



Appeal Decision

Inquiry opened and adjourned on 23 August 2016 and sat between 31 January and 2 February 2017

Site visit made on 1 February 2017

by D R Cullingford BA MPhil MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/U2370/A/16/3142267

Land to the west of the A6 (Preston – Lancaster New Road) bounded by Nateby Crossing Lane and Croston Barn Lane, at Nateby, Garstang, Lancashire PR3 1DY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is by J Chippendale Limited against the decision of the Wyre Borough Council.
- The application (ref: 14/00458/OULMAJ dated 29 May 2014) was refused by notice dated 6 November 2015.
- The development proposed is described as an outline application for 'the erection of up to 270 dwellings, 4.68ha of land for employment (B1 and B8) uses, convenience store (up to 375m² sales area) and coffee shop (up to 235m² sales area)'.

Summary of Decision: ~ The appeal is allowed, subject to conditions.

Procedural matters

1. The Inquiry was opened and adjourned on 23 August 2016 owing to a failure to notify local people and post a site notice following some doubt, at the time, that the Inquiry would proceed as planned. In the event proceedings reconvened on 31 January 2017.
2. The formal description of the development proposed refers to B1 and B8 uses. However, the actual scheme entails offices (in Use Class B1(a)) and units for light industrial enterprises (in Use Class B1(c)); this is reflected in a suggested condition and it is confirmed in the submitted proofs of evidence.
3. Although this 'urban development project' falls within the descriptions set out at paragraph 10b of Schedule 2, exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, the Screening Opinion issued by the Council on 24 March 2015 indicated that the scheme would not entail development in a 'sensitive' area and would be unlikely to have any significant environmental effect, bearing in mind the criteria set in Schedule 3 to the Regulations and the advice in the National Planning Policy Guidance. I agree. Consequently the scheme is not EIA development and an Environmental Statement is not required. Nevertheless, the application was accompanied not just by a:
 - A Planning Statement, and
 - A Design and Access Statement,

But also by:

- Retail sequential assessment,
- Heritage assessment,
- Tree survey,
- Agricultural land classification assessment,
- Ground gas risk assessment,
- Ground investigation report,
- Preliminary noise assessment,
- Road safety audit,
- Transport assessment,
- Framework travel plan,
- Ecological appraisal,
- Flood risk and drainage strategy,
- Air quality assessment,
- Heritage Statement,
- Ecology Survey (including Great Crested Newt and Bat Surveys).

Reasons

The site and surroundings

4. Garstang is a modest but ancient market town. Its attractive High Street runs above the banks of the River Wyre through the Conservation Area and past the market cross to continue southwards over the River and the Lancaster Canal as the B6430. This was once part of the A6 trunk road between London and Carlisle with the town standing about half way between Preston and Lancaster. But, in the mid-1920s a new section of carriageway was built about 1km to the west of the High Street to by-pass the town and, by connecting to a series of existing roads (sometimes improved), formed the Preston to Lancaster New Road. This is now part of the de-trunked A6 between Luton and Carlisle, here (and often elsewhere in the vicinity) subject to a 50mph speed limit and, although largely straight, limited by noticeable 'summits' at the bridge over the Lancaster Canal (to the south of the site) and across the track bed of the old and mainly unprofitable Garstang to Knott End railway (roughly in the middle of the site).
5. The appeal site lies to the west of the A6. It is a triangular and largely flat expanse of grazing land divided into about half a dozen fields by hedges, sometimes adorned with attractive trees (mainly oak or ash along the northern and western hedgerows) subject to a TPO. A wetter corner of the site harbours the source of the Ainspool, a tributary of the River Wyre. The site extends to about 15.6ha and is open to the A6. More rural roads lie to the north and west. Croston Barn Lane forms the northern boundary, on which there is a 'wood yard', a substantial farmstead and lairage business and one or two attractive stone dwellings: Nateby Crossing Lane is the western boundary and provides access to 2 substantial marinas and 'holiday parks' (one belonging to the appellants) associated with the Lancaster Canal: a short section of the canal itself forms the southern boundary, with a narrow humped-back bridge (Cathouse Bridge – a grade II Listed Building) carrying Nateby Crossing Lane over the canal. The bed of the old railway crosses the site and the line can be traced between the marinas (to the west) and through the Garstang estates (to the east); the bridge that took the line beneath the A6 has been filled in, although the pronounced vertical alignment of the road remains. The past function of the trunk road is evident in the complete absence of any direct

connection between the A6 and the suburban estates that spread westwards from the centre of Garstang; indeed, the adjacent bungalows and culs-de-sac are largely screened behind thick hedges and foliage. Connections into the town are either via Croston Road and Green Lane West at the 6-arm traffic-light controlled junction roughly at the north eastern corner of the site (Cockerham Road and Croston Barn Lane being the other arms, apart from the A6) or via Moss Lane at the awkward crossroads with Longmoor Lane and the A6 just to the south of the canal bridge at the south eastern corner of the site.

6. The A6 connects to the M6 at junction 33 near Galgate (roughly 8km to the north of the appeal site) and at junction 32 via junction 1 on the M55 near Broughton, about 12km to the south. It is part of a noticeably sparse network of 'A' roads across this part of the Borough with fairly limited connections to the motorway network. Yet, although the A6 functions rather like a by-pass beside the appeal site, it is enclosed by development to both the north and south. To the north, a garage, an hotel and commercial and industrial enterprises stand either side of the carriageway with an expanse of residential chalets extending across the flat landscape to the north and west. To the south, commercial concerns line the roadside from the Bellflower Public House to Bradshaw's Farm Shop interspersed with dwellings beside Parkside Lane and Nateby Crossing Lane; there is also an extensive 'builder's merchants and tool hire' business beside the junction of the latter with Longmoor Lane.
7. Garstang is an important social and economic focus in this part of the Borough, in spite of being by-passed by both the west coast mainline and the M6. Apart from the High Street, the town accommodates supermarkets (Booths, Aldi and Sainsbury's), banks, building societies, libraries, schools, clubs, pubs and restaurants, churches and chapels, sport and leisure facilities and medical services. It was designated as a 'key service centre' in the 'preferred options' version of the Core Strategy (2012), now no longer pursued in favour of progressing a 'complete' Local Plan currently only evident as an Issues and Options document (2015). Garstang is the only 'key service centre' in the Wyre hinterland away from the coastal areas and it is denoted as a 'main rural settlement' in the adopted Local Plan. It is thus a relatively sustainable place.

The proposal

8. The proposal is made in outline with all matters except the means of access reserved for subsequent approval.
9. The access arrangements entail the provision 2 major-minor priority 'T'-junctions on the A6 with central ghost islands for right turning traffic off the A6 and with a filter lane for right turning traffic out of each junction. One junction would be located to the north and one to the south of the old railway track bed across the centre of the site. The northern access would lie between a rise in the main road (over the old railway) and the 6-arm traffic-light controlled junction between the A6 and Croston Road, Croston Barn Lane, Cockerham Road and Green Lane West. It is shown on the illustrative Masterplan as serving the employment and commercial uses proposed namely, the modest convenience store, coffee shop, offices and light industrial (rather than B8) units. An agreed condition is intended to limit the employment floor-space to no more than 16,400m² (gross) of which no more than 35% is to be 'offices'.
10. The southern access would lie between the same rise in the main road (over the old railway) and the 'hump' in its vertical alignment over the Lancashire Canal,

to the south. This access is shown as serving the bulk (perhaps $\frac{2}{3}$) of the 270 dwellings proposed and also providing a link across the site to Nateby Crossing Lane, ending there in a simple 'T' junction. There are 2 further 'T' junctions shown on Nateby Crossing Lane both located to the north of the old railway line; the most northerly is indicated to serve an enclave of low density housing while that just to the south is shown as serving an enclave of mixed density dwellings beside an area of play space. The intention is to provide 30% of the units (81 dwellings) as affordable homes, in accordance with Core Strategy policy CS21 and an agreed condition would secure that provision.

11. The illustrative Masterplan also shows combined footway and cycle paths running north-south and east-west through the site, including along the old railway line through to the existing estates beside Derbyshire Avenue to the east of the A6. The intention is that a new underpass would provide a pedestrian path and cycleway under the A6 amidst a swathe of landscaping connecting to the facilities in the town and to the town centre. In all about 1.8ha (almost 12% of the site) is shown as landscaped public open space, footpaths or cycleways with a 'linear park' and a formal childrens' play area, providing a link along the historic railway line between Garstang Town Centre and the marinas to the west; an appropriate condition is suggested.
12. A signed and dated section 106 Agreement with the County Council provides for contributions to meet appropriate provisions for education and transport in connection with the scheme. The education contribution is intended to provide the primary and secondary school places required at Garstang Community Primary School and Garstang Community Academy based on a formula relating to the phasing of the development and the number and size of the dwellings that might eventually be built. The formula is updated annually, but the current (May 2016) figures indicate that primary and secondary school places cost £13,474.53 and £20,303.59, respectively. Of course, the final contribution would depend not just on the number of additional places actually required, but also (as the Agreement indicates) on the willingness of governing bodies to expand, the outcome of local consultations, the suitability of any site and the availability of other funding streams. It is explained that the two schools identified here are those nearest to the appeal site and that such identification is necessary to comply with the CIL pooling regulations. It is also explained, and I agree, that these contributions comply with the CIL regulations in all respects.
13. The transport contribution relates to infrastructure improvements in the A6 corridor and public transport enhancements to serve the site. The infrastructure improvements all relate to 6 initiatives devised by the County Council (as Highway Authority) intended to accommodate the traffic generated by this and other major developments (at Joe Lane and Daniel Fold Lane in Catterall) with the costs apportioned between the schemes under the provisions of 'section 278' or 'section 106', the latter being devised to comply with the pooling restriction of CIL Regulation 123. Initiatives (5 and 6) include the provision of additional lanes on the east and west bound slip roads at junction 1 of the M55, estimated to cost £750,000 and to which the appeal scheme would contribute £250,000: initiative 4 entails improvements to the junction between the A6 and A568 involving some reconfiguration, full signalisation (including pedestrian and cycle phases) together with gateway, safety and speed reduction measures estimated to cost some £500,000, of which the appeal scheme would provide £150,000: initiative 1 is a series of measures identified

as the 'A6 Barton to Garstang sustainable transport strategy' involving the provision of cycle lanes, islands and refuges, gateway features, red 'textureflex' surfacing, signage rationalisation, a possible reduction in speed limits to 40 or 30mph and a review of (and improvement to) bus stops, for which only a small contribution is sought from the appeal scheme of £20,000, since works under section 278 (of which more below) would deliver the improvements planned through initiatives 2 and 3. The Agreement would thus contribute £420,000 towards the infrastructure improvements sought within the A6 corridor. It is explained, and I agree, that these contributions would comply with the CIL Regulations.

14. The main public transport enhancement to serve the site is intended to be the provision of a shuttle bus service traversing the site via the proposed link road and serving Garstang Health Centre, the Primary School on Kepple Lane, the town centre and the shops on Croston Road. Although funding would normally be required for 5 years, it is considered that this 'mixed use' site could provide some commercial opportunities for bus operators, so annual contributions of £120,000 are only sought for 2.5 years, amounting to £300,000. In addition, a sum of £18,000 is sought to fund support, guidance and monitoring by the County Council of the 'travel plan', to be prepared and implemented under the terms of an agreed condition and intended to encourage the use of sustainable transport modes. Again, it is explained, and I agree, that these contributions would comply with the CIL Regulations.
15. Crucial measures are also to be provided under section 278 of the Highways Act. By this means, the public transport enhancements would also include the provision of 'quality bus' services in the form of new shelters and bus stops together with bus laybys on both sides of the link road proposed through the residential part of the site. And, the infrastructure improvements in the A6 corridor required to deliver Highway Authority initiatives 2 and 3 are also intended to be provided by the same mechanism. Initiative 2 entails the improvement of the 6-arm signalised junction at Croston Barn Lane, Green Lane West, Croston Road and Cockerham Road by providing an additional toucan pedestrian crossing facility, MOVA operation (microprocessor optimised vehicle actuation) and some consequent reconfiguration of the junction. Initiative 3 entails improvements to the Moss Lane and Longmoor Lane crossroads involving provisions for pedestrians and cyclists and other safety measures.
16. Apart from the conditions already referred to limiting the employment floor-space, securing the provision of 30% of the units as affordable homes, preparing a 'travel plan' and a scheme to retain and maintain the provision of public open space, other conditions are intended to ensure that the scheme would be implemented as intended. The main ones require that no more than 270 dwellings would be erected: that surface water run-off from the site would not exceed pre-development rates, allow for climate change and accommodate 1:100 year events: that a scheme for the management and maintenance of the drainage arrangements over the lifetime of the development would be prepared and implemented: that the reserved matters and other details would be submitted to the Local Planning Authority for approval: that foul and surface water drainage systems would be installed and controlled: that a Construction Management Plan (including hours of operation) would be devised and implemented: that a Landscape and Habitat Creation and Management Plan would be prepared and undertaken: that a method statement for the protection

of trees and hedgerows would be submitted for approval: and, that the access arrangements would be completed, including the 'green link' beneath the A6.

Planning policy and the main issues

17. The Development Plan currently consists of the 'saved' policies in the Wyre Borough Local Plan (1991-2006) adopted in 1999. The only 'saved' policy cited in the one reason for refusal is policy SP14 (dealing with 'standards of design and amenity') and the only sections of that policy relevant to that reason for refusal (namely, that the scheme would have a detrimental impact on highway safety due to increased traffic from the 2 dangerously positioned access points), must relate to the requirements to provide satisfactory access arrangements (clause D) and to prevent any adverse impact on the local environs or the local highway network (clause E).
18. A new Local Plan is emerging. As yet, however, only the 'first step' has been taken with the publication of an Issues and Options document in 2015; the envisaged date for the publication of the draft Plan had been December 2016, but that has not occurred, so that the adoption anticipated for early 2018 must now be doubtful. Nevertheless, a great deal of work has been done in publishing the now abandoned 'preferred option' for the Core Strategy in 2012, although that document was designed only to meet housing requirements derived from the revoked RSS; the emerging housing need from the SHMA, and its addendums (the latest in February 2016), implies that the new Local Plan may have to accommodate more than double the number of dwellings previously required. Not surprisingly, and in spite of significant increases in the number of recent permissions granted, the Council cannot demonstrate a 5-year supply of developable housing sites. The latest assessment indicates provision for 4 years, although it is actually a little less since the 'backlog' is not treated as part of the 'requirement' and thus not subject (in this case) to a '5% buffer for choice'. That is wrong. The 'backlog' is simply part of the 'requirement' that has hitherto not been met.
19. In those circumstances, paragraphs 49 and 14 of the Framework (NPPF) are engaged. These indicate that 'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites' and hence that the presumption in favour of sustainable development should be interpreted to mean that permission should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. Even so, not all policies that might influence the supply of housing deal solely with housing supply. One example is 'saved' policy SP13, which seeks to protect the countryside beyond settlements by preventing all but certain prescribed forms of development there. The appeal site is denoted as 'countryside' on the Proposals Map and it is agreed that the proposal would contravene the requirements of policy SP13. Although this is not an objection pursued by the Council, it is a concern raised by many local people. Moreover, although elements of the Plan may not be up-to-date, following the judgement in *Suffolk Coastal District Council v Hopkins Homes Limited and SoS and Richborough Estates Partnership LLP v Cheshire East Borough Council and SoS*, it is clear that even if a policy is rendered 'out-of-date' by the Framework, it should not necessarily be discarded or disregarded; the statutory requirements, both to have regard to the Development Plan and to make decisions in

accordance with it unless material considerations indicate otherwise, remain. Hence, the task here is to set those statutory requirements against the other material considerations that apply in order to arrive at an appropriate balance in favour or against the scheme, always bearing in mind that the advice in the Framework is itself an important material consideration.

20. It seems to me that the emerging Plan, the current versions of documents that form part of its evidence base and extant planning permissions for schemes in the A6 corridor amount to relevant material considerations that largely support the scheme. The Council are currently intending that the emerging Local Plan should deliver more than double the previous number of dwellings required annually over the next dozen years or so. To that end they have already granted planning permission for some 550 dwellings in the A6 corridor at Kepple Lane in Garston, Joe Lane and Daniel Fold Farm in Catterall and Avonhurst in Barton. But, as the latest 'Housing Land Position Paper' and the current shortfall in the 5-year supply of housing land testify, further development is likely to be required. There are pending applications, excluding the appeal scheme, for a further 550 dwellings or so in the A6 corridor at Gubberford Lane just to the north of Garstang, at 3 sites in Bowgreave, at Daniel Fold Farm II in Catterall and at 2 sites in Barton. Many of those sites, including the appeal site, are identified as potential housing sites in the SHLAA and in the currently embryonic version of the emerging Local Plan. Moreover, Garstang is explicitly identified as one of the principal foci for housing development in 2 of the 3 options considered in the Issues and Options version of the emerging Local Plan and, by implication, all 3, since the town is expected to accommodate a similar level of development in the 'dispersed' option as in option 1 (development focussed on the Fylde Coast and main urban areas). Such a pattern of development reflects the designation of the place as the only 'key service centre' away from the coastal areas in the Core Strategy and as a 'main rural settlement' in the adopted Local Plan. It follows that the appeal proposal would not only contribute to the need for additional housing here, but also do so in a way that would chime with the emerging Local Plan and the aim of the Framework to foster 'sustainable' development.
21. There never has been any formal objection from Highways England (the Highways Agency, as it then was) or from Lancashire County Council (the Highway Authority) to the appeal scheme, albeit that the proposal was initially assessed 'in isolation'. However, a decision on a very similar 'resubmitted' scheme, with access to the site from the A6 via a single roundabout rather than via 2 'T' junctions, was prevented because Highways England (and the Highway Authority) raised concerns relating to the cumulative impact of traffic from this and some of the other developments then expected to affect the A6 corridor. The Council and the appellants now agree that, for the purposes of this Inquiry, cumulative traffic impact within the A6 corridor is not relevant. This is partly because, unlike the permitted schemes, the pending applications (including the appeal scheme) are neither approved nor on sites that are yet allocated in any formal way and partly because Highways England and the Highway Authority have devised a series of works to address the anticipated shortfall in highway capacity, entailing a series of highway improvements in the north Preston area and a by-pass around Broughton, as well as a possible new junction on the M55. Highways England have now withdrawn their objection to the resubmitted 'roundabout' scheme and the Highway Authority raise no objection to the appeal proposal, provided improvements are carried out and contributions made to facilitate their 6 highway initiatives, as indicated above. No-one is

claiming that those 6 initiatives would be sufficient to accommodate the traffic from all the development entailed in the permitted schemes as well as all the applications awaiting determination. But, the fact that further measures are in hand to address the latter serves to confirm that the cumulative impact of the traffic from proposals pending determination in the A6 corridor need not be considered in the context of this appeal. Hence, traffic considerations here can largely be narrowly confined to the reason for refusal relating to the safety and suitability of the access arrangements proposed while taking account of the traffic generated by the appeal scheme and by the 'committed' projects. The submitted Traffic Assessment is appropriately configured. It incorporates not just the traffic likely to be generated by the appeal scheme, but also by all but the smallest of the currently permitted residential schemes in the A6 corridor (amounting to some 520 dwellings, with just the 29 units at Avonhurst in Barton omitted); such small variations are well within the reasonable margins of this Traffic Assessment.

22. Local people also raise concerns about the safety and suitability of the access arrangements. Particular objections relate to the level of traffic that might need to be accommodated: the safety and operation both of the 6-arm traffic-light controlled junction at Croston Barn Lane and Croston Road and the crossroads at Longmoor Lane and Moss Lane, including the bizarre manoeuvres observed at the latter: the justification for pursuing the appeal proposal rather than the more expensive 'roundabout' option: the provision for pedestrians both in relation to the proposed underpass beneath the A6 and the inadequacy of the provision over the Lancaster Canal at Cathouse Bridge and on the A6: and, the effect of the new link proposed through the proposed development connecting the A6 with Nateby Crossing Lane. In addition, doubts were expressed about the adequacy of the proposals to accommodate the surface water run-off from the site in order to avoid exacerbating the flood risks downstream, illustrated with dramatic examples of the flooding experienced in Churchtown at the confluence of the Ainspool and Wyre rivers. Other matters are largely addressed by the conditions, the section 106 Agreement or by the considerations set out above.
23. In those circumstances, and from all that I have heard, read and seen, I consider that this case turns on:
- i) the safety and suitability of the access arrangements proposed,
 - ii) the operation of the relevant junctions on the A6 and their ability to accommodate the level of traffic expected safely,
 - iii) the flood risks reasonably associated with the scheme, and
 - iv) the overall planning balance in relation to the economic, social and environmental dimensions of 'sustainable development'.

The access arrangements

24. The access arrangements proposed are 2 major-minor 'priority 'T'-junctions' on the A6 with central ghost islands and 'filter' lanes for right turning traffic off the A6 and right turning traffic out of each junction. The main concerns raised are that such a solution is not the result of the recommended iterative design process (as set out in TD 42/95) and that the type, number and position of the junctions would result in unnecessary hazards, including for cyclists. It is agreed that, although the A6 is no longer a trunk road, it retains similar characteristics as a major traffic route, so that the impact of the scheme should

be assessed in line with the *Design Manual for Roads and Bridges* rather than with the guidance in the *Manual for Streets*.

25. The 'iterative design process' starts by choosing the most appropriate type of junction to accommodate the traffic [step 1], making adjustments for its physical location [step 2] and then addressing all the safety issues so that the design is as safe as possible [steps 3a-3d]. If inadequacies remain, then previous steps are to be revisited (in reverse order) before proceeding to steps 4 and 5. The evolution of this design proposal has a long gestation. It began in 2011 (half a dozen years hence) and has progressed in consultation and agreement with the Highway Authority. The current solution was neither the first nor the only solution considered. An early proposal involved the provision of 2 roundabouts in similar positions to the current 'T' junctions; it was formulated partly in the hope of closing Croston Barn Lane and reducing the complexity of the associated A6 junction from 6-arms to 5. However, there were objections from local people, including from Garston Town Council, to the closure of Croston Barn Lane. There was also concern that the roundabouts would 'stop' through traffic on the A6, thereby diminishing its role as a 'through route', and set up complicated interactions with the operation of existing junctions. Other options involving a single access point or the use of traffic signals were also considered. But a 2-junction solution was considered to have road safety advantages in separating residential and commercial traffic likely to be generated by the scheme. A capacity analyses of the options demonstrated that both 2 roundabouts and 2 'priority T-junctions' with right turning lanes would be more than adequate to cater for the anticipated traffic, but that the latter would be significantly cheaper. That is the basis of the appeal scheme.
26. Local people are concerned that such a solution must prioritise cost savings over safety: the Council suggest that further iterations of the design process, properly applied, could have led to a single point of access (perhaps along the lines of the single 4-arm roundabout designed for the subsequently 'resubmitted' scheme) as a 'better' alternative. However, cost considerations are a key element in choosing an appropriate form of junction to cater for the anticipated traffic at a particular site. As TD 42/95 indicates '*the decision to provide a major-minor priority junction rather than some other form of junction should be based on operational, economic and environmental considerations*'. In any case, no evidence is adduced to show that the additional costs of a roundabout would be warranted by the additional benefits that might ensue. First, it is not clear that the previously identified disadvantages of a single roundabout (combining commercial, business and residential traffic, serving to 'stop' vehicle movements along the A6 and setting up interactions with existing junctions) would not continue to pertain. Second, this would introduce a junction with a significantly different type of layout within the sequence of junctions evident here, thus risking confusion for drivers and consequent accidents for road users (as suggested at TD 42/95, paragraph 2.5). Third, although roundabouts are usually safer in certain situations, it is not demonstrated that those situations necessarily apply here. Given the daily traffic flows predicted in the design year, including the uplift suggested by the Nateby Fields Neighbourhood Group, T-junctions with ghost islands, rather than roundabouts, would be the appropriate starting point for the junction design (as figure 2/2 in TD 42/95 indicates). Fourth, although evidence (in TD 42/95, albeit now old) indicates that about a third of accidents occur at major-minor priority junctions, that may not be disproportionate since about three quarters of all junctions on the relevant principal roads are of that type. Moreover, it is
-

stated there that the installation of ghost islands, as proposed here, can reduce those accidents by up to 70%.

27. Nevertheless, the advice (TD 41/95) is that the number of access points onto a major route should be kept to a minimum of well-engineered connections in safe positions. And, one of the findings from the Stage 1 Safety Audit is that *'Given the potential conflicts that can arise due to opposing turning movements, the Audit Team does question the use of the two junctions as opposed to one point of access'*. But, it seems to me that the reasons outlined above provide an understandable explanation of why a 2-junction solution might be both adequate and satisfactory in the circumstances that pertain here. The use of a roundabout for the 'resubmitted' scheme is not sufficient to demonstrate the contrary. The appeal proposal may not have evolved through an ideal application of the advocated iterative design process, but it is the result of much consultation and reconsideration and, subject to the contributions and works proposed, it is acceptable to the Highway Authority. Hence, in the absence of any detailed evidence that a single roundabout would provide a 'better' operational solution, or that the additional costs entailed would be justified, I consider that it would be necessary to demonstrate the existence of inherent hazardous defects in the access arrangements proposed to find the severe residual cumulative impacts necessary to prevent the scheme; that is the test suggested in paragraph 32 of the Framework.
28. Analysis demonstrates that the capacity of both T-junctions would be more than adequate to cater for the peak hour (morning and evening) traffic flows predicted. And, although daily traffic flows may have increased since the initial surveys were undertaken here, peak hour flows have not; it is the latter that are used to test the adequacy of junctions in accommodating 'worst case' scenarios. The analysis shows that queues would barely occur, the largest consisting of one or two vehicles in the right turn lane out of the northern 'commercial' access. Both junctions would be able to accommodate queues of about half a dozen cars turning right on to the A6 without interfering with vehicles in the left lane, while roughly 10 cars could be accommodated in the right turn 'filter' for vehicles turning into the development, so avoiding almost any possibility of interfering with traffic flows on the A6. Nevertheless, it is claimed that queues at the 6-arm junction on the A6 would interfere with the northern access and that the 2 'peaks' in the vertical alignment of the A6 carriageway would cause unwarranted hazards.
29. Although surveys show that, even with traffic generated by the appeal scheme and the committed proposals, queues at the 6-arm Croston Road traffic lights would not normally extend across the proposed northern access, there clearly are occasions (not just on Good Friday) when queues (or at least a continuous line of slow moving traffic) are observed to extend much further, indeed apparently as far as the 'summit' over the old railway line. Such queues could impede traffic at the northern access, reduce visibility for right turning vehicles emerging from that access and 'surprise' drivers travelling northwards breasting the 'summit' across the old railway. But, the simple installation of a box junction would usually allow drivers to enter or leave either the northern or the southern access unimpeded by a developing queue. Vehicles turning right could wait in the box (where visibility would not be affected by queuing traffic) for a safe gap before entering the southbound traffic stream; and, since 'platooning traffic' would be likely at the northern access (about 200m from the traffic lights), safe gaps would often be evident there. Such circumstances are not

uncommon on Britain's road network and drivers invariably adapt their behaviour accordingly. In addition, a vehicle activated electronic sign would be installed to warn northbound drivers if a traffic queue existed beyond the 'summit'. Quite why that would not reduce the risk of a shunt-type collision to an acceptable level, or be less effective than signs conveying similar information on motorways, is not explained.

30. It is true that the gradients approaching both accesses exceed the recommended 2%; the slope down to the northern access is about 2.8% while that to the southern access is some 2.5%. But, those slopes are not uniform. In both cases the junctions would lie in a partially 'saucer-shaped' depression so that they would actually be positioned at a relatively flat section of the major road. In any case, I am not sure that the advice would be directly applicable to the appeal scheme. The advice (TD 42/95) is that *'The best locations for junctions are on level ground, or where the gradient of the approaches does not exceed 2% either uphill or downhill. Downhill approaches in excess of this figure, particularly on high speed roads, can induce traffic speeds above those desirable through the junction and lead to a misjudgement of approach speed by drivers entering from the minor road'*. First, the advice is primarily directed at new junctions on new trunk roads; it is not mandatory and it comes with designs intended to accommodate different circumstances and steeper slopes. Second, a speed limit of 50mph is not necessarily commensurate with a 'high speed road' and, even if it was, a reduction in the speed limit to 40mph is under active consideration as a proposal. Third, in the absence of traffic queues drivers at either access would have an effective view of on-coming traffic in excess of the 160m 'safe stopping distance' required. Fourth, in the presence of traffic queues, vehicle speeds would normally be lower.
31. There is concern that the 2 'T' junctions would impair the safety of cyclists on the A6 (including recreational cyclists at weekends and at other times) due to vehicles turning across the path of cyclists at the junctions (as acknowledged by TD 41/95) and the reduction of the inter-visibility between drivers and cyclists in queuing traffic. There is conflicting evidence about the presence of cyclists here. But there are clearly some (as we all witnessed at the site inspection) and evidence from the Nateby Fields Neighbourhood Group demonstrates that cyclists can form a noticeable contingent of road users, particularly in the summer months. However, the scheme would contribute to the provision of on-road cycle lanes in both directions as part of the Highway Authority's 'initiative 1' - the 'A6 Barton to Garstang sustainable transport strategy'. This is also intended to entail other safety features such as the provision of islands and refuges, gateway features, red 'textureflex' surfacing and the proposed reduction in speed limits to 40mph and, possibly, even 30mph in places. The reasonable inter-visibility between drivers and cyclists would be maintained by the introduction of the yellow box markings at the 2 junctions. And, additional provision for cyclists would be built into the intended improvements to the 6-arm traffic light controlled junction at Croston Barn Lane and the 4-way crossroads at Longmoor Lane and Moss Lane. Moreover, the approach to the 6-arm junction at Croston Barn Lane is straight with good forward visibility and the scheme would impart a more urban ambience to the roadside; these are both features generally associated with fewer serious cycling accidents, as research demonstrates. Also, the combined footway and cycle paths running north-south and east-west through the site (shown on the illustrative Masterplan) might provide even safer options for cyclists.

32. There is also concern about the provision for pedestrians in crossing the A6 to the facilities in the town centre, at the 6-arm junction at Croston Barn Lane and Croston Road, at the 4-way crossroads at Longmoor Lane and Moss Lane and in using the footpaths beside the A6 and over the canal bridges to reach the play park, surgeries and primary school in Kepple Lane or the bus stops on Moss Lane. However, the scheme would incorporate dedicated pedestrian and cycle paths, including a traffic-free landscape route beneath the A6 towards the town centre along the line of the old railway. In addition, new or improved 2m wide footways would be provided on both sides of the A6 along the site frontage utilising the roadside verges; current obstructions caused mainly by signs and lighting would be repositioned. Those pavements would narrow to the existing 1.4m across the canal bridge and there would be no scope for such facilities over the historic and narrow Cathouse Bridge on Nateby Crossing Lane. But the latter would remain relatively lightly trafficked and the former would offer a reasonably useable route, adequate save for passing prams or pushchairs (or vehicles for the disabled). Even so, the restriction would only extend for some 25m and there would be reasonable inter-visibility at either end, allowing confrontations on the narrower sections of the footpath to be avoided. Moreover, the improvements intended within the A6 corridor include enhancements to pedestrian facilities. The planned improvement to the 6-arm signalised junction at Croston Barn Lane, Green Lane West, Croston Road and Cockerham Road (initiative 2) entails the provision of an additional toucan crossing to the south of the existing crossing facilitating the safe passage of pedestrians from the appeal site to the parade of shops and beyond along Croston Road. Similarly, the works intended at the Moss Lane and Longmoor Lane crossroads (initiative 3) are described as involving a speed limit review, safety improvements and improvement for pedestrians and cyclists; contributions from the appeal scheme would extend the improved pavement from the canal bridge to the road junction and provide tactile paving and dropped curbs at Longmoor Lane.
33. Taking all those matters into account, I consider that, even though the appeal proposal may not have evolved through an ideal application of the advocated iterative design process, it has entailed much consultation and reconsideration and, subject to the contributions and works proposed, has resulted in a scheme acceptable to the Highway Authority. I find that the evidence submitted does not demonstrate that the type, number and position of the junctions proposed would be inherently hazardous or exhibit defects sufficient to constitute the severe residual cumulative impacts necessary to prevent the scheme, in accordance with the advice advocated in paragraph 32 of the Framework. The access arrangements proposed would thus be sufficiently safe and satisfactory.

Junctions on the A6

34. For the reasons outlined above, the critical assessments can be confined to 3 junctions; the 6-arm signalised junction at Croston Barn Lane, Green Lane West, Croston Road and Cockerham Road at the north east corner of the site: the Moss Lane and Longmoor Lane crossroads beyond the canal bridge to the south east of the site: and, the junction between the A6 and the A568 a little over 2km to the south of site towards Catterall.
35. The operation of the 6-arm signalised junction at Croston Barn Lane, Green Lane West, Croston Road and Cockerham Road in peak hours has been assessed using the LinSig programme. The results show that the existing

junction (for all its faults) operates with reasonable spare capacity with 'mean maximum queues' of about a dozen vehicles tailing back southwards from the junction towards the northern 'commercial' access into the site; this result correlates quite well with the queue surveys. The 'practical reserve capacity' drops to roughly 2-4% and queues of some 20 vehicles are predicted to tail back from the junction in 2023 in accommodating traffic growth and the traffic generated by almost all the currently committed development. The 'practical reserve capacity' falls below zero and 'mean maximum queues' increase to some 30 vehicles when the traffic generated by the appeal proposal is included in the assessment. I do not agree that such an increase in 'mean maximum queues' would be 'negligible', even though daily variations on the A6 (for all sorts of reasons) might be as large; after all, the increase would amount to some 50% and the queue would often materialise in peak hours rather than being a less common occurrence due to daily variations. Moreover, in my view, a queue of some 30 vehicles would extend close to, and sometimes cross, the northern access into the appeal site; the estimated queue length proffered by the appellants (a length of 173m) rather optimistically assumes that vehicles would be quite tightly bunched, which may not always be so.

36. Nevertheless, even though the junction may operate without any 'practical reserve capacity' in both peak periods, the 'degree of saturation' is predicted to be below 100% on all the individual approaches. Moreover, as indicated above, several improvements to the junction would be made in line with the Highway Authority's 'initiative 2' under the provisions of a section 278 Agreement. These would include the installation of up-dated traffic signals and MOVA control (which is expected to improve the capacity of the junction by an average of 5-10% and reduce average delays by some 13%): an additional toucan crossing facility: improved cycle and pedestrian approaches to, and facilities at, the junction: and, importantly, some consequent reconfiguration and road 'lining' to 'canalise' and direct traffic movements at the junction more clearly. It seems to me that those measures should accommodate the traffic generated by the appeal scheme and allow the junction to operate safely. But, even if there are occasions when the pattern of queuing becomes unpredictable due to the junction operating without any 'practical reserve capacity' or, perhaps, greater response to pedestrian demands with the installation of the toucan crossing, the main effect would entail longer queues on the A6. The carriageway is straight for some distance to the north and south of the junction and it could accommodate substantial queues susceptible to management (to some extent) through the installation of MOVA control.
37. The Council consider that this junction has a poor road safety record and that the increase in traffic flows due to the proposal would increase the risk of collisions, particularly in relation to vehicles turning right from the A6. The Nateby Fields Neighbourhood Action Group believe that evidence from the police indicates that more accidents have occurred here than those recorded by the County Council.
38. I think that the difference in the number of personal injury accidents is largely due to different geographical perceptions of exactly where accidents can be properly associated with the junction; the numbers recorded by the Council and the appellants are based on the County Council's system and largely agree. On the basis of the latter, it is clear that there have been some bad years, the 3 year rolling total reaching 10 in 2012 or an average of over 3 per year. But, since then there has been a steady fall, the 3 year rolling total for 2014 being 4

and that for 2015 (and a bit beyond) being 2. Of course, there are more non-injury accidents and some that may not be reported. However, the evidence available is not commensurate with an especially poor safety record and it clearly is the case that accident levels have declined. Nor are especially high numbers of right turning vehicles predicted as a result of the appeal scheme; just 16 in the morning and 24 in the evening peak hour. In any case, the intended improvements to the junction should significantly improve its operation and its legibility. Hence, I do not accept that the proposal would necessarily increase the risk of collisions there.

39. The crossroads at Moss Lane and Longmoor Lane lies at a slight curve in the A6. Visibility northwards from Moss Lane (which is on the inside of the curve) is slightly impeded by a thick roadside hedge and limited to roughly 120m by the summit over the canal bridge. Visibility at Longmoor Lane is better, being on the outside of the bend and unrestricted by roadside vegetation, but it is also limited by the vertical alignment across the canal bridge. The operation of this junction has been assessed at peak hours using the Picady programme. The results indicate that the existing junction operates well within capacity with barely any queuing. The same is predicted to apply with queues of little more than a couple of vehicles at any arm of the junction in 2023 once traffic growth and the traffic generated by the currently committed development are accommodated. However, the traffic generated by the appeal proposal would create ratios of flow to capacity above 1 in the evening peak hour on Longmoor Lane with queues of some 10 vehicles in 2 traffic streams waiting to cross, or turn either left or right on to, the A6. Since very little of Longmoor Lane is wide enough to accommodate 2 queues of traffic, save for a couple of car lengths at its junction with the A6, this result implies a queue of some 18 vehicles tailing back well beyond the junction with Nateby Crossing Lane. And, since traffic flows on Longmoor Lane would be relatively low, a queue of 18 vehicles would imply relatively long waiting times.
40. The improvements proposed at this junction are relatively modest. 'Initiative 3' devised by the Highway Authority, and supported under the provisions of a section 278 Agreement, involves improved facilities for pedestrians and cyclists entailing proper footpaths with dropped curbs and continuous cycle lanes marked out within the A6 carriageway; the hedge to the north of Moss Lane might also to be cut back. Otherwise the scheme simply involves clear lane markings for right and left turning traffic, many of which are evident now although greater differentiation appears to be intended on both Moss Lane and Longmoor Lane. The Highway Authority suggest that the proposed link road across the site from Nateby Crossing Lane to the A6 might help to alleviate the pressure on the junction at Longmoor Lane. In addition, I think that Parkside Lane might also provide a means for some drivers to avoid long waits at the crossroads and, of course, journeys might be rescheduled to avoid congested periods, so that the 'picture' portrayed by the model might not always materialise. Nevertheless, it seems to me that the geographical scope for significant diversions from Longmoor Lane would remain fairly limited. Hence, I consider that noticeable queues could well materialise on occasions albeit, as the appellants explain, for only a brief period during the evening peak hour.
41. The junction exhibits other defects. Surveys undertaken by the Nateby Fields Neighbourhood Action Group show that, rather than 'risk' a direct crossing of the A6 from Moss Lane, a significant number of drivers execute a left turn into the southbound lane of the major road, immediately move into the right hand
-

filter to make a right turn into the car park of the Bellflower Public House: they then traverse the car park and turn right on to Parkside Lane, completing the manoeuvre by either crossing, or turning left on to, Longmoor Lane. The precise reason for that bizarre manoeuvre is not clear, though it must relate to some perceived inadequacy in the junction. Moreover, it is not confined to peak hours, but is observed throughout the day.

42. The Council consider that this junction also has a poor road safety record and that the increase in traffic here would exacerbate the risk of collisions. The Nateby Fields Neighbourhood Action Group suggest that the bizarre manoeuvre identified by their survey is not only dangerous for customers at the Bellflower Public House, but also indicative of a junction operating above its capacity.
43. On the basis of the accidents recorded by the County Council, it is not clear to me that this junction does exhibit a poor road safety record. It was worse in the past, the 3 year rolling total reaching 8 personal injury accidents in 2011 or an average of over 2 per year. But, since then there has been a steady fall, the 3 year rolling total for 2014 being 2 and that for 2015 (and a bit beyond) also being 2; accident levels have clearly declined and they would still be modest even if the latest 'unrecorded' accident were to be included. Moreover, although the improvements proposed at this junction are relatively modest under 'initiative 3', the intention to reduce the speed limit here to 40mph and to cut back the hedge on the north side of Moss Lane should contribute significantly to the safe operation of this junction. First, the visibility available (120m to the brow of the canal bridge) would extend over a distance commensurate with the speed limit: second, the hedge might not impede visibility northwards from Moss Lane from positions further back from the main road than the current 2m. Whether such measures would be sufficient to discourage the use of the Bellflower car park cannot be guaranteed; indeed, other mechanisms might well be necessary. But, they would enhance the safety of this junction so that the proposal would not necessarily increase the risk of collisions here.
44. The junction between the A6 and the A568 is a little over 2km to the south of site where the A586 to Blackpool joins the A6 on the outside of a gentle curve at a priority junction just to the north of Caterall. The junction is configured to include right and left turning lanes on the A586 with a ghost island right turn lane for south bound traffic turning on to the A586 from the A6. The operation of this junction has been assessed at peak hours using both the Picady and the LinSig programmes. As a priority junction the Picady results indicate that the existing junction already operates over capacity with queues of over 20 vehicles on the A586 during the evening peak period. With traffic generated by the committed schemes and the appeal proposal the situation would worsen with queues of over 60 vehicles materialising on the A586 with the traffic generated by the appeal scheme adding significantly to the queues attributed to the committed proposals. However, the Picady programme is unable to accurately predict how the junction would operate under such conditions.
45. In any case, 'initiative 4' entails improvements to the junction involving some reconfiguration, full signalisation (including pedestrian and cycle phases) together with gateway, safety and speed reduction measures. A simple LinSig analysis demonstrates that the junction would still operate well above capacity during the evening peak period with queues of almost 90 vehicles during certain stages of the cycle. However, a subsequent analysis optimises the signal

sequence and allows for either an 'early start' for traffic turning right into the A586 from the A6 or for that manoeuvre to be separately signalled. In the former scenario the junction operates within capacity with relatively moderate queues save for a queue of some 20 vehicles on the north bound lane of the A6 during the evening peak period. In the latter scenario the junction operates above capacity during the evening peak period with queues of some 36 vehicles on the north bound lane of the A6. However, both scenarios would reduce queues on the A586, albeit while increasing them on the A6. But, those A6 queues might be managed, and the introduction of MOVA (not yet certain) might make such management more effective. Moreover, as the appellants suggest, the introduction of traffic signals would not only allow queues to be managed, but also allow traffic from the A586 to join the A6 in greater safety than currently.

46. Hence, in conclusion, although most of the relevant junctions on the A6 would, on occasions, operate above their theoretical capacity once the committed schemes and the appeal proposal materialise, I think that the improvements intended and the 'initiatives' prepared by the Highway Authority should enhance the safety of those junctions and allow the level of the anticipated traffic to be accommodated without seriously exacerbating road hazards. It follows that the severe residual cumulative impacts necessary to prevent the scheme, in line with the advice in paragraph 32 of the Framework, are not demonstrated.

Flood risks

47. Serious floods have been experienced in Churchtown (at the confluence of the Ains Pool and the River Wyre) with some 58 people having to contend with water in their homes in spite of the flood defences recently installed. Flooding also occurred in Garstang as a result of storm Desmond (5 December 2015) with damage to the sports and social club, the Corn Mill nursing home, Sainsbury's store, Kirkland School and Kirkland Parish Hall. Surface water is often evident on parts of the site after heavy rain and part of it is considered to be the source of the Ains Pool. There is also evidence that a section of Croston Barn Lane, along the northern boundary of the site, was recently under water. And, residents point out that the flood gates on the River Wyre at Garston had to be operated 4 times during a 2 month period (December 2015 and January 2016) and that the installation was damaged by storm Desmond. The concern is that development on the appeal site would increase the rate of surface water run-off from a site that accommodates excess rainfall on occasions, thereby exacerbating flood risks elsewhere. Although provision is to be made to attenuate run-off from the site, residents suggest that the storage capacity would be insufficient and that the use of a 6-hour 'worst' event is too short (a 12-hour event is suggested). Given that the calculations indicate that the scheme could increase 'peak rate' run-off by approximately 190%, or by 280% allowing for climate change and a 1:100 year event (both actually representing almost a 4-fold increase above current levels), any inadequacy of the storage and attenuation facilities could be catastrophic.
48. I have considered these concerns with some care. The site itself is denoted as being within 'flood zone 1' and thus at the lowest risk of flooding. It appears that the flooding of Croston Barn Road may have been caused by inadequate drainage arrangements which have now been put right. And, the ponding of water evident on parts of the site must be partly due to its relatively impermeable nature, as confirmed by soil tests, which also indicated that the

site is not suitable for infiltration drainage systems. As yet, however, the calculations to identify the water storage capacity required have not been finalised. Essentially, this 'outline' 'flood risk assessment' calculates the run-off from the undeveloped and developed site under certain flood events (Q_1 , Q_{BAR} , Q_{30} and Q_{100}) and sets out an approach to limiting run-off to pre-development rates. That approach entails attenuation measures likely to include detention basins, plastic crate storage within parking areas, ponds and swales with outflows controlled by vortex or orifice flow control mechanisms. However, the exact position and size of those features remains to be considered in the context of preparing detailed designs. Consultees, including the Environment Agency, raise no objection (subject to the imposition of suitable conditions) to the approach proposed. Importantly, an agreed condition insists that a drainage scheme must be submitted to the Council for approval that demonstrates that surface water run-off for the entire site would not exceed the run-off from the undeveloped site for a corresponding rainfall event. The same condition would also require the submission of a management and maintenance plan to ensure that the attenuation facilities installed would operate effectively throughout the lifetime of the development. Adherence to those conditions would ensure that the appeal proposal would not exacerbate flood risks elsewhere (a key test required by the Framework). Failure to meet those requirements would jeopardise the implementation of the permission.

49. In my reading of the work done so far, those conditions are likely to be achievable. The general surface water drainage strategy is designed to reflect the existing division between natural catchment areas and to utilise the natural north west to south east fall of the land. The catchment mainly to the north of the old railway track bed is to be drained through a 750mm diameter culvert beneath the A6 and thence through surface water sewers on the Garstang estates and into the River Wyre downstream of Garstang Bridge. Roughly the southern half of the site is to be drained via the existing watercourse (possibly the source of the Ains Pool) beneath Nateby Crossing Lane and the canal before connecting (via the Ains Pool) to the River Wyre at Garstang Waste Water Treatment Works near Churchtown. The northern part of the site is to be 'attenuated' to discharge into the 750mm culvert at the existing rate of 26ls^{-1} (roughly 3.3ls^{-1} per hectare) via 4 'intercepting basins' providing some $3,200\text{m}^3$ of storage capacity (roughly 400m^3 per hectare): the southern part of the site is to be 'attenuated' to discharge into the Ains Pool at the existing rate of 31.9ls^{-1} (roughly 4.5ls^{-1} per hectare) via 1 'basin' providing some $2,120\text{m}^3$ of storage capacity (roughly 303m^3 per hectare). Given that only about 50% or either catchment would be covered with hard surfacing, those storage capacities are likely to be adequate. But, even if subsequent detailed calculations demonstrate the need for additional storage, I think that scope would exist to increase those storage capacities by reinforcing and raising some of the ditch banks, raising curbs around parking areas and adopting similar measures.
50. Hence, on the basis of the evidence presented, I consider that the proposal would not exacerbate flood risks elsewhere.

The planning balance

51. As indicated above, this scheme must be considered in the context of the presumption in favour of sustainable development. It should succeed unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission

would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Is the scheme sustainable?

52. Clearly Garstang is a sustainable place. It is an important social and economic focus in this part of the Borough being the only 'key service centre' away from the coastal areas and being denoted as a 'main rural settlement' in the adopted Local Plan. It accommodates supermarkets, banks, building societies, libraries, schools, clubs, pubs and restaurants, churches and chapels, sport and leisure facilities and medical services.
53. The scheme would be sustainable too. It would lie adjacent to the estates at the edge of the town and, although across the A6, would be linked to the facilities within the town, and to the town centre, via existing roads and pedestrian routes, a new bus service, a new traffic-free and landscaped route for pedestrians and cyclists, and a new toucan crossing. The provision of office and business uses as part of the scheme, together with a modest convenience store and a coffee shop, might reduce the need for car-borne journeys (albeit marginally) and serve as a commercial focus contributing to the cohesion of the new community; the intended Travel Plan should also help to encourage the use of more sustainable modes of transport. Importantly, the project would contribute towards meeting the identified needs for market and affordable housing and, in providing a range of dwellings of different sizes, densities and types accommodate a mixed and inclusive community, as the Framework advocates. Appropriate contributions to the provision of additional education facilities should ensure that the scheme would not impinge unacceptably on local schools.
54. I appreciate that the proposal would extend the spread of estates to the west of Garstang town centre and towards the village of Nateby. But the site is physically contained by Nateby Crossing Lane, the expanse of the marinas and the leisure uses further to the west. It would not encroach into the countryside between the town and the village, particularly as perceived beside Longmoor Lane, with a distance of some 1½km of fields and farmland intervening between the site and the village school. Although there are concerns that such an expansion would swamp health and education facilities in the town, there is no compelling evidence in relation to the former and contributions are to be made to address the latter. Hence, I think that this scheme would represent sustainable development in a sustainable place.
55. The only cited conflict with the Development Plan in the reason for refusal (to 'saved' policy SP14) alleging adverse impacts on highway safety and the highway network has been demonstrated above not to amount to the severe residual cumulative impact necessary to prevent the scheme, as the test advised in paragraph 32 of the Framework requires. Hence, in those terms, the access arrangements proposed would be sufficiently safe and satisfactory. It is agreed that the scheme would conflict with 'saved' policy SP13, which seeks to protect the countryside beyond settlements. However, this is a conflict warranted by the need to 'boost significantly' the supply of housing and by all the emerging strategies chosen to do so. It follows that the appeal proposal would not only contribute to the need for additional housing here, but also do so in a way that would chime with the emerging Local Plan and the aim of the Framework to foster 'sustainable' development. Similarly, although there were understandable concerns about increased surface water run-off caused by the scheme (a matter potentially addressed by 'saved' policy ENV15), the initial

results of the 'flood risk assessment', together with the imposition of suitable conditions, should ensure that the appeal proposal would not exacerbate flood risks elsewhere, in accordance with advice set out in the Framework. It follows that no conflict with a specific policy in the Framework has been demonstrated.

56. Would any adverse impact of granting permission significantly and demonstrably outweigh the benefits of the scheme, assessed against the Framework as a whole? I think that the adverse impacts of the scheme would be modest. The scheme would project into the countryside beyond the village, but it would be visually and physically contained by Croston Barn Lane and the marinas beyond. The development would lead to longer queues on the A6, but most of those queues could be managed and the various contributions to implement the 'initiatives' proposed by the Highway Authority would generally serve to enhance the safety in which manoeuvres at those junctions might be executed. Those increased queues and the intended reduction in the speed limit would tend to increase journey times on the A6 and, given the paucity of alternatives, that could impinge on the relative attractiveness of the A-road network here. However, the reduction in the speed limit to 40mph seems to be in line with the approach intended elsewhere on the A6, including the wholly new bypass at Bowgreave.
57. The scheme would deliver economic, social and some environmental benefits. It would provide 270 dwellings within the next 5 years, boosting the supply of housing in a suitable and sustainable location and in a manner that would accord with all the spatial distributions proffered as options in the context of the emerging Local Plan. Economically this would generate construction jobs and a 'new homes bonus' payment. The provision of offices, light industrial and retail floor-space would also create jobs and generate business rates. The household expenditure generated by the new residents would support local economic activity and create a demand for household goods and services, as well as for the proposed new bus service and leisure facilities. Of course, contributing to the housing required to meet identified needs would be a social benefit. The scheme would contribute 81 affordable homes (30% of the dwellings proposed, in line with the policies currently effective), thereby helping to meet the urgent need for affordable housing. Indeed, the SHMA indicates that the net annual requirement for affordable housing is between 300 to 339dpa, a rate of delivery not even met by all the housing delivered here. And, the scheme would offer some environmental benefits. It would provide public open space (in excess of policy requirements) and include landscaping to enhance the verdant ambience and biodiversity of the place, as the ecological reports indicate.
58. For all those reasons, I conclude that the limited adverse impact of granting planning permission here would be significantly and demonstrably outweighed by the benefits of the scheme.

The Undertaking and conditions

59. The provisions of the signed and dated section 106 Undertaking meet appropriate requirements towards education and transport facilities in connection with the scheme. The basis of the provisions is outlined above, as is their compliance with the tests set out in CIL Regulations 122 and 123; this is explained in more detail in the 'CIL compliance statement'. The contributions made under section 278 of the Highways Act, as opposed for the effects of the works actually undertaken, are not matters for me.

60. As indicated above, the conditions are intended to ensure that the scheme would be implemented as intended; the role and function of the main conditions are also outlined above. In addition, the need to undertake an investigation for potential contamination is mainly due to the presence of the old railway line: the need to safeguard the development from the ingress of gas is due to the location of the site: and the proximity of the A6 and the presence of existing and proposed commercial and industrial uses warrant some special controls as well as a noise assessment with a view to devising appropriate ameliorative measures. A further condition requires the submission of a scheme to provide open space in accordance with the adopted Local Plan. I have amended one or two of the suggested conditions to avoid references to third parties (mainly the Highway Authority) and to provisions that cannot be required under the Planning Acts (mainly the Highways Act).

Conclusion

61. I have found that this scheme would constitute sustainable development in a sustainable place, boosting the supply of housing by 270 dwellings where a 5-year supply of deliverable housing sites is not evident. It would also provide 81 affordable homes where the need identified is far from being met. The limited adverse impacts of granting planning permission, identified above, would be significantly and demonstrably outweighed by the benefits of the scheme, which thus provide important material considerations sufficient to warrant a departure from the policies in the Development Plan in this case. Hence, I conclude that this appeal should succeed in accordance with the advice in the Framework, subject to the conditions listed in the attached schedule.

Decision

62. The appeal is allowed and outline planning permission is granted for the erection of up to 270 dwellings, the development of 4.68ha of land for employment (B1 and B8) uses, a convenience store (up to 375m² sales area) and a coffee shop (up to 235m² sales area) on land to the west of the A6 (Preston – Lancaster New Road) bounded by Nateby Crossing Lane and Croston Barn Lane, at Nateby, Garstang, Lancashire in accordance with the terms of the application ref:- 14/00458/OULMAJ (dated 29 May 2014) and the plans submitted therewith, subject to the conditions listed in the attached schedule.

David Cullingford
INSPECTOR

APPEARANCES
FOR THE APPELLANTS:

David Manley	QC		Kings Chambers Instructed by: Richard Gee of Roman Sumner Associates Limited
He called:			
Eric Appleton	BEng DMS MICE MCIHT		HY Consulting, The Old Coach House, 1 Campbell Street, Pudsey, LS28 6DP
Richard Gee			Director, Roman Sumner Associates Limited, Town Planning Consultants, Lime Leach Studio, Rochdale Road, Ramsbottom, Bury
<i>(evidence submitted but not given)</i>			
Oliver Sugden	MEng		R G Parkins and Partners Limited, Meadowside, Shap Road, Kendal, Cumbria, LA9 6NY

FOR THE LOCAL PLANNING AUTHORITY:

Killian Garvey	of Counsel		Kings Chambers Instructed by: Wendy Clarke, Solicitor, Wyre Borough Council
He called			
John C Carruthers	BSc MSc CEng MICE MCIHT		Director of VTC Consultancy, Preston
Karl Glover			Lancashire County Council
<i>(in relation to the section 106 Agreement)</i>			

INTERESTED PERSONS:

Peter Horrobin			Chairman A6 Nateby Fields Neighbourhood Action Group, Croston Barn House, Nateby Chair, Cabus Parish Council
Bob Hastings			Local resident and Cabus Parish Council
Alan Cornthwaite			Local resident
Robert Hay			Churchtown Action Group and Vice Chair of Churchtown Parish Council
Siriol Hogg			Member for Nateby Ward and on the Garston, Cabus and Nateby Parish Council
Cllr Alice Collinson			Local resident
Frank Miller			Local resident and member of Garstang Flood Forum
Gordon Russel	CBE		Local GP
Dr Grace Marshall			Local resident
Christine Meredith			Information from United Utilities
Roger Weatherell			

DOCUMENTS

Document	1	Lists of persons present at the Inquiry
Document	2	1 Proof and appendices A-I ~ Eric Appleton 2 Summary proof 3 Supplementary proof and appendices A-F 4 Rebuttal of 3 rd party submissions and appendix A
Document	3	Revised summary, proof and appendices 1-13 ~ Richard Gee
Document	4	Proof, summary, appendices 1-8 and figure 1 ~ John Carruthers
Document	5	Proof and appendices 1-7 ~ Peter Horrobin
Document	6	Statement, photographs and water storage calculations ~ Gordon Russel
Document	7	Statement ~ Bob Hastings
Document	8	Map of the Ains Pool and flood photos from Ainspool Lane ~ Siriol Hogg
Document	9	Statement of Common Ground
Document	10	Consultation response from Lancashire County Council to 9 residential schemes affecting the A6 corridor setting out their 6 'highway initiatives' and the contributions required to implements them
Document	11	Note of agreement between the appellants and the Council that the cumulative traffic impact from other impending schemes in the A6 corridor is not relevant
Document	12	Transport Assessment Addendum 1 November 2014
Document	13	Transport Assessment Addendum 2 June 2015
Document	14	Extract from the Transport Assessment for the subsequent scheme relating to the junctions between the A6 and the A586
Document	15	Written objections from SCP Transportation Planning and Infrastructure Design
Document	16	Letter accepting instructions from the Council by John Carruthers
Document	17	Extracts from the Flood Risk Assessment
Document	18	Housing Land Position Statement, 30 September 2016
Document	19	Call for sites ~ listed
Document	20	Local Development Scheme, July 2016
Document	21	CIL Compliance Statement
Document	22	Section 106 Agreement
Document	23	Education contributions; methodology and justification
Document	24	Section 106 Agreement and justification for the education contributions, 17 January 2017
Document	25	Agreed conditions, 2 February 2017
Document	26	Draft conditions, 26 January 2017
Document	27	Bundle of responses from Lancashire County Council and Highways England to the appeal proposal and to the subsequent 'roundabout' scheme
Document	28	Bundle of documents submitted with the application
Document	29	Inspector's index of written representations
Document	30	Folder of written representations
Document	31	Bundle of emails, letters and documents tracing the responses of the Council, Lancashire County Council and Highways England to the appeal and the subsequent proposal
Document	32	The planning officer's report and other documents attached to the questionnaire

Document	33	Submissions for the Council at the adjournment, 25 July 2016 ~ Killian Garvey
Document	34	Submissions for the appellants at the adjournment, 25 July 2016 ~ David Manley
Document	35	Closing submissions for the Council ~ Killian Garvey
Document	36	Closing submissions for the Nateby Field Neighbourhood Action Group ~ Peter Horrobin
Document	37	Closing submissions for the appellants ~ David Manley
Document	38	List of core documents

CORE DOCUMENTS

National

CD A1	National Planning Policy Framework
CD A2	National Planning Practice Guidance (hard copy not provided)
CD A3 & A4	OMITTED INTENTIONALLY
CD A5	Design Manual for Roads and Bridges
CD A6	Manual for Streets
CD A7	Manual for Streets 2

Local Documents

CD D1	Wyre Local Plan (2006) – Retained Policies, Proposals Map & Saving Direction
CD D2	Joint Lancashire Minerals and Waste Core Strategy (2009)
CD D3	Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies (2013)
CD D4	SPG4 ' <i>Spacing Standards for New Housing Layouts</i> ', published in September 1998, whilst PPG3 was in place
CD D5	SPG2 ' <i>Trees and Development</i> '
CD D6	Fylde Coast Strategic Housing Market Assessment (December 2013)
CD D7	Wyre Employment Land and Commercial Leisure Study (October 2012)
CD D8	SHLAA 2010
CD D9	Open Space Audit Update 2010
CD D10	Landscape Strategy for Lancashire (December 2000)
CD D11	Landscape Character Assessment (December 2000)
CD D12	Lancashire Visitor Economy Strategy 2015-2020 - DRAFT (June 2015)
CD D13	Tree Preservation Order - ref TPO 15 (2013)
CD D14	Housing Land Monitoring Report 2015
CD D15	SHMA Addendum 1 report [November 2014]
CD D16	SHMA Addendum 2 [February 2016]
CD D17	Employment Land Monitoring Report [2012/2013]
CD D18	Lancashire Strategic Economic Plan, ' <i>A Growth Deal for the Arc of Prosperity</i> ' (March 2014)
CD D19	Wyre Council Local Development Framework Core Strategy Preferred Options March 2012
CD D20	Wyre Local Plan – Issues And Options (June 2015)
CD D21	Call of Sites Submissions 2012 and 2014
CD D22	Latest Annual Monitoring Report (1 April 2013 to 31 March 2014)
CD D23	Secure Design SPD (July 2002)
CD D24	Preston Economic Regeneration Strategy and Action Plan, Final Report (September 2005)
CD D25	Wyre Interim Housing Policy 2006

CD D26 Housing Land Position Paper, Wyre Borough Council, 31 March 2016

Determination Documents

- CD E1 Committee Report
- CD E2 Committee Update (adjusting the wording of certain conditions)
- CD E3 Decision Notice
- CD E4 Email from Council to Appellant’s Transport Consultant clarifying the reason for refusal (27 November 2015)
- CD E5 EIA Screening Opinion (24 March 2015)
- CD E6 Pre-Application advice letter from LPA (12 August 2013)

Original Application Documents

- CD F1 Application forms and certificates
- CD F2 Planning Statement (Sedgwick Associates)
- CD F3 Model Planning S106 Agreement (Sedgwick Associates)
- CD F4 The following drawings :

MCK Associates Ltd.	13-070-500 - Existing topographical survey
MCK Associates Ltd.	13-070-1000 - Location Plan
MCK Associates Ltd.	13-070-1001 - Masterplan
MCK Associates Ltd.	13-070-1002 - Indicative Employment Zone
MCK Associates Ltd.	13-070-1003 - Indicative Site Layout

NB *Aside the Site Location Plan and Topographical Survey, none of the above drawings remain current as they were superseded during the course of the application.*

- CD F5 Design and Access Statement (MCK Associates Ltd)
- CD F6 Transport Assessment (HY Consulting Ltd)
- CD F7 Travel Plan Framework (HY Consulting Ltd)
- CD F8 Ecological Assessment (Wardell Armstrong)
- CD F9 Flood Risk Assessment and Drainage Strategy (RG Parkins & Partners Limited)
- CD F10 Phase 1 Desk Study (Sub Surface NW Ltd);
- CD F11 SI Report (Sub Surface NW Ltd)
- CD F12 Preliminary Noise Report (Sound Advice)
- CD F13 Tree Survey and Appraisal (Bowland Tree Consultancy)
- CD F14 The following transport drawings (HY Consulting):
 - Ref: 1401901A (April 2014)
 - Ref: 1401902
 - Ref: 1401903
 - Ref: 1401904
 - Ref: 1401905 (May 2014)

During the course of the application, the following were submitted:

- CD G1 Numerous emails between the Appellant and LPA clarifying matters and discussing the conditions
- CD G2 Revised Masterplan, ref: 1001 Revision C (submitted on 7 September 2015)
- CD G3 Email (3 May 2015) from Mr Sharples (Strategy and Policy - Lancashire County Council) – in respect of borehole information and minerals matters
- CD G4 Heritage Statement (submitted on 8 January 2015 and 30 July 2015)

- and covering letter of 8 January 2015
- CD G5 Revised Air Quality Report (Martin Environmental Solutions)
- CD G6 Sequential Testing Report (Sedgwick Associates)
- CD G7 Letter from Armitstead Barnett concerning Agricultural Grade Classification
- CD G8 Letter from Sub Surface North West Ltd concerning gas monitoring
- CD G9 Letter from Wardell Armstrong in response to Canal Trust comments
- CD G10 Addendums to Transport Assessment (HY Consulting Ltd):
- First Addendum on November 2014 containing the following drawings :
 - Ref: 1401901 (October 2014)
 - Ref: 1401901
 - Ref: 1401901 (November 2014)
 - Second Addendum on June 2015 containing the following drawings:
 - Ref: 1501601 [nb this drawing was subsequently revised to 1501602, and then to 1501602a post the Road Safety Audit information referred to below].
- CD G11 HY Consulting drawing refs:
- 1501602A, A6/A586 Junction Layout 02 [this is the current and latest version of this drawing as submitted to the LPA by email dated 24 August 2015]
 - 1401903, Existing Long Sections along A6
 - 1401904, Existing Long Sections along A6 Northbound and Southbound Visibility from proposed accesses
 - 1401906, Vehicle swept paths at new junctions onto A6
 - 1401901c, Northern Access and Offsite Highway Improvements
 - 1401902B, Southern Access and Offsite Highway Improvements
 - 1401905A, Proposed Residential Access – nb this drawing was subsequently superseded by the drawing below (Revision F)
 - 1401905F, Speed Limit Gateway Signing Works on Nateby Crossing Lane [issued to LPA by email dated 21 August 2015]
 - 1401908A, Typical details Speed Limit Gateway Signing Works on Nateby Crossing Lane
- CD G12 PAH Highways Consultants - Stage 1 Road Safety Audit [proposed highway improvement works at the A6/ A586 junction]
- CD G13 PAH Highways Consultants - Stage 1 Road Safety Audit - proposed access points on Nateby Crossing Lane
- CD G14 PAH Highways Consultants - Stage 1 Road Safety Audit – proposed junction onto A6 (north side of application site)
- CD G15 PAH Highways Consultants - Stage 1 Road Safety Audit – proposed junction on A6 (south side of application site)
- CD G16 HY Consulting - Designer’s response to stage 1 road safety audit – northern access to A6
- CD G17 HY Consulting - Designer’s Response to Stage 1 Road Safety Audit proposed highway improvement works at the A6/A586 junction
- CD G18 HY Consulting - Designer’s Response to Stage 1 Road Safety Audit access onto Nateby Crossing Lane
- CD G19 HY Consulting - Designer’s Response to Stage 1 Road Safety Audit southern Access to A6
- CD G20 Ecological Update Report & Cover Email
- CD G21 Supplementary letter on drainage (RG Parkins)
- CD G22 Revised Travel Plan Framework with amendments as requested by LCC (submitted on 11 December 2014)
-

- CD G23 Email from HY Consulting dated 11 August 2015 to LCC and LPA clarifying the latest versions of all transport-related drawings; 1401901c, 1401902b, 1401903, 1401904, 1401905f, 1401906, 1401908a and 1501602 [subsequently superseded by 1501602a]
- CD G24 LCC letter and email of 28 August 2015 confirming no objection

Appeal Papers:

- CD H1 Appeal form
- CD H2 Appellant's Statement of Case
- CD H3 Draft SoCG
- CD H4 Response to draft SoCG
- CD H5 Correspondence from PINS
- CD H6 Council's Questionnaire papers
- CD H7 Third Party Appeal Correspondence forwarded by PINS
- CD H8 LPA's Statement of Case
- CD H9 List of Agreed Conditions
- CD H10 Final agreed version of S106

Inquiry Documentation

- CD I1 Agreed Statement of Common Ground (Planning) (7 July 2016)
- CD I2 Statement of Common Ground (Transport) – not yet completed
(The Inspector will be advised on the status of this at the Inquiry)
- CD I3 Proof of evidence Richard Gee
- CD I4 Appendices to proof of Richard Gee
- CD I5 Proof of evidence & Appendices of Eric Appleton
- CD I6 Summary Proof of Eric Appleton
- CD I7 Proof of evidence of John Carruthers
- CD I8 Summary Proof of John Carruthers
- CD I9 Appendices to proof of evidence of John Carruthers
- CD I10 Rebuttal proof of evidence of Eric Appleton
- CD I11 Supplementary Proof of Eric Appleton

Other Documents

- CD J1 Transport Assessment Produced By VTC (Highway & Transportation Consultancy), 30 June 2014 in relation to Proposed Mixed-Use Development on Land Bounded By Garstang Road And Preston - Lancaster New Road in Catterall, near Garstang
- CD J2 Report to Wyre's Director of Planning and Regeneration from Neil Stevens [Highways Development Control Manager, Community Services, Lancashire County Council, 22 November 2016]

PLANS

- | | | | |
|-------|---|---|---|
| Plans | A | 1 | Site plan and section 106 plan |
| | | 2 | Southern access 1401902b |
| | | 3 | Northern access 1401901c |
| | | 4 | Speed limit gateway features and accesses on to Nateby Crossing Lane 1401908A |
| | | 5 | Residential access on Nateby Crossing Lane 1401905F |
| | | 6 | Junction layout A6 and A586 1501601A |
| Plans | B | 1 | Swept path analysis |
| | | 2 | Long sections |
| | | 3 | Long sections and north bound visibility |

Plans	C	1	Proposed masterplan	13-070/1001C
		2	Aerial site plan	
Plan	D		Layout of 'roundabout' plan	13-070/2-1005
Plans	E	1	Outline drainage concept @ A4	L29212/A1/01
		2	Outline drainage concept @ A1	L29212/A1/01
Plan	F		Call for sites	
Plan	G		SHLAA sites around Garstang, 2010	
Plans	H	1	Proposals Map, Wyre Borough Local Plan 1999	
		2	Proposals Map, Garstang Town Centre, Wyre Borough Local Plan 1999	

Richborough Estates

Schedule of Conditions

Details and phasing

- 1)
 - (a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission:
 - (b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved
- 2) The development, hereby permitted, shall be carried out, except where modified by any condition set out below, in accordance with the following plans: 1401902b (Southern Access), 1401905c (Northern Access and Offsite Highway Works), 1401905f (Nateby Crossing Lane Access Points) and 1000 (Location Plan)
- 3) Development shall not begin until a phasing programme for the whole of the application site and for the highways works referred to, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority
- 4)
 - (a) The total number of residential units to be provided on the site shall not exceed 270
 - (b) the total amount of employment floorspace to be provided on the site shall not exceed 16,400m² (gross). No more than 35% of the employment floorspace hereby approved shall be used within class B1(a) of the Town and Country (Use Classes) Order 1987 (as amended). No less than 4.7ha of employment land shall be provided within the site for use within classes B1 and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 - (c) the total amount of floorspace for use within classes A1 and A3 of the Town and Country (Use Classes) Order 1987 (as amended) shall not exceed 499m² (gross)

Affordable housing

- 5) Prior to commencement of any phase of the development incorporating dwellings, a scheme for the provision of affordable housing for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework, or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 30% of the total number of dwellings permitted unless it is demonstrated that the development would not be viable other than with a reduced level of affordable housing provision. Such demonstration must include the submission of an 'open book' financial appraisal of the proposed development, indicating the full range of costs to be incurred by the development including the initial purchase of the land, the financial return expected to be realised, and the expected profit level to be assessed and agreed by the Local Planning Authority prior to the agreement of the layout as a reserved matter;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider, or alternative arrangements for the future management of the affordable housing;
 - iv. arrangements to ensure that the affordable housing is affordable not only for the first occupiers but also for subsequent occupiers; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced

Drainage

- 6) The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (ref. L29212/01/DS/CJS, issue 2A dated May 2014) and the mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme, or within any other period as may be agreed in writing by the Local Planning Authority
- 7)
 - (a) Prior to the commencement of each phase of the development, the design of a scheme for the drainage of foul and surface water from the site, based on sustainable drainage principles so far as is possible subject to ground conditions, the results of the investigation required under part (d) of this condition and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority

- (b) this scheme shall include:
 - i. information about the design storm period and density (1 in 30 and 1 in 100 year + 30% allowance for climate change);
 - ii. discharge rates and volumes (both pre and post development and including any discharge through culvert no. 37 under the Lancaster Canal);
 - iii. temporary storage facilities;
 - iv. the means of access for maintenance;
 - v. the methods employed to delay and control surface water discharged from the site;
 - vi. the measures taken to prevent flooding and pollution of receiving surface waters, including watercourses and surface water sewers;
 - vii. details of floor levels in AOD;
 - viii. a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source pathway and receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features);
 - ix. details of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts where relevant);
 - x. floodwater exceedance routes both on and off site;
 - xi. a timetable for implementation;
 - xii. a management and maintenance plan for the lifetime of the development which, as a minimum, shall include arrangements for adoption by an appropriate public body or statutory undertaker; management and maintenance by a Residents Management Company; arrangements of appropriate funding mechanisms for on-going maintenance of the scheme; and details of an inspection programme to assess performance, asset condition, operation costs, and any necessary maintenance and/or remedial works
- (c) The scheme shall demonstrate that surface water run off for the entire site once developed would not exceed run-off from the undeveloped site for the corresponding rainfall event
- (d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates
- (e) Details of water quality controls and appropriate mitigation measures to prevent pollution of ground or surface waters including the Lancaster Canal
- (f) No surface water, highway drainage or land drainage shall discharge to the public combined sewerage system or via an infiltration system unless agreed by the Local Planning Authority
- (g) The approved drainage scheme for each phase shall then be implemented in full accordance with the approved details, including the agreed timetable for implementation

Ecology

- 8) (a) Prior to the commencement of development, a method statement shall be submitted to and agreed in writing by the Local Planning Authority giving full details of how any possible harm to great crested newts would be avoided during the course of development. This agreed method statement should be implemented in full.
- (b) No groundworks, vegetation clearance, levelling or drainage of the site, or trapping, exclusion or translocation of amphibians should commence until the Local Planning Authority has acknowledged in writing receipt of either:
 - i. a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 210 authorising the specified activity to go ahead, or
 - ii. a statement from the relevant licensing body to the effect that it does not consider that the specified activity would require a licence.

Tree protection, landscaping and open space

- 9) (a) No trees shall be felled or vegetation cleared during the bird breeding season (March to July inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the Local Planning Authority, demonstrating that nesting and breeding birds have been shown to be absent
- (b) No trees shall be felled or vegetation cleared during the main bat activity season (May to August inclusive) unless a report, undertaken by a suitably qualified person, has been submitted in writing to the Local Planning Authority, demonstrating that roosting bats have been shown to be absent
- (c) Any trees to be felled shall be soft-felled

- 10) Prior to the commencement of development, a method statement for the protection of trees and hedgerows during construction shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then proceed in full accordance with this agreed statement. The method statement shall identify the trees and hedgerows to be retained and shall be in accordance with the guidelines set out under BS 5837:2012 'Trees in relation to design, demolition and construction'
- 11) Prior to the commencement of development a scheme for the provision of public open space in accordance with policy H13 of the adopted Wyre Borough Council Local Plan 1999 (or any succeeding equivalent policy in a subsequently adopted Local Plan) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall show how the public open space is to be distributed throughout each phase of the development and shall include measures to secure its maintenance and management throughout the lifetime of the development. The open space to be provided in any phase of the development shall be made available for use by the public before the first occupation of any dwelling constructed as part of that phase.
- 12) Prior to the commencement of each phase of the development, a Landscape and Habitat Creation and Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and this agreed plan shall be delivered in accordance with a timetable to be included therein and shall thereafter be retained and managed in accordance with the details of the approved scheme. The plan shall include species rich hedgerow planting; bolstering of existing hedgerows; the creation of ponds; and the provision of bat bricks or tubes, bat and bird boxes, and native tree and shrub planting. The scheme shall also include details of planting along the existing railway line that would support foraging bats

Roads, accesses, parking and travel

- 13) No part of the residential development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement have been submitted to, and approved in writing by, the Local Planning Authority. The site accesses and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The following schemes to be covered by this condition include:
 - i. The main site access junctions on A6 as per agreed layout drawings 1401902b (southern A6 access)
 - ii. The 3 site access junctions onto Nateby Crossing Lane as per agreed layout drawing 1401905F
 - iii. The interim improvement scheme for the A6 Preston Lancaster New Road/Croston Barn Road/Green Lane West/B5272 Cockerham Road/Croston Road signalised junction to include upgrade to MOVA and a toucan crossing over A6 south approach
 - iv. The interim improvement scheme for the A6/Moss Lane/Longmoor Lane Priority junction in line with the wider scheme
 - v. The 'pedestrian green link' underpass of the A6, providing high quality connection for sustainable modes (including pedestrians and cyclists) to Garstang. No part of the development hereby approved shall commence until technical information, analysis and scheme details that includes structural stability of the embankment, construction and structural details of the proposals, including any retaining structure, longevity of the structure, drainage, future maintenance, access for maintenance purposes, liability of the structure, responsibility, ownership and safety of workers has been submitted to, and approved in writing by the Local Planning Authority and all necessary legal agreements are in place to deliver and maintain the proposal. Details of the standard of the link, including its width and surfacing, are to be agreed in writing by the Local Planning Authority. A scheme to secure the maintenance of the agreed pedestrian and cycle access via the proposed underpass is also to be approved in writing by the Local Planning Authority
 - vi. Pedestrian footway improvements on A6 (east and west side to Longmoor Lane in the south and Croston Barn Lane in the north) as agreed in layout drawings 1401902b (southern A6 access) and 1401901c (northern A6 access)
 - vii. Pedestrian footway improvements and traffic calming and 'gateway measures' on Nateby Crossing Lane as agreed in layout drawing 1401905F
 - viii. Public transport facilities to quality bus standard on Croston Road and on the new link between A6 and Nateby Crossing Lane with details of the stops to Quality Bus Standard to be agreed
 - ix. Renewal of the carriageway markings at the Nateby Crossing Lane/Croston Barn Lane junction as agreed in layout drawing 1401905F
- 14) No part of the commercial development hereby approved shall commence until a scheme for the construction of the access to the A6 has been submitted and approved by the Local Planning Authority as per agreed layout drawing 1401901c (northern A6 access). The site access shall be completed before the commercial development is first occupied unless otherwise agreed in writing by the Local Planning Authority
- 15) The interim Travel Plan prepared by Hy Consulting and referenced 14019 (dated December 2014) shall be implemented in full in accordance with the timetable within it unless otherwise agreed in writing by the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least five years

- 16) There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs within any visibility splay required to maintain safe operation for all users
- 17) Prior to the commencement of any of the commercial development hereby approved, a fully detailed Parking Management Strategy for that commercial development shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking and cycle parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The Parking Management Strategy will include an assessment and strategy to ensure adequate parking provision is delivered for all proposed site uses for both car parking and cycle parking
- 18) The car parking provision for each commercial unit as identified in the Parking Management Strategy for that unit shall be surfaced, demarcated and made available for use prior to that unit being first occupied unless otherwise agreed in writing by the Local Planning Authority. The car parking shall then be available at all times whilst that part of the development is occupied
- 19) No commercial unit shall be occupied until space and facilities for bicycle parking have been provided in accordance with the Parking Management Strategy for that unit. The approved space and facilities shall then be retained and permanently reserved for bicycle parking
- 20) No phase of the development hereby approved shall commence until a pedestrian and cycle signing strategy for that phase has first been submitted to, and approved in writing by the Local Planning Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved phasing programme and thereafter retained

Noise

- 21) In order that there is no adverse effect on the health and quality of life of the future occupiers of the proposed dwellings from cumulative noise from the existing and proposed industrial, commercial and traffic sources, prior to commencement of the development a noise assessment shall be submitted to and agreed in writing by the Local Planning Authority. The noise assessment shall demonstrate how the under-noted standards will be achieved at each of the proposed dwellings and include full details of all necessary noise mitigation measures, e.g. acoustic glazing, fencing and ventilation:
 - i. Less than 55 dB(A) for $L_{eq,16\text{ hours}}$ (07.00 to 23.00) in gardens and outside living areas, including balconies
 - ii. No greater than 35 dB(A) for $L_{eq, 16\text{ hours}}$ (07.00 to 23.00) – indoors daytime
 - iii. No greater than 30 dB(A) for $L_{eq, 8\text{ hours}}$ (23.00-07.00) – indoors night-time
 - iv. A maximum of 45 dB(A) for L_{Fmax} (23.00-07.00) – indoors night-time
 - v. The Noise Rating Levels for cumulative noise from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed the background noise level ($L_{A,90}$) at the external façade of each of the proposed dwellings, as assessed in accordance with BS 4142 (2014). Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority
 - vi. The Maximum Instantaneous Noise Levels ($L_{A,Fmax}$) from all plant, machinery and vehicles used in connection with the industrial and commercial uses of the development shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00-07.00hrs) at the external façade of each of the proposed dwellings. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority

**The evening standard $L_{A,Fmax}$ will only apply where the evening $L_{A,Fmax}$ significantly exceeds the $L_{A,eq}$ and the maximum levels reached are a regular in occurrence, for example several times per hour*

Controls relating to the commercial and industrial units

- 22) No industrial or commercial unit shall be occupied until a Delivery Strategy for that unit has been submitted to an approved in writing by the Local Planning Authority. No deliveries (to include waste and recycling collections) shall take place outside of the hours specified by the Strategy
- 23) Before any of the commercial elements of the scheme hereby approved are first brought into use, the operating hours of those commercial elements shall first be submitted to and agreed in writing by the Local Planning Authority and the commercial use shall thereafter operate within those agreed hours and at no other times
- 24) No amplified recorded or live music shall be played in the outside areas of the commercial and industrial uses at any time
- 25) Prior to the occupation of each commercial unit, an Odour and Noise Management Plan for any extraction system in that unit shall be submitted to and agreed in writing by the Local Planning Authority. The height of each kitchen extraction flue should be a minimum of 1m above the eaves and the fixings used to attach the extraction flue to the wall of the building shall be designed so as to prevent vibration. The kitchen extraction system shall be designed in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. All extraction systems shall be installed and thereafter maintained in full accordance with these agreed plans

Lighting

- 26) Prior to the commencement of each phase of the development, an external lighting scheme and Artificial Lighting Assessment for that phase shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that any external artificial lighting to be provided would be installed in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and would not be intrusive to residential premises. Light intrusion into the windows of any residential premises shall not exceed 10 lux between 0700 and 2300 hours and 2 lux between 2300 and 0700 hours. The assessment shall also demonstrate that the orientation and luminosity of the lighting would not be detrimental to biodiversity

Construction method statement and dust

- 27) (a) No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of that proposed phase of development, is submitted to and approved in writing by the Local Planning Authority. The plan shall detail:
- i. how biodiversity would be protected throughout the construction period;
 - ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of those waters;
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. the loading and unloading of plant and materials;
 - v. the storage of plant and materials used in constructing the development;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
 - viii. a scheme for recycling and disposing of waste resulting from construction work (there shall be no burning on site);
 - ix. a Management Plan to identify potential ground and water contaminants;
 - x. details for the storage of potential contaminants and how water courses would be protected against spillage incidents and pollution during the course of construction;
 - xi. a scheme to control noise during the construction phase;
 - xii. the routing of construction vehicles and deliveries to the site including measures to direct construction traffic away from Cathouse Bridge (bridge no. 64) over the Lancaster Canal in order to minimise the risk of damage to this bridge during construction
- (b) No construction or associated vehicle movements should take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays
- (c) The development shall only proceed in full accordance with the approved Construction Environmental Management Plan
- 28) Construction works pursuant to this permission shall not take place other than between the hours 08.00hrs and 18.00hrs Monday to Fridays and between 08.00hrs and 13.00hrs on Saturdays. No works shall take place on Sundays or on Bank or Public Holidays.
- 29) No development works shall commence until a Construction Phase Dust Action Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall have regard to current best practice and shall provide details of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors and the procedures to be adopted in response to complaints of fugitive dust emissions. All construction phase works (to include demolition works) shall be undertaken strictly in accordance with the agreed Plan

Contamination and gas

- 30) No development shall take place until:
- (a) A revised conceptual site model and risk assessment in respect of potential land contamination has been submitted to and approved in writing by the Local Planning Authority, including (where necessary), detailed proposals for further site investigation work;
 - (b) Any necessary site investigation works in relation to potential land contamination have been undertaken in full, strictly in accordance with the approved methodology, and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation scheme;
 - (c) Remediation of any potential land contamination of the site has been undertaken strictly in accordance with the remediation strategy and a validation report has been submitted for approval in writing by the Local Planning Authority confirming full implementation of the approved remediation scheme. Any changes to the agreed elements of the scheme must be authorised by the express written consent of the Local Planning Authority

- 31) The development shall incorporate suitable gas protection measures, details of which for each phase of the development shall be submitted to and be subject to the written approval of the Local Planning Authority prior to the commencement of that phase of development, unless shown not to be required as detailed below. The measures shall include, as a minimum: ventilation of confined spaces within any affected building, a well-constructed ground slab, a low permeability gas membrane, minimum penetration (ideally none) of the ground slab by services, and passive ventilation to the underside of any affected building. Alternatively, prior to the commencement of each phase of the development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures for that phase are not required. Any gas monitoring must be carried out over a period of at least 3 months and include at least 3 readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided. Results shall be submitted for approval in writing by the Local Planning Authority .

Richborough Estates