

Response 355

Respondent Details

Information	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

PART A - About You

1. Please complete the following: Please note the email address (if provided below) will be sent a full copy of the submitted response and a unique ID number for future reference (pdf attachment).

Name of person completing the form: County Planning Ltd

Email address: [REDACTED]

2. What type of respondent are you? Please select all that apply.

An agent

3. Please complete the following:

Contact details	
Organisation name (if applicable)	County Planning Ltd
Agent name (if applicable)	Dan Matthewman
Address 1	PO Box 515
Address 2	Manchester
Postcode	M28 8EY
Telephone number	[REDACTED]

PART B - Representation Form 1

1. To which part of the Local Plan does this representation relate? From the drop down list please select one option.

Policy DEV4 Economic Growth and Development

2. Does your comment relate to a specific paragraph (s) or policy sub-number (s)? Please select one option.

Both of the above

If a paragraph or policy sub-number then please use the box below to list:
3 - Allocation of development areas Site Allocations MD2 Garden Suburb

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Compliant		
Sound		X
Compliant with the Duty to Co-operate		X

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

PLEASE REVIEW ATTACHED REPRESENTATION STATEMENT

5. If you answered 'Yes' to any of the options in question 3 then please give details in the box below the reasons why you support the legal compliance or soundness of the Draft Local Plan or its compliance with the duty to co-operate. Please be as precise as possible.

PLEASE REVIEW ATTACHED REPRESENTATION STATEMENT

6. Please set out what modification(s) you consider necessary to make the Draft Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

PLEASE REVIEW ATTACHED REPRESENTATION STATEMENT

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

Yes, I wish to participate at the oral examination (I understand details from Part A will be used for contact purposes)

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To ensure that the Inspector has sufficient opportunity and information to ask questions about Alternative sites, in particular the proposed modifications to DEV4; Site Allocations and MD2

8. If you wish to upload documents to support your representation form then please select 'choose file' below. You can upload a max number of 2 files (up to 25MB each). If you are submitting more than one representation form please note: If this file upload supports more than one representation form then please do not attempt to upload the same file on subsequent forms. On additional representation forms please use the comments/file description box to type in the 'name of the file', or 'see previous form'. If the file upload is a different document for additional representation forms then please continue to upload the file as normal.

- File: JFT2-3 - WBC Local Plan Representation (Objection) CPL, Final 04-06-2019.pdf - [Download](#)

Comments/file description
JFT2-3 - WBC Local Plan Representation (Objection) CPL, Final 04-06-2019

You have just completed a Representation Form for Policy DEV4 Economic Growth and Development. What would you like to do now? Please select one option.

Complete another Representation Form (Part B)

PART B - Representation Form 2

1. To which part of the Local Plan does this representation relate? From the drop down list please select one option.

Policy MD2 Garden Suburb

2. Does your comment relate to a specific paragraph (s) or policy sub-number (s)? Please select one option.

None of the above

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Compliant		
Sound		X
Compliant with the Duty to Co-operate		X

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

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PLEASE SEE REPRESENTATION STATEMENT

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PLEASE SEE REPRESENTATION STATEMENT

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

Yes, I wish to participate at the oral examination (I understand details from Part A will be used for contact purposes)

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To ensure that the inspector has opportunity to ask questions/seek additional information on alternative site allocations being proposed.

8. If you wish to upload documents to support your representation form then please select 'choose file' below. You can upload a max number of 2 files (up to 25MB each)

Comments/file description
See JFT2-3 - WBC Local Plan Representation (Objection) CPL, Final 04-06-2019

You have just completed a Representation Form for Policy MD2 Garden Suburb. What would you like to do now?
Please select one option.

Complete another Representation Form (Part B)

PART B - Representation Form 3

1. To which part of the Local Plan does this representation relate? From the drop down list please select one option.

Policy GB1 Warrington's Green Belt

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Compliant		
Sound		X
Compliant with the Duty to Co-operate		X

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

5. If you answered 'Yes' to any of the options in question 3 then please give details in the box below the reasons why you support the legal compliance or soundness of the Draft Local Plan or its compliance with the duty to co-operate. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

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PLEASE SEE REPRESENTATION STATEMENT

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

Yes, I wish to participate at the oral examination (I understand details from Part A will be used for contact purposes)

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To ensure that the Inspector has opportunity to seek information on alternative site allocations and release of land from the green belt to meet OAN requirements.

8. If you wish to upload documents to support your representation form then please select 'choose file' below. You can upload a max number of 2 files (up to 25MB each)

Comments/file description
JFT2-3 - WBC Local Plan Representation (Objection) CPL, Final 04-06-2019

You have just completed a Representation Form for Policy GB1 Warrington's Green Belt. What would you like to do now? Please select one option.

Complete another Representation Form (Part B)

PART B - Representation Form 4

1. To which part of the Local Plan does this representation relate? From the drop down list please select one option.

Policies Map

3. Do you consider the Draft Local Plan is: Please select one option in each row.

	Yes	No
Legally Compliant		
Sound		X
Compliant with the Duty to Co-operate		X

4. If you have answered 'No' to any of the options in the above question then please give details in the box below of why you consider the Draft Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

5. If you answered 'Yes' to any of the options in question 3 then please give details in the box below the reasons why you support the legal compliance or soundness of the Draft Local Plan or its compliance with the duty to co-operate. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

6. Please set out what modification(s) you consider necessary to make the Draft Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

PLEASE SEE REPRESENTATION STATEMENT

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? Please select one option.

Yes, I wish to participate at the oral examination (I understand details from Part A will be used for contact purposes)

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To ensure that the inspector has opportunity to seek information on alternative allocations being proposed

8. If you wish to upload documents to support your representation form then please select 'choose file' below. You can upload a max number of 2 files (up to 25MB each)

Comments/file description
See JFT2-3 - WBC Local Plan Representation (Objection) CPL, Final 04-06-2019

You have just completed a Representation Form for Policies Map What would you like to do now? Please select one option.

Complete the rest of the survey (Part C)



COUNTY PLANNING LTD

Moving Development Forward

LOCAL PLAN REPRESENTATION STATEMENT

OBJECTION/SUPPORT: OBJECTION TO POLICIES DEV4; SITE ALLOCATIONS; MD2 OF WARRINGTON BOROUGH COUNCIL EMERGING LOCAL PLAN (DRAFT SUBMISSION VERSION)

LOCATION: FORMER KENYON RAILWAY JUNCTION

CALL FOR SITES REFERENCE NO.:

R/18/P2/033

ON BEHALF OF: J FALLON TURNER & JFT & SONS LTD

(OUR REF. JFT2/3)

COUNTY PLANNING LTD

PO Box 515, Worsley, Manchester, M28 8EY

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Date 04 June 2019
Our ref JFT2/3
LPA ref R/18/P2/033
Contact us [REDACTED]

REPRESENTATION TO EMERGING WARRINGTON LOCAL PLAN (2019)

DESCRIPTION: REPRESENTATION TO DRAFT WARRINGTON LOCAL PLAN
(SUBMISSION VERSION) CONSULATION JUNE 2019

LOCATION: LAND AT FORMER KENYON RAILWAY JUNCTION (SITE REF.R/18/P2/033)

POLICIES AFFECTED: OBJECTIONS TO DEV4 (3); SITE ALLOCATIONS; MD2 (GARDEN SUBURB)

1. INTRODUCTION

- 1.1 This document is a representation statement relating to the Warrington Borough Council (WBC/the Council) emerging Draft Local Plan (Submission Version). It OBJECTS to policies DEV4; Site Allocations and MD2 on the basis that the Council has failed to adequately consider and exhaust all brownfield land before releasing land for industrial allocations.
- 1.2 Specifically, the objection highlights the land known as the Former Kenyon Railway Junction given site Ref. R/18/P2/033. It is previously developed land currently washed over by the green belt and yet a large portion of it benefits from an extant permission for B2/B8 storage uses (application ref. 2018/33144). The Council has declined to adopt the land for allocation and release it from the green belt and instead has proposed to release greenfield greenbelt land instead. This is contrary to para 117 of the National Planning Policy Framework (NPPF).
- 1.3 This representation is submitted on behalf of JFT & Sons Ltd/Mr J Fallon who are the respective occupier and freehold owner of the land (title register CH375964). They support and promote the land for allocation, considering that it is available, suitable and deliverable for up to 9,650 sq.m of B1; B2 and B8 Class Employment Uses. It seeks revision of policies DEV 4 (Criterion 3) and the Site Allocations policies to allocate the Kenyon Junction site and release it from the green belt designation for development of B-Class Employment uses.
- 1.4 This statement sets out the detailed background, together with supporting information sufficient to allow the Council to adopt the site as an employment land allocation. Where necessary, further information can be provided in support of the allocation.
- 1.5 The objection will be maintained until the relevant policies are altered as described.

2. POLICIES AFFECTED

2.1 This representation OBJECTS to the following policies:

- o DEV4 (Criterion 3)
- o Site Allocations
- o MD2 (Warrington Garden Suburb)

3. AUTHOR'S PROFESSIONAL SUMMARY

3.1 This representation is written by Daniel Matthewman L.L.B (Hons), MSc, ACILEx, MRTPI. I am the Managing Director of County Planning Ltd, a professional town planning and development consultancy regulated by the Royal Town Planning Institute. County Planning Ltd works across the whole development sector, with a commercial, industrial, leisure and housing development project portfolio in excess of £50million GDV.

3.2 I am dual qualified as a Chartered Town Planner and an Associate Member of the Chartered Institute of Legal Executives, holding an undergraduate honours degree in Law and a post-graduate honours MSc in Environmental Governance. I have more than a decade of planning experience which has included appearing as a witness at public inquiries, injunctions and magistrates and county court proceedings in relation to planning matters.

3.3 My experience in industry includes holding senior positions in both the public and private sector including Knights PLC, DLA Piper UK LLP, Warrington Borough Council and the Environment Agency. My roles have been wide and varied, included holding Enforcement Team Leader, Principal and Senior Planning Officer positions in local planning authorities. My other roles have included a Senior Planning Advisor position within the Environment Agency where I advised five local authorities across the North West of England on the environmental implications of complex and large-scale planning applications.

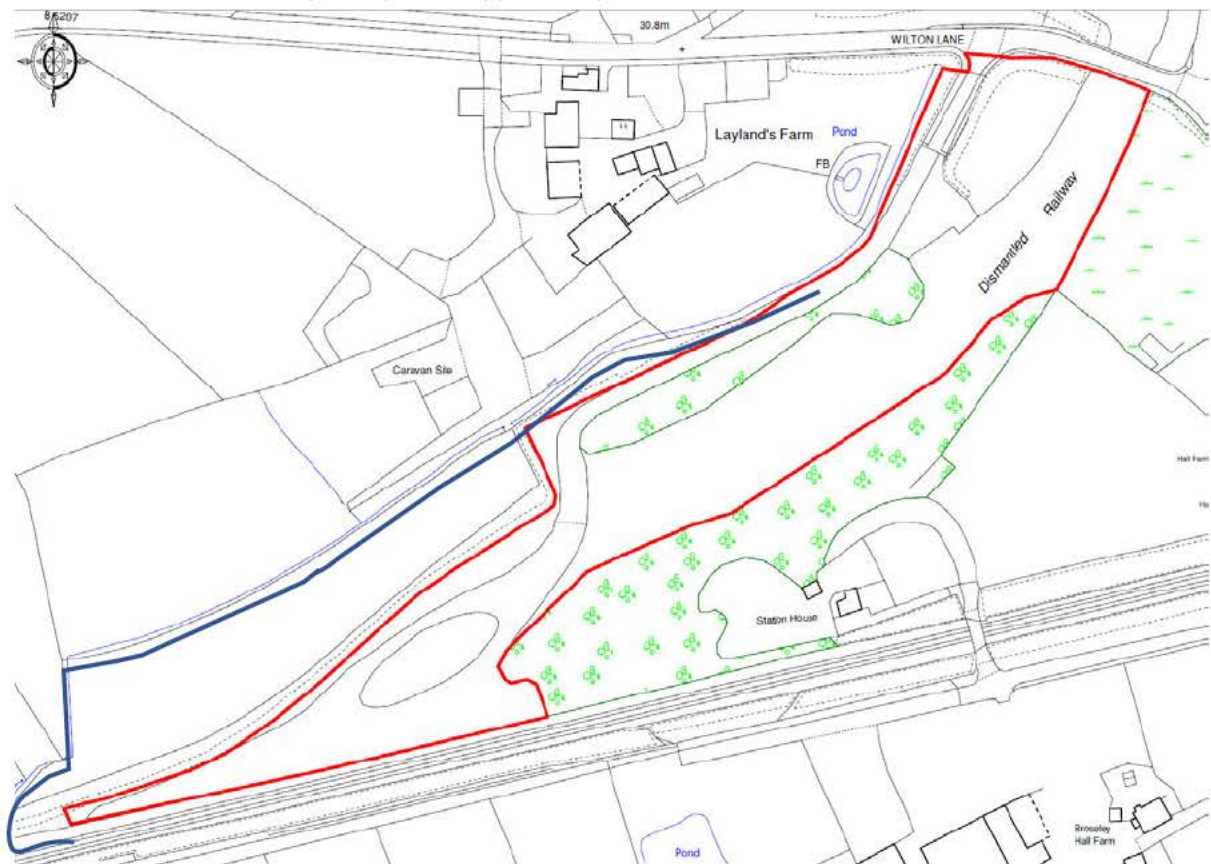
3.4 Latterly before establishing County Planning Ltd, I established and managed the Manchester planning department of Knights PLC, a multi-disciplinary consultancy with more than 140 real estate professionals working across the whole development sector.

3.5 I have visited the appeal site approximately five times during the last four years. I also live approximately 10miles away from the site and have visited various areas around Culcheth, Croft, Leigh and Wigan regularly since 2011. When describing the site and character of the area, I draw on both my personal and professional awareness of the site and the locality.

4. BACKGROUND/SITE DESCRIPTION

- 4.1 The land at the former Kenyon Junction (the site/the land) comprises 5.06Ha of hardstanding located south of Wilton Lane, approx. 1.2km north of Culcheth. It runs in a roughly north/south orientation with access via an existing double-width entrance on Wilton Lane.
- 4.2 The site measures approx. 370m long x 65m wide and is situated in a 'valley' with established woodland trees on the west and eastern boundaries. To the south of the site is direct access to the Leeds-Liverpool railway line and to the north is the road bridge above the site. The site is thus well defined on all sides and benefits from landscape cover, further screened by the changes in topography and layout of the site which hides it from wider fields of view.

Fig.1 – Site Location Plan (Scale plan at Appendix B) (OS Licence 100060904):



- 4.3 The former use was a railway freight junction on the Liverpool and Manchester Railway, connecting the Bolton and Leigh railway, established in circa 1831. It was reported to have been the largest passenger and freight/goods depot in the UK at the time it was established, comprising 8 tracks, station, crane, two platform and over-bridge, signal boxes and signalman's lodge, and four dwellings known as Kenyon Place; the majority of which has since been removed. The line closed to passengers between 2 Jan 1961 and 1 Aug 1963, with the last passenger train on the line running on 15 June 1963, but continued its use for freight until approx. 1968.

Fig.2 – Site photos circa 1962 ©HC Casserley:



4.4 The applicant purchased the site in 1990 and since then it has been used for a range of industrial/manufacturing, haulage, storage and distribution uses falling within Classes B2 and B8 of The Town and Country Planning Use Classes Order 1987 as amended (the UCO).

4.5 The UCO puts land uses into various 'classes'. In this case, the relevant Use Classes are:

Use Class B2 (General industrial) - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or waste uses).

Use Class (B8 Storage or distribution) - This class includes open air storage.

4.6 On 10th September 2018 (during which time the Council's consultation on its Preferred Options draft local plan was closed), the Council approved application ref. 2018/33144 which confirmed that approximately half the land was lawfully used for B2 and B8 planning uses as defined by the UCO. The site thus has an established lawful use by virtue of Section 171B and 191 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).

- 4.7 The uses since 1990 have been wide ranging and length of occupation by different tenants has been variable, ranging from a few days to several yearlong encampments including the siting of shipping containers, portacabins and 24/7 access by rail workers and HGV deliveries for a major electrification upgrade project by network rail. The previous uses of the land include metal fabricating, rail track welding and bending; concrete batching comprising of the mixing and pouring of aggregates concrete; filling of mesh gabions; and processing and stripping of wood and vegetation to form bark, chippings and mulch.

Fig.3 – Photos of the site in use:



5. ANALYSIS OF PREFERRED OPTIONS RESPONSE

- 5.1 The site was promoted in the Council's Preferred Options Call for Sites consultation (2017) under site ref. R18/P2/033 with a net developable area of approx. 3.27ha. The Council considered the site in the Update to the Economic Development Needs Assessment (Feb 2019) (EDNA 2019) which appraised 52 sites submitted to Council for employment uses.
- 5.2 The Council adopted a scoring methodology which categorised sites with grades A to E, with those scored A-C being considered further against the criteria to meet the Objectively Assessed Need (OAN) case for employment land. This site was given a Grade D.
- 5.3 It is submitted that a) the Council's consideration of the site was flawed; b) there has been a material change in circumstance since the preferred option response was issued which warrants reconsideration of the site and c) further information is now provided to provide the support necessary to demonstrate that the alleged constraints can be readily overcome.
- 5.4 The previous call for sites response was encapsulated within the WBC EDNA Final Report/February 2019/BE Group and Mickledore (page 10):

Fig 4 - Extract from W121(e):

Respondent Comments	Constraints	Market 'Fit'/Supply Gap Filled	Deliverability
<p>Developer owned. Proposed for B8 uses with emphasis on open storage. Subject of enquiries from parties seeking open storage sites, esp. caravan storage (main use sought) Former rail freight depot (Network Rail), and other open storage uses Prospect for renewal of rail use screened by tree cover/topography. Separated from settlements by rail line. Similar uses, including caravan storage, along Wilton Lane.</p>	<p>Green Belt Site (brownfield) Difficult access onto Wilton Lane Limited vehicle capacity onto Wilton Lane Network Rail easement</p>	<p>Market evidence as for Site R18/031, R18/P2/131H above</p>	<p>Brownfield site, historically used for rail related/open storage, and close to other such uses. Land receiving ongoing enquiries for B8 uses and under developer control. Reuse of this brownfield site is desirable, but ultimate use sought is caravan storage. Unclear if formal allocation in Local Plan, for employment, and removal from Green Belt, required to achieve this.</p>

6. SITE CAPACITY

- 6.1 The Council adopted a scoring methodology which categorised sites with grades A to E, with those which scored in the A-C being further considered against the criteria to meet the Objectively Assessed Need (OAN) case for employment land within the Borough. It is our contention that that the Kenyon Junction site warrants a higher score, having regard to the information now available and changes in circumstance as explained below:
- 6.2 The Council criticised in its EDNA response that the site was being proposed for caravan storage, which was cited as one example of a range of suitable open-air storage options. This does not in any way suggest that it cannot accommodate a wide range of B Class Uses.
- 6.3 Further research has now been conducted to demonstrate that the site could accommodate up to approx. 9,650sq. m (103,870sq. ft) of B-Class employment floor space as described below and shown on the indicative site layout overleaf:

UNIT 1 – 1,500 sq. m (16,200sq. ft.)

UNIT 2 – 2,350sq. m (25,000 sq. ft)

UNIT 3 – 1000sq. m (10,700 sq. ft.)

UNIT 4 – 1,500 sq. m (16,200sq. ft.)

UNIT 5 - 1650sq.m (17,700 sq. ft)

UNIT 6 – 1650sq.m (17,700 sq. ft)

TOTAL: 9,650sq. m (103,870sq. ft)

See indicative proposed site layout at Appendix C

- 6.4 The site is well drained and has secure perimeter fencing. It is expected that improvements can be made to provide suitable and safe vehicular access for the quantum of development proposed; this consideration is described in more detail below.
- 6.5 As shown by the comments from the Council's Environmental Health Officer (Appendix D), the existing uses have occurred without complaint for a minimum of ten years which given the heavy use for B2 and B8 purposes is a further indication that the proposals could be made compatible with the residential amenity of the nearby dwellings.
- 6.6 It short, the site is considered suitable, particularly as it already benefits from planning permission for B-Class Class Uses and is available and deliverable for further expansion of those uses. It is available to accommodate further B-Class Uses and it is deliverable.

B6207



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Moving Development Forward

30.8m

WILTON LANE

Layland's Farm Pond

FB

Caravan Site

B1 OR SUI GENERIS
(LIGHT INDUSTRIAL)

B1 OR SUI
GENERIS
(LIGHT
INDUSTRIAL)

B8 STORAGE AND DISTRIBUTION

B2 INDUSTRIAL

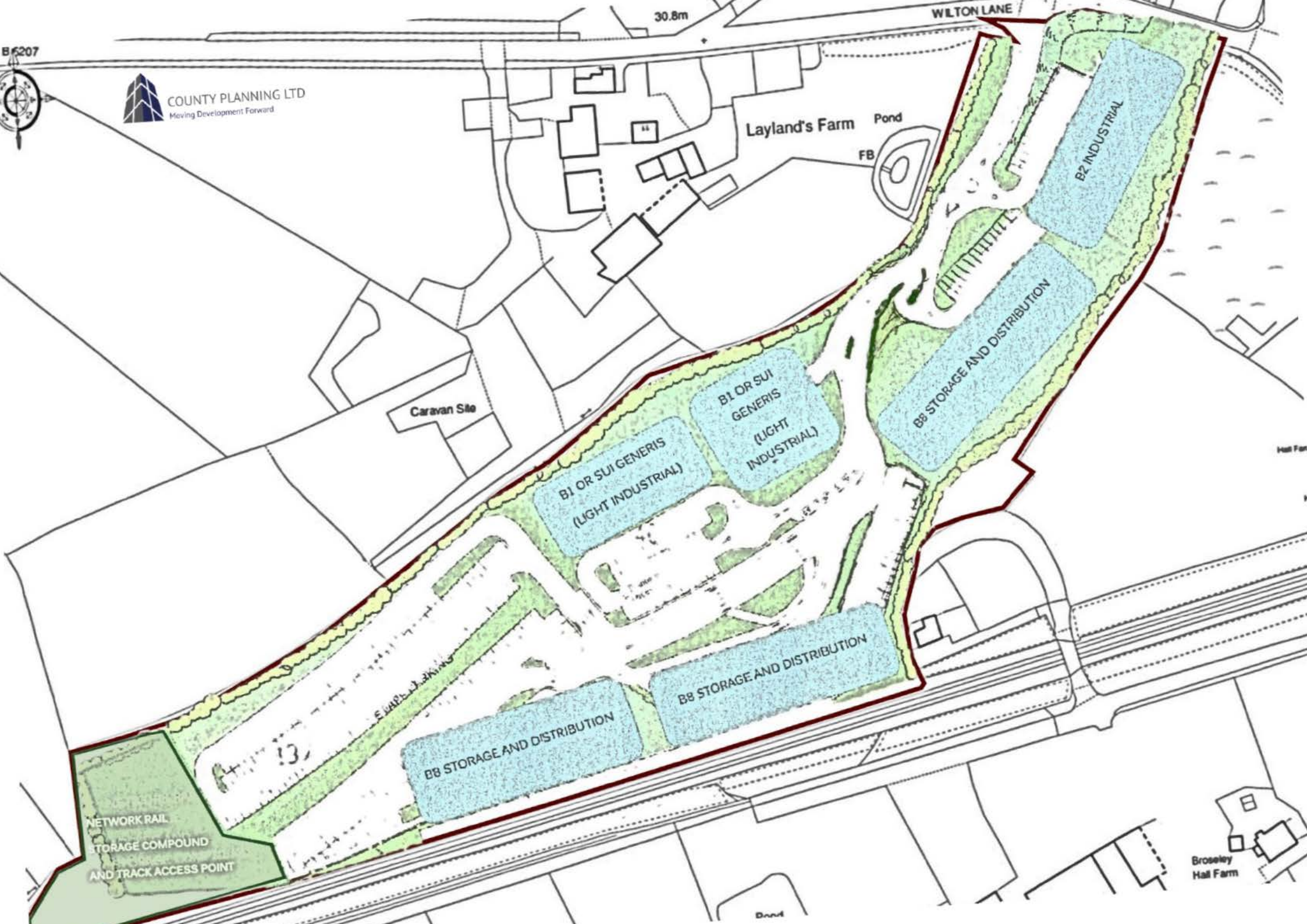
B8 STORAGE AND DISTRIBUTION

B8 STORAGE AND DISTRIBUTION

NETWORK RAIL
STORAGE COMPOUND
AND TRACK ACCESS POINT

Broseley
Hall Farm

Pond



7. EVIDENCE TO SUPPORT RECONSIDERATION (NEW INFORMATION)

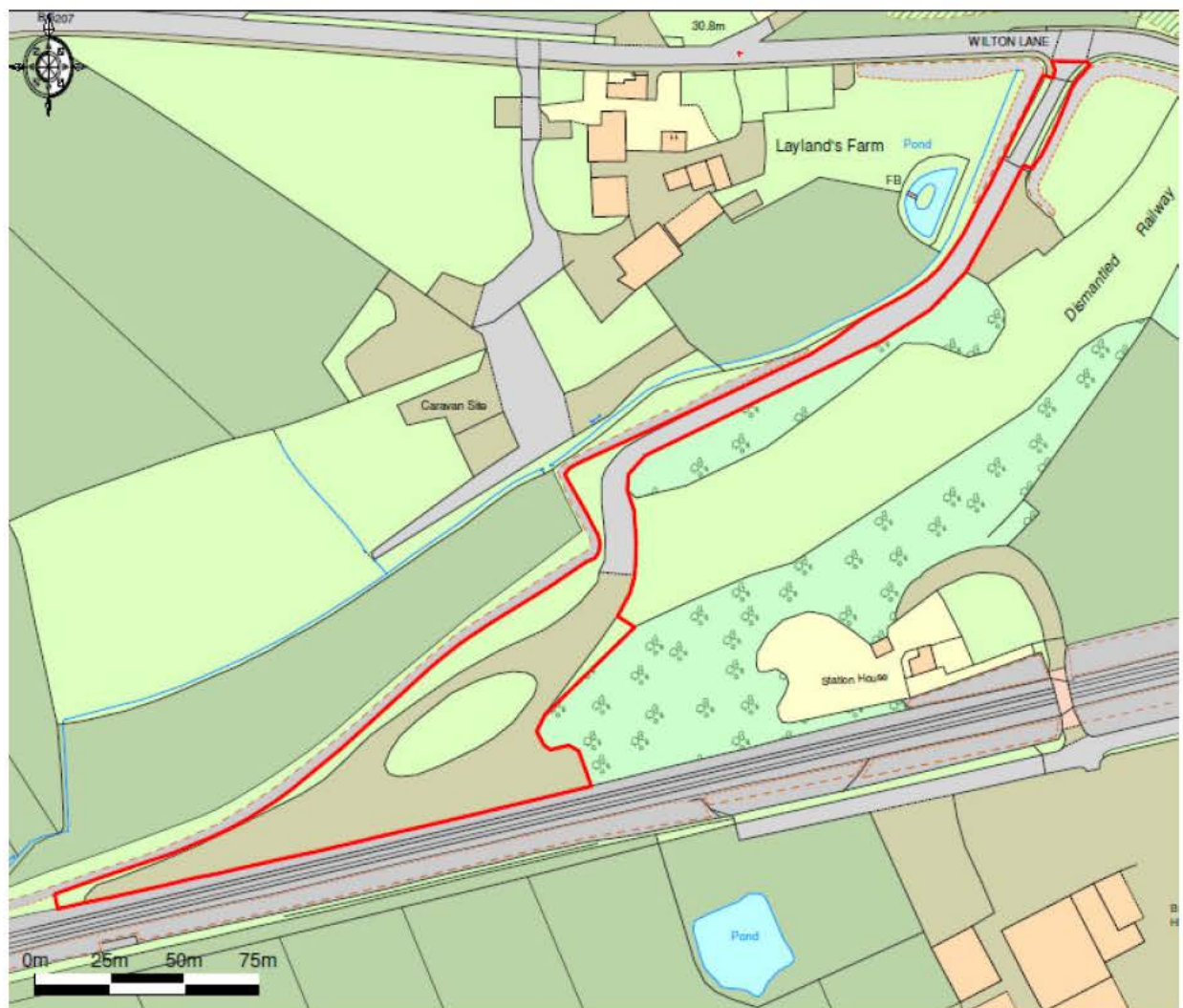
7.1 The following section considers new information which has come to light since the Council considered the site at the Preferred Options stage.

Approval of the CLUED application

7.2 On 10th September 2018 (during which time the Council's consultation on its Preferred Options draft local plan was closed), the Council approved application ref. 2018/33144 which confirmed that approximately 1ha of the land (including the site access) is lawfully used for B2 and B8 planning uses as defined by the UCO. The remaining part of the site is used in combination with it, arguably benefitting from the same lawful uses.

See 2018/33144 decision notice at Appendix E

Fig 5 - Extract from CLUED site location plan (not to scale):

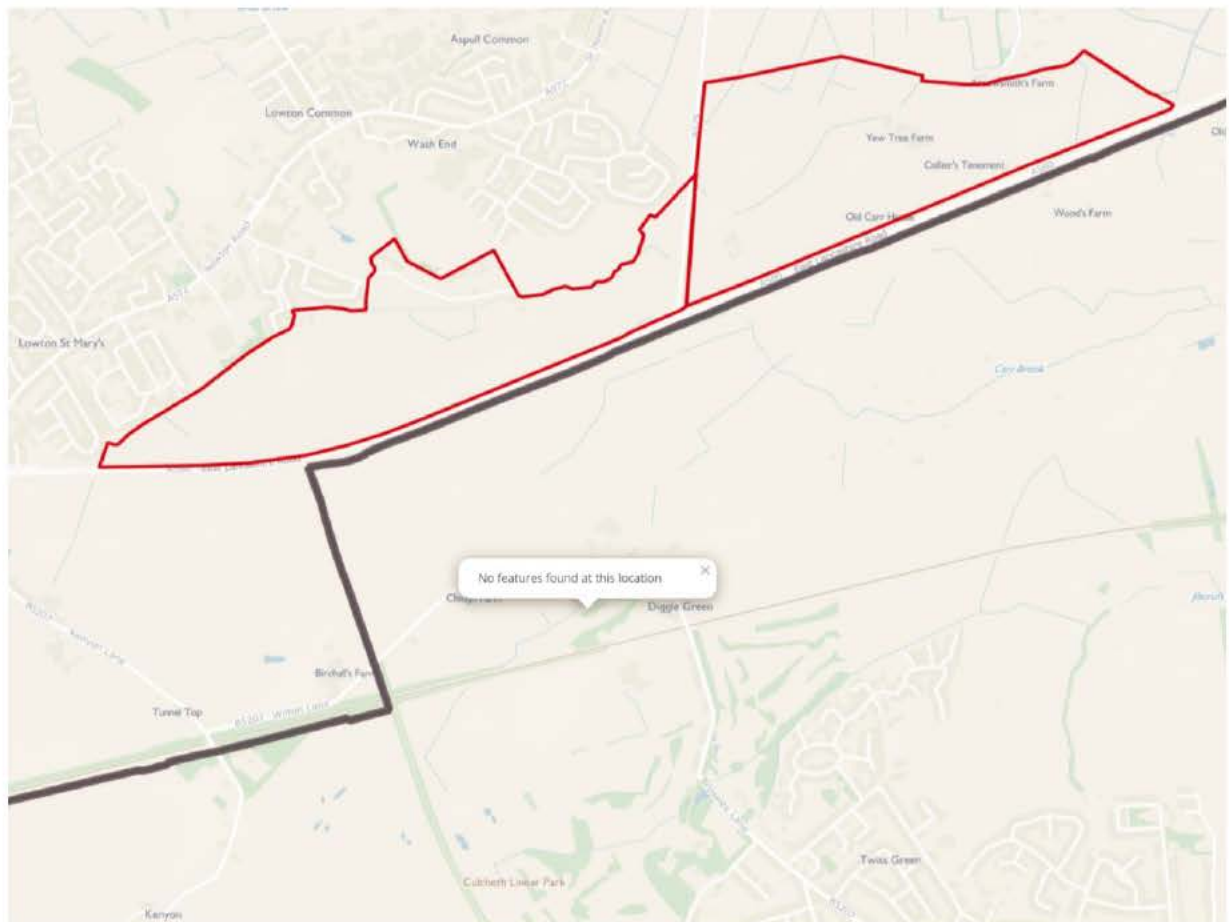


- 7.3 The Council's Officer report confirms that *"open air industrial and storage and distribution has been continuous for at least ten years"*. In so doing, it follows that the site thus has an unconditional 24/7 (7 days per week) established lawful use for industrial purposes by virtue of Section 171B and 191 of the 1990 Act.
- 7.4 This issue is material to the emerging plan in light of paragraphs 117, 121 and 138 of the NPPF which confirm a brownfield first approach and allocation of land with permission but presently serves no specific purpose.

GMSF Allocations at Pocket Nook

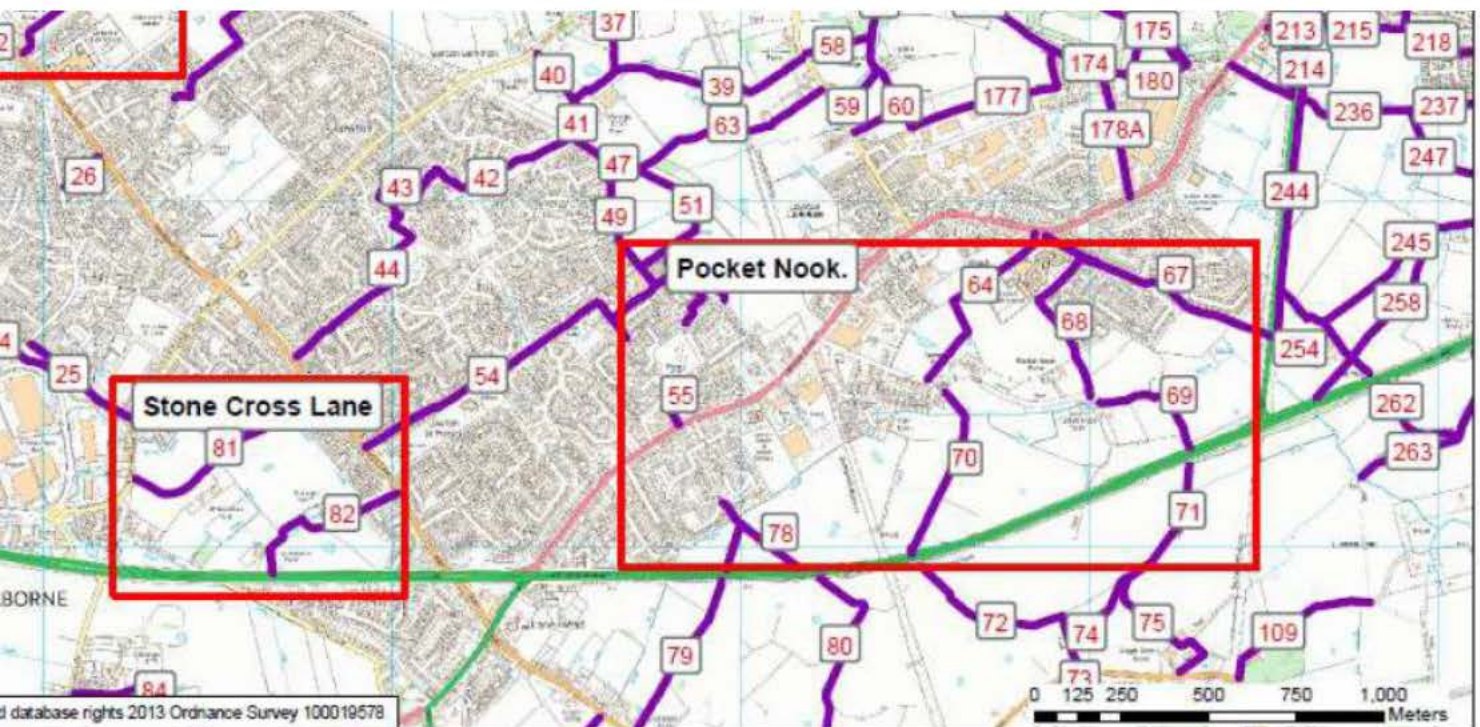
- 7.5 During the previous WBC Preferred Options Consultation, the Greater Manchester Spatial Framework (GMSF) had undergone its initial consultation. Now, some two years later in January 2019, The Greater Manchester Spatial Framework (Plan for Homes, Jobs and Environment) (2019) is proposing to Allocate land at Pocket Nook/Yew Tree Farm.
- 7.6 These Allocations will propose 175,000 sq.m of industrial space and 675 houses on the Wigan/Warrington border, on safeguarded land, thereby bringing the site in close proximity to the urban area and working population only 600m to the north.

Fig 6 - Extract from GMSF proposals map (2019)



- 7.7 The site is accessible by foot and bicycle from Pocket Nook and Yew Tree farm by existing footpath routes 71, 72, 73, 74, 75 and 109. These connect to the A580 segregated footpath/cycleway which runs in an east/west direction. It is further noted that a scheme of highways and footpath improvements is proposed including surface renovation dedication of PROWs as bridleways and new pedestrian crossings. Specifically, this includes improved access to Wilton Lane via the dismantled railway line (Lowton St Mary's Line) to provide a connection from Slag Lane, via Newton Road to Wilton Lane connecting it to the A580.¹

Fig 7 - Extract from Wigan Council footpaths network for Golborne and Lowton:



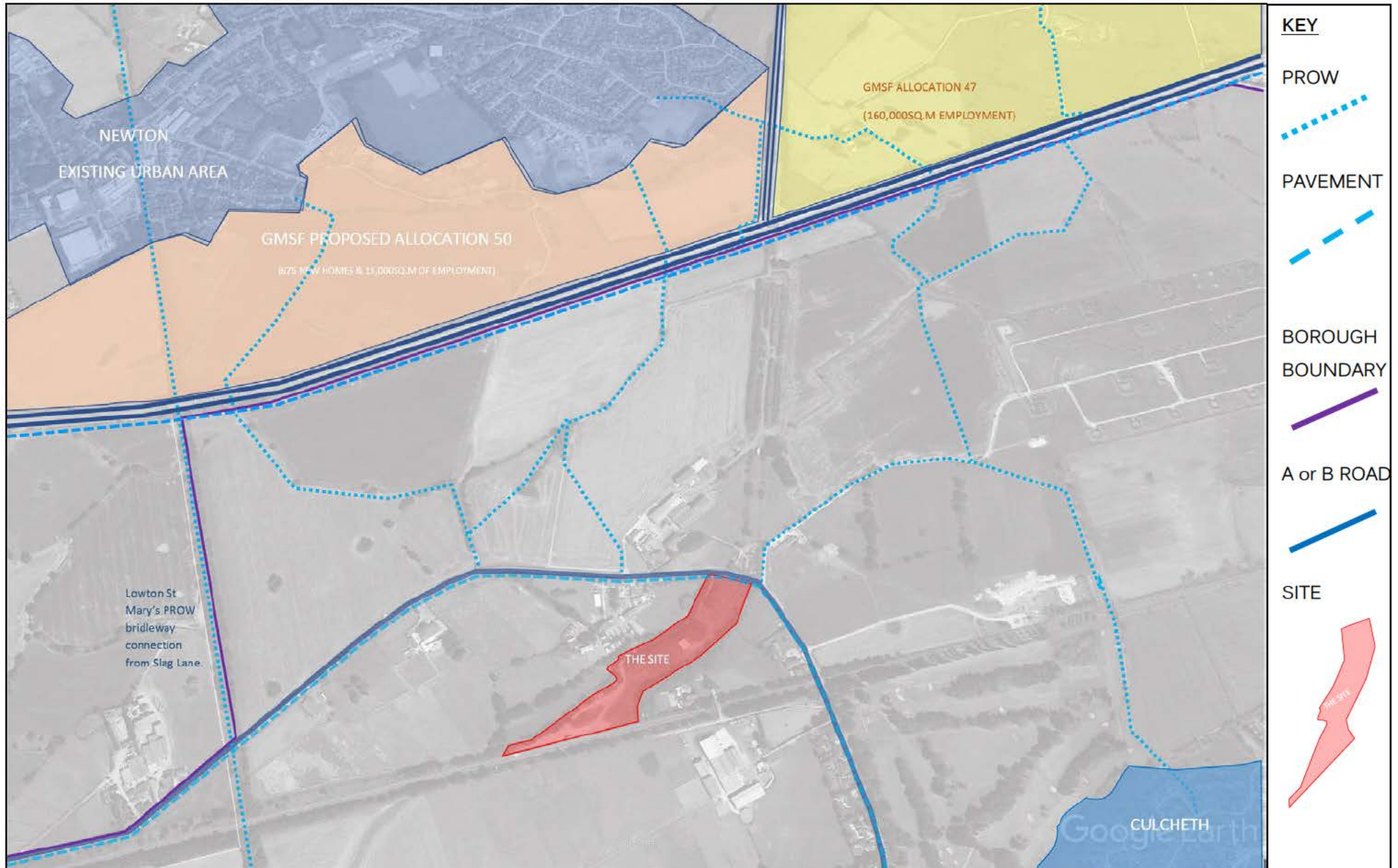
- 7.8 Added to this, the proposed allocations seek to divert bus routes via the A580/A573 Pocket Nook to provide onward connections to Wigan and Netwon-le-Willows railway stations. The Pocket Nook site is accessible to existing bus services on the A572 Newton Road / St Helens Road, which includes the high frequency 600/601 services. The A572 also provides access to service 34 which is a high frequency connection to Newton-le-Willows and St Helens, the express bus services into Manchester City Centre and the 589, 590, 591, 592 low frequency circular routes. The service schedule is shown overleaf.
- 7.9 Transport for Greater Manchester (TfGM) previously reviewed the existing bus patronage figures and recommended that there is capacity on the existing services to accommodate additional bus trips from the proposed GMSF allocations. This suggests that ultimately the Kenyon site can be made sustainable for access by public modes of transport to/from the site.

¹ <https://www.wigan.gov.uk/Docs/PDF/Resident/Planning-and-Building-Control/GolborneandLowtonInfrastructureAssessmentNov2013.pdf>

Fig.8 - List of bus services accessible by foot from the site:

Service	Details	Frequency	Time to/from (mins)
Land at Pocket Nook			
Bus services on A572 St Helens Road			
600	Wigan-Ashton-Leigh	Every 12 mins	Leigh 10-15
601	Wigan – Ashton - Leigh	Evening hourly service only	Leigh 10-15
589	Leigh-Lowton-	Hourly	Leigh 10-15
Land at Rothwell's Farm			
Bus services on B5207 Lowton Road			
590	Circular Leigh-Lowton-Circular	Hourly	Leigh 10-15
34	Leigh-Newton-le-Willows-St.Helens	Every 20 mins	Leigh 10-15 Newton-le-Willows Station 10-15 St.Helens 40-45
X34	Lowton-Leigh-Manchester (limited stop)	Every ½ hour (morning services only)	Leigh 10-15 Manchester 60-90
Bus services on A573 Wigan Road / Church Street			
600	Wigan-Ashton-Leigh	Every 12 mins	Leigh 30-35
601	Wigan-Ashton-Leigh	Evening hourly service only	Leigh 20-25
360	Wigan-Golborne-Newton-le-Willows-Warrington	Every 30 mins	Newton-le-Willows Station 10-15 Warrington 25-35
Land at Stone Cross			
Bus services on Church Lane			
600	Wigan-Ashton-Leigh	Every 12 mins	Leigh 15-20
601	Wigan-Ashton-Leigh	Evening hourly service only	Leigh 15-20
589	Leigh-Lowton-Circular	Hourly	Leigh 15-20

Fig.9 - Image showing access routes by foot or bike (Scale version at Appendix) ©Google Earth:



8. EVIDENCE THAT CONSTRAINTS CAN BE RESOLVED (FURTHER INFORMATION)

8.1 Previous consideration of the site was limited and in reality, it did not give full consideration to matters, in particular noting that it considered the site is constrained partially on the basis of a private non-material planning consideration in the form of an easement. The following section provides more information on the stated constraints, those being:

- a) Network Rail Easement
- b) Highways Access
- c) Green belt and landscape impact

Network Rail Easement

8.2 The land was sold to Mr Fallon in 1990, at which time it was subject to an Easement. It does not allow occupation of the land, it merely allows as follows (extract from Deed):

Fig.9 - Extract from Title Deed:

without prejudice to the generality of the foregoing the right at all times for the Board with or without vehicles men equipment and materials to enter and remain upon the property and/or to pass and repass over and along the property in order to gain access to and egress from any neighbouring property which is now or was formerly in the ownership of the Board for the purpose of carrying out such accommodation works or other works for which the Board may be held liable pursuant to their statutory or other obligations in that behalf

8.3 I am advised that the consequences of this are clear. That it requires the owner to provide *access only*. This is usually exercised on a 'man and materials' basis to the railway track which abuts the site and is land retained by Network Rail situated on the southern boundary.

8.4 It follows that access to the line is wholly compatible with the proposed use and development for B-Class employment and such access routes (including set down areas and storage compound) can be readily accommodated within any site layout as shown above. In summary, the Easement is not an impediment to development or Allocation.

Highways/access

- 8.5 Paragraph 83 defines that Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. As highlighted below, the site is already accessible by a range of sustainable transport modes, including proposed improvements to the infrastructure to make it more so.

Existing highway conditions

- 8.6 Access to the site is provided by an existing sloped embankment which leaves the B5207 Wilton Lane to travel southbound toward the previous railway alignment and remaining platform access. It then continues into the site to reach the track level.
- 8.7 The existing traffic conditions are characterised by relatively light traffic movements on the existing network, with approaches east and west that are expected to be operating with additional headroom capacity.
- 8.8 Ultimately making suitable access has been possible without notable incident for 40+ years but this can be improved as a condition of part of any subsequent development if necessary by reference to the nature and scale of the development proposed for example, the Wilton Lane access can be signalised to ease traffic manoeuvres if proven necessary.
- 8.9 It is assumed that the signal junction would operate in two stages, with Stage 1 for all Wilton Lane traffic (west bound and east bound, including entering the site). Stage 2 would be reserved for traffic leaving the development to join Wilton Lane. As shown in the example layout below, the stop line on the Wilton Lane East approach would be set back from the access to ensure an adequate turning area for emerging left turning traffic.

See indicative Highways Access/Junction layout at Appendix G

- 8.10 Green light times can be tailed within each stage to respond to traffic demand, with cycle times set accordingly (expected 120 seconds maximum). Previous highways studies undertaken demonstrated that the proposed access arrangements would perform within acceptable operational criteria and that there would be sufficient reserve times for future growth. Moreover, that wait times would not be excessively long, even during AM and PM peak hours where the degrees of saturation modelled raised no concerns.
- 8.11 An up-to-date highways assessment can be provided upon request.

9. GREEN BELT ASSESSMENT

- 9.1 It is acknowledged that footnote 44 refers to conflict with other policies (such as green belt policies), but it is only where there is identified harm that this exception comes into play. It is submitted that the site is well-defined on all boundaries and it therefore performs only a WEAK role in meeting the five green belt purposes. Its release from the green belt would not cause material harm, especially when compared to the release MD2 in any event.
- 9.2 The NPPF recognises the importance of green belts. The fundamental aim for Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 136-138 sets out the approach that the three authorities should follow to justify releasing land from the Green Belt and the authorities are encouraged to follow this approach.
- 9.3 Paragraph 138 confirms that *“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.”*
- 9.4 Where it is concluded that land does need to be released from the green belt, consideration must be given to the criterion set out in paragraph 139. Paragraph 139 criterion b) notes that development plans should not include land within the greenbelt where it is not necessary to keep it permanently open. Criterion f) states the need to define boundaries clearly using physical features that are readily recognisable and are likely to be permanent.
- 9.5 Whilst the current site is currently within the adopted green belt, it is submitted that the Site makes only a Weak contribution when scored against the five greenbelt purposes. The green belt serves five purposes which are set out in paragraph 134 of the NPPF.
- 9.6 When the five green belt purposes are considered on their merits and assessed against a competent scoring matrix (as is commonly used and described below), the contribution a site makes to green belt purposes can be scored to provide an empirical basis upon which to determine whether or not to retain the green belt designation. Where an overall score is *Strong* that is an indicator the green belt designation should be retained. Where an overall score is *Weak*, this is an indicator the green belt designation should be removed. Additionally, where policy objectives can be achieved through other policies, such as those protecting public open space, a green belt designation would not usually be required and it should be removed as part of a green belt review.

Objective scoring matrix

- 9.7 The following scoring matrix is adopted for the purposes of this assessment.

Fig.11 - Methodology for green belt scoring:



N.B - Red (low score) denotes a weak performance against the relevant greenbelt function, whereas green (high score) denotes a strong performance against described function.

- 9.8 Where a site reasonably performs a role against all of the five green belt purposes, the maximum score available would be '25'. Conversely, the minimum score would usually be '0' in instances where a site makes no contribution at all to one or more of the five defined purposes, a "0" score can be given. The site is scored against this matrix and is shown overleaf.
- 9.9 The assessment finds that the site scores only 6 out of a possible 25 points and as a consequence, it makes an overall Weak contribution to the five green belt purposes. In particular, it makes no contribution at all in two of the five areas and makes only a weak contribution in a further remaining two. The moderate contribution made to the 'encroachment' purpose is undermined by significant history and evidence of built development elsewhere within the parcel and the amount of weight to be given to its status as brownfield land.
- 9.10 As described above, the site is well screened from public vantage points. This issue was discussed at a previous public inquiry and expert evidence provided on this matter. Whilst some time has passed since the Proof of Evidence of Mr John Rowland Dip Arch Dip LD was prepared, it remains relevant given that in the passage of time, there has been limited change in the profile/appearance of the land save for continued growth of the woodland.
- See Landscape Visual Impact Assessment at Appendix H
- 9.11 In conclusion, removing the site from the green belt would not undermine green belt purposes. We submit that given the requirement to review green belt boundaries and proposed policy MD2, the principle of releasing green belt land for future development has been established. Policy DEV4 (3) and the Site Allocations policy should be amended to reflect these findings.

Green Belt Purpose	Commentary	Contribution to Purpose	Score (out of 5)
<i>To check the unrestricted sprawl of large built-up areas</i>	The Site is well defined on all boundaries, by the railway line on the south; road bridge to the north, and established bunding, field boundaries and woodland to west and eastern aspects. Location, which is not settlement adjacent and its release would not result in sprawl of the urban area.	Weak	1
<i>To prevent neighbouring towns merging into one another</i>	There are no nearby towns which the land prevents from merging with one another. The closest settlements are Culcheth and Lowton which are some 3.65km (2.27miles) apart from one another, separated by A580 East Lancs Road and swathes of open countryside. The land does not perform any role at all in meeting this purpose.	None	0
<i>To assist safeguarding the countryside from encroachment</i>	The land performs its strongest role in this category being that much of the site is currently open land which is unoccupied by buildings. However, there is considerable evidence of built development including the hardstanding and storage/industrial activities which occur within the parcel and dwellings with their curtilages on the fringes which all detract from the sense of openness.	Moderate	3
<i>To preserve the setting and special character of historic towns</i>	There are no historic towns which the site contextualises or preserves the setting of. Releasing the land for development would not affect the <i>special character</i> of any nearby towns. The land does not perform any role in meeting this purpose.	None	0
<i>To assist in urban regeneration by encouraging the recycling of derelict and other urban land</i>	The designation performs no function for this purpose. The site is brownfield land and arguably by retaining it in the green belt, development is theoretically first directed to derelict and urban land. However, the land is mainly in ancillary domestic/equestrian use and is PDL for planning policy purposes and its development would not result in loss of active BMV agricultural land. It performs a weak role in meeting this purpose.	Weak	2
	OVERALL SCORE	WEAK	6

10. OBJECTION TO POLICIES DEV4; SITE ALLOCATION AND MD2

10.1 Paragraph 35 to 37 of the NPPF deal with soundness of emerging plans. In particular, it notes that an emerging plan must meet the OAN, be informed by agreements with other LPAs so that unmet need for neighbouring areas can be accommodated and is consistent with sustainability principles. It should also be based on an appropriate strategy which takes into account reasonable alternatives. It is submitted that the policy is unsound because:

- a) The policy conflicts with itself. Criterion 3 Allocations do not appropriately implement Criterion 12 within the same policy;
- b) The policy releases greenfield land without first exhausting potential brownfield sites;
- c) The Council has made insufficient endeavours in its duty to co-operate across borough boundaries with the neighbouring authority, Wigan Borough Council;

Conflict within other parts of Policy DEV4

10.2 Draft policy DEV4 Criterion 3 identifies the primary locations for industrial B Class Use development and DEV4 Criterion 12 sets out the transport objectives. In this respect, policy is arguably contradictory. Criterion 12 three desirable characteristics, being a) away from areas sensitive to heavy vehicle movements; b) direct access to the primary route network and c) access to rail or the Manchester Ship Canal. This draft policy embodies the ambition to encourage sustainable transport for goods and services.

10.3 Whilst acknowledging that traffic movements from the Keyon Lane site would need to be carefully routed, the site is already lawfully in use for B2/B8 uses and the connections have proven adequate for a minimum of a decade. In this case the site has a relatively short journey duration of only 2.4km to reach the A580, with onward connections to the M6 and M62 (3.7km) and the M60 further afield. The route travels via the B5207 before joining the A579 which is a main road with direct connections to Junction 10 of M62/M6 interchange.

10.4 Moreover, this site is one of only a few within the borough having any realistic prospect of enabling connections for rail haulage. As described above, the site was formerly a rail freight goods depot with 8 lines. It is situated immediately adjacent to the Liverpool-Leeds railway line and a previous application submission (ref. 99/39317) demonstrated that renewal of access to the railway was feasible. Although the expense of such infrastructure projects mean that they often require enabling development.

10.5 It follows, that the Kenyon junction site fulfils the criteria set out in draft policy DEV4(12), and yet the site received only a cursory evaluation at the Call for Sites stage.

Not exhausted brownfield sites (with permission)

- 10.6 The draft plan proposes to release 116ha of green field land for employment development. Some of that need case relates to large format logistics which necessitate immediate motorway access; however, the Council proposes to direct development of the scale, nature and type that can otherwise be accommodated at Kenyon Junction.
- 10.7 The NPPF is clear, at paragraph 117 it confirms the Brownfield first approach, noting that in writing its development plan, Council's *"should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"*.
- 10.8 Paragraph 118 c) confirms that planning policies should *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;"*
- 10.9 It continues at a paragraph 121 that *"Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs."* Paragraph 137 notes the requirement to *"a) makes as much use as possible of suitable brownfield sites and underutilised land;"* before releasing green belt land.
- 10.10 Proposed Allocation MD2 (Warrington Garden Suburb) proposes release of 116Ha of land from the green belt for Allocation for distribution and industrial uses (B8, B1c and B2). However, a proportion of these uses can be accommodated elsewhere within the borough without releasing greenfield land. In particular, the land at Kenyon Junction has permission for B2/B8 uses already and this should be identified within the plan (as per NPPF para 121) to help meet the need for up to 3.27ha of B1, B2 and small-medium scale B8, B1 and B2.
- 10.11 The Council has thus failed to exhaust the search for reasonable alternatives before releasing greenfield green belt land. This is especially so in light of the Kenyon Junction site having now obtained confirmation of its lawful planning status for unrestricted B2/B8 uses, such that it should now be factored into the "available" employment land in the strategic evidence base and this has not been iteratively reviewed by the Council since then. The evidence base is therefore not 'up to date'
- 10.12 We submit that Policy DEV4 and the Site Allocations policy MD2 is therefore unsound by virtue of its failure to comply with NPPF paragraphs 117, 118, 121 and 137.

Cross boundary duty to co-operate

- 10.13 NPPF paragraphs 24 to 27 requires local authorities to demonstrate collaboration, effective co-operation and wider engagement across administrative boundaries. It confirms that:
- “Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”*
- 10.14 To be effective the emerging local plan must be deliverable and include consideration of cross-border matters; in this case the proximity to Wigan and the A580 East Lancs Strategic Corridor (known as the Western Gateway), together with the greenfield/greenbelt land which is proposed for Housing and Industrial Allocations at Pocket Nook.
- 10.15 It is notable by its absence, that the emerging local plan does not mention the draft GMSF (Plan for Homes, Jobs and Environment (2019) at all. Specifically, the local plan has not considered how the proposed 175,000sq.m of large format logistics and 675 houses on land at Pocket Nook/Lowton Common which abuts the northern WBC boundary (and is only 600m from the Kenyon Junction site) will affect the spatial vision and distribution of jobs, opportunity and economic growth for Warrington residents.
- 10.16 Moreover, whereas in this case, the site has potential to offer smaller-scale industrial units in a manner which is complimentary to the large formats proposed at Pocket Nook/Lowton Common; full consideration should have been given to the spatial implications and distribution of housing and facilities around Lowton, Croft and Culcheth.
- 10.17 Taking this one step further still, the alignment of HS2 was announced in July 2017 following the closure of the previous consultation on the draft Local Plan. The revised schedule for Wigan Northgate shows that it will have approximately 50% less high-speed trains travelling to/from Northgate than previously expected, thereby lengthening commuter times across in the route which could have otherwise assisted providing jobs further afield. This will arguably in turn create higher demand for local jobs at the Wigan/Warrington boundary. But, this has not been considered in the formulation of the WBC proposed Allocations.
- 10.18 In conclusion, insufficient consideration has been given to the spatial portrait for the future of this part of the borough having regard to the proposed GMSF Allocations. The policy does not demonstrate compliance with NPPF paragraphs 24 to 27.

11. CONCLUSIONS

- 11.1 In summary, this document OBJECTS to proposed local plan policies DEV4 (Criterion 3); Site Allocations and specifically policy MD2 (Warrington Garden Suburb).
- 11.2 This objection seeks revisions to the proposed allocations policy, specifically release of the Kenyon Junction site from the green belt and Allocation for B-Class Employment uses.
- 11.3 It objects because the Council has not exhausted its consideration of alternative brownfield sites, particularly as in this case sites with permission which are under-utilised. The land at Kenyon Junction benefits from an extant approval ref. 2018/33144 for 1ha of B2 and B8 industrial use. It has capacity for a further expansion to 3.27ha net developable area with the capability to accommodate circa 9,650sq.m of B-Class Use development.
- 11.4 The Site Allocations policy MA2 and emerging Policy DEV4 (Criterion 3) which propose to release 116ha of greenfield green belt land are in conflict with the brownfield first approach.
- 11.5 The emerging plan has not given sufficient consideration to cross-boundary issues, namely the proposed GMSF Allocations 47 and 50 at Lowton/Pocket Nook which will stimulate employment land requirements and provide improved connectivity to the Kenyon Junction site which is already reasonably connected by public transport methods as a result of numerous public footpath connections to the local area and wider locality.
- 11.6 The Kenyon Junction site makes a weak contribution to green belt purposes, scoring only 6 points out of a possible 25. Its removal from the green belt would not undermine green belt purposes such that it would cause any material harm greater than that already accepted by proposed policy MD2. Arguably it would cause less harm to landscape and openness by virtue of the established landscape/tree cover and the site's topography.
- 11.7 Policy DEV4 (3) which directs industrial developments to several urban locations which do not benefit from rail or waterways connections is in conflict with Policy DEV4 (12) which promotes connections to rail or waterways transport. Kenyon Junction holds reasonable potential for a new freight rail connection, which would be a renaissance of its former use between 1831 and 1963. The site is suitable, available and deliverable within the plan period.
- 11.8 In conclusion, the Council has not taken sufficient steps to comply with NPPFs paragraphs 117 and 121 and 138 therefore, it is not positively prepared, justified, effective and consistent with national policy as per paragraph 35-37 relating to the soundness of emerging plans. On behalf of our instructing client, we seek amendments to the policies as explained above.



PLANS/APPENDIX SCHEDULE

The list of submitted plans and documents is as follows:

<u>DESCRIPTION</u>	<u>PLAN REF.</u>
Land Registry Title and plan ref. CH375964	Appendix A
Location Plan - former Kenyon Junction	Appendix B
Indicative Proposed Site layout (not to scale)	Appendix C
2018-33144 EHO response	Appendix D
2018-33144 Decision Notice	Appendix E
Plan showing PROW network (not to scale)	Appendix F
Signalised access drawing (not to scale)	Appendix G
Landscape Visual Impact Assessment	Appendix H

APPENDIX A

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

LAND REGISTRY TITLE AND PLAN REF. CH375964

(OUR REF. JFT2/3)

Title Number : CH375964


This title is dealt with by HM Land Registry, Birkenhead Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 1 JUN 2019 at 17:26:45 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: CH375964
Address of Property	: Land on the South side of Wilton Lane, Kenyon
Price Stated	: Not Available
Registered Owner(s)	: 
Lender(s)	: None

Title number CH375964

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 1 JUN 2019 at 17:26:45. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

WARRINGTON

- 1 (12.12.1990) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land on the South side of Wilton Lane, Kenyon.
- 2 As to the land edged and numbered 2 in yellow on the filed plan the mines and minerals are excepted.
- 3 (05.05.1999) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 4 (05.05.1999) The land has the benefit of the following rights reserved by the Transfer dated 18 March 1999 referred to in the Charges Register:-

"EXCEPT AND RESERVED the easements and other rights set out in the Third Schedule hereto

THE THIRD SCHEDULE hereinbefore referred to

THE FOLLOWING ARE EXCEPTED AND RESERVED FROM THE PROPERTY

(1) The rights to drainage and to services and use of all conducting media which are now or may hereafter be constructed or laid in or under the Property with the right to enter upon the Property to lay construct tie into connect with inspect repair renew cleanse and maintain the same the person or persons so entering making good all damage thereby caused to the Property"

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (27.02.2018) PROPRIETOR: [REDACTED]
- 2 (27.02.2018) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land edged and numbered 1 in yellow on the filed plan is subject to such restrictive covenants as may have been imposed thereon before 9

C: Charges Register continued

October 1990 and are still subsisting and capable of being enforced.

- 2 A Conveyance of the land edged and numbered 2 in yellow on the filed plan dated 23 October 1990 made between (1) British Railways Board and (2) Atherleigh Plastics Limited contains restrictive covenants.

-NOTE 1: Copy filed under GM553266

NOTE 2: The provisions of the earlier documents referred to in the above deed are not relevant to the title.

- 3 The land edged and numbered 2 in yellow on the filed plan is subject to the rights contained in the Conveyance dated 23 October 1990 referred to above.

- 4 The Conveyance dated 23 October 1990 referred to above contains provisions which relate to the payment of additional moneys as therein mentioned.

- 5 (05.05.1999) The land is subject to the following rights granted by a Transfer of the land edged and numbered CH437965 in green on the filed plan dated 18 March 1999 made between (1) [REDACTED] (Transferor) and (2) [REDACTED] and [REDACTED] (Transferee):-

"TOGETHER WITH the rights set out in the Second Schedule hereto

THE SECOND SCHEDULE hereinbefore referred to

RIGHTS GRANTED TO THE PURCHASER

(1) Upon reasonable prior notice being given except in the case of emergency and with workmen materials and equipment if necessary to enter on the Retained Land for the purpose of:-

(a) maintaining repairing renewing and inspecting all or any conducting media or other services to the Property and being in or under such adjoining parts of the Transferor's Title


(b) renewing repairing painting maintaining and inspecting any dwelling garage or other structure which may be built on or in close proximity to the boundary line of the Property

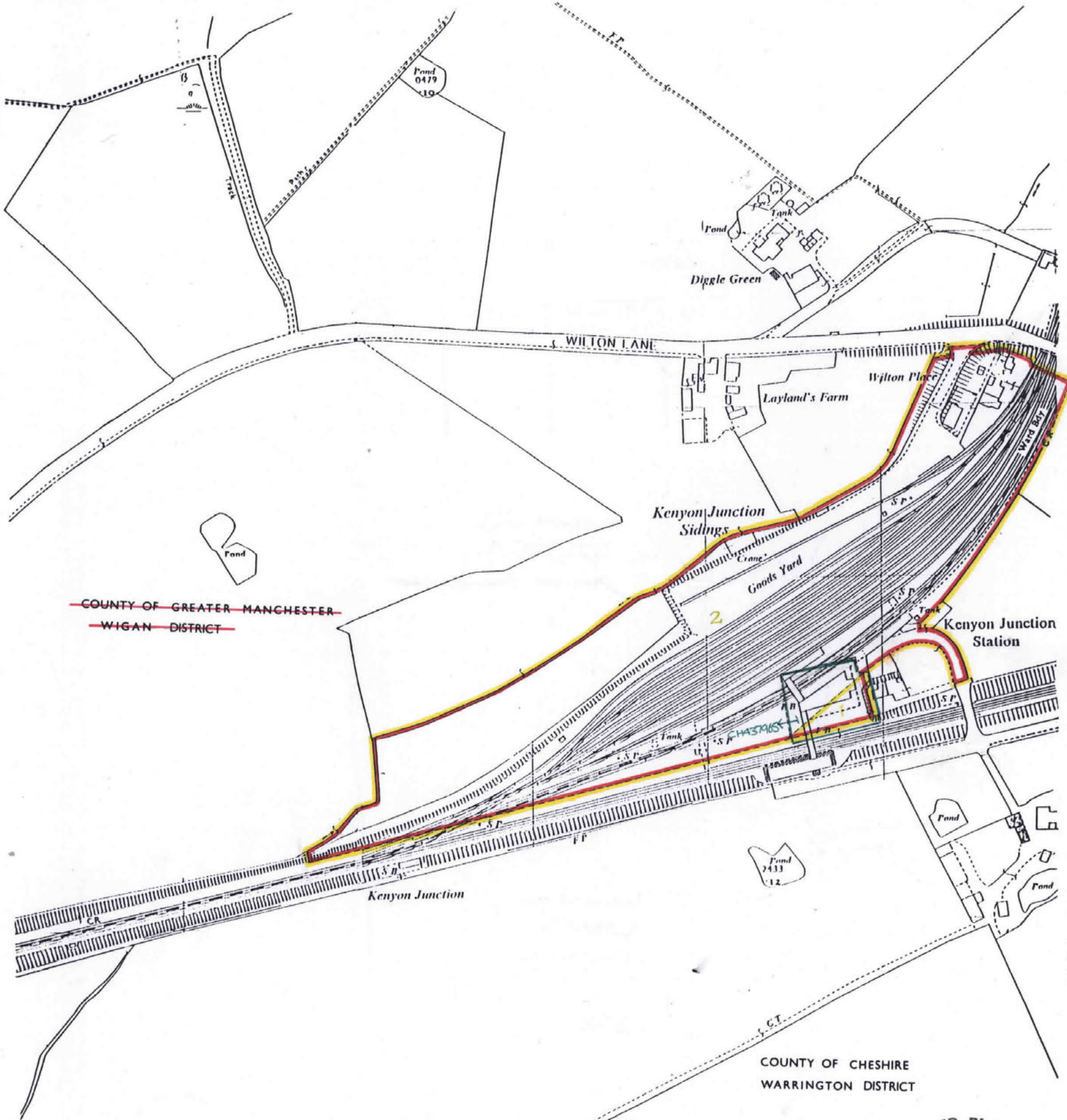
the Purchaser making good all damage which may be done in the exercise of the rights specified in this sub-clause at his own cost and without unnecessary delay

(2) The full right of passage and running of water soil gas electricity and other services from and to the Property in conducting media which are now or may hereafter be constructed or laid in or over or under the Retained Land and used in common with the Property or by the Property alone with the right to enter upon the Retained Land to make connections and to inspect repair renew cleanse and maintain such drains channels sewers pipes septic tank watercourses gutters electric wires and other service conduits the Purchaser making good all damage caused thereby"

NOTE: The Retained Land referred to is the land in this title.

End of register

H.M. LAND REGISTRY		TITLE NUMBER		
		GM553266		
ORDNANCE SURVEY PLAN REFERENCE	SJ6396/6496	Scale 1/2500		
CHESHIRE		WARRINGTON DISTRICT		(C) Crown Copyright



TITLE No. CH375964



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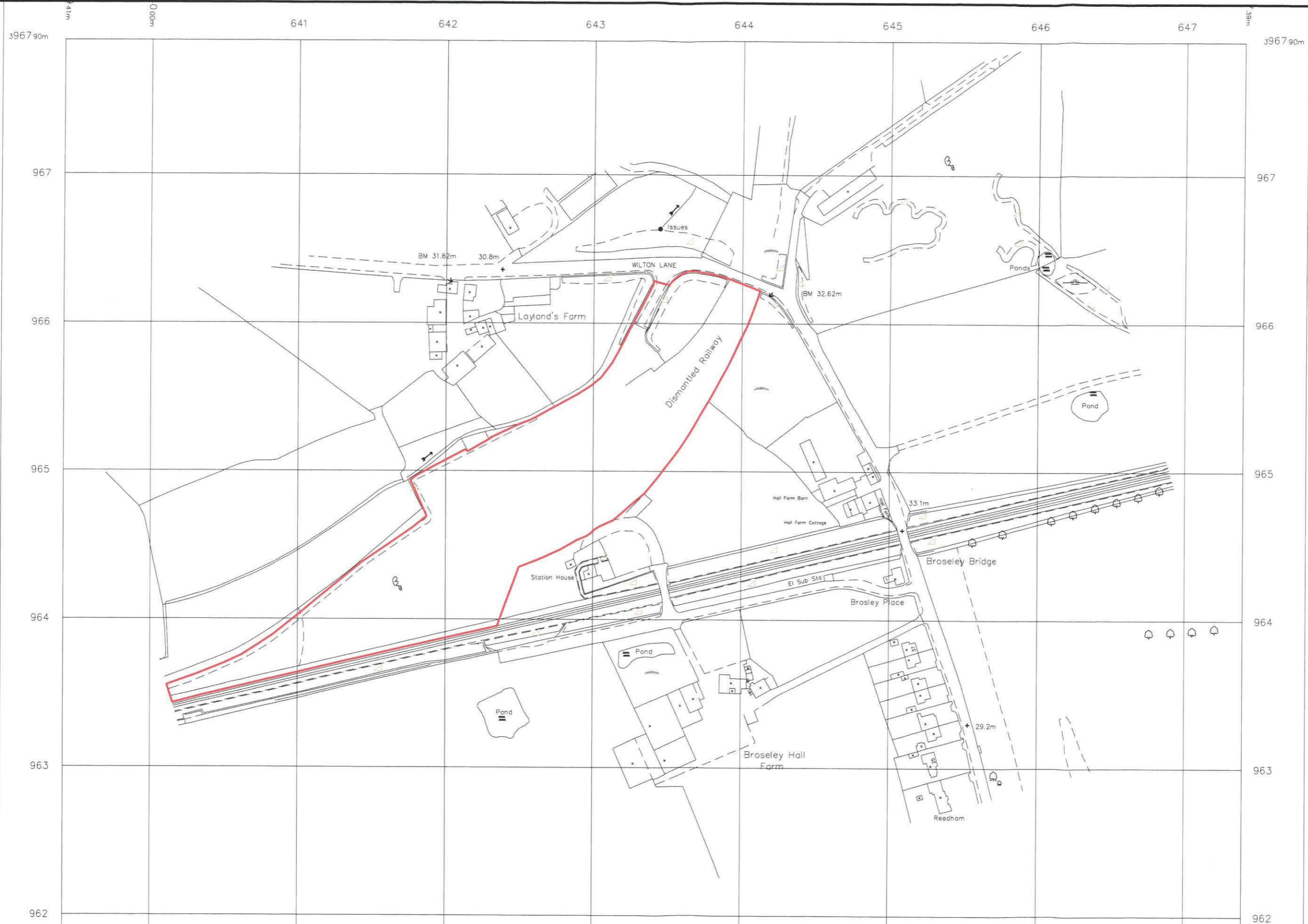
APPENDIX B

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

LOCATION PLAN – FORMER KENYON JUNCTION

(OUR REF. JFT2/3)



APPENDIX C

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

INDICATIVE PROPOSED SITE LAYOUT (NOT TO SCALE)

(OUR REF. JFT2/3)

B 5207



30.8m

WILTON LANE

Layland's Farm Pond

FB

Caravan Site

Hall Farm Barn

Hall Farm Cottage

E1 Sub

Broseley Hall Farm

Pond

B2 INDUSTRIAL

B8 STORAGE AND DISTRIBUTION

B1 OR SUI GENERIS (LIGHT INDUSTRIAL)

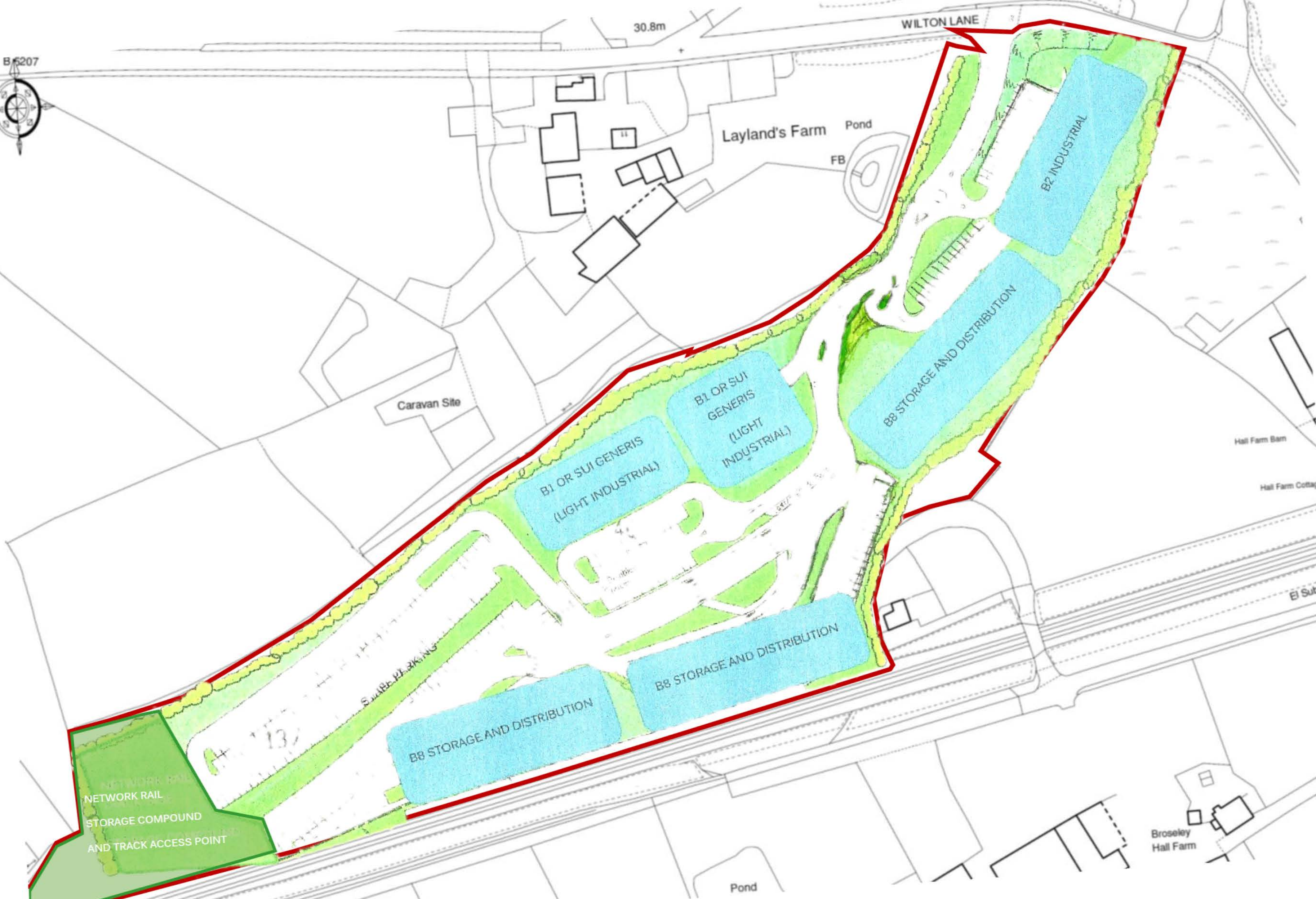
B1 OR SUI GENERIS (LIGHT INDUSTRIAL)

B8 STORAGE AND DISTRIBUTION

B8 STORAGE AND DISTRIBUTION

SMALL PARKING

NETWORK RAIL STORAGE COMPOUND AND TRACK ACCESS POINT



APPENDIX D

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

ENVIRONMENTAL HEALTH OFFICER RESPONSE
ASSOCIATED WITH APPLICATION REF. 2018-33144

(OUR REF. JFT2/3)

Families and Wellbeing Directorate – Public Protection

Internal Memorandum

TO:	Development Management	FROM:	Public Protection Services Manager Environment & Public Protection
CASE OFFICER:	Miss Liz Snead	OFFICER:	Mr Steve Smith x2589
CLSITE NO	CL0001	DATE:	1 August 2018
PLANNING REF:	2018/33144	MYREF:	EP/207318

SUBJECT: SECTION 191 CERTIFICATE - EXISTING USE OF LAND FOR B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION)

SOUTH OF WILTON LANE, CULCHETH

I have considered the application and have the following comments to make.

I have reviewed our database for any indication of involvement with the companies or land listed in the supporting statements. I have also reviewed for complaints arising from activities on the site.

I have been unable to find any apparent links to either the companies or the activities on the site on our database, therefore I cannot offer any information to either support or contradict the proposal.

The use classes applied for are ones which would generally have the potential for adverse impacts on residential amenity, however, as indicated, no complaints are immediately apparent that Environmental Protection have been involved with.

Typically I would be concerned about the potential for noise from such operations as well as potential odour generation and late night activity but the list of uses appears to be varied and sporadic – so whilst falling generally within the above two use classes, they may, by virtue of their location and separation to significant residential areas, be operating activities that are more akin to a B1 use.

The site is on potentially contaminated land as is recognised by the applicant – being a former railway station and branch line with associated activities. On the basis of this, an informative should be recommended which essentially states the obvious.

In terms of noise, the current operations appear to be acceptable on the basis that they have not given rise to any complaints, however, the applicant should be mindful of the potential for such activities to cause noise complaints or other adverse impacts on neighbouring residential amenity.

I have also recommended an informative in relation to lighting – installation or use in accordance with current best practice.

I have no objections subject to the following informatives being applied should consent be given.

Informatives

Bespoke - Contaminated Land Informative: Ground Disturbance & Gas Risk

Historical mapping indicates a former potentially contaminative land use that may affect the (re)development of the site. The site was formerly used as railway land (CL0001). The Applicant/Developer must ensure that the appointed Contractors and Building Control Officer are made aware of the above, so that adequate precautions can be taken to protect Construction Workers, future Site Users and the wider public from land contamination and/or ground gas issues associated with the site and vicinity. Contamination encountered during works must be reported immediately to the LPA and works halted within the affected area.

Contact: *Further information regarding the above advisory can be obtained from the Contaminated Land Team at the LPA on 01925 442581.*

Disclaimer: *Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.*

Lighting Informative: Installation of Lighting Schemes

Any external area lighting should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill, efficiency and appropriate hours of operation based on the need for the lights. Advice can be obtained from: Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN. <https://www.theilp.org.uk/home/> or other equivalent professional organisations.

Mr Steve Smith
Environmental Protection

APPENDIX E

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

2018-33144 DECISION NOTICE

(OUR REF. JFT2/3)

Mr Dan Matthewman,
Knights Professional Services
Riverside Court
Wilmslow
SK9 1DL

Professor Steven Broomhead
Chief Executive

3rd Floor New Town House
Buttermarket Street
Warrington
WA1 2NH

devcontrol@warrington.gov.uk

01925 442819

WARRINGTON BOROUGH COUNCIL

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010: ARTICLE 35**

APPLICATION NUMBER: 2018/33144

NOTIFICATION OF DECISION

Warrington Borough Council Hereby Certify that on the 04-Jul-2018, the use/ development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

Reasons

1. On the basis of the available evidence which is detailed in this application received on 4th July 2018, and particularly in view of the lack of any contradictory claims, the site as shown on amended plan received on 28th August 2018, appears to have been used for general industrial purposes located in the open air and for open air storage and distribution, for a period exceeding ten years before the date of this application and such a use has been established beyond the minimum test of 'balance of probabilities' set out in Section 191 of the Town and Country Planning Act 1990.

BAK1BN

First Schedule

Section 191 Certificate - Existing use of land for B2 (General Industrial) and B8 (open air Storage and distribution)

Second Schedule

Former Kenyon Railway Junction, South of Wilton Lane, nr Culheth, Warrington, WA3 4HR

DATE OF DECISION: 10-Sep-2018

SIGNED:

Development Manager
Development Management

NOTES

1. This Certificate is issued solely for the purposes of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use or development described, specified as taking place on the land described, was lawful on the specified date, and thus was not liable to enforcement action under Section 172 of the Act on that date.
3. This Certificate applies only to the extent of the use or development described and on the land specified and identified on the attached plan. Any use or development which is materially different to that described, or relates to other land, may not be lawful, and, may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, Which, states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.
5. If you feel your application was not dealt with properly, you can write to the Executive Director, Economic Regeneration, Growth & Environment who will investigate and advise you. It is also possible to approach the Local Government Ombudsman (The Commission for Local Administration in England, Beverley House, 17 Shipton Road, York, YO3 6FZ, tel. 01904 663200) and ask her to investigate the matter.
6. Further guidance can be obtained by telephoning the Development Management Support Team on 01925 442819

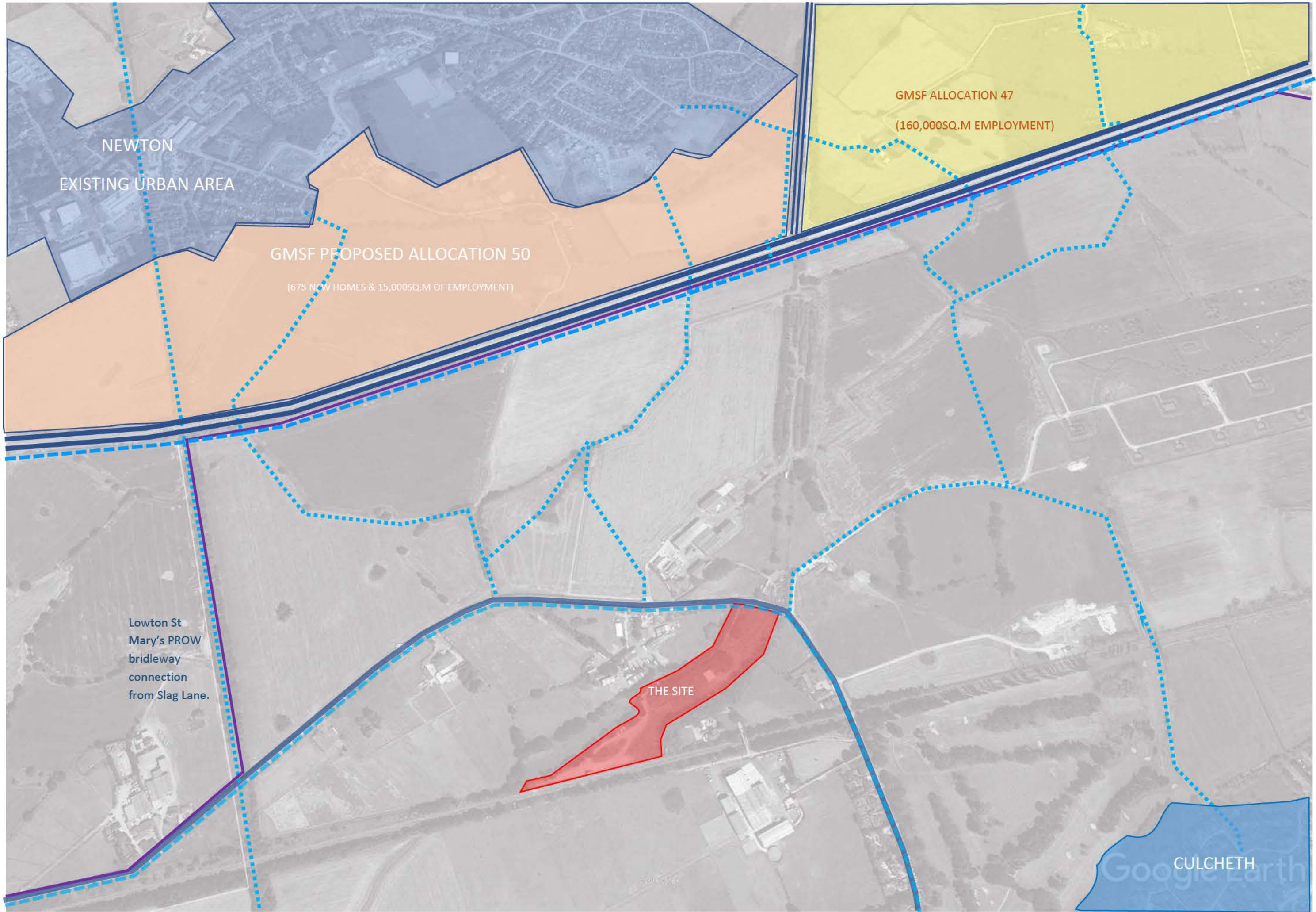
APPENDIX F

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

PLAN SHOWING PROW NETWORK (NOT TO SCALE)

(OUR REF. JFT2/3)



NEWTON
EXISTING URBAN AREA

GMSF PROPOSED ALLOCATION 50
(675 NEW HOMES & 15,000SQ.M OF EMPLOYMENT)

GMSF ALLOCATION 47
(160,000SQ.M EMPLOYMENT)

Lowton St
Mary's PROW
bridleway
connection
from Slag Lane.

THE SITE

CULCHETH

Google Earth

APPENDIX G

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

SIGNALISED SITE ACCESS DRAWING (NOT TO SCALE)

(OUR REF. JFT2/3)



APPENDIX H

TO DEVELOPMENT PLAN REPRESENTATION

WARRINGTON BOROUGH COUNCIL LOCAL PLAN (SUBMISSION VERSION)

LANDSCAPE VISUAL IMPACT ASSESSMENT

(OUR REF. JFT2/3)

Town and Country Planning Act 1990
Section 78 Appeals

by

Greenbank Partnerships Limited and the
Greater Manchester Passenger Transport Executive

FOR THE PROVISION OF A NEW RAILWAY STATION WITH
ASSOCIATED INFRASTRUCTURE AND LINK ROAD TO A580

AT

KENYON RAILWAY STATION, WILTON LANE, CULCHETH,
WARRINGTON

PROOF OF EVIDENCE BY

JOHN ROWLAND Dip Arch Dip LD

7TH SEPTEMBER 1999

LPA REF: 99/39317 AND 99/39318

DOE REF: APP/M0655/A/99/1022856 AND APP/M0655/A/99/1022854

CONTENTS

- 1.0 INTRODUCTION
- 2.0 THE SITE AND SURROUNDING AREA
- 3.0 THE PROPOSALS
- 4.0 LANDSCAPE STRATEGY
- 5.0 VISUAL IMPACT
- 6.0 MITIGATING MEASURES
- 7.0 GLAZEBURY STATION
- 8.0 CONCLUSIONS
- S.0 SUMMARY OF EVIDENCE (bound seperately)

APPENDICES (bound seperately)

- A OS Maps
- B Visual Impact Assessment of the Site
- C Visual Impact Assessment of Glazebury Station, Photographs 1-10
 - H123-001 Location Plan
 - H123-002 Landscape Context Plan
 - H123-003 Footpaths and Photograph Locations
 - H123-004 Visual Analysis (Kenyon Station)
 - H123-005 Indicative Landscape Plan (Part A)
 - H123-006 Visual Analysis (Glazebury Station)
 - H123-007A Indicative Landscape Plan (Part B-1)
 - H123-008 Indicative Landscape Plan (Part B-2)
 - H123-009 Indicative Section: Screen Planting to Link Road

PHOTOGRAPHS: undated b&w, 1, 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25

1.0 INTRODUCTION

1.1 I am John Rowland. I hold a Diploma in Architecture and a Diploma in Landscape Design. I passed my Professional and Management examination with the Landscape Institute in 1978.

1.2 I am senior consultant with the company Oakbay Design Ltd. which is a practice of Landscape Architects registered with the Landscape Institute. The practice established in 1992 has been commissioned to give professional advice in the assessment of environmental impact and detailed landscape design in a variety of developments. These include reclamation of derelict land, quarries, mineral extraction, industrial and residential landscapes.

1.3 I have over 25 years experience in both local government and private practice in landscape planning and landscape design work. I have given evidence at Public Inquiries on the impact of various development proposals in the landscape. I have given advice to local planning authorities on design and countryside matters including the impacts of developments in the Green Belt. I have been involved with planning applications for a number of proposals involving buildings in the countryside, land reclamation and roadside planting.

1.4 Oakbay was commissioned in June 1999 by the Greenbank Partnership Ltd. to consider the landscape and other design matters concerned with the applications, and to prepare this proof of evidence. As part of that process, I have visited the site and familiarised myself with the proposals and the countryside in the vicinity of the site.

Scope of Evidence

1.5 My evidence deals with the landscape aspects of the planning applications (LPA Refs: 99/39317 and 99/39318) and with associated design matters. The "site" referred in my evidence shall be the combined areas included in the applications. My evidence is complementary to the evidence prepared by Alyn Nicholls and Richard Galloway and is structured in the following way:

- (a) In Section 2 I examine the site and the landscape character of the area.
- (b) In Section 3 I review the scheme prepared by Parkman and illustrate how it can be incorporated satisfactorily into the landscape. I recommend design criteria to assimilate the proposals into the landscape.
- (c) In Section 4 I outline a landscape strategy which will allow the proposals to integrate into the countryside.
- (d) In Section 5 I review the extent of the visual impact of the proposals
- (e) In Section 6 I list and review the mitigating measures envisaged.
- (f) In Section 7 I examine the landscape implications of siting a station at Glazebury and compare it to the Kenyon site.
- (g) I set out my conclusions in Section 8.

2.0 THE SITE AND SURROUNDING AREA

2.1 The site is situated in a generally open flat countryside between the eastern edge of Lowton and the northern part of Culcheth. The landscape character of this area has evolved over the last 200 years. Early in the C19th the land was enclosed creating the main field pattern seen today. Superimposed on this agricultural pattern are various transport routes which cut through the countryside. These routes create strong visual lines in the landscape as can be seen on the landscape context plan No. H123-002. In photograph 17 the A580 can be identified and in photograph 1 the route of the former Kenyon branch line is apparent. The well vegetated route of the Manchester to Liverpool line is shown in photograph 23.

2.2 From an examination of the OS maps in Appendix A it is possible to determine the evolution of the landscape character of the area. The 1849 map shows an established pattern to the countryside. The land has been enclosed by hedges creating small fields between lanes and footpaths linking settlements. Farm houses were set within this framework and the land usage was primarily agricultural. The east-west route of the Manchester to Liverpool railway cut through the area and the Kenyon to Bolton railway line was operational at this time.

2.3 In the second half of the C19th century the Wigan Junction branch line was constructed through the area and as the 1908 map shows, Kenyon Junction has sidings in cutting. The conurbations of Lowton, Leigh and Culcheth had developed by this time. The main character of the landscape was completed in the mid 1930's by the construction of the A580. Its embankments form strong features in the landscape as it passes over the two railway branch lines.

2.4 The two branch railways, to Wigan and to Bolton, were abandoned in the 1960's. Much of the infrastructure of these railways remains in place and the visual legacy in the landscape is obvious. The line of the two routes is still visible as can be seen on photograph 9 and 17. The embankments,

bridges and cuttings add to the landscape character. Part of the Wigan line is used as the Culcheth linear park.

- 2.5 Another development in the landscape which had an effect on the appearance of the area was the construction of the ordnance storage depot east of the site, on Culcheth Carrs, in the 1950's (see photograph 12). The warehousing complex is identifiable by the large grassed bunds and lighting masts set in the low lying fields. The Health and Safety Executive have guidelines which restrict types of development within various zones around the depot.
- 2.6 The only recent engineering works in the local landscape are the embankments to link Atherleigh Way with the A580. These embankments and the associated lighting columns at the junction are clearly identifiable in photograph 3.
- 2.7 Current agricultural practices by farmers in the area are beginning to change the established visual appearance of the landscape. The local landowners have removed many of the hedges enlarging the fields. In many cases mature trees have been felled and not replaced or are left as historic indications of former hedgerows. As photographs 10 and 17 show, the landscape is now developing to give a character of open, but relatively flat, countryside divided by the visually strong lines of the transport routes.

Character of the Green Belt

- 2.8 Alyn Nicholls describes in his evidence the extent of the Green Belt within the vicinity of the site. It is however necessary to define the existing character of the Green Belt in order to judge the impact of the development proposals. The countryside between Lowton and Culcheth can be considered to be agricultural in character with an openness which has not been compromised despite the inclusion of man-made structures, roads, railways and dwellings in the landscape nor the enclosure of the farmland

with hedges, planting of trees or construction of farm buildings.

2.9 The Green Belt within a 3km radius of the site has a recognisable 'open' character which is illustrated in photographs 10 and 17. There are however various elements within the landscape which give the Green Belt its local distinctive visual appearance but do not detract from the overall openness of the landscape. These elements have been accommodated over the years without causing excessive visual harm to the open character of the countryside. Within the generally flat farmland the following elements can be found:

- *Hedges - the hedges to the fields within the landscape form part of the visual pattern but affect the openness by restricting long distant views.*
- *Trees and Woodlands - large mature trees and woodlands add to the visual quality of the landscape but restrict the some views.*
- *Roads - a network of lanes and major roads cut through the agricultural landscape; most are lined with hedges which restrict views.*
- *Embankments and cuttings - there are several elements which are within the existing Green Belt and have an affect on its openness. These are: the embankments and cuttings to the Manchester to Liverpool Railway, and to the disused branch lines, and the embankments to the A580 and Atherleigh Way. These form strong visual lines and with associated vegetation restrict long distant views without unduly compromising the openness of the Green Belt.*
- *Commercial Development - the industrial storage bunds and lighting of the ordnance depot have a negative visual appearance. They stop long distance views, however they are accommodated within the Green Belt without affecting its openness unduly.*

- Farmsteads, barns and individual dwellings - *there are various associated structures which have been accommodated within the Green Belt without causing unacceptable visual harm or compromising its openness.*
- Golf Course - *A golf course can be found south of the site in a 'parkland' setting. The associated mature trees restrict long distance views.*

2.10 The above elements give the Green Belt its distinctive visual appearance. The woods, hedgerows and vegetated embankments give a sense of scale to the landscape, providing a structure which is clearly rural in character and yet successfully accommodates man-made forms. The structures and embankments to the road and rail routes appear as 'urban' features placed in the landscape but are part of the infrastructure associated with the local countryside. These have integrated well into the landscape especially with the establishment of the vegetation associated with them. The openness of the Green Belt between Lowton and Culcheth is not significantly affected by these nor by the ordnance depot structures.

Historical context of the site

2.11 During the operational years of the railway there were several buildings near the junction. From the 1953 OS map it is possible to determine that the following residences were nearby: Station House, Diggle Green, Layland's Farm, Broseley Cottage and houses adjacent to Broseley Lane.

PLUS 4 Cottages "WILTON PLACE" WAITING ROOMS

2.12 Clearly the working nature of the sidings and activities of the coal and steam powered railway would have affected the amenity of the local environs. The black and white photograph (undated) shows the station and excavated sidings in working times. The bowl shape of the site can be seen and the lack of trees and shrubs illustrates the industrial nature of the site. Since the operational times the vegetation cover has grown considerably to the perimeter areas. Today the boundary hedges and mature trees around the station provide an effective screen as illustrated on photograph 22.

- 2.13 The industrial operations which took place within site boundary have clearly damaged the land. The site is littered with the artifacts of its railway heritage and the compacted soils and stoned track bases are evident. The majority of the site is in an obvious derelict condition. Over 80 per cent of the site (note: the site area is that included within both applications combined) is in a "brown field" state and cannot be used without suitable treatment.
- 2.14 I shall consider the current status of the site in two parts as illustrated on drawing H123-001. The first, part A, is the area of land for the proposed station and associated car park south of Wilton Lane. The second is part B, the land required for the link road to the A580.

Part A - station and immediate area

- 2.15 Part A consists of the former station area and sidings together with a small field adjacent. The land which was used for railway purposes, as shown in photographs 20 and 24, is generally flat at an elevation of 27m AOD. Some parts where the old platforms and station were located are higher. These and other structures were demolished some time ago and the area is now in a derelict condition. The field adjacent the sidings, is used for pasture and taking of hay crops. The field has an elevation some 3m above the sidings level at 30m AOD.
- 2.16 The former railway land has no topsoil and consists of the bases to various structures, yards and ancillary buildings. The sidings area is generally of stone, consistent with the bases of rail tracks. This part of the site has been allowed to be invaded by vegetation since it was cleared of operational artifacts. Vegetation has self seeded the site over the past twenty years or so producing areas of birch, willow and hawthorn, pioneer species. Other herbaceous flora provide a thin cover to the stoney ground as illustrated in photograph 24.

- 2.17 The field adjacent to the railway sidings appears to be virgin ground with topsoil supporting an improved grassland. A small stream adjoins the boundary and there are several mature trees to the perimeter of this field.

Part B - link road to A580

- 2.18 Part B consists of the former railway line from Wilton Lane to the A580 as shown in photograph 15. The former track level is approximately 25.3m AOD however the land adjacent to the site towards the A580 is lower by about 2m. The railway was constructed on embankments at this point. Photograph 1 taken from the A580 shows the embankment relative to the adjacent fields.
- 2.19 The derelict railway line has been fenced off and for the most part is used for rough grazing. I observed horses grazing the flatter areas. Scrub regeneration has occurred on the steeper slopes and the vegetation appears consistent with the poor soils associated with made up ground.
- 2.20 As I pointed out in paragraph 2.13, approximately 80% of the land has been despoiled in some way by the historic activities of the working railway. The derelict nature of this land indicates a classic "brown field" site and its current condition has a negative effect on the local countryside and Green Belt.

3.0 THE PROPOSAL

- 3.1 An indicative scheme for the station, car park and link road has been prepared by Parkman. This scheme is described in detail in Mr. Galloway's evidence. Drawing 22304/0A/16 Rev C, shows how it is feasible to provide new platforms, a footbridge, parking for 260 cars and a station building within Part A of the site. Part B, the link road from the station area and its junction with the A580 is illustrated on Drawing 22304/0A/17 Rev C and

Drawing 22304/0A/23 Rev A.

- 3.2 The design of this indicative scheme was examined by Oakbay Design from a landscape viewpoint and an alternative layout prepared by Parkman with the aim of reducing to a minimum any potential visual intrusion into the countryside. This more sympathetic, alternative scheme, differs from the first at the junction with the A580 and includes embankments and planting instead of a retaining wall. In order to accommodate this more sympathetic solution, as shown on Drawing 22304/0A/18 Rev C, it would be necessary to extend the application boundary in the vicinity south of the A580. This is described in Mr.Galloway's evidence.
- 3.3 Sketch layouts were prepared and amended in the design process to include a landscape framework which integrates the proposal into the countryside. Measures taken include adjusting the access road to the station from Wilton Lane to give greater screening to Layland's Farm, lowering the car parking areas and supplementing the planting. At the junction with the A580 the alternative, more sympathetic embankment provides a visually improved solution. The road width was adjusted to ensure a minimum width of 3m of screen planting could be included to each side of the link road and to the embankments.
- 3.4 The integrated layout with the landscape structure for part A, the station area, is shown on Oakbay Design's drawing H123-005. The landscaping for Part B is illustrated on Drawings H123-007A and H123-008. A typical section through the road (Drawing H123-009) shows the screen planting at various stages of growth.
- 3.5 The landscape is capable of accommodating various elements which will not significantly affect the openness of the Green Belt. Providing these integrate within the existing established landscape structure, the visual amenity of the area will be maintained and could be enhanced. The proposal will fit within the well established rural framework described in Section 2. The existing

Green Belt character will only be changed in a minor way by the development. The removal of the derelict condition of the site will improve the appearance and amenity of the local environs.

3.6 In the context of Green Belt the term 'open' can be defined as 'unobstructed by buildings or other urban development'. In paragraphs 2.8 to 2.10 I showed that various elements gave the Green Belt its local distinctive visual appearance whilst not detracting or compromising the overall openness of the landscape. The following items have been specifically incorporated in the indicative scheme to ensure the openness of the Green Belt is maintained and the amenity of the users of the countryside is not degraded.

- (a) The car park will be created at one level at 27.0m AOD. This will help reduce views of the cars from outside locations.
- (b) A band of vegetation between 5 to 10m wide adjacent to the boundary of part A will be protected. This will ensure the retention of the boundary hedges and trees.
- (c) The link road will be kept at the same level as the adjacent ground, as much as possible, before it rises on embankment to meet the A580.
- (d) A hedge and band of native woodland edge species, not less than 3m wide will be planted to the sides of the link road. This will screen vehicles from local footpaths and add visual amenity to the landscape (see Drawing H123-009).
- (e) The scheme will be assimilated into the landscape by supplementary planting of native woodland and edge species. These will form a screen to the station and car park and will add amenity to the area.
- (f) A 2.5m fence and screen planting will be positioned approximately 40m from Station House. This will provide a visual barrier for the

residents of the property. ✓

- (g) Only the station and car park will be illuminated (for safety reasons) and the lighting columns designed to throw the light downwards only. ✓

3.7 I believe that the design criteria for the footbridge, any station building and car parking should be as follows. It should be noted that details of construction and materials used must be approved by the HSE because of the nearby location of the ordnance warehousing.

- (a) Footbridge: the structure should be no higher than 5m above the platform level and be of a simple shape. It should be a dark colour, either dark green or dark brown. Any lighting should be at feet level.

- (b) Station Building: any station building should be of vernacular style railway architecture with local Cheshire brick and slate roofs to match Station House. Framework to windows and doors etc. should be a dark colour, either dark green or dark brown. Glass must be to safety standard. ✓

- (c) Car park: the car park surface should be a different material from the access road network. Delineation by colour between the footpaths, cycleway and vehicular routes should be apparent. Brown and dark red unit pavers could be used to the footways and the car parks surfaced with local stone chippings. The lighting should be on 4.0 metre high columns painted dark brown or dark green.

LIGHTING SHOULD BE FACING AWAY FROM STATION HOUSE AND THE WILSON LANE TO AVOID DIRECT GLARE.

- (d) Signage: No signs should be higher than 3 metres above the adjacent ground and no lit sign higher than 2.0 metres. The framework should be a dark colour, either dark green or dark brown and materials shatterproof.

- (e) Planting: Native trees and shrubs should be planted to all boundary beds. At least 15% of the mix should be evergreen species. Ornamental planting should be limited to the beds within the car park and station area.
- (f) Roadways: The main carriageway should be black bitumen but the bus stopping and parking bays finished in a dark red bitmac.

4.0 LANDSCAPE STRATEGY

4.1 In Section 2 I described the landscape character of the area, the site and its immediate environs from a landscape viewpoint. I have devised a landscape strategy which aims to ensure that the openness of the Green Belt is retained and that the proposal will have a minimum impact on the amenity of the countryside and its users. In addition the strategy will ensure the derelict parts of the "brown field" site are restored in a manner which benefits wildlife and enhances the visual amenity of the area. This landscape strategy was incorporated in the proposal outlined in Section 3.

Aims and Objectives

- 4.2 I propose that the landscape strategy should have the following aims and objectives:
- (a) to retain the openness the Green Belt and ensure its existing character is safeguarded
 - (b) to ensure that the proposal does not increase the visual impact of the site by ensuring the activities within the site are screened as much as is possible from residents nearby and travellers
 - (c) to ensure where feasible established vegetation and habitats to the

perimeter of the site are conserved as part of the development and to reinforce the existing landscape character by additional planting

- (d) to ensure wildlife corridors are incorporated in the proposal and by using native trees, shrubs and groundcover to establish a landscape structure which will also have visual amenity
- (e) to ensure structures and other artifacts are in keeping with the local environs, the embankment joining the link road to the A580 assimilates into the landscape, and to keep lighting to a minimum to ensure safety but not to intrude into the landscape
- (f) to reuse materials excavated from within the site for the purposes of forming any embankments and for landscape purposes

5.0 VISUAL IMPACT

5.1 In July 1999 I undertook a visual and landscape survey and assessment of the site and the surrounding area. The method I used is that recommended by the Landscape Institute and the Institute of Environmental Assessment. This assessment is described in Appendix B attached to this proof of evidence.

5.2 I looked towards the site from footpaths, bridleways, roads and residential properties within approximately 1.5 km of the proposed station and recorded my observations. The 1.5 km radius visual envelope was considered appropriate in this case because of the relative flatness of the landscape. At distances greater than this objects are difficult to identify. They become indistinguishable from the general landscape background. I show on drawing H123-004 the results of my visual analysis. I have recorded the positions from which it will be possible to view all or part of the proposals.

- 5.3 Within the 1.5 km visual envelope considered are several landscape elements which affect views towards the site. These are as follows and are illustrated on drawing no. H123-002.
- the embankments and screen planting to the A580
 - the vegetation along the Liverpool to Manchester railway
 - the vegetation along the disused railway west of the site
 - hedges and trees to various field boundaries and woods
 - local rises in the landform
 - bunding and lighting to the ordnance depot
- 5.4 The embankments of the A580 and the semi-evergreen nature of its screen planting prevent views towards the site from areas north of the A580. This can be seen on photograph 4. It is possible to glimpse Part B, the link road, briefly through some gaps in the existing screen planting.
- 5.5 From positions south of the site the views towards the proposal are severely restricted by the vegetation along the Liverpool to Manchester railway. The lower parts of the station area cannot be seen from the south. Even in the winter the top of the proposed footbridge would hardly be noticeable given the density of the branches of the trees and scrub.
- 5.6 The link road can be viewed from local footpaths within 1 km to the east and west of the site. Distant views from the west however are restricted because of the gentle rises in the landform. The vegetation along the disused Wigan railway prevents views of the site in summer. Similarly the trees and hedges to the fields will screen the proposed road. An example is shown on photograph 7. Even in winter the density of cover will severely restrict sight of the proposal beyond 1km. It will be possible to view part of the link road near the A580 from the upper windows at Birchalls Farm and those dwellings on the edge of Lane Head. Because the viewpoints are so far away, the road would hardly be noticeable in the landscape.

5.7 Most of the link road between Wilton Lane and the A580 is at grade and will be screened by the 3 m minimum width of planting along its route. The road rises in the north on embankment to meet the A580. This section will be seen from footpaths to the east and west and by travellers along Wilton Lane. The embankment however is well planted and within 5 years the visual impact will be reduced substantially. Within 10 years the vegetation on the embankment will afford effective screening to the road and traffic on it and within 15 years the road will be fully integrated into the landscape. Drawing H123-009 illustrates the screening of the road at various stages.

5.8 Travellers approaching Diggle Green Farm from the west along Wilton Lane will be able to view the new road line from some sections of the road. Some stretches afford open views of the site and some parts are restricted because of the hedges near the roadside. Footpath users will have a clear view of the road and car parking areas from the Wilton Lane bridge as can be seen on photograph 20. The station area, being in cutting and well screened, will not be seen from the majority of Wilton Lane.

5.9 There are residences and work places near the site. Residences will have the highest sensitivity to impact and industrial premises a low sensitivity. It will be possible to view the proposals from the following locations.

(a) Diggle Green Farm The construction of the link road will be clearly visible from the farm. The route can be seen in photograph 12. When the screen planting to the road is established views of the carriageway will be restricted to those from the upper windows. I consider the long term visual impact will be no greater than that of the current view.

(b) Offices The construction of the link road will be visible from the offices of Orica adjacent to footpath FP109. The proposed screen planting will be effective in the long term.

- (c) Layland's Farm and Associated Camping Site It will be possible to see the construction works along the link road from the residence and garden. The top of the working machines will be seen from the house and camp site as the station car park is excavated. Once completed the station and car park will be screened from views at Layland's Farm. It will be possible to glimpse the top of the footbridge from the caravan park through the trees in winter. You would be aware of the glow of the lighting when the trees are without foliage. I consider that the impact would not be significant.
- (d) Broseley Bridge and Properties near Broseley Bridge (including The White House, Hall Farm Barn and 1/2 Broseley Lane) At present the summer vegetation to the boundary of the site prevents most views of the site from properties near Broseley Bridge. This vegetation is illustrated on photograph 22. The view westwards from Broseley Bridge is shown in photograph 21 and northwards in photograph 19. In winter it will be possible to see some construction works along the road line from some of the upper windows (for example the bedrooms of The White House). Once the proposed planting is established to the road, station and parking areas the proposal will be well screened and hardly be noticed.
- (e) Broseley Hall The nearest part of the site is lower than the working farm around Broseley Hall. It is currently well screened by vegetation along the railway. It would be possible to glimpse a view of the top of the footbridge in winter months through the tree branches.
- (f) Station House The property is elevated relative to the proposed levels of the new platform and car parks. It would be affected by the proposal. I shall outline the measures to mitigate the visual impact in Section 6 but it should be noted that there is already loss of amenity at this time due to its closeness to the active railway. The clear space of 40m to the new development with extensive screening will ameliorate the impact. It will be possible to see the construction of the station, car park and footbridge from the house. The temporary fencing and retention of the hawthorn scrub will help reduce the

impact. In the long term the dense screen planting will reduce the visual impact from the lower parts of the house and garden. The station, footbridge and lighting will be seen from the upper windows of the house.

(g) Existing Access Bridge It will be possible to look down over the platforms and see the car park area and new footbridge from this private bridge. The view is shown in photograph 23. The proposed planting in the car parking area will help reduce the visual impact.

(h) Railway The platform, station, structures and the car parking will clearly be seen by travellers on the railway. If the design meets the criteria set out in Section 4 the visual impact will be acceptable and an improvement on the view of dereliction at present.

5.10 The overall visual impact of the proposal should be considered in relation to the existing condition of the site and landscape elements affecting the appearance of the local landscape. I believe the following in particular must be considered when assessing the visual impact of this scheme.

- the impact of the embankment along the A580
- the impact of the embankment to the Atherleigh Way
- the alien shape of the bunds and lighting columns of the ordnance depot
- the derelict nature of the old railway line
- the existing embankment of the disused rail track
- the derelict nature of the former sidings and station

Considering these factors I conclude that overall the final proposals will cause no significant visual harm to the wider countryside, the Green Belt or local residents if the mitigating measures in the next section are implemented. The development integrates well within the existing structural landscape framework and the openness of the Green Belt will not be compromised, nor will there be any significant loss of visual amenity.

6.0 MITIGATING MEASURES

6.1 In designing the proposal the following mitigating measures were incorporated to ensure the criteria set out in the landscape strategy were met. These measures are to ensure the scheme integrates well into the countryside. Where an individual property is affected by the development I outline the specific measures taken to mitigate any impact. I note the reason for each measure and outline the effectiveness of each.

- (a) Part A of the site will be excavated to a level of 27.0m AOD, the existing sidings level.

Reason: to ensure the car parking area is less prominent from the surrounding properties, roads and footpaths.

This measure will be very effective in reducing views of the development from nearby locations. There however will be little mitigating effect on Station House. Lowering the car park will help the development fit into the landscape very well.

- (b) The vegetation to the perimeter of Part A will be protected from development and fenced during construction. Additional planting will be added to the boundary screen.

Reason: to conserve the trees and hedges and ensure the car parking area and other elements are not seen from the surrounding properties, roads and footpaths.

Protecting the vegetation will ensure the screen is effective during construction. Planting intermediate trees and shrubs will screen activities from the viewers.

- (c) There will be beds of shrubs with trees in the car parking areas.

Reason: To ensure the amenity of the station environment is visually acceptable and to reduce the impact of the hard surfacing from viewpoints on Wilton Lane Bridge and from the upper windows of Station House and in winter, The White House.

The landscaped areas within the station area will add to the ambience of the environs. They will help reduce the impact in particular from the footbridges and Station House.

- (d) There will be an area of land around the Station House free from development. This buffer will extend to 40m and be part planted in manner which will create a dense screen. The existing hawthorn scrub vegetation within the area will be conserved. A 2.5m high close boarded fence will be erected to the boundary of the buffer prior to construction work starting. ✓

Reason: To reduce the visual impact on the occupants of Station House to acceptable levels.

The retention of the hawthorns and erection of the boundary fence 40 metres from the house will help reduce the visual impact in the construction phase. In the long term the dense screen will be effective to prevent views from the garden and lower levels.

- e) The hedge to the boundary adjoining Layland's farm will be protected during construction and supplemented with additional planting to increase the density of the screen.

Reason: To ensure the amenity of the occupants of Layland's Farm is retained and to protect the existing hedge.

The hedge will form an important screen in the construction phase and it will be effective in preventing views into the station area.

- (f) The screen and associated structure planting will be predominantly native oak woodland and edge species.

Reason: To ensure that the planting reflects the ecology of the area and to encourage wildlife.

The native planting will be very effective at providing a wildlife corridor.

- (g) The road junction with the A580 has been designed to create a minimal visual impact. Rather than have a retaining wall, the option with embankments with good screen planting is preferred.

Reason: To reduce the visual impact of the junction to acceptable levels when viewed from nearby footpaths.

The existing railway was on embankment at this point as can be seen in photograph 1. The proposed embankment will have much less visual impact than that on the other side of the junction. The proposed embankment is much less than that shown in photograph 3 at Atherleigh Way. When the vegetation (see Drawing H123-009) is established the slopes will not be noticeable.

- (h) Topsoil and subsoil from the excavated areas will be used within the site to soil the embankments and planting areas.

Reason: To conserve resources and reduce the need for importation of materials. J

This measure will be effective.

- (i) Woodland edge and hedge species will be planted to each side of the road and on all embankments.

Reason: To ensure development integrates into the landscape and to ensure the vehicles travelling along the road are screened from viewers within the vicinity.

The line of hedges and trees will be effective and an important part of the landscape structure of the area.

- (j) Lighting to the link road will be limited to the junction of the A580 and the underpass to Wilton Lane Bridge.

Reason: To ensure the impact on the countryside and green belt is kept to a minimum.

Lighting at the junction with Atherleigh Way already has an impact. Keeping the lighting to around the junction only and near Wilton Lane will ensure there is no impact in the open part of the countryside.

- (k) Lighting to the station area and car parks will be on columns less than 4.0m high with down light projection.

Reason: To ensure there is limited visual impact on adjacent residents and to keep reflected light in the countryside to a minimum.

The small lighting columns and projection downwards will be effective in keeping the impact on the countryside to a minimum.

- (l) The structures, associated buildings and external areas will be designed using materials and of colours to assimilate with the

countryside. They will be of a tone and hue found in the local landscape.

Reason: To reduce the visual impact on adjacent residences and avoid inappropriate bright colours in the green belt.

If the criteria set out in paragraph 3.7 are followed there will be no adverse impact on the surrounding area or to the countryside.

7.0 GLAZEBURY STATION

7.1 Other evidence reviews the operational implications and lack of viability of an alternative station, and park and ride, positioned at Glazebury, some three kilometres east of the site. I have visited the village and examined the potential sites adjacent the railway which could be used for the construction of a station with a park and ride facility.

7.2 From a landscape viewpoint I concluded that areas of land east of the village envelope were not suitable because the damage to the environment around Pennington Brook and Light Oaks Hall would be too great. A new access road would be needed and this would be difficult to provide without the demolition of some properties and taking a swathe of countryside.

7.3 There is an area adjacent to and north of the railway embankment and east of the A574 which could be developed for a station. However this land is developed at present and the commercial buildings would have to be demolished. Additional land would also be needed on the southern side of the railway to gain access to the west bound platform. Assuming the park and ride facility would have to cater for 260 cars and be well landscaped it appears that this site would not have an adequate area to accommodate these and ancillary station structures and access ramps.

7.4 I consider therefore, that the areas of land west of the A574 adjacent to the

railway are the only viable sites for a station with a park and ride facility. These positions are indicated on Drawing H123-006 in Appendix C. The area south of the site would be easier to access by vehicles than the northern areas which would probably require a new road link.

- 7.5 I undertook a visual and landscape impact assessment of these two sites assuming there would be ramped disabled access to each of the platforms, there would be shelters at the higher level, the platforms, track and ancillary buildings would be lit, and there would be a pedestrian underpass through the embankment. I assumed that the park and ride car park would accommodate 260 cars, be adjacent to the embankment, lit and be well landscaped at the periphery of the car parks. The summary of the visual assessment is in Appendix C.
- 7.6 I conclude that in landscape terms, placing a station on the only viable sites west of the A574 at Glazebury would have a detrimental effect on the countryside and seriously affect the openness of the Green Belt. Compared with the Kenyon Junction site, the Glazebury sites would have major negative environmental impact on the landscape. The village envelope would have to be extended to accommodate the facility and the linear character of the village changed. The visually prominent position of the station, because of the elevated track, makes Glazebury unsuitable compared with the Kenyon site set in a well screened bowl.

8.0 CONCLUSIONS

- 8.1 The existing Green Belt has an open, agricultural character, with strong, distinctive elements, such as road and rail routes within the countryside. These give the landscape its local visual character. The historic use of the site and how that usage was well accommodated in the landscape, is clear. The station, sidings and railway did have some effect on the countryside and residents but the current proposal will be less intrusive. The scheme fits well into the established landscape structure.
- 8.2 The proposed development would contain structures and buildings which would have some visual impact on the Green Belt. However given the setting of the station area at the lower level and the extent of the existing perimeter vegetation, the general open character of the area will be preserved. The embankment to the link road at the junction with the A580 will have a minor local visual impact but would not compromise the general openness of the Green Belt. The impression of separation between the outskirts of Culcheth and Lowton would not significantly change.
- 8.3 The land each side of the proposed link road is agricultural in character which contrasts with the appearance of the rough grazing and derelict nature of the former railway line. Approximately 80% of the site area has been despoiled by previous operational uses and has a "brown field" character. The proposal would remove this dereliction in the countryside.
- 8.4 The visual impact of the station components and the proposed link road will be significantly reduced by the implementation and maturing of the landscape planting. The overall visual change in the landscape would not fundamentally alter the effectiveness or character of the Green Belt.

8.5 A station cannot be located at Glazebury without significant loss of visual amenity. The only viable sites are to the west of the A574. A station at these locations would intrude into the countryside and significantly reduce the openness of the Green Belt.

8.6 I therefore conclude that:

1. The site can be developed in a manner which does not change the character of the countryside or destroy the openness of the Green Belt.
2. The station, car park and link road can be incorporated into the existing landscape structure without any significant loss of amenity to users and residents of the countryside.
3. The proposals will have some visual impact in the short term, during construction, but in the long term the scheme would hardly be noticeable.
4. The mitigating measures proposed will be effective in reducing visual impact on neighbouring residents and in assimilating the proposals into the existing landscape structure.
5. A station at Kenyon Junction would have much less impact on the Green Belt and countryside than a viable alternative west of Glazebury village.