant LPAs adopted the evidence base in the SF and were supportive of the development including any release from the GB. Furthermore, the totality of the site that was the subject matter of the approvals were proposed to be released from the Green Belt in the various iterations of the Strategic Framework.

106. It is not disputed that there is a qualitative need for further industrial and warehousing development¹¹¹. However, the Appellants' case is overstated. The evidence of AP at Appendix 4 is intended to demonstrate the extent of the overwhelming need for employment and in particular logistics-style "big box" development. On closer analysis, it does not come close to demonstrating that proposition for the "sub-area of the sub-area" that AP has identified focusing on Stockport/Tameside and parts of Cheshire East. According to Appendix 4:

- (a) It captures development that is within a range where the lower end of the identified range could not be accommodated on the AS because of a proposed condition limiting units to 4,500 m². 30 of the 82 enquiries listed fall within that category;
- (b) It therefore follows that a number of the requirements in Appendix 4 would not be appropriate for occupation at the AS;
- (c) A number of the enquiries are not exclusively for the North-West Region (let alone the sub-region of Greater Manchester). These include requirements for GM and Doncaster, Stoke-on Trent, South Yorkshire, the Midlands, East Midlands, West Midlands and Wales. Whilst the wider region may have been included in the list, it is self-evident from its consideration that many of the enquiries - particularly for the larger components of the quantification - are not exclusively for the region, sub-region or quadrant within GM where Stockport sits;
- (d) Included in the list are requirements that would exclude consideration of Stockport. For example, the two specific requirements identified from Nolan Redshaw that are virtually identical but are, in any event, exclusively for Oldham/Ashton;

¹¹¹ SW PoE 5.15/14

- (e) Whilst it is acknowledged that there is a component of development that is looking to Stockport/Bredbury, quantification of a qualitative need for approximately derived from Appendix 4 of 1.4M m² is obviously an overstatement.

107. Furthermore, it is also to be borne in mind that within the region identified (and not accounted for in Appendix 4) a total of 531,000 m² has been permitted.

Very Special Circumstances

108. The LPA acknowledge there is a need/demand for commercial and industrial units. However, it does not accept that the basis for the calculation of the Appellants is appropriate as it necessarily excludes the consideration of other methodologies deployed for the assessment of such need.

109. Furthermore, the case for the urgency for the approval of the subject application is predicated on a generalised assessment of qualitative need being unmet. Such an assessment lacks any forensic force. AP Appendix 4 does not demonstrate a compelling case to override Green Belt policy. There is no named operator(s) and in that sense the proposal is necessarily speculative.

110. The temporal case for the urgent grant of planning permission is particularly weak and lacking in substantive evidence.

111. It is acknowledged that there are benefits to which weight should be given in respect of the appeal proposal. These include:

- (a) The economic benefits associated with the development both during the construction period and post-construction;
- (b) The contribution the development can have in respect contributing to the relief of the areas of deprivation in close proximity to the AS;
- (c) The social wellbeing associated with the provision of employment and training and the expansion of the earning population;
- (d) Additional parking to support the Sports Village;

(e) Any biodiversity benefit associated with the woodland and mitigation measures;

112. The Appellants have pointed to other decisions of the SoS, particularly in the called-in applications referred to previously. There is another one to consider. The Eddie Stobart application at Warrington dated November 2020¹¹² is an interesting case in its own right. All cases turn upon their individual facts and the judgments of the relevant Inspectors ascribing weight to the various material considerations. It was not a speculative development but a bespoke scheme for an identified, nationally prominent logistics operator proposing the construction of a National Distribution Centre. The proposed floorspace was 56,197 m².¹¹³ Economic benefits of the proposal were considered by the SoS to be significant¹¹⁴, albeit in a subsequent paragraph they attracted “very significant weight”.¹¹⁵ The Inspector gave significant weight to both the economic objective and social objectives of sustainability¹¹⁶. The Planning Balance and Overall Conclusions section¹¹⁷ in relation to the Green Belt noted that significant harm from encroachment and “*severe and significant harm to openness*” carried substantial weight. Harm to the character and appearance carried moderate weight, and harm to heritage assets and loss of BMV carried minor amounts of weight. The LPA did not seek to resist the grant of planning permission. At Paragraph 52 the Secretary of State considered the economic benefits carried “very significant weight”. The conclusion¹¹⁸ was that the benefits of the proposal were not sufficient to outweigh the harm to the Green Belt and concluded that in those circumstances very special circumstances did not exist.

113. As indicated above, each case will have to be considered on its merits. The analysis of the LPA is that there is definitional harm by reason of inappropriateness, significant and obvious harm to openness of the Green Belt both spatially and visually, there is significant harm to the purposes of including land within the Green Belt including urban sprawl, coalescence and encroachment into the countryside, there is further harm to the landscape character and visual amenity.

114. It is acknowledged that there is a need/demand for further industrial and warehousing development and weight needs to be attached to the benefits economically and socially of

¹¹² CD 7.1.

¹¹³ CD 7.1 para.30 66/156.

¹¹⁴ CD 7.1 para.34 5/156.

¹¹⁵ CD 7.1, para.35 6/156.

¹¹⁶ CD 7.1, para.388 132/156 and para.391 132/156.

¹¹⁷ CD 7.1 8/156.

¹¹⁸ Para.54 of CD 7.1.

the provision of additional employment both during the construction phase and operational phase of the development. The LPA concludes that such benefits are not a sufficient justification to override the Green Belt case made against this proposal and as such the VSC is not made out.

Conclusion

115. The Inspector is invited to dismiss the appeal.

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15th February 2022