



Department for
Communities and
Local Government

Duncan Chadwick Esq.
David Locke Associates
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Milton Keynes
MK9 3BP

Our Ref: APP/T2350/A/13/2190088
Your ref: LBA002

20 February 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY THE BARROW LANDS COMPANY LTD
LAND TO THE SOUTH-WEST OF BARROW AND WEST OF WHALLEY ROAD,
BARROW, LANCASHIRE - APPLICATION REF: 3/2012/0630/P**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Phillip J G Ware BSc (Hons) DipTP MRTPI, who held an inquiry on 4 - 7 and 11 - 14 June and 11 - 12 September 2013 into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against the failure of Ribble Valley Borough Council to give notice within the prescribed period on an outline planning permission for the provision of up to 504 dwellings (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station, in accordance with application ref 3/2012/0630/P dated 13 July 2012.
2. The appeal was recovered for the Secretary of State's determination on 18 January 2013, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves a proposal for residential development of over 150 units on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed and planning permission granted. For the reasons given in this letter, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

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Procedural matters

4. At the inquiry a costs application was made by The Barrow Lands Company Ltd against Ribble Valley Borough Council. That application is the subject of a separate decision also being issued today.

Matters arising after the close of the inquiry

5. Following the close of the inquiry, the Secretary of State wrote on 12 December 2013 to the main parties who appeared at the inquiry and to Network Rail, enclosing correspondence indicating that Network Rail had not been invited to comment on this appeal proposal, despite them having objected to a separate appeal proposal on part of the same site. The Secretary of State invited Network Rail and the other recipients of his letter to comment on any issues arising in relation to level crossings over the railway in the vicinity of the appeal site and, if relevant, to consider any need to revise the unilateral undertaking discussed at the Inquiry or any need for a new condition not discussed at the Inquiry. Comments were also invited on whether the level crossings issue had any implications for the appellant's application for a partial award of costs against the Council.
6. All the responses received were recirculated for further comment under cover of an email dated 22 January 2014. The appellant's response included an application for a partial award of costs against Network Rail. That application will be the subject of a further costs decision letter, which will be issued at a later date..
7. A list of all responses received from parties is set out at Annex A to this letter. The Secretary of State has taken account of all these responses in his consideration of the appeal before him. As the responses were circulated to the main inquiry parties, he does not consider it necessary to summarise the responses here or attach them to this letter. Copies of the correspondence can be obtained upon request to the address at the bottom of the first page of this letter.

Policy considerations

8. In deciding this appeal, 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. In this case, the development plan consists of the saved policies of the Ribble Valley Districtwide Local Plan 1998 (the Local Plan).
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework – March 2012); Technical Guidance to the National Planning Policy Framework; Circular 11/1995: *Use of Conditions in Planning Permission* and the *Community Infrastructure Levy (CIL) Regulations 2010* (as amended). The Secretary of State has had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance is currently in test mode and for public comment, he has attributed it limited weight.
10. The Secretary of State notes that the draft Ribble Valley Core Strategy (CS) was submitted to him for Examination in September 2013 and that the Inspector has yet

to report. In these circumstances the Secretary of State attaches limited weight to CS policies in the determination of this appeal.

Main issues

Housing land supply & policy

11. The Secretary of State notes that both parties agree that the Council's adopted housing policies are out of date, that the draft CS can only be given limited weight, and that the appeal should be judged predominantly against the Framework (IR196). After the close of the inquiry, in October 2013 the Council agreed that it did not have a five year supply of specific deliverable housing sites (IR201). The Secretary of State considers that the lack of a five year housing land supply weighs significantly in favour of the appeal. In reaching this conclusion he has taken into account his conclusions on housing land supply in Ribble Valley Borough as set out in his decision letter of 23 January 2014 regarding a recovered appeal case at land off Waddington Road, Clitheroe (application ref 3/2012/0913). This includes the potential contribution to five year housing land supply of a site at Standen, near Clitheroe.

The effect on the character and appearance of the area

12. For the reasons given at IR144-154, the Secretary of State agrees with the Inspector's conclusion that the effect on the character and appearance of the area, particularly the local area, will be noticeable and, to that extent, there is limited conflict with some draft CS policies. He agrees, however, that whilst not diminishing the inherent value of the countryside, the development accords with advice in the Framework that land should be allocated (in a plan-making context) which has the least environmental or amenity value (IR146). In addition, the Secretary of State agrees that the limited conflict with some draft CS policies falls far short of suggesting that the development would be unacceptably harmful, and that there would be little discernible landscape impact from more than around two kilometres (IR155).

Accessibility to non-car modes of transport

13. The Secretary of State agrees with the Inspector's reasoning at IR156-167 and agrees with his conclusion that overall, the development would comply with emerging CS policy. He notes that in its report on the application, the Council stated that the site was sustainable and met the requirements of the Framework (IR157). The Secretary of State agrees with the Inspector that it would be readily accessible by non-car modes and the proposal, including the Travel Plan and sustainable travel incentives, offer additional accessibility benefits (IR168). Overall, he considers that the proposal accords with Framework policy on promoting sustainable transport.

The effect on highway safety and congestion

14. For the reasons given by the Inspector at IR169 -181, the Secretary of State agrees with the Inspector's conclusion that the proposal would not harm highway safety and would not conflict with emerging CS policy. He notes that even if the development were likely to cause highway issues, the policy in the Framework is that development should only be prevented or refused on transport grounds where

the residual cumulative impacts of development are severe. Taking into account the mitigation measures within Whalley, along Whalley Road, and at the A671/A59 junction, the Secretary of State agrees with the Inspector that the evidence is that the residual cumulative impact would be nowhere near that level (IR182).

Railway level crossings

15. The Secretary of State has given careful consideration to the evidence and views put forward after the close of the inquiry about safety at the two pedestrian level crossings over the railway to the west of the appeal site.
16. Network Rail objects to the appeal proposal but states that it would be willing to remove its objection subject to a list of actions, principally the closure of the Brook House and Lamb Roe level crossings, the installation of a new footbridge entirely funded by the developer at the Brook House site to replace the level crossings and the diversion of public footpaths 5 and 6 so as to utilise a new footbridge. The Secretary of State notes that a new footbridge would require a separate planning application to Ribble Valley Borough Council and that there is no certainty as to either this being granted, or that an as yet unspecified design and access to the bridge could be delivered by agreement with all affected landowners. He also notes that the appellant has made no offer to fund a bridge. Moreover, footpath diversions would require separate applications to Lancashire County Council and there is no certainty as to these being approved. The Secretary of State also notes Network Rail's comments on its programme of railway upgrades. However no information has been provided about any firm plans for the line in question that would be affected by increased usage of the level crossings.
17. Network Rail has drawn the Secretary of State's attention to the Office of Rail Regulation having mandated that, in the period 2014 – 19, Network Rail must close approximately 200 level crossings on the London North Western Route which includes the Ribble Valley area. The Secretary of State has also had regard to Network Rail's vision to eliminate the risk of harm to everyone who interacts with the railway, and its general policy to close level crossings. However, in the specific circumstances of the appeal case before him, he considers that the key issue is what measures in relation to railway safety would be necessary, reasonable and proportionate in order to mitigate any increase in risk due to residents in the development using the crossings.
18. The appellant submitted evidence on increased usage and associated risk at the level crossings and suggested a corresponding package of mitigation measures. The appellant's evidence on increase in the number of people using the level crossing utilised Network Rail's 'ALCRM' risk assessment of the crossings in question during November 2013. This assessment suggests that currently an average of no more than two persons per day use the Brook House Crossing ('base census'), with a similarly low rate of usage at the Lamb Roe crossing. The assessment considered two options for increased usage. These were an increase to an average of 6 – 9 users per day and an increase to an average of 12 users per day at each crossing. If the higher increase is assumed, the assessment indicated that the ALCRM 'collective risk ranking' would only increase from level 7 now to level 6 after development, on a scale where level 1 represents the highest level of risk and 13 represents zero risk. Network Rail has not challenged the assumption of an increase to an average of 12 users a day if 504 dwellings are built on the appeal site. The Secretary of State considers this six fold increase,

from 2 to 12, is a reasonable assumption. In reaching this view he has had regard to the increase in the population of Barrow if 504 dwellings are built on the appeal site, its proximity to the railway crossings and the destinations west of the railway that may attract pedestrians.

19. In its representation dated 6 February 2014, Network Rail combined the ALCRM risk scores for both level crossings and suggested that when the base census is increased to 12 persons at both crossings there is a 500% increase in risk. However, the Secretary of State notes that this percentage increase does not alter the fact that the collective risk ranking only rises from level 7 to 6.
20. Network Rail makes the point that in addition to increased numbers of people using the crossings their demographic would change, and that potential future users would not necessarily recognise the activity of the railway as they cross over, by being distracted by earphones, smartphones, dogs and pushchairs, and that there will be an increase in numbers of children crossing who will not necessarily have an awareness of the dangers of the railway. Network Rail considers that whilst quantifiable evidence can be provided to show the level of risk at a level crossing, this does not take account of pedestrians' cognisance of the risk as they cross the line and ALCRM should not be relied upon solely to assess and manage risks. The Secretary of State takes the view that the number of people expected to use the level crossings after the development in question is not large and that individuals have a responsibility to take heed of warning signs and to exercise due caution. Equally, parents have a responsibility for their children's whereabouts and conduct in relation to railway safety as they do in relation to road safety.
21. The appellant accepts that the increase in users of the level crossings will result in a modest increase in risk and a corresponding need for mitigation. Through a Unilateral Undertaking dated 16 January 2014 the appellant has offered a sum of £10,000 to Lancashire County Council in its capacity as highway authority towards footpath improvements in the vicinity of the appeal site. The Unilateral Undertaking does not specify these, but the appellant suggests that suitable mitigation measures to be funded from this pot include a dog walkers path around the appeal site to reduce the need for this group to cross the railway line; improvements to fencing at the railway boundary; a gate after the stile at the crossings to reinforce the transition from footpath to railway environment; an extension of rail crossing panels by 2m; additional signs and surface marking to highlight the location of the crossing decision point; and coloured surface treatment of the boards to emphasise the danger area. The Secretary of State considers that this package of measures is adequate and reasonable in response to the increased risk.
22. The Council has made the point that the above measures can only be delivered by Lancashire County Council on land it is responsible for, or provided through agreement with landowners including Network Rail. With the exception of the proposed dog walk, considered below, The Secretary of State considers the Undertaking dated 16 January is reasonable on the basis that, in the absence of a new footbridge, landowners including Network Rail will wish to cooperate with the County Council in implementing safety improvements on public rights of way where they cross the railway.
23. The dog walk around the appeal site might include sections of public rights of way. However the walk would have to incorporate permissive route sections across land

controlled by the developer and away from public rights of way. Consequently the Secretary of State considers that the developer rather than the County Council should be responsible for funding and implementation of the dog walk, and that an additional condition to secure this is appropriate, numbered 29 in Annex B. With this condition in place, the £10,000 sum made over to the County Council will be available exclusively for the other mitigation measures identified above.

24. Network Rail has drawn to the Secretary of State's attention recent appeal decisions at Park Mill Farm, Princes Risborough (application reference 10/07225/OUTEA) and at Manor Farm, Bessacar Lane, Doncaster (application reference 01/1201/P) where railway crossings were an issue. However the circumstances in those cases were materially different to the current appeal and the Secretary of State considers that the current appeal should be determined on its merits having regard to the particular circumstances and evidence in this case.
25. The Secretary of State has taken other issues and concerns raised by Wiswell Parish Council and local residents into account in reaching his conclusions on the railway crossing issue.
26. Overall, the Secretary of State considers that the mitigation measures proposed by the appellant in response to the increase in risk at the two railway level crossings are acceptable and fairly and reasonably related in scale and kind to the development.

Prematurity

27. For the reasons at IR183-194 the Secretary of State agrees with the Inspector's conclusion that the objection to the appeal scheme on the basis of prematurity cannot be sustained (IR194).

Conditions and s.106 obligations

28. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out in IR206-217 and on the S.106 Planning Obligation, as set out in IR219-220. The Secretary of State is satisfied that the conditions recommended by the Inspector and set out at Annex B attached to the IR are reasonable and necessary and meet the tests of Circular 11/95 (IR218). He is also satisfied that the Planning Obligation dated 24 June 2013 meets the policy in paragraph 204 of the Framework and all the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010, and is a material consideration in this case. He has reached the same conclusion about the second unilateral undertaking dated 16 January 2014 referred to above. Conversely, he agrees with the appellant and the Council that Network Rail has not provided sufficient evidence to justify a new footbridge, and consequently that this would not comply with Section 122 of the CIL Regulations 2010.

Overall conclusions

29. The Secretary of State agrees with the Inspector's overall conclusions at IR 221-228. The housing policies in the development plan are out of date, the proposal would provide a substantial amount of much needed market and affordable housing and the lack of a five year housing land supply weighs significantly in favour of the appeal. The effect of the development on the character and

appearance of the local area will be noticeable but acceptable, with little discernible landscape impact from more than around two kilometres. Accordingly he places limited weight on these effects. He considers that the transport impacts would be acceptable, including increased usage of railway level crossings given the risk mitigation measures proposed by the appellant. Overall the Secretary of State concludes that the planning balance falls strongly in favour of the proposal and that it accords with the policies in the Framework including the presumption in favour of sustainable development.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development of up to 504 dwellings (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station, in accordance with application ref 3/2012/0630/P dated 13 July 2012, subject to the conditions listed at Annex B of this letter.
31. 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.
32. 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

33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
34. A copy of this letter has been sent to Ribble Valley Borough Council. A notification letter or e-mail has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Authorised by the Secretary of State to sign in that behalf

POST INQUIRY REPRESENTATIONS**Annex A**

In response to the Secretary of State's letter of 12 December 2013:

Name of party	Date of letter
David Birtwhistle	16 December 2013
Mrs Margaret Mayor	06 January 2014
John C Bradley	08 January 2014
Diane Clarke Network Rail Town Planning Team LNW Desk 122 – Floor 1 Square One 4 Travis Street Manchester M1 2NY	9 January 2014 (interim response) 17 January 2014 (final response)
Sarah Westwood Planning Appeals Development Department Ribble Valley Borough Council Council Offices Church Walk Clitheroe, Lancashire BB7 2RA	16 January 2014
Mrs Victoria Wilson Wiswell Parish Council	17 January 2014
Duncan Chadwick David Lock Associates 50 North Thirteenth Street Milton Keynes MK9 3BP	17 January 2014 (with attachments including a technical report and a late claim for an award of costs against Network Rail)

In response to the Secretary of State's email of 22 January 2014:

Name of party	Date of letter
David Birtwhistle	23, 24, 27 & 28 January & 10 February 2014
John C Bradley	27 January 2014
Sarah Westwood Planning Appeals Development Department Ribble Valley Borough Council Council Offices Church Walk Clitheroe, Lancashire BB7 2RA	4 February 2014
Diane Clarke Network Rail Town Planning Team LNW Desk 122 – Floor 1 Square One 4 Travis Street Manchester M1 2NY	6 February 2014
Duncan Chadwick David Lock Associates 50 North Thirteenth Street Milton Keynes MK9 3BP	6 February 2014 (& follow-up 10 February 2014)

General

1. No part of the development hereby permitted shall be commenced on any parcel (as referred to in Condition 5) until full details of the layout, scale and appearance of the buildings and landscaping within that parcel (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details shall include: the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or land form and the types and details of all fencing and screening. The development shall not be carried out otherwise than in accordance with the approved details.

In relation to ecology, any submission of reserved matters shall incorporate the recommendations of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as summarised in Figure 5 (Ecological Constraints, Recommendations and Opportunities Map).

2. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4. No more than 504 dwellings shall be developed on the application site edged red on the submitted Site Boundary Plan (Drawing No. PP9), and the vehicular and pedestrian accesses to the site shall be constructed in accordance with the details shown on the following submitted plans:

- Northern access point Drawing no. VN20066-05-D
- Central mini roundabout junction Drawing no. VN20066-06-D
- Southern access point Drawing no. VN20066-07-C

Each site access shall be constructed to base level prior to the first occupation of any dwelling within the parcel of the development served by the access and completed in accordance with the timetable to be approved pursuant to Condition 14 of this permission.

Phasing

5. Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping and Levels

6. All landscaping schemes approved (pursuant to Condition 1 of this permission) for each parcel of development (as approved under Condition 5 of this permission) shall be fully implemented in the first complete planting and seeding season following the first occupation of the dwellings within that parcel. Any trees or plants which, within a period of five years from completion of the relevant parcel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. Applications for the approval of reserved matters (as required by Condition 1 of this permission) shall include details of existing and proposed site levels and the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

Design

8. Prior to the submission of any reserved matters within a phase or parcel (as approved under Condition 5) a Masterplan and Design Code for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall substantially accord with the Design and Access Statement submitted with the application. The design code shall address the following matters:

- Architectural and sustainable construction principles.
- Character areas.
- Lifetime homes standards.
- Street types and street materials.
- Development block types and principles.
- Pedestrian and cycle links.
- Boundary treatments.
- Building types and uses.
- Building heights.
- Building materials.
- Sustainable drainage systems.
- Public open spaces.
- Parking and manoeuvring arrangements for vehicles.

Applications for approval of reserved matters within a phase shall thereafter be in accordance with the approved Masterplan and Design Code for that phase.

9. Notwithstanding the details shown on the submitted Parameter Plans and referred to in the Design and Access Statement, no dwelling in excess of 10 metres in height (as measured from ground level to the ridge of any dwelling) shall be constructed within 40 metres of the eastern site boundary of the site (Whalley Road), as edged red on the submitted Site Boundary Plan (Drawing No. PP9).

Drainage

10. Prior to the commencement of any development, a Drainage Strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to and approved in writing by the Local Planning Authority. This Drainage Strategy shall include details of all necessary drainage infrastructure including details of all discharge points from the development and any pumping stations or other bespoke features. The Drainage Strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year return period critical storm including climate change allowance will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Thereafter the detailed schemes for foul and surface water drainage submitted as part of Conditions 11 & 12 for development within each phase (as approved by Condition No. 5) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Drainage Strategy approved under this condition.

11. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), the details of a scheme for surface water drainage and means of disposal for that phase, based on the Drainage Strategy approved pursuant to Condition 10 of this permission, evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, the Flood Risk Assessment submitted by Rutter Johnson dated May 2012 (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted application and Flood Risk Assessment. The scheme shall be implemented prior to completion of the first dwelling within that phase of the development and maintained and managed in accordance with the approved details at all times thereafter.

12. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), details of the foul drainage scheme for that phase, which shall be based on the Drainage Strategy approved pursuant to Condition 10 of this permission and shall include any necessary infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented prior to completion of the first dwelling within that phase of development and maintained and managed in accordance with the approved details at all times thereafter.

13. Not more than 150 dwellings approved by this permission shall be occupied until the United Utilities plc capacity improvement of the Whalley Waste Water Treatment Works (WWTW) has either:

- been completed in full; or
- a scheme demonstrating that foul flows to Whalley WWTW will not be increased as a result of the development or phase of development hereby permitted before the improvement work at Whalley WWTW has been completed has been submitted to and approved in writing by the Local Planning Authority.

Any foul drainage scheme approved in advance of the capacity improvement work at Whalley WWTW being completed shall be constructed in accordance with the approved details.

Highways/Transport

14. No development approved by this permission shall commence within a phase until a detailed scheme (including a timetable for implementation and completion) for the construction of the relevant site access(es) and any temporary construction arrangements including pedestrian facilities to serve that phase and the associated off-site highway improvements to directly serve that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for the off-site highway improvements shall be in accordance with the details agreed in the Statement of Common Ground for highway/transportation matters agreed between Vectos and Lancashire County Council (as local highway authority) and as set out in the Unilateral Undertaking related to this permission. The scheme shall be implemented in accordance with the approved details and timetable.

15. The new estate roads within any phase (as approved under Condition 5) of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences within that phase. The estate roads shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

16. Prior to the occupation of the first dwelling within any phase (as approved under Condition 5) a Travel Plan, based upon the submitted Framework Travel Plan, to improve accessibility by sustainable modes for residents of dwellings within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- The appointment of a named Travel Plan Co-ordinator.
- Details of measures to encourage sustainable travel patterns.
- A scheme for the management and implementation of the Travel Plan.
- Targets for modal shift.
- A strategy for marketing and proposed incentives.
- Arrangements for monitoring and review.

The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan for development within that phase for a period of time not less than 5 years following completion of the final parcel of development in that phase (as approved under Condition 5).

Construction

17. No development approved by this permission shall commence within a phase until a Construction Method Statement/Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Plan shall incorporate the recommendations of the Acoustic Survey and Assessment (Section 5) and results of the Air Quality Assessment (Section 4) dated July 2012 produced by Martin Environmental Solutions submitted in support of the application and shall be adhered to throughout the construction period. The Statement shall provide for:

- The routing of heavy (HGV) construction vehicles via the A59/A671 and Whalley Road, Barrow.
- Parking of vehicles of site operatives and visitors within the site.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- A management plan to control the emission of dust and dirt during construction, identifying suitable mitigation measures.
- A scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site).
- A scheme to control noise during the construction phase.
- Details of lighting to be used during the construction period, which should be directional and screened wherever possible.

18. No heavy goods vehicles (exceeding a gross vehicle weight of 7.5T) shall enter or leave the site, as edged in red on the submitted Site Boundary Plan (Drawing No. PP9), in connection with the construction of the development hereby permitted between the hours of 0830 and 0930, and 1500 and 1600 hours, Monday to Friday inclusive except during school holidays.

Energy/Sustainability

19. Before development begins within any phase (as approved under Condition 5) a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development within that phase from renewable or low carbon

energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20. The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued certifying that Code Level 3 has been achieved.

Biodiversity/Tree Protection

21. Tree felling/vegetation clearance works, or other works that may affect nesting birds (including buildings or other suitable breeding bird habitat which are to be removed as part of the proposals) within a phase shall not take place between March and August inclusive or in accordance with the requirements of paragraph 5.5.8 of the Ecological Survey and Assessment prepared by ERAP Limited dated May 2010 and updated May 2012 as it relates to the cattle shed on the site. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds (with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority before such works are undertaken. Works shall be carried out in accordance with the risk assessment/mitigation/compensation strategy so approved.

22. No site clearance, site preparation or development work shall take place within a phase until a Landscape/Habitat Management Plan to include long-term design objectives, timing of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) within that phase has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include (but not be limited to) details of the treatment of the Biological Heritage Site located outside the red-lined site as shown on the submitted Site Boundary Plan (as set out in Paragraph 5.7.14 (iii) of Ecological Survey and Assessment report), the retained woodland, trees and tree lines, hedgerows and other areas of public open space. The Landscape Management Plan shall be informed by the Ecological Survey and Assessment report (May 2010/Updated May 2012) prepared by ERAP Limited. The Landscape Management Plan shall be carried out as approved.

23. Appropriate working methods shall be adopted at all times during the construction of the development hereby permitted to prevent the spread of Himalayan Balsam.

24. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the submitted Preliminary Arboricultural Impact Assessment prepared by Bowland Tree Consultancy Limited (dated June 2012); and the conditions relating to tree work and replacement planting shall have effect until the expiration of 5 years from completion of the final phase of development:

- Before the development begins within any phase (as approved under Condition 5), including any site preparation works, the delivery of materials or any excavations within that phase, all trees and hedgerows identified for retention in the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland

Tree Consultancy Ltd in that phase shall be protected in accordance with British Standard 5837 2012 (Trees in Relation to Demolition, Construction and Design) the details of which shall be agreed in writing by the Local Planning Authority and implemented in full. An Arboricultural Method Statement, Tree Protection Plan and Tree Protection Monitoring Schedule shall also be submitted to and approved in writing by the Local Planning Authority and the tree protection measures shall be inspected by the Local Planning Authority before the site works are begun within that phase.

- The root protection zone shall be agreed in writing by the Local Planning Authority before the development begins in that phase and the agreed tree protection measures shall remain in place until all the approved works have been completed within that phase and all excess materials have been removed from the site including soil/spoil and rubble.
- During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.
- No disturbance, pruning or other arboricultural works to any Category 2a or 2b tree identified within Figure 4 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as supporting features with either current or potential future potential for use by roosting bats shall take place within a phase until a detailed investigation by a qualified and licensed ecologist has taken place. The results of any investigation including details of any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority before any tree works take place in that phase.
- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- The development shall be carried out in full compliance with the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd unless the Local Planning Authority agrees in writing to any variations to the requirements of the assessment.

25. No development shall take place within any phase (as approved under Condition 5) until details of the provisions to be made for bat roosts on suitable plots and building elevations within that phase in accordance with paragraphs 5.7.27-5.7.29 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 and details of artificial bird (species) nesting sites/boxes on suitable plots and building elevations within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the development in that phase is first brought into use.

Play Space

26. Prior to commencement of development within any phase (as approved under Condition 5) a play space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play areas within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The play space management plan shall also provide precise details of all play equipment in that phase and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use within that phase. The play space management plan shall be carried out in accordance with the details so approved.

Lighting

27. Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for artificial public street/road/footway lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (boundary vegetation of the site and the significant bat commuting route identified across the centre of the site) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

Noise

28. Prior to commencement of development within any phase of development (as approved under Condition 5) a scheme of noise mitigation measures for that phase adhering to the principles laid out in Section 6 of the Acoustic Survey and Assessment dated July 2012 produced by Martin Environmental Solutions and submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority. The measures so identified shall be incorporated into the construction of the development within that phase and thereafter retained.

Dog / leisure walk around site

29. Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for a dog walking/leisure footpath around the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be consistent with access, landscaping, ecological and other matters specified in other conditions, and shall include management and maintenance responsibilities. The scheme shall be carried out in accordance with the details approved by the Local Planning Authority.

End



Report to the Secretary of State for Communities and Local Government

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 20 November 2013

RIBBLE VALLEY BOROUGH COUNCIL

LAND TO THE SOUTH-WEST OF BARROW AND WEST OF WHALLEY ROAD,
BARROW, LANCASHIRE

APPEAL BY THE BARROW LANDS COMPANY LTD

Inquiry held on 4 – 7, 11 - 14 June and 11 – 12 September 2013

Land to the south-west of Barrow and west of Whalley Road, Barrow, Lancashire

File Ref: APP/T2350/A/13/2190088

File Ref: APP/T2350/A/13/2190088**Land to the south-west of Barrow and west of Whalley Road, Barrow, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by The Barrow Lands Company Ltd against Ribble Valley Borough Council.
- The application Ref 3/2012/0630/P is dated 13 July 2012.
- The development proposed is the provision of up to 504 residential units (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station.

Summary of Recommendation: The appeal be allowed, and outline planning permission be granted subject to conditions.

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Procedural matters

1. The application is in outline, with only the accesses onto the site to be considered at this stage along with the principle of the development.
2. An application for partial costs was made by The Barrow Lands Company Ltd against Ribble Valley Borough Council. This application is the subject of a separate report.
3. On 3 August 2012¹ the Council stated that the proposal required an Environmental Impact Assessment (EIA) in terms of the 2011 Regulations². This was subject to a request from the appellant to the Secretary of State that he make a Direction on the matter in relation to Regulation 10³. By letter dated 21 September 2012⁴, the Secretary of State directed that the development was not (EIA) development⁵. It was subsequently confirmed that a site visit had been carried out before this Direction was issued⁶.
4. The appeal was recovered for decision by the Secretary of State on 18 January 2013. The reason for recovery was that the appeal involves a proposal for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality, sustainable, mixed and inclusive communities.
5. The appeal (24 December 2012) was against the Council's failure to issue a decision. On 14 February 2013 the Council resolved that planning permission would have been refused for four reasons⁷. In summary, these were:
 - Prejudice to the emerging policy in the Core Strategy.
 - The effect on the character of the countryside.
 - Insufficient information being available to assess the likely impact on the local highway infrastructure.
 - Insufficient information being available to enable an adequate assessment of the archaeological interest of the site.
6. After this resolution the appellants submitted additional information, particularly in relation to highways and archaeology. In the light of a geophysical survey, which concluded that the site had little or no archaeological potential, the Council resolved (11 April 2013) not to pursue the archaeological reason for refusal.
7. The Inquiry sat for 8 days commencing on 4 June 2013 and for two further days on 11 and 12 September 2013. These last days dealt solely with housing land supply issues. The background to these additional days is dealt with in the separate report dealing with the appellant's cost claim.

¹ CD 17

² Town and Country Planning (Environmental Impact Assessment) Regulations 2011

³ CD 18

⁴ CD20

⁵ Doc 3 Para 4.5

⁶ CD21

⁷ Set out in full in CD2 Pages 1 and 2

8. Accompanied and unaccompanied visits were undertaken to the site and the surrounding area on 13 June 2013, and a further unaccompanied visit was undertaken to observe the effects of school traffic in Barrow on the morning of 14 June 2013.
9. A Planning Obligation was being negotiated between the appellants, the Council and the County Council before and during the Inquiry. It became apparent that agreement was not likely to be reached on some matters, and the appellant was therefore given time to produce a Unilateral Obligation after that session of the Inquiry. The Council were given the opportunity to comment on the final Obligation, which is dated 24 June 2013⁸, but (following the discussion on the principles of the Obligation at the Inquiry) they did not do so.
10. In October 2013, after the Inquiry closed, the Council approved a further report⁹ dealing with housing land supply issues. This was a relevant consideration in relation to one of the main issues, and written submissions were made by both parties¹⁰.

The site and its surroundings

11. The appeal site is 18.26 hectares in extent and lies to the west of Whalley Road and to the south-west of Barrow, which is an expanding settlement located around 2.5 miles south of Clitheroe. The site is largely pastureland which slopes down from the road in a westerly direction¹¹. Two public footpaths cross the land.
12. Within the boundary of the site there is an area of allotments, owned by the appellants, which are not proposed to be developed. In addition there is an area of land in the same ownership to the west of the site, which is a locally designated biological heritage site, which is also not proposed to be developed. The proposal includes enhancements to both these areas. A railway line runs to the west of the site, there is a copse and the rear of residential properties in Catlow Terrace to the north, and open agricultural land to the south. There is a small commercial yard in the north-western part of the site
13. Whalley Road was originally the main road along the valley running between Whalley in the south to Clitheroe to the north, but a new road (the A59) has been constructed to the east, bypassing Barrow, Whalley and Clitheroe. Barrow was originally a largely linear village, but there has been significant recent development to the east of Whalley Road towards the A59. Opposite the appeal site a minor road (Whiteacre Lane) runs to the village of Wiswell, from where access onto the A671 heading south can be obtained.
14. In the wider area the Forest of Bowland Area of Outstanding Natural Beauty (AONB) lies to the east and west of the site – at a distance in excess of 1 km. Barrow is not affected by any statutory designations, unlike Whalley and Wiswell – both of which are conservation areas and include a number of Listed Buildings.

⁸ Doc 9

⁹ Doc 13

¹⁰ Docs 14 and 15

¹¹ Photographs of the site and the surrounding area at APP 17 Appendix 2 and LPA 10

Policy context

15. The Regional Strategy for the North West was revoked in May 2013, and the parties agreed that it was no longer of any relevance to consideration of the proposal.
16. The only remaining element of the development plan are the saved policies of the Ribble Valley Districtwide Local Plan (1998) (LP).
17. The site is outside the settlement boundary of Barrow as defined in the LP, and does not meet the exceptions set out in policy G5 for development in such locations¹². The main parties agree that the proposal accords with a range of LP policies¹³ dealing with crime prevention, affordable housing, the loss of agricultural land, biodiversity and nature conservation, archaeology, open space and parking provision.
18. Work on the draft Core Strategy (CS) began in 2006 and, after various rounds of consultation¹⁴, was submitted to the Secretary of State for Examination in September 2013, with further consultation being undertaken by the Council at the same time. The CS has not yet been adopted, and has been the subject of letters from the appointed Inspector to the Council in November 2012 and January 2013¹⁵. The Examination was suspended at the time of the Inquiry. The parties have agreed a number of CS policies¹⁶ which are relevant, to the extent that the CS carries weight.

The proposal

19. The application is in outline, with details of the three new access points to be determined at this stage. It proposes up to 504 units and associated development, including three new accesses off Whalley Road.
20. The proposal is supported by a series of Parameter Plans and an Indicative Master Plan¹⁷.
21. The proposal includes 30% on-site provision of affordable housing, with 15% being provided for elderly persons. This is secured by the Planning Obligation¹⁸.

Planning history

22. There are no previous planning applications affecting the appeal site prior to the proposal which is the subject of the current appeal.
23. A second planning application was submitted by the current appellants in January 2013. This second application relates to a smaller area of the appeal site, and proposes up to 190 residential units. This is the subject of a separate appeal against the Council's failure to issue a decision, which is to be considered at a separate Hearing later in November 2013. The Council has resolved not to oppose this appeal.

¹² Doc 3 Para 5.7

¹³ Doc 3 Para 5.6

¹⁴ Doc 3 para 6.6

¹⁵ CD70 and CD71

¹⁶ Doc 3 Para 6.7

¹⁷ Doc 3 Para 4.3

¹⁸ Doc 9

24. The parties agree that two other appeal decisions close to the appeal site are relevant (others were put in evidence by one party or the other). These are at Land off Henthorne Road, Clitheroe¹⁹ where planning permission was granted on appeal for 270 dwellings and a doctor's surgery, and Site 2, Barrow Brook Business Village²⁰ where planning permission was granted on appeal for 73 open market dwellings and 31 social housing properties.

The Statements of Common Ground and remaining areas of dispute

25. The main parties completed three Statements of Common Ground (SOCG) – related to planning matters²¹, education²² and highways²³.

26. The key elements of the Planning SOCG, agreed between the appellants and the Council, include:

- Agreement that where the development plan is out of date (as in this case especially in relation to housing policies) the National Planning Policy Framework (the Framework) is to be given great weight, including the presumption in favour of sustainable development in relation to economic, social and environmental factors.
- The broad location of the site was considered to be capable of delivering sustainable development in the emerging CS in 2011²⁴, particularly in relation to the recognised strategic employment location (Barrow Enterprise Park). The Sustainability Appraisal that reviewed this option found development in this broad location to be sustainable²⁵.
- The proposed 30% on-site delivery of affordable housing²⁶ accords with draft CS policy H3 and with other Council policy²⁷.
- The Masterplan indicates a range of open space which would meet LP and CS policy requirements²⁸. Additionally the existing allotments in the centre of the site would be retained. The proposal is close to other facilities in Barrow.
- The Masterplan shows adequate provision for the retention of trees²⁹.
- There are no significant wildlife interests on the site. This is confirmed by Natural England and Lancashire County Council (Ecology)³⁰.
- The Parameter Plans, Design and Access Statement and Masterplan demonstrate that there will be no undue harm to the amenities of adjoining residents.

¹⁹ 2161186 CD35

²⁰ 2176977 CD13

²¹ Doc 3

²² Doc 4

²³ Doc 7

²⁴ CD 48

²⁵ CD 49

²⁶ Details at Doc 3 Para 7.5 – 7.5

²⁷ CD 43

²⁸ Doc 3 Paras 7.6 – 7.7

²⁹ Doc 3 Para 7.8

³⁰ Doc 3 Para 7.9

- The proposed dwellings would not be the subject of unacceptable levels of noise from Whalley Road or the railway³¹.
- The site is within Flood Zone 1, and the development would include a foul water pumping station serving those parts of the site on lower ground. The Environment Agency and United Utilities PLC raise no objections to the proposal³².
- The requirements for education provision can be addressed through the Planning Obligation, as agreed in the Education SOCG³³.
- The archaeological reason for refusal has been withdrawn on the basis of the appellant's geophysical survey³⁴.

27. The Planning SOCG also records outstanding differences between the main parties³⁵:

- The weight to be attached to the CS. The Council attaches some weight to the CS, whilst the appellant considers it has very little weight.
- Whether the proposal would prejudice the emerging CS policy. The Council considers that approval of the proposal would predetermine the outcome of the plan making process. The appellant contests this due to the scale of need for housing, national policy advice, the extent of the delay in the CS, and the related advice in the Framework³⁶.
- The extent of the visual impact on Barrow and its surroundings.
- Whether the Council has a five year housing land supply. This related, amongst other matters, to the quantum of the housing requirement and the method of calculation employed. (This area of disagreement has been resolved with the Council's October 2013 report³⁷.)

28. The key elements of the Education SOCG, between the appellants and Lancashire County Council as the local education authority, include:

- An agreement as to the assessment of the educational requirements arising from the proposal.
- An agreement related to contributions towards potential land acquisition and educational contributions.

29. The key elements of the Highways SOCG, between the appellants and Lancashire County Council as the highway authority, include:

- Agreement on the details of the proposed new accesses onto Whalley Road (part of the current proposal).

³¹ CD 3 paras 7.10 – 7.12

³² Doc 3 Paras 7.14 – 7.16

³³ Doc 3 Para 7.17

³⁴ Doc 3 Paras 7.18-7.19,

³⁵ Doc 3 Section 8

³⁶ Doc 3 para 8.6

³⁷ Doc 13

- Agreement on the internal site layout, pedestrian and cycle access and parking standards as shown on the Illustrative Masterplan. The internal site layout would permit bus services to pass through the site³⁸.
- Agreement on the need for changes to the A671/A59 roundabout, the signalisation of the junction of the A671 and Whalley Road, and various alterations in King Street, Whalley³⁹.
- Agreement on the potential trip distribution⁴⁰.
- Agreement on a framework Travel Plan and contributions to support the Plan⁴¹.
- Agreement on a range of matters to be included in a Planning Obligation and by way of a S278 Agreement⁴².
- Agreement on a contribution towards secure cycle shelters at Whalley station.

30. The Highways SOCG also records outstanding differences between the main parties:

- The sustainability of the site particularly in terms of accessibility.
- The future year of assessment for traffic growth. The appellant considers completion in 2019 to be realistic, using multiple builders, whilst the Council considers 2023 is more realistic. This has implications for the capacity assessment.
- The suitability of Whalley to accommodate the increased traffic flow as a result of the development. It is agreed that Whalley is sensitive to traffic movement and is affected by a range of factors, and that the proposed measures will benefit the free flow of traffic. However there is a difference as to whether the existing mini-roundabouts would operate over-capacity following the proposed development (the Council's view) or whether they would operate at capacity – allowing for traffic diversion onto the A59 (the appellant's view).
- The potential for the redistribution of existing trips from Whalley Road to the A59, thus lessening the traffic flows past the site and through Whalley.
- Whether the 30 m.p.h. speed limit should extend into Whalley (the appellant's position) or the current 40 m.p.h. limit should be retained (the Council's position). It is agreed that any consequent works could be part of a reserved matters application.

31. During the course of the final day of the resumed Inquiry, a Statement of Common Ground on Housing Land Supply (HLS) was completed⁴³. However this

³⁸ Existing bus services along Whalley Road at Doc 3, Table 3.1

³⁹ All shown at APP 6, and described in Doc 7 Section 2

⁴⁰ Doc 7 Figure 6.1

⁴¹ Doc 7 Section 3

⁴² Doc 7, Paragraph 9.2

⁴³ Doc 12

has largely been overtaken by the Council's October 2013 report (discussed below).

32. On 10 October 2013 the Council approved a report entitled "Development Management – Housing Figures"⁴⁴. There were two key outcomes arising from this report:

- The Council adopted a housing requirement figure of 250 dwellings per annum (as an assessment of housing need) for Development Management purposes.
- The Council adopted the Sedgefield method of calculating housing land supply.

As a result of this report, the Council has stated that it does not currently have a 5 year supply of deliverable housing sites.

33. As a result of the agreement reached on a range of matters, the remaining areas of dispute between the main parties are:

- The effect on the character and appearance of the area.
- The accessibility of the development to non-car modes of transport.
- The effect of the proposal on highway safety.
- Whether the proposal would undermine the emerging Core Strategy.
- The consequences of the lack of a five year housing land supply.

The case for the Appellant⁴⁵

Summary

34. The appeal proposal will deliver up to 504 homes in an area where there is no 5 year supply of land. This is something the Secretary of State has regarded as the most significant material consideration in recent decisions. It will also deliver up to 151 affordable homes in an area with an acute need for affordable housing. The appeal proposal will deliver substantial economic benefits. The site is in a sustainable location at the edge of a growing settlement with good accessibility to local facilities and with good bus services. The proposal will also have a strong link with the Council's principal strategic employment site which is within easy walking distance. The visual impact would be localised, with wider impacts being very limited. The package of highway mitigation measures will bring a number of benefits to the local highway network, encourage sustainable travel patterns, and mean that any residual impacts from increased traffic are mitigated. The proposal would not prejudice the draft Core Strategy, which in any event is long delayed and is in serious difficulties.

⁴⁴ Doc 13

⁴⁵ The case given here is an edited version of the two closing submissions at APP 15 and APP 21, as modified by the position on Housing Land Supply after the close of the Inquiry, and the evidence.

Policy context

35. There is a good deal of agreement on the policy context. It is agreed that the appeal proposal should be judged primarily against the Framework⁴⁶. Key points are:
- The importance of significantly boosting housing and hence economic growth.
 - The importance of demonstrating a 5 year housing land supply⁴⁷.
 - Paragraph 14 of the Framework applies as the development plan is out of date. Therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate that development should be restricted. (The Council agrees this latter qualification is not applicable⁴⁸.)
 - The proposal should be determined against the three strands of sustainable development - economic, social and environmental.
36. The Council initially argued that footnote 9 to paragraph 14 of the Framework applied. However the Council later conceded⁴⁹ that the site is not an important open space and that the footnote relates to land with special status, as demonstrated in the Tewkesbury decision⁵⁰.
37. The Local Plan was adopted in June 1998 to cover the period to mid-2006. The Council agree that many of its policies can now be given only limited, if any, weight. The officer's report on the appeal scheme noted that the Local Plan and its settlement boundaries are significantly out-of-date⁵¹.
38. The draft Core Strategy (CS) can only be given limited weight in terms of housing numbers and distribution of growth⁵².
39. The overwhelming trend of appeal decisions is in favour of allowing housing development, based on the pro-growth agenda of national policy.

Visual impact

40. There are some important points of context in relation to visual impact:
- Visual matters were not raised at the pre-application meeting in October 2011 and it was only on 23 December 2011 that it was suggested that a Landscape and Visual Impact Assessment (LVIA) was needed. Visual issues were not seen as being key at that stage⁵³.

⁴⁶ CD 36 pages 29 and 31; Mr Hirst in xx

⁴⁷ Para 47

⁴⁸ Ms Westwood in xx

⁴⁹ Ms Westwood in xx

⁵⁰ CD 88

⁵¹ CD 36

⁵² LPA 11 paragraph 3.49; Mr Hirst in xx

⁵³ CD 29

- The officer's report on the application expressed no view on visual impact⁵⁴. The report noted that an independent assessment had been commissioned in order to establish whether this would form part of the Council's case. The report from the (first) landscape architect was received the day before the Committee meeting and stated that the proposal was acceptable in landscape terms⁵⁵.
- The Council did not consider residential amenity (which includes an element of visual impact) to be a reasonable concern in relation to an outline proposal.
- The Council did not consider that the impact on trees, which confer a high visual amenity on the local landscape, to be a reasonable concern at this stage, based on the Illustrative Masterplan.
- Natural England raised no objection⁵⁶ in relation to the nearby Forest of Bowland AONB (1.4 – 2.4 km away) or designated Landscape Area 33 - as they did not believe that the proposal would impact on the purposes of designating the AONB or harm the national character area. They raised no issue about the quality of the LVIA, whilst noting that there was still a need for the assessment of local landscape impacts.
- The Secretary of State's EIA Screening Direction was that the proposal would not be likely to have significant effects on the environment⁵⁷. The Direction focused on visual impact and followed a site visit. There was no criticism of the LVIA.

41. A main part of the Council's evidence was criticism of the appellant's LVIA. However:

- The reasons for refusal did not allude to insufficient information related to visual matters (unlike transport and archeology). This matter was not raised before the exchange of proofs.
- The LVIA had regard to the Guidelines for Landscape and Visual Assessment (GLVIA)⁵⁸, although there is nothing requiring the use of this guidance. In any event not every development requires an LVIA and judgment has to be exercised as to the extent to which the use of the GLVIA is appropriate⁵⁹. The GLVIA (2nd edition) is primarily aimed at LVIA's carried out as part of an Environmental Impact Assessment (EIA), which is not the case here. They are not a prescriptive set of rules. The GLVIA (3rd edition) notes that where there is no EIA an LVIA is an informal document with more flexibility.

42. The wider context is that:

- The housing needs of the Ribble Valley will require the development of greenfield sites. 75% of the Borough is designated as an Area of

⁵⁴ CD 36 pages 3 and 37

⁵⁵ APP 3

⁵⁶ CD 26

⁵⁷ CD 21

⁵⁸ CD 23 paragraph 1.3

⁵⁹ Paragraph 1.11 of the GLVIA (2nd Ed)

Outstanding Natural Beauty (AONB)⁶⁰. There are also 39 biological heritage sites, 6 Sites of Special Scientific Interest, European protected sites, 21 Conservation Areas and thousands of Listed Buildings in the Borough. The appeal site is not within or close to any of these designations. The Framework⁶¹ seeks the development of land with the least environmental amenity value. The appeal site is an underdeveloped pocket of urban fringe and is, in part, previously developed land.

- The broad location was included as Option E in the Generation of Alternative Development Strategy Options for the Core Strategy (June 2011)⁶². The location was considered to be capable of delivering a sustainable development of 1,950 residential units.
43. Barrow is not a typical village, nor does it exhibit a ribbon pattern as suggested by the Council⁶³. It is a long-established industrial village, and is a growing settlement with a number of recent permissions for housing – both inside and outside the settlement limits of the LP. Barrow is the Borough’s principal strategic employment development location, with an extant permission for 46,000 sq. m. of business floorspace and other outline permissions in a swathe of new development. The schemes include some very large buildings⁶⁴, but no LVIA was requested in any of these cases.
44. The site is physically and visually related to Barrow more than to the surrounding countryside. It displays an urban fringe character. The development would represent the ‘rounding off’ of the settlement⁶⁵.
45. The Council’s landscape evidence focused exclusively on LP policies, despite these being significantly out of date, and also alleged conflict with LP policies which were not in the reason for refusal. But the evidence did not allege a breach of the policy (G1) which is in the reason for refusal. The Council’s planning witness also accepted that this policy was not breached as the site was not an important open space in policy terms. The Council accepted that LP policy ENV3 is fundamentally affected by the fact that the settlement boundary was out of date⁶⁶.
46. There is no assessment of the policies in the draft Core Strategy or the Framework in the Council’s landscape evidence.
47. There are some key visual characteristics of the proposal:
- It is an outline application, with on site landscaping and formal and informal open space.
 - The allotments and the adjoining Biological Heritage Site would not be developed.

⁶⁰ APP 2

⁶¹ Paragraphs 110 – 112

⁶² CD 48

⁶³ LPA 10 paragraph 4.8.13

⁶⁴ APP 17 paragraph 6.62; CD 23 photo 3

⁶⁵ APP 18 paragraph 7.31; APP 17 paragraph 5.56

⁶⁶ Ms Westwood in xx

- The majority of the existing trees and hedgerows would be retained and there would be new planting⁶⁷.
 - There is a fall of approximately 10 metres to the west from Whalley Road and 16 metres to the south west.
 - The longer distance views of the appeal site would include the new development on the east side of Whalley Road⁶⁸.
48. There would be a large magnitude of change in respect of some viewpoints within or immediately adjoining the site⁶⁹. But similar effects would result from the development of any greenfield site. In all other views the magnitude of change would be small or medium. The operational impact and effect on adjoining properties would be similarly localised.
49. Even if the Council's evidence on viewpoints were accepted, there is nothing to support effects much beyond the immediate environs of the site. From the AONB and the wider area the proposal would not be prominent. The Council does not explain the significance of any effect over the wider area.

Highway and transportation issues

50. Agreement on many transport issues are in the Highways Statement of Common Ground⁷⁰, based on the submitted Transport Assessment (2012) and highway improvements totalling around £1 million.
51. In relation to the remaining transportation issues the Framework⁷¹ states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's highway evidence did not allege that the impacts would be severe.
52. The background to the Council's argument about sustainability is:
- The officer's report states that the site is sustainable and meets the requirements of the Framework.
 - The Council accepts that, in terms of proximity to services, the site could be deemed to be in a sustainable location⁷².
 - The reason for refusal refers to insufficient information about highway impact, but says nothing about sustainability. Nor was any such information sought⁷³. The reason for refusal was based on the County Council's consultation response, which does not include sustainability as a key area of concern.

⁶⁷ CD 36 page 36

⁶⁸ LPA 10 appendix 2

⁶⁹ LPA 10 Viewpoints 1; 2; 3; 5; 6; 7; and 13

⁷⁰ Doc 7

⁷¹ Paragraph 32

⁷² LPA 11 paragraph 5.4 and Ms Westwood in xx

⁷³ As recorded in Doc 7 in relation to a meeting on 14 February 2014

- The Council's Statement of Case referred to insufficient information on sustainable modes of transport but did not specify what information was lacking⁷⁴.
- The Planning Statement of Common Ground outlines the areas of dispute but does not suggest that sustainability was an issue⁷⁵.
- The Strategic Environmental Assessment and Sustainability Framework recognised that the broad location of the site was sustainable⁷⁶.
- The suggestion that the site is unsustainable conflicts with the permissions granted by the Council or on appeal elsewhere in Barrow, without any objection based on sustainability. In none of those cases did the Council object on sustainability grounds, although the sites are indistinguishable from the appeal site in terms of accessibility.
- The 'other settlements' put forward for housing in the draft Core Strategy have worse sustainability credentials than Barrow.
- In terms of the 'Lancashire Residential Development Accessibility Score Calculator' the site has a medium level of accessibility.
- Developing 504 houses in Barrow offers far greater sustainability opportunities than would spreading development across a number of settlements. The local spending power of 500 houses has been quantified as £2.7 million per annum to the economy of Ribble Valley⁷⁷.
- No community or other mixed use facilities have ever been suggested by the Council.

53. There is good bus accessibility⁷⁸ with over 10 bus services each way connecting to Clitheroe and Whalley, where there are railway stations. In the original Highway Authority letter this was noted as acceptable⁷⁹. This was agreed by the Council's highway witness⁸⁰. The centre of the site is c. 260 metres from bus stops and the western extremities are at c. 600 metres⁸¹. For those areas beyond the guidelines⁸² which suggest a maximum walking distance of 400 metres, the additional walk would be no more than around 2.5 minutes. Agreement has been reached⁸³ to allow buses to enter the development - thus bringing all the homes within 400 metres of a bus stop. The existing bus stops and access thereto would be upgraded as part of the package in the Planning Obligation.

54. The Council stated that residents of Barrow currently do not make much use of buses. However the provision of alternatives to the private car should be welcomed and the Travel Plan is designed to assist with this. As well as the basic

⁷⁴ CD 2

⁷⁵ Doc 3 Section 8

⁷⁶ CD 49

⁷⁷ APP 19 rebuttal

⁷⁸ CD 49 page 55 and Doc 7 page 12

⁷⁹ APP 16 appendix A

⁸⁰ Mr Stevens in xx

⁸¹ Doc 7 paragraph 2.11

⁸² LPA 9 paragraph 6.6.4

⁸³ Doc 7 paragraph 3.6

Travel Plan contribution of £24,000 there is £175,000 towards sustainable travel incentives. This could support a variety of measures.

55. The Council criticised pedestrian access to local facilities⁸⁴. However the Council accepted that, just because particular provision lies in excess of the preferred maximum distance, this does not necessarily entail harm⁸⁵. There is a range of retail and food provision, including the Co-Operative c. 1000 metres away, which is a reasonable distance for top-up shopping. Barrow Primary school is 900 metres from the centre of the site. The level of facilities is greater than in many 'other settlements' as defined in the draft Core Strategy.
56. Although the Council does not refer to it, access to employment is important. The Barrow Business Park and the Whalley Industrial Park are within easy walking distance of the site.
57. In terms of cycle access, there is a range of facilities within 5000 metres⁸⁶ and access would be improved as part of the package of benefits in the Planning Obligation. The site provides good accessibility for cyclists, and all the cycling improvements suggested by the Highway Authority will be provided.
58. In terms of accessibility, it should be noted that, through no fault of the appellants, there is no proposal for a new train station at Barrow. However the proposed increase in population would increase potential demand and hence the prospects of a new station.
59. Turning to traffic impact, the Council's concern is limited to the impact on Whalley, and in particular on two mini-roundabouts at either end of King Street. The likely build out rate is of importance in this context as this affects the timing of the additional traffic.
60. The development will be started in 2014 and completed in 2019 – a build out rate of 100 units p.a. using four builders. This is due to the lack of environmental constraints, and the use of three separate accesses⁸⁷. The assessment accords with DfT Guidance on Transport Assessments (2007). The build out rate accords with the Council's evidence⁸⁸ of average build rates of 30 dwellings per year – for a single builder. It would not be out of step with the recent phasing plan for the Henthorn Road development, which shows a delivery of c. 75 p.a. with two builders on a site with one difficult access. The build out rate is a robust assessment, and was not queried until 9 months after the application was made. In any event, there was nothing to suggest a severe impact related to the build out rate for the purposes of the Framework.
61. The context for considering the traffic issue in Whalley is that:
 - The Council needs to establish that the residual traffic effect would be severe, notwithstanding the package of mitigation measures.
 - The Council's highways assessment of the existing traffic situation in Whalley as being at "breaking point" is not one shared by other officers of

⁸⁴ LPA 9 paragraph 6.6.14

⁸⁵ Mr Stevens in xx

⁸⁶ LPA 9 table 4

⁸⁷ APP 18

⁸⁸ LPA 11 paragraph 4.5

the Highway Authority. It was stated in relation to a proposal at Mitton Road that while data might suggest that “individual junctions in Whalley are operating close to their theoretical capacity and can experience periods of delay with the demands being placed on the highway network infrastructure, these delays appear to be very localised and typical of a compact road network serving a large village where the main street has to serve the conflicting interests of deliveries, public transport, parking, pedestrians and through traffic”.

- The concern about the mini roundabouts arises from ARCADY modeling, which the Council accepts⁸⁹ has to be used with caution as the operation of these junctions is influenced by events both up and down stream.
- It is agreed⁹⁰ that the mini-roundabouts in isolation (excluding all influences both up and down stream) generally operate efficiently. The proposed improvements to King Street would further assist.
- Even without the appeal proposal, the mini-roundabouts will be either approaching or exceeding theoretical capacity by 2023⁹¹. The Highway Authority has no strategy to deal with this problem and accepted that a possible strategy is to try to encourage through traffic off Whalley Road and on to the A59 bypass – which is part of the appellant’s mitigation strategy.

62. The appeal proposal will generate additional traffic in Whalley. The issue is whether the proposed mitigation would avoid any severe impact. The appellant’s mitigation is in two main parts:

- Contribution to a series of improvements in Whalley, as suggested by the Highway Authority, including changes to the mini-roundabouts; lay-bys; a zebra crossing; footway crossovers and other public realm improvements; de-cluttering and kerb enhancements⁹². These will prevent the kind of upstream and downstream events that currently adversely impact on the mini-roundabouts. The most that the Highway Authority could say was that this might not remove “all the issues”.
- A series of measures aimed at reducing through traffic on Whalley Road by encouraging it to use the bypass⁹³. A considerable number of vehicles passing along Whalley Road and Whalley are through traffic⁹⁴ - up to 86% despite the availability of the A59. This was not contested by the Council. The mitigation provides highway widening on the approach to the A671/A59 roundabout to allow traffic turning south to use two lanes (which will almost double capacity), traffic calming on Whalley Road⁹⁵ which would slow journey times along that route. Although this will not remove all through traffic the introduction of measures to slow Whalley Road and speed the A59 route will affect perceptions and hence behaviour.

⁸⁹ LPA 9 paragraph 6.8.4

⁹⁰ Doc 7 paragraph 4.10

⁹¹ LPA paragraph 6.8.9

⁹² Doc 7 paragraph 2.26

⁹³ APP 6

⁹⁴ APP 16 appendix J

⁹⁵ Doc 7 plan 8

63. With the two elements of the mitigation in place the impact of the proposal on the mini-roundabouts will be positive, and this was not challenged. The Council did not explain how there would be a severe impact from allowing the appeal.
64. Residents raised the issue of the traffic from the proposed development on Whiteacre Lane and Wiswell. The percentage of traffic from the development using this route is likely to be very low, around 1%, as it is an unattractive and restricted route for traffic. Despite that, the impact has been assessed on the basis of 6%, but the Highway Authority agree that, even at that level, the impact would not cause concern.

The effect on the emerging Core Strategy

65. The background to this issue is as follows:

- The application was made to support the promotion of the appeal site through the draft CS, as agreed with the Council. However, delays occurred with the CS and the application, and the appeal was lodged because of the lack of progress on the CS and due to the lack of a five year housing land supply. The appeal site is superior to other sites which were being given permission at that time.
- Prematurity is the Council's main ground of objection⁹⁶.
- The Council accepts the CS can only be given limited weight⁹⁷ because there have been unresolved substantial objections⁹⁸. This is relevant when considering prematurity and is not contested by the Council⁹⁹.
- Prematurity requires consideration of two main matters¹⁰⁰ - the stage the draft policy has reached (not the mere fact of submission), and whether there would be prejudice to the emerging policy.
- Even if there were a prematurity objection it is not a trump card¹⁰¹, as it can be outweighed by material considerations¹⁰².

66. The Council has been under a duty to adopt a CS since 2004. The draft CS was (eventually) commenced in 2007 but has been beset by significant delays. The draft CS was submitted in September 2012, whilst consultation was still being undertaken on proposed changes. Although this is an important milestone the CS has progressed little further. Formal examination was due to begin last year, but the process has been suspended because of fundamental concerns raised by the Inspector that the evidence base (including the SHMA and SHLAA) was out of date and unreliable, and that the spatial approach to the delivery of new housing was unclear.

67. The Inspector stated that these are fundamental matters at the heart of the plan, and discussed suspension or withdrawal. In agreeing to suspend the examination

⁹⁶ Mr Hirst in xx

⁹⁷ LPA 11 paragraph 3.49 and in xx; Mr Hirst in xx

⁹⁸ CD 73 paragraph 4.2 and schedules and CD 74 schedule

⁹⁹ CD 62 paragraph 18; CD 3 paragraph 216

¹⁰⁰ CD 62 paragraphs 17 – 19; CD 3 paragraph 216

¹⁰¹ Mr Hirst in xx

¹⁰² As in CD 96

the Inspector expressed continued reservations. The scale of the work needed to the evidence base work is immense¹⁰³. Some work has been completed, but some has not, and there are still numerous hurdles to overcome. On the best case the draft CS remains many months from examination – let alone adoption.

68. It still remains possible that the CS will have to be withdrawn, will be found unsound, or to have to be changed to such a degree that the Inspector would not be able to recommend the necessary modifications.

69. There are a number of points on prejudice to the emerging CS:

- The draft CS could not be said to be prejudiced if it is outdated and likely to be withdrawn.
- The Council accepted that there was no allegation of prejudice in terms of housing numbers¹⁰⁴. The housing requirement in the CS is a minimum and there would be no planning harm in it being exceeded, especially in the light of the Framework policy to significantly boost housing.
- Against the total figure of 4000 homes required over the 20 year CS period the appeal proposal would amount to only c. 12.5%. Even if the supply deducted by the Council were applied, that still leaves a need for 2,500 homes, of which the appeal proposal would be only around 20%.
- The appeal proposal would make up a large percentage of the residual number of houses required in the CS 'other settlements' (such as Barrow) - but there is no evidence that this would be harmful. There is also no evidence that the delivery of these houses elsewhere would be practicable, especially as such proposals may be contentious, and there are no allocations in the 'other settlements' which could be prejudiced. The appeal proposal could take pressure off other settlements, some of which are in the AONB. The appeal scheme would not prejudice the spatial strategy favouring these settlements.
- Delivery of affordable housing would be easier, as the proposed 151 units on the appeal site (close to Clitheroe where there is the greatest need, and close to the strategic employment allocation) would be more attractive to many Registered Social Landlords than units spread across the Borough. In any case it would not preclude delivery of affordable housing elsewhere.
- The Council does not have a 5 year housing land supply. This is critical in terms of any prejudice argument relying on numbers and weighs heavily against a prematurity objection.
- The site was included in the Strategic Housing Land Availability Assessment Report (SHLAA) (2009)¹⁰⁵ as having capacity for 709 dwellings deliverable in 6+ years from 2014 onwards.
- The broad location of the appeal site was included as Option E in the Generation of Alternative Development Strategy Options for the CS (June

¹⁰³ CD 72 - minutes which list the work

¹⁰⁴ Mr Hirst in xx

¹⁰⁵ CD 41

2011)¹⁰⁶ and the location was considered to be capable of delivering a sustainable development for 1,950 residential units.

70. The recent growth of Barrow – in a way not anticipated by the CS¹⁰⁷ - means that the proportion of ‘other settlement’ housing that Barrow should take has greatly increased. Barrow is different from the rest of the ‘other settlements’ as it is home to the principal strategic employment allocation and has also seen a number of planning permissions for housing, commercial and business development. It is already different in scale to the rest of the ‘other settlements’. The appeal scheme would not prejudice the CS – which could, in any case, be reviewed.

Housing land supply

71. The Council accepts that, since 2008, the authority has under-delivered against its requirements¹⁰⁸. In the context of paragraph 47 of the Framework the Council agrees, and as recent appeal decisions have confirmed¹⁰⁹, that it is a ‘20% authority’ - that is one where there has been a record of persistent under delivery of housing.
72. One of the key issues that arose between the parties is whether the Council could demonstrate five years worth of supply against their housing requirements for the purposes of paragraph 47 of the Framework. The Council sought to diminish this issue on the basis that the main consequence of there not being a 5 year supply is that the Council’s housing policies would not be up to date - so that the presumption in favour of sustainable development in the Framework¹¹⁰ applies. As the Council has already accepted that its LP housing policies are significantly out-of-date, it sought to downplay the significance of the housing land supply.
73. However, the absence of a five year supply remains important because, as the Council accepted¹¹¹, its absence is a significant material consideration in favour of allowing the appeal. This is supported by a number of recent appeal decisions where significant weight has been given to this matter¹¹². This illustrates the importance of boosting housing and demonstrating a 5 year housing land supply.

(Inspector’s note) The key differences between the parties on the issue related to the calculation of the level of housing need and the method of calculation. At both the June and September sessions of the Inquiry the Council’s position was that a figure of 200 dwellings per annum (dpa) was appropriate, and that the calculation should be undertaken on the residual (Liverpool) method. On that basis, the Council had a five year housing land supply. The appellants argued for a figure of 300 dpa, and that the calculation should be undertaken using the Sedgfield approach – on which basis the Council did not have a five year supply.

¹⁰⁶ CD 48

¹⁰⁷ LPA 8 paragraphs 3.7 and 3.8

¹⁰⁸ LPA 8 paragraphs 6.7 and 6.9

¹⁰⁹ LPA 8 appendix 13

¹¹⁰ Paragraph 14

¹¹¹ Mr Hirst and Ms Westwood in xx

¹¹² For example CD 88; CD 64; CD 65; CD 89

However in a report on 10 October 2013¹¹³, the Council (based on a report by Nathaniel Lichfield & Partners earlier in the year¹¹⁴) formally adopted a figure of 250 dpa, and that the Sedgfield method should be used. On that basis, the Council does not have a five year housing land supply.

The views of the parties have been sought and obtained on this report and the revised position¹¹⁵, and what follows is the relevant section of the appellant's conclusion¹¹⁶.

74. The Council cannot demonstrate a 5 year supply as all the evidence supports a housing need figure of at least 250 dpa. The residual method was not the proper approach and this is now agreed. The starting point for the determination of this appeal is therefore the absence of a 5 year supply. The Council has stated that it only has a 4.25 year supply¹¹⁷. That is a significant material consideration in favour of the grant of permission.

Other considerations and conclusion

75. There are a number of considerations in favour of the appeal, most of which have been agreed by the Council. In summary:

- The appeal site is in a sustainable location.
- The development would provide much needed housing and affordable housing. The immediate contribution to affordable housing is particularly significant and will help to reduce the very severe adverse social impacts resulting from under-provision of such housing over a long period.
- There would be enhancements to ecology and open space on the site, and on the adjoining Biological Heritage Site.
- There would be significant economic benefits.
- There would be a very strong link with the Council's nearby strategic employment allocation and a boost for the Council's employment aspirations, by providing homes for the economically-active people needed for the jobs it intends to create in the draft CS period.
- The proposal has been developed to high standards of environmental design, including achieving Code for Sustainable Homes Level 3 and incorporating measures to reduce carbon emissions, promote renewable energies and increase energy efficiency. There would be no adverse pollution impacts either at construction or operational stage and there is no issue with land contamination.
- The proposal includes a foul water pumping station that will be utilised for pre-2016 development to provide detention storage volume and pump control. This will also provide added off-line storage volume that will benefit existing sewers upstream of the site.

¹¹³ Doc 13

¹¹⁴ Appended to Doc 16

¹¹⁵ Docs 14 and 15

¹¹⁶ The full closings are attached at APP 15 and APP 21

¹¹⁷ LPA 8 Position statement to reopened Inquiry, table 4

- The development includes a package of traffic calming measures for Whalley Road and beyond to reduce traffic speeds and assist pedestrian and cycle movement.
- There is a package of sustainable travel enhancements in and around Barrow.

76. In conclusion, paragraph 14 of the Framework applies. This creates a presumption in favour of granting planning permission. Accordingly, in undertaking the planning balancing exercise this requires that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. This is clearly a case where permission should be granted.

The case for the Council¹¹⁸

Development plan background

77. The Regional Strategy was revoked on 20 May 2013 and the saved policies of the Ribble Valley District Local Plan (LP) remains the statutory development plan until replaced by the Local Development Framework.
78. The appeal site lies outside the settlement boundary of Barrow as defined in LP policy G4. To that extent the proposal does not comply with the development plan but it is acknowledged that the policies of the LP are out of date.

Landscape and visual amenity

79. Previous national policy in relation to the protection of the countryside for the sake of its intrinsic character and beauty has not been restated in the Framework¹¹⁹. However the weight to be given to landscape and visual amenity has not changed, and this position was not challenged¹²⁰.
80. The appellant's position emphasises the economic importance of securing development¹²¹. However, that merely requires weight to be given to the economic need to secure beneficial development, but does not diminish the weight to be given to landscape matters.
81. The background to the issue is that:

- The appeal site is largely in agricultural use and consists of open fields.
- The surrounding countryside is dominated by elevated landscape of the Longridge Fell and Pendle Hill.
- The trees on the site confer a high visual amenity in the immediate and wider local landscape.

¹¹⁸ The case given here is an edited version of the two closing submissions at LPA 7 and LPA 12, as modified by the position on Housing Land Supply after the close of the Inquiry (email 21 October 2013), and the evidence.

¹¹⁹ Planning Policy Guidance 7

¹²⁰ LPA 10

¹²¹ APP 16

- Since the establishment of the LP settlement limits, development has been confined to the land bounded by Whalley Road and the A59. These highways provide clear physical boundaries.
82. The appellant's document entitled 'Landscape and Visual Impact Report'¹²² was suggested to have been informed by the Guidelines for Landscape and Visual Impact Assessment (GLVIA). Those guidelines, although designed specifically for EIA development, are widely used as a methodical, transparent and robust methodology for assessing landscape¹²³.
83. However the appellant's document does not appear to have been completed by a landscape professional. It is better characterised as 'advocacy'¹²⁴. In contrast the Council's analysis is consistent with the Landscape Institute's methodology.
84. The area exhibits many of the characteristics specifically identified in the National Character Areas¹²⁵. The site lies within the Bowland Fringe and Pendle Hill Character Area 33, where the "...settlement pattern is of smaller villages with isolated houses and farms dotted around the winding country lanes. Many of the smaller villages and hamlets are linear in character and commonly take the form of terraced stone cottages along the main road...". This is developed further at the countywide level¹²⁶ and the more localised Sub-Character Area 5(e).
85. The landscape is described as being small scale and pastoral in land use. Settlements are small and are arranged along the roads. Hedgerows, hedgerow trees and woodlands are key elements in all character assessments. These components of the identified character areas are reflected in the appeal site and its surroundings.
86. The Council has identified the magnitude of change which would be caused by the development and its landscape impact¹²⁷. This was scarcely challenged and the difference relates to professional landscape judgment.
87. The following matters can be identified:
- There will be a loss of landscape elements.
 - There will be irreversible adverse change from open countryside to urban development and a loss of some key landscape elements.
 - There will be a loss of views out of the landscape towards the fells and the AONB.
 - There would be change to the nature of the area, and the result would not be typical for a settlement within the Character Area. Barrow continues to exhibit the characteristics of a linear village.
 - The scheme would be noticeably out of scale with the existing pattern of development¹²⁸.

¹²² CD23

¹²³ LPA 10 paragraph 3.2.2

¹²⁴ For example CD 23 paragraph 4.2

¹²⁵ CD 93

¹²⁶ CD 94

¹²⁷ LPA 10 Table 2 page 16

¹²⁸ LPA 10 paragraph 4.6.7

- The development would introduce urbanisation to the west of Whalley Road where very little development currently exists. The appellant's suggestion that this is required in order to balance the settlement is incapable of justification.
- From higher ground the broader setting, including that of the AONB, will be altered¹²⁹ (especially viewpoints 8 and 9).

88. The Council has identified viewpoint locations, receptors, description of view and sensitivity of receptors consistent with the approach of the Landscape Institute¹³⁰. The Council has summarised the assessed view and provided the analytical data¹³¹. It is clear that a view of houses is not intrinsically harmful¹³², but adverse elements are identified including:

- Loss of open countryside.
- Loss of key landscape elements.
- Loss of long distance views to the fells.
- Loss of the characteristic linear arrangement along Whalley Road.

89. The effect on the occupiers of properties, mainly on Whalley Road, would be substantial, consisting of a loss of view across the open countryside to the fells. This is a significant and adverse change.

90. The removal of sections of hedgerows which form the current boundary will occur in four locations¹³³. This will open up views of the development, and the village character of a narrow linear settlement would be lost.

91. Public footpaths run throughout the landscape and up to the AONB, and there would be substantial adverse changes to users in the immediate vicinity¹³⁴. From public rights of way surrounding Barrow the appreciation of the edge of the settlement and the urbanisation to the west of Whalley Road would be noticeable. Further afield, the change from the clearly defined linear, small scale settlement to a much larger settlement of indeterminate urban form would be seen.

92. The advice from the landscape architect initially consulted by the Council¹³⁵ suffers from the same shortcomings in analysis as that of the appellant¹³⁶.

93. The appellants draw support from the comments made in the Screening Direction letter¹³⁷. But that is not a determination of the landscape and visual case, as it makes it clear that it is only for the purpose of deciding whether to require an Environmental Statement. It does not determine the landscape effects.

¹²⁹ LPA 10 paragraph 4.6.9

¹³⁰ LPA 10 page 18

¹³¹ LPA 10 page 20.

¹³² LPA 10 paragraph 4.8.2

¹³³ LPA 10 paragraph 4.8.7

¹³⁴ LPA 10 page 23

¹³⁵ APP 13

¹³⁶ LPA 10 rebuttal

¹³⁷ CD 20

Highways and transportation - background

94. The application was accompanied by a Transport Assessment (TA) (2012), which was the subject of comments¹³⁸ made by the Highway Authority including:
- The central access would receive a large proportion of movements and this may necessitate a more detailed assessment.
 - There was an inability to replicate the traffic growth data and a recommendation that a robust growth scenario be used.
 - There was a challenge as to whether it was realistic to reassign traffic from Whalley Road onto the A59/A671.
 - There was an underestimate of the impact of the trips from the proposed development through Barrow, Wiswell and Whalley.
 - If there was no access to a wide range of facilities within recommended distances this would be reflected in higher vehicular trip rates.
 - Without improvements in conditions for cyclists, it was considered that a high level of cycle use would not be achieved. Distances to a regular/frequent bus service were noted and further measures would be necessary to promote and support sustainable development, particularly in respect of public transport.
 - The conclusion was that the proposed development would result in a significant increase in vehicle flows on the existing transport network in and around Barrow, at peak times and throughout the day. There would be increased vehicle turning movements and impact on pedestrian movements at junctions in the vicinity of the development and at a number of other junctions in Barrow. The TA underestimates the likely impact of the development on the operation of the local highway network but does not give sufficient credence to the range of movements linking to the nearby main road network. Further information was required.
 - The key areas of concern related to traffic growth, trip distribution, impact on the local highway network and elements of the site access design.
95. There was no attempt by the applicant to address these concerns and the appeal was lodged in December 2012. It was three months after the comments that a meeting took place at which the appellant agreed to provide the further information that had been sought.
96. The appellant has stated that they had a reasonable expectation that all matters could be agreed and a full Statement of Common Ground concluded. But there must have been an expectation that the Highway Authority would review the data and, if there was a significant change to the TA assumptions, some further assessment might be required¹³⁹. The information requested by the Highway Authority was significant¹⁴⁰.

¹³⁸ APP 16 appendix A

¹³⁹ APP 16 paragraph 1.17

¹⁴⁰ LPA 9 paragraph 3.9

Highways and transportation – accessibility and sustainability

97. National policy on sustainability needs to be read in the context of the Framework as a whole. It is clear that some developments are not sustainable but may be made acceptable – it is in that context that the Council has characterised the development as unsustainable. This is in relation to accessibility by various modes of transportation including on foot, by bicycle and using public transport.
98. The Council's views are consistent with the comments in the Sustainability Appraisal (SA) related to the draft CS options¹⁴¹. These views include:
- Service provision (including essential services) in Barrow is relatively poor and a new development would need to provide for this to be viable.
 - There are concerns about this becoming an isolated commuter development which may not achieve social cohesion with surrounding areas or a sense of community spirit.
 - This option did little to address the issue of poor public transport in rural areas especially for low-income families – this may lead to disparities being increased.
 - Given the size and nature of the option, the development would need an appropriate degree of self sustenance in terms of local amenities, including green space provision, public transport improvements, health services, primary school, post office and local shops.
 - Currently there are no existing facilities to support such a development in the area, so the relative merits of the proposal would depend upon its ability to provide such services and create a self sustaining community.
99. In terms of paragraph 17 of the Framework this is a location which, in terms of facilities¹⁴² and accessibility, is not sustainable - but could be made so. However the appellant considers the location to be inherently sustainable¹⁴³.
100. In terms of paragraph 32 of the Framework the appellant maintains that planning permission may only be refused where the residual cumulative highway impacts of the development are severe. But that would necessarily mean that where opportunities for sustainable transport modes have not been taken into account there is no justification for the refusal of planning permission. That cannot be the intention of national policy.
101. In addition the Framework¹⁴⁴ sets out the need to secure sustainable development. It provides that larger scale residential developments should include a mix of uses in order to provide opportunities to undertake day-to-day activities including work. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

¹⁴¹ CD 49 pages 488-492 and CD 53

¹⁴² The range and accessibility of facilities is agreed. LPA 9 Table 8

¹⁴³ Mr Davis in xx

¹⁴⁴ Framework paragraph 38

102. That approach has similarities with the 'scheme' that was promoted in 2007¹⁴⁵. That scheme identified fundamental aspects of the development contemplated at that time:

- The removal of all through traffic from Whalley Road.
- The promotion of the village with its own railway station.
- The provision of a new village centre.
- The promotion of live/work development within the site.

103. It is true that the appeal proposal would relate to the employment area east of Whalley Road and the employment allocation in the CS. However there is no mechanism for the co-ordination of delivery of the residential and employment development. The appellant's case is that the proposal would be built within 5 years – so unless the delivery of the employment land is contemporaneous the prospect of any resident taking advantage of the employment opportunity is very limited. The risk is that Barrow would become a commuter village.

104. The Institute of Highways and Transportation Guidelines are designed to assist developers in the achievement of sustainable modes of transport, and provide a developer's checklist¹⁴⁶ which includes:

- Bus services should be attractive to users.
- Direct access should be allowed through developments.
- The maximum walking distance to bus stops should not exceed 400 metres, and preferably not be more than 300 metres.

105. It is clear that:

- There is considerable scope to update the bus stops to make them more attractive for all users¹⁴⁷.
- There is no evidence indicating an increased frequency of existing services or routing through the site.
- The car is a significant mode of travel for residents of Barrow¹⁴⁸. The current availability of bus services is therefore not a matter influencing existing residents.
- If the quality and frequency of the bus services in Barrow were sufficient the usage of public transport would be considerably greater. The fact that it is not greater suggests that there is considerable scope to encourage sustainable modes of transport.

106. It is important to facilitate safe and efficient pedestrian movements¹⁴⁹. In respect of the movements from Barrow to Whalley dropped kerbs along desire

¹⁴⁵ CD 99

¹⁴⁶ LPA 9 paragraph 6.6

¹⁴⁷ LPA 9 paragraph 6.65

¹⁴⁸ LPA 9 rebuttal

¹⁴⁹ LPA 9 paragraph 6.6.10

lines, improvements to the surface materials and signing would encourage a shift to more sustainable modes of transport.

107. The only cycle route in the vicinity is not connected to any wider network. Without improvement it is unlikely a high level of cycle use can be achieved. That was a matter specifically pointed out at the time of the Highway Authority response in November 2012.

Highways and transportation – impact on Whalley

108. Build-out rates are relevant to the effect on traffic in Whalley and the surrounding network, as they affect how the TA traffic growth assessment should be calculated.
109. The TA uses an assessment year of 2019. The information provided until recently assumed two housebuilders on the site¹⁵⁰. The appellant's current position is that there would be four housebuilders on site – although this is not required by the Planning Obligation or any conditions.
110. No evidence has been provided of a site of this size anywhere in Pennine Lancashire achieving the construction of anything like the 100 dwellings p.a. as suggested by the appellant. The appellant's build rate is entirely unrealistic, and this means that the TA assessment period is wrong and the full impacts of the development have not been assessed. A more realistic basis for assessment would be a ten year period, and there would accordingly be significant differences in the assessment¹⁵¹.
111. The effect on Whalley is of particular concern. The centre of Whalley is vibrant and attractive but the highway infrastructure only just satisfies its current function during typical peaks. There are a number of problems, including the fact that a small incident can cause wider congestion and there are problems with the mini-roundabouts at either end of King Street¹⁵².
112. Committed development (excluding the appeal proposal) will increase peak traffic flows by 74 a.m. and 63 p.m. (not inclusive of background growth). The appeal scheme would add 122 a.m. and 114 p.m.
113. The current position is that the operation of the junctions in Whalley is just within theoretical capacity¹⁵³. Once committed development and growth is added, they would be beyond capacity, and the appeal development would add further to those levels of congestion. For example at the King Street/Accrington Road eastern arm the development would increase queues in 2023 from 47 to 79¹⁵⁴. These queue lengths would harm the centre of Whalley.
114. The appellant's response to the problem is to try to redistribute traffic from Whalley and Whalley Road onto the A59/A671. Their approach is based on the contention that the excess traffic along Whalley Road is caused by queues and congestion at the A59/A671 roundabout – but this is not reflected by the

¹⁵⁰ APP 16 appendix I paragraph 2.4

¹⁵¹ LPA 9 table 5 page 21.

¹⁵² LPA 9 paragraph 4.3

¹⁵³ LPA 9 table 6

¹⁵⁴ LPA 9 table 7

journey times in evidence¹⁵⁵ and was queried by the Highway Authority in 2012¹⁵⁶. In effect, the appellants are rearranging existing traffic movements to create greater capacity on Whalley Road. There is no basis for such an approach, particularly if congestion is not the explanation for the journeys – it could be personal choice or linked trips.

Prematurity

115. National policy on prematurity is found in the 'Planning System: General Principles'¹⁵⁷. In an assessment of prematurity the key considerations are:

- The degree to which the plan has progressed towards adoption.
- Whether the proposal would prejudice the process.

116. In this case the proposal is so substantial that the grant of planning permission would prejudice the emerging CS and other subsequent documents by predetermining decisions about the scale, location and phasing of development.

117. The draft CS deals with the most suitable locations for development¹⁵⁸. Considerable time has gone into the assessment of the location of future housing development, which is to be managed to reflect the existing settlement pattern and the availability of key aspects of infrastructure¹⁵⁹.

118. This approach was tested in the preparation of the CS:

- In August 2010 a series of strategic options were published based on the extant RS housing requirement¹⁶⁰. No clear preferred option emerged.
- Alternative options¹⁶¹ were prepared in June 2011 including Option E - a strategic site at Barrow¹⁶². The Sustainability Appraisal (SA) found a very close comparison between the option for growth at Clitheroe and a new settlement at Barrow (which was predicated on a significant urban expansion including 1,950 dwellings)¹⁶³.

119. The SA made a number of important points:

- Service provision (including essential services) in Barrow is relatively poor and a new development would need to remedy this.
- Aside from the undetermined 35% of overall development, there are no clear provisions for development in other market towns. Opportunities may be missed to capitalise on existing services and employment in these areas and towns such as Clitheroe and Whalley may be overlooked for development which may be beneficial to their vitality.

¹⁵⁵ LPA 9 rebuttal para graph 3.1

¹⁵⁶ APP 16 appendix A

¹⁵⁷ CD 62 paragraph 17

¹⁵⁸ Paragraphs 6.1 and 6.2

¹⁵⁹ Paragraphs 4.9 - 4.11

¹⁶⁰ LPA 8 appendix 10 page p.135

¹⁶¹ CD 48

¹⁶² CD 99

¹⁶³ LPA 8 appendix p.48 onwards

- Currently there are no existing facilities to support such a development in Barrow, so the sustainability merits of a proposal would depend upon its ability to provide such services and create a self-sustaining community.
 - The provision of a balanced strategy would minimise the effects on the transport network and would enable realistic levels of growth to be achieved in major centres to retain their vibrancy, whilst also encouraging growth in rural areas to preserve their viability and reduce the need for travel.
120. The last point is particularly important given the scale of the appeal scheme. The provision of over 500 houses at Barrow would remove the ability to distribute housing (and to secure affordable housing) in other settlements by way of the emerging CS and subsequent documents. The affordable housing requirement to serve the whole of the Borough would be developed in one location.
121. The testing of the soundness of the Council's approach will be at the examination of the CS.

Housing land supply

(Inspector's note) The key differences between the parties on the issue related to the calculation of the level of housing need and the method of calculation. At both the June and September sessions of the Inquiry the Council's position was that a figure of 200 d.p.a. was appropriate, and that the calculation should be undertaken on the residual (Liverpool) method. On that basis, the Council had a five year housing land supply. The appellants had argued for a figure of 300 dpa, and that the calculation should be undertaken using the Sedgfield approach – on which basis the Council did not have a five year supply.

However in a report on 10 October 2013¹⁶⁴, the Council (based on a report by Nathaniel Lichfield & Partners earlier in the year¹⁶⁵) formally adopted a figure of 250 dpa, and that the Sedgfield method should be used. On that basis, the Council agrees that it does not have a five year housing land supply.

The views of the parties have been sought and obtained on this report and the revised position¹⁶⁶, and what follows is based on the Council's response¹⁶⁷.

122. The Council agrees that the report entitled 'Development Management - Housing Figures' dated 10 October 2013 is a material consideration as it is an expression of the Council's recently adopted stance on such matters.
123. The report outlines the background to the decision to recommend (following consultation) the use of a revised figure of 250 d.p.a. for decision making purposes and use of the Sedgfield method of calculating supply.

¹⁶⁴ Doc 13

¹⁶⁵ Appended to Doc 16

¹⁶⁶ Docs 14 and 15

¹⁶⁷ The full closings are attached at APP 15 and APP 21

124. The figure of 250 dpa is the subject of unresolved objections, as was the previous 200 dpa figure. The correct forum for establishing the final figure is the examination into the CS.
125. However, the Council accepts that, whilst untested, the 250 dpa figure is the most up-to-date evidence available and has resolved to use it for decision making purposes pending the outcome of the examination, at which time it will be reviewed.
126. The decision of the Council to use 250 dpa and the Sedgefield method means that the Council is unable to demonstrate a five year supply of deliverable housing sites. Using these assumptions, the Council has a 4.25 year supply¹⁶⁸.
127. The Council accepts that this has an impact on the overall planning balance under paragraph 14 of the Framework. It acknowledges that the lack of a five year supply of deliverable housing sites is a matter of considerable weight. However, the Council stresses that the figure is yet to be tested through the CS examination and that there are unresolved objections to it.

Comment on the Section 106 Obligation

128. The Obligation submitted by the appellants has a clause¹⁶⁹ whereby it is provided that, if the Secretary of State does not expressly find that the Obligation is necessary to make the development acceptable in planning terms, or otherwise finds that such an obligation fails to meet the statutory tests, the Obligation shall be deemed to no longer be of any effect.
129. Whilst the decision may be expected to address the issue it is unreasonable to impose this clause as it attempts to fetter the manner in which the decision is expressed. The correct interpretation is that if permission is granted and implemented the Obligation becomes effective.

Conclusion

130. The appeal should be dismissed on the basis that:
- The appeal proposal would cause significant and permanent harm to landscape character and visual concerns.
 - There are significant concerns over the highway consequences and implications.
 - The proposal is premature in that it will undermine the ability to make decisions that ought properly to be taken in the context of the emerging CS.

The case for others who appeared at the Inquiry

131. Jackie Copley (CPRE Lancashire)¹⁷⁰ stated that the proposal was wholly unsustainable, especially in the light of the policies in the Framework. It would conflict with the plan led approach and be premature in the light of the

¹⁶⁸ LPA 8 Position statement to reopened Inquiry, table 4

¹⁶⁹ Doc 9 paragraph 3.3

¹⁷⁰ Doc T1

emerging CS. The development would be within view of the Forest of Bowland AONB, close to the Light Clough Site of Special Scientific Interest, and would result in a loss of local habitats. There would be an unacceptable loss of pasture land and the development would be contrary to policy to resist development in the open countryside. Access to the site is by way of roads which are close to capacity or are unsuitable. The development would not provide the necessary infrastructure and would be unsustainable.

132. Margaret Mayor¹⁷¹ is a resident of Whiteacre Lane, opposite the appeal site. The proposal will generate considerable volumes of traffic, as Barrow has few facilities. Traffic from the development would either go into Whalley (which is very congested), to the junction with the A671 (often congested), or along Whiteacre Lane. This is narrow and dangerous – for pedestrians and drivers alike. It is unrealistic to expect residents of the proposed development to use public transport. The scheme is out of all proportion to the settlement, and would be unsustainable. Evidence was submitted¹⁷² of current and pending proposals in Barrow, and the doubling of the size of the settlement could not be justified.
133. Robert Eddlestone¹⁷³ is a resident of Wiswell. The proposal would undermine the Council's draft CS and take up a large proportion of the housing allocation intended for a number of settlements. It would be an unsustainable development which would be heavily reliant on the private car. Whiteacre Lane and Wiswell are totally unsuitable for additional traffic – there is a 30m.p.h. speed limit coming into effect in September 2013¹⁷⁴, but even this is far above a safe speed.
134. John Bradley¹⁷⁵ is a resident of Wiswell, and produced a photographic record of the roads and danger points along Whiteacre Lane and around Wiswell. The essentially medieval layout of Wiswell is totally unsuited to modern traffic. The reality is that nobody knows what the traffic flow through Wiswell will be.
135. David Borland¹⁷⁶ is a resident of Barrow. He believes in proportionate and sustainable development. However the proposal would be disproportionate – doubling the size of the settlement without the provision of support facilities. It would cause a significant increase in commuting and school car trips. The sewage facilities would be inadequate. The CS has been the subject of public consultation, unlike the current proposal, and the development should be considered as part of the CS process. The proposal would have an adverse impact on the landscape. The aspect from the front of his house would be harmed by the three storey block shown on the Masterplan.
136. Alan Scholfield¹⁷⁷ is a resident of Wiswell. The development of Barrow was as an industrial village and the proposal would do nothing to re-establish a community which would be socially, economically and environmentally sustainable. The proposal would encourage out-commuting and the extensive

¹⁷¹ Doc T2

¹⁷² Doc T16

¹⁷³ Doc T3

¹⁷⁴ Doc 5

¹⁷⁵ Docs T4 and T7

¹⁷⁶ Doc T13

¹⁷⁷ Doc T5

use of the private car. The emerging CS discounted Barrow for development and this decision should be respected. The settlement boundary may be out of date but a new natural boundary exists in the form of the A59. Local residents have not been consulted by the developer since 2007. The incentives previously offered, such as a primary school and social facilities, have disappeared.

137. Jean Brown (Wiswell Parish Council)¹⁷⁸ supported the objections by Mrs Mayor and Mr Scholfield. The proposal would not be sustainable, would be lacking in infrastructure, would be unjustified, and has not been the subject of consultation with local residents. Many of the appellant's statements are ambiguous or out of date. The traffic calming measures could themselves be dangerous. Barrow has already had its fair share of new development, and further expansion cannot be justified¹⁷⁹.
138. David Birtwhistle¹⁸⁰ raised ecological concerns. An independent wildlife survey should be undertaken. In addition, the heavy haulage depot in the corner of the site raises safety concerns, especially for children. The employment sites in the area are in little demand, so the appellant's arguments are unrealistic. Barrow is becoming a dormitory town, with cars the primary mode of transport – buses are too expensive. Barrow has few amenities. The car park which is used as a drop off area for the primary school and nursery is to be lost – and this will exacerbate traffic and parking problems on Whalley Road.
139. Janet Higgins (Save Whalley Action Group)¹⁸¹ was particularly concerned at the effects of traffic, and the number of accidents which have occurred in and around Whalley. Parking problems in Whalley are already acute and the proposal will worsen them. There is a danger of Barrow and Whalley merging as a result of unregulated development – which would undermine the CS¹⁸².

Written representations

140. Nigel Evans MP (Ribble Valley)¹⁸³ objected to the size of the proposal, which would be disproportionate. It would result in Barrow doubling in size. The proposal is premature in the light of the emerging CS and would fetter the Council's discretion. The resulting traffic would have a harmful effect on Whiteacre Lane. The local infrastructure cannot cope with a community of this size.
141. Stephen Abbott Associates (representing the Trustees of the Standen Estate)¹⁸⁴. The Standen site is the subject of a planning application for a mixed use extension to Clitheroe, proposing 1,040 dwellings (including affordable homes), retail and community facilities, employment, a primary school and other elements. The site is identified as a Strategic Site in the draft Core Strategy. The submission sets out factual points of clarification regarding the Standen site. There is an estimate of 90 completions per year – based on three

¹⁷⁸ Doc T6

¹⁷⁹ Doc T15

¹⁸⁰ Docs T8 and T10

¹⁸¹ Doc T12

¹⁸² Doc T14

¹⁸³ Doc T11

¹⁸⁴ Doc T9

housebuilders on site, following a start in mid 2015. There are no delivery problems associated with the Standen site.

Inspector's conclusions

[Numbers in square brackets denote source paragraphs]

Background, agreed matters and main considerations

142. There are a number of matters about which the main parties reached agreement, before or during the Inquiry, largely as set out in the Statements of Common Ground [26 - 31]. There was an additional area of agreement, as a result of a report approved by the Council in October 2013 [32], related to housing land supply. The most important areas of agreement are as follows:

- The policies of the Local Plan (LP), including the identification of the site as being outside the defined settlement boundary, are out of date.
- The draft Core Strategy (CS) can only be given very limited weight, particularly in terms of housing numbers and the distribution of growth, although other policies can be given slightly more weight.
- The appeal should be judged primarily against the National Planning Policy Framework (the Framework). In particular:
 - Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 - The proposal should be determined against the three strands of sustainable development in the Framework - economic, social and environmental.
 - The importance of significantly boosting housing and identifying a five year housing land supply is an important material consideration.
- The broad location of the site is considered to be capable of delivering sustainable development.
- The proposed 30% affordable housing element accords with Council policy.
- The Council has only a 4.25 year supply of deliverable housing sites.

143. Given the matters agreed between the main parties, the main considerations in this case are:

- The effect on the character and appearance of the area.
- The accessibility of the development to non-car modes of transport.
- The effect of the proposal on highway safety.
- Whether the proposal would undermine the emerging Core Strategy.
- The consequences of the lack of a five year housing land supply.

The effect on the character and appearance of the area

144. The proposal is in outline, although the Illustrative Masterplan provides a significant amount of supporting material which is of assistance in assessing the potential form of the development.
145. Beginning with the effect of the proposal from local viewpoints, it is self-evident that the character of the immediate area would change from agricultural land to a substantial housing development. Clearly there would be a large magnitude of change in respect of a range of viewpoints within the site or directly adjoining it [48, 86 - 88]. From some locations the development would be seen in the foreground of views towards the distant hills.
146. However, given the acknowledged housing needs of the area, it is inevitable that significant new development in the Borough will have to occur on greenfield land. The appeal site is not within or adjacent to an Area of Outstanding Natural Beauty (AONB) or any other landscape or heritage designation – unlike much of the remainder of the Borough [14, 42]. The adjoining Barrow Brook Field Biological Heritage Site would be unaffected (and would be enhanced as part of the Landscape/Habitat Management Plan). Whilst not diminishing the inherent value of the countryside, the development of an area such as this would accord with the advice (given in a plan-making context) in the Framework that land should be allocated which has the least environmental or amenity value.
147. There are a number of trees and hedgerows on the site, which make an important contribution to the immediate and wider local landscape [40, 47, 87, 88, 90]. Although there would inevitably be a limited loss of hedgerows, in order to provide access to the site, the development as shown in the Illustrative Masterplan suggests that the overwhelming majority of the existing vegetation could be retained [47]. This matter could be the subject of conditions reserving the details of the development for further consideration.
148. Turning to the effect on the form of Barrow, the existing settlement has been variously described by the parties. The Council describe Barrow as a linear village running along Whalley Road [87], whilst the appellant's view is that Barrow has been significantly affected by recent development and that the proposal would be a 'rounding off' of the settlement [44].
149. There is some truth in the approach of both parties. It is clear that Barrow was once a generally linear industrial settlement and that its commercial nature set it aside from other small settlements in the area. The former settlement boundary in the LP, acknowledged as being out of date, doubtless reflected its original nature. However much has changed recently, and the settlement has expanded considerably since the adoption of the LP. A significant amount of development has taken place to the east of Whalley Road, running up to the A59, and further permissions have been granted in that area [43, 81, 87]. The linear nature of Barrow, to the extent that this was an accurate description of the historical settlement, has largely been lost. That said, the proposal would introduce urban development to the west of Whalley Road where there is currently little built form away from the road – as such, 'rounding off' is not an appropriate description.

150. The proposal would therefore differ from the general pattern of development which is along Whalley Road and also running up to the A59. However, although the scale of the scheme would be significant, the overall effect on the perceived form of Barrow would not be great, given the amount of development which has occurred of late. In addition, there is a fall in the land (in excess of 10 metres) west of Whalley Road, and this change in topography would limit the impact of the scheme.
151. Before turning to the effect of the proposal from more distant viewpoints, it is noteworthy that the broad area of Burrow including the appeal site was identified as suitable for development as part of the emerging CS (Generation of Alternative Development Strategy Options) in 2011 [42]. At least at that stage, the Council was presumably content that the effect on the existing settlement was acceptable.
152. Finally, consideration needs to be given to the effect of the proposal in the wider landscape, in particular from the AONB. Views of Barrow can be obtained from various areas of higher land, and the parties agreed that Viewpoints 8 and 9 in the Council's evidence were representative [47, 87]. From those locations (and others) the view towards Barrow is dominated by the new development which has taken place between Whalley Road and the A59 and, to some extent, by the traffic on the A59 itself. The magnitude of change caused by the proposal when viewed from the surrounding wider area would be small.
153. The response of Natural England, as the body responsible for designating and advising on AONBs and responsible for designating national character areas, is of significance [40]. Whilst noting the need for the assessment of local landscape impacts, Natural England raised no concern in relation to the AONB or the national character area.
154. The Council criticised the Landscape and Visual Impact Report submitted as part of the application documents. However the Report is a useful document, although parts do not wholly accord with the Guidelines for Landscape and Visual Assessment (GLVIA). It was not criticised by the Council in the officer's report, the reason for refusal or by Natural England. In any event, there is nothing requiring the use of the GLVIA guidance, which is not a prescriptive set of rules. It is also noteworthy that the first landscape architect retained by the Council to inform the officer's report did not object to the proposal, and that the report itself did not raise objection on landscape grounds. Even the landscape architect (appointed after the Council's consideration of the proposal) who appeared for the Council at the Inquiry agreed that the only policy referenced in the reason for refusal was not breached – although he maintained that the scheme was in conflict with other policies [40, 92].
155. Overall, the effect on the character and appearance of the area, particularly the local area, will be noticeable. To that extent there is a limited conflict with some draft CS policies¹⁸⁵. However that falls far short of suggesting that it would be unacceptably harmful. From more than around two kilometres, there would be little discernable landscape impact.

¹⁸⁵ DMG 1, DMG2, DME2

Accessibility to non-car modes of transport

156. There are four background matters which inform the consideration of the Council's position on accessibility. Firstly, as one of the options in the emerging CS, the broad location of the appeal site was considered to be capable of delivering sustainable development in 2011. This was especially in relation to the proximity of the strategic employment location at Barrow Enterprise Park [56, 103]. Although this option envisaged a wider development, it is noteworthy that the Sustainability Appraisal specifically reviewed the option and found it to be acceptable.
157. Secondly, the Council officer's report on the application stated that the site was sustainable and that it met the requirements of the Framework. This was based in part on the response of the Highway Authority, which did not include sustainability as a key area of concern. Although the reasons for refusal refer to insufficient information about highway impact, they make no reference to sustainability [52].
158. Thirdly, the Planning Statement of Common Ground, aside from referring to the consideration of the site in the emerging CS, does not refer to the issue of sustainability [22, 27, 52]. The document records the outstanding areas of dispute, but does not list any sustainability/accessibility issue.
159. Finally, the Highway Statement of Common Ground (completed significantly later) notes the concern with the sustainability of the site particularly in terms of accessibility [30, 96]. The Council's subsequent evidence focuses on the extent to which the development would be accessible by non-car modes [97 onwards]. This is the area of dispute between the parties.
160. Retail and educational facilities within Barrow, whilst not extensive, are more plentiful than are found in many settlements of this size – and there are more than in some other locations to which the Council's emerging policy seeks to direct development. In particular there is a primary school, a Co-operative top up shop, a limited delicatessen, two faith establishments and recreational facilities.
161. The extent of built and consented employment floorspace in Barrow is of considerable significance in terms of access to work. Whilst there can be no guarantee that the building of the consented employment schemes will coincide with the building of the appeal scheme, there is already a good mix of residential and employment in the area. The location of the Council's main strategic employment area in Barrow is an important consideration in favour of the appeal scheme in sustainability terms.
162. Some of these existing and consented facilities are beyond the preferred walking distance from the appeal site, but it would be wrong to equate a destination beyond a notional maximum walk and the automatic use of the car. The facilities are still within the same settlement, and some people will choose to walk greater distances. Cycling is also a realistic option as, although there is no connection to the wider cycle network, there is a wide range of facilities within the recommended 5000 metre distance. The attractiveness of cycling would also be enhanced by the proposed traffic calming measures in Whalley Road, junction improvements and proposed cycle parking at Whalley station [57, 107].

163. Looking beyond Barrow itself, over 10 bus services each way run along Whalley Road, serving Clitheroe and Whalley [53]. In both those settlements there are railway stations serving a wider area (as well as further employment opportunities). This is a good level of bus provision, which the original Highway Authority consultation response noted was acceptable. This was confirmed at the Inquiry by the Council's highway witness [53].
164. The centre of the site is around 260 metres from bus stops (which would be upgraded as part of the package of transport measures) and even the furthest houses would only be around 600 metres away. Those latter properties, although beyond the normal maximum walking distance, would still be in reasonable walking time to the bus stops [53]. There is a suggestion that buses could be rerouted into the site but, as there is no evidence that this is likely, the suggestion can be given little weight.
165. The Council's evidence [53, 54, 105] shows existing low bus usage in Barrow, and the suggestion was put forward that if the convenience/price of the buses was as good as it was claimed, buses would be more in demand. However the frequency and proximity of the buses would give residents of the proposed development the realistic option of accessing middle and higher order facilities by public transport, thus offering the option of alternative means of transport to the car.
166. The Council's position in terms of the accessibility of the appeal site sits uneasily with its approach towards other developments in Barrow. The Council has not objected on sustainability/accessibility grounds to any of the other developments in the settlement (whether approved by the Council or on appeal), and there is no clear justification for adopting a different approach in this case. This unexplained difference weakens the position of the authority on the appeal.
167. The Council criticised the proposal on the basis that it is not a mixed use development, which would be inherently more sustainable [52, 101]. Reference was made to the document entitled 'Living and Working in Barrow' as a more all-embracing concept [102]. But this was an aspirational document put forward by a landowner, and there was no indication that it was likely to go ahead. In any event key facilities such as primary schools and local shops, along with employment opportunities, are located within walking distance of most of the proposed dwellings and this provides a good mix of uses in the area.
168. Overall, the development would comply with emerging CS policy¹⁸⁶. It would be readily accessible by non-car modes and the proposal, including the Travel Plan and sustainable travel incentives, offers additional accessibility benefits.

The effect on highway safety

169. There are a number of areas of agreement in relation to highways and traffic matters. There are no issues related to the accesses into the site, the internal site layout, pedestrian and cycle provision, and parking standards – all as shown

¹⁸⁶ DMG3

on the Illustrative Masterplan [29]. There is also agreement on the potential trip distribution [30].

170. It is the suitability of Whalley to accommodate the increased traffic flow as a result of the development which is at the heart of the dispute between the main parties. It is self-evident that the proposal, located on the road between Whalley and the junction of the A671/A59 (with access to Clitheroe and onto the A59), will generate additional traffic in Whalley.
171. In this context it is first necessary to address a dispute as to the likely build out rate of the development, which then has implications for the capacity assessments in the Transport Assessment (TA). The appellant considers that completion in 2019 is realistic [60], using multiple builders, whilst the Council considers 2023 is more likely [30].
172. The TA originally assumed two housebuilders working on the site [109]. This was not queried by the Highway Authority for nine months after the application was submitted but, in any event, the appellant is now stating that four builders would be used, thus producing a build rate of 100 dwellings p.a. [60].
173. Although this is undoubtedly a high build rate, the site is a large one and would have three points of access – which would allow multiple builders to operate independently, and there are no known difficulties with the site which might slow development [60]. The rate is not significantly out of step with the Council's evidence of an average build rates of 30 dwellings p.a. for a single builder or with a recent phasing plan for another development showing a delivery of around 75 dwellings p.a. with two builders on a site with a difficult access [60, 110]. Overall the build out rate can be considered a robust assessment.
174. Turning to the effect on the centre of Whalley, the traffic issues are dominated by the effect of two mini-roundabouts on the main route through the settlement, and it is the effect of the proposal on these roundabouts which is the source of concern. The Transport Statement of Common Ground records that they generally operate efficiently (excluding influences up and down stream).
175. The Council's position at the Inquiry was that, allowing for committed development and growth, the mini-roundabouts would be at 'breaking point'. However this assessment needs to be approached with caution, as it has not been the approach of the Highway Authority towards other proposals which would generate additional traffic on the roundabouts and the local system [61]. In addition, the concern about the mini roundabouts arises from ARCADY modelling, which the Council accepted has to be used with caution as the operation of the junctions is influenced by events both up and down stream, and these effects are outside the model [61].
176. In any event, if the Council's position were accepted it is notable that the Council's position is that, even without the appeal scheme, the roundabouts would cease to function efficiently as a result of committed developments. However the Highway Authority has no proposals or funding to mitigate these effects [61].

177. In contrast, the appeal scheme includes two areas of mitigation. Firstly a significant contribution would be made to a range of alterations in Whalley, including changes to the mini-roundabouts, lay-bys, a zebra crossing, footway crossovers, de-cluttering and kerb improvements [62]. The details of these works are all agreed with the Highway Authority, although the extent of their benefit is not. However there is little doubt that the cumulative effect of these alterations would be to improve the traffic flow through the settlement, especially by reducing the likelihood of manoeuvring events which currently obstruct the free flow of traffic.
178. The second aspect of the proposed mitigation would be a number of measures along Whalley Road through Barrow, most particularly the signalisation of the junction of the A671 and Whalley Road, and changes to the A671/A59 roundabout [62]. The background to these works is the appellant's uncontested evidence of 86% of vehicles on Whalley Road as through traffic [62]. The intention is that the combined effect of these works would make Whalley Road a less attractive through route and encourage the use of the A59 bypass.
179. It is uncertain whether the amount of through traffic using Whalley Road is due to personal preference or avoidance of queues at the A59 junction - something on which the evidence is not convincing [62, 114]. However the overall effect of the works must logically be to encourage at least some through vehicles onto the A59 and reduce the attractiveness of Whalley Road to through traffic. There is therefore potential for the redistribution of existing trips from Whalley Road to the A59, thus lessening the traffic flows past the site and into Whalley.
180. There is one other potential mitigation measure which is not agreed between the parties. That is the possibility of extending the 30 m.p.h. speed limit between Barrow and Whalley, which is the appellant's position, whilst the Council wished it to remain as 40 m.p.h. However there is no evidence that the omission of this additional restriction would detract to any significant degree from the mitigation package [30].
181. There is one additional matter which is of particular concern to local residents (though not the Highway Authority) [132, 133, 134, 137]. That is the amount of traffic from the development which might use Whiteacre Lane, which is opposite one of the site entrances. This is, for the most part, a very narrow road and leads into an historic village (and beyond) where the road layout is clearly not designed to cater for modern traffic and which is soon to be the subject of a 30 m.p.h. speed limit. The appellant's evidence was that only 1% of the traffic generated by the development would use Wiswell Lane (although a robust figure of 6% was used in the TA). No other detailed assessment was put forward and, although residents' concerns about traffic using this very restricted route are appreciated, it seems unlikely from the evidence that the development would generate significant traffic flows in this direction [64].
182. Overall the evidence of the problems which the development would cause to the free flow of traffic in Whalley is less than persuasive, and the apparently conflicting approach of the Highway Authority towards various schemes which have the potential to worsen the situation does little to bolster their case. The conclusion is that the proposal would not harm highway safety and would not conflict with emerging CS policy. But even if it were considered that the development were likely to cause highway issues, the policy in the Framework is

that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Taking into account the mitigation measures within Whalley, along Whalley Road, and at the A671/A59 junction, the evidence is that the residual cumulative impact would be nowhere near that level.

Whether the appeal would undermine the emerging Core Strategy

183. The application was apparently submitted to support the promotion of the appeal site during the CS process, and this approach was stated to have been agreed with the Council [65]. However the delays in progressing the CS led to the appeal being lodged, and the Council then resolved to oppose the development on the grounds that it would prejudice the emerging plan.
184. It is important to consider the stage which the emerging CS has reached, the level of unresolved objections to it, and the extent to which the proposal could prejudice the development plan process.
185. The draft CS was submitted for examination in 2012, at the same time as further consultations were underway. This would normally be a key milestone in the production of a development plan, but in this case the examination was then suspended due to the appointed Inspector identifying flaws in the evidence base, especially in relation to housing land supply issues [66, 67]. Wide ranging work has since been undertaken by the Council, and further consultations have taken place.
186. There are obviously a range of potential scenarios, but even the most optimistic timescale for the adoption of the Core Strategy is mid-2014. If less optimistic assumptions are made, the adoption date could be some considerable time further ahead.
187. The Council also confirmed at the Inquiry that no work has been done on any Allocations Development Plan Document. It would be this document which would provide more detail on the preferred locations of housing development.
188. There are substantial unresolved objections to the emerging CS, many of which express fully reasoned concerns [65]. In the light of the level and substance of the objections the Council accepts that only limited weight can be given to the CS. The unresolved objections to relevant policies must make the outcome of the examination into the draft plan less certain.
189. The Council needs to clearly demonstrate how the grant of permission for the appeal scheme would prejudice the outcome of the development plan process. There is no issue over the scale of the proposed development which, in its own right, would be significant. However, considered against the total amount of housing required over the lifetime of the CS, the appeal scheme would only amount to around 12% of the total, and even if the Council's supply figures were put into the equation, the scheme would still be only around 20% of the total [69].
190. However the Council is not alleging prejudice in relation to the quantum of housing being provided – only to its location [69, 116]. However this is not a new site where a developer has found a windfall parcel of land and put it forward by way of a planning application. The appeal site is within a wider area identified in the Strategic Housing Land Availability Assessment Report (2009)

as having the capacity for 709 dwellings, and in the CS Generation of Alternative Development Strategy Options (2011) as having the potential for 1,950 units [69, 118].

191. Furthermore the emerging CS does not preclude housing development at Barrow, as this is defined as an 'other settlement' destined for some new housing [69, 120]. Although the appeal scheme is clearly well above the minimum level in the draft policy, there is no upper limit. There would be no policy objection to housing development in other locations if this proposal went ahead.
192. In any event, Barrow is different from most of the 'other settlements' as it includes the Council's principal strategic employment allocation and is already a very substantial settlement. Given the amount of the Borough which is affected by designations which might restrict potential development, the appeal scheme could take pressure from other locations where housing delivery could prove problematic. In any event, there is no evidence that the scale of the proposal in relation to the effect on 'other settlements' would be harmful.
193. Overall, although the Core Strategy has reached the milestone of being submitted for examination, it has since stalled and its forward progress is uncertain and potentially lengthy. There are substantial unresolved objections to it, including objections to the spatial approach to the delivery of new housing, which make the outcome of the process far from clear [65]. The Allocations document is farther away still.
194. The appeal scheme is on a site which has been identified as a potential development site for some time, and is in a general location where some housing is envisaged in the emerging plan. In addition, given the agreed lack of a five year supply of deliverable housing land and the need to increase housing supply, the objection to the appeal scheme on the basis of prematurity cannot be sustained.

The effect on housing land supply

195. The issue of housing land supply was the subject of substantial evidence from both parties and was dealt with at length at the Inquiry. However, due to events set out below, the issue can be dealt with briefly.
196. Both parties agreed from the start that the Council's adopted housing policies are out of date, that the draft CS can only be given limited weight, and that the appeal should be judged predominantly against the Framework [26]. The Council also accepts that there has been persistent under-delivery of housing, and that it is a '20% authority' in terms of paragraph 47 of the Framework [71].
197. At both the June and September sessions of the Inquiry the key differences between the parties related to the level of housing need and the method of calculation.
198. The Council's position was that a figure of 200 dwellings per annum (dpa) was appropriate, and that the calculation should be undertaken using the residual (Liverpool) method. This need figure was based in part on a 2011 Nathaniel Lichfield & Partners report which recommended a dwelling requirement between 190 and 220 dpa, in the light of which the Council adopted 200 dpa and the use

of the residual method. The appellants argued for a figure of 300 dpa, and the use of the Sedgefield method of calculation.

199. Although the detail varied as the Inquiry progressed, the essential position remained that the Council considered that it had a five year housing land supply, whereas the appellant considered that the authority fell short. (A Council report in June 2013 amended the dwelling requirement figure to 250 dpa for CS purposes, but still endorsed the 200 dpa figure for development management purposes. It also retained the residual method of calculation.)
200. However, in October 2013, the Council (in the light of a May 2013 report by Nathaniel Lichfield & Partners) formally adopted a figure of 250 dpa, and resolved that the Sedgefield method should be used [32]. On that basis, the Council agrees that it does not have a five year housing land supply. The previous evidence of the authority demonstrates that there is in fact a 4.25 year supply.
201. The Council correctly notes that the adopted figure of 250 dpa is the subject of unresolved objections (as was the previous 200 dpa figure) and that the forum for establishing the final figure is the CS Examination. However both parties agree that the current evidence base shows that the authority does not have a five year supply of specific deliverable housing sites.
202. One consequence of the absence of a five year housing land supply is that the Council's housing policies should not be considered up to date. However the authority had already accepted that this was the case [72], so this adds little to the overall balance.
203. Importantly, national policy seeks to boost significantly housing supply, and one of the core planning principles of the Framework stresses the importance of identifying and meeting the housing needs of an area. The Council accepts that the lack of a five year housing land supply will have an impact on the overall planning balance under paragraph 14 of the Framework and that it is a significant material consideration [127].
204. The proposed provision of open market and affordable housing is wholly in line with national policy aimed at boosting housing supply and providing economic benefits. The importance of this issue was illustrated by a range of appeal decisions submitted by the appellant [73].
205. Although this issue is dealt with briefly in this report, due to the substantial level of agreement between the parties, this does not indicate a lessening in its weight. The lack of a five year housing land supply weighs significantly in favour of the appeal.

Planning conditions

206. The recommended conditions were the subject of extensive discussion between the parties before and during the Inquiry, and were the subject of a separate session at the Inquiry itself. They represent agreed conditions to be imposed if permission were granted.
207. There are a number of initial conditions, reserving details of the development for further consideration, confirming the extent of the site, and dealing with the details of the accesses and their construction (Conditions 1 – 4). Given the

- scale of the development, a condition is necessary to divide the overall scheme into specific phases for the reserved matters applications (Condition 5).
208. The landscaping, levels and a comprehensive Masterplan and Design Code need to be submitted for each phase of the development – the reserved matters applications would be required to be in accordance with those documents (Conditions 6 - 9).
209. There was a particular concern raised at the Inquiry relating to the height of the proposed buildings along the eastern boundary of the site along Whalley Road. The appellant accepted that the buildings shown on the submitted Parameter Plans were taller than intended or desirable, and a condition is necessary to ensure that development fronting the road is of a reasonable height in the interests of the living conditions of residents opposite (Condition 9).
210. A drainage strategy, details of surface water drainage and details of foul drainage need to be submitted for approval. More specifically a condition is necessary to ensure that no more than 150 dwellings are occupied before the capacity issue at the Waste Water Treatment Works has been resolved, possibly by way of a capacity improvement scheme (Condition 13).
211. A range of highway details need to be submitted, dealing with the access points and estate roads (Conditions 14 and 15), all in the interests of highway safety. In addition, in the interests of sustainability, a Travel Plan (based on the Framework Travel Plan) needs to be submitted for approval and implemented (Condition 16).
212. In the interests of the amenities of residents of the surrounding area, it is necessary to submit a Construction Method Statement/Management Plan, dealing with a specified range of construction details, including the routing and timing of vehicles.
213. In order to encourage renewable energy, conditions are necessary to secure at least 10% of the energy supply from renewable or low carbon energy sources, and achieve Level 3 of the Code for Sustainable Homes (Conditions 19 and 20).
214. A range of tree and biodiversity conditions (Conditions 21 – 22, 24 - 25) are necessary for ecological and landscape reasons. In particular a Landscape/Habitat Management Plan is required, and the retention and protection of existing trees needs to be ensured by conditions. A condition is necessary to prevent the spread of Himalayan Balsam on the site (Condition 23).
215. In order to provide adequate play space, a condition is needed to require the submission of a play space management plan for approval (Condition 26). This would include maintenance provisions.
216. A scheme for public lighting needs to be submitted for approval (Condition 27). This is partly in the interests of the living conditions of nearby residents and partly to avoid light pollution for ecological reasons.
217. Any necessary noise mitigation measures, in line with the principles set out in the Acoustic Survey, need to be submitted for approval in the interests of the amenity of residents. (Condition 28).

218. All the conditions are necessary and relevant and accord with the extant guidance on conditions in Circular 11/95.

Planning obligation

219. A Unilateral Planning Obligation has been completed [21, 25, 28, 29, 53, 54, 62], in discussion with the Council. This provides for:

- 30% affordable housing units on the site, 15% of the development to be for elderly persons (of these there would be a 50:50 split between market and affordable units). This is in line with the Council's emerging draft policy H3 and is reasonable and is agreed by the authority.
- A range of works and payments related to off-site highway proposals. These are discussed in relation to highway considerations above, and directly relate to the scale of the development and the potential highway impact, and the need to encourage the use of sustainable transport modes. A minority of the triggers have not been agreed but, in the light of the TA, the Transport Statement of Common Ground and the evidence, the appellant's trigger points are considered reasonable.
- Primary and secondary level educational contributions. These directly and reasonably relate to the scale of the development. There are certain trigger dates and calculations which are not wholly agreed with the County Council, but overall the Obligation would produce the required amounts at the trigger dates. The Obligation also provides for the identification of a primary school site at an early stage. If the transfer is not called upon, the land is released for development. This is agreed with the County Council and is a reasonable approach.

220. In all respects the terms of the Obligation relate directly to the proposed development and are necessary to make it acceptable in planning terms. The Obligation meets the policy in paragraph 204 of the National Planning Policy Framework and all the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and is a material consideration in this case.

The planning balance and conclusion

221. The housing policies in the development plan are out of date, as accepted by the Council and by virtue of the fact that the authority does not have a five year supply of deliverable housing sites.

222. With this background it is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. (The Council accepts that there are no specific policies in the Framework which indicate that development should be restricted.) National policy should therefore be accorded great weight, especially the presumption in favour of sustainable development, which I consider that this proposal represents.

223. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. In this context the proximity of the site to the Council's strategic employment allocation is an important consideration.

The development would provide additional infrastructure of wider benefit – including highway works, education provision and a foul water pumping station.

224. In terms of the social role of sustainability the development would enhance the local community and provide a substantial amount of much needed market and affordable housing to meet the needs of present and future generations. The quality of the built environment would remain to be assessed at the detailed stage, but based on the Illustrative Masterplan there is no reason to doubt that a high quality built environment could be created. The proposal would rely, and to a limited extent enhance, the accessibility of existing local services – both within Barrow and further afield. The concerns of the Council regarding accessibility are not supported by the balance of the evidence.
225. In relation to the environmental role it is self-evident that the landscape would be changed as a result of the proposal. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the Borough. Good design and the retention of existing vegetation would mitigate this effect to some degree. Of significance is the fact that the site does not benefit from any specific landscape or heritage designation, unlike large areas of the Borough, and the effect on the character of the settlement would be acceptable. Longer views from the AONB would be very limited.
226. The broad location of the site was considered to be capable of delivering sustainable development in the SHLAA (2009) and the emerging CS (2011), particularly in relation to the recognised strategic employment location. The Sustainability Appraisal that reviewed this CS option found development in this general area to be sustainable.
227. The progress of the CS has been slow to date, and its future progress is uncertain, especially given the level of unresolved objections. In any event, the evidence does not support the argument that the proposal would prejudice the development plan process.
228. The lack of a five year supply of deliverable housing land, combined with the historic under supply of housing, is a most important material consideration. To the very limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects – this consideration outweighs the objections and points clearly towards the grant of planning permission.

Recommendation

229. It is recommended that the appeal be allowed and planning permission be granted subject to conditions set out in Annex A to this report.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Barrett of Counsel	Instructed by the Head of Legal Services
He called	
Colin Hirst	Head of Regeneration and Housing Services
BA(Hons) DipPlg DMS MRTPI	
MCIM	
Neil Stevens	Strategic Highways Planning Manager,
BEng(Hons) MSc	Lancashire County Council
Carl Taylor	Director, TPM Landscape
BA(Hons) DipLA CMLI	
Sarah Westwood	Senior Planning Officer
BA(Hons) MA MRTPI	

FOR THE APPELLANT:

James Maurici QC	Instructed by David Lock Associates
He called	
Gareth Davis	Director, Vectos (North) Transport Planning
MSc MCIHT CMILT	Specialists
Brian Denny	Landscape and Environmental Planning Director,
BA(Hons) DipLA CMLI CENV	Pegasus Environmental
MIEMA	
David Lock	Chairman, David Lock Associates
CBE MRTPI	
Stephen Nichol	Managing Director, Regeneris Consulting
MA BA	

INTERESTED PERSONS:

Jackie Copley	Planning Manager, CPRE Lancashire
MRTPI BA(Hons) PgCert	
Margaret Mayor	Resident, Barrow
Robert Eddlestone	Resident, Wiswell
John Bradley	Resident, Wiswell
David Borland	Resident, Barrow
OBE FRICS	
Alan Scholfield	Resident, Wiswell
Chartered Engineer	
Jean Brown	Vice Chairperson, Wiswell Parish Council
David Birtwhistle	Resident, Barrow
Janet Higgins	Resident, Whalley (Save Whalley Action Group)

DOCUMENTS

	Inquiry documents
1	Lists of persons present at the Inquiry
2	Council's letter of notification of the Inquiry and list of persons notified
3	Planning Statement of Common Ground
4	Education Statement of Common Ground
5	Proposed 30 m.p.h Order, Wiswell
6	Appeal decisions related to housing land supply calculations: Groby, Ashby-de-la-Zouch, Markfield (2181080, 2192131, 2180699)
7	Highways Statement of Common Ground
8	Agreed conditions
9	Unilateral Planning Obligation (24 June 2013)
10	Waddington Road, Clitheroe - Statement of Common Ground
11	Waddington Road, Clitheroe – Housing Land Position statement
12	Housing Land Supply Statement of Common Ground
13	Development Management – Housing Figures - report and Minutes (10/10/13)
14	Statement (email dated 16 October 2013) by appellant related to Development Management – Housing Figures – report
15	Statement (email dated 21 October 2013) by Council related to Development Management – Housing Figures – report
16	Core Strategy – Revised Housing Evidence – report 25 June 2013 (with NLP 30 May 2013 report appended)

	Appellant's documents
APP 1	Opening statement
APP 2	Plan of the AONB and 2 km buffer, list of settlements in AONB
APP 3	Draft landscape and visual assessment summary by Penny Bennett (for the Council)
APP 4	Guidelines for Landscape and Visual Assessment (Second and third editions)
APP 5	Barrow Community Action Facebook page
APP 6	Composite plan showing off-site highway proposals
APP 7	Extract from draft Highway SOCG (V10)
APP 8	Representations (5 August 2011) from County Council on CS
APP 9	Representations (7 February 2013) from County Council on Mitton Road proposal
APP 10	Note of meeting (11 October 2011) between David Lock and Council
APP 11	Email (23 December 2011) from Ms Westwood to David Lock
APP 12	Email (29 May 2013) regarding survey of footpaths
APP 13	Undated letter from David Lock to Planning Inspectorate regarding Site 2 Barrow Brook Business Village
APP 14	Report related to Old Row, Barrow
APP 15	Closing Submissions
APP 16	Evidence of Gareth Davis (Proof, Appendices A – M, Rebuttal, Rebuttal Appendices A - C)
APP 17	Evidence of Brian Denny (Proof, Appendices 1 – 2)

APP 18	Evidence of David Lock (Proof, Appendices 1 – 4)
APP 19	Evidence of Stephen Nichol (Proof, Appendix A, Rebuttal, Rebuttal Appendices A – C, updated Table 4-1A)
APP 20	Appellant's note on completed S106 Obligation
APP 21	Further Closing Submissions related to housing land supply

	Council's documents
LPA 1	Opening statement
LPA 2	Phasing plan, Henthorn Road development
LPA 3	Revised Housing Land Supply calculations
LPA 4	Living and Working in Barrow consultation (2007)
LPA 5	LDF timetable report (23 May 2013)
LPA 6	Documentation relating to the appointment of Mr Hirst
LPA 7	Closing Submissions
LPA 8	Evidence of Colin Hirst (Proof, Appendices 1 – 28, Supplementary Statement on Planning, Appendices 1 – 2 to Supplementary Statement on Planning, Supplementary Statement on Housing Land Supply, Appendix to Supplementary Statement on Housing Land Supply)
LPA 9	Evidence of Neil Stevens (Proof, Appendices 1 – 3, Rebuttal, Rebuttal Appendices 1 – 6)
LPA 10	Evidence of Carl Taylor (Proof, Methodology Appendices, Viewpoint Appendices)
LPA 11	Evidence of Sarah Westwood (Proof, Rebuttal)
LPA 12	Further Closing Submissions related to housing land supply

	Third party documents (Read at the Inquiry unless asterisked)
T 1	Statement by CPRE Lancashire
T 2	Statement by Mrs Mayor
T 3	Statement by Mr Eddleston
T 4	Statement and photographs by Mr Bradley
T 5	Statement by Mr Scholfield
T 6	Statement by Mrs Mayor
T 7	Statement by Mr Bradley
T 8	Statement by Mr Birtwhistle*
T 9	Statement by Mr Abbott for Standen Estate*
T 10	Statement by Mr Birtwhistle
T 11	Letter from Nigel Evans MP*
T 12	Traffic evidence of Ms Higgins
T 13	Statement by Mr Borland
T 14	Statement by Mrs Higgins
T 15	Statement by Mrs Brown
T 16	Further statement by Mrs Mayor

	Core Documents
	Volume 1
CD1	RVBC Draft Core Strategy 2008 – 2028
CD2	RVBC Statement of Case
CD3	National Planning Policy Framework
CD4	Statement of Common Ground (Transport) - Draft

CD5	Statement of Common Ground (Planning) - Draft
CD6	Statement of Common Ground (Education) – Final
CD7	S106 Obligation
CD8	Wiswell and Barrow Housing Needs Survey 2011
CD9	Barrow Enterprise Park 6 hectares RVBC Committee report 0346
CD10	Barrow Enterprise Park 3 hectares RVBC Committee report 0739
CD11	Ribble Valley Districtwide Local Plan
CD12	Committee report/minutes/ request by Wiswell Parish 20/11/12
CD13	Barrow Brook Business Village Site 2 appeal decision APP/T2350/A/12/2176977
CD14	Parameter plans submitted with the application
CD15	DLA to RVBC EIA Screening request
CD16	Further letters to RVBC from DLA (EIA Screening request)
CD17	RVBC EIA Screening Opinion
CD18	Request to SoS for Screening Direction by DLA Letter and Appendix
CD19	Letter of complaint DLA to SoS re delay with Screening Direction
CD20	Screening Direction letter from SoS
CD21	Nick Boles MP Letter to DLA
	Volume 2
CD22	Town and Country Planning (EIA) Regulations 2011
CD23	DLA Landscape and Visual Assessment Report
CD24	Consultation responses (RVBC statutory consultees)
CD25	DCLG Circular 3/2009 Cost Awards in Proceedings
CD26	RVBC letter to applicant - new 13 week determination date 16/11/12
CD27	DLA letter to RVBC 20th November 2012
CD28	RVBC Proposed Changes to Draft Core Strategy (Regulation 19)
CD29	Emails from RVBC to DLA 11th and 18th December 2012
CD30	CLG Planning Guarantee Monitoring Report Sep 2012
CD31	Planning Inspectorate's Statistical Report 2011-12
CD32	Local Newspaper Reports and DLA Review of 3rd Party Comments
CD33	No Place to Call Home IPPR document (Dec 2012)
CD34	RVBC A2 (3/2013/0099) application validation letter
CD35	Henthorn Road appeal decision (APP/T2350/A/11/2161186)
CD36	RVBC 14 th February Committee Report (putative reasons for refusal)
CD37	Minutes of the 14th February 2013 Planning and Development Committee
CD38	RVBC Annual Monitoring Report 2006 (extract)
CD39	NLP Ribble Valley Headroom Housing Requirement Report 2011
CD40	Officers' report on housing need for the 2nd February 2012 RVBC Special P&D Committee and Minutes of Committee meeting
CD41	RVBC SHLAA 2009
CD42	RVBC SHMA 2008
CD43	Addressing Housing Need in Ribble Valley June 2011
CD44	Pennine Lancashire Housing Strategy 2009-2029
CD45	Shelter Research on affordable housing supply in Ribble Valley
CD46	RVBC Annual Monitoring Report 2011
	Volume 3
CD47	RVBC Housing Land Availability (to 31st Dec 2012)
CD48	RVBC Generation of Alternative Development Strategy Options (June 2011)

CD49	Hyder Sustainability Appraisal for Core Strategy
CD50	Hyder Sustainability Appraisal - European Sites Plan
CD51	Hyder Sustainability Appraisal – Habitats Regulations Assessment
CD52	Hyder Sustainability Appraisal – SA Report Addendum
CD53	Hyder Sustainability Appraisal Non Technical Summary
CD54	BLCL Representations on the Draft Core Strategy July 2012
CD55	CLG Planning Performance and the Planning Guarantee Consultation
CD56	The Plan for Growth 2011 (Executive Summary and pages 43 - 50)
CD57	Planning for Growth Ministerial Statement
CD58	Andover appeal decision (APP/X3025/A/10/2140962)
CD59	Binhamy Farm appeal decision (APP/D0840/A/09/2115945)
	Volume 4
CD60	Chief Planner's Letter 31st March 2011
CD61	'Laying the Foundations' Government document November 2011
CD62	The Planning System General Principles document (2005)
CD63	Sellars Farm appeal decision (APP/C1625/A/11/2165865)
CD64	Tetbury appeal decision (APP/F1610/A/11/2165778)
CD65	Harlow appeal decision (APP/N/1540/A/11/2167480)
CD66	Tewkesbury High Court decision (CO/10438/2012)
CD67	Congleton Cheshire High Court decision (CO/102732/2012)
CD68	RSS Relevant Policies extracts
CD69	Saved Ribble Valley Local Plan Policy list
CD70	Inspector's letter to RVBC re Core Strategy - 23rd November 2012
CD71	Inspector's letter to RVBC re Suspension of CS examination - 9th January 2013
CD72	Minutes of the Core Strategy Working Group 13th Feb, 27th Feb, 13th March, 20th March 2013
CD73	Council report to Committee on Draft Core Strategy - 16 th August 2012
CD74	Core Strategy Summary of Responses – Committee Report of 11th April 2013
CD75	Council Report March 2012 – Objections by CRAG to Core Strategy
CD76	Inspector's letter to RVBC re Core Strategy - 15th October 2012
CD77	Committee report on progress with the preparation of the Housing and Economic Development DPD
CD78	Whiteacre Lane application 3/2011/0776 – 12th April 2012 Committee Report
CD79	Letters in support of self build submitted with application 3/2012/0630
CD80	8th November 2012 Committee Report (App 3/2012/0617/P) regarding proposal at Clitheroe Road, Barrow
CD81	Stephen Nicol, Proof of Evidence on Henthorn Road Appeal, December 2011 Appeal by Gladman Developments, Site at Land off Henthorn Road, Clitheroe, Lancashire (APP/T2350/A/11/2161186)
CD82	Inspector's Report, 24th August 2012, Honeybourne, Worcestershire (APP/H1840/A/12/2171339)
CD83	Department for Communities and Local Government, Strategic Housing Market Assessments Practice Guidance, Version 2, August 2007 (extract)
CD84	Office for Budgetary Responsibility (OBR), Economic and Fiscal Outlook, March 2013 (extract)
CD85	NJL Consulting, Ribble Valley BC: 5 year Housing Land Supply Analysis,

	December 2012
	Volume 5
CD86	BE Group, Employment Land Study for Ribble Valley (2008)
CD87	RVBC, Employment Land Position Statement, 2011
CD88	Homelands Farm, Bishops Cleeve SoS appeal decision on APP/G1630/A/11/2146206 and APP/G1630/A/11/2148635
CD89	Shottery, Stratford upon Avon appeal decision (APP/J3720/A/11/2163206)
CD90	RVBC Housing Land Availability Schedule April 2013
CD91	DLA letters (x2) to RVBC re A2 (3/2013/0630) seeking a positive determination
CD92	Council of Europe: European Landscape Convention (2000)
CD93	Extracts from - Countryside Character: Volume 2 North West – Countryside Agency, now Natural England (2005) - Joint Character Area (JCA) 33 'Bowland Fringe and Pendle Hill' and JCA 35 'Lancashire Valleys'
CD94	A Landscape Strategy for Lancashire: Landscape Character Assessment' – Lancashire County Council (2000)
CD95	Burgess Farm, Worsley, Manchester appeal decision (APP/U4230/A/11/2157433)
CD96	Cheshire, Sandbach High Court Judgement (CO/322/2013)
CD97	Consultation responses on Standen planning application (3/2012/0942)

Annex A – Recommended conditions

General

1. No part of the development hereby permitted shall be commenced on any parcel (as referred to in Condition 5) until full details of the layout, scale and appearance of the buildings and landscaping within that parcel (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details shall include: the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or land form and the types and details of all fencing and screening. The development shall not be carried out otherwise than in accordance with the approved details.

In relation to ecology, any submission of reserved matters shall incorporate the recommendations of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as summarised in Figure 5 (Ecological Constraints, Recommendations and Opportunities Map).

2. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No more than 504 dwellings shall be developed on the application site edged red on the submitted Site Boundary Plan (Drawing No. PP9), and the vehicular and pedestrian accesses to the site shall be constructed in accordance with the details shown on the following submitted plans:
 - Northern access point Drawing no. VN20066-05-D
 - Central mini roundabout junction Drawing no. VN20066-06-D
 - Southern access point Drawing no. VN20066-07-C

Each site access shall be constructed to base level prior to the first occupation of any dwelling within the parcel of the development served by the access and completed in accordance with the timetable to be approved pursuant to Condition 14 of this permission.

Phasing

5. Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping and Levels

6. All landscaping schemes approved (pursuant to Condition 1 of this permission) for each parcel of development (as approved under Condition 5 of this permission) shall be fully implemented in the first complete planting and seeding season following the first occupation of the dwellings within that parcel. Any trees or plants which, within a period of five years from completion of the relevant parcel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Applications for the approval of reserved matters (as required by Condition 1 of this permission) shall include details of existing and proposed site levels and the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

Design

8. Prior to the submission of any reserved matters within a phase or parcel (as approved under Condition 5) a Masterplan and Design Code for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall substantially accord with the Design and Access Statement submitted with the application. The design code shall address the following matters:
 - Architectural and sustainable construction principles.
 - Character areas.
 - Lifetime homes standards.
 - Street types and street materials.
 - Development block types and principles.
 - Pedestrian and cycle links.
 - Boundary treatments.
 - Building types and uses.
 - Building heights.
 - Building materials.
 - Sustainable drainage systems.

- Public open spaces.
- Parking and manoeuvring arrangements for vehicles.

Applications for approval of reserved matters within a phase shall thereafter be in accordance with the approved Masterplan and Design Code for that phase.

9. Notwithstanding the details shown on the submitted Parameter Plans and referred to in the Design and Access Statement, no dwelling in excess of 10 metres in height (as measured from ground level to the ridge of any dwelling) shall be constructed within 40 metres of the eastern site boundary of the site (Whalley Road), as edged red on the submitted Site Boundary Plan (Drawing No. PP9).

Drainage

10. Prior to the commencement of any development, a Drainage Strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to and approved in writing by the Local Planning Authority. This Drainage Strategy shall include details of all necessary drainage infrastructure including details of all discharge points from the development and any pumping stations or other bespoke features. The Drainage Strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year return period critical storm including climate change allowance will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Thereafter the detailed schemes for foul and surface water drainage submitted as part of Conditions 11 & 12 for development within each phase (as approved by Condition No. 5) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Drainage Strategy approved under this condition.
11. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), the details of a scheme for surface water drainage and means of disposal for that phase, based on the Drainage Strategy approved pursuant to Condition 10 of this permission, evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, the Flood Risk Assessment submitted by Rutter Johnson dated May 2012 (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted application and Flood Risk Assessment. The scheme shall be implemented prior to completion of the first dwelling within that phase of the development and maintained and managed in accordance with the approved details at all times thereafter.
12. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), details of the foul drainage scheme for that phase, which shall be based on the Drainage Strategy approved pursuant to Condition

10 of this permission and shall include any necessary infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented prior to completion of the first dwelling within that phase of development and maintained and managed in accordance with the approved details at all times thereafter.

13. Not more than 150 dwellings approved by this permission shall be occupied until the United Utilities plc capacity improvement of the Whalley Waste Water Treatment Works (WWTW) has either:

- been completed in full; or
- a scheme demonstrating that foul flows to Whalley WWTW will not be increased as a result of the development or phase of development hereby permitted before the improvement work at Whalley WWTW has been completed has been submitted to and approved in writing by the Local Planning Authority.

Any foul drainage scheme approved in advance of the capacity improvement work at Whalley WWTW being completed shall be constructed in accordance with the approved details.

Highways/Transport

14. No development approved by this permission shall commence within a phase until a detailed scheme (including a timetable for implementation and completion) for the construction of the relevant site access(es) and any temporary construction arrangements including pedestrian facilities to serve that phase and the associated off-site highway improvements to directly serve that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for the off-site highway improvements shall be in accordance with the details agreed in the Statement of Common Ground for highway/transportation matters agreed between Vectos and Lancashire County Council (as local highway authority) and as set out in the Unilateral Undertaking related to this permission. The scheme shall be implemented in accordance with the approved details and timetable.

15. The new estate roads within any phase (as approved under Condition 5) of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences within that phase. The estate roads shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

16. Prior to the occupation of the first dwelling within any phase (as approved under Condition 5) a Travel Plan, based upon the submitted Framework Travel Plan, to improve accessibility by sustainable modes for residents of dwellings within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- The appointment of a named Travel Plan Co-ordinator.
- Details of measures to encourage sustainable travel patterns.
- A scheme for the management and implementation of the Travel Plan.
- Targets for modal shift.
- A strategy for marketing and proposed incentives.
- Arrangements for monitoring and review.

The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan for development within that phase for a period of time not less than 5 years following completion of the final parcel of development in that phase (as approved under Condition 5).

Construction

17. No development approved by this permission shall commence within a phase until a Construction Method Statement/Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Plan shall incorporate the recommendations of the Acoustic Survey and Assessment (Section 5) and results of the Air Quality Assessment (Section 4) dated July 2012 produced by Martin Environmental Solutions submitted in support of the application and shall be adhered to throughout the construction period. The Statement shall provide for:

- The routing of heavy (HGV) construction vehicles via the A59/A671 and Whalley Road, Barrow.
- Parking of vehicles of site operatives and visitors within the site.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- A management plan to control the emission of dust and dirt during construction, identifying suitable mitigation measures.
- A scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site).
- A scheme to control noise during the construction phase.
- Details of lighting to be used during the construction period, which should be directional and screened wherever possible.

- 18.No heavy goods vehicles (exceeding a gross vehicle weight of 7.5T) shall enter or leave the site, as edged in red on the submitted Site Boundary Plan (Drawing No. PP9), in connection with the construction of the development hereby permitted between the hours of 0830 and 0930, and 1500 and 1600 hours, Monday to Friday inclusive except during school holidays.

Energy/Sustainability

- 19.Before development begins within any phase (as approved under Condition 5) a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development within that phase from renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.
- 20.The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued certifying that Code Level 3 has been achieved.

Biodiversity/Tree Protection

- 21.Tree felling/vegetation clearance works, or other works that may affect nesting birds (including buildings or other suitable breeding bird habitat which are to be removed as part of the proposals) within a phase shall not take place between March and August inclusive or in accordance with the requirements of paragraph 5.5.8 of the Ecological Survey and Assessment prepared by ERAP Limited dated May 2010 and updated May 2012 as it relates to the cattle shed on the site. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds (with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority before such works are undertaken. Works shall be carried out in accordance with the risk assessment/mitigation/compensation strategy so approved.
- 22.No site clearance, site preparation or development work shall take place within a phase until a Landscape/Habitat Management Plan to include long-term design objectives, timing of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) within that phase has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include (but not be limited to) details of the treatment of the Biological Heritage Site located outside the red-lined site as shown on the submitted Site Boundary Plan (as set out in Paragraph 5.7.14 (iii) of Ecological Survey and Assessment report), the retained woodland, trees and tree lines, hedgerows and other areas of public open space. The Landscape Management Plan shall be informed by the Ecological Survey and Assessment report (May 2010/Updated May 2012) prepared by ERAP Limited. The Landscape Management Plan shall be carried out as approved.

23. Appropriate working methods shall be adopted at all times during the construction of the development hereby permitted to prevent the spread of Himalayan Balsam.

24. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the submitted Preliminary Arboricultural Impact Assessment prepared by Bowland Tree Consultancy Limited (dated June 2012); and the conditions relating to tree work and replacement planting shall have effect until the expiration of 5 years from completion of the final phase of development:

- Before the development begins within any phase (as approved under Condition 5), including any site preparation works, the delivery of materials or any excavations within that phase, all trees and hedgerows identified for retention in the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd in that phase shall be protected in accordance with British Standard 5837 2012 (Trees in Relation to Demolition, Construction and Design) the details of which shall be agreed in writing by the Local Planning Authority and implemented in full. An Arboricultural Method Statement, Tree Protection Plan and Tree Protection Monitoring Schedule shall also be submitted to and approved in writing by the Local Planning Authority and the tree protection measures shall be inspected by the Local Planning Authority before the site works are begun within that phase.
- The root protection zone shall be agreed in writing by the Local Planning Authority before the development begins in that phase and the agreed tree protection measures shall remain in place until all the approved works have been completed within that phase and all excess materials have been removed from the site including soil/spoil and rubble.
- During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.
- No disturbance, pruning or other arboricultural works to any Category 2a or 2b tree identified within Figure 4 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as supporting features with either current or potential future potential for use by roosting bats shall take place within a phase until a detailed investigation by a qualified and licensed ecologist has taken place. The results of any investigation including details of any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority before any tree works take place in that phase.
- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - The development shall be carried out in full compliance with the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd unless the Local Planning Authority agrees in writing to any variations to the requirements of the assessment.
25. No development shall take place within any phase (as approved under Condition 5) until details of the provisions to be made for bat roosts on suitable plots and building elevations within that phase in accordance with paragraphs 5.7.27- 5.7.29 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 and details of artificial bird (species) nesting sites/boxes on suitable plots and building elevations within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the development in that phase is first brought into use.

Play Space

26. Prior to commencement of development within any phase (as approved under Condition 5) a play space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play areas within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The play space management plan shall also provide precise details of all play equipment in that phase and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use within that phase. The play space management plan shall be carried out in accordance with the details so approved.

Lighting

27. Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for artificial public street/road/footway lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (boundary vegetation of the site and the significant bat commuting route identified across the centre of the site) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

Noise

28. Prior to commencement of development within any phase of development (as approved under Condition 5) a scheme of noise mitigation measures for that phase adhering to the principles laid out in Section 6 of the Acoustic Survey and Assessment dated July 2012 produced by Martin Environmental Solutions and submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority. The measures so identified shall be

incorporated into the construction of the development within that phase and thereafter retained.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.