



Ministry of Housing,  
Communities &  
Local Government

Harworth Group  
C/O Mr H Robertshaw  
Johnson Mowat  
Coronet House  
Queen Street  
Leeds  
LS1 2TW

Our ref: APP/N4205/V/20/3253244  
Your ref: 04766/18

21 June 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY HARWORTH GROUP  
LAND WEST OF WINGATES INDUSTRIAL ESTATE, WIMBERRY HILL ROAD,  
WESTHOUGHTON, BOLTON  
APPLICATION REF: 04766/18**

1. I am directed by the Secretary of State to say that consideration has been given to the report of B J Sims BSc (Hons) CEng MICE MRTPI and D M Young JP BSc (Hons) MA MRTPI MIHE, who held a public local inquiry on 17-20 November 2018 into your client's application for planning permission, reference 04766/18 dated 12 October 2018 for:
  - PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works.
  - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area.
2. On 21 May 2020, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

**Inspectors' recommendation and summary of the decision**

3. The Inspectors recommended that planning permission be granted subject to conditions and planning obligations of the Section 106 Agreement.

Ministry of Housing, Communities & Local Government  
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4. For the reasons given below, the Secretary of State agrees with the Inspectors' conclusions, except where stated, and agrees with their recommendation. He has decided to grant planning permission. A copy of the Inspectors' report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspectors' comments at IR9, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Policy and statutory considerations**

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the adopted Bolton's Core Strategy 2011(CS) and the adopted Bolton's Allocations Plan 2014 (BAP). The Secretary of State considers that relevant development plan policies include those set out at IR27.1-27.11.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy Regulations 2010 ('the CIL regulations').

### *Emerging plan*

9. Following the decision of 3 December 2020 by Stockport Metropolitan Borough Council to withdraw from the Greater Manchester Spatial Framework (GMSF) the Association of Greater Manchester Authorities (AGMA) has decided not to progress the GMSF. The Secretary of State thus gives no weight to the provisions of the GMSF. However, noting that the AGMA intends to use the same evidence base to underpin its Development Plan Document 'Places for Everyone', Secretary of State agrees with the Inspectors for the reasons given in IR28, that the GMSF evidence base with respect to employment needs is material to the present case.

### **Main issues**

10. The Secretary of State agrees that the main issues are those set out by the Inspectors at IR219.

### *Policy*

11. For the reasons given at IR221 and IR308, the Secretary of State agrees with the Inspectors that Policy CG7AP of the BAP is strictly inconsistent with the NPPF because it omits express reference to allowing inappropriate development in very special circumstances. Accordingly the national Green Belt policy of the Framework is applicable. He has taken into account that there is cross-reference in the supporting text to the Framework and clearly no intention of the part of the Council in practice to resist such

development without applying that proper test, and also that otherwise the relevant policies of the development plan are consistent with the Framework (IR222).

Notwithstanding his conclusion on Policy CG7AP, overall he considers that the policies which are most important for determining the application are not out-of-date, and therefore the tilted balance does not apply in this case.

### *Green Belt*

12. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR15). As such, the Secretary of State has given careful consideration to the Inspectors' analysis at IR224-226.
13. For the reasons given at IR224 the Secretary of State agrees with the Inspectors that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition.
14. For the reasons given at IR224-226 the Secretary of State agrees with the Inspectors' conclusions at IR226 that overall the harm to the Green Belt, by definition and in relation to its essential openness is in conflict with adopted BAP Policies CG7AP and OA3 and the Framework. He considers that this harm carries substantial weight. He further agrees that considerations mitigating the impact of the development on Green Belt purposes are material factors, but gives no weight to the site's draft allocation in the GMSF, given his conclusions at paragraph 9 above.

### *Employment Need and Supply*

15. For the reasons given at IR227-232 the Secretary of State agrees with the Inspectors that there is persuasive evidence that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application (IR232). The Secretary of the State further agrees that whilst no weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application.
16. The Secretary of States agrees for the reasons given at IR233-234 that while approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP (IR234), such development plan provisions are not to be regarded as ceilings to development. He further agrees with the Inspectors (IR234) that while there is some conflict with Policy P1, the salient question is whether the unallocated application site is justified by other considerations.
17. He further agrees, for the reasons given at IR235-237, that the recorded deprivation level within Bolton is further evidence of need for the development and notes that there is evidence of unfulfilled enquiries for development of the kind proposed here. Overall the Secretary of State agrees with the Inspectors at IR237 that the evident need for development of the type proposed carries substantial weight in the planning balance.

### *Economy*

18. For the reasons given, the Secretary of State agrees with the Inspector at IR238 that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the Framework, to promote and support a strong

competitive economy, as particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations.

### *Highway Network and Access*

19. For the reasons given at IR239-244, the Secretary of State agrees with the Inspectors that subject to the improvements set out, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the Strategic Route Network (IR244).
20. The Secretary of State agrees for the reasons given at IR245-246 that the development would comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel.

### *Environmental Impact*

#### Landscape and Visual Amenity

21. For the reasons given at IR247-255, the Secretary of State agrees with the Inspectors at IR254 that the proposed development would give rise to substantial harm to the landscape of the application site and surrounding area, contrary to the relevant provisions of BCS Policies CG1, CG3 and OA3. He further agrees the comparatively minor effects on the wider landscape of the M61 corridor would not undermine the equivalent aims of BCS Policy M7 in this respect.
22. Overall, the Secretary of State agrees with the Inspectors at IR255 that the substantial level of landscape harm carries significant weight in the overall planning balance.

#### Residential Amenity

23. Overall, for the reasons given at IR256-259 the Secretary of State agrees with the Inspectors at IR258 that there is no evidence that the development would cause unacceptable impact on surrounding land uses and occupiers with regard to privacy, safety or security, and on balance the proposals comply with the aims of BCS Policy CG4 with regard to safeguarding residential amenity (IR259).

#### Public Rights of Way

24. The Secretary of State agrees for the reasons given at IR260-262 that the proposals are compliant with BAP Policy P8AP.

#### Ecology, Trees and Biodiversity Enhancement

25. For the reasons set out at IR263-270 the Secretary of State agrees at IR270 that whilst there would be initial adverse impacts arising from the construction of the proposed development, there is credible evidence that full mitigation would ultimately be achieved, including a material level of net biodiversity enhancement. He agrees that the proposals comply with the protective provisions of Policy BCS Policy CG1-2, such that considerations of biodiversity are neutral in the overall planning balance (IR270).

#### Air Quality and Noise

26. For the reasons given at IR271-274, the Secretary of State agrees with the Inspectors that the development would be compliant with BCS Policy CG4 in connection with the

protection of amenity, resulting in no residual harm to be taken into the overall balance (IR274). The Secretary of State therefore considers that the matter is neutral in the planning balance.

### *Benefits*

27. For the reasons given at IR275-278, the Secretary of State agrees with the Inspectors that the development would contribute substantially to the supply of employment land evidently necessary to the economic recovery and well-being of Bolton. He has taken into account the absence of any alternative sites of sufficient size and accessibility in the M61 (IR276), and the fact that the development would directly and indirectly generate up to 2,500 jobs and other economic benefits in an area of severe economic deprivation and unemployment, encouraging business commitment and creating opportunities for enhancement of skills among the workforce (IR277). He agrees that that the economic benefits carry very substantial weight in the planning balance (IR279).
28. For the reasons given at IR280-281 the Secretary of State also considers that landscape mitigation, a net gain in biodiversity, sustainable drainage, off-site highway works, new or diverted footpaths, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight in favour of the proposal.

### *Cross-boundary Considerations*

29. The Secretary of State has given careful consideration to the Inspectors' analysis at IR298-302 and agrees, for the reasons given, that the present application may appropriately be determined independently by the Secretary of State on the basis of this IR alone.

### **Planning conditions**

30. The Secretary of State has given consideration to the Inspectors' analysis at IR293-297, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and the relevant Guidance and that the conditions set out at Annex A should form part of his decision.

### **Planning obligations**

31. Having had regard to the Inspector's analysis at IR10, IR282-293, the planning obligation of 2 December 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspectors' conclusion for the reasons given at IR292 that, with the exception set out at paragraph 32 below the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.
32. He further agrees with the Inspectors, for the reasons given at IR290-291, that the Schedule 4 Local Enhancement Contribution requiring a contribution to upgrade a pedestrian and cycle route to the site via Long Lane from Westhoughton railway station is neither directly nor fairly and reasonably related in scale and kind to the proposed development. As such the Secretary of State agrees with the Inspectors that it fails the tests of CIL Regulation 122 and should not be counted as a material consideration to the application. Pursuant to the Conditionality Clause 4.1.3 of the Agreement, the obligation to pay the Local Enhancement Contribution therefore has no effect.

## **Planning balance and overall conclusion**

33. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies CG7AP, CG1,CG3 and OA3 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The material considerations which weigh against the proposal are the harm to the Green Belt and the landscape and visual impacts. The Secretary of State affords the Green Belt harm substantial negative weight and the landscape and visual harm significant negative weight.
35. The Secretary of State considers that the evident need for development of the type proposed carries substantial weight, and the economic benefits of the proposal carry very substantial weight in favour of the scheme. He considers that the benefits of effective landscape mitigation, a net gain in biodiversity, sustainable drainage to obviate flooding concerns, off site highway works to accommodate generated traffic, new or diverted footpaths where affected by the development, improved bus services and enhanced pedestrian and cycle access to the site each carry limited weight.
36. The Secretary of State has considered whether the harm to the Green Belt by reason of inappropriateness, and the other harms he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the economic and other benefits of the proposal are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development.
37. For the reasons given above the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan.
38. The Secretary of State therefore concludes that planning permission should be granted.

## **Formal decision**

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for:
- PART A: Outline planning application [but with means of access in detail] for strategic employment development for industrial (Class B1c/B2), storage and distribution (Class B8) and/or research and development (Class B1b) uses each with ancillary office space (Class B1a), yards, parking and associated facilities; associated education/training space (Class D1); ancillary food & drink (Class A3/A4/A5); and associated roads, drainage and utilities infrastructure; and landscape works;
  - PART B: Full planning application for demolition of building/structures, upgrade to highway infrastructure, creation of new accesses to Wimberry Hill Road, drainage and utilities infrastructure, formation of development platforms, boundary landscaping and ecological enhancement area;

in accordance with reference 04766/18 dated 12 October 2018.

40. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

42. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

43. A copy of this letter has been sent to Bolton Metropolitan Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Phil Barber*

*This decision was made by the Minister of State for Regional Growth and Local Government on behalf of the Secretary of State, and signed on his behalf*



# **Report to the Secretary of State for Communities and Local Government**

by

**B J Sims BSc (Hons) CEng MICE MRTPI**

and

**D M Young JP BSc (Hons) MA MRTPI MIHE**

Inspectors appointed by the Secretary of State for Communities and Local Government

Date: 15 February 2021

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## **PROPOSED STRATEGIC EMPLOYMENT DEVELOPMENT WINGATES BOLTON**

Virtual Inquiry Opened on 17 November 2020

Land West of Wingates Industrial Estate, Wimberry Hill Road, Westhoughton, Bolton

File Ref: APP/N4205/V/20/3253244



in the Green Belt, and in excess of the M61 corridor allocations, is justified by very special circumstances. [27.2, 27.9, 32, 34, 148-152]

223. With respect to the tilted balance of NPPF paragraph 11(d), notwithstanding Policy CG7AP is regarded as out-of-date, it is the application of the Green Belt balance which will ultimately be determinative. [23, 28-29, 33, 153]

### **Green Belt**

224. There is no question that the proposed development would be inappropriate in its Green Belt location, giving rise to harm by definition, which carries substantial weight as a matter of established national and adopted local planning policy, including BCS Policy OA3 to maintain current Green Belt boundaries at Westhoughton. [27.6, 35, 154, 156]
225. The spatial loss of 33ha of Green Belt land to a net 22ha of built development may be regarded in the context of some 7,200ha of Green Belt land within the Borough alone, separating Westhoughton from other settlements. This helps to moderate the harm to the purposes of including land in the Green Belt to check urban sprawl and prevent towns from merging. The mere proximity of the existing Wingates Industrial Estate to the application site does little to offset its conflict with the purpose of safeguarding the countryside from encroachment, albeit its westward extension is plainly logical if otherwise justified. The development would be neutral regarding the remaining two purposes of preserving historic Westhoughton, due to intervening distance, or recycling urban land, given no available brownfield site in Bolton would accommodate the proposal [36-37, 155-157]
226. Overall, the harm to the Green Belt by definition, and in relation to its essential openness, in conflict with BAP Policies CG7AP and OA3 and the NPPF, remains substantial in the overall planning balance, albeit the considerations mitigating the impact of the development on Green Belt purposes as well as its draft allocation by the GMSF are material factors. [29, 38-39, 158-159, 208]

### **Employment Need and Supply**

227. Information from the British Property Foundation (BPF) confirms a widely held view that rapid growth being experienced in the logistics sector of the UK has been due to structural changes to high street retailing and a commensurate growth in e-commerce. This shift has been accelerated by the ongoing Covid19 pandemic restrictions on personal movement. [44]
228. There is extensive market evidence of robust growth in the warehousing and logistics sector of the economy of the North West, with a strong and rapidly expanding need for large-scale storage and distribution and industrial units of the kind proposed in this case. The trend is for buildings of some 34,000sqm on average, an increase in size of over 40% since 2007. [41]
229. The warehousing and logistics sector has proved resilient in the current pandemic. It is therefore to be expected that this sector will be instrumental in the post-pandemic recovery of the wider UK economy. In the North West, including Greater Manchester, new logistics development will not only play a part in its own right but serve as an enabler to other business sectors. [45-46]

230. The North West regional market is defined by the extensive motorway network split into geographic corridors which serve sub-regional markets. The application site is located to the north of Manchester forming part of the Greater Manchester economic market and sitting within the sub regional M61 corridor.[47]
231. Rapid increase in the number of logistics businesses in this market since 2014 has resulted in employment land in Greater Manchester being in particularly short supply. Demand evidently also extends beyond warehousing and distribution, as production returns to the UK post Brexit, and operators seek locations with good access and labour supply. Unfulfilled enquires in the North West for very large buildings over 50,000sqm amount to some 0.78 million sqm in total against 0.18 million sqm of available floorspace. [49-52]
232. This evidence is persuasive that a substantial planning need exists for major logistics and associated industrial development of the kind proposed in this application. It has led to the extensive allocations for large-scale warehousing and industrial sites in the emerging GMSF, including Site Allocation 6 for 440,000sqm of employment floorspace in the M61 corridor at Bolton, which encompasses the current application site. Whilst little weight can be given to the specific draft allocation in itself, the broad evidence of need for the type of employment land represented by the application site is material to the consideration of this application. [28-29, 58, 160]
233. The current monitored employment land position in Bolton indicates that, whilst there is a supply surplus in terms of the prevailing policy framework of BCS Policy P1 and the BAP, there is no alternative urban allocated site capable of accommodating the development now proposed west of Wingates. There is a current shortfall in uptake in the M61 corridor of about 20ha of the 100ha of employment land allocated. [53, 57, 161, 209]
234. Approval of the present application would produce a numerical exceedance of the quantum of employment development allocated for the M61 corridor by Policy P1 and the BAP. However, it is generally accepted that such development plan provisions are not to be regarded as ceilings to development. Whilst there is some conflict with Policy P1 in spatial terms, the salient question is whether the unallocated application site is justified by other considerations. [57]
235. The recorded deprivation level within Bolton is further evidence of need for the development. The Borough currently suffers the highest unemployment rate in Greater Manchester, exacerbated by Covid19. Against those figures, the development is forecast to generate up to a total of 2,500 jobs with a GVA of up to £157 million annually. [55, 59-61]
236. Within Bolton there is evidence of unfulfilled enquiries for development of the kind proposed here, coupled with the recorded success of the Logistic North development in Bolton by the same Applicants, now largely built out and occupied. The present application is therefore strongly supported by BMBC as contributing to its Economic Strategy, Vision and Objectives. [54, 162-163]
237. The evident need for development of the type proposed carries substantial weight in the planning balance.

### ***Economy***

238. It is plain, from the foregoing assessment of employment need and supply in Bolton, that the proposed development would contribute substantially to the national policy imperative, expressed in paragraphs 80 and 82 of the NPPF, to promote and support a strong competitive economy, particularly with regard to the need for storage and distribution facilities, at a variety of scales, in accessible locations. [25, 54-55, 58-62, 130, 164-5, 197, 209, 216]

### **Highway Network and Access**

239. BMBC accept and rely upon the evidence of the Applicants concerning access to the site and the effects of the development on the Strategic Route Network (SRN). [64-65, 166-167].

240. There is no evidence of a need to improve the present vehicle access to the application site via Wimberry Hill Road and its signalised junction with the A6 Chorley Road. However, pedestrianised cycle facilities at that junction, proposed as part of the development, would appropriately improve accessibility by non-motorised travel modes. Further improvements would be made 300m south on Wimberry Hill Road, where it meets Great Park Road, to provide a refuge island, also improving pedestrian access to the site. [66-68]

241. Within the site, access roads, footways and cycle ways would be provided to accepted standards. [69]

242. A range of off-site junction improvements would be secured by the Section 106 Agreement, in accordance with the submitted Transport Assessment. These improvements would take place at the A6 Chorley Road-De Havilland Way junction, M61 Junction 6, the A6 Chorley Road-Dicconson Lane signalised junction and at the A6-Bolton Road signalised junction. They are all directly related to the development and would avoid traffic from the development worsening any current congestion on the SRN. [70-72]

243. The widely expressed concerns of local people over current road congestion are understood but it is not for this application to support road or traffic improvements beyond those which would arise from the development itself. [210]

244. With these improvements in place, the proposed development would comply with the requirement of BAP Policy P7AP to safeguard the SRN. [27.10]

245. The development would include improvements to pedestrian and cycle infrastructure and would be subject to a Travel Plan favouring sustainable modes of transport, including car sharing and provision of electric vehicle charging points at 10% of car parking spaces. Subject to consideration of a planning obligation for a public transport contribution (*below*) the development would also provide improvements to bus services to accommodate shift work patterns. [79]

246. Accordingly, the development would also comply with BCS Policy P5 to ensure that accessibility by different kinds of transport development is taken into account, prioritising pedestrian and cycle use over motorised travel. [27.3]

### **Environmental Impact**