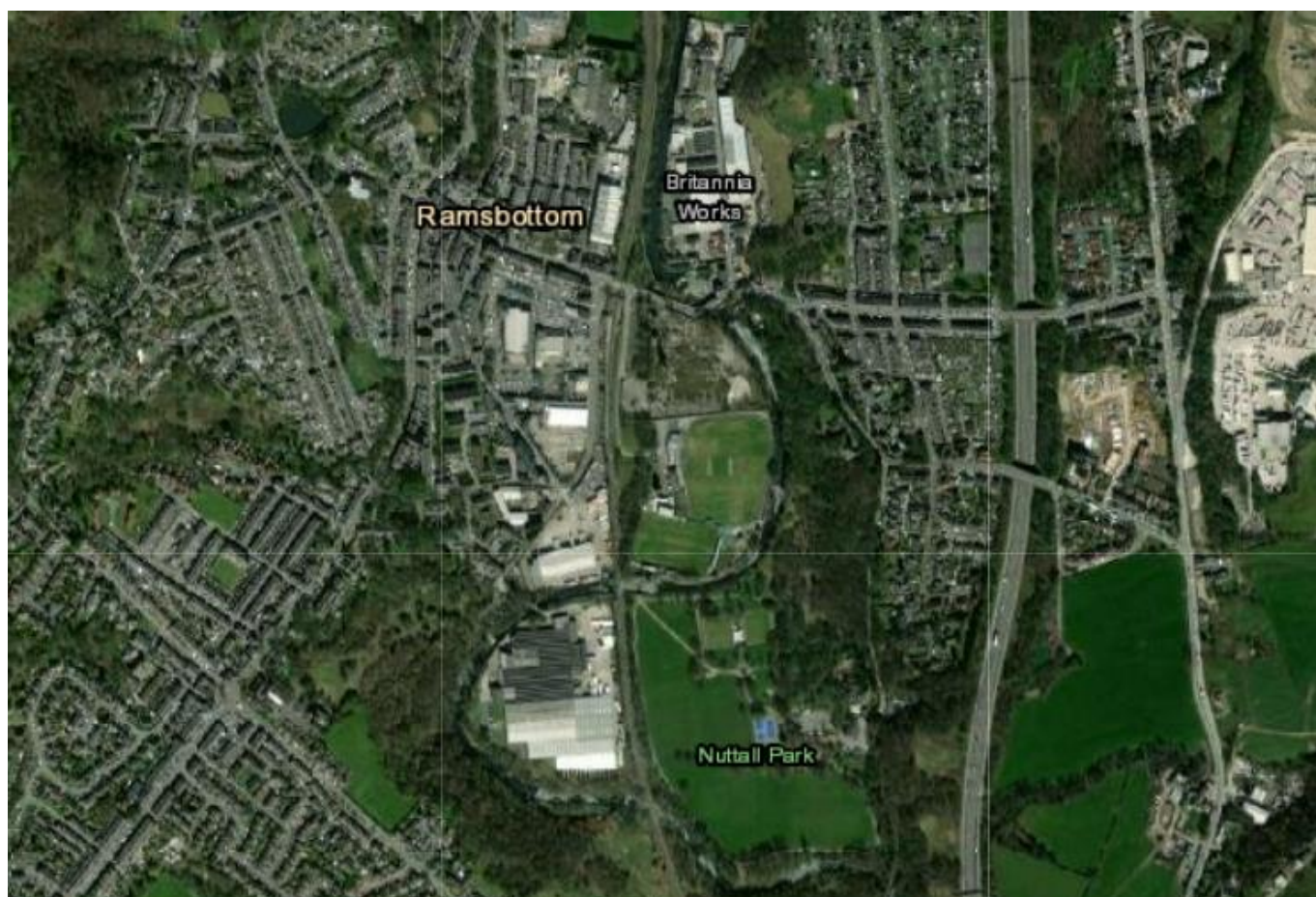


Objection to Planning Appeal Reference APP/T4210/W/22/3302543

Former Mondi / Holcombe Mill, Bridge Street, Ramsbottom, BL0 0BS





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1. Introduction

- 1.1. Savills is instructed by FedEx to **object** to planning appeal reference number APP/T4210/W/22/3302543 at the Former Mondi/Holcombe Mill site on Bridge Street, Ramsbottom, BL0 0BS. The appeal has been submitted by Eccleston Homes Limited ('the appellant') following the refusal of planning permission at the site by Bury Council on 7 June 2022 for the following development:

"Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works".

- 1.2. The application was refused at Planning Committee for the two following reasons:

1. The proposal would be an intensification of the use of a site, which would be detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: Policy HT4 - New Development Policy H2/2 - The Layout of New Residential Development
2. Notwithstanding the provisions of the development and associated mitigation, the proposed development is located in flood zone 3, which has flooded in 2015 and would lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. The proposed development would conflict with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.

- 1.3. FedEx objects to the proposed development for the reasons set out in this statement. FedEx has some concerns associated with reason for refusal number one given how important it is to the business that it can efficiently service its facility and its fleet of vans are able to conveniently access the strategic road network. However, FedEx's primary concern relates to the agent of change principle set out in paragraph 187 of the National Planning Policy Framework (NPPF) where there is an absence of assessment on the impact of the introduction of residential dwellings nearby to FedEx's site on the operations of the business and there is a significant risk their operations will be compromised as a result of the development. The information submitted with the planning application, the Appellant's appeal documents and assessment undertaken by the Local Planning Authority as part of the application are silent in assessing the impacts of the development upon FedEx's operations and how these may affect the amenity of residents introduced to the site. In turn, the proposals fail to consider and incorporate appropriate mitigation measures to ensure the proposed residential dwellings are adequately protected from neighbouring sources of noise and that FedEx's operations are not compromised.

- 1.4. FedEx are significantly concerned in respect of the lack of consideration for its existing operations and potential impacts of noise and disturbance on future residents of the proposed development. If not adequately assessed and mitigated as part of the appeal, the proposed development may result in future risk of noise and disturbance complaints and wider conflict of uses including in relation to transport issues. The agent of change principle set out in paragraph 187 of the NPPF makes clear that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on

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them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. We object to the appeal on the basis that the agent of change principle has not been addressed within the application or covered within the design of the development.

2. Background

- 2.1. FedEx are a global transportation, e-commerce and business solution provider responding to increasing demand for distribution services. FedEx enables businesses to take advantage of the changes in global trade and e-commerce through delivery of faster supply chains and more efficient logistics. FedEx forms an important service provider for supply chain and logistics operations supporting various sectors including industrial, retail and business; while responding to increasing demand from online shopping.
- 2.2. The shipping and delivery services and supply chain management sector has grown exponentially, as deliveries and shipping become an ever-growing part of modern society. This was brought into greater focus following the impact of the Covid-19 pandemic and Brexit, and the reliance on and importance of companies such as FedEx has grown yet further. The industrial and logistics sector employs at least 3.4 million people in England, accounting for over a tenth of the country's total employment (BRES ONS), and represents 14%, or £268 billion, of the total economy in Gross Value Added terms (ONS data). For some time, the industrial and logistics sector has been the strongest performing commercial sector in the United Kingdom and critical to supporting the functioning of the economy.
- 2.3. Within the UK, FedEx UK Supply Chain Services employs over 4,000 contractors and employees, has a fleet of 2,200 vehicles and 75 locations nationwide including its facility in Ramsbottom. FedEx has operated from the Ramsbottom site since 1973 and is a significant local employer with a total of 161 people working on the site in a variety of roles. The Ramsbottom facility has an active delivery fleet of over 70 vans and operates 24 hours a day, seven days a week for all 365 days of the year. The service yard for the facility is located to the north of the warehouse and features frequent activity with arrivals and departures of articulated trailers and vans at periods throughout the day and night. There are also further movements within the yard associated with loading doors that accommodate articulated trailers during the day and night. These activities take place between 15:30-09:15 and are noise intensive activities as the trailers are connected and disconnected from tractor units.
- 2.4. The FedEx Ramsbottom logistics and distribution facility forms a vital supply chain hub in Lancashire. Vans departing the site deliver parcels within a catchment area serving customers in Ramsbottom and the surrounding sub region including as far as Clitheroe and Barnoldswick to the North, Blackburn, North Manchester and Oldham to the South West and South East, and Burnley and Colne to the North East among other settlements.
- 2.5. Figure 1 shows the location of FedEx's site to the immediate south west of the appeal site on Railway Street in close proximity to Ramsbottom town centre. FedEx's eastern boundary is formed by the East Lancashire Railway Line and its southern boundary is formed by the River Irwell. There are additional commercial premises adjacent to the north west of the site. There are further commercial premises beyond the river to the south. Land immediately to the west of FedEx's site is characterised by residential dwellings.
- 2.6. FedEx's site is a triangular parcel of land with a warehouse sited towards the southern end, with areas of hard surfacing for car parking and servicing on all sides. The site's primary area of car parking and servicing is located to the north (front) of the site and is operated by the business 24/7. FedEx will be the commercial business located closest to the residential development and if the development comes forward houses will

be sited in close proximity to FedEx's operational site. The FedEx site forms part of an Employment Generating Area identified within the adopted Bury Unitary Development Plan.



Figure 1 – Annotated Satellite View annotating the Appeal Site (red) in proximity to the FedEx Site (blue).

- 2.6.1. FedEx is concerned that the proposed development at the Former Mondi / Holcombe Mill site is one of many examples of residential development being approved on sites next to existing businesses which would give rise to future complaints and the potential for established businesses to have their operations unreasonably affected. Another example, albeit with different circumstances, is the ongoing appeal by the Night and Day music venue in Manchester against a noise abatement notice issued by Manchester City Council that follows a noise complaint made by a resident that moved into an adjoining property over lockdown that was converted for residential use. This example underlines the importance of having full regard to paragraph 187 of the NPPF when determining planning applications.

3. Planning Policy Context

- 3.1. This section of the statement sets out the planning policy context that is relevant to the Inspector's consideration of FedEx's representations and the appeal. Any application under the Planning Acts should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bury Unitary Development Plan. The national policies of the National Planning Policy Framework (NPPF) are considered to be a material consideration for the appeal alongside emerging planning policies and further guidance.
- 3.1.1. The Committee Report for the original application dated May 2022 sets out the policies of the Unitary Development Plan that were used to assess the application were considered to be 'in accordance with the NPPF' and as such were considered material considerations. However, given the age of the saved policies compared to the status of the NPPF that was more recently updated in 2021, we consider that the policies of the NPPF are considered to carry more weight in the overall planning balance. Notwithstanding this, we set out below the key policies of the UDP alongside relevant extracts of the NPPF.

Material Considerations

The National Planning Policy Framework (NPPF) (2021)

- 3.2. The NPPF was first published on 27 March 2012 and last revised on 20 July 2021. It provides a framework for the Government's planning policies and sets out how these should be applied. The NPPF sets out the Government's economic, environmental and social planning policies for England and articulates the Government's commitment to a plan-led system where Local Planning Authorities should approve development proposals that accord with the development plan without delay.
- 3.3. In assessing and determining development proposals, paragraph 81 of the NPPF states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.4. Paragraph 83 of the NPPF states planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 3.5. Furthermore, paragraph 187 of the NPPF outlines planning policies and decisions should ensure new development can be integrated effectively with existing businesses. Paragraph 187 outlines the agent of change principle whereby existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Applicants should be required to provide suitable mitigation prior to the completion of a development to ensure the development can be integrated effectively with existing businesses. This section of the NPPF and discourse around the agent of change principle is the crux of FedEx's motivation for objecting to the appeal proposals.

Bury Unitary Development Plan (adopted 1997)

- 3.6. Policy EC2/1 (Employment Generating Areas) outlines employment generating areas are identified for business, general industrial and warehousing uses. The explanatory text accompanying the policy states

that identified employment generating areas will be protected for employment uses and that employment generating areas have an important part to play in protecting existing employment land. Development for uses other than employment uses will be limited in scale so as not to detract from the aims of the employment generating areas.

- 3.7. Policy EN7/2 (Noise Pollution) outlines that the Council will not permit development close to a permanent source of noise. Where proposals for development are located close to permanent noise sources, the UDP notes in certain cases there may be opportunities to prescribe forms of screening, mounding and landscaping to reduce the impact of noise, which will benefit the quality of life for people living and working close to areas where there is noise generation or a noise pollution problem. Policy EN7/2 is particularly relevant where proposed development is located close by to permanent and existing noise sources.
- 3.8. Policy H2/2 (The Layout of New Residential Development) requires new residential development to demonstrate acceptable standards of layout with transport factors including car-parking provision, access for vehicles and pedestrians and possible need for traffic calming measures included as factors to be considered.
- 3.9. Policy HT2 (Highway Network) outlines that preference will be given to schemes which seek to improved road safety, the operation of the public transport network, the economic viability of the local area, the free flow of traffic and the environment.

Places for Everyone Joint Development Plan Document (Draft Publication Stage)

- 3.10. The Places for Everyone (PfE) Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan was submitted for examination on 14 February 2022 by the Greater Manchester Combined Authority on behalf of the 9 local planning authorities. The PfE hearing sessions are being undertaken between November 2022 – March 2023 as part of the examination process. The PfE outlines the future strategic level policy framework for the Greater Manchester region and given its status as an advanced draft policy document, Savills considers its draft policies hold some level of weight.
- 3.11. Draft Policy JP-J 2 (Employment Sites and Premises) of the PfE outlines “existing employment areas that are important to maintaining a strong and diverse supply of sites and premises in our boroughs will be protected from redevelopment to other uses, nurtured to ensure they remain competitive and their accessibility improved where necessary. This will include local employment areas as well as strategic locations such as the Tame Valley and the core of Trafford Park, and associated transport infrastructure such as the Trafford Park Freight Terminal.”
- 3.11.1. Draft Policy JP-J 4 (Industry and Warehousing) outlines the strategy for retaining existing and providing new industrial and warehousing floorspace to create a competitive city-region able to maximise its ability to attract and retain businesses. The explanatory text accompanying Policy JP-J 4 outlines “*logistics as a sector that is becoming increasingly central to the economy, enabling the efficient functioning of other sectors where there is a need for a diverse portfolio of sites and premises, both existing and new ones of varying size and location.*” Given the PfE’s recognition of the central importance of logistics to the function of the wider economy and other sectors, great weight should be given to supporting the function of logistics businesses within the City region, particularly as this corresponds with the support offered within the NPPF.

Draft Bury Local Plan

- 3.12. The Local Planning Authority has commenced the process of pursuing a new Local Plan together with the Places for Everyone Joint Development Plan and undertook a consultation on the Policy Directions for the Bury Local Plan which ended in November 2018. At the time of writing Savills understands the Local Planning Authority is taking representations into account before moving onto and consulting on the draft Local Plan in the future.
- 3.13. The consultation on the policy direction of the draft Bury Local Plan recognised within the employment composition section that logistics is *'a sector that is becoming increasingly central to the economy, enabling the efficient functioning of other sectors and supporting changes in consumer behaviour, such as significant growth in online retailing.'* The economy composition concludes that there are the following key issues for the Economy and Employment:
- A requirement to plan for the future needs of industry, warehousing and office development.
 - Opportunities to capitalise on growth sectors such as advanced manufacturing, science, digital, creative industries and logistics but a vulnerability to a decline in manufacturing employment and public sector cuts.
 - A low ratio of jobs per working age population within the Borough.
 - Low quality and low paid employment opportunities within the Borough leading to many well educated residents working in higherskilled and better-paid jobs working outside of the Borough.
 - An inadequate existing supply of employment land that is largely unattractive to the market.
 - Significant pressures to redevelop existing employment land and premises.
- 3.13.1. The key issues set out within the background information to support the Bury Local Plan outlines the a requirement to plan for the future needs of industry, warehousing and office development which includes to plan for the retention of existing employment uses.

4. Planning Assessment

Compliance with NPPF and Agent of Change

- 4.1. The NPPF states that planning should ensure new development can be integrated effectively with existing businesses. The appeal site is located nearby to existing businesses including FedEx and as a result, it is imperative that any proposed development effectively integrates with these businesses.
- 4.2. FedEx operates 24 hours a day on the site throughout every day of the year with its linehaul of articulated trailers arriving from and travelling to its hub network at various points during the day and night time to service the facility with parcels for sortation and delivery to customers. As well as the arrival and departures there are also frequent movements within the yard area as there are a number of loading doors that can accommodate articulated trailers. The operations of the business are understandably noisy including noise generated when the trailers are connected and disconnected from the tractor units. The site has a fleet of around 70 vans that depart the site around 7:30 am and return between circa 15:30 – 17:30 after delivering parcels within its sub-regional catchment area.
- 4.3. FedEx's site is allocated under Local Plan Policy EC2/1 (Employment Generating Areas) as an identified location for business, general industrial warehousing uses which the Local Plan states will be protected for employment uses. At the national scale the NPPF makes clear that there should be support in determining proposals for creating the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity (paragraph 81). We consider that this policy context for FedEx's site is of fundamental importance to the consideration of the appeal as FedEx is a longstanding local employer providing a vital function to the local economy.
- 4.4. Moreover, emerging policy documents including the PfE DPD and evidence base documents to support the new Local Plan set out clearly that the industrial and logistics sector makes a significant contribution to economic growth. PfE Draft Policy JP-J2 sets out existing employment areas are important to maintaining a strong and diverse supply of sites and premises and will be protected from redevelopment to other uses, nurtured to ensure they remain competitive and their accessibility improved where necessary. In the context of emerging policies seeking to nurture employment sites we are concerned that the appeal proposals will be counterproductive to supporting the future operations of FedEx on the site and limiting its potential to operate 24/7 as it does currently.
- 4.5. The hours of operation and nature of activities occurring on site warrant due consideration in the context of the nearby residential development to ensure the uses are able to coexist with sufficient mitigation measures as necessary, instead of potentially compromising FedEx's ability to operate from the site as it needs to. The appellant's submission is deficient in ensuring due consideration is given to noise generated by FedEx such that we consider the development does not comply with paragraph 187 of the NPPF.

Assessment of Amenity Impacts within Technical Reports

- 4.6. Within the submitted Planning Statement and Statement of Case prepared by Lichfields and the Noise and Vibration Impact Assessment (NVIA) prepared by Ensaf there is an absence of assessment of the potential impact of the proposed residential development upon the operations of FedEx's facility.
- 4.7. The methodology for assessing noise impacts within the NVIA focused on the following noise sources:

- The East Lancashire Railway.
- Ramsbottom Cricket Club.
- Road traffic from Bridge Street.

- 4.8. Figure 1 of the NVIA outlines the noise survey measurement locations which is also shown within Figure 2 of this letter for ease. The noise survey locations were sited to the northern and central portions of the site with NMP1 adjacent to Bridge Street, NMP2 adjacent to the railway and NMP3 adjacent to the Ramsbottom Cricket Club. Each noise receptor location was chosen to measure the noise impacts from the three identified noise sources outlined above. No noise receptors were located to the southern part of the site, opposite the FedEx facility despite the planning drawings submitted with the scheme showing a number of dwellings would be built out at the site's southern end in very close proximity to FedEx's site.
- 4.9. The primary noise data gathered to support the NVIA fails to account for noise generated from nearby employment uses including the FedEx facility which runs adjacent to the application site at its southern section. With no mention of nearby employment uses or siting of noise receptors in proximity to these employment uses, we are concerned the NVIA fails to assess these nearby uses.
- 4.10. The noise survey data directly informed the proposed mitigation strategy detailed within the NVIA. In the absence of primary noise data to assess the potential impact of FedEx's operations on the proposed residential properties, particularly those located on the southern portion of the site, the proposed mitigation strategy does not account for whether mitigation measures are required to prevent noise and disturbance from FedEx's existing operations on the proposed development. Given the nature of FedEx's 24 hour operations where intensive activities occur through the night and in the early hours of the morning, there is a significant risk of noise disturbance for future residents.
- 4.11. The Planning Statement prepared by Lichfields submitted with the application does not provide any further information beyond the contents of the noise and vibration impact assessment and details the mitigation measures proposed to mitigate the impacts of road traffic, the East Lancashire Railway and Ramsbottom Cricket Ground. Once again, FedEx and other employment uses are absent in the analysis and mitigation surrounding noise. The submitted Statement of Case, also prepared by Lichfields, discusses noise as an agreed material planning consideration.
- 4.12. From a transport perspective, supply chains within the UK rely upon the road network to ensure efficient delivery of goods and services, supporting the function of the wider economy. Policy EC2/1 (Employment Generating Areas) states development for uses other than employment uses will be limited in scale so as not to detract from the aims of the employment generating areas. The appeal site is partially located within an employment generating area and consideration of transport impacts is important to ensure that impact on the highways network does not materially harm the free flow of traffic and road safety in and around the employment generating area.
- 4.13. As detailed in the Transport Assessment submitted, the A56 Manchester Road / Bury New Road signalised junction on the A56 Manchester Road (South link) is operating over its practical capacity during the PM peak period without the proposed development in place. It is also noted that Bury New Road Left Right link is also operating close to its practical capacity and therefore the junction as existing is extremely busy often resulting in queuing traffic. The proposals will result in increases in increased use of this junction worsening an already over capacity operating junction.

- 4.14. As this junction forms one of the main access routes into Ramsbottom and to the M66, the safe function and free flow of this junction is crucial to the smooth running of residents, visitors and businesses in Ramsbottom. If the Inspector is minded to allow the appeal, we consider it is fundamentally important to secure appropriate mitigation to overcome impacts on the operation of the highway. This could take the form of a Section 106 Agreement contribution of £110,000 negotiated with the Highway Authority as part of the planning application to upgrade the Bury New Road and Manchester Road junction localised impacts on Bridge Street.

Consideration of Statutory Consultation Responses

- 4.15. From reviewing the Committee Report for the application it appears the Environmental Health Pollution Officer did not respond on the application as part of the statutory consultation process. This is concerning given the number of nearby uses which generate noise and vibration including road traffic, the East Lancashire Railway, Ramsbottom Cricket Ground and employment uses such as FedEx. It seems the Council's own assessment of noise did not include specialist consultee feedback regarding the method of assessment or proposed mitigation strategy. Therefore, the consideration of noise undertaken by Bury Council was only partially informed and did not account for specialist consultee input which would be critical for the assessment of the application given the number of permanent sources of noise surrounding the site.

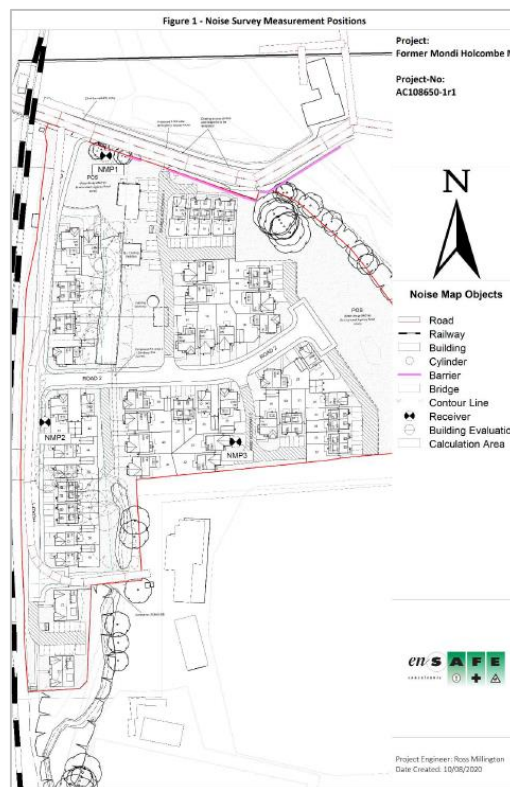


Figure 2 – Noise Survey Measurement Positions (Source: Ensafé)

- 4.16. Policy EN7/2 of the adopted Bury UDP states the Council will not permit development close to a permanent source of noise unless there may be opportunities to prescribe forms of mitigation screening to reduce the impact of noise, which will benefit the quality of life for people living and working close to areas where there is noise generation or a noise pollution problem. It is considered the submitted noise and vibration impact assessment and subsequent assessment by the Council has insufficiently assessed the permanent noise

generated by FedEx in accordance with Policy EN7/2 of the development plan. We consider that this is unreasonable in the context of paragraph 187 of the NPPF and the agent of change principle where existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The potential implications of the introduction of new houses on the appeal site are considerable for FedEx and have not been fully considered.

- 4.17. Turning to Bury Council's assessment of the proposed application, the Committee Report details the full suite of material planning considerations including noise. The noise section of the committee report is largely descriptive of the assessment and findings of the NVIA. The committee report concludes that, *"the proposed development would not have a significant adverse impact upon the amenity of the occupiers of the proposed dwellings, subject to the inclusion of conditions. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan"*. With the Committee Report largely describing the contents of the submitted noise and vibration impact assessment, the report infers satisfaction with the submitted information with no written assessment provided in regards to close by employment uses such as FedEx. We consider that in preparing the report the case officer did not have the full information required to enable an assessment of the application.
- 4.17.1. In this context Savills respectfully requests that the Inspector considers this position as part of the appeal process given the deficiencies within the proposals and severe consequences around the agent of change principle. Savills considers further analysis should be submitted by the Appellant as part of the appeal relating to potential noise implications to address Fedex's concerns. We consider that this should be a fundamental consideration for the Inspector given FedEx's site is allocated for employment uses and is a vital function for the sub regional economy.
- 4.17.2. FedEx ultimately requests the development be amended as necessary to avoid impacts on Fedex's operation subject to undertaking robust analysis of noise impacts associated with introducing dwellings to the site. Depending on the results of further assessment work it may be necessary to amend the site layout to incorporate noise mitigation, or it may be that an appropriately worded planning condition could be explored requiring the developer to mitigate impacts via a Noise Mitigation Strategy.

5. Conclusion

- 5.1. FedEx requests the Inspector considers its objection as part of the appeal on the grounds of an inadequate assessment of noise impacts associated with the agent of change principle set out in the NPPF alongside transport impacts of the development. We consider the appeal cannot be determined until the Inspector is satisfied that the application complies with the requirements of NPPF paragraph 187.
- 5.2. The assessment of noise under the appeal is deficient in assessing the noise generated by FedEx and potential impact of introducing residential dwellings in the immediate vicinity of the site. FedEx seeks the appellant provides a robust assessment of potential impacts associated with its operations on the amenity of future residents. Should the appeal be allowed, FedEx requests assurances from the Inspector that there will be no risk of future complaints against the business from occupiers of the development.
- 5.3. If the Inspector is minded to allow the appeal, we consider appropriate planning conditions and financial contributions are secured to ensure sufficient noise and transport mitigation measures are provided as part of the development. Subject to the impacts being established we expect a package of measures to be designed by the appellant to mitigate impacts, including but not necessarily limited to relocating a number of the proposed houses, acoustic protection and tree planting and landscaping. This will help ensure that FedEx can continue to perform its role as a significant local employer and delivery station for the sub region alongside the redevelopment of the Former Mondi/Holcombe Mill site for residential use.

Emma Andrews
Director

+44 (0) 7920 144 471
Emma.Andrews@savills.com

Alex Cole
Associate Director

+44 (0) 7773 669 382
Alex.cole@savills.com