



Department for
Communities and
Local Government

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

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

20 February 2014

Dear Sir

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

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

Inspector's recommendation

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

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Procedural matters

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

Matters arising after the close of the inquiry

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

Policy considerations

8. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the saved policies of the Ribble Valley Districtwide Local Plan 1998 (the Local Plan).
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework – March 2012); Technical Guidance to the National Planning Policy Framework; Circular 11/1995: *Use of Conditions in Planning Permission* and the *Community Infrastructure Levy (CIL) Regulations 2010* (as amended). The Secretary of State has had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance is currently in test mode and for public comment, he has attributed it limited weight.
10. The Secretary of State notes that the draft Ribble Valley Core Strategy (CS) was submitted to him for Examination in September 2013 and that the Inspector has yet

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

Main issues

Housing land supply & policy

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

The effect on the character and appearance of the area

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

Accessibility to non-car modes of transport

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

The effect on highway safety and congestion

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

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

Railway level crossings

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

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

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

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

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

Prematurity

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

Conditions and s.106 obligations

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

Overall conclusions

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

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

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development of up to 504 dwellings (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station, in accordance with application ref 3/2012/0630/P dated 13 July 2012, subject to the conditions listed at Annex B of this letter.
31. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
32. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

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

Yours faithfully

Julian Pitt

Authorised by the Secretary of State to sign in that behalf

POST INQUIRY REPRESENTATIONS**Annex A**

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

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

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

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

General

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

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

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

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

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

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

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

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

Phasing

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

Landscaping and Levels

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

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

Design

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

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

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

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

Drainage

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

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

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

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

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

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

Highways/Transport

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

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

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

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

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

Construction

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

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

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

Energy/Sustainability

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

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

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

Biodiversity/Tree Protection

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

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

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

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

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

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

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

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

Play Space

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

Lighting

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

Noise

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

Dog / leisure walk around site

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

End