

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004
LAND BOUNDED BY ASHTON LANE, RIVER TAME, TURNER LANE and THE
BREDBURY INDUSTRIAL ESTATE

APPEAL BY QUORUM ESTATES LTD

APP/C4235/W/21/3279967

Inquiry sat 1-4, 6-7, 11 and 15 February 2022

APPELLANT'S CLOSING SUBMISSIONS

Introduction

1. The Framework sets out two approaches to the development of designated Green Belt land like the appeal site: either it is released from the Green Belt and allocated through the development plan (subject to the exceptional circumstances test¹), or it is granted permission on an application (applying the Very Special Circumstances test (“VSC”)²).
2. This appeal falls into the latter category. There is no up-to-date development plan which has assessed the needs for B2/B8 land in Stockport and balanced it against the Green Belt and other issues³; such a plan remains some years away. Consequently, there is no argument against the grant of permission on the grounds of ‘prematurity’.
3. It is the large and pressing need for employment floorspace, and for warehousing in particular, that brings the appeal within the embrace of VSC. There have been far-reaching changes in the way that we live and the way that the economy is resourced and supported by storage and distribution in the past few years, and the planning system in the North West has only been in a position to use the VSC mechanism to ensure that it remains responsive to society’s needs. A string of major B2/B8 logistics permissions has followed⁴.

¹ Set out in paragraph 139 of the NPPF.

² In paragraph 147-148 of the NPF.

³ It is also a matter of agreement that the saved GB policy is not in conformity with the NPPF (GBA1.2) – see Mr Wood at paragraph 3.6 of his proof, page 7.

⁴ See those at CD7.1-4.

4. That is not to say that permission was inevitable in those cases, but even in the context of the Greater Manchester Spatial Framework (“GMSF”), the scale and urgency of the need for B2/B8 was favourably considered under the VSC approach. Here, there is no equivalent plan-making process in the near future and the nettle must be grasped through a planning consent process⁵ – the application first recommended to be approved in a transparent and comprehensive report by Stockport’s officers; and now before the Inspector.

Very Special Circumstances: (1) Unmet need for Industrial and Warehousing space

How the issue arises – the policy vacuum

5. The current Stockport development plan does not make provision for sites to meet the current industrial and warehousing need; the UDP Review saved policies date back to 2006 and the Core Strategy to 2011. It is clear that the development plan is out of date in this respect.
6. Indeed, Mr Wood acknowledged that there was as a result a “policy vacuum”⁶ where the provision of employment land is concerned⁷. It is true that it contains policies which aim towards a prosperous and diverse economy “with a range of accessible and suitable employment sites to attract inward investment, meet the needs of indigenous businesses and to assist in achieving the sustainable regeneration of the borough and the sub-region”⁸, and looks forward to “allocating and protecting appropriate land for industrial and warehousing uses in locations such as Bredbury Industrial Estate...”⁹; however, those intentions have not borne fruit for over a decade.
7. Moreover, as Mr Robinson notes¹⁰, the Core Strategy was formulated at a time when the profile of needs and demands for industrial and warehousing land was entirely different from how it

⁵ The needs as in most cases have to be met by developers taking commercial risks to bring forward development that is needed; a point always to be borne in mind when faced with rhetorical accusations of “cynical” developers (eg Mr Gwynne’s opening remarks to the inquiry).

⁶ The position is the same as that identified by the Inspectors in other recent logistics decisions in the North West – see eg CD7.3, IR10.38, pdf page 66.

⁷ Mr Fenwick also acknowledged this in XX.

⁸ Core Strategy Objective 3, CD4.3.

⁹ Ibid, Criterion D.

¹⁰ See Mr Robinson’s proof paragraphs 3.24-30, pages 13-15.

now stands – the plan judged that needs for B8 would rise to the same extent as those for B2 would fall, leading to a broad equilibrium¹¹. That has not turned out to be the case.

8. An attempt to fill the vacuum of employment land allocations in Stockport was of course being made. Between 2014 and 2020, the Greater Manchester authorities worked together to put in place a strategic plan which would meet up to date needs, including in Stockport, but Stockport withdrew from the process in December 2020, before the plan could reach Reg 19 submission stage.
9. There are four main points to note about the resulting employment land planning context for Stockport:
 - (1) There is no realistic way that the Places for Everyone process can meet any of Stockport’s needs
 - (2) Tameside, which lies within the Places for Everyone area, is not on the evidence capable of meeting any of Stockport’s needs
 - (3) Stockport will not be able to ‘donate’ any of its own needs to other authorities operating under what is likely to be the newly-adopted Places for Everyone.
 - (4) Stockport will not be able to consent allocated sites for another 2 ½ years at the very earliest
10. I deal briefly with those important points, taking points (1) and (3) together
11. It was suggested during the inquiry by Stockport that the needs for employment floorspace in Stockport were not a “priority” for the draft Places for Everyone plan, and indeed that there were certain other parts of the city region that had been particularly earmarked for industrial and warehousing provision. As Mr Pemberton said, however, the emerging GMSF maintained as part of its suite of policies the need to meet substantial Grade A industrial and warehousing space in Stockport – at Bredbury, of course. The unilateral removal of Stockport from the ambit of sub-regional planning does not affect the needs which led to the identification of a strategic draft Green Belt release in this location¹². Similarly, the fact that for the purposes of Manchester (seen as a whole) there might be a policy to create new clusters of floorspace has no bearing on

¹¹ See CD4.3, paragraph 3.243; and commentary by Mr Robinson pages 13-15 of his proof.

¹² Indeed the reverse – it puts a renewed focus on the ability of Stockport to meet its own needs, without recourse to broader dispositions of development across the City Region.

whether Stockport has an unmet need, nor as to whether the more strategic logistics need would continue to have a demand for the site – as Mr Pexton’s evidence shows.

12. There is no sensible basis for judging that less weight should be given to the needs of Stockport on the basis that under the Duty to Co-operate, the other 9 Manchester authorities may take some of its need. DtC applies up to submission of the plan¹³, which has happened. The GMCA has indicated clearly that it is not in a position to take any of Stockport’s needs¹⁴, and vague references to the possibility of some renewed co-operation or transfer of needs from an authority which has removed itself from the combined process at a very late stage run should be given no weight.
13. Stockport is therefore on its own, as a matter of its own democratic choice. And more - by leaving the Greater Manchester spatial planning exercise and imposing a substantial further delay on forward planning within its boundary, it continues to operate in a policy vacuum and to fail to meet identified needs.
14. Secondly, Tameside does remain part of Places for Everyone’s sub-regional planning framework, within the document submitted for examination within the last 24 hours¹⁵. Tameside’s needs are appraised by Mr Robinson, who points out that Places for Everyone recognises that Green Belt release will be required to meet the overall identified need for the borough¹⁶ - the need identified as 215,000 sq m of industrial and warehousing land by the Nicol Economics report update in March 2021¹⁷.
15. Places for Everyone¹⁸ says that Tameside’s industrial land supply is constrained and is stifling regeneration and churn in the borough. Against that background, it proposes the allocation of the Ashton Moss West site¹⁹, which is currently in the Green Belt – making it clear that without that site coming forward, Tameside will not meet its own needs to 2037. Mr Robinson has calculated that, even if that site were to come forward (more about its constraints in a few minutes), Tameside will only just meet its needs and is in no position to meet any of Stockport’s unmet needs. Mr Gwynne’s case contained a strong theme that Stockport’s decision making should not come at the expense of Tameside: it would be inconsistent with the evidence to conclude that Tameside could, or should, meet some of Stockport’s need.

¹³ See s.33A PCPA 2004, and the clear advice to that effect at PPG para 61-031-20190315.

¹⁴ See the section on Duty to Co-operate in Mr Pemberton’s proof, pages 42-44.

¹⁵ Update last day of the inquiry

¹⁶ Mr Robinson’s paragraph 7.86; referring to CD6.5 paragraph 6.33.

¹⁷ See Table 7.12, Mr Robinson’s page 108, Nicol Economics 2021 is CD6.7.

¹⁸ CD6.5, paragraph 11.270.

¹⁹ Policy JP Allocation 30.

16. Returning to the fourth point above, there is no factual basis for concluding that the industrial and warehousing needs of Stockport will be the subject of plan-making or strategic policies for a considerable period. The latest LDS dated November 2021 shows that the regulation 18 consultation originally planned for Autumn 2021 has slipped by a year. There is no evidence of any employment land assessment work being, or having been, undertaken to support any such consultation draft, and Mr Wood accepted that the target for adoption in 2024 may slip. I shall return to the additional weight due the urgency of remedying the position.

Quantitative and qualitative need

17. So much for the points canvassed at the inquiry in terms of plan-making framework in and around Stockport for employment land. They do not on analysis amount to anything other than an injunction to give full weight to the extent of the unmet need when assessing the Green Belt test.

18. Mr Wood accepted that the Inspector must evaluate the evidence of need for industrial and warehousing floorspace put before the inquiry. That comprises, in large part, Mr Robinson's evidence. I can deal briefly with the evidence submitted on this subject by the Council: Mr Bolton's document²⁰ makes some methodological comments about Mr Robinson's earlier work to which I shall come; but the main conclusion he reaches is that there is both quantitative and qualitative need for industrial and warehousing space in Stockport, saying²¹:

"...it is accepted that given recent losses to employment land across the borough and the projected uplift in job growth between the 2017 and 2019 GMFM, it is reasonable to assume that there is now a quantitative need for land within the borough. This is supported by the Greater Manchester Employment Note completed in February 2020. Furthermore, information taken from the Council's Economic Growth Team and MIDAS suggests that there remains market demand for well-located, large-format units (over 50,000 sq ft) in prominent locations with good access to the strategic road network (as previously articulated within the 2018 ELR – Para 9.60)"

19. Mr Bolton's evidence then advances one of Stockport's principal arguments at this appeal, which relates to whether the "specific level and type of need" can be determined outside the local plan process²². He does not carry out any form of detailed employment land assessment

²⁰ Appendix 2 to Mr Wood's evidence.

²¹ Appendix 2 Wood paragraph 4.2.

²² Ibid paragraph 4.4-4.9.

and is not in a position to say anything about the level of need and says nothing about the degree to which the now-superseded figure of 4.8ha from the 2018 ELR is wrong.

20. The evidential contrast could not be starker. Mr Robinson has produced a comprehensive assessment of need which, as he said, is of exactly the same kind as he would produce were he acting for a local authority like Stockport as part of plan-preparation.

21. In terms of its methodology, it follows the guidance of the PPG²³ and has assessed the full range of evidential sources. It does the following (in summary):

(1) Looks at the socio-economic context, by taking a sensible approach to the main ‘impact area’ – which was not challenged²⁴. He concludes that Stockport’s employment land requirements “should be identified and met within its own boundaries”²⁵, as well as noting that the site’s location within the wider market area makes it attractive to those with requirements wider than simply Stockport.

(2) He provides a critique of the Stockport-related evidence base²⁶. None of this evidence was really challenged. Although Mr Bolton had suggested²⁷ that Mr Robinson had jettisoned the 2018 ELR because he did not like its conclusions, that was simply incorrect. Mr Robinson starts with the 2018 ELR and makes adjustments to it to reflect real-world changes and to take into account loss replacement and margin of choice (both of which the Nicol Economics work produced since 2018 also include)²⁸.

(3) Mr Robinson’s work makes a common-sense comparison between need levels in the pre-existing work and those more recently identified for surrounding areas²⁹.

(4) He takes into account a range of data and approaches: he starts with the 2018 ELR, then replaces the outdated GMFM job-growth projections with the latest September 2021 Experian forecasts (no challenge to this was made); filling in the missing steps in the ELR on job replacement, and a 2-year margin, and correcting some components of the exercise, as well as adjusting the relevant period to 2021-2038.

²³ See Mr Robinson’s pages 9-12.

²⁴ Ibid pages 43-47.

²⁵ Ibid paragraph 5.17, page 47.

²⁶ Ibid pages 65 to 81.

²⁷ Mr Wood Appendix 2, paragraph 2.4.

²⁸ See specifically on the areas of divergence from the 2018 ELR, Mr Robinson’s paragraph 7.10 page 84.

²⁹ Mr Robinson’s pages 79-80.

22. Mr Robinson reviews the past take up rates first³⁰. I note that he uses a 45% plot ratio³¹, which is conservative – using a 40% ratio would elevate the overall requirement by 12.5%. He shows the take-up across an 18 year multi-cycle period in both weak and strong market conditions. He then factors in a 2 year margin of choice – no criticism was made of this aspect of his work.
23. His gross annual requirement is 32-49 ha of industrial/warehousing land³² in Stockport on the basis of take-up. Nicol Economics' work for the Places for Everyone authorities now proceeds entirely on the basis of take-up figures extrapolated forward. In assessing Stockport's needs in that way (for completeness, despite the fact that the Council had left the process by that stage), Nicol Economics produced a need for Stockport of 240,000 sq m (or 53.3ha)³³ over 16 years to 2037. This corroborated not just that aspect of Mr Robinson's methodology, but his overall conclusions on the scale of need in Stockport – as he observed, the 4.8ha need figure from the 2018 ELR is unsupportable in the light of the later work. None of Mr Boltons' expressed reservations about the assessment of need by Mr Robinson relate to this take-up based exercise.
24. Mr Robinson then turns to a different method of assessing the need – econometric modelling. He sets out why that should be taken into account as an alternative measure of need, in line with the PPG. Working on the latest forecasts³⁴ which were not themselves challenged, Mr Robinson showed that 34.8ha of warehousing/industrial land is needed to 2038³⁵.
25. Mr Robinson rebutted the query raised by Mr Bolton in the CBRE note and the points put to him in cross-examination:
- (1) In relation to the econometric approach, Mr Bolton queried the halving of the floorspace reduction made to correlate with a predicted reduction in jobs – but the approach reflects the fact that job decline does not automatically translate into a comparable or pro-rata loss of floorspace, at least not in the short to medium term. That approach is not inconsistent with Mr Pexton's evidence that companies seek to manage their costs by restructuring leases – that is not something that can be done unilaterally. Mr Robinson's approach is less

³⁰ Mr Robinson pages 86-88.

³¹ His paragraph 7.17 page 86.

³² Ibid paragraph 7.23 and Table 7.3, pages 88-89; the range is between weak and strong economic conditions.

³³ At 45% plot ratio and 5 year margin – see Mr Robinson's paragraph 6.23, page 72, including footnote 25 and the reference to NE work at CD6.7.

³⁴ Table 7.4, page 90-91 of Mr Robinson.

³⁵ Ibid Table 7.11 page 105.

severe than that taken by Nicol Economics, who removed 100% of the associated floorspace³⁶.

(2) It was put to Mr Robinson (again, in relation to the econometric aspect of his work) that too much allowance had been made for losses in relation to utilities, but he explained that the relevant figure was a tiny fraction of the utilities figure (some 5%).

(3) Finally, it was suggested that loss replacement had been over-estimated and that there had been a range of annual losses; but as Mr Robinson said, it is clear that losses must be replaced (in a way not done in the 2018 ELR)³⁷ the last 3 years show 12ha lost and the trend towards losses is only likely to accelerate, partly due to the Council's focus on brownfield employment sites when considering where to put its housing requirement.

26. Mr Robinson also produced the compelling assessment of Stockport's needs against those of other nearby authorities³⁸, which gives further reassurance that he is right about the amount of floorspace needed in Stockport.

27. His evidence was focused on Stockport's indigenous need, and did not really deal with the full likely quantitative extent of the pent-up demand which is recognised, but not quantified in the 2018 ELR³⁹, in updated post-Covid Nicol Economics work⁴⁰, in the officers' report on this application⁴¹ and in Mr Bolton's note⁴². It is difficult to quantify pent-up demand, by definition, because the supply constraint has not allowed trend-based take up rates to emerge. But Mr Pextons' evidence is equally compelling in showing the huge interest in the site from a range of different types of occupier, something to which Inspectors and the Secretary of State have had regard in other recent decisions in the North West.

28. The upshot is that Mr Robinson's need quantification of between 34.8ha and 49.4ha of industrial/warehousing land is robust and should be afforded full weight. To that must be added, to some extent, a further identifiable need for industrial and warehousing land which is referable to the Stockport area as part of a wider geographical market area. It is a little misleading to refer to this as "qualitative need", as it clearly translates into floorspace requirements. Better

³⁶ See CD6.7 paragraph 4.36. That point became irrelevant to NE's work because in the final iteration after Stockport's departure they simply used take up rates and did not employ the econometric approach where this issue arises.

³⁷ See Mr Robinson's page 97, paragraphs 7.47-49.

³⁸ Table 6.1 page 80.

³⁹ CD6.1 paragraph 10.23 – see Mr Robinson's page 23 paragraph 3.64.

⁴⁰ CD6.8 paragraph 1.14

⁴¹ CD3.2 pages 155-156.

⁴² Paragraphs 3.78-79.

perhaps to refer to it as pent up need, which is detectable due to the strong market signals of demand.

29. The Council have little material response to the evidence:

- (1) Some reference was made to the type of floorspace proposed in the scheme not being “run of the mill”, or relating to those with requirements over 4,500 sq m (the minimum floorspace which the Council introduced into the conditions), as if to say that the indigenous needs such as they have been calculated would not in fact be met on the site. That is demonstrably not the case, as Mr Pexton provides evidence of requirements from local occupiers and businesses interested in the site, as well as those who have had to leave the area due to the delay in bringing the site forward. Furthermore, the employment needs which have been pent up are for the larger units – ie, those which have been missing from the market in Stockport for a long time – so it is highly tendentious, as well as rather dismissive, to suggest that the type of Grade A floorspace proposed here is not for the likes of Stockport businesses.
- (2) Reference was made to the change in Greater Manchester assessed needs between the last version of the GMSF and Places for Everyone – from 4.1 m sq m to 3.3 sq m⁴³. That has nothing really to do with the needs assessed as part of the later work for Stockport, ie the 240,000 sq m (c.53 ha) in the Nicol Economics update. It was said that the ‘Greater Manchester’ need was planned to be met in full through Places for Everyone, but again, that is expressly without reference to the high level of need in Stockport. It is also questionable whether the need for strategic logistics (of a kind which has been pent up across the area for some years) would be met by the Places for Everyone figure.
- (3) Turning to Mr Pexton’s evidence, the Council suggested that the requirements he collates are (a) susceptible to being met, in some cases, by sites or buildings smaller than the minimum floorspace size proposed here, and (b) range widely across the market area, the sub region, the region and even more widely. The answer to the first point, as Mr Pexton said, is that the requirements are indeed referable to this scheme – they would be met by the buildings proposed here (and one needs to be careful in taking a range as an absolute – its bottom end might represent one version of the company’s growth, the top end, another).

⁴³ By reference to CD6.7 Table 1.2 – “you can’t say that is wrong” was what was put to Mr Robinson. He replied that one must see it on its own terms, as a take up based figure; the econometric approach was not taken by Nicol Economics because of the absence of Stockport from the exercise. One also needs to bear in mind – no doubt due to the issue of pent up demand – that the draft policy to which the 3.3 m sq m figure relates is expressed as a “minimum”: see draft policy JP-JP1 CD6.5 page 119.

The answer to the second point is that there are some requirements which are closely targeted to Stockport, some to the market area, and some more widely but which would be met here – Mr Pexton gave the examples of distribution firms which need to fill in part of their network in an area which is not yet covered.

(4) Some attempt was made to suggest that needs were either lower because of the effect of recent appeal decisions, or because of other supply points. The recent major logistics decisions (all of which are in the inquiry Core Documents) amount, very broadly to half a million square metres. That is obviously very far short of the currently identified need for industrial and warehousing space in Places for People, which continues to propose major allocations, some in the Green Belt. It is also misleading to consider the half a million square metre figure against the total requirements gathered by Mr Pexton in his evidence. For a start, they are not necessarily reflective of the need over the relevant period – Mr Robinson’s evidence is the yardstick on need to 2038 – as they comprise a snapshot of current needs. But even if one does that exercise, the 0.5m sq m figure is relatively small compared to the 1.4m sq m total current requirement in Mr Pexton’s evidence. As he pointed out, it relates to just 2.25 years’ supply when one looks at the average annual take up over the past 5 years. In other words, the needs are very large and burn very hot – the take up is driven by the availability of new space which is immediately taken. There is no evidence of Grade A warehousing standing empty in this part of the world.

(5) Finally, Mr Pexton rejected the idea that the Ashton Road bridge was a constraint to the site meeting needs. As he said from his significant experience of the market, there are very few truly ‘high sided’ HGVs in use and fleet management and organisation would ensure that the appeal site was not seen as constrained. Indeed, the size and variety of the requirements he records seems to bear that out.

30. In the end, the evidence produced by Mr Robinson and Mr Pexton is irrefutable. To the extent that some of the need is more ‘footloose’, that is not something that has caused the Secretary of State or other Inspectors to discount it when considering need for employment land elsewhere in the sub-region.

Supply

31. Mr Wood confirmed that no challenge was being made to the overall conclusions in Mr Robinson's work or to the supply evidence that Mr Pemberton has assembled. The key outcomes of that work are as follows:

- (1) There is no available alternative site outside the Green Belt to meet the needs that the appeal scheme would meet on site. This was set out in Mr Pemberton's proof⁴⁴, echoing the relevant chapter of the ES⁴⁵ and the contents of the officers' report to committee⁴⁶.
- (2) Nothing has changed, or is suggested by the Council to have changed, about any of the four sites in question (Ashton Moss 3000, Ashton Moss West, Mottram South or Land to the East of Bredbury). Mr Pexton is the agent for Ashton Moss 3000 and gave evidence about the approach that its owners, Muse, are taking to reappraise it. That corroborates what Mr Pemberton says in his proof⁴⁷ about the site. A press release of very recent date about a potential new approach to sites in and around Aston under Lyne adds nothing to this issue⁴⁸.
- (3) Mr Pemberton has complied a very conservative land supply exercise – ie, he has not sought to exclude some of the smaller or more difficult sites. He arrives at just over 15ha⁴⁹. That is a very small land supply, and only just over 7 ha relates to B2/B8 uses⁵⁰. The Council as part of its wider point about employment land dealt with through the plan making process refer to taking into account the views of other landowners – but that has been done, and relatively recently, by Stockport. In 2021 it issued a call for brownfield sites, to which all those interested in the full range of relevant sites were entitled to contribute. Yet even after that exercise, there is no alternative site or plausible suggestion on the part of the Council that the needs to be met by this scheme would be capable of being met elsewhere in Stockport.

⁴⁴ Page 85, paragraphs 9.36 to 9.43.

⁴⁵ Technical Appendix L2, CD2.52.

⁴⁶ CD3.2 pages 166-8

⁴⁷ Mr Pemberton paragraphs 9.40-43

⁴⁸ The press release references something without any development plan status called the 'Ashton Innovation Corridor'; finds referred to in the article of nearly £20m seem to be referable to the town centre rather than bringing difficult employment sites forward; indeed, the Ashton Moss site is referred to as an office location and is dealt with by reference to the Places for Everyone plan. This does not advance matters and provides no further comfort that the Ashton Moss site is any more deliverable than it has proved to be over a long period. In any event, as Mr Robinson says, it is a site for Tameside's, not Stockport's needs.

⁴⁹ With the updated information on the Chancerygate scheme (Site BG06 – 1.86h not 1.2 ha); a smaller scale scheme which could bring forward a unit of 2044 sq m.

⁵⁰ See Mr Robinson paragraph 8.84 page 153.

(4) That is even more the case for larger-scale logistics operations, which as Mr Pexton said, would not consider the majority of the sites Mr Pemberton analysed because they are too small, or require long and difficult land assembly, or are too expensive to bring forward viably, or are in the wrong place as regards the strategic highway network – or all of these things. One detected the faintest of suggestions from the Council⁵¹ along the lines that the market and values are improving for warehousing, and one can never know what might happen to particular sites, even hard-to-realise opportunities. But Ashton Moss is a *very* hard to realise opportunity – many years allocated and with permission, well located for transport, yet burdened (quite literally) with intractable ecological issues arising from peat on site – both underlying and that brought from elsewhere. The point has even more force where the 15ha in Stockport is concerned. There is no evidence to which any weight can be given that these sites could readily meet the needs the appeal site will meet; and even if they could, there would be a very substantial shortfall against the broadly 30-50ha overall requirement in the borough. That includes any evidence which may have come through the kind of engagement with the owners and stakeholders as part of the local plan process which Stockport has recently undertaken.

Weight

32. That leaves us with the Council’s argument that less weight should be given to Mr Robinson’s evidence because such matters are matters for the local plan process ignores the realities. The Council (a) accepts that there is no prematurity objection to the grant of permission for the scheme⁵², (b) accepts that there is no legal, policy or process objection to the Inspector assessing employment needs as part of a Very Special Circumstances argument⁵³; (c) accepts that the Framework has two avenues open for Green Belt land to be allocated or developed – one for the plan making process, and one for the decision-taking process, which are separate.
33. This appeal is nothing to do with “strategic policies” of any future Stockport Local Plan, and nothing to do with striking borough-wide judgements about meeting needs versus Green Belt considerations – those points are not open to the Council to make in the light of the fact it accepts there is no policy reason not to assess the VSC case.

⁵¹ When Mr Pexton was being asked about Ashton Moss and the Thomas Street sites at the outset of his cross examination.

⁵² Clarified on behalf of the Council in answer to the Inspector’s question early in the inquiry.

⁵³ Mr Wood XX

34. In cross examination of Mr Pemberton, the point came down to the weight to be attached to the employment needs and supply when the exercise was done now as opposed to in an EiP in due course. In this case, the evidence on behalf of the Appellant has been approached conscientiously bearing in mind the need to provide as full an understanding of need and supply as possible to inform this judgement. There has been little if any real challenge to that evidence, which demonstrates the position. In terms of methodology, it follows the approach that would be taken in an ELR at the plan-making stage, and nothing concrete has been said to be missing from the assessment of need due to the absence of representations from others. Similarly, having just asked for all brownfield sites to be notified to it, the Council is in no position to suggest that the supply assessment falls below the level of detail that one would get in a local plan examination.
35. But even if it did to some degree, the evidence is compelling. It is a very similar situation to those faced by the Inspectors and Secretary of State on the other NW Green Belt decisions, in which the prospect of a forthcoming multi-party examination of the GMSF, or Places for Everyone, had no effect in either dissuading the decision-makers from looking at the evidence before them, or indeed from finding that substantial weight should be given to that evidence of need. As I say, the same is true here.
36. In the case of Stockport the situation is even more precarious – there is no sub-regional spatial strategy taking a synoptic view of the situation, and which will be subject to examination in the near future. Instead, the evidence of significant need arises within a policy vacuum which is unlikely to be resolved soon, and against a background of heavily constrained supply and years of unmet need.
37. These are not simply numbers, or an insubstantial exercise to set against the value that local people attribute to the appeal site. The Framework makes it clear how important it is to local communities and to the economy that employment land needs are met: 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 development⁵⁴, a point even sharper where storage and distribution is concerned⁵⁵ and which is underlined by the PPG, which as early as 2019 in the light of structural changes in the economy and retail which had become clear even before the pandemic, said⁵⁶ “*logistics ... plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements ...*”.

⁵⁴ NPPF paragraph 21.

⁵⁵ Ibid paragraph 83

⁵⁶ PPG 2a-031-20190722 CD4.2.

38. Mr Gwynne acknowledged that warehousing and logistics are part of the fabric of society now. The appeal scheme is tailored – in both the design of the Full part, and the flexibility inherent in the Outline section – to meet real needs in line with planning objectives that stretch as far back as the adopted development plan⁵⁷.
39. Nothing turns on the fact that the scheme is ‘speculative’, as Mr Pexton said, because that is entirely normal. It doesn’t mean that there is less need, just that developers like the Appellants can have the confidence to invest in the not inconsiderable expense and time of the planning process knowing that the market exists for the scheme. It is a sign of confidence, and the strength of the market, not the opposite⁵⁸.

Conclusion on need

40. For those reasons, very substantial weight should be given to the meeting of industrial and warehousing needs⁵⁹.

Very Special Circumstances (2): socio-economic benefits

41. Again, the picture is clear: the scheme would provide a considerable number and range of employment opportunities for local people. It is regrettable that, again, the Council failed to give sufficient weight to this in its appraisal before the inquiry⁶⁰, as this evidently prevented a fair application of the VSC exercise.
42. Mr Robinson’s exercise is largely unchallenged. He assesses the socio-economic context of the nearby area (including both parts of Stockport and Tameside), finding a need for increased job opportunities; the economic activity rates in Haughton Green (72.7%) and Brinnington (69%) are very low, and unemployment is a real issue⁶¹. There are severe pockets of deprivation in these areas⁶².

⁵⁷ See Policy CS1, referred to in Mr Pemberton’s evidence at paragraph 9.5 page 78.

⁵⁸ Apart from Eddie Stobart, the same was true of the majority of the other major logistics schemes considered in the NW in recent times.

⁵⁹ The Council’s evidence given by Mr Wood only attributed very limited weight to the need (see paragraph 5.18), on the basis (as he clarified in XX) of the fallacious argument that need cannot be appraised unless in a local plan context.

⁶⁰ See the “limited if any weight” attributed to all the benefits – paragraph 6.6 page 15. Mr Wood in XX conceded in a number of respects that he probably should have given more weight to some of these benefits.

⁶¹ See Mr Robinson pages 49-52.

⁶² Ibid paragraphs 5.39-5.47, pages 55-59.

43. However, the ONS Job Seeker Allowance dataset allows Mr Robinson to compare the types of jobs that benefit claimants are seeking with those likely to be available on the site. He finds (and again, there was no challenge to this analysis) that “a large proportion of those looking for work in those areas are seeking jobs similar to those that would be offered by, and are usually associated with, large distribution and/or manufacturing developments of the type that we might expect to see at Bredbury Gateway.”⁶³ He notes that there is a prevalent misunderstanding about the kinds of jobs on offer on this kind of site, and a misunderstanding of the consequences of mechanisation and robotics.
44. Due to the proximity of the site to these areas, and the improvements to accessibility that the scheme would bring (eg the improved lighting and usability of the crossing to and from Brinnington), these jobs will be within non-car reach of the population most likely to benefit from it. The terms of the section 106 skills and training provisions will also have the benefit of maximising the chances of getting local people into the jobs that would be provided.
45. Having a job is for many people critical to their economic and mental wellbeing, and to that of their families and dependents; looked at more widely, an increased working population brings with it numerous and sustainable socio-economic benefits – all of these would be felt within the nearby communities. The job numbers can only be given in ranges, due to the flexibility within the scheme (and over the medium term they will change for various reasons including turnover of occupying companies), but on any measure they are very substantial⁶⁴: between 184 direct and 204 indirect FTE jobs during construction, and between 853 and 1213 FTE jobs locally⁶⁵. Of course, some jobs may come from further afield in Stockport, Tameside and beyond, but those too are valuable.
46. Substantial weight should be given to the socio-economic benefits of the scheme.

⁶³ Ibid paragraph 5.34 page 54.

⁶⁴ They are derived from application of the HCA density guidance. Ms Copley in her presentation suggested that the HCA work had been successfully challenged in previous B8 inquiries, but that is not the case: see CD7.5 page 121 pdf, IR 12.50 and CD7.4 DL 24-25 and IR 12-30-34. The opposite is in fact true.

⁶⁵ Ibid paragraph 9.13 for summary.

Very Special Circumstances (3): other benefits

Neighbourhood regeneration

47. Allied to the beneficial effect of jobs is the wider rippled effect of greater wealth in the local area – which the Core Strategy deals with as the reduction of inequalities. It seeks to support the neighbourhood renewal strategy and to meet the needs of indigenous businesses. It identifies Bredbury Industrial Estate as a suitable location for industrial and warehousing uses, in Objective 3⁶⁶. This is unsurprising since it is the borough's largest and most successful industrial estate, close to the strategic road network.
48. Moderate weight should be afforded to the way that the appeal scheme will assist in these identified planning objectives. Perhaps the additional parking for the Sports Village, which emerged during the process and would be a benefit to a well-regarded and important local community facility, should also come under this head.

Highways

49. There is no objection from any highways consultee or from the Council on highways, and that is partly due to the fact that the scheme would improve the functioning of the road network in the locality of the site, as Mr Hargreaves sets out in his evidence.
50. Works would take place funded by the scheme at four major junctions in the area, including the northern and southern dumbbell roundabouts at junction 25 of the M60⁶⁷. These works will not only mitigate the impact of the proposed development but will provide wider benefits to other road users. That is something to which some weight should be given.
51. The scheme would also bring forward a package of wider sustainability benefits. These are largely uncontroversial and therefore little time was spent on them during the inquiry, but they are impressive and weighty⁶⁸: new pedestrian refuge for pedestrians and cyclists on Bredbury

⁶⁶ See Mr Pemberton's paragraph 10.30, page 104.

⁶⁷ This scheme for the dumbbells effectively delivers part of the BECI programme of works at no cost to the public purse; whilst the scheme is not itself reliant on BECI, it is an added benefit that it would bring forward and develop this aspect of the wider scheme, thereby increasing its likelihood overall.

⁶⁸ These are best seen in Mr Hargreaves' proof at pages 8-9, where the table and Figure 3.1 identify and locate the various improvements.

Park Way; new cycleway/footway on both sides of Bredbury Park Way to Ashton Road; new Toucan crossing facilities on all arms of the Ashton Road junction and on-carriageway cycle lanes through the junction; new southbound bus stop and improved northbound bus stop.; new footway cycleway link to the western side of Ashton Road with Cromwell Road; installation of lighting on footbridge and improved access to the bridge from Cromwell Road; new upgraded footway/cycleway connection to link Arden Bridge and the National Cycle Route; new upgraded footway/cycleway connection to link the site to the northern end of Mill Lane, and resurfacing and lighting on a section of Turner Lane; new upgraded footway connection to link to the southern end of Mill Lane; new shared footway/cycleway on the eastern and southern side of Bredbury Park Way linking the site to Ashton Road south; new section of footway on the southern side of Mill Lane and Mill Lane uncontrolled pedestrian crossing and Rodney Lane improvement. Mr Pemberton and Mr Hargreaves also identify some improvements to recreational routes as a benefit.

52. Moderate weight, we suggest, should be given to this package of improvements.

Ecology

53. The search for biodiversity net gains in this case has led to a benefit over and above what is rightly to be regarded as 'required'. Although not immediately adjacent, the Woodhall Fields and Reddish Country Park areas are relatively close by, and by that token enable appropriate habitats to be meaningfully enhanced in line with the DEFRA metric. The agreed calculation⁶⁹ is that the proposals would deliver 10.32% biodiversity net gain, which is a sizeable amount in real terms and goes beyond any policy or legal requirement. It should be given moderate weight.

54. The cumulative effect of the different benefits the scheme would provide is very considerable indeed.

⁶⁹ Agreed by the GM Ecology Unit based in Tameside.

Harm (1): Green Belt

‘Definitional harm’

55. There is no dispute between the main parties that the scheme is correctly categorised as ‘inappropriate development’ in the Green Belt using the Framework’s nomenclature. As such it would give rise to so-called ‘definitional harm’⁷⁰ to which significant weight should be given.

Openness

56. The scheme would also have a marked effect on the openness of the Green Belt, in terms of keeping land permanently open, contrary to paragraph 137 of the Framework. That is clear from the scale of the proposals, at around 93,000 sq m with associated yards and access roads. Again, there is no question but that significant weight should be given to this effect.
57. Slightly more nuanced is the visual aspect of openness, but again there would be a large effect due to the range of viewpoints across which the scheme would be seen, both near at hand at some remove – all of these were appraised in the LVIA and in Mr Holliday’s evidence. The buildings would in places create new skyline features. It is right to say, however, that the overall effect of the scheme would decrease over time as the associated landscaping matured.

The purposes

58. Mr Pemberton recounts the appraisal by LUC in 2020, which found that the release of GMA31 (GMSF allocation) would cause ‘high’ harm to Green Belt purposes⁷¹. He also expressed the view that there may have been a degree of interrelationship between the way LUC re-assessed the site at that point in time, and the negotiations between Tameside and the rest of the GMCA about Green Belt release – he said that partly because (for reasons given by Mr Holliday and to which I return in a moment), the change in the area proposed to be allocated and the assessments

⁷⁰ By reference to paragraph 147 of the Framework.

⁷¹ Mr Pemberton paragraph 7.10 page 46.

of harm do not appear robust, noting that in two recent appeals – the Wigan and Bolton cases⁷², the LUC analyses of harm to Green Belt purposes was not accepted by the Inspectors.

59. Similarly, it is for the Inspector to assess the impact that this scheme would have on the Green Belt purposes. It is common ground that there would be no impact on the protection of historic settlements. It is also common ground that there would be an adverse impact on countryside encroachment, as the site is (in the main) countryside.
60. However, whether the site offends the idea of preventing “unrestricted sprawl” or would have harm the objective of preventing neighbouring towns from merging into one another, is much more finely balanced. The key point is of course the singular nature of the topography and its relationship with the site and the settlements on either side of the river. The Tame may not be enormously wide, but its incised river corridor is a very substantial feature, carved into the landscape and supporting heavy mature woodland.
61. This has several consequences, which are best judged on site, but which Mr Holliday identifies in his evidence. As for ‘sprawl’ – not all development in the Green Belt is sprawl. There is no question of the extended urban area of Bredbury as proposed in this scheme comprising ‘sprawl’, ie visually uncontrolled or uncontained development, due to the river valley, its heavy treescape on both sides of the river, as well as a quantity of additional planting forming part of the scheme.
62. Similarly, the key question for purpose (b) is whether the scheme would cause neighbouring towns to merge into one another physically or in terms of perception. Plainly the scheme would not cause physical merger⁷³. Whether the two settlements would be perceived as merging can perhaps be judged by walking from one to the other and judging whether one would feel as if one was leaving Bredbury and entering Haughton Green and vice versa.
63. The enveloping trees and strong character of the incised valley itself as one drops down in zig zags to it and then climbs out again, means that the journey contains a considerable section where one does not see *either* settlement to any degree, and certainly one would feel a clear sense of crossing a natural threshold. Mr Holliday acknowledged in his evidence that from

⁷²CD7.3 and 7.2.

⁷³ A document setting out in more detail various dimensions between the development and Haughton Green/Denton has been prepared – it shows a narrowing but a clear physical separation; it cannot however really tell the story of the way the levels and vegetation affect the sense of the separation between the scheme and Haughton Green, as Mr Holliday explained. Mr Gwynne’s reference in closing to the gap of 222m is a reference to the minimum dimension and this needs to be assessed as to what its actual visual effect would be, given levels and woodland. The document with dimensions shows the full range of the dimensions which would prevail if the scheme was implemented.

higher up, there would be some (actually relatively few) views across the divide between Houghton Green and Bredbury which would give a sense of closer and more prominent development⁷⁴, but the photomontages show that the river valley and its associated woodland forms a clear barrier between the two.

64. A sense of coalescence to some relatively minor degree due to those effects, but nothing which really strikes at the heart of the second Green Belt purpose.
65. The final purpose (assisting urban regeneration) would not be harmed: there is no substantive evidence-based case advanced by the Council or others that the scheme will prevent previously developed land from being re-developed.
66. To the extent that harm is found to any of the purposes, that is another matter to which significant weight should be given.
67. One aspect of the planning history on which the Council seem to dwell is the reduction of the draft allocation size in the last version of the draft GMSF – Mr Pemberton was taken to the LUC assessment which sub-divided the site, with the suggestion that the LUC analysis supported the Council’s case on Green Belt value and effects. Mr Pemberton made the fair point that the LUV GB assessment had been the subject of informal representations by the Appellant and was of course never tested – the weight to be given to that piece of the evidence and the judgement that was supported by it remains limited; Mr Wood’s evidence at paragraph 3.11 is that “the view that the evidence base for the GMSF should be given limited, if any, weight” partly on the basis that it was “not tested by examination”. That is clearly right, despite the weight that the Council wishes to give to the Green Belt assessment for the purposes of this appeal.
68. The detailed analysis of the Green Belt⁷⁵ is not agreed by the Appellant’s expert for the reasons set out by Mr Holliday – these are expert matters and as I have observed elsewhere, Inspectors in these Greater Manchester Green Belt appeals have not necessarily agreed with the untested LUC judgements.
69. It is always a little sensitive to refer to politics in this context, but to some extent one must live in the real world. Mr Pemberton expressed the candid view that the final state of the allocation in the GMSF (before Stockport seceded from the process) was the product of negotiations, some

⁷⁴ In particular, he adverted to the views near Viewpoint 11: see Figures J1.13A and J1.24B and J1.25B in his Appendices.

⁷⁵ GM34 split into several sections, and relied on heavily by the Council in its closing, despite Mr Wood’s evidence at paragraph 3.11.

of them political, between the various authorities. It is not a critical point in this appeal, but it sounds a note of caution over any suggestion that the Council may make that the LUC work and the final 60,000 sq m draft allocation is a reliable guide to whether this appeal should or shouldn't be approved. This appeal should be decided on the merits of the VSC in the current (rather changed) circumstances.

70. In summary, the harm that the scheme would cause to the Green Belt would be substantial and significant weight should be given to it when assessing whether Very Special Circumstances exist to outweigh it. There would be some compensatory Green Belt effects, however: a sizeable perimeter buffer would enclose improved paths which would make access through the Green Belt (in places afforded views down into the incised valley which are not available from public rights of way) and these improved routes would be accessible to a wider group of people than can currently use the site⁷⁶. These benefits should also be afforded some weight.

Harm (2): Any other harm

Landscape and visual impacts

71. Mr Holliday identified in his evidence that the scheme would cause moderate/major adverse effects within the site itself, due to the loss of the landscape features and the re-profiling of the site (some cut, some fill⁷⁷). In the area around the site the effect will be moderate, lessening over time as the structural landscaping matures⁷⁸. Regard should be had to Mr Holliday's evidence, the ES on landscape and the way that the landscape and visual effects were assessed (and agreed) in the officers' report to committee. The remaining issue between the parties relates to degree of impact.

72. The Council through the work submitted in Mr Wood's Appendix 1 suggested that the sensitivity of the site had not been assessed correctly by Mr Holliday. However, there is no

⁷⁶ See Mr Holliday paragraph 11.27 page 43.

⁷⁷ See the drawing at Mr Holliday's Appendix 5 and the sectional drawings, ID05.

⁷⁸ The Appellant acknowledges that landscape and visual harms would weigh against the grant of permission; it is not accepted that anything really flows from the application of very outdated landscape policies in the development plan. Mr Holliday was asked about the requirement in saved policy LCR1.1 to "protect and enhance" the landscape. As he said, that test is inconsistent in both respects with the NPPF in relation to a site which is not a valued landscape. The weight to LCR1.1 is highly questionable now for that reason.

substance to the allegation as he explained, and no opportunity to cross examine the author, something which inevitably affects the weight to be given to such an allegation.

73. The basic point goes back to the obvious contrast between the river valley itself and the sloping higher land which comprises the appeal site. It is a question of expert assessment rather than anything else – the Council’s note treats the majority of the site as of equal value and sensitivity to that of the incised river valley; Mr Holliday believes the latter is more sensitive.
74. An indicator that he may be right is the published work (prior to the notion of the appeal scheme). The site is not designated for its landscape value – nor, indeed, is the incised valley, despite its attractiveness and value for recreation having been well established over many years⁷⁹.
75. Furthermore, the site is not said on the basis of the evidence to constitute a “valued landscape” for the purposes of paragraph 174(a) of the Framework – ie a landscape which national policy says should be “protected”. In that context, it is hard to know precisely what to make of the emotive expression “jewel in the crown” used by Mr Gwynne to describe the Tame Valley – as Mr Holliday said, there is little from a professional perspective to corroborate that label for the appeal site; but the point was not really advanced as a landscape character assessment, more as a reflection of local people’s views about the Tame Valley in general.
76. As far as the varying degrees of sensitivity is concerned, the Landscape Character Area widely drawn (“Incised Urban Fringe Valleys”)⁸⁰ is tellingly described as “typically narrow, incised valleys cutting through rolling hills..”. That exactly captures the distinction on which Mr Holliday’s judgement depends, but is not recognised by the author of the Council’s note.
77. The point becomes all the clearer when one descends to the level of the Tame Valley landscape character assessment⁸¹ - that document says that the landscape of the Tame Valley (which is by no means an insubstantial area – see the plan of LCA E) would be medium-high in sensitivity terms to large scale B8 logistics use, but says that landscape sensitivity to B8 would be “slightly less in the area immediately adjacent to Bredbury Park Industrial Estate “where industrial development already influences landscape character”. In the much larger context of the Tame Valley as defined in that document, there is nothing unreasonable about Mr Holliday’s view

⁷⁹ By now very old documents such as those referring to the “Tame Valley” – eg those at ID013 do not deal with landscape value in the sense that Mr Holliday treats it in accordance with GLVIA3, and are not landscape assessment documents at all.

⁸⁰ See for instance Mr Wood’s Appx 2 STC1/3/a.

⁸¹ The Stockport Landscape Character Assessment and Landscape Sensitivity Study August 2018, CD9.1, page 60 (extract in the Stephenson Halliday Appx).

that the area of lesser sensitivity is likely to have overlapped most of the site. The point can be seen on site – one has to get right down the hill almost into the trees of the incised valley before the urban influence of the existing estate is lost.

78. Furthermore, the LUC document continues by setting out the “Special landscape qualities and key sensitivities” in a box. These begin with “[t]he distinct valley profile of the Tame, with steep-sided wooded banks” and includes “[t]he rural separation function and screening provided by the wooded valley to dense development either side”. Again, these are points which unsurprisingly focus on the incised valley. Nowhere in the Tame Valley LCA sensitivity assessment is the undulating land outside the wooded incised valley identified as of particular sensitivity or value.
79. These points are not identified in the Stephenson Halliday note⁸². Instead, there is an assessment which subdivides the site into three degrees of “susceptibility”. There is a sense in which the similar LUC Green Belt assessment of 2020 might have influenced this analysis, although without cross examination that is hard to judge⁸³. On its own terms, however, it fails: the are to the north east of the hedge-line used to demarcate high/medium and medium from the red-coloured ‘high’ does not mark a change in landscape character, either in terms of topography (its all similar until one gets much further toward the river), in landscape character elements, or in views. In short, there is no proper basis for distinguishing between the landscape sensitivity/susceptibility of the different areas of the site. Mr Holliday was right when he said that it was, in landscape character and sensitivity terms, “all much of a muchness”.
80. Although there would inevitably be a major/moderate level of harm were the site to be developed as planned, these points about relative sensitivity do matter a little – the over-statement of harm in the Council’s landscape note is not reliable and may mislead in terms of the weight to be given to this point in the eventual balance.
81. Visual impacts will have been assessed most effectively on the site visit, but I would briefly touch on Mr Holliday’s point that the buildings proposed would have very little effect if one were in the incised valley, and very little effect from the riverside path, the critical part of the

⁸² See the partial quotations from the document at pages 7-8, omitting the key sections quoted above. Similarly, as Mr Holliday said when asked about it, the reliance placed on the ZTV exercise when assessing degree of impact on that landscape is not realistic.

⁸³ On the face of it, the Council’s reliance on the LUC 2020 assessment and the reduction in the size of the draft Bredbury Gateway allocation is a curious one: it would suggest that the majority of the site is acceptable to meet the needs in Green Belt terms, as having been judged to satisfy the ‘exceptional circumstances’ test. That is hardly consistent with the root and branch objection that the Council’s resolved position represents. The problem with the argument in the end is that it is neither one thing nor another for the Council: the draft allocation (untested) appears to support the Appellant’s case in part but it does not, in circumstances now faced by Stockport (quite different from the GMSF context), imply that the rest of the site should be rejected.

key right of way designated for recreation through the linear 20+ miles of the Tame Valley. Users of the rights of way will experience a major adverse change through the site itself, but that effect is relatively localised.

82. On the Tameside side of the river, there will be views from Haughton Green which Mr Holliday acknowledges, and although the proposed buildings will be visible (in parts against the sky), the distance from the viewer will be perceptible to the naked eye.
83. From further afield the visual effects are much more diffuse. From Castle Hill there will be some views in which the buildings will partially occlude Werneth Low, but the effect will be perceptible only over a short distance⁸⁴. From up at viewpoint 28, the buildings would be visible to some extent but as part of a panorama which stretches as far as the city centre of Manchester⁸⁵.
84. The landscape masterplan⁸⁶ aims to tie in the scheme to the surrounding landscape; there has been discussion about the way the structural landscaping associated with Phase 1 (which includes a very large portion of the landscaping adjacent the incised valley and also near Ashton Road where the levels are to change) can be secured at the outset⁸⁷. The key elements of the masterplan – woodland planting and associated vegetation would be in keeping with the landscape character of the area. Whilst the plateaux for the development itself would be engineered and would not themselves be in keeping with the landscape character of the area, the influence they would exert over neighbouring landscape would be significantly limited by the planting scheme.
85. How to sum up the weight that should be given to the landscape and visual effects of the scheme? The site – which is of only moderate sensitivity, undesignated, non-valued-landscape – would be harmed; the surrounding landscape would not be much affected due to the compartmentalisation that the roads and in particular the river brings; there would be some marked visual effects but again, only in a relatively narrow scope. It is critical to bear in mind the importance of the incised river valley and how little, in fact, that would be affected. There is no question that the Tame Valley is an important resource, but it is a 24 mile long, linear corridor with a variety of relationships with the urban areas; in this precise location, far from

⁸⁴ See Viewpoint J1.32-34 in Mr Holliday's Appendices.

⁸⁵ Mr Holliday dealt with the methodological point made about these views in his evidence: the LVIA does identify high sensitivity receptors from this location.

⁸⁶ See Mr Holliday's Appendix 3.

⁸⁷ As the Inspector raised in questions to Mr Holliday, this will ensure that the year 15 photomontages are at least in large part reliable as at 15 years from commencement of the scheme overall; there will be planting associated only with Phase 2 (outline) which will start when that phase comes forward.

“severing” the character (a point made in closing by the LPA but not in the evidence), the value of that linear landscape resource would be largely maintained due to the intensity of the incised river valley character. A sense of balance and realism is therefore required on this issue, and the Appellant would suggest that moderate weight would be appropriate for this issue.

86. That assessment made by Mr Holliday and Mr Pemberton is as objective as possible; and in submissions like these it is proper to stick to the application of professional assessment guidelines. Those do not, sometimes, chime with the views of local people – here heard on a number of occasions but focused in Mr Gwynne’s evidence and submissions – which is a familiar phenomenon in planning appeals. In a sense, that is why GLVIA3 and the Framework have a category of valued landscapes, entry into which may on occasion depend on the relationship between objectively assessed attributes and personal views. In this case, it is a very important aspect of the landscape character issue that the site does not fall into that category, a point which provides some support for a more balanced finding of moderate weight.

Other harms suggested: traffic/AQ/climate change

87. The scheme has been assessed in the TA using an agreed methodology with a verified micro-simulation model, as Mr Hargreaves sets out⁸⁸. Neither National Highways nor the local highways authority has an objection.

88. Queries were raised about the trip generation and distribution: trip generation and distribution were extensively scoped and agreed with the relevant stakeholders prior to the application. There is no basis to the idea that the TA under-predicts the amount of traffic (especially HGVs) which would be travelling north to Denton – the assessment was made on the basis of turning movement surveys at the two Bredbury Industrial Estate junctions⁸⁹.

89. It will be recalled that the TA traffic assessment is overly-robust because it uses a split of 40% B2 and 60% B8 (which may well not be the case) and the higher level of floorspace in the original application.

⁸⁸ See Mr Hargreaves pages 2-3.

⁸⁹ It is not the case that the evidence shows that 20% of HGVs would travel north, for the reasons given by Mr Hargreaves when XXd by Mr Gwynne – CD8.26 does not say that 80% of HGVs would go north, but 80% of vehicles. The Viridor/Suez higher vehicles will not be affected by the scheme. Much care should be taken with the ambiguous references to 18/20% by Mr Bond in the highways committee session: he was not talking about 20% of all HGVs, and also it is not clear at all that he was relating this to high sided HGVs or the bridge.

90. The idea that the future occupiers would put proportionately more traffic through Denton than to the nearby motorway junction, due to the effect of the low bridge, thereby causing harm in Denton, does not bear scrutiny:

- (1) Proximity to the junction is probably the single most important aspect about the site as far as the market is concerned, as Mr Pexton said. Occupiers will take a view about the fleet that they operate from the site if (which is by no means clear) they consider the bridge to be an issue at all.
- (2) It may well not be – the fleets of logistics operators are overwhelmingly vehicles that would pass without difficulty under the rail bridge, as Mr Hargreaves said. The FTA say that only 3.5% of fleets are high-sided HGVs that would struggle to get under the rail bridge here; something that Hermes corroborate (as Mr Hargreaves said, adding that at the Omega inquiry the evidence accepted was that only 12/800 HGVs (ie1.5%) fell into that category. There would be some, he accepted – but very few.
- (3) The Denton route is also an A road which is expected to take HGVs, and a small additional number would not give rise to harm.
- (4) There is no evidence that the flows predicted in the TA – or any particular increment to them – would cause harm to the highway free flow or safety.
- (5) Air Quality would not be materially affected by the predicted flows including the relatively small number of additional HGVs which would route through Denton, as the ES sets out in terms which were accepted during the application process⁹⁰. Given the routing choices likely from the site, the minority of HGVs going to Denton and the existing circumstances there, the appeal scheme will not have an effect which comes within the ES scope as a likely significant effect. There is no evidential basis for the idea – and it is no more than that – that the scheme will lead to a material worsening of traffic⁹¹ and AQ in Denton, near Mr Marsland’s school. In relation to the very serious issues around climate change, AQ and human health, one must look carefully at the evidence, which in this case (as agreed with all the expert stakeholders) does not indicate a harmful impact of the kind feared.

⁹⁰ Please see CD2.7, paragraphs F2.20; F4.2 and Figure 4.1; F5.18 on how conservative the modelling is; F.5.25: “not significant” AQ impact; see also F.7.3. Mr Pemberton’s Appendices also provide important updates in relation to both AQ and noise to which regard should be had.

⁹¹ For instance, one cannot infer anything safely from the passage of some Kingsmill Bakery lorries through Denton. No full route mapping was undertaken (ie did they drop in Denton or the nearby areas before moving to the motorway junction?), and the reasons for use of high-sided vehicles is not known.

(6) Emerging from the evidence about highways schemes came the possibility that a package of improvements (“BECI”⁹²) is to be aimed in part at the railway bridge, to cure its height issue for the tallest HGVs. As Mr Hargreaves said, the prospect of the bridge being improved depends on developer contributions towards the overall BECI project rather than simply grant funding, and the appeal scheme effectively delivers part of the BECI scheme⁹³. There is therefore some prospect that the bridge height will be resolved in due course, indirectly assisted by the appeal proposals.

91. Ms Copley for CPRE referred to two other points, neither of which discloses an objection to the scheme: (a) noise – there is no evidence that the scheme would cause unacceptable noise to any receptor despite potential 24/7 working, due to very good levels of separation and limited additional impact on route-related receptors; and (b) agricultural land loss – the point is not raised as an objection for the reasons set out in the officers’ report⁹⁴.
92. For these reasons, there is no “other harm” to add to the Green Belt harm other than the identified issues relating to landscape character and visual amenity.

Very Special Circumstances and overall conclusions

93. The Council and the Appellant agree that the VSC judgement should be determinative of the appeal – it goes not just to compliance with the Framework but to the overall s.38(6) judgement. As a matter of approach, I am not sure that one can accurately describe the VSC planning judgement as an “algorithm” as Mr Barrett does. An algorithm is rather too mechanistic and pre-determined compared to the type of judgement called for by Framework paragraph 148. VSC is a cumulative or aggregate assessment, bearing all the relevant points in mind including questions of timing. It is a balance which Inspectors are well used to making, between incommensurable things – broadly, openness and landscape on the one hand, the economy and people’s jobs on the other.

⁹² BECI is more than a gleam in the eye, as Mr Gwynne’ closing submissions seem to say. There is a process underway for funding and it has status within strategic transport planning for the area.

⁹³ See above for reference to the way the appeal scheme will effectively deliver the J25 north and south dumbbell scheme, which is part of the BECI scope – hence the way the appeal scheme enables the wider programme of works to come forward without so much reliance on public money, thereby increasing the deliverability of the works as a whole including the bridge amendment.

⁹⁴ CD3.2 pdf page 169.

94. In this case, the power of the VSC case comes from a very substantial set of benefits, but their force also derives from the combination of the proposed use with the particular time and place. The proposed use would meet part of a large unmet need – both indigenous and the pent up demand of the wider market, which the Government has characterised as “critical” to the functioning of the economy. It would give rise to many jobs available to a workforce some of which is in dire need of such opportunities, the chance to improve their circumstances with a decent job. Benefits in highways and ecological terms would also arise. There is no alternative site.
95. But the place and the time lend these benefits significant additional emphasis: the site lies next to the boroughs’ premier industrial estate, with excellent motorway access; but more to the point it lies in Stockport. Stockport has removed itself from the GMSF city-region planning process and finds itself fallen far behind in terms of plan-making, and without sensible recourse to the benefits that sub-regional planning brings.
96. The borough has, to coin a phrase, taken back control; but now finds that it has little or no power over the Places for Everyone authorities who quite understandably refuse to engage with it in nebulous DtC discussions on the eve of their own submission. It is years from being able to make a plan of its own, and yet has hugely pressing and extensive development needs. Hence, as Mr Wood agreed, the policy vacuum. Plan-making in Stockport is not in a position to meet the pressing needs of the economy and the people of the area.
97. That is why the Council’s central theme during the inquiry slipped and slid between the proposition that it is for the Council to strike the balance between Green Belt and the economy (a proposition largely withdrawn in the face of the obvious inconsistency with the Framework) and the much more limited proposition that no weight can be given to the needs case without a plan process. In effect, Stockport have tried to wish away the VSC provisions of the Framework, despite having brought them into full effect by withdrawing from the GMSF.
98. The needs and jobs case is therefore hugely pressing, and it is not an adequate response in the public interest to say they have not been properly assessed (they have, in exhaustive detail) or that they must wait for years until the plan (they are already unmet needs, and local people are already in many cases living lives of deprivation which the planning system can do something to help alleviate). These are real world economic and social needs of enormous importance.
99. On the other side of the judgement is the landscape impact, which will be palpable, although relating to undesignated land. There would be a significant impact on the Green Belt in this area, but this has not been reviewed for decades and needs to be. Indeed, the GMSF was about

to grasp that nettle; the self-evident need to use Green Belt land to meet current needs which emerged from that process has been underlined in the changed circumstances by the absence of alternative sites.

100. It is in these particular circumstances that the VSC can be seen clearly to outweigh the harms, significant though they would be.

101. It is also right to reflect on the fact that the voices of local people have been heard during the inquiry, with all the immediacy that this type of appeal enables. There is absolutely no sense that any issue of any importance has been left out of account. This too adds weight to the conclusion that there are VSC which clearly outweigh the harms.

102. For those reasons, therefore, and subject to the conditions and (within the allotted timescale) the s.106, the Inspector is respectfully requested to allow the appeal and grant permission.

RUPERT WARREN Q.C.

**Landmark Chambers
180 Fleet St
London EC4A 2HG**

15 February 2022