Ministry of Housing, Communities & Local Government

Our ref: APP/N4205/V/18/3208426
Your ref:

Mr N Graham,
Associate Director
Turley,
Manchester M1 4HD

**Nick.graham@turley.co.uk**

30 July 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77**
**APPLICATION MADE BY PEEL HOLDINGS (LAND AND PROPERTY) LIMITED**
**LAND AT AND ADJACENT TO, HULTON PARK, MANCHESTER ROAD, OVER HULTON, BOLTON BL5 1BH**
**APPLICATION REF: 00997/17**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Karen L Ridge LLB (Hons) MTPl Solicitor, who held a public local inquiry on 1-3, 9-11 and 15-16 October 2019 into your client's application for planning permission reference 00997/17 dated 19 May 2017 for:

    - PART A: a full planning application for restoration works to Hulton Park and various existing structures and heritage assets within it, including the pleasure grounds, dovecote, walled garden and lakes; and for the development of a golf resort, including: an 18-hole championship-grade golf course and clubhouse; a golf academy including driving range, practice course, adventure golf course and academy building with sports and learning facilities, a golf shop and café; a hotel with adjoining spa and conference facility; other ancillary buildings, structures and engineering and landscape works, including a maintenance building, halfway house, highway accesses, highway underpass, various bridges, boundary treatments, internal access roads, external lighting, parking areas, and new and replacement landscaping; the demolition of various existing buildings and structures; and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network; and

    - PART B: an outline application for the residential development of 56.03 hectares of land providing up to 1,036 dwellings, a local centre, and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network, with all matters reserved except for (in part) highways.

    - Listed building consent application for the restoration of a Grade II Listed Dovecote.

Ministry of Housing, Communities & Local Government
Andrew Lynch, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3594
Email: PCC@communities.gov.uk

2. On 31 July 2018, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission be granted subject to conditions and with the benefit of the obligations in the section 106 agreement.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Environmental Statement**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.9 to IR1.13, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

**Procedural matters**

6. The Secretary of State notes at IR1.3 that there is a separate application for Listed Building Consent before the Council which is not subject to the call-in procedure. He therefore agrees with the Inspector that an appropriately amended description of development should be used (see paragraph 45 below). Like the Inspector the Secretary of State has assessed the proposal on the basis of the updated plans described in IR1.13

**Policy and statutory considerations**

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

8. In this case the development plan consists of the Bolton Core Strategy Development Plan Document (CS-DPD) adopted in March 2011; the Bolton Allocations Plan Document (AP) adopted in 2014 and the Greater Manchester Minerals and Waste Plan (GMMP) adopted in 2013. The Secretary of State agrees with the Inspector that the most relevant development plan policies include those set out at IR4.2.

9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

*Emerging plan*

11. The emerging plan comprises the Greater Manchester Spatial Framework (GMSF). The Secretary of State considers that the emerging policies of most relevance to this case include STRAT8 which sets out a vision for a Wigan-Bolton Growth Corridor (IR4.3). However, the GMSF is at an early stage and consultation on a Further Revised Draft of the Greater Manchester Plan is due to take place summer 2020 (IR4.4).

12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. For the reasons given in IR4.3-4.4 the Secretary of State attributes limited weight to emerging policies.

**Main issues**

*The Ryder Cup*

13. The Secretary of State notes that the proposal is predicated on a bid to be the venue for the Ryder Cup in 2030 or 2034 (IR14.10), with that decision expected to be made summer 2020. The Secretary of State agrees with the Inspector at 14.13 that the development should only proceed if the Ryder Cup is secured.

14. For the reasons given at IR14.14 to 14.16, he agrees with the Inspector that it is appropriate to consider the planning application prior to a Ryder Cup contract having been secured, and that the covenants in the section 106 agreement are binding and would prevent development commencing until such time as the Ryder Cup was secured in 2030 or 2034.

*Socio-economic effects*

15. For the reasons given in IR14.17-14.40 the Secretary of State agrees with the Inspector that the totality of UK-wide economic and social benefits generated by the proposal will be substantial with estimates for jobs created and Gross Value Added generated being 1686 jobs and £1.1 billion (GVA) respectively (IR14.36). Aggregated monetarised social benefits are estimated to amount to over £72m (IR14.38-14.39).

16. For the reasons given in IR14.40-14.53, he further agrees with the Inspector that while in any location in the UK the benefits would be very significant and would attract very significant weight, in the context of a local and regional area which lags behind economically and evidences higher levels of deprivation and economic inactivity, the economic benefits described take on a greater significance (IR14.51). The Secretary of State further agrees with the Inspector that the non-monetary benefits associated with the scheme set out in IR14.52 are benefits which go hand in hand with the monetised socio-economic benefits.

*Housing*

17. The Secretary of State notes at IR5.9 that the main parties agree the Council does not have a 5YHLS and agrees for the reasons given at IR14.90 and that the current housing supply is between 3.5 and 3.7 years with a current deficit of around 1,300 homes. The Secretary of State notes that the appeal site is not an allocated housing site (IR14.88). However, for the reasons given in IR14.95 he agrees with the Inspector that, given policies for the supply of housing (including SC1 and the first bullet point to OA4) are out

of date, only limited weight should be attributed to the harm caused by the proposal being contrary to policy OA4 in terms of the location of new housing. For the reasons given in IR14.87-14.102 the Secretary of State agrees with the Inspector that the proposal will deliver 1036 dwellings (IR14.67) of a type in demand and would be likely to contribute towards the objective of diversifying the existing housing stock (IR14.93) in an area of considerable shortfall. Taking into consideration national policy to significantly boost the supply of housing, the Secretary of State considers this represents a significant benefit which attracts significant weight.

18. The Secretary of State notes at IR14.56 that CS policy SC1 sets out a requirement of 35% affordable housing on new greenfield housing developments and that a lower proportion may be permitted where it can be clearly demonstrated that development would not be financially viable. For the reasons given in IR14.54-14.77 the Secretary of State agrees with the Inspector's conclusions at IR14.74 and 14.75 that the scheme cannot currently afford to bear the costs of affordable housing provision. The Secretary of State agrees with the Inspector at IR14.77 that the mechanism and triggers for review offer adequate opportunities to revisit the question of viability and optimise the likelihood of securing affordable housing.

19. For the reasons given in IR14.78-14.86 the Secretary of State agrees with the Inspector's preference at IR14.84 of a policy compliant affordable housing tenure split delivered with a mix of 65% social rented and 35% intermediate housing to comply with policy expectations and meet the needs of the local population (IR14.83). The Secretary of State notes that the offer of affordable housing is agreed by the parties to be above and beyond policy requirements (IR13.6). As such it is not necessary to make the development acceptable in terms of the policy tests relating to the planning obligation (IR13.6). Given this, unlike the Inspector, the Secretary of State considers that the initial offer of 10% provision of affordable housing does not carry any weight as a material consideration. However, given the Inspector's findings at IR13.6 and IR14.299, the Secretary of State agrees with the Inspector that provisions relating to any further provision of affordable housing arising from the Review Mechanism are necessary to make the development acceptable given that they meet policy requirements, and further agrees that this should attract limited weight given its uncertainty.

*Biodiversity*

20. For the reasons given in IR14.103-14.115 the Secretary of State agrees with the Inspector at IR14.115 that there would be substantial benefits in relation to the diversification of the ecological features and habitats on site and further agrees at IR14.115 that this should be accorded substantial weight.

*Highways*

21. For the reasons given in IR14.116-14.145 the Secretary of State agrees with the Inspector at IR14.144 that the package of measures secured by condition and the s106 agreement would be sufficient to address the additional traffic impact arising as a result of the proposal, including the holding of the Ryder Cup event, and that the introduction of the link road would significantly improve the operation of the Chequerbent roundabout when the proposed development and all committed development is taken into account.

He further agrees at IR14.144 that the benefit delivered by the link road attracts moderate weight.

*Heritage*

22. For the reasons given at IR14.146-14.222 the Secretary of State agrees with the inspector that there would be substantial benefits of the proposal and that there would also be substantial harm to the parkland character area and the loss of some historic material (IR14.221). Overall, he agrees with the Inspector at 14.222 that there would remain some overall harm to the RPG which would be less than substantial harm, not at the upper end of the spectrum.

23. The Secretary of State agrees with the Inspector for the reasons given in IR14.227-14.229 that in this case only one heritage balance is required to be undertaken. He further agrees with the Inspector's conclusion at IR14.231 that overall the proposal would cause less than substantial harm to the heritage assets on the site and he agrees this harm attracts considerable weight.

24. With regard to the Dovecote, for the reasons given in IR14.223-14.225 the Secretary of State agrees with the Inspector at IR14.225 that the heritage asset and its significance would be enhanced. He also agrees with the Inspector at IR14.226 that the listed buildings at 791-792 Manchester Road would be preserved.

*Landscape Character*

25. For the reasons given in IR14.241-14.246 the Secretary of State agrees with the Inspector at 14.246 that there would be limited harm to the landscape character, most significantly through loss of land to housing and that the proposal would to some extent be at odds with policies CG1.1, CG3.2 and CG3.7. Like the Inspector the Secretary of State at IR14.246 considers this harm attracts moderate weight.

*Other matters*

26. For the reasons given at 14.247-14.249 the Secretary of State agrees with the Inspector at IR14.249 that there would be a net benefit to Public Rights of way both in terms of provision and also in terms of attractiveness and utility, which attracts moderate weight.

27. For the reasons given at IR14.250 to 14.252, the Secretary of State agrees with the Inspector that a precautionary approach has been taken in terms of the imposition of conditions requested by the Coal Authority. He further agrees at IR14.253-254 that the relevant tests in respect of Policy 8 of the Greater Manchester Joint Minerals Plan have been passed. He therefore agrees with the Inspector that the proposal is policy compliant in this respect (IR14.254).

28. The Secretary of State agrees with the Inspector for the reasons given at IR14.255-259 that the proposal would not cause any material harm to living conditions of existing residents (IR14.256), that the hotel complex would not undermine the operation of existing or planned developments in existing town centres and it would not impact upon the overall vitality and viability of such town centres (IR14.258) and that the local centre would comply broadly with the objectives of CS policy P2 (IR14.259). He further agrees for the reasons given at IR14.260 that the financial and other contributions are sufficient to ameliorate additional demands on local infrastructure generated by new residents.

29. The Secretary of State agrees with the Inspector for the reasons given at IR14.261-263 that the proposal would have an adverse impact in terms of the loss of agricultural land,

contrary to policy CS policy CG1 (IR14.261), and further agrees at IR14.294 that, given the scale of the loss, this harm attracts limited weight. While there would be some loss of best and most versatile land, in terms of this application it would be 'de minimis, and the Secretary of State agrees with the inspector that this loss carries no weight in the overall planning balance (IR14.262).

30. The Secretary of State agrees with the Inspector at IR14.263 that the proposal would comply with CS policy CG1 and the Framework objectives which seek to reduce flooding risk.

*Green Belt*

31. The Secretary of State notes that the entire application site is located within the adopted Greater Manchester Green Belt (IR14.264). For the reasons given in IR14.267 the Secretary of State agrees with the Inspector that policy CG7AP of the allocations plan document is out of step with more recent national policy in the Framework. Like the Inspector he has therefore conducted his Green Belt analysis by applying the principles set out in the Framework. For the reasons given at IR14.265-270 the Secretary of State agrees with the Inspector that the introduction of over 1000 new homes, internal roads and a local centre and primary school onto the western fields would cause significant harm to the openness of the Green Belt (IR14.269). He further agrees for the reasons given in IR14.271-275 that overall the development would result in a substantial erosion of this part of the Green Belt, and like the Inspector, he attributes substantial weight to the global harm to openness (IR14.275).

32. For the reasons given in IR14.276-286, the Secretary of State agrees with the Inspector that the development would result in substantial urban sprawl (IR14.279) and that the proposed housing would result in encroachment into the open countryside (IR14.284). The sprawl would be significant and cause substantial harm to the Green Belt. Due to the quantum of development on the western fields in particular, the encroachment would also be significant. The Secretary of State also agrees with the Inspector that the development would not offend the Green Belt purpose of preventing neighbouring towns merging into one another nor is there any harm to the purposes of preserving the setting and special character of historic towns and assisting in urban regeneration. He does not accept, for the reasons given at IR 14.287-291, that there would be improved access to the Green Belt (IR14.288) by the proposal but agrees with the Inspector that the proposal would result in a modest beneficial use of the Green Belt to which he attributes limited weight (IR14.291).

**Planning conditions**

33. The Secretary of State has given consideration to the Inspector's analysis at IR12.1-12.12, the recommended conditions set out at the end of the IR in Appendix D and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex A of this letter should form part of his decision.

**Planning obligation**

34. Having had regard to the Inspector's analysis at IR13.1-13.10 the planning obligation dated 5 November 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR13.10, with the

exception of the initial 10% affordable housing provision, that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

**Planning balance and overall conclusion**

35. For the reasons given above, the Secretary of State considers that the application is not in accordance with policies in the Bolton Core Strategy in relation to housing (SC1) and is also in conflict with Policy OA4 in relation to housing site allocations and conserving and enhancing the historic environment. Further he considers the proposal is not in accordance with policies in the Bolton Allocations Plan Document in relation to Green Belt (CG7AP) and is at odds with CS policies CG1.1, CG3.2 and CG3.7. He considers the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

36. As Bolton Metropolitan Borough Council cannot demonstrate a five year housing land supply paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

37. The Secretary of State considers the socio-economic benefits of the proposal carry very significant weight, the housing benefits carry significant weight, the biodiversity benefits carry substantial weight, highways and PROW benefits each carry moderate weight and the benefits to the Grade II listed Dovecote carries limited weight, as does the benefit arising from the beneficial use of the Green Belt, and the benefit of affordable housing provision arising from the Review Mechanism.

38. The Secretary of State considers that the harm to the Green Belt carries substantial weight, the 'less than substantial' harm to the heritage assets carries considerable weight, harm to landscape character carries moderate weight and harm caused by loss of agricultural land carries limited weight.

39. In accordance with the s.66 duty, the Secretary of State attributes considerable weight to the harm to Hulton Park RPG and has gone on to consider whether the identified 'less than substantial' harm is outweighed by the public benefits of the proposal.

40. Overall, the Secretary of State considers that the enormity of the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Hulton Park RPG, and that the proposed project represents the optimum viable use in accordance with PPG guidance. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal.

41. The Secretary of State considers that when the Green Belt and other harms are taken together, they are clearly outweighed by the benefits and other considerations, and that the range and magnitude of the socio-economic benefits and the context in which they would be realised have contributed to this finding. He therefore concludes that very special circumstances exist in this case and that policies in the Framework relating to Green Belt land do not provide a clear reason for refusing the development

42. The Secretary of State therefore concludes that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. He also concludes that any adverse impacts of

granting permission do not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

43. Overall the Secretary of State considers that the material considerations in this case indicate a decision other than in accordance with the development plan. – i.e. a grant of permission.

44. The Secretary of State therefore concludes that planning permission should be granted.

**Formal decision**

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

- PART A: restoration works to Hulton Park and various existing structures and heritage assets within it, including the pleasure grounds, dovecote, walled garden and lakes; and for the development of a golf resort, including: an 18-hole championship-grade golf course and clubhouse; a golf academy including driving range, practice course, adventure golf course and academy building with sports and learning facilities, a golf shop and café; a hotel with adjoining spa and conference facility; other ancillary buildings, structures and engineering and landscape works, including a maintenance building, halfway house, highway accesses, highway underpass, various bridges, boundary treatments, internal access roads, external lighting, parking areas, and new and replacement landscaping; the demolition of various existing buildings and structures; and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network; and

- PART B: outline planning permission for the residential development of 56.03 hectares of land providing up to 1,036 dwellings, a local centre, and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network, with all matters reserved except for (in part) highways.

46. 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**

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

48. 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

49. A copy of this letter has been sent to Bolton Metropolitan Borough Council and Hulton Estate Area Residents Together (HEART) and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch
Authorised by the Secretary of State to sign in that behalf

## Annex A List of conditions

### General Conditions applying to all parts of the development

1) The development hereby approved shall not be begun until a phasing scheme has been submitted to, and approved in writing by, the local planning authority. The phasing scheme shall identify the proposed phasing of the development hereby approved, including the following:
    - the Golf Resort development;
    - the residential development;
    - the phased implementation and opening of the Hulton Trail; and
    - the heritage restoration works across the site.

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

2) The development hereby approved shall be carried out in accordance with the objectives, parameters, works, commitments and other relevant details set out in the following approved plans and documents:
    - Site Location Plan (dated 28:03:17);
    - Updated Conservation Plan Volume 2: Conservation Strategy (May 2019), including the provisions for regular monitoring and review;
    - Public Right of Way Strategy (Version 4.0, May 2017; 6628-LD-REP-800);
    - Crime Impact Statement (February 2017); and
    - Updated Design and Access Statement (Version 8, July 2019).

3) That part of the development hereby approved in full, as defined on drawing "LUC-6628- LD-PLN-000 Issue E" (hereafter referred to as the "Golf Resort Development"), shall be begun before the expiration of three years from the date of this planning permission.

4) No phase of the development hereby approved in outline (hereafter referred to as the "Residential Development") the extent of which is defined on drawing "LUC-6628-LD-PLN-000 Issue E"), shall be begun until details of all of the reserved matters for that phase (appearance, landscaping, layout, scale and access (in part)) have been submitted to, and approved in writing by, the local planning authority.

    Applications for the approval of all reserved matters in respect of the first phase of the Residential Development shall be submitted no later than three years from the date of this permission. Applications for the approval of reserved matters for all other phases of the Residential Development shall be submitted no later than eighteen years from the date of this permission.

    The first phase of the Residential Development shall be begun before the expiration of five years from the date of this planning permission or two years of the date of the final reserved matters approval in respect of that phase, whichever is the later. Each subsequent phase of the Residential Development shall be begun before expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of that phase. Each phase of the Residential Development shall thereafter be implemented in accordance with the approved reserved matters in respect of that phase.

5) No more than 1,036 dwellings shall be constructed as part of the Residential Development.

**The Hulton Trail & Public Rights of Way**

6) No more than 499 dwellings hereby permitted shall be occupied until the Public Right of Way infrastructure referred to as the "Hulton Trail", shown on drawings "507C 08 to 12 Revision C", has been completed and opened to the public. The development of the residential development area referred to in the "Updated Design and Access Statement" (Version 8, July 2019) as "Park End Farm" shall not be begun until a specification and route in respect of the part of the Hulton Trail which is reserved, as identified on approved drawing "507C 12 Revision C", has been submitted to, and approved in writing by, the local planning authority. The Hulton Trail shall be completed in accordance with the approved details, including the phasing scheme approved pursuant to Condition (1).

7) No phase of the Hulton Trail, as referred to in Conditions (1) and (6), shall be begun until details of the following, in respect of that phase, have been submitted to, and approved in writing by, the local planning authority:

   i) surfacing materials; and

   ii) any appropriate measures to be installed to restrict access by motor vehicles, in broad accordance with the proposals illustrated on approved drawing "Hulton Trail Access Restriction Proposals" (reference: 507C 13 Revision A); and

   iii) the specification for and design of public art and interpretative material to be provided along the route of that phase (as defined by the phasing scheme approved pursuant to Condition 1), in broad accordance with Section 5.15 of the approved "Updated Design and Access Statement" (Version 8, July 2019).

   Each phase of the Hulton Trail shall thereafter be implemented in full in accordance with the approved details for that phase prior to its use by members of the public.

8) The development hereby approved shall not be begun until a scheme to secure works to the following Public Rights of Way (PRoW) for the purposes of providing connections to the Hulton Trail has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the following:

   i) Construction of a 2m-wide rolled stone path where necessary in respect of PRoW ATH28;

   ii) A new footpath connection between PRoW ATH28 and Spa Road;

   iii) Construction of a 2m-wide rolled stone path where necessary in respect of PRoW WES127;

   iv) Widening of the footpath at the Greendale Road subway link to 5.5m and associated landscape improvements;

   v) Installation of associated signage along Spa Road;

   vi) Associated vegetation clearance, edging and drainage; and

   vii) A programme for its implementation and completion prior to the opening of the Hulton Trail.

   All surfacing works shall comprise a non-slip material. The works shall thereafter be undertaken in accordance with the approved scheme.

**Construction management applying to all parts of the development**

9) No demolition, ground works, construction works, or restoration works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1400 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.

10) No phase of the development hereby approved, shall be begun until a Construction and Environmental Management Plan (CEMP) in relation to that phase has been submitted to, and approved in writing by, the Local Planning Authority. Each CEMP shall be in accordance with the "Outline Construction Environmental and Management Plan" dated April 2019 and include details of the following:
    - Temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period of each particular phase of development;
    - Site access proposals;
    - A Traffic Management Plan;
    - Construction vehicle parking and workers parking;
    - Operatives access;
    - Off-street parking provision for the delivery of plant and materials;
    - Wheel washing facilities;
    - Signage arrangements;
    - Hours of construction and deliveries;
    - Publicity arrangements and a permanent contact / Traffic Manager once development works commences to deal with all queries and authorised by the developer / contractors to act on their behalf;
    - Details of the measures to be employed to control and monitor noise and vibration;
    - Construction routes within the site; and
    - Compound locations within the site.

    Development of that phase shall thereafter only be carried out in accordance with the approved CEMP for that phase.

11) No phase of the development hereby approved, shall be begun including any tree felling or excavation works, until details of the methods to be employed to minimise noise disturbance during construction of that phase have been submitted to, and approved in writing by, the local planning authority. Those details shall include the measures detailed in "Table 13.32: Recommended Construction Phase Mitigation Measures" of Chapter 13 of the "Environmental Statement Volume 2: Environmental Assessments" (May 2017). The approved details shall thereafter be implemented in full prior to the commencement of any demolition or construction works and shall be retained throughout the demolition and construction periods.

12) No phase of the development hereby approved, shall be begun until a scheme for the management of dust or windblown material associated with the construction of that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall:
    - be prepared in broad accordance with the details provided in the "Updated Outline Construction and Environmental Management Plan" (April 2019);
    - include proposals for dust deposition, dust flux and/or real time PM10 continuous monitoring locations;
    - specify that baseline monitoring of dust emissions shall begin at least three months before the construction of that phase is begun; and

- require that that phase shall not be begun until all monitoring data has been provided to the local planning authority.

The approved details shall be implemented in full prior to commencement of any demolition or construction works on that phase of the development and shall be retained throughout the demolition and construction periods.

**Drainage-applying to all parts of development**

13) No phase of the development hereby approved shall be begun until a scheme for the management of foul and surface water from that phase has been submitted to, and approved in writing by, the local planning authority. The details shall be prepared in broad accordance with the following:

i) Drainage Strategy Report dated January 2018;

ii) Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00117 Revision F),

iii) Academy Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00108 Revision P3),

iv) Clubhouse Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE- 00107 Revision P3),

v) Maintenance Building General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00106 Revision P3) and

vi) Hotel / Car Park Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE- 00105 Revision P4).

The submitted details shall include:

- A hydraulic model of the proposed surface water drainage scheme for that phase;
- A programme for the delivery of the foul and surface water drainage scheme for that phase; and
- A management and maintenance plan for the foul and surface water drainage scheme for that phase, including arrangements for either a) adoption by an appropriate public body or statutory undertaker or b) management and ongoing maintenance by an appropriate management company.

Each phase of the development shall be constructed in full in accordance with the approved scheme for that phase, prior to the occupation of any of the dwellings within that phase.

14) No phase of the development hereby approved shall be begun until a scheme for the provision of Water Framework Directive (WFD) mitigation and enhancement within that phase has been submitted to, and approved in writing by, the local planning authority. The scheme(s) shall be prepared in accordance with the recommendations of the "Preliminary Water Framework Directive (WFD) Compliance Assessment" (March 2017). Thereafter, the relevant phase of the development shall be implemented in accordance with the approved scheme for the phase.

**Ground Conditions applying to all parts of the development**

15) No phase of the development hereby approved shall be begun until the following information in respect of that phase has been submitted to, and approved in writing by, the local planning authority:

i) a preliminary risk assessment to determine the potential for that phase to be contaminated;

ii) prior to any physical site investigation, a methodology for undertaking an assessment to determine the nature and extent of any contamination affecting that phase and the potential for off-site migration;

iii) provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the approved "Preliminary Risk Assessment"; and

iv) where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

Following the approval of the above information by the local planning authority, each phase of the development shall be carried out in accordance with the approved scheme of remediation (where necessary) for that phase. The local planning authority shall be notified regarding the presence of any additional or unforeseen contamination encountered during the development of any phase as soon as practicably possible and a scheme of remediation to deal with such unforeseen contamination shall be submitted to, and approved in writing by the local planning authority, and thereafter implemented in full in accordance with the approved details.

Upon completion of the approved remediation schemes for each phase, and prior to the occupation of that phase, a completion report demonstrating that the scheme of remediation for that phase has been appropriately implemented and the site for that phase is suitable for its intended end use shall be submitted to the local planning authority.

**Transport- all parts of the development**

16) No phase of the development hereby approved shall be occupied or operated until the following off-site highway works have been completed and are open to traffic:

- Improvements at the A58 Snydale Way / Chequerbent roundabout junction, as shown and identified as "additional third lane to be created on approach" at Snydale Way and "lane markings to be amended" at A6 West on drawing "ITM10187-SK-199 Revision A";
- Improvements at the A58 Snydale Way / M61 Junction 5 junction, as shown on drawing "ITM10187-SK-192 Revision C";
- Improvements at the A6 Manchester Road / Newbrook Road junction, as shown on drawing "ITM10187-SK-194 Revision D"; and
- Improvements at the A58 Park Road / B5235 Leigh Road junction, as shown on drawing "ITM10187-SK-193".

17) No phase of the development hereby approved, shall be begun until details of the design, construction, specification, lighting and drainage of all internal access roads within that phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling within each phase shall be occupied until the internal access roads to serve that phase have been constructed to at least base course level in accordance with the approved details. The internal access roads for each phase shall thereafter be completed in accordance with the approved details prior to the occupation of the final dwelling within that phase.

**Landscaping- all parts of the development**

18) No phase of the development hereby approved shall be begun until a detailed planting specification in respect of the soft landscaping works to be provided

within that phase has been submitted to, and approved in writing by, the local planning authority. Each scheme shall be prepared pursuant to, and in broad accordance with, the detail identified by the "Indicative Planting Schedule & Specification" (reference: 6628-LD-SCH-705; dated April 2017) and the associated drawings; and shall also include details of the programme for implementing and completing the planting. No phase of the development shall be occupied unless the soft landscaping works have been completed in accordance with the approved scheme for that phase.

19) All soft landscape works for each phase of the development hereby approved shall be carried out in accordance with the details approved pursuant to Condition (18) for that phase and shall comply with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, or with alternative species, size and number as approved in writing by the local planning authority.

**Heritage and Archaeology- all parts of the development**

20) The development hereby approved shall not be begun until, a scheme for investigation of the landscape history of the Registered Park and Garden, written analysis and interpretation of that history, and timescales for their publication, has been submitted to, and approved in writing by, the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

21) No phase of the development hereby approved shall be begun until a Written Scheme of Investigation (WSI) for undertaking archaeological assessment and recording work within that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall be submitted and approved in advance of the demolition of any buildings or above ground structures within that phase.

The archaeological assessment and recording work for each phase shall be undertaken in accordance with the recommendations of Chapter 9 of the "Environmental Statement Volume 2: Environmental Assessments" (May 2017), including:

- a programme and methodology of investigation and recording to include historic building surveys (Historic England Level 1-3), an archaeological evaluation through trial trenching and geophysics, and targeted area excavation and/or a watching brief;
- a programme for post-investigation assessment, including analysis of the site investigation records and finds, production of final reports on the significance of the archaeological and historic interest, and deposition of the final reports with the Greater Manchester Historic Environment Record;
- publication of the results of the archaeological assessment and recording work; and
- provision for the archive deposition of the results of the archaeological assessment and recording work, including the final reports.

Each phase of the development hereby approved shall be implemented in accordance with the approved WSI for that phase.

**B. Conditions relating to the Full Planning Permission ONLY (i.e. the Golf Resort Development)**

22) The Golf Resort Development hereby approved shall be carried out in accordance with the following approved plans:
    - Landscape Masterplan Site Wide (Full Development) (reference: LUC_6628_LD_PLN_103 Issue H);
    - Demolition Plan (reference: 6628-LD-PLN-010 Issue E);
    - Restoration Plan (reference: 6628-LD-PLN-011 Issue A);
    - The Dovecote (Grade II Listed): Elevations and Masonry Repairs (reference: dov/lbc/001);
    - The Dovecote (Grade II Listed): Plans & Sections (reference: dov/lbc/002);
    - Golf Grading Overview (reference: 1263.405.01 Revision H);
    - Golf Grading 1 of 3 (reference: 1263.405.02 Revision C);
    - Golf Grading 2 of 3 (reference: 1263.405.03 Revision B);
    - Golf Grading 3 of 3 (reference: 1263.405.04 Revision B);
    - Golf Grading Analysis (reference: 1263.415.01 Revision G);
    - General Arrangement Overview Plan (reference: LUC_6628_LD_PLN_200 Issue B);
    - General Arrangement Plans Site Wide (1 of 19) (reference: LUC_6628_LD_PLN_201 Revision E);
    - General Arrangement Plans Site Wide (2 of 19) (reference: LUC_6628_LD_PLN_202 Revision E);
    - General Arrangement Plans Site Wide (3 of 19) (reference: LUC_6628_LD_PLN_203 Revision E);
    - General Arrangement Plans Site Wide (4 of 19) (reference: LUC_6628_LD_PLN_204 Revision F);
    - General Arrangement Plans Site Wide (5 of 19) (reference: LUC_6628_LD_PLN_205 Revision E);
    - General Arrangement Plans Site Wide (6 of 19) (reference: LUC_6628_LD_PLN_206 Revision E);
    - General Arrangement Plans Site Wide (7 of 19) (reference: LUC_6628_LD_PLN_207 Revision E);
    - General Arrangement Plans Site Wide (8 of 19) (reference: LUC_6628_LD_PLN_208 Revision E);
    - General Arrangement Plans Site Wide (9 of 19) (reference: LUC_6628_LD_PLN_209 Revision E);
    - General Arrangement Plans Site Wide (10 of 19) (reference: LUC_6628_LD_PLN_210 Revision E);
    - General Arrangement Plans Site Wide (11 of 19) (reference: LUC_6628_LD_PLN_211 Revision E);
    - General Arrangement Plans Site Wide (12 of 19) (reference: LUC_6628_LD_PLN_212 Revision E);
    - General Arrangement Plans Site Wide (13 of 19) (reference: LUC_6628_LD_PLN_213 Revision E);
    - General Arrangement Plans Site Wide (14 of 19) (reference: LUC_6628_LD_PLN_214 Revision E);
    - General Arrangement Plans Site Wide (15 of 19) (reference: LUC_6628_LD_PLN_215 Revision E);

- General Arrangement Plans Site Wide (16 of 19) (reference: LUC_6628_LD_PLN_216 Revision E);
- General Arrangement Plans Site Wide (17 of 19) (reference: LUC_6628_LD_PLN_217 Revision E);
- General Arrangement Plans Site Wide (18 of 19) (reference: LUC_6628_LD_PLN_218 Revision E);
- General Arrangement Plans Site Wide (19 of 19) (reference: LUC_6628_LD_PLN_219 Revision E);
- Detailed Area; Golf and Academy Entrance (reference: LUC-6628-LD-PLN-231 Issue C);
- External Lighting Layout (reference: 3023-(97)-EX-01 Rev P5);
- Clubhouse Lower Ground Floor General Arrangement Plan (reference: L(20)24A);
- Clubhouse Ground Floor General Arrangement Plan (reference: L(20)25A);
- Clubhouse Roof General Arrangement Plan (reference: L(20)26A);
- Clubhouse General Arrangement Elevations (reference: L(20)32A);
- Clubhouse Section A-A (reference: L(20)15A);
- Clubhouse Views, sheets 1 and 2 (reference: L(20)33A and 34A);
- Academy Ground Floor General Arrangement Plan (reference: L(20)27A);
- Academy Roof General Arrangement Plan (reference: L(20)28B);
- Academy General Arrangement Elevations (reference: L(20)29B);
- Academy Sections A-A B-B C-C (reference: L(20)19A);
- Academy views, sheets 1 and 2 (reference: L(20)30C and 31C);
- 9 Hole Adventure Golf & 9 Hole Ryder Cup Course;
- Hotel Views, sheets 1 to 4 (reference: 7433-L(00)141B to 144B);
- Hotel Lower Ground Floor General Arrangement Plan (reference: L(20)01);
- Hotel Ground Floor General Arrangement Plan (reference: L(20)02);
- Hotel First Floor General Arrangement Plan (reference: L(20)03);
- Hotel Second Floor General Arrangement Plan (reference: L(20)04);
- Hotel Third Floor General Arrangement Plan (reference: L(20)05);
- Hotel Fourth Floor General Arrangement Plan (reference: L(20)06);
- Hotel Roof General Arrangement Plan (reference: L(20)07);
- Hotel General Arrangement Elevations North & South (reference: L(20)08A);
- Hotel Elevations East & West (reference: L(20)09A);
- Hotel Sections A-A B-B (reference: L(20)10A);
- Maintenance Shed General Arrangement Plan (reference: L(20)20);
- Maintenance Shed General Arrangement Elevations & Sections (reference: L(20)21);
- Maintenance Building Views (reference: 7433-L(00)149);
- Halfway House General Arrangement Plans & Elevations (reference: L(20)22);
- Starters Hut General Arrangement Plans & Elevations (reference: L(20)23);
- Bridge 1 (reference: 60484817-DR-BD-03.001-1D);
- Bridge A (reference: 60484817-DR-BD-03.004-1D);
- Bridge B (reference: 60484817-DR-BD-03.005-0D);
- Bridge C (reference: 60484817-DR-BD-03.006-1D);
- Underpass North & South Ramps (reference: PSAM-ACM-XX-XX-DR-CE-00115 Revision P3);

- Detailed Area; Hotel and Pleasure Grounds, drawings 1 to 4 (reference: LUC-6628-LD-PLN-225 to 228 Issue C);
- Detailed Area; Clubhouse (reference: LUC-6628-LD-PLN-229 Issue F);
- Detailed Area; Golf Academy (reference: LUC-6628-LD-PLN-230 Issue F); and
- Proposed Clubhouse, Hotel and Academy Accesses from A6 Manchester Road (reference: ITM10187–SK–197 Rev B).

23) Notwithstanding the approved plans, the Golf Resort Development hereby approved shall not be begun until details of the following have been submitted to, and approved in writing by, the local planning authority:
    - all materials to be used on all external elevations;
    - all materials to be used in respect of hard landscaping works, including boundary treatments and surfacing materials;
    - any materials to be imported to the site for the purpose of constructing the golf course;
    - the colour of the materials to be used to surface buggy paths;
    - the location, scale and appearance of direction signs, tee markers, hole flags and other golf course furniture required for the operation of the golf resort;
    - a detailed scheme in respect of the golf buggy underpass, to be prepared in broad accordance with the "Illustrative Golf Buggy Underpass Sections" (reference: PSAM-ACM-XX-XX- DR-CE-00002 Revision P3); and
    - details of the existing and proposed site levels and finished floor levels of the buildings and the level of the proposed roads, footpaths and other landscaped areas relative to above ordnance datum points, the location of which has previously been approved by the local planning authority.

    The Golf Resort Development shall thereafter be carried out in accordance with the approved details.

24) The adventure golf course hereby approved as shown on drawing "9 Hole Adventure Golf & 9 Hole Ryder Cup Course", shall not be begun until details of its layout, appearance, scale and landscaping have been submitted to, and approved in writing by, the local planning authority. The adventure golf course shall thereafter be implemented in full in accordance with the approved details prior to its first use.

**Heritage-Golf Resort only**

25) The Golf Resort Development hereby approved shall not be begun until a detailed specification for the restoration of historic structures and features identified within the *Historic Structures: Condition/Repair Issues Report* (March 2017) has been submitted to, and approved in writing by, the local planning authority. The specification shall be prepared in accordance with the *Historic Structures: Condition/Repair Issues Report* (March 2017) and shall include:
    i) a detailed condition survey of all historic structures and features identified in that report, including all lakes, streams, dams and cascades;
    ii) a schedule of restoration works for each structure and feature;
    iii) the method of restoration works for each structure and feature; and

iv) a programme for the implementation of the proposed restoration works for each structure and feature.

The Golf Resort Development shall thereafter be carried out in accordance with the approved specification and in accordance with the approved timescales.

26) Prior to the de-silting of the Ornamental Lakes hereby approved, a Lake Desilting and Restoration Plan shall be submitted to, and approved in writing by, the local planning authority. This shall be based on the *Outline Lake De-Silting Feasibility Study and Strategy* (January 2018), and shall include:

i) a programme for implementation;

ii) a method statement for protection of fish species;

iii) a water and materials management plan; and

iv) details of the proposed haul routes, which shall be via the existing driveway from Newbrook Road in respect of the works at the Back O' th' Lawn Lake and via the construction route for the 13th golf hole in respect of the works at the Mill Dam Lake as defined by drawings PSAM-ACM-XX-XX-DR-CE-0031 and PSAM-ACM-XX-XX-DR-CE-0032 , unless otherwise agreed in writing by the local planning authority.

The de-silting works shall be completed in accordance with the approved Lake Desilting and Restoration Plan prior to the first operation of the Golf Resort Development hereby approved.

27) Prior to the first operation of the Golf Resort Development hereby approved, a programme of public access events in the Registered Park and Garden shall be submitted to, and approved in writing by, the local planning authority. The programme shall identify the frequency, timings and other organisational details of such events, and shall thereafter be implemented in accordance with the approved details. As a minimum the programme shall provide for at least 50 such events per annum for the lifetime of the development, including:

i) guided walks along and through the historic drive, the pleasure grounds and the Mill Dam Lake and stream;

ii) heritage open days and/or visits/tours around the Registered Park and Garden;

iii) talks/presentations/lectures about the history and/or heritage value of the Registered Park and Garden;

iv) nature and ecology tours of the Registered Park and Garden; and/or

v) visits to the Registered Park and Garden by schools and other local organisations.

28) Prior to operation or occupation of each phase of the development within the Registered Park and Garden, the specification for and design of interpretative signage and other material to be provided in that phase shall be submitted to, and approved in writing by, the local planning authority. The approved scheme for each phase shall be completed prior to first operation or first occupation of that phase.

29) Prior to the demolition of Hulton Cottage, details of the relocation of the blue heritage plaque presently mounted on Hulton Cottage shall be submitted to, and approved in writing by, the local planning authority. The details shall include a programme for relocation of the plaque. The blue heritage plaque shall be displayed in accordance with the approved details and thereafter permanently retained in that position.

**Ecology and Landscaping-Golf resort only**

30) Prior to the operation of the Golf Resort Development hereby approved, the detailed design of 5(no.) 'bat hotels' shall be submitted to, and approved in writing by, the local planning authority. The bat hotels shall thereafter be installed in the locations identified on drawing G6471.06.001 (within Appendix H of the *Bat Management Strategy* within the Updated *Interim Landscape and Habitat Management Plan* (April 2019)) prior to the operation of the Golf Resort Development.

31) Prior to the demolition of any of the buildings at Home Farm, a barn owl method statement in respect of each of those buildings shall be submitted to, and approved in writing by, the local planning authority. The method statement shall be prepared in broad accordance with the details provided in Appendix G *Barn Owl Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019). The demolition works shall thereafter be undertaken in accordance with the approved method statement.

32) Prior to the construction of the Clubhouse hereby approved, a planting specification and maintenance plan for the areas of green roof shown on the *Clubhouse Roof General Arrangement Plan* (reference: L(20)26A) shall be submitted to, and approved in writing by, the local planning authority. The planting specification should include a wildflower species mix. The green roof shall be installed prior to the first use of the Clubhouse in accordance with the approved details. Thereafter it shall be maintained in accordance with the approved maintenance plan.

33) Notwithstanding the details shown on the approved plans, the Golf Resort Development shall not be begun until a scheme for the soft landscaping works adjacent to the proposed 13th hole and fairway, including the proposed bridge crossing over the Mill Dam Stream has been submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared pursuant to, and in broad accordance with, the detail illustrated by the drawing "General Arrangement Plans Site Wide (15 of 19)" (reference: LUC-6628-LD_PLN_215 Issue E) and labelled "HOLE 13 REFINEMENT: ILLUSTRATIVE LAYOUT SHOWING REDUCED AREA OF EXISTING WOODLAND REMOVAL & INCREASED AREA OF PROPOSED WOODLAND". The Golf Resort Development shall not be open to the public until the approved scheme has been carried out and completed in full.

**Highways and access-Golf Resort only**

34) Notwithstanding the details shown on the approved plans, no passing places shall be provided along the historic driveway running within the site between Newbrook Road and the hotel complex, such that its maximum width along its whole length does not exceed 3m (excluding the adjacent grasscrete surface or similar shown on the approved plans). Prior to the first operation of the hotel complex within the Golf Resort Development, a scheme for traffic control measures, including appropriate signage, which imposes a one-way traffic system along the historic driveway, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in full, in accordance with the approved details prior to the first operation of the hotel complex within the Golf Resort Development and permanently retained thereafter.

35) Prior to the first operation of the Golf Resort Development, a Travel Plan for the Golf Resort Development shall be submitted to, and approved in writing

by, the local planning authority. The Travel Plan should be consistent with the objectives, targets, governance arrangements and monitoring schedule set out in the *Updated Golf Resort Travel Plan* (April 2019). The Golf Resort Development shall be operated at all times in accordance with the approved Travel Plan.

**Environmental Health-Golf Resort Development only**

36) Prior to the first operation of the Golf Resort Development, a Noise Management Plan (NMP) containing details of the methods to be employed to prevent noise disturbance during the operating hours of the Golf Resort Development shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to first operation of the Golf Resort Development and shall thereafter be operated in accordance with the approved NMP.

37) Prior to the first operation of the Golf Resort Development, a scheme for the provision of electric vehicle charging points within the Golf Resort Development shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in accordance with the Institute of Air Quality Management (IAQM) guidance and comprise the provision of one charging point per 1,000sqm of floorspace. The charging points shall be provided in accordance with the approved scheme prior to the first operation of the Golf Resort Development and permanently maintained thereafter.

38) Prior to the first operation of the clubhouse, academy building, and hotel complex within the Golf Resort Development, a scheme for the installation of equipment to control the emission of fumes and smells/odours from the respective buildings shall be submitted to, and approved in writing by, the local planning authority. No building shall be occupied until the equipment to control the emission of fumes and smells/odours in that building, has been installed in accordance with the approved scheme. The equipment shall thereafter be operated and maintained at all times in accordance with the manufacturer's instructions.

39) Prior to the installation of any external lighting within the Golf Resort Development, a scheme for that external lighting shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in broad accordance with the details and parameters provided in the *Updated Lighting Impact Assessment* (April 2019) and illustrated on drawing 3023-(97)-EX-01 Rev P5.

The submitted scheme shall include details regarding the protection of key features of importance for barn owls and bats as identified in Appendix G *Barn Own Management Strategy* and Appendix H *Bat Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019). With the exception of temporary external lighting installed for the purposes of staging a golf tournament pursuant to Condition (47), the external lighting shall:

i) be designed to an illumination value of 5 lux at the nearest residential property; and

ii) achieve a beam angle below 70 degrees and be fitted with spill shields where it is directed towards any potential observer.

With the exception of temporary external lighting installed for the purposes of staging a golf tournament pursuant to Condition (48), no external lighting within the Golf Resort Development shall be provided otherwise than in accordance with the approved scheme.

40) The operational hours of the Golf Resort Development shall be limited as follows:

The Academy

i) The Academy shall only be open to patrons between 0600 hours and 2200 hours daily.

ii) External lighting used for the operation of the driving range shall be not be switched on between 2200 hours and 0600 hours daily.

iii) Grass cutting at the Academy site shall only take place between the hours of 0800 hours to 2000 hours daily.

iv) Between the 2200 hours and 0100 hours daily any ball collector used must not exceed background noise levels when such levels are measured at the boundaries of the site.

v) No deliveries shall be taken at, or despatched from, the Academy building other than between 0700 hours and 2200 hours Monday to Saturday, and not at any time on Sundays or Bank or Public Holidays.

The Golf Course

vi) The Golf Course shall only be open to patrons between 0600hours and 2200 hours daily.

vii) Maintenance of the Golf Course shall only be undertaken between 0500 hours to 2330 hours daily, with the exception of mowing of the 5th fairway which shall only take place between 0800 hours and 2000 hours daily and mowing of the 10th fairway which shall only take place between the hours of 0600 to 2300 daily.

The Clubhouse

viii) The Clubhouse shall only be open to patrons between 0600 hours and 2300 hours daily, except during the staging of a golf tournament.

ix) Use of the rooftop terrace of the Clubhouse shall only take place between the hours 0800 to 2200 at all times.

41) The noise rating level (LAeqT), as determined by the methodology given in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound, from all sources associated with the Golf Resort Development covered under the scope of BS4142:2014, when operating simultaneously or individually, shall not exceed the background sound levels (LA90) that are specified in the Environmental Statement (May 2017), Chapter 13, Table 13.21 (daytime) and Table 13.22 (night time), when assessed 4metres from the boundary of any noise sensitive receptor covered under the scope of BS4142:2014.

42) The Academy hereby approved, shall not be brought into use until a 1.8 metre-high, close-boarded acoustic fence has been erected in the location identified by drawing LUC-6628-LD-PLN- 230 Revision F. The fence shall be retained thereafter and shall be erected in accordance with details which have been submitted to, and approved in writing by, the local planning authority.

43) Grass cutting of the Golf Academy site and at the 5th hole of the golf course shall be restricted at all times to the use of lower powered grass-cutting machinery with a sound level of 101dB or lower.

**Ground Conditions (Coal Authority)- Golf Resort Only**

44) The Golf Resort Development hereby approved, shall not be begun until the following information in respect of the Golf Resort Development has been submitted to, and approved in writing by, the local planning authority:

i) a scheme of intrusive site investigations of the relevant land for the mine entries and shallow coal workings, including gas monitoring;

ii) a report of findings of the intrusive site investigations undertaken pursuant to (i) above;

iii) a scheme of treatment and/or mitigation measures/remedial works for the mine entries and/or shallow coal workings, including a programme for the implementation and maintenance of those works.

The Golf Resort Development shall be carried out in accordance with the approved details.

**Sustainability-Golf Resort Only**

45) The Golf Resort Development shall achieve the Golf Environmental Organisation (GEO) Certified® Development 'Sustainable Golf' accreditation. The Golf Resort Development shall not be begun until a GEO Certified® pre-construction report setting out the means by which the Golf Resort Development will be implemented in order to secure the accreditation shall be submitted to, and approved in writing by, the local planning authority.

Within six months of the completion of the Golf Resort Development, a GEO Certified® completion report identifying the extent to which the Golf Resort Development has been undertaken in accordance with the approved pre-construction report and certifying that the Golf Resort Development has achieved the GEO Certified® Development 'Sustainable Golf' accreditation shall be submitted to the local planning authority.

46) The Clubhouse, Academy building and Hotel complex within the Golf Resort Development shall achieve a 'very good' Building Research Establishment Environmental Assessment Methodology (BREEAM) rating under BREEAM Communities 2012. The Golf Resort Development shall not be begun until an Interim Certification of the stipulated BREEAM rating of the Clubhouse, Academy Building and Hotel complex has been submitted to the local planning authority. Within six months of the completion of the Clubhouse, Academy Building and Hotel complex, a Final Certificate certifying that that those buildings have achieved the stipulated BREEAM rating shall be submitted to the local planning authority.

**Tournament Staging-Golf Resort Only**

47) No temporary facilities associated with any golf tournament to be held at the Golf Resort Development shall be erected or installed until details of their scale, landscaping, access, appearance and layout, and details of any associated works relating to their installation including the removal of such facilities and restoration of the land upon which the temporary facilities are to be erected, have been submitted to, and approved in writing by, the local planning authority. The temporary facilities shall be erected and installed in accordance with the approved details and in accordance with an approved

timetable which shall include a timetable for removal of all temporary structures and facilities and any reinstatement provisions.

48) Prior to staging any golf tournament at the site, an Event and Travel Management Plan (ETMP) shall be submitted to, and approved in writing by, the local planning authority. The ETMP shall be prepared in accordance with the principles set out in the Updated *Interim Event and Travel Management Plan* (April 2019) and shall include:

i) measures relating to the management of impacts on ecology, which shall include details concerning the protection of bluebells following the completion of a bluebell survey to be undertaken in the month of May preceding the relevant tournament and in line with the details provided in Appendix B *Bluebell Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019); and

ii) a strategy for the installation of temporary external lighting, which shall include details concerning a) the protection of features of importance for bats as identified in *Appendix H Bat Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019), and b) a programme for the removal of the temporary lighting after its installation.

No golf tournament shall be held otherwise than in accordance with the approved ETMP.

**Waste Management-Golf Resort Only**

49) Prior to the Golf Resort Development first being brought into use, a scheme which details the design, location and size of facilities to store refuse and waste materials for the Clubhouse, Academy Building, maintenance building and Hotel complex shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in full prior to the first operation of the Golf Resort Development and permanently retained thereafter.

**C. Conditions relating to the Outline Planning Permission (i.e. the Residential Development)**

50) The Residential Development hereby approved shall be implemented in accordance with the following approved plans:

- Parameters Plan (reference: 15191 (Pl) 500 U);
- Demolition Plan (reference: 6628-LD-PLN-010 Issue E);
- Residential Design Code Character Area 5: Park End Farm (January 2018);
- Residential Design Code Character Area 6: Dearden's Park (January 2018);
- Proposed Residential Access to Dearden's Farm Parcel from A6 Manchester Road (reference: ITM10187–SK–145 Rev D);
- Proposed First Phase Residential Access to Western Fields from A6 Manchester Road (reference: ITM10187–SK–146 Rev D);
- Proposed Residential Access from Broadway (reference: ITM10187–SK–191 Rev C); and
- Proposed Residential Access from Woodlands Drive (reference: ITM10187–SK–208 Rev A).

51) Prior to the commencement of each phase of the Residential Development, details of the existing and proposed levels of the buildings, roads, footpaths

and other landscaped areas throughout the phase and finished floor levels of all dwellings on that phase (defined relative to a datum or datum points the location of which has previously been approved) shall be submitted to, and approved in writing by, the local planning authority. Each phase of the Residential Development shall be carried out in accordance with the approved details for that phase.

52) Reserved matters submission/s in relation to appearance for each phase of the Residential Development shall include details of all boundary treatments to be carried out on all the perimeter boundaries on that phase and details of any boundary enclosures to be erected or grown within that phase. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.

53) The reserved matters layout submission in relation to each phase of the Residential Development shall include a scheme and programme for implementation for the provision of the open space and children's play facilities within and/or for that phase which shall be submitted to, and approved in writing by, the local planning authority. The scheme shall specify scale, type and design of the open space and children's play facilities to be provided within and/or for that phase. No dwelling within each phase of the Residential Development shall be occupied until the open space and children's play facilities have been completed in accordance with the approved scheme for that phase.

54) Prior to the commencement of each phase of the Residential Development, a detailed crime prevention scheme for that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in broad accordance with the details and parameters provided in the *Crime Impact Statement* (February 2017). Each phase of the Residential Development shall be carried out in accordance with the approved scheme for that phase.

**Local Centre-Residential Development Only**

55) The maximum floorspace of the Local Centre as defined on the *Parameters Plan* (reference: 15191 (Pl) 500 U) shall not exceed 1,382 square metres (gross).

The Local Centre shall not comprise uses outside of the following Use Classes, as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended): A1, A2, A3, A4, A5 and/or D1.

No individual unit for A1 uses within the Local Centre shall exceed 500 square metres (gross).

Premises and units within the Local Centre shall only be open to customers between the following hours: 0700 to midnight daily.

The Local Centre shall not be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to, and approved in writing by, the Local Planning Authority, and the car parking spaces shall thereafter be retained for the purposes of car parking at all times in the future.

**Environmental Health-Residential Development Only**

56) Prior to the occupation of the first dwelling within each phase of the Residential Development, a scheme for the provision of electric vehicle charging points within that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in accordance with Institute of Air Quality Management (IAQM) Guidance and comprise the delivery of one charging point per dwelling, with dedicated parking or one charging point per 10 car parking spaces where there is not allocated parking. No dwelling shall be occupied until the charging point(s) to serve that dwelling has/have been provided and commissioned in accordance with the approved scheme for that phase. The charging points shall be permanently retained and maintained in full working order thereafter.

57) The reserved matters details submitted in respect of each phase of the Residential Development shall be accompanied by:

- A noise impact assessment for that phase. No dwellings within that phase shall be occupied until any recommended noise attenuation measures to be incorporated into that phase have been completed in accordance with the approved details, which shall be retained thereafter; and
- A detailed external lighting plan for that phase. The plan shall be prepared in broad accordance with the details and parameters provided in the Updated Lighting Impact Assessment (April 2019) and illustrated on approved drawing 3023-(97)-EX-01 Rev P5. The external lighting plan shall include details regarding the protection of key features of importance for barn owls and bats as identified in Appendix G Barn Own Management Strategy and Appendix H Bat Management Strategy of the Updated Interim Landscape and Habitat Management Plan (April 2019).

No dwelling within each phase of the Residential Development shall be occupied until any recommended noise attenuation measures in the approved noise impact assessment for that phase have been completed. Such measures shall be retained permanently thereafter.

Each phase of the Residential Development shall be carried out in accordance with the approved lighting plan for that phase and there shall be no additional external lighting on the public areas without the prior written consent of the local planning authority.

58) Prior to commencement of construction of any residential properties that are proposed to contain basements, the results of a further assessment of groundwater assessment, including identification of any necessary measures required to prevent the flooding of the basements of those residential properties, shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

**Ground Conditions-Residential Development Only**

59) Prior to the commencement of any phase of the Residential Development hereby approved, the following information in respect of that phase of the Residential Development shall be submitted to, and approved in writing by, the local planning authority:

i) A scheme of intrusive site investigations of the relevant land for mine entries and shallow coal workings, including gas monitoring;

ii) A report of findings of the intrusive site investigations undertaken pursuant to (i) above.

The reserved matters layout submission in relation to each phase of the Residential Development shall include:

iii) A drawing which identifies appropriate zones of influence for the mine entries on the relevant land and the definition of any necessary 'no build' zones;

iv) A scheme of treatment and/or mitigation measures/remedial works for the mine entries and/or shallow coal workings, including a programme for the implementation and maintenance of those works.

Each phase of the Residential Development shall be carried out in accordance with the approved details for that phase.

**Drainage-Residential Development Only**

60) No demolition or constructions works shall take place within the Residential Development until a scheme has been submitted to, and approved in writing by, the local planning authority for the following:

i) the provision and management of a minimum 8 metres wide undeveloped buffer zone along the whole length of Chanters Brook;

ii) the protection of all existing local wildlife sites running along river corridors; and

iii) a 4-metre buffer along the unnamed western tributary.

The buffer zone scheme shall be free from all built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone along all waterbodies bisecting the site;
- details showing how riparian local wildlife sites will be protected and integrated in new scheme design;
- details of any new soft landscaping including a planting schedule based on native species;
- details demonstrating how the buffer zone will be protected during development, and managed and maintained;
- details of new drainage scheme associated with the development within the buffer zone and/or tying in with the retained stream corridor;
- details of any proposed footpaths, fencing and/or lighting within the buffer zone; and
- details of any interlinking and/or retained ponds.

The development shall thereafter be carried out in accordance with the approved scheme.

**Highways and Transport- Residential Development Only**

61) Prior to the occupation of the 276th dwelling hereby approved, the westernmost highway access to the area of the Residential Development referred to on the *Updated Design and Access Statement* (July 2019) as *Western Fields* shall be constructed and open to traffic in accordance with the relevant details submitted and approved pursuant to Condition (4).

62) Prior to the first occupation of any dwelling in each phase of the Residential Development, a Travel Plan for that phase shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan should be consistent with the objectives, targets, governance arrangements and monitoring schedule set out in the *Updated Residential Travel Plan* (April 2019). Each phase of the Residential Development shall be carried out in accordance with the approved Travel Plan for that phase.

63) No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.

64) No development within the areas of the Residential Development referred to on the approved drawings as "Dearden's Farm" and "Park End Farm" shall be occupied until a scheme for the provision of a Zebra or signalised Puffin / Pelican crossing across Newbrook Road has been submitted to, and approved in writing by, the local planning authority and it has been implemented in accordance with the approved details. The crossing shall be located on Newbrook Road between the junctions of Low Green and Green Hall Close, and it shall facilitate a pedestrian link between Public Rights of Way PFWES126a and PF16.

**Landscaping- Residential Development Only**

65) The Residential Development hereby approved shall cumulatively provide new landscape planting equivalent to:

- 2,600 no. specimen trees and 7,253sqm of woodland, in accordance with the minimum requirements and specification set out in the *Arboricultural Impact Assessment* (December 2017) and as shown on the *Parameters Plan* (reference: 15191 (Pl) 500 U); and
- 4,150m of hedgerows, in accordance with the minimum requirements and detail illustrated on the drawing *Hedges Created, Lost and Retained* (reference: G5136.069) and as shown on the *Parameters Plan* (reference: 15191 (Pl) 500 U).

A plan for the phased implementation of this new landscape planting across the Residential Development shall be submitted to, and approved in writing by, the local planning authority alongside the first reserved matters application for the Residential Development. The landscape planting shall thereafter be implemented in accordance with the approved phasing plan.

END OF CONDITIONS

The Planning Inspectorate

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

**by Karen L Ridge LLB (Hons) MTPl Solicitor**

**an Inspector appointed by the Secretary of State**

**Date: 4 May 2020**

**The Town and Country Planning Act 1990 (as amended)**

**Application by**

**Peel Holdings (Land and Property) Limited**

**Made to**

**Bolton Metropolitan Borough Council**

Inquiry Held on 1-3, 8-11, and 15-16 October 2019

Land at, and adjacent to, Hulton Park, Manchester Road, Over Hulton, Bolton BL5 1BH

File Ref: APP/N4205/V/18/3208426

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**ABBREVIATIONS**

| | |
|---|---|
| AP | Allocations Plan |
| CD | Core Document |
| CIL | Community Infrastructure Levy |
| Cllr | Councillor |
| CMP | Conservation Management Plan |
| CS | Core Strategy |
| CS-DPD | Core Strategy- Development Plan Document |
| EA | Environment Agency |
| EH | English Heritage |
| EIA | Environmental Impact Assessment |
| ES | Environmental Statement |
| GDV | Gross Development Value |
| GM | Greater Manchester |
| GMCA | Greater Manchester Combined Authorities |
| GMEU | Greater Manchester Ecology Unit |
| GMMP | Greater Manchester Minerals Plan |
| GMSF | Greater Manchester Strategic Framework |
| GVA | Gross Value Added |
| HE | Historic England |
| HGV | Heavy Goods Vehicle |
| HIA | Heritage Impact Assessment |
| HIF | Housing Infrastructure Fund |
| HNA | Housing Needs Assessment |
| HRA | Habitats Regulations Assessment |
| IETMP | Interim Event Transport Management Plan |
| ILHMP | Interim Landscape and Habitat Management Plan |
| IMD | Indices of Multiple Deprivation |
| LHMP | Landscape and Habitat Management Plan |
| LVIA | Landscape and Visual Impact Assessment |
| OVU | Optimum Viable Use |
| PPG | Planning Practice Guidance |
| PRoW | Public Right of Way |
| RPG | Registered Park and Garden |
| SHMA | Strategic Housing Market Assessment |
| SSBI | Site of Special Biological Interest |
| SoCG | Statement of Common Ground |
| SPD | Supplementary Planning Document |
| TA | Transport Assessment |
| 5YHLS | |

**File Ref: APP/N4205/V/18/3208426**
**Land at, and adjacent to, Hulton Park, Manchester Road, Over Hulton, Bolton BL5 1BH**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 31 July 2018.
- The application is made by Peel Holdings (Land and Property) Limited to Bolton Metropolitan Borough Council.
- The application Ref. 00997/17 is dated 19 May 2017.
- The development proposed is a hybrid planning application comprising:
    - PART A: a full planning application for restoration works to Hulton Park and various existing structures and heritage assets within it, including the pleasure grounds, dovecote, walled garden and lakes; and for the development of a golf resort, including: an 18-hole championship-grade golf course and clubhouse; a golf academy including driving range, practice course, adventure golf course and academy building with sports and learning facilities, a golf shop and café; a hotel with adjoining spa and conference facility; other ancillary buildings, structures and engineering and landscape works, including a maintenance building, halfway house, highway accesses, highway underpass, various bridges, boundary treatments, internal access roads, external lighting, parking areas, and new and replacement landscaping; the demolition of various existing buildings and structures; and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network; and

    - PART B: an outline application for the residential development of 56.03 hectares of land providing up to 1,036 dwellings, a local centre, and, where applicable, the re-routing, upgrading and extension of the Public Rights of Way network, with all matters reserved except for (in part) highways.

    - Listed building consent application for the restoration of a Grade II Listed Dovecote.

- The reason given for making the direction was that, having regard to policy relating to the power to call-in planning applications, the Secretary of State concluded on the facts of this case that it was appropriate to do so.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: *the consistency of the proposal with the development plan; its consistency with policies in the National Planning Policy Framework, in particular those relating to the protection of Green Belt land; the extent to which the proposals are consistent with national planning policy for the delivery of a sufficient supply of homes, including affordable housing; and any other matters the Inspector considers relevant.*

**Summary of Recommendation: That planning permission for the development is granted subject to the conditions outlined and with the benefit of the obligations in the section 106 agreement.**

## Background and Procedural Matters

*Throughout this Report, core documents (listed at Appendix B) are referred to with the prefix 'CD' followed by the relevant number. Documents handed up during the Inquiry (listed at Appendix C) are prefaced with 'Inquiry Document' followed by the relevant number.*

1.1 A pre-inquiry meeting was held to discuss administrative and procedural arrangements on the 11 June 2019. The Inquiry sat for 9 days, on 1-3, 8-11, and 15-16 October 2019. To accommodate the high level of public interest, two public sessions were held on 2 October 2019 and 10 October 2019. The Inquiry was closed in writing on 13 November 2019 following receipt of the executed section 106 agreement.

1.2 I undertook accompanied site visits on 30 September, 4 October and 5 November 2019. I also undertook a series of unaccompanied visits both during and after the Inquiry, to walk the public rights of way network and to inspect the site and its wider surroundings, as well as nearby settlements. I also drove around the highway network at times suggested by third parties. In addition, as requested by the Applicant, I undertook a site visit to the Celtic Manor golf course on 18 November 2019.

1.3 The description of development in the box header on page 1 is taken from the Application Form. This form refers to 'Listed building consent application for the restoration of a Grade II Listed Dovecote'. However, there is a separate application[1] for Listed Building Consent before the Council which is not subject to the call-in procedure and which the Council intend to determine pending the outcome of this application. I shall proceed on this basis and I shall use an appropriately amended description of development, removing this reference.

1.4 The Council considered the proposal at a committee meeting on 22 March 2018. In accordance with the recommendation of professional Officers[2], the committee resolved[3] to approve the application subject to conditions and the completion of a section 106 agreement and referral to the Secretary of State. Following referral to the Secretary of State, under the Town and Country Planning (Consultation) (England) Direction 2009, the planning application was called in for determination by the Secretary of State for the reasons set out in his letter of 31 July 2018.

1.5 In light of its resolution to grant planning permission for the development, Bolton Council appeared at the Inquiry in support of the Applicant. A local action group, Hulton Estate Area Residents Together (referred to as 'HEART') applied for, and was granted, Rule 6 party status[4] and duly appeared at the Inquiry. HEART is an unincorporated association[5] formed to object to this proposal. It has over 800 signed-up members, as well as some 2,000 subscribers/followers to its social media accounts[6]. The group fundraised

[1] LPA Reference 00998/17- see Principal SoCG at CD 13.8
[2] Report to Planning Committee at CD 03.1
[3] CD 03.3
[4] Rule 6(6) The Town and Country Planning (Inquiries Procedure)(England) Rules 2000.
[5] Its constitution is at Appendix 1 of the Proof of Evidence of Mr Paul Haworth
[6] Mr Haworth PoE ¶2.8

monies to pay for two professional witnesses and legal representation at the Inquiry.

1.6 HEART opposes the grant of planning permission on the grounds that it would cause substantial harm to the Green Belt and thereby conflict with development plan and national policies in relation to Green Belt, landscape, countryside, agricultural land and the natural environment. HEART further contends that the proposal would result in the substantial loss of the majority of the grade II listed Registered Park and Garden (RPG) and harm to the woodland and trees within it, as well as the total loss of large parts of the setting of the RPG[7].

1.7 The application is accompanied by an Environmental Statement[8] (ES) and an Addendum[9], which was added to, with further environmental information, throughout the course of the application under the provisions of Regulation 22(1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)[10].

1.8 The application determined by the Council was predicated on a bid for the Ryder Cup in 2026. The call-in of the application has inevitably resulted in some delay in the final determination of the application, with a consequential delay to the anticipated timetable for delivery of the proposal. This in turn rendered it unlikely that the relevant elements of the development could be delivered in time to host the 2026 Ryder Cup, were the bid to have been successful. In the intervening period Adare Manor in Ireland has been announced as the host venue for the 2026 competition. In recognition of this the Applicant has been in discussions to host the competition in either 2030 or 2034 and the application now proceeds on the basis that these alternative dates are considered instead of the 2026 Ryder Cup[11].

1.9 The ES was assessed on the assumption of a 2026 Ryder Cup tournament. Following the call-in, the Applicant updated the technical assessment work underpinning the ES to cater for a proposal where the Ryder Cup is hosted in 2030 or 2034. This work is contained within the Supplemental ES[12] which was submitted to the Council on 8 May 2019 and was subject to public consultation thereafter. It does not report any material changes to the likely significant effects which have already been assessed in relation to the 2026 scenario.

1.10 On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) came into force. Regulation 76 includes transitional arrangements for qualifying applications and appeals. Since the request for a scoping opinion was made, (and the scoping opinion provided), prior to the commencement of the 2017 Regulations, this application meets the requirements of the transitional arrangements and the EIA Regulations 2011 continue to apply in this instance.

[7] Statement of Case of HEART at CD 13.5
[8] CD 05b
[9] CD 06c
[10] Addendum
[11] ¶2.15 Proof of Evidence of Mr Stephen Bell
[12] CD 07b

1.11 Having regard to all of the above I am satisfied that the ES, together with the Addendum and Supplemental ES and all other additional information, complies with the above Regulations. I further consider that sufficient information has been provided to enable a proper assessment of the environmental impact of the proposal. The revised scenarios do not represent material amendments which would offend Wheatcroft principles, given that they are moving the same quantum of development forward in time and the likely significant effects are not materially different.

1.12 Troy Planning and Design, acting on behalf of the Over Hulton Neighbourhood Forum, raised concerns about a lack of consultation by the Council on amendments to the ES to cater for the 2030 and 2034 Ryder Cup scenarios. It is evident that the Forum were fully aware of the application and have had opportunity to comment on the application during the process. They have been represented by professional advisors who have spoken at each of the two public sessions. I am satisfied that third parties have not been disadvantaged in terms of their ability to comment on the proposal.

1.13 Following the committee resolution, the plans before the Council and the Design and Access Statement were discovered to contain an inconsistency in that the height of the proposed hotel building is depicted as being 1.5 metres taller than was proposed. The ES had used the erroneous measurements as the basis for assessment. When the error became known the Applicant updated the plans which were made publicly available on the Council's website. The updated plans were available at the Inquiry. I am satisfied that it is appropriate to substitute the corrected plans, the amendments are not material and would make no material difference to the ES assessment in any event. I shall proceed to assess the proposal on the basis of these updated plans.

1.14 Several Statements of Common Ground (SoCG) were provided to the Inquiry. These include the Principal SoCG[13], Housing SoCG[14], Historic Landscape SoCG[15], Ecology SoCG[16], Highways and Transport SoCG[17], SoCG on Viability[18] and a final supplementary SoCG on Housing Issues[19]. I shall return to these in sections [5] and [6] of this Report.

1.15 A draft planning obligation[20]was submitted at the outset of the Inquiry and was the subject of discussions. A further draft was submitted during the Inquiry[21]and a final executed agreement was submitted, as agreed, shortly after the end of the oral sessions. Thereafter the Inquiry was closed in writing.

1.16 The final executed agreement[22] under section 106 of the Act (the s106 agreement) was made between the Applicant, the landowners and the Council.

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[13] CD 13.8
[14] CD 13.9
[15] CD 13.10
[16] CD 13.11
[17] CD 13.12
[18] CD 13.15
[19] CD 13.17
[20] CD 13.13
[21] CD 22 and CD23
[22] CD 64

It contains a covenant not to undertake development unless there has been a successful Ryder cup bid and the site is secured as a venue. There are covenants to provide a Landscape and Habitat Management Plan (LHMP) for each phase of development; covenants to either pay a highways' works contribution or to undertake highways works if the Council so elects.

1.17 The agreement also contains covenants to establish a Public Transport Steering Group and submit a Public Transport Strategy; to pay a series of financial contributions towards Primary School education and Secondary School education provision upon each phase and in tranches as well as a promise to transfer land to the Council for the purposes of a new primary school. There is a covenant in relation to affordable housing, dependent on viability updates at various points in the lifetime of the development; a covenant to submit a Local Employment Framework for each phase of development; a covenant securing open space provision in each phase and covenants to construct a Local Centre and to use reasonable endeavours to provide a Health Centre. Finally, covenants to secure the provision of off-site woodland planting and to provide the Hulton Trail. I shall return to the s106 agreement later.

1.18 On the opening morning of the Inquiry I asked the Council to confirm that it had provided proper notification of the Inquiry to all interested parties. The Council confirmed that it had sent a first letter out to interested individuals on 3 September 2019. Upon realising that other interested individuals were not included on the list, a second letter of notification was sent out to those remaining individuals on 12 September 2019[23]. I am satisfied that the notification procedures were in accordance with the relevant regulations.[24]

1.19 At the Pre-Inquiry Meeting the question of which experts were to give oral evidence was discussed. The parties gave an indication as to the witnesses they wished to call. In addition, I indicated how I wanted the remaining evidence to be tested. Following these discussions, and with the agreement of all parties, roundtable sessions were held to ventilate the topics of viability and highways matters. I led these sessions with questions and all parties were invited to put their respective views. In addition, I facilitated questioning from members of the public who had objected to the proposal. By agreement, the Applicant's witness, Mr Justin Marks, was not called and his written proof of evidence, covering golf course design, was tendered into evidence.

1.20 The proposal has been called-in and is being supported by the Council. As is usual in such cases the Inquiry was programmed such that the Applicant's case was heard first, the Council second and the objectors' cases, including HEART, followed. At the Pre-Inquiry Meeting, and on the opening of the Inquiry, I gave a clear indication to the Applicant that because its case was being heard first, in the eventuality that any new evidence or 'surprises' arose after its evidence had been given, then I would look favourably upon any applications to recall witnesses.

[23] Inquiry Document 2.
[24] Regulation 10(6) of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000.

1.21 During his closing submissions[25] the Applicant's barrister made reference to the introduction of new evidence by one of HEART's witnesses being procedurally unfair. Unusually I interrupted Counsel's closing submissions to ask him to clarify his remarks, remind him of my earlier guidance and inform him that, even at that late stage, the Inquiry was not closed, and witnesses could still be recalled. Counsel confirmed that he had chosen not to apply to recall witnesses but to deal with the evidence in another way. I am entirely satisfied that the Inquiry procedure was fair to all parties and there has been no procedural impropriety.

**The Site and Surroundings**

2.1 The application site (the Site) is approximately 268 hectares in size and is located in the Over Hulton and Westhoughton North and Chew Moor wards of Bolton, approximately 4.5 km south-west of Bolton town centre and 8 km east of Wigan town centre. It is situated between Over Hulton to the east, Atherton to the south and Westhoughton some 500 metres to the west.

2.2 The A6 Manchester Road bisects the site, extending westwards where it forms an existing five-way roundabout at Chequerbent (the junction with the A58) and eastwards where it forms Four Lane Ends (the junction of St Helens Road, Newbrook Road, Salford Road and Manchester Road).

2.3 Hulton Park comprises the single largest parcel of land which makes up the site south of the A6. It is broadly square in shape and directly bounded by the A6 (Manchester Road) along its northern boundary, the A579 (Newbrook Road) and residential housing on its eastern boundary, residential housing on its southern boundary, and a disused railway line/public footpath along its western boundary. A smaller parcel of the site lies to the north of the A6 and is broadly triangular in shape.

2.4 A rail line is located approximately 300 metres south of the site, with two train stations – Hag Fold and Atherton – approximately 500 metres to the southeast and southwest of the Site respectively. These stops provide access to rail services to destinations such as Southport, Chester, Wigan and Manchester.

2.5 The majority of the larger, southernmost parcel comprises Hulton Park, a Grade II Listed Registered Park and Garden (RPG) of Special Historic Interest. Hulton Park is formed of the landscaped estate which once surrounded Hulton Hall, demolished in the 1950s. The RPG encompasses generally undulating land rising to the north. It is laid to grass and contains substantial pockets of woodland. Its features include:

- a principal entrance from the east off Newbrook Road, in the form of a gated carriage entrance bounded by a lodge building with a single width drive that approaches the location of the former Hall;
- a secondary entrance fronting the A6, again in the form of a gated carriage entrance, with a residential property known as the Cottage (a former residence of the Hulton family) lying adjacent;

[25] Inquiry Document 63 ¶115

- a cluster of 19th and 20th century farm buildings and structures around the site of the former Hulton Hall, known as Home Farm. Within this cluster is a small Dovecote, a Grade II listed structure;
- the overgrown remains of pleasure grounds and a kitchen garden that once served Hulton Hall;
- two large lakes, subject to silting and hence reduced in depth and size;
- a stream known as Mill Dam Stream which extends from the north-west to the centre of the Site;
- three farm building clusters: Dearden's Farm in the north-east, accessed from the A6; Park End Farm in the south-east; and Wood End Farm in the west;
- a memorial to the Pretoria Pit mining disaster in the south-eastern corner;
- large expanses of open ground, now largely grazing pasture, defined by woodland plantations and individual specimen trees; and
- vehicular tracks and footways, one of which is a public right of way.

2.6 The Park is currently used for agricultural purposes, predominantly grazing, and horse-related activities, some limited residential use and limited leisure use, including a local archery club and angling club.

2.7 The site also includes land beyond the designated boundary of the RPG, namely 42.66ha of land immediately west of the boundary of Hulton Park, comprising agricultural land interspersed by a network of public footpaths and blocks of woodland. The land is bounded to the west by a disused railway line now in use as an informal recreational footpath.

2.8 The 19.18ha parcel of land to the north of Hulton Park, and north of the A6 (Manchester Road), comprises agricultural land, blocks of woodland, and agricultural buildings (Back Gates Farm), with residential properties lining Manchester Road. Finally, there are two smaller parcels of land, one in the south-eastern corner of the site adjoining Woodlands Drive and comprising grassed areas, trees, and a farm track access to Park End Farm (also a public right of way); with a second in the north-eastern corner, comprising farm buildings and access to Dearden's Farm.

**The Proposal and Planning History**

3.1 The Proposed Development is summarised in the Planning Statement[26], the Principal SoCG[27] and the Design and Access Statement[28]. Reference should also be made to the updated Design and Access Statement[29] which includes a summary of the changes made following submission of the application to the Council. Appendix 5 of the Principal SoCG contains a summary table setting out

[26] CD 05a.1
[27] CD 13.8
[28] CD 05a.2
[29] CD 07a.1

an overview of the development. A summary of the changes to the application documents is at core document 07a.0.

3.2 The application was also supported by the ES[30] and its Addendum and the Supplemental ES, an Economic Impact Report[31], Social Value Assessment[32], Statement of Community Involvement[33], Conservation Plan[34], Viability Assessment[35] and Transport Assessment[36], amongst others.

3.3 The Proposed Development is the subject of a single hybrid planning application which seeks:

- detailed planning permission for the restoration works to various historic structures within the Hulton Park RPG. Insofar as they constitute development, full approval is sought for the works described in respect of those features, as outlined by the Historic Structures: Condition/Repair Issues[37] ;
- detailed planning permission for a championship-grade golf resort – including a golf course, clubhouse, academy, hotel complex and all ancillary buildings, structures and works – and for the recreational route known as the 'Hulton Trail';
- outline planning permission, with all matters reserved, except for access (in part), for three areas of residential development, comprising 70.36ha (gross) of development with an estimated yield of up to 1,036 dwellings.

3.4 The component parts of the proposal are indivisible. The Principal SoCG sets contains a full exposition of the rationale underpinning the various elements of the Golf Course complex and more particularly, the requirements which need to be satisfied to render it a championship course worthy of hosting the Ryder Cup. The requirements include the provision and design of an academy building, driving range, golf course requirements and hotel complex.

3.5 The residential development is intended to provide essential cross-subsidy of the restoration of the RPG and the listed dovecote and the delivery of the golf resort. The Council and the Applicant are agreed that, without the residential element, the restoration of the RPG by the creation of a Ryder Cup golf resort and the significant social, environmental and economic benefits that would arise, are not commercially deliverable[38].

3.6 The detailed design and mix of houses would be determined at reserved matters stage but the Council and Applicant envisage that it would include a variety of high quality, mid-market family homes as depicted on the Illustrative

[30] CD 05b
[31] CD 05a.4
[32] CD 05a.5
[33] CD 05a.7
[34] CD 05a.8
[35] Cd 05a.10
[36] CD 05a.11
[37] CD 05a.9
[38] CD 13.8 ¶6.58

Masterplan[39]. The revised Parameters Plan[40] provides a framework for the design and intended layout of the residential development, limiting the height of development and its distribution along the western edge and in the two farms on the north-eastern and south-eastern corners of the site. Two residential Design Codes[41] have been developed to inform the design of housing on Park End Farm and Dearden's Farm.

3.7 The Western Fields area of residential development includes the provision of a Local Centre the location of which is a matter of detail. Existing Public Rights of Way (PRoWs) passing through the site would be retained with some being re-routed and a new recreational route, The Hulton Trail, would be provided.

## Planning Policy

4.1 The development plan, for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, includes the Bolton Core Strategy Development Plan Document[42] (CS-DPD) which was adopted in March 2011; the Bolton Allocations Plan Document[43] (AP) adopted in 2014 and the Greater Manchester Minerals and Waste Plan[44] (GMMP) adopted in 2013.

4.2 The development plan policies which are most relevant include:

- AP policy CG7AP: confirms that the Council will not permit inappropriate development in the Green Belt. The text confirms that the policy reflects the National Planning Policy Framework, of 2012. The explanatory text confirms that the Council will only permit development proposals which fails to meet policy CG7AP in "very special circumstances".
- AP Policy CG8AP: promotes decentralised, renewable and low carbon energy development.
- AP Policy P8AP: seeks to protect the integrity of public rights of way.
- CS Policy SC1: sets out a need for the provision of 694 dwellings per annum between 2008 and 2026 and contains an aspiration that 80% of the provision will be on brownfield land. It sets out a further requirement for 35% of new housing to be affordable on greenfield sites, with a split as to 75% social rented housing and 25% for intermediate housing. The requirement applies to developments of 15 or more dwellings.
- CS Policy OA4: is specifically directed at West Bolton and, amongst other things, sets out a requirement to "*conserve and enhance the character of the existing physical environment, especially...the historic registered Hulton Park"*
- CS Policy CG3: promotes good design and, in particular, seeks to conserve and enhance the heritage significance of heritage assets.

[39] CD 06b.7 drawing ref: LUC_6628_LD_PLN_1001 Issue Q
[40] CD 06b.8 (drawing ref: 15191 (Pl) 500 U
[41] CD 06b.2.1 and 2.2
[42] CD 11.2
[43] CD 11.3
[44] CD 11.4

- CS Policy H1: promotes the development of new health facilities in accessible locations and seeks to ensure that new developments make appropriate contributions towards such facilities
- CS Policy P5: seeks to ensure that developments are accessible by different types of transport.
- CS Policy S1: provides that the design of new developments must take into account the need to reduce crime.
- CS Policy CG1: seeks to safeguard and enhance rural areas and biodiversity as well as reducing the risk of flooding and minimising energy requirements.
- CS Policy CG2: promotes sustainable design and construction.
- CS Policy CG4: seeks to protect residential amenity.
- CS Policy IPC1: governs provision and financial contributions from new development towards the cost of infrastructure.
- GMMP Policy 8: refers to prior extraction of mineral resources within designated Mineral Safeguarding Areas in advance of construction.

4.3 Emerging policy appears in the form of the Greater Manchester Spatial Framework[45] (GMSF) which is being prepared by a collective of Greater Manchester authorities[46]. The GMSF is at an early stage but it is intended to allocate strategic development sites and set a revised housing requirement for the borough. Policies STRAT8 sets out a vision for a Wigan-Bolton Growth Corridor to deliver a regionally significant area of economic and residential development.

4.4 The Revised Draft GMSF underwent consultation at the beginning of 2019. Due to a large number of responses and, given the nature of those responses the authority determined that further evidence work needs to be undertaken with a further revised draft of the framework to be produced[47]. The Council and Applicant are agreed that, given the current status of the emerging GMSF and the existence of a number of objections to a large number of policies, only limited weight can be afforded to the emerging GBSF. Consultation of the 'Further Revised Draft of the Greater Manchester Plan for homes, Jobs and the Environment' was due to take place in the summer of 2020.

4.5 Relevant national policy is to be found in the National Planning Policy Framework (the Framework) as well as national Planning Policy Guidance (PPG).

**Matters Agreed Between the Council and the Applicant**

5.1 A series of SoCG were agreed between the Council and Applicant and are recorded in paragraph 1.12 above. Both parties agree that the development would result in the beneficial restoration of the RPG and would result in a substantial overall benefit in heritage terms. In this regard, both parties are

[45] CD 11.13
[46] The Greater Manchester Combined Authority.
[47] GMCA – Greater Manchester Spatial Framework Updated dated 27 September 2019

satisfied that the proposal is compliant with development plan and national policies aimed at conserving or enhancing heritage assets.

5.2 It is further agreed that the proposal would deliver significant economic benefits over an extended period, leaving a lasting beneficial legacy and that the development represents a 'very significant' opportunity for the prosperity of Bolton borough. The parties are also agreed that the proposal would make an important contribution towards meeting housing needs both qualitatively and quantitively. They agree that the housing would provide essential cross-subsidy for the Golf resort element and that the scale of the funding gap has effectively informed the quantum of housing. The new homes would be delivered alongside necessary additional infrastructure to support new communities.

5.3 The Council is further satisfied that the proposal in its current form cannot support the provision of affordable housing in viability terms. However, given the viability evidence, which was not contested, the Council accepts that the current offer of affordable housing on site represents a benefit over and above the position indicated by policy and accepted by the Council. In other words, the current proposal cannot afford to make a contribution towards affordable housing, and this is acceptable in terms of the relevant development plan policy. Notwithstanding the foregoing, the Applicant has nevertheless agreed to offer some 10% affordable housing. That is an additional benefit which both parties refer to as a 'policy plus' position.

5.4 The whole site is in the Green Belt and the development is inappropriate. The Green Belt harm as a whole would be substantial. The parties are agreed that it is likely that, if permitted, the proposal would result in Green Belt boundaries being redrawn as part of a local plan process so as to exclude the housing element on the western fields, with the golf resort remaining in the Green Belt.

5.5 The development would require new transport infrastructure to mitigate the effects of additional traffic generated by it. This includes a series of measures secured in the section 106 agreement and by condition. These measures include an additional access to the Chequerbent Roundabout associated with the provision of a new link road to form part of a wider strategic link road. All of the highway measures are agreed between the parties and with Highways England in terms of the strategic road network. Local public transport infrastructure improvements are proposed.

5.6 The Principal SoCG records that the Council and Applicant are agreed that, in landscape terms, there would be a range of both beneficial and adverse impacts with an overall neutral impact on landscape character. It is further agreed that there would be a net gain in biodiversity and overall ecological enhancements which are agreed with the Greater Manchester Ecology Unit (GMEU) and Natural England. The parties agree that there would be no loss of ancient woodland or live veteran trees and a longer term 'very significant benefit' to the treescape in the Park[48]. The proposal accords with development plan policies in relation to water management, archaeology, sustainable design, noise, air quality, ground conditions, minerals, lighting, town centre impacts, utilities.

[48] Principal SoCG ¶8.50

5.7 The Council and Applicant are agreed that the development constitutes inappropriate development in Green Belt terms. The Applicant advances eight positive effects which it says are material considerations, which, when weighed together constitute very special circumstances. The effects are: the restoration and enhancement of the RPG; the absence of an alternative location for the development; the economic and legacy benefits arising from the development and hosting the Ryder Cup; the social, cultural and tourism impacts of the development; increased beneficial use of the Green Belt across the site; contributions towards the Borough's housing needs; reduction in congestion in the local highway network and environmental enhancements.

5.8 Both the Council and Applicant agree that very special circumstances exist, so as to justify the grant of planning permission. They further agree that such circumstances would only exist if the Ryder Cup is held at the site.

Housing Matters

5.9 The Housing SoCG has been entered into by all three of the main parties[49]. The SoCG records acceptance by all that the Council does not currently have a five-year supply of housing land (5YHLS) for the period 2018-2023. The annualised requirement figure was for at least 791 dwellings per annum and includes a 20% buffer. The identified supply was equivalent to 3.7 years as evidenced in the 2017/18 Annual Monitoring Report. The Council and Applicant characterise the shortfall as 'substantial' whereas HEART consider it to be 'moderate'.

5.10 The Housing SoCG records that the Council and Applicant agree that housing delivery from the proposal would make a meaningful contribution towards meeting future housing needs over a sustained period in quantitative and qualitative terms. Both agree that this contribution should be afforded weight in the planning balance. HEART disagrees with both the Council and the Applicant regarding the contribution which the proposal could make to the immediate 5 YHLS given uncertainties regarding the commencement of development.

5.11 The viability appraisal submitted with the application demonstrated to the Council's satisfaction that the application could not support the inclusion of affordable housing. Since policy requirements allow for nil provision in the light of viability considerations, the provision of no affordable housing would not offend relevant policies. A reappraisal mechanism was agreed to check viability at future dates and require provision if project viability improves.

5.12 A Viability SoCG[50] agreed between the Council and Applicant sets out matters agreed in light of an updated Financial Viability Assessment undertaken. Given the advent of the revised provisions in the Framework and the expectation[51] of 10% provision of affordable housing, the Applicant's position moved on and it committed to the provision of a minimum of 10% affordable homes, together with a retained review mechanism.

[49] The Council, the Applicant and HEART
[50] CD1 13.15
[51] Framework ¶64

5.13 All parties are agreed that there is a shortfall of affordable housing in the Borough relative to identified needs. Figures quoted include a net annual need for 496 affordable units and just 151 affordable starts on site in 2016/17[52]. The SoCG records varying levels of disagreement between all three parties which I shall return to as necessary.

5.14 The Supplementary SoCG: Housing Matters[53] is agreed between the Council and Applicant and is essentially an update in the face of the revised s106 agreement and other matters.

5.15 The Ecology SoCG[54] is made between GMEU as advisor to the Council and the Applicant. It contains an agreed baseline description and ecological evaluation, agreed design and management parameters and mitigation and an assessment as to biodiversity net gain.

5.16 The Highways and Transport SoCG[55] is entered into by the Council and Applicant. It sets out fully existing transport conditions, forecast traffic generation, accessibility credentials of the development site, impact on both the local and strategic road network and agreed mitigation measures. HEART have not entered into the SoCG. Whilst HEART raised no issues in relation to highway matters, many third parties and local residents did raise concerns and these matters are recorded later in section 10.

**Matters Agreed and in Dispute Between the Applicant and HEART**

6.1 The SoCG on Historic Landscape[56]was agreed between the Applicant and HEART and sets out agreed matters relating to heritage. The park is a heritage asset of value at a local and national scale; the park has suffered from a lack of maintenance over many years and a number of structures/features have deteriorated; many of the historic structures are derelict or in a state of disrepair and the large waterbodies have silted up. Both parties agree that intervention is necessary to secure a sustainable future for the RPG.

6.2 The SoCG further records agreements regarding land adjoining the RPG and within the application site which is deemed to be within its' setting. This is the land known as the western fields, earmarked for housing and the smaller agricultural parcel north of the A6, earmarked for the academy.

6.3 The Applicant and HEART are agreed on the following matters:

- A key aspect of the Park's special interest comprises the landscape design created by William Emes and Thomas Webb, in two phases during the later 18th and early 19th centuries.
- Surviving features of interest from these periods include the water features, the pleasure grounds, the walled kitchen garden and associated woodlands.

[52] Housing SoCG ¶3.4
[53] D 13.17
[54] CD13.11
[55] CD 13.12
[56] CD 13.10

- The demolition of the main house in the 1950s was harmful to certain areas of the designed landscape.
- There are eight distinct character areas within the Park: the Park, Pleasure Grounds and Woodland, Mill Dam Wood and Lake, North Meadows, West of House, New Park Wood and Fields, Park End Farm and Dearden's Farm.
- Repair/reinstatement works to the following features would be beneficial: main gateway, lodge, ha-ha, walled garden and entrance to it; pleasure grounds.
- Repairs to the dovecote would be beneficial to it as would other miscellaneous matters outlined[57].

6.4 Matters of disagreement are also recorded, relating to the analysis of the history and development of Hulton Park and the ascribing of significance levels to character areas, landscape features and defined views. These matters were explored fully during the Inquiry and form part of my assessment. HEART does not agree with the resultant assessment of impact leading to the main point of disagreement which is whether the development would give rise to an overall beneficial effect to the significance of the RPG. The Applicant says a substantial overall benefit would accrue, whereas HEART's expert witness contends that there would be substantial harm to the heritage assets.

**The Case for the Applicant**

7.1 This summary contains all material points in relation to the Applicant's case and it is substantially based upon the closing submissions of the Applicant. It is also taken from the evidence given on behalf of the Applicant and from other documents submitted to the Inquiry. The Secretary of State is also referred to the Applicant's closing submissions at Inquiry Document 63 which contain a full exposition of the Applicant's case.

7.2 "The Northern Powerhouse" is a nomenclature that deliberately and forcefully reminds us of the area's past, of the role the North and places like Bolton played in the industrial revolution and in making the UK one of the world's richest and most advanced economies. Rarely can there have been a better fit for the Northern Powerhouse policies than this application. The proposal has at its heart the repair and regeneration of the historic Hulton Estate: an estate which was at its heyday in, and after, the second phase of the industrial revolution. It also provides a long-term and profitable future for the restored Estate, and a large injection of investment and confidence in the north-west; an area well-versed in making the very most of such opportunities.

7.3 The planning system exists to make decisions on the development and use of land in the public interest. This application, by necessity, tests the policy mechanisms which make up that planning system to their widest extent. Objectors raise issues such as uncertainty and prematurity and they are right that this application is not a conventional one.

[57] Ibid ¶3.27 to ¶3.30

7.4 But in the end, for all the alleged complexity in the case, the choice for the Secretary of State is a truly simple one. It is a choice between (i) taking up a generational opportunity to show faith and confidence in one of the most deprived areas[58] in the Northern Powerhouse while providing a thriving long term beneficial use for an asset of immense importance for the area and (ii) turning that chance of a generation away and leaving the Hulton Estate to decay and die on the vine.

The Development Plan and the Presumption in favour of Sustainable Development

7.5 The development plan policies of most importance are plainly out of date. In addition, it is common ground that the policies of the plan have systematically failed to provide a 5YLS. It is agreed that the provision lies well below four years[59]. That is a serious and significant shortfall. As a result, the presumption in favour of sustainable development[60] applies in the determination of this case unless, that is, any of the footnote policies[61] properly applied clearly establish a reason for refusal on their own terms.

7.6 One of the main duties for a local authority is the duty to provide sufficient homes for its inhabitants. The provision of decent, appropriate housing at all levels is a fundamental limb of the planning system. It is for this reason that government policy rightly places very significant weight on the provision of at least a 5YLS[62] and why the consequences for the decision-making process of not providing such a provision are also so profound.

7.7 In this case, two relevant Framework footnote "restrictive" policies are engaged[63]. Both need to be dealt with as part of the correct decision-making process. They are (1) the heritage provisions associated with impact on the designated heritage assets and (2) the Green Belt policies. Because of the nature of the tests raised by these policies, there is an inevitable interaction between the two topics.

7.8 I propose to address the Green Belt issue first. I do so both for ease of presentation and to recognise that the truth that the Green Belt balance involves an inevitable consideration of almost all of the relevant benefits and harms associated with the case.

Green Belt: the test and component parts of the development

7.9 The Framework makes it clear that inappropriate development in the Green Belt is by definition harmful to the Green Belt and should not be approved except in very special circumstances[64]. Such circumstances only exist where harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations. Any harm to the Green Belt should be given substantial weight.

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[58] English indices of deprivation 2019: mapping resources, Published 26 September 2019
[59] Statement of Common Ground on Housing Issues, dated August 2019 (CD.13.9)
[60] Paragraph 11 d) of the National Planning Policy Framework, February 2019
[61] Footnote 6 to National Planning Policy Framework, February 2019
[62] Paragraph 73 of the National Planning Policy Framework, February 2019
[63] Footnote 6 to National Planning Policy Framework, February 2019
[64] Para 143 of the National Planning Policy Framework, February 2019

7.10 For the reasons set out below, rarely could the circumstances have been more special than those which accompany this application. Self-evidently, the three areas of housing proposed in the Green Belt are all inappropriate development. The golf course by itself would not be inappropriate development and neither would its smaller ancillary buildings. The club house, too, is limited in scale. But the hotel, conference facilities and other buildings are all essential to the operation of the facility in the round as a leisure resort. As such, and for the avoidance of doubt the applicant has treated the Ryder Cup resort as a whole as inappropriate development.

7.11 Notwithstanding this, the fact remains that outside of the housing areas, by far the greatest element of the proposal, the golf course would, by itself, not be inappropriate development and neither would it, in any meaningful way, interfere with the openness of the land. These matters are very relevant to the weight to be given to definitional harm across the site and to the existence and weight to be given to harm to openness. Self-evidently the golf course would continue to serve Green Belt purposes and would, on a proper understanding of the term, remain open.

Assessment of Green Belt Harm

7.12 Overall the Applicant accepts that the harm to the Green Belt is substantial or considerable. There would be definitional harm and, clearly, the proposed residential development which would remove the sense of openness from the areas of its development, would extend the extent of urban areas and encroach into the countryside. The balance of the development also comprises inappropriate development as a whole: though it is right that most of the site of the resort would remain open, with isolated buildings breaking up the physical sense of openness. The nature of the land-forming is not harmful by and of itself to openness.

7.13 There would be a notable reduction in the separation between Westhoughton and Atherton but that would not generate either an actual or perceptual merging of those settlements.

7.14 There are subtle differences between the approach of the Applicant and that of the local planning authority; but these are not sufficient to really make a meaningful difference to the analysis as a whole. The analysis of Mr Bell and Ms Lancaster establish clearly, and on slightly different bases that the function and value of the Green Belt in this area and its overall integrity would not be compromised. The experience and knowledge of local conditions which means great weight should be given to the overall approach of the local Officers and Ms Lancaster.

Identification of "Other harm"

7.15 The other harm identified by the evidence is a limited visual harm carefully considered and defined by Ms Knight and a technical breach of the policy protecting a limited area of the best and most versatile agricultural land. Both of these elements of additional harm are dealt with in detail by Mr Bell and Ms Knight in the evidence. They do not form a central part of any parties' opposition to the proposal in the round.

7.16 If, contrary to the Applicant's case, there is a finding of less than substantial harm on any designated heritage asset, then as explained below, there is a potential for such harm also to be considered "other harm" caused by the proposal (see below).

Green Belt Conclusions

7.17 It follows from the above analysis that for planning permission to be granted, the harms associated with the proposal in Green Belt and in other terms fall to be clearly outweighed by other considerations associated with the proposal so as to demonstrate very special circumstances. I now turn to the very special circumstances that exist in the circumstances of this case.

Identification of Very special Circumstances

7.18 For the reasons set out below, the Applicant and the Local Planning Authority and the independent consultant instructed to audit that approach, all believe that there is a unique coincidence of benefit here: a generational opportunity for the area which should not be turned away. I set out the main elements of that case here. The full suite of considerations is advanced by Mr Bell in Chapter 11 of his proof.

Hulton Park – Heritage Matters

7.19 Heritage matters are at the heart of this case in more ways than one. The restoration of the park and its key elements of significance and the provision of the park with a long term and secure use (in comparison to the alternative) are huge benefits of the proposal in heritage terms. In addition, the park also provides the perfect home for a well-designed Parkland golf course which would bring one of the world's biggest sporting mega-events and all of its socio-economic impacts to Bolton[65].

7.20 In addition, the heritage issue is by itself, one of the "footnote" issues which falls to be determined as part of the assessment of whether the presumption in favour of development should apply. This section identifies why the restoration and provision of a long term future for the significance of the park provides by itself (and in combination) a very special circumstance and why (in reaching this conclusion) the heritage policies of the NPPF (properly applied) do not "provide a clear reason for refusing the development proposed" thus allowing and requiring the presumption in favour of development to be applied in this case.

The Heritage Assessment

7.21 There are only two designated assets at large in this case. The first is the park itself. The second is the Listed Dovecote. Both are listed at Grade II[66]. Since the Framework makes it clear that greater weight should be given to impacts upon more important assets, it is right to note that Grade II is the lowest listing achievable for a "designated" asset. That of course does not diminish the fact that significant importance and weight to apply to the conservation of these assets.

[65] Set out in the Proof of Evidence of Andrew Tong
[66] Historic England List Entry Number: 1001581

7.22 For the purposes of this application, the application of the NPPF[67] approach should be determinative of the heritage issue. There is nothing in the development plan which suggests that an alternative approach is appropriate. The Courts and policy makers have now definitively established the following:

- if a decision-maker follows the fasciculus of paragraphs contained in the Framework, then that decision maker will have complied with all of the relevant statutory tests applicable to designated heritage assets.
- Great weight should be given to the "conservation" of a designated heritage asset. Conservation of the asset includes a consideration of whether a proposal enhances the significance of such an asset.
- When considering the impact of a proposal as a whole on a designated asset as a whole, the decision-maker is entitled to have regard to elements of the proposal which enhance its significance as well as to any harms in determining whether in the round the asset is conserved- the "Palmer" test.
- Where a proposal leaves the asset unharmed in this net way or where there is net benefit then the provisions of the Framework which deal with harm are not engaged.
- Where there is "conservation" or net beneficial impact, for the reasons given in above, such an impact must as a matter of law be given great weight.
- Any net harm to the designated asset is also to be given great weight. It falls to be justified in a clear and convincing way. The clear and convincing justification for harm (if any) is provided in the fasciculus of paragraphs dealing with harm in the Framework. It is not a separate or freestanding test to be passed.
- Substantial harm and total loss of significance are dealt with together in the Framework. They give rise to a very onerous test. For that reason, substantial harm only occurs when most if not all of the significance of the asset is drained away by the proposal. When the proposal leaves the asset almost vitiated in terms of its designation.
- Less than substantial harm is justified when it is outweighed by public benefits which can include the provision of an asset with its Optimum Viable Use (OVU).
- Not all elements of a designated asset are of equal significance.
- It is long established that assets with a beneficial use are more likely to have their conservation enhanced than those which do not.
- In constructing a plan for the use of an asset, a Conservation Plan identifying the relative importance various parts of the asset should, as a

[67] Paragraphs 11, 73, 189 to 202 of the National Planning Policy Framework.

matter of practice be drawn up and development should be guided to areas most consistent with the conservation of the asset.

Elements of significance

7.23 This Park has been the subject of extensive research and study as a result of this Inquiry. Thus, a consensus has arisen as to what is significant about the asset. A SOCG[68] captures this agreement. The work of Emes represents the earliest and most authentic element of landscape design in the Park. It is clear that Emes was something of a master of the water feature. His skill in this regard is noted in contemporary literature and in the modern texts such as the DNB. An entire chapter is reserved for this skill and feature in the academic dissertation[69] which is the only complete work of reference we have before the Inquiry.

7.24 In addition, Emes was a talented creator of pleasure gardens and woodland perambulations. Emes is also associated with the enhancement of existing woodland and water features to create pleasant and sylvan walks. All of these features on a proper analysis formed part of the Emes design at Hulton. Each can be specifically identified without doubt in the evidence[70].

7.25 Dr Stamper[71] states "*At Hulton there are three features of real interest to the garden historian: the former Pleasure Garden with its lake behind the house platform; the Kitchen Garden extending down to the gulley and the romantic Woodland Walk by the stream with its cascades in Mill Dam Wood.*"[72] On any fair analysis that conclusion is accurate. It represents an important (indeed probably the most important) element of significance in the Park

7.26 All of these accepted elements of significance remain to a degree now. However, all have been harmed by the absence of use and the significant passage of time and all are in danger of being lost as unmanaged nature takes hold. Thus, the signature scimitar lake is silted up (and overgrown with knotweed) and its form is not fully revealed. The Walled Garden is in a parlous state of disrepair: its significance would have lain in the nature of its planting, and, in the manner in which it served the functional and recreational needs of the family seat.

7.27 The remnants of the Pleasure Grounds are also capable of being made out on the ground, although the precise nature of their planting is no longer typical of Emes time. Indeed, the grounds are overgrown and populated by invasive species. The romantic walk is but a shadow of its former self and of its potential. It still is an element of significance, but large parts of the water course are silted up and planted with self-seeded willows and other invasive species[73]. The polite, genteel managed landscape with its park features has all but disappeared. The romantic walk is now a more naturalistic trail unmanaged

[68] Statement of Common Ground on Historic Landscape, dated September 2019 (CD:13:10)
[69] Thesis on Emes provided at Appendix 12 to Proof of Evidence of Dr Chris Miele.
[70] See proof of evidence and Rebuttal of Dr Chris Miele
[71] To whom Mr Gallagher said he would bow due to his greater knowledge in this regard
[72] Appendix 5 to Proof of Evidence of Chris Miele - Paul Stamper peer review reports – "WILLIAM EMES (1729/30-1803) William Emes: a brief professional biography" page 6
[73] See Proof of Evidence of Francis Hesketh

and overgrown. It is an attractive but overgrown walk but lacks the authenticity and as a result, large elements of the significance it once had.

Impact of the proposal on features of significance

7.28 These key Emesian features of significance would all be retained and significantly enhanced as a result of the proposal. All, at very substantial cost would be restored and better revealed by the proposal[74]. These features constitute the very heart of Hulton Park and its significance. They represent the largest part of its authentic Emesian legacy. The other largest part of the Emesian contribution, the creation of the Great Park has been largely overwritten by the work of his successor Webb[75]. It too has significance and is dealt with below.

7.29 All of the key Emesian features which are retained and enhanced would also be available to be experienced by those visiting the restaurants and the hotel and by the public on those many days when the venue is open to them and when heritage tours take place[76]. In comparison to the existing position (much less that which will arrive if no works of recovery are undertaken) this would be a huge benefit and heritage enhancement. It follows from just this element of the analysis that a large and most important part of the significance of the park would remain and indeed be substantially enhanced as a result of the proposal.

7.30 Webb is the lesser of the two designers. He is not mentioned in the guidance to those grading Registered Parks and Gardens[77] and neither does he merit an entry in the Oxford National Biography[78]. Webb was less innovative, less authentic but probably more fashionable in the sense that he (and his clients) were more followers of shorter-lived fashion. That does not mean that his work, and what remains of it, is not significant; far from it. But the context is important. He was responsible for the moving of the Emes carriageway and for the more picturesque access route of the main drive to the house.

7.31 Webb was also responsible for much of the main parkland planting in the Great Park area of the site and the area to the West of the House. This part of the site has suffered as much as most areas of the park since its active management ceased over 100 years ago. Most noticeable is the absence of the larger standard parkland trees which used to populate the area. The site is notably spartan now as one travels toward the location of the main house. Large areas of grass take the place of the blocks of woodland which have perished.

7.32 More than two-thirds of such parkland trees are no longer apparent at all: they have gone. 15% of those that remain are dead, dying, dangerous, moribund or

[74] See Gleeds Report provided at Appendix 9 to the Proof of Evidence of Derek Nesbit
[75] Mr John Webb (c 1754-1828)
[76] Proposed to be secured by condition – providing for programme of public access events in the Registered Park and Garden
[77] Guidance on the listing of sports buildings is provided in Historic England's selection guide on Sports and Recreation Buildings - Referred to by Dr Stamper in Appendix 5 to Dr Chris Miele's Proof of Evidence under the note entitled "What is Historic England's current advice on golf courses in historic/designed and especially registered landscapes?"
[78] Oxford Dictionary of National Biography

have a lifespan of less than five years. 52% of all of the trees are identified as dead damaged moribund or otherwise having a short life (red or amber)[79].

7.33 It is within this area of the park that the golf course is in part located. As Mr Wikeley clearly explained, the course works with the grain of the existing parkland and replicates the shape and essence of the long-lost parkland planting. Most of the new parkland trees would be planted in as close a position to the original as is consistent with OS mapping and the others would replicate the style and essence of Webb's planting.

7.34 The search for absolute accuracy in this context is meaningless. First, it wrongly assumes the absolute accuracy of the OS mapping. Second, it ignores the fact that much of the planting was irregular in nature and/or in fact opportunistic in the sense that it was not planted for landscape reasons but to hide the outcome of extraction of coal from the heart of the estate. Third, it overlooks the objective of the planting which is to create an effect of dispersed Webbian woodland pasture.

7.35 Overall, the impact of the proposal on the Webbian Great Park would be to significantly restore the historic element of tree cover and parkland trees as shown on the first edition OS plan.

7.36 There were originally over 360 Parkland trees on the site. At present about 90 continue to exist (4-5 have died in the process of this application). As indicated above, of these, over half, are dead, dying, moribund or time limited on the basis of the expert evidence. They would be replaced by significant new parkland planting in either the exact location of trees lost or to reflect in the key parts of the park as far as possible the essence of the more random scattering of trees favoured by Webb. These are obvious enhancements over the existing position.

7.37 HEART's objection to the proposals on the basis of absence of authenticity are simply perverse. The Kitchen Garden as a concept is already degraded in terms of its significance. It would not take very much for its condition to further deteriorate and to be lost completely. The conservation restoration proposed would be undertaken following best practice: with the reuse of existing bricks (carefully marked as to location) where possible and the careful recreation of the garden as close to its pre-existing existence and with as much original fabric as possible.

7.38 It further follows, that the allegation made by Mr Gallagher, that these proposals would result in substantial harm to the park as a designated heritage asset are simply not legally defensible. The concept of substantial harm for this part of the Framework is not a simple relative term. It is a specific term of art because it is linked to total loss and the deliberately tougher tests that apply to such harm- the same test that applies to the total loss of significance of an asset.

7.39 The difficulty for Mr Gallagher is that he was wholly unaware of the careful, esoteric and somewhat nuanced guidance of the court in Bedford or of the

[79] See Proof of Evidence of Francis Hesketh and Statement of Common Ground on Ecology and Arboriculture (CD.13.11)

guidance in the PPG to similar effect. Bedford and the PPG deliberately sets the bar very high: they must be read to be consistent with each other. Mr Gallagher candidly accepts that he was only aware of that advice when he read the proofs of evidence in this case. His judgments before that could not have been guided by this corpus of learning.

7.40 It is unreasonable and implausible to assert that the park post development would be drained of "*very much if not all of its significance*." On any view of the evidence at least very large elements of significance would remain and be enhanced. Mr Gallagher's position is not supported. On a proper examination of his own evidence he himself demonstrates that the proposals do not drain away very much, if not all, of the significance of the park. He accepts that some of the (very most significant) elements of the park would be retained and enhanced.

7.41 The golf course would require some alteration to landform. All golf courses will require this to a degree, as accepted by the English Heritage Guidance. Mr McMurray was very clear that the total amount of land forming required to create this course had been kept to its minimum and is in comparative terms modest overall. He was careful in describing the landform shifting as modest and limited. He was guided by Mr Wikeley, himself expert in the understanding of the landscapes of Emes and Webb and the main author of the Historic England guidance on Golf Course Design.

7.42 Where there is remodelling it is deliberately subtle and undertaken to match the Parkland character which presently exists. That character is already gently undulating and reflects the fact that the Park has been the subject in places of coal extraction and regrading. The landform here is not one that has been finely modelled as in Repton landscapes. Rather it reflects its previous use as agriculture and deer park. It is largely flat with very gently undulating and sloping north to south with "lumps and bumps" reflective of past use and mining.

7.43 The landscape character of the Park consists of scattered trees in an open setting surrounded by larger woodland elements. The actual form of the land or its landform surface is nowhere identified as of particular importance. There is no archaeological significance in the landform which the proposal would harm.

7.44 Mr Gallagher does not identify any particular landform concern, but instead criticises the concept of reforming land at all. Two matters arise. First, there was no attempt to contextualise that sum at all in relation to other golf courses or other relevant park alterations. Second, there was no serious consideration of where the cut and fill it represented would take place. Thus, more than half of it occurs not on the golf course area at all, but on the very much less sensitive housing areas including those beyond the park.

7.45 A useful test of the scale and impact of the regrading lies in the fact that out of the greens proposed only 2 greens fall below the non-binding indicative figure of 1m contained in the relevant detailed golf guidance issued by English Heritage[80]. Of those 2, the Applicant has indicated that it would be content for one (the 8th) to be conditioned to no more than 1m if the Secretary of State

[80] Provided in Appendix 1 to 3 to the Proof of Evidence of Dr Chris Miele

thought it appropriate. The other green was constrained by the need to avoid the Aqueduct that runs across the site at that point.

7.46 When looked at in the round, the overwritten Emes/ Webb element of the proposal would re-provide an enhanced, better treed landscape significantly in keeping with the original design ethos of that part of the park. Compared to the existing condition of the overwritten element of the Park, this would constitute a significant benefit of the proposal. Rather than presenting as a substantially under-treed landscape with wide stretches of unleavened grass, the proposal would once again have the Parkland feel of the past. These substantial benefits fall to be added to the enhancement of the Emesian benefits already identified above.

HEART's assessment of benefits

7.47 HEART's assessment of the impacts of the proposal is unbalanced because the significance of the benefits of the proposal was simply neither analysed as to significance nor weighted at all in the overall balance undertaken[81]. Mr Gallagher in his evidence in chief volunteered an exposition of why he believed that such benefits were either non-existent or were of reduced value. Ms Copley failed meaningfully to mention the benefits of the proposal at all in her evidence and then volunteered that the £10s of millions of pounds of restoration contained in this heritage led project constituted mere tinkering.

7.48 A large part of the concerns of HEART related to the construction of a golf course in a Registered Park. However, we know, as a matter of clear evidence, that many golf courses have been permitted (in accordance with the EH Guidance) in much more sensitive parkland locations (without such extensive heritage benefits).

Applicant's overall conclusions on significance

7.49 There can be little realistic doubt that the main elements of significance of this Park would be massively enhanced by the proposal. All of the key Emesian features would be restored, repaired and better revealed. The overwritten Parkland would be properly re-treed with appropriate species and its present savannah-like appearance would be enhanced. Its long-term existence as such would be retained and maintained.

7.50 Overall, the Park would once again appear as, and function as, an 18th Century Parkland with its key features restored and made available to the public in large degree. Such enhancements should be afforded great weight consistent with the Framework. Especial weight should be afforded to these matters in the absence of any reasonable meaningfully costed alternative.

7.51 Both national guidance and the specific golf guidance issued by Historic England[82] make it clear that not all areas of a registered park are likely to be of equal value. Further, there is a recognition that generally an asset with a long-term beneficial use is more likely to retain its significance. The aim of this proposal from the outset has been to provide a long-term sustainable beneficial use for the Park. The restoration of the key elements of the Park and the

[81] See last paragraph of Mr Gallagher's Proof of Evidence at section 9.
[82] See Appendix 1 to 3 to the Proof of Evidence of Dr Chris Miele

provision of that long-term sustainable use come at a very significant (and agreed) cost[83].

7.52 Although the resort use would be highly profitable as a long-term going concern, its development is not in any objective sense viable. The development phase of the site produces a significant deficit. This reflects the huge costs of the proposal. As a result, in order to cross-subsidise the development as a whole, the application contains the outline permission areas of housing development. These elements of the proposal represent the areas which in planning and heritage terms reflect the maximum areas of housing which are appropriately judged suitable and deliverable while representing the minimum safety net for the developer.

7.53 Without the housing areas, put simply, there would be no development and none of the related significant benefits. The housing areas were identified as the areas which would produce least (or no) harm to the significance of the heritage asset and which could also be defended in Green Belt and landscape terms. This exercise was undertaken in very close consultation with the local planning authority. Thus, the housing is located in those parts of the Registered Park which clearly have least significance (if any) or in areas which fall outside the Park.

7.54 The whole essence of the designation of a RPG is to protect the extent of the historic garden, parkland and designed ornamental landscape which survives in sufficiently good condition. Thus ordinarily "land which is laid out for purely agricultural… purposes or other economic or utilitarian purposes is normally omitted" from the protection of the designation. This explains what is likely to be of most important and most sensitive to change in any RPG.

7.55 As to Dearden's and Park Farms, Dr Miele's assessment was that these parcels of land were always laid out to agriculture not parkland or ornamental garden. In addition, neither farm ever formally formed part of the designed park itself and had no true significance for the landscaped park itself, beyond perhaps the limited fact of historical ownership. Importantly, that judgment is shared by Dr Paul Stamper. The evidence does not support an assertion that these parcels of land were integral to the significance of the Park as an historic landscape properly understood.

7.56 Thus, in cartographical terms it is very clear that each of these farms was in full agricultural use. Whenever the extent of the Park was marked on the official OS plans, none of the "housing sites" were ever included within its boundaries. Those boundaries were the best evidence of the extent of the park or ornamental gardens. They were not seen or understood as part of the park by the surveyor: they were clearly physically and functionally distinct for mapping purposes. There is no evidence that the surveyor was inaccurate at all.

7.57 There is no evidence whatsoever of an historic, functional relationship between the farms and the RPG in any meaningful historic context. Despite a very comprehensive Hulton Archive: no documentary evidence of any such relationship has been produced. Neither physically is there evidence of a meaningful historic relationship in terms of the significance of the park.

[83] As set out in the Proof of Evidence of Mr Derek Nesbit

7.58 The suggestion that there were important views to the relevant areas is simply not borne out by the evidence. Views of the relevant farms, as a matter of topography, landform and trees, could never have formed part of the Park's design intent. There is no physical evidence of substantial linkage in relation to the relevant farms. The OS maps do not disclose extensive or any meaningful farm tracks to suggest interdependence in an agricultural or other functional way.

7.59 Both Mr Stamper and Dr Miele are clear that, in significance terms, and for the reasons set out above, these parcels add little if anything to the true significance of the RPG properly understood. In any event, wherever the debate as to the relationship with the two farms within the site ends up: there can be very little doubt that these areas of the designated asset are of much less significance than the core areas and the areas of the site which would be significantly enhanced as a result of these proposals. As a result, the harmful impact of the proposal on the housing character areas outside the historic park but inside the RPG boundary is significantly outweighed by the benefits of the proposal to significance overall identified above.

7.60 The same analysis applies *a fortiori* in relation to the Western Fields. The fields lie outside of the Park and have always been in pure agricultural or mineworking use. There is no evidence of the creation of borrowed views or of any truly functional relationship with the designed ornamental park.

7.61 The Landscape Character Appraisal of Bolton is an accurate description of the true landscape character of the area. It is identified as being "low grade agricultural land with ponds and flash areas and "*fragmented landscape with scattered settlements and dissecting transport links*". It is said to have "*a lack of historic continuity and variety in landscape quality*". Ms Knight explains why the land has, and had, no functional or meaningful visual connection with the park as a whole.

7.62 The heritage (Palmer) balance is truly not a close one. Every appropriately qualified professional analyst other than Mr Gallagher has also come to this conclusion. Those analyses are consistent over time and as to judgment. All identify net beneficial impact[84]. Great weight and importance should and must be afforded to this benefit.

7.63 It follows from the analysis set out above, that it simply cannot be lawfully contended that the proposal drains the RPG of most if not all of its significance. The only alternative judgments are therefore that the proposal on balance leaves the designated heritage asset unharmed or that on balance, the proposed asset is harmed but less than substantially.

7.64 In the event that the proposal leaves the asset unharmed: then for the purposes of the Framework and the footnote, there would be no strong reason to refuse the permission. Indeed, even absent positive net enhancement: great weight as a matter of policy should be given to the assets conservation.

[84] the Historic Impact Assessment undertaken by Mr de Figueredo (Dip Arch MA (Urban Design) RIBA IHBC more than 20 years employment with HE) is truly a tour de force of detailed and balanced analysis

7.65 If the proposal overall causes less than substantial harm, then in the terms of the Framework[85] such development can be permitted in the event that the public benefits of the proposal which can include securing its OVU, outweigh the less than substantial harm.

7.66 The purpose of this provision and in particular the OVU is of particular relevance to the circumstances of this case where the potential future of the Park in the absence of meaningful intervention is bleak on any reasonable assessment. The concept of an 'optimum viable use', reflects the settled policy position that ordinarily a designated asset's significance is secured and safeguarded by having a beneficial use.

7.67 In the present case, the use of the RPG as a family seat and Park has long ceased. In the 100 years since it has ceased, the park has suffered considerable loss of significance even though its core features of significance are still discernible. No party to the inquiry is suggesting that this landed estate use remains available to the asset. Planning policy has long recognised that certain original uses of land such as stately homes and their parks, workhouses, large mental health institutions are simply not appropriate to provide those original assets with a continued use.

7.68 In such circumstances, alternative uses are encouraged. Such uses even if they cause less than substantial harm are, in policy terms, to be preferred to no use and continued dereliction. This is particularly the case if the uses promoted constitute the OVU of the asset. Such a use optimises the use of the site in a way which limits the nature of the harm but at the same time is viable in the sense that it provides a long-term sustainable use for the asset concerned. If there is no alternative use to that which is proposed than that proposed constitutes the optimum use. In the present case, the only analysis of whether the proposed development constitutes the OVU for the site has been undertaken by Dr Miele[86]. He was not challenged on it.

7.69 Dr Miele is very clear that, in order to protect the best and most important elements of significance of the Park, and to enhance them to the degree proposed, then a viable use is required. That approach is consistent with the Framework[87] and with the advice in the PPG. Dr Miele identifies the golf course/resort use as an appropriate use and also the fact that there is no alternative use: hence his conclusion that the proposal is the only realistic use and also the optimum use.

7.70 The evidence of Mr Nesbitt establishes that the resort when built, would be highly profitable looking forward, even on the most modest of assumptions. There is no challenge to the evidence that the alternative use would be in a position to finance the maintenance and onward safeguarding of the asset.

7.71 In the absence of an alternative use for this asset it has a sorry future. There is no sustainable evidence whatsoever that an alternative use would be able to stop the irresistible decline of the Park. We know that the restoration work for the key Emes/Webb features will run to tens of millions of pounds without

[85] Paragraph 196 of the National Planning policy Framework, February 2019
[86] See paragraphs 4.30 to 4.36 of the Proof of Evidence of Dr Chris Miele
[87] ¶193

onward investment in maintenance. None of the objectors raise a realistic potential alternative use for the site which would do anything other than accelerate or perpetuate the present demise of the asset.

7.72 Further and importantly, the relevant planning authorities have had to consider the condition and future of the heritage asset as part of its development planning duties. The strategic authority (supported by Bolton Council) has as part of the exercise of such duty considered what realistic options were available for the site. These authorities have not identified any alternative uses for the site which in planning terms might be appropriate or might provide a long-term future for the site. Indeed, the emerging plan has contained a formal allocation supporting the provision of a Ryder Cup Course and heritage regeneration. Support for such a development still appears in the plan albeit that the plan is at a very early stage.

7.73 It therefore follows that if there is a finding of less than substantial harm to the asset from the proposal, then there should also be a finding that the proposal nonetheless secures its OVU, the only use which on the evidence realistically results in the securing the future of the asset in comparison to the alternative of a do nothing option. In these circumstances, the proposal would constitute the best use for the site in heritage terms going forward. As such any less than substantial harm would be outweighed by securing the OVU for the asset alone.

7.74 In addition to these matters, if there remains less than substantial harm to the significance of the Park, then the other public benefits which flow fall to be added to the balance. For the reasons set out below, these benefits substantially outweigh any conceivable less than substantial harm to the asset when seen as a whole as part of the heritage footnote assessment.

7.75 The way in which a finding of less than substantial harm, if any, fits into the Green Belt analysis is interesting. There are two ways of thinking about the matter. If it is identified that the proposal constitutes the asset's OVU, then, if that OVU is better for the asset as a heritage asset than leaving the asset without a viable use, then, even if the finding is that that there is less than substantial harm from the development, the fact that such harm is its OVU and is better for the asset than no use is, in fact on proper analysis, a heritage benefit of the proposal and is properly counted as such by the Green Belt assessment. Both Mr Bell and Ms Lancaster advanced this position albeit without prejudice to their clear position that overall, net benefit is clearly demonstrated.

7.76 If, in the alternative, less than substantial harm, is taken into account in the overall Green Belt analysis as "another harm", then the existence of the OVU and all of the other public benefits associated with the proposal would also fall to be weighed (along with all of the other public benefits) also as part of the overall balance. This would mean that "all harm" would be judged against "all benefits". This overall balance is dealt with below.

The Dovecote

7.77 The Dovecote is a Grade II Listed Building which is in a poor state of repair and has a poor existing setting made up of modern ugly buildings and containers. Most of the significance of the asset clearly lies in its physical fabric as a listed building. That significance would be significantly enhanced by the repair and restoration of the dovecote which would be the subject of a condition.

7.78 The ugly modern and uncharacteristic setting of the Georgian dovecote would be altered. The relationship of the dovecote to the other heritage building of value (the non-listed barn) would be enhanced. The Georgian Dovecote predates the founding of Home Farm, or indeed, any farm at this location[88]. It follows that the dovecote was always likely to be associated with the main house, its stables, its pleasure garden and the environs of the core of the Park. This is confirmed by the archaeological analysis.

7.79 The proposal would not only enhance the listed building and its fabric significantly, it would also place the dovecote in a better and more appropriate setting than present.

Applicant's Overall Conclusions on Heritage Matters

7.80 The heritage footnote is engaged by this proposal. There is a consistency of approach and judgment among all professionals with the exception of the HEART professional witnesses. Dr Meile identifies harm, adds to and alters the assessment of significance across the park proposed by Mr Wikeley and fully justifies his analysis by evidence that he presents in his proof.

7.81 There is, in this case, a history of assessments which recognise that there are very considerable benefits of the proposal to the most sensitive and important part of the RPG and the securing of a valuable longer-term use while also identifying harms and less acceptable impacts in the less sensitive parts of the park. There is a clear consensus of opinion that the balance necessary in such a case falls conclusively and clearly in favour of heritage benefit. As a result, the heritage assessment element of the footnote is met and there would not be a clear reason identified in heritage terms for the refusal of planning permission[89].

7.82 Further, the significant enhancement of this important heritage asset is, by itself, sufficient to outweigh the Green Belt and any other harm identified as a result of the proposals. Of course, because the heritage benefit only arises as a result of the provision of the Ryder Cup Golf course, then this intellectual exercise of using heritage as a very special circumstance by itself does not arise in fact.

Applicant's Position on Economic Benefits of the Proposal

7.83 The scale of economic and social benefits apparent in this case has by itself often been sufficient for the Secretary of State to find very special circumstances[90]. Ms Copley, on behalf of HEART, conceded that the socio-economic and cultural benefits of the proposal identified by Mr Tong, if delivered, ought to be given very significant weight. That concession was very appropriate as the evidence establishes.

7.84 Using the best evidence and the appropriate methodology, Mr Tong assessed that the total monetised socio-economic impact of the development is estimated to total £1.2 bn between 2021 and 2040 at 2019 prices. The vast majority of

[88] See e.g. OS Plan 184531 and the archaeological desk study
[89] Paragraph 11 of the NPPF
[90] See McIlaren in Tong Chapter 9.

that impact[91] will be felt in the North West and at least half in Greater Manchester.

7.85 The intangible benefits of the proposal cannot accurately be monetised in the same way but are likely to be very significant. These benefits are in line with government policy designed to heighten the visibility and status of the Northern Powerhouse and in particular to harness the ability of Greater Manchester to make the most of sporting events and their legacy. Enhancements in the profile of the area and the demonstration of confidence in terms of investment is likely to be just as important in terms of meeting policy objectives as is the monetised contribution of the investment itself.

7.86 In terms of the current baseline, at present, the site makes a very minor contribution to the economy of the area. It has lain in an unviable state as an entire estate probably since the family left the estate and main house in 1918. The state of disrepair of the main features of interest identified above are testament to that.

7.87 Greater Manchester is the second most deprived local authority area in England. Its levels of multiple social deprivation[92] are among the worst in the country across various measures. Bolton and Wigan fare better, but not much. The cities of Salford and Manchester have had most of the investment that has taken place in the North-West.

7.88 The impact of inward investment to the area, as a whole, would be disproportionately beneficial. The impact of the Ryder Cup event itself has been modelled carefully and robustly. The location of the Ryder Cup would be in an urban area, with good public transport links to large parts of the UK, as well as the very sophisticated and developed golf community. All of this mean that the forecasts for the Ryder Cup itself are, in overall GVA terms, higher than for other UK venues, but slightly lower for the region of the south-east than other regional estimates.

7.89 The split of the regional distribution of the 4-day tournament GDV reflects the different scales of the local economies to the regional and national ones. But even on this analysis over the 4-day period of the tournament Bolton and Wigan stand to benefit to the tune of £3M and the north-west by £35M. This analysis pays no attention to the media coverage and the impact that would have on the longer-term brand status of Bolton. Bolton already successfully hosts and will host part of the Rugby League World Cup in 2021 and Iron Men competitions.

7.90 As Mr Tong identifies, the holding of the Ryder Cup at Newport/ Celtic Manor is universally accepted to have put it on the map to such a degree that it successfully made itself a candidate for a NATO summit. The opening of the brand-new Wales convention centre is due at the very same Ryder Cup site[93].

7.91 All of the anticipated, monetisable benefits of the proposal are set out in Mr Tong's proof[94]. As in all forecasting, there is no absolute certainty as to their

[91] See figure 9.11 of the Proof of Evidence of Mr Andrew Tong
[92] English indices of deprivation 2019: mapping resources, Published 26 September 2019
[93] See paragraphs 7.37 to 7.56 of the Proof of Evidence of Andrew Tong
[94] Section 9

delivery. But the forecasting uses the appropriate and up-to date methodology and requires a robust approach to be adopted by the assessor. The methodology has in in-built conservatism to it already and forecasts may be sensitive in either direction. This is particularly the case when no alternative figures as to socio-economic impact are before the inquiry and no suggestion is made that any of the analysis is materially inaccurate. The suggestion that the Ryder Cup anywhere else in the UK or the NW would produce similar economic impacts is nothing to the point.

7.92 There is no realistic suggestion of an alternative venue for the Ryder Cup. Suggestions that Heaton Park or Royal Lytham and St Anne's might be better candidates are not supported by evidence. None of these courses would come close to meeting the requirements of the Ryder Cup Committee.

7.93 There is no guarantee that another venue in the UK would be found which could win the Ryder Cup. As such there is no sustainable evidence to suggest that the benefits which would flow from this Ryder Cup should be in any way reduced on the basis that the event and its out-turns "*would have taken place anyway*".

7.94 For all of these reasons, the socio-economic benefits of the proposal should be given very great weight. Alone, these benefits would be sufficient to constitute very special circumstances. But again, the benefits form part of the overall coincidence of benefit that flows from the very nature of the development itself.

Applicant's Position on Enhancements to Biodiversity

7.95 The GMEU provides specialist advice to, and on behalf of, the ten district councils that make up Greater Manchester on biodiversity, nature conservation and wildlife issues. The detailed work which led the GMEU from an initial potential stance of objection to one where there is a complete agreement should not be underestimated[95]. That agreement identifies a very significant (but conservative) 15.32% overall enhancement in the biodiversity metric of the site which represents an extraordinary benefit of the proposal.

7.96 Many of the objectors raised the destruction of the ecology of the site among their concerns. They were clearly unaware of the nature of the changes within the site which allow the GMEU to accept this enhancement as a proper "impact" of the proposal.

7.97 The existing park is currently unmanaged in ecological terms. Mr Hesketh is clear that its ecological value is on the decline and that the site's ecological diversity will decline in the absence of intervention. 52% of the Parkland trees are either dead, dying, moribund or have a limited life (red or amber).

7.98 The proposal through careful ecological management would result in all of the Sites of Special Biological Interest (SSBI) being enhanced as a result of the proposal. A number of those sites would achieve a step change in value upwards as a result of the nature and scale of the enhancements proposed. The habitats of bats, newts and toads would be significantly enhanced. There is no indication from Natural England that there is any likelihood of any licencing provisions being refused.

[95] Statement of Common Ground on Ecology and Arboriculture, dated July 2019 (CD.13.11)

7.99 An extensive and expensive programme of habitat enhancement and management of the woodlands and Pleasure Gardens and other areas would be implemented and secured by the ILHMP. There would be 3,226 additional specimen trees. An increase in woodland of 1ha on site and the provision of 5.36ha woodland offsite at an identified location in Gorse wood.

7.100 To substantiate the findings of the ecological assessment, an objective biodiversity assessment was undertaken by the independent market leaders in the field. That work was overseen by the GMEU. It established a net biodiversity gain of "an incredibly high degree" according to Ms Copley.

7.101 Two observations were made by HEART in relation to ecology. The first, was that if you altered the inputs, then the outputs of the model altered too. But since there was no evidence, or even suggestion, that the inputs were incorrectly identified, this position goes nowhere. Indeed, Mr Hesketh's evidence on this direct point was that the relevant inputs were not likely to alter in terms of the classification of grasslands or woodland. The second was that there was some element of harm in the very short-term occasioned by the construction phase of the proposal. Any such impact would be limited, and it would be overwhelmingly swallowed up in any balance by the significant enhancement of the proposal.

7.102 The semi-ancient woodland on and about the site would be enhanced by proper management and the reduction of trespass and accidental harm. No veteran trees would be lost or harmed by the proposal. Rather their significance as ecological assets would grow. This represents a very clear public benefit of the proposal. Failure to weigh it in the balance in significant favour of the proposal would lead to error in the balancing exercise. On behalf of HEART, Ms Copley accepted that none of the benefit of the proposal in this respect had been taken into account as part of the overall balancing exercise.

7.103 When added to the heritage led regeneration and the socio-economic benefits of the proposal, the very special circumstances case.

The Applicant's Position on Transport and Environmental Matters

7.104 Local residents are concerned about congestion in the area generally and in the Chequerbent roundabout area. Concerns that the proposal would make the situation worse are understandable but not supported by the evidence.

7.105 A range of highway works are proposed to mitigate the likely effect of the proposed development, principally consisting of the construction of a new link road between Chequerbent Roundabout and Platt lane[96]. The new road is agreed by the highway authorities, including Highways England to result in significantly less congestion and reduced driver delays. The full benefit of the link road enhancement should flow to the development since without its provision, or a contribution to its provision via the HIF[97], it simply would not be provided, nor would the enhancements mentioned above materialise. Thus, the Link Road is

[96] See Paragraph 4.5 of the Poof of Evidence of Steven Eggleston

[97] The Government's Housing Infrastructure Fund ("HIF"). The £5.5 billion Housing Infrastructure Fund is available to local authorities for infrastructure to unlock housing. It will help to unlock up to 650,000 new homes by helping to fund much needed infrastructure in areas of greatest housing need

necessary for the proposal to take place in the sense that, without it, traffic conditions would be likely to worsen. But the provision of the necessary Link Road brings additional benefits to the area as a whole[98].

7.106 Suggestions that the provision by the HIF, in the absence of contribution from the site, might be possible or, should have been sought, go nowhere. The HIF is a fund to ensure that sites which are marginal can be delivered. The HIF funding for the Link Road is not guaranteed at all, even if applied for at its present level. There is no evidence at all that an even greater HIF bid would even pass the stage 1 element[99] of the process achieved thus far or even that the making of such a bid would be possible.

7.107 The only evidence before the Inquiry as a matter of fact is that the proposal would finance and deliver the Link Road by itself or via a necessary contribution to any successful Housing Infrastructure Fund bid, which by itself would be £3M short. Either way, the benefits only accrue if the proposal is granted planning permission. In these circumstances, full weight should be given to the enhancement of the local network as part of the overall proposals. It is a benefit which accrues only as a result of the proposal.

7.108 Given the real and obvious concerns which have been expressed about the existing position during the Inquiry, this clear benefit of the proposal which is a necessary requirement of the highway authorities but goes further than just addressing its own highway impacts, has probably been undervalued by both the Applicant and the Council. The enhancement of the highway network, the reduction of congestion and waiting times and the freeing up of one of the key junctions in the area particularly in peak hours is a very powerful and weighty public benefit of the proposal[100].

Housing Needs

7.109 The housing element of the proposal provides essential cross funding for the proposal. It represents both a minimum safety net for the Applicant and the maximum level of cross-subsidy that the Applicant's advisers and the Council felt appropriate having regard to the constraints of the site. However, the provision of homes would also convey other significant benefits. It is common ground with the Local Planning Authority that the housing provided would make a meaningful contribution to meeting the needs of the local housing market both in the short-term and in the longer-term[101]. There is a national imperative to significantly boost the supply of new homes. Against the context of a national housing crisis, Bolton has an even deeper and very urgent need for new housing.

7.110 The Council does not have close to a 5YLS. Past provision in Bolton is poor with a shortfall of well over 2,000 dwellings in Bolton over the last 11 years[102].

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[98] See Paragraph 4.6 of the Poof of Evidence of Steven Eggleston which deals with Impacts of the Link Road
[99] Stage one: 'Expressions of interest' as set out in the Housing Infrastructure Fund Supporting Document for Forward Funding, published July 2017
[100] See Paragraph 4.6 of the Poof of Evidence of Steven Eggleston
[101] See Housing SOCG
[102] See paragraph 10.4 of the proof of evidence of Stephen Bell

Housing delivery has fallen well short of the minimum CS requirement in every single year without exception in that period.

7.111 The absence of even a 5YLS is not simply a matter of dry statistics or tables. The symptoms of a broken housing market experienced by the people of this area, include: house prices in the area have been rising by in excess of 10.6%; 3,261 households in Bolton are on the Council's housing waiting list in a reasonable preference category; 43,477 households cannot access the housing market at all[103]. These consequences are socially divisive and unsustainable in economic and in transport terms. A step change in housing provision is needed.

7.112 Both the Council and the Applicant agree that the development would help to address the absence of a 5YLS. On either the Council or the Applicant's figures (c 200 units) that contribution is a significant one: and one to be given substantial weight in the overall planning balance. Even if the commencement of development is delayed by a year, then the contribution which the site makes is a meaningful one[104]. The site would also make a meaningful contribution to the longer-term housing provision in the Borough, helping to address the shortfall of land at a sustainable location against Bolton's identified needs[105].

7.113 The qualitative aspect of the proposed housing mix at the site would also help to attract 'footloose' working age households who are better able to drive economic growth in the area[106]. The quality of the housing is further secured by the design parameters and the housing would be of high quality. All of these housing delivery matters add to the overall case establishing very special circumstances in the context of this case.

7.114 It is settled ground that the proposal is located in a sustainable location and in overall transport terms would give rise to more sustainable patterns of transport and travel.

Affordable Housing

7.115 The application, at the time of its determination by the local planning authority, did not contain affordable housing. It was common ground that given the viability analysis presented to the Inquiry[107], the development could not viably provide any affordable housing. Policy SC1 of the CS50 provides that 35% of housing on greenfield developments should be affordable, but only if financially viable. If financial viability did not support that level of provision, then lower levels of provision or different tenure mixes to the 75/25 tenure split could be acceptable. The absence of affordable housing on the particular evidence of this case is not contrary to the provisions of the development plan in that sense.

7.116 Following the call-in of the application by the Secretary of State, the Applicant had regard to other decisions of the Secretary of State and also to paragraph 64

[103] Paragraph 10.5 of the proof of evidence of Stephen Bell
[104] See paragraph 2.15 of the Statement of Common Ground on Housing Issues, dated August 2019 (CD.13.9)
[105] Bell section 10 and in particular paragraph 10.25
[106] See paragraph 10.30 of the Proof of Evidence of Stephen Bell
[107] See Proof of Evidence of Derek Nesbit and Statement of Common Ground on Viability, dated 14 August 2019 (CD.3.15)

of the revised Framework. It is important to emphasise that paragraph 64 does not in any way undermine the premise that affordable housing should not be sought from developments which, when objectively assessed, are not viable as judged by the approach set out in the PPG. In other words, it does not create a collar of 10% below which no housing site should fall. Rather it requires that where affordable housing is justified on larger sites, 10% of that provision should be provided in the form of affordable home ownership.

7.117 Nonetheless, the underlying thrust of the policy and the content of a number of decisions by the Secretary of State placing significant weight on the provision of affordable housing has led to the Applicant offering a minimum 10% affordable housing each of which have to be owned by an eligible person (in the precise terms of the s 106 agreement). Such a provision is not required by the CS policy and is therefore "policy plus" in the terms employed in the Inquiry in respect of the CS and the Framework. The Applicant is entitled to provide such affordable housing on site as part of the mix of development and such a material consideration must be taken into account as a benefit of the proposal.

7.118 It is common ground that there is a pressing need for affordable housing in the area. Annually in Bolton alone the SHMA[108] identifies a need for 496 affordable housing units (net).[109] The contribution towards affordable housing is accepted by the Council as a benefit to be added to the very special circumstances which it had already found given the other considerations that clearly outweigh the Green Belt and other harms of the proposal.

7.119 The Secretary of State might well have a view on the makeup and tenure split of the housing provision and the impact that has on the overall weight to be given to the additional benefit. Consequently, the section 106 agreement has been amended to allow the Secretary of State to influence the precise nature of the provision and mix on the development as a whole. This allows the Secretary of State to amend the tenure mix and to enhance the weight attributable to the benefit.

7.120 HEART maintained that the affordable housing provision was in fact a harm. The Applicant contends that clearly the addition of affordable housing, where previously there was none, is a benefit of the proposal.

7.121 The Applicant submits that the offer of affordable housing was more than required by the policies. It was tested very fully by the analysis required by the Inspector. A comprehensive assessment of the potential scenarios and alternative parameters was provided to the Inquiry. All such analyses established that, at present day values, and applying objective and anonymised viability techniques required by the PPG and by the new RICS guidance, the scope for a policy requirement for affordable housing simply does not exist. The Council's experts agreed[110].

7.122 However, as part of that analysis, there are circumstances where housing values increase to reflect the association with the Ryder Cup and a new golf-led resort. In these circumstances the value of the commercial asset (at present

[108] Strategic Housing Market Assessment, Final Report, dated 2008
[109] See para 10.35 of the Proof of Evidence of Stephen Bell
[110] That agreement is set out in the SOCG on Housing Issues, dated August 2019 (CD.13.9)

constrained by a red book valuation which can give little "trophy" value to the asset) rises significantly[111]. Hence the need for a comprehensive set of review mechanisms to establish that, if as anticipated, the values associated with both elements of the proposal rise, further public benefit in the form of additional affordable housing would be provided.

7.123 The mechanisms now provided in the s106 agreement ensure that the provision of affordable housing provided pursuant to any cap is optimised, both as to timing and quantum of delivery and location, with a view to maximising the potential weight to be given to this additional affordable housing secured on review.

7.124 By these means, the proposal now provides more than the reasonable maximum provision of affordable housing. At all material times going forward, the proposal would at least provide the reasonable maximum provision by way of the review mechanisms. The detail of the mechanisms including appropriate indexation has been agreed with the local planning authority and is commended to the Secretary of State[112]. Significant weight should be given to the affordable housing provisions, in addition to the housing considerations outline above. They are weighty additional matters to add to the very special circumstances case already set out above.

Housing Deliverability

7.125 Viability which is an objective test against a set of anonymised benchmarks is a very different creature from the evidence of deliverability which can and should be judged on the evidence in each case. Many developments which on the face of the balance sheet and objective sector wide benchmarks are unviable in a policy sense are built because that type of viability is but one factor in the decision to proceed with a development.

7.126 Mr Knight explained, that different developers have different models and in fact different ambitions. The objectivised viability of the project in the short term is not one which the Applicant has ever really treated as determinative in managing its portfolio. He gave the examples of the Trafford Centre and of John Lennon Airport as projects promoted by the Applicant which proceeded and have succeeded notwithstanding negative viability appraisals. The ability of the Applicant to hold land for long periods of time and to use their very significant asset base to play the "long game" was explained carefully and compellingly.

7.127 As Mr Knight explained, the need for a wider view of business success has driven all of the most recent Ryder Cup successes in Europe: they have all been underwritten by successful individuals, local corporations and/or national governments[113]. There is nothing to suggest that the Applicant is other than totally and completely committed to what it sees as one of its Legacy Developments in the region. The bringing of the Ryder Cup to the North West has long been high on its corporate agenda. It has already spent millions of

[111] See Proof of Evidence of Derek Nesbit
[112] The Viability Review Mechanism being contained within the S.106 Agreement.
[113] See statement of Richard Knight provided at Appendix 1 to the Proof of Evidence of Mr Stephen Bell

pounds in seeking to achieve this ambition. It has a remarkable track record of delivering when it says it will.

7.128 More importantly this permission could only be implemented if the Ryder Cup is awarded to the UK at Hulton Park and a binding contract as to delivery is secured. The award of the Ryder Cup would only be made if the Ryder Cup Committee is entirely satisfied of the complete and comprehensive support of the host nation government. In all recent cases, that has involved the Government and local stakeholders actively becoming involved in the delivery process. Here the local and national stakeholders are all fully supportive and engaged ready to support[114].

The Appropriateness of the s106 Mechanism

7.129 At all material times the Applicant has been prepared to abide by a restriction that the planning permission ought not to be capable of being implemented unless and until the Ryder Cup has been secured and conditions securing its delivery have been evidenced. Counsel (consistent with the preliminary views expressed by the Inspector) took the view that because of the connection between the heritage benefits of the proposal, the economic and other benefits and the hosting of the Ryder Cup, such a provision ought to be embedded in the proposal in a way which could not be removed by operation of ss73 or 78.

7.130 Leading Counsel advised the Council that a s 106 was the appropriate way to achieve this end. He did so in gist for the reasons now set out in the note on the matter presented to the inquiry in answer to questions raised by the Inspector. They remain valid and are not challenged by any party.

7.131 Given the centrality of the provision of the Ryder Cup to all aspects of the case presented to the Inquiry, the Applicant is very clear that the imposition of such a requirement in the s 106 meets all of the relevant legal and policy tests[115]. No party to the Inquiry is suggesting that the imposition of a s 106 covenant to deal with this matter is unlawful in principle. It is to be noted that CPRE, in particular, has fundamentally shifted its position in relation to this matter. In an earlier representation it took the position that a s106 was not lawfully appropriate. Now it takes the view that it is essential. We agree.

7.132 There is nothing unusual either about the principle of a Grampian condition or a Grampian style covenant restricting the use of land unless and until a certain event took place. The present policy on Grampian conditions (and by implication Grampian clauses) is that they should only be avoided where "there is no prospect at all" of the relevant condition being fulfilled[116].

7.133 The purpose of altering the guidance on this issue was to introduce flexibility and ensure that planning permissions could be granted subject to the provision of infrastructure or some other development in the widest sense. In other

[114] See CD.9.4. Support from GMCA, GMLEP, Bolton Council, Wigan Council, Marketing Manchester, MIDA, CBI, University of Bolton, England Golf and Sport England.
[115] Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and that it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; or (c) fairly and reasonably related in scale and kind to the development,
[116] As set out in PPG: Paragraph: 009 Reference ID: 21a-009-20140306

words, the courts and guidance make clear that where planning permission can be seen in the public interest in the event of a future event happening, then it is entirely appropriate both to judge the acceptability of the development in the context of that event happening and to grant permission dependant on that event happening unless there "is no prospect at all" of that event occurring during the lifetime of the permission. In the circumstances of this case, that test is easily met.

7.134 The award of the Ryder Cup is not certain, and it would be wrong to expect the Ryder Cup Committee to pre-judge or to pre-announce its preference or choice. However, a requirement for certainty is simply not the appropriate test. The planning system can fully and properly judge whether the situation in the light of the conditionality is met would be an appropriate one. If it is then planning permission should follow (along with the relevant restriction).

The Overall Green Belt Balance

7.135 It is agreed between all of the parties that the overall Green Belt balance is a very comprehensive one. Thus, the Green Belt harms, definitional and all other harms associated with the proposal fall to be considered against the existence of a set of other considerations which are required to clearly outweigh that harm in order to demonstrate the existence of very special circumstances.

7.136 The Applicant's position on the various elements in the balance are set out above. The Applicant accepts that there is considerable harm to the Green Belt in this case. It accepts that such harm must be given substantial weight. The circumstances of this case represent a generational opportunity to stall and reverse the decline of the Hulton Estate, to re-purpose it for the 21st Century while at the same time to show confidence in, and to attract world attention to, this part of the world by allowing it to host and reap the long-term benefits of the Ryder Cup and the resort created.

7.137 The Applicant contends that for all of these reasons and having regard to the other package of benefits set out above, the Green Belt footnote test is met.

7.138 When the balance undertaken by HEART's professional advisers is considered, it can be seen to be deficient by comparison. The finding of substantial harm is legally implausible on the facts of this case. That is hugely important because it goes not only to weight to be given to heritage factors in the overall balance, but it engages a wholly and fundamentally different test. The "substantial harm (or total loss of significance)" test is a wholly and very deliberately different and stiffer test involving requirements of necessity or other detailed parameters to be met.

7.139 Within the framework of what the Applicant says is the wrong test, Ms Copley applied hardly any weight at all to the tens of millions of pounds of restoration works and enhancements to the landscape. The inability of the Applicant's team to properly to comment on these assessments limits the weight which can fairly be afforded to these claims.

7.140 Within the framework of what the Applicant says is the wrong test, Ms Copley accepted that she had given no weight to the ecological benefit of the proposals despite the fact that there was no evidence to suggest that the ecological benefits were in any way illusory or overblown. No appropriate weight has been

given to the highway benefits and on examination, there is no real challenge to the quantum of the economic benefits which would flow from the decision to grant permission if the Ryder Cup were to be secured. In addition, the affordable housing was given adverse weight in the overall balance. These matters point to a flawed overall assessment and a flawed conclusion.

Application of the 'footnote' policies

7.141 In the event that the Secretary of State accepts the conclusions of the Council on its resolution to grant planning permission and the conclusions of both the Council and the Applicant at this Inquiry that both the heritage and the Green Belt tests are met, then it is clear from the new wording of the Framework that the presumption in favour of sustainable development is engaged.

7.142 This means that planning permission should be granted applying a tilted balance which requires decision makers to approve permissions unless the consequences of so doing would clearly and demonstrably be outweighed by the harms. Since the comprehensive nature and extent of the Green Belt test will in these circumstances have been met, there is little logical likelihood of the tilted balance indicating anything other than a grant of permission.

7.143 The very fact that the presumption in favour of development is engaged is, and of itself, an important material consideration for the Inspector and the Secretary of State. It is a positive requirement of the planning system to address a deficiency in the development plan process if, and when, the presumption is engaged. The correct decision-making in the light of the wording of the NPPF and relevant caselaw is agreed by all parties[117]. If the footnote policies show no clear reason for refusal, then the presumption must apply.

7.144 The Applicant contends that this application represents a unique opportunity to make a difference. They come along rarely in a career or in a series of Governments. This opportunity should be taken.

## The Case for the Council

8.1 This summary contains all material points in relation to the Council's case. It is taken substantially from the Council's closing submissions but also from evidence given on behalf of the Council and from other documents submitted to the Inquiry. The Secretary of State is also referred to the Council's closing submissions at Inquiry Document 62 which sets out the Council's position.

8.2 It is the Council's case that planning permission should be granted for the Proposed Development subject to the Applicant entering into a planning obligation as set out in the draft section 106 agreement and the imposition of suitable conditions as contained within the draft schedule.

8.3 The consequences of the Applicant executing the section 106 agreement and of the Secretary of State imposing those conditions have been discussed. The Council places great reliance on securing what it refers to as 'the Ryder Cup Restriction'. Put simply, both when resolving to grant planning permission and in presenting their case to this Inquiry, it has been the Council's view that

[117] Counsels' note handed into the Inquiry on 9 October 2019, document 29

benefits sufficient to justify the grant of planning permission for this Development in this location can only be achieved if the Ryder Cup is awarded and secured for Hulton Park.

8.4 This does not mean that the very special benefits on which the case depends only relate to those which would accrue during the four days of the Ryder Cup itself. They are important in their own right, but they are only the tip of the iceberg. Like other "mega-events" the Ryder Cup brings with it an international profile which offers the chance for transformational benefits in the local and regional economies.

8.5 That benefit is not free-floating. It would be underpinned by a Ryder Cup Commitment aimed at capitalising on the opportunities for business development, increased employment and participation in sport amongst other things. It would also drive and enable the delivery of a world-class golf resort which is critical to realising an uplift in development value that can make the scheme viable as whole (potentially giving rise to an additional affordable housing contribution) and provide a long-term active use for the RPG which will be viable on an ongoing basis[118].

8.6 This has led the Council to require a restriction to be built into the s106 agreement which has the effect of preventing any form of development being carried out on the site pursuant to the planning permission until the Ryder Cup has been awarded to Hulton Park; and a legally binding agreement has been put in place; and satisfactory written evidence of the same has been provided to the Council.

8.7 As now drafted, the 'Ryder Cup Restriction' operates by way of a 'Grampian' obligation: the owner of the site covenants that the development shall not be begun or initiated within the meaning of s.56 of the 1990 Act until the conditions contained within the definition of "Unconditional Date" have occurred. This form of obligation has been held to be within the scope of s.106 of the 1990 Act[119] and is something which the Council believes it can (and intends to) enforce as necessary.

8.8 The proposed restriction is necessary in terms of regulation 122[120] because the development would not be acceptable without the Ryder Cup; it directly relates to the development of the site, and it is of a reasonable scope given the impact which the development as a whole would have on the Green Belt and Hulton Park. It is appropriate for it to be imposed by way of planning obligation rather than a condition given the central importance of the Ryder Cup award to the benefits case and the additional security which an obligation offers (including immunity from s.73 applications).

8.9 The former Circular 11/95 on the Use of Conditions in Planning Permission (revoked by the Framework) advised that although it might be reasonable to

[118] As set out in the evidence of Mr Nesbitt, put to Ms Copley in XX by RHQC and not questioned
[119] See R. v Canterbury City Council Ex parte Spring Image Ltd (1994) 68 P. & C.R. 171 at 184
[120] Community Infrastructure Levy Regulations 2010

impose a negative covenant which prohibits development until a specified action had been taken by a third party:

*"It is the policy of the Secretaries of State that such a condition should only be imposed on a planning permission if there are at least reasonable prospects of the action in question being performed within the time-limit imposed by the permission …"*

8.10 However, following the decision in Merritt v Secretary of State [2000] 3 P.L.R. 125 this was amended by ODPM to read (emphasis added):

"*It is the policy of the Secretary of State that such a condition may be imposed on a planning permission. However, when there are no prospects at all of the action in question being performed within the time-limit imposed by the permission, negative conditions should not be imposed. In other words, when the interested third party has said that they have no intention of carrying out the action or allowing it to be carried out, conditions prohibiting development until this specified action has been taken by the third party should not be imposed.*"

8.11 This guidance is now contained in the PPG[121] which states: *"Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission".*

8.12 The Council considers that the balance of the evidence, and in particular that put forward by Mr Bell and Mr Knight, shows that there is a good prospect of the Ryder Cup being awarded to Hulton Park. There is certainly nothing to show a positive intention by the European Tour not to select Hulton Park. For these reasons, the Council considers that the Proposed Restriction is an appropriate and lawful response to the circumstances of this Application.

Consistency with the Development Plan

8.13 The evidence of the main parties to the Inquiry primarily approaches the decision-making framework by reference to the policy tests found in the Framework itself. It is submitted that this is appropriate as the considerations which apply to the central question of whether the very special circumstances test is met will largely be the same as those that inform any conclusion on degree of conflict with the development plan.

8.14 It is also relevant that the CS for the Borough predates the 2012 Framework and the weight to be given to its policies should be assessed by reference to their degree of consistency with the Framework as it now stands. Additionally, policy aspirations for the supply of housing, such as SC1, and the first bullet point of OA4 are out-of-date as result of the operation of footnote 7 to the Framework and should be given limited weight[122].

8.15 On this basis, Ms Lancaster and the Council's Officers before her, identified conflict with the following development plan policies: CG1 (in relation to BMV and landscape character); OA4 (in relation to green belt boundaries and urban boundaries); and CGAP7 (insofar as it is not read as incorporating the very special circumstances test). This has led the Council to conclude that, taken as a whole, the Proposed Development is not in accordance with the development plan.

[121] Reference ID: 21a-009-20140306
[122] Agreed with JC in XX by MDH

Consistency with National Policy relating to Green Belt

8.16 Green Belt attracts the highest levels of protection in national and local policy terms and very special circumstances are required to be shown before permission can be granted. That "very special circumstances" test is set out in the Framework[123] and it requires the decision-maker to weigh harm to Green Belt along with all other forms of harm against the benefits arising from the development.

8.17 The balance which Green Belt policy presents in a case like this is neither neat nor arithmetic, but asymmetric and complex. The Council is acutely aware of the value and importance which the Green Belt has not only in national policy terms but also in the hearts and minds of the residents of Bolton. However, it is just as conscious of the pressing needs faced by the communities it serves and of the all too rare opportunities which exist for combatting the structural inequalities that serve to slow down Bolton, the GMA and the wider North-West in their battles for economic opportunity and prosperity.

Green Belt Harm

8.18 The Framework[124] provides that inappropriate development in the Green Belt is harmful by definition. All three planning witnesses gave substantial weight to that definitional harm as well as identifying that there would be significant "actual" harm when measured against openness and the purposes of Green Belt as set out in paragraph 134.

8.19 There is some disagreement around aspects of the analysis and although these are not likely to make a significant difference to the overall assessment of the application it is submitted that Ms Lancaster's evidence is to be preferred.

8.20 On the second GB purpose, Mr Bell identified no harm in terms of coalescence despite an undeniable narrowing of the gap between Westhoughton and Atherton/Over Hulton. Ms Copley appeared to suggest[125] that there would be actual functional coalescence, despite the retention of that same gap at 113m[126]. The Council considers that the better view lies somewhere in between. As explained by Ms Lancaster, there would be a notable reduction in the gap between the two built up areas but this is mitigated to a significant degree by the retention of a functional separation between existing development on Everest Road and the southern end of the Western Fields parcel and the extent to which those southern reaches would be screened from likely receptors travelling along public routes to the west and on the Hulton Trail.

8.21 On the fourth Green Belt purpose, Ms Copley maintained that there would be harm, despite accepting that there was no evidence that Westhoughton and Over Hulton were "historic" and that she had not presented any evidence to the inquiry in terms of them having either a "special character" or "setting". Despite this, all of the harm which Ms Copley appeared to rely on would properly fall to be considered against the second Green Belt purpose.

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[123] ¶144
[124] ¶143
[125] JC proof at 4.28, maintained in XX by MDH
[126] See SB's Figure 11.2 at page 86 of his Proof.

8.22 On openness, the only matter in dispute is whether harm also arises from the golf course parts of the development. Ms Lancaster, on behalf of the Council, explained that the proposed earthworks would give rise to some harm due to their visual impacts but resisted the idea that there would necessarily be an impact on openness in spatial terms as the golf course would continue to read as an open space. However, like the other planning witnesses she concluded that the impact on openness from the Development as a whole would be significant.

Other Harm

8.23 The Officer's Committee Report, and Ms Lancaster, both identify other harm in terms of landscape and loss of best and most versatile agricultural land but categorise it as having limited weight. On agricultural impact, Ms Copley accepted that national policy[127] only indicates that best and most versatile land should be protected and that due to the limited extent of loss as set out in the application[128], and the fact that it is not currently in arable use, it was a minor point in the overall balance[129].

8.24 On landscape, no party challenges the fundamentals of the landscape evidence put forward in the Landscape Visual Impact Assessment and by Ms Knight beyond some specific criticisms which Mr Gallagher made of the heritage viewpoints and visualisations. The Council accepts that although there would be some overall harm in landscape character terms, the nature of the site and the design of relevant boundary treatments, is such that any residual harm can only be given moderate weight.

Economic, Social and Cultural Benefits

8.25 The core of the Council's case relates to the economic, social and cultural benefits which would flow from the development. As agreed by Ms Copley, the Framework[130] requires that significant weight be given to the contribution which development proposals can make to supporting economic growth, taking into account opportunities for development.

8.26 This chimes with the local and regional policy context which recognises the levels of deprivation faced by the Borough[131]; the need to take advantage of economic opportunity[132]; and the particular role which sport plays in the driving the economy of the GMA[133]. There is also clear evidence in the form of the most recent English IMD data[134] that not only do Bolton and Wigan lie within the bottom third of English local authority areas but the four most deprived areas are all found within the North West region and include the City of Manchester itself.

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[127] Paragraph 170(b) of the NPPF
[128] Ms Lancaster identifies that the total Grade 3a(good) land within the Site is 2.8ha.
[129] JC in XX from MDH
[130] Paragraph 80
[131] See CS para 2.21 [CD11.2]
[132] See CS Strategic Objective 5
[133] See CD11.52 page 83
[134] See ID58

8.27 As Ms Copley fairly accepted, this provides an important context to the assessment of the weight to be given to benefits which accrue to Bolton & Wigan, the GMA and the North-West region respectively. She accepted that, if the economic impacts which Mr Tong presents at Figure 9.11 of his Proof were to arise, this would amount to a "very significant benefit" of the scheme[135].

8.28 That evidence from Mr Tong builds on the detailed economic impact report prepared by Ekosgen[136]. The earlier version of this report was given detailed consideration by the Council prior to the Committee's resolution to grant planning permission. Its technical assessment was independently validated by New Economy, the GMCA research team who wrote the guidance on the relevant methodologies, and who advised that the technical work was sound[137].

8.29 Other consultees included Bolton's Economic Development Team[138] and Marketing Manchester[139] who drew on research at Sheffield Hallam into the 2014 Gleneagles Ryder Cup. Together, these consultees set out a suggested framework for ensuring the maximisation of economic benefit to Bolton.

8.30 It also secures the events, activities and programmes which are to form the 'Ryder Cup Commitment' and which led the Council's Head of Economic Development to identify the Proposed Development as "a very significant opportunity for the economic prosperity of Bolton Borough". This opportunity is primarily evidenced by the modelling but there are also more intangible issues such as brand and place recognition which arise from international sporting events. These are not monetised in Mr Tong's analysis but remain "pertinent"[140] issue to consider.

8.31 Given this level of scrutiny it is probably not surprising that no party seeks to contest the methodology by which Mr Tong and Ekosgen have assessed the level of economic benefits. Although Ms Copley in her oral evidence suggested that some of the inputs to Ekosgen's modelling might have been imperfect, she accepted that she had not presented any evidence to demonstrate that the modelling was not based on best practice or to support her contention that a lower median wage figure should have been used.

8.32 Ms Copley also recognised[141] that although various points relating to 'sensitivity' had been put to Mr Tong, the nature of such sensitivities is that they go both ways: if the Development goes ahead it could just as well give rise to more benefits as less. Although she had referred to a few examples of sports events that had not resulted in a successful economic result, she conceded[142] that she was not aware of any modern Ryder Cup which had had a negative impact on the area in which it was held.

8.33 Firstly, as the IMD evidence makes clear, and the policy context confirms, the need for economic growth and development is just as strong in the wider North-

[135] Accepted by JC in XX by MDH
[136] CD05.6.61
[137] CD 3.1 at §152
[138] See CD3.1 §157
[139] See CD9.1 from page 180
[140] Evidence in Chief
[141] JC XX by RHQC
[142] JC XX by RHQC

West and GMA as it is in Bolton. Although the Council naturally puts particular weight on the extra spending and jobs which would arise in the Borough and Wigan, there is a compelling case for securing additional growth in the North-West. The analysis shows that c.65% of the total cumulative GVA[143] would arise in this region.

8.34 The reality is that all of the economic impacts[144] are relevant to the question of whether very special circumstances arise. The Ryder Cup should not just be seen as a four-day event but as the driver of the Development and the Ryder Cup Commitment legacy programme which would come with it. Whilst it is right that the Ryder Cup Commitment element remains to be fixed, the Council has its own experience of being involved in major cultural and sporting events and is confident that any future Ryder Cup would deliver benefits in the same range.

8.35 The suggestion by Ms Copley[145] that the projected economic impacts were "not significant" because they would only amount to a low percentage of the total economic activity associated with tourism in Greater Manchester is simply bizarre and seemingly at odds with Ms Copley's acceptance that those same impacts should be given very significant weight. Single applications should not be compared with sectors[146] which are themselves the product of many different proposals across a long period of time.

8.36 Finally, the Council submits that the economic impacts as projected are substantial and should be given very significant weight as part of the very special circumstances balance.

Social and Cultural

8.37 Broader social and cultural benefits also flow from the development and should be given significant weight. The golf resort itself would amount to a high-quality addition to Bolton and the GMA's sporting offer. It would support the objective of enabling healthy lifestyles whilst providing a platform through the academy for increased local participation and a broader range of facilities for golfers at every level[147].

8.38 The Ryder Cup legacy programmes would look to encourage enhanced participation through the Ryder Cup Commitment, as well as a package of cultural and community focussed events, activities and spaces. Travel plans would maximise opportunities for sustainable travel and could be secured by relevant conditions[148]. These benefits should be given significant weight.

Heritage

8.39 The Council contends that significant weight should be given to the heritage benefits of the development. The Council's view has been that the proposed development involves some aspects that cause harm to the significance of the

[143] £729.1 million over 20 years
[144] Presented by Mr Tong in his Figure 9.11
[145] In re-examination
[146] Although it is noted that Mr Tong's overall GVA figure for the GMA (£637 million over 20 years) is hardly insignificant even when compared to the total value of the GM tourism sector.
[147] Emma Lancaster Proof at 7.24 and following.
[148] See draft conditions 33 and 60

RPG and Dovecote and many which give rise to benefits. Officers were clear[149] that the Committee should consider that the benefits of the scheme in heritage terms on their own, were capable of outweighing heritage harms. This led them to advise that the net heritage benefits to the RPG and Dovecote should be given substantial weight[150] as part of the overall balance.

8.40 In coming to that view, the Council place particular weight on the Park's experience of decline and degradation, the unlikelihood that current use of the site would provide for conservation or enhancement of the Park in the medium or long-term and the aim of the proposal to provide a long-term viable use[151]. Ms Lancaster advises that the approach should take into account the overall net effect of the Proposed Development, the threats that exist to its future condition and the overall outcomes in terms of future viable use which can be achieved.

8.41 The Council contend that the proposed development would bring about a significant heritage benefit. In particular, the Council ascribes weight to the works which would be done to 'restore'[152] the core features at the centre of the designed landscape; and on the creation of an active viable use. The Council refers to the PPG guidance on the identification of the optimum viable use for an asset. It is difficult to imagine any truly viable alternative use for the site which would enable the wholescale restoration of the Park and the Dovecote.

8.42 Ms Lancaster's assessment accepts that there may be a range of reasonable positions to be taken in relation to the net heritage position (applying the Palmer[153] balance). As a result, she also confirms her position in relation to any finding that there is net less than substantial harm and confirms that such harm would be clearly outweighed by the public benefits. She was clear that it does not seem tenable that the proposals could be said to result in substantial harm which is said to arise where an asset is drained "of most if not all of its significance"; when its significance is vitiated.

8.43 Given the importance of the distinction between 'substantial' and 'less than substantial' harm, Mr Gallagher's ignorance of either the Bedford judgment or the PPG was concerning and must go to the weight to be given to his expert view in the round. It is very hard to see how the significance of the RPG as a whole could truly be vitiated if key elements of the original Emes created design[154] still exist; they continue to contribute to the significance of the RPG and would be subject to the extensive heritage enhancements proposed[155]. Ms Copley's characterisation of the heritage restoration works as "tinkering" is also hard to reconcile with the sheer scale and cost of them[156].

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[149] §430 of the Committee Report
[150] CD 3.1 at §517
[151] See CD 3.1 at §512
[152] Whether or not this is truly a "restoration" in the sense which Mr Gallagher contends for, the Council is happy that the works proposed and which will be permitted pursuant to the relevant conditions are in line with best practice and will lead to the "conservation" of the assets in the terms of NPPF.
[153] See CD12.82 at §29
[154] Such as the Serpentine Lake, Pleasure and Kitchen Gardens and Woodland Walk
[155] See in particular the contents and recommendations of the Historic Structures: Condition/Repair Issues, the recommendations of which are secured by condition 23.
[156] As revealed by the Gleeds' Costs Plan appended to Mr Nesbitt's proof

8.44 This is before one even reaches issues of heritage judgment such of the contribution to significance which is made by those areas of the site on which housing is to be built. That is an issue primarily for the Applicant and HEART but the Council's advisers have previously accepted that the Dearden's Farm and Park End Farm areas are of lesser significance than other areas of the RPG[157].

8.45 The Council contends that the application offers a unique chance to reverse the Park's decline and secure an appropriate long-term viable use. There are no other options on the table which would deliver restoration works of the scale that the application proposes, nor indeed any restoration works at all. Although it is recognised that there would be aspects of the development which would impair particular aspects of the Park's significance, the Council agrees that a heritage-led approach has been taken, incorporating the guidance provided by English Heritage, and that intervention has been designed to prioritise the protection of the Park whilst balancing this against the need to secure that long-term future.

Housing

8.46 The Proposed Development would provide a significant number of homes in a sustainable location and make a contribution towards affordable housing. These are material benefits of the scheme to which the Council now gives significant weight (when assessed cumulatively), whilst noting a number of factors which temper those benefits in the particular context of the Application.

8.47 The Council cannot currently demonstrate a five-year supply of housing land[158]. Although the exact level of supply is disputed by both HEART and the Applicant, it is submitted that the precise level supply does not need to be determined by the Inquiry – it is sufficient to note that there is a shortfall in 5YHLS such that paragraph 11(d) of the Framework is engaged, which is a material consideration in favour of the grant of permission.

Market housing

8.48 On behalf of the Council, Ms Lancaster attributed moderate weight to the contribution which the Development would make to both short-term (five-year supply) need and long-term need. This is despite the obvious fact that the Development would deliver a significant number of homes in a sustainable location – factors which would normally carry significant weight in the planning balance.

8.49 In relation to short-term supply, the Council does not accept that the development – which is complex and dependent on the Ryder Cup being awarded – is likely to provide the level of housing within the five-year period which the Applicant anticipates. However, the Council does accept that there would be some meaningful contribution[159].

8.50 In the longer term, it is accepted that the sheer quantum of new homes is of value and that they would provide for increased choice and supply in the

[157] CD9.1 at page 194
[158] As agreed at §2.6 of the Housing SoCG [CD13.9] and confirmed by the Housing Delivery Test Action Plan (August 2019) [CD12.84]
[159] See Supplemental Housing SoCG [CD13.17]

context of broad support given to the supply of homes in the Framework. However, the Council recognises that housing need on its own is rarely likely to justify the release of green belt land and that there is currently considerable uncertainty about the scale of the Borough's housing need over the GMSF plan period.

8.51 On behalf of HEART, Ms Copley argues that the grant of planning permission would in fact cause harm to the local housing market because there would be a period of uncertainty between the grant of planning permission and a decision on the awarding of the Ryder Cup during which time it would not be known if the Development was going to proceed. In the Council's view this "chilling effect" does not bear much scrutiny. There is no detailed evidence to support this contention and there has been no objection from other housebuilders operating in the market.

8.52 In any event, the effect of the proposed conditions is that the Golf Course has to be begun within three years so that (even if Mr Knight is wrong that a decision in relation to the 2030 and 2034 Ryder Cups can be expected in the nearer future) the period of uncertainty is tightly bounded.

Affordable Housing

8.53 The Council welcomes the Applicant's commitment to provide 10% affordable housing on the site and gives this moderate weight as an additional benefit of the Proposed Development. Although Policy SC1 seeks the provision of 35% of new housing on greenfield sites to be affordable, the policy allows for flexibility to reflect viability considerations. On the basis of advice from Arcadis/Trebbi[160] the Council accepts that the Proposed Development is not currently viable on the basis of an updated FVA which has been prepared in accordance with relevant RICS guidance[161].

8.54 The Council's Planning Committee resolved to grant permission on the basis of no contribution to affordable housing, but subject to a viability review mechanism which would seek to ensure that affordable housing could be secured in the event that viability improves during the lifetime of the Development. These provisions have been subject to further scrutiny by the Council both in the run-up to the Inquiry and following comments from the Inspector. As a result, the Council is now confident that the revised mechanism offers a workable and effective tool to capture any future affordable contribution which can be secured and – as importantly – ensure that any additional units can be delivered on-site.

8.55 The Council therefore agrees with the Applicant that the Proposed Development is "policy plus" and disagrees with HEART that the level of affordable housing gives rise to an additional harm to be weighed in the planning balance.

8.56 The Council has considered the mix of affordable housing proposed. Its current assessment of borough-wide needs is contained in the Housing Needs

[160] The viability of the scheme before the resolution to grant was considered by the District Valuer Service who concluded that (i) the FVA was reasonable and (ii) demonstrated that the Proposed Development was not viable on the basis of a 35% affordable housing contribution.
[161] CD13.15 para 1.14

Assessment and identifies a target tenure split of c.65% social/affordable rented and 35% intermediate tenure[162]. Ms Lancaster went on to explain that the Council would view provision in line with that split as carrying more weight in the planning balance. The definition of "Affordable Housing Units" within the S106 has now been drafted to give effect to any recommendation which the Secretary of State makes in this respect.

Highways and Congestion

8.57 Highways concerns have formed a significant part of the evidence heard from third party objectors; many of whom emphasised the level of congestion currently experienced. As explained by Mr Johnson at the round-table session and laid out in the Highways SoCG[163], it is recognised that there is significant congestion on the local highway network.

8.58 The Council accepts the technical advice provided by AECOM, that the agreed highways works would lead to a material positive impact on the capacity of Chequerbent roundabout and Park Road/Platt Lane junction, reducing both queues and delays. The reduction in delays at Chequerbent in the PM peak would be particularly substantial, and other impacts would be adequately mitigated such that the cumulative residual position would not be severe. It is agreed that there is no unacceptable impact on highways safety and the proposals have been subject to road safety audit[164]. The Council therefore views this aspect of the Proposed Development as one of moderate benefit.

Access to the Green Belt

8.59 In terms of improved access and beneficial use of the Green Belt there would be an increased use of the site, including through a public access programme which can be secured[165]. This would involve at least 50 events throughout the year which would support the goal of increased beneficial use of the Green Belt and also enable the wider public to engage with and enjoy the heritage significance of the RPG and Dovecote. There would also be an intensification of beneficial use through the creation of the golf course and academy. The new route along the Hulton Trail would allow for increased accessibility and give rise to a net increase in PROW across the Site[166]. The new Pretoria Park would provide a valuable public open space anchoring the scheme in the heritage and social consciousness of the local community.

8.60 On that basis, the Council asks the Secretary of State to give moderate weight to this aspect of the Proposed Development.

Ecology and Arboriculture Considerations

8.61 The Council relies upon the Ecology SoCG[167] between the Council and Applicant. This concludes that the Proposed Development has the potential to give rise to a net beneficial effect on biodiversity through the implementation of the ILHMP

[162] See EL Proof at 8.67-8.73
[163] CD13.12
[164] See Appendix H28 to CD13.12
[165] by draft condition 25
[166] See OCR §84 at CD3.1
[167] CD13.11

and delivery of off-site woodland and pond creation, as well as a significant net increase in tree and hedgerow planting at the site. Taken together, these are an important additional benefit of the Development and suitable conditions and obligations have been agreed with the Applicant for the purpose of securing the necessary programmes.

8.62 The headline figure relied upon by the Applicant is of a projected 15.32% net gain in biodiversity across the whole site. This is clearly an impressive figure and has been derived by independent consultants Environment Bank using the biodiversity impact assessment methodology developed by DEFRA. The Council's ecological adviser (GMEU) has not validated that figure but has reviewed the methodology underlying it and is happy that it has been prepared in accordance with updated guidance in the PPG and DEFRA's published metric guidelines[168]. The Council gives these benefits moderate weight in the very special circumstances balance.

8.63 The Council is content that there is no loss of veteran trees or ancient woodland and that there are good prospects that the tests for the grant of European Protected Species licences would be met.

Reduced flood risk

8.64 A final, but perhaps more minor, point is that that effects of the development in terms of surface water, river morphology, flood risk and drainage have been considered by the Lead Local Flood Authority and the Environment Agency. On the basis of advice received, the Council concluded that the proposed drainage strategy was appropriate. It further concluded that, through the reinstatement of lakes and the provision of additional storage capacity on site, the development would reduce flooding downstream.

Overall balance

8.65 The above benefits are considered by the Council to amount to very special circumstances justifying the grant of planning permission despite the substantial level of harm to the Green Belt and other factors. Those benefits cannot be achieved now or at the point when permission is granted but can only be delivered following the award of the Ryder Cup to Hulton Park. The same principle applies to any harms occasioned by the proposal.

8.66 The Council is confident that if the Ryder Cup is awarded, then the Proposed Development, as a whole, would be delivered. Whilst it is clear from that evidence that the Development is not currently viable on the basis of a "red book" valuation there are a number of factors which suggest that the Applicant may, in reality, be able to increase revenues and reduce costs – reducing the funding gap.

8.67 Further, the bigger picture is that the Ryder Cup itself would only be awarded if the event has the financial support of the UK Government and the deliverability of the event would necessarily be a key consideration in any discussions leading to that support being secured. The Council also places weight on the track record of the Applicant in delivering major schemes, along with the support for

[168] Ibid at paragraph 7.6

the scheme which has been expressed by the key future partners of a future Ryder Cup[169].

8.68 Additionally, the s106 agreement and conditions have been drafted to ensure that the heritage restoration and golf course elements come forward at the earliest possible stage. In the light of these points, it is submitted that the Secretary of State can also have considerable confidence in the deliverability of the Proposed Development in the event that either the 2030 or 2034 Ryder Cup is awarded.

Conclusions

8.69 The Council concludes that the benefits of the Proposal clearly amount to very special circumstances on the facts of this case and that the economic and heritage cases, in particular, are more than "special" but are, in fact, "unique". Whether this is enough to outweigh harm of the scale identified requires the Secretary of State to decide between competing priorities. In doing so he is asked to have particular regard to the economic challenges faced by the Borough, the GMA and the wider North-West and the reality that there is no current prospect of any alternative which would secure the long term conservation of the significance of the Hulton Park RPG and Dovecote.

8.70 For all of the above reasons, the Council concludes that, although the proposed development does not fully comply with the development plan;

- the policies which are most important for determining the application are out of date because the Proposed Development entails a substantial quantity of housing and the LPA cannot show five years of housing land supply;
- there is no clear reason pursuant to the policies listed in footnote 6 of the Framework why permission should be refused because:
  - (i) the very special circumstances of the Ryder Cup opportunity and the economic, heritage and other benefits which it will bring means that the benefits of the Proposed Development clearly outweigh the harms even accounting for the substantial level of harm which the Development will cause to the Green Belt; and
  - (ii) even if there were found to be less than substantial harm to the designated heritage assets it would be significantly outweighed by the public benefits of the Proposal including securing the optimum viable use;
- the application of the tilted balance in §11(d)(ii) demonstrates that the adverse impacts of granting permission would not come close to outweighing its benefits.

8.71 Accordingly, the Secretary of State is asked to grant planning permission for the Proposed Development pursuant to s.38(6) of the 2004 Act.

[169] See CD9.4 and Strat-8 of the draft GMSF at CD11.13 page 60

## The Case for HEART

9.1 This summary contains all material points in relation to HEART's case. It is substantially taken from the closing submissions as well as the evidence given on behalf of HEART and from other documents submitted to the Inquiry. The Secretary of State is also referred to the closing submissions of HEART at Inquiry Document 61 which contain a full exposition of HEART's case.

Introduction

9.2 A detailed description of the proposed development is provided in the Principal Statement of Common Ground[170]. By any standards it is a major project. The site occupies some 269.2 hectares[171] all of which would be affected to some extent by the proposals. The scheme relies for access on off-site highways proposals, either in the form of a project-specific new link road (between the site and the Chequerbent roundabout) or the public scheme for a Westhoughton bypass. This bypass has been designed (at least in a preliminary fashion) taking into account the proposed development and is, in part, reliant upon a financial contribution from the proposed development[172]. At present there is no planning permission and, indeed, no planning application, for either highway scheme[173].

9.3 The whole of the application site is designated Green Belt[174] and there are no proposals in any existing or emerging development plan document for that status to change in the absence of the development. However, such is the scale and character of the development that, if planning permission is granted, the Applicant and the Council agree that it is likely that the Green Belt boundaries would have to be altered to exclude those parts of the site that are proposed for housing (the 'Western Fields', 'Dearden's Farm' and 'Park End Farm')[175].

9.4 The majority of the application site is also a designated heritage asset, being comprised of a Grade II Registered Park and Garden ('RPG'). The significance of those parts of the designated heritage asset which, under the scheme, would be developed as housing would be lost entirely as a result of the development[176]. This begs the question as to whether the boundaries of the RPG would also have to be redrawn in the future.

9.5 The parts of the application site that are not within the RPG form parts of its setting[177]. Their contribution to the significance of the RPG would also be substantially harmed as a result of large-scale housing development on one (the Western Fields) and a golf academy on the other ('the Northern Fields')[178].

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[170] CD13.8/6.5, 6.6 and Appendix 5
[171] CD13.8/4.2
[172] CD13.12/4.2.5ff
[173] Ibid and roundtable session
[174] Bolton Core Strategy Policies e.g. RA2, RA3, OA4 'maintain current GB boundaries'
[175] CD13.8/8.22 Bell xx; Lancaster xx
[176] Gallagher 9.50; Miele xx; CD3.1/404
[177] The function of the Northern Fields as setting is disputed by the applicant and Council
[178] Gallagher 9.51; CD3.1/420 -existing setting replaced by 'new setting'; CD 9.1/277 Gardens Trust 'extremely detrimental and negative effect' on setting and significance

9.6 A measure of the sheer scale of the development is that it would take 20 years to complete.

9.7 A measure of the change that it would bring about is not simply that the existing planning designations would require review because of the change in the function, character[179] and condition of the land but that, when complete, it would result in a completely new community of up to 1,036 dwellings with potentially its own local centre, health centre and primary school[180].

9.8 The membership and supporters of Hulton Estate Area Residents Together ('HEART') are drawn from the existing communities in the vicinity of the site. It is these communities which would most directly experience these changes to land which according to the development plan is to be kept permanently open and free from inappropriate development and where such development as may be permitted is expected to conserve and enhance the physical environment[181].

9.9 It is not surprising that to propose such a development in such a setting has proved controversial. This is particularly so when the developer and the Council are agreed that it would cause substantial harm to the Green Belt and that planning permission should only be granted if the Secretary of State finds that there would be very special circumstances ('VSC') sufficient to justify doing so[182].

9.10 However, HEART's approach to the planning issues in the case is not 'one-eyed' as asserted by the Applicant in opening. HEART recognises that some elements of the proposal would be beneficial and attract some support in policy as a result. However, HEART's starting point is the presumption that the land should remain free from inappropriate development, together with the imperative that the RPG should be conserved in a manner appropriate to its significance with the need for a clear and convincing justification for any harm or loss of significance, noting that substantial harm to a Grade II RPG should be exceptional[183].

9.11 As a consequence, the balance is tilted heavily against the proposed development at the outset. The balance can only be shifted in favour of the development if there are sufficient and sufficiently weighty other considerations to outweigh harm to the Green Belt and any other planning harm, such as net harm to the RPG which, if substantial, would itself require planning permission to be refused in the absence of countervailing public benefits[184].

Decision-Making Framework

9.12 It is common ground that the policies in the development plan for the provision of housing are out-of-date for the purposes of the advice in paragraph 11 of the Framework[185]. It is also common ground that the 'tilted balance' in paragraph

[179] Ms Knight in xx agreed that the landscape character assessment might no longer be valid once the development was completed
[180] Section 106 Agreement, Schedules 6, 7 and 13
[181] Bolton Core Strategy Policy OA4.
[182] CD13.8/8.84
[183] NPPF 143,184,194
[184] NPPF 195
[185] CD 13.9/2.8

11 is not engaged unless the application is held to comply with the policies in Framework in respect of Green Belt and heritage[186]. The tilted balance is not engaged in this case because the benefits of the development do not outweigh the harm it would cause. The issues can be conveniently addressed within the framework of the balancing exercise in paragraph 144 of Framework[187].

Harm to Green Belt

Inappropriateness

9.13 The proposal as a whole is inappropriate development for Green Belt purposes, whether or not there are elements which, on their own and considered separately from the rest of the development, might be not inappropriate[188]. In fact, in this case even the 'open' elements of the golf course conflict with the purposes of the Green Belt because of their scale and form, the associated structures and paraphernalia, such as bridges and the 'half-way house'[189] and the attendant activity. As such they are thereby inappropriate development[190].

Openness

9.14 The development would harm to openness, particularly through the amount and extent of the new housing areas on the Western Fields, Dearden's Farm and Park End Farm. The buildings of the golf resort and golf academy, together with the parking and servicing facilities, would similarly significantly affect openness both directly and through their effects upon perceived openness. The hotel has quite deliberately been designed to be more visible in the landscape than the original hall and stables and would step well outside its original building envelopes, breaking the tree line when viewed from the carriage drive[191].

Purposes

9.15 There would be a substantial encroachment of inappropriate development into the countryside. It would contribute to the coalescence of settlements for which, at present, the application site serves the important Green Belt function of providing a setting which also allows their separate identities to be retained. Such a substantial development in the Green Belt, not arising from a development plan allocation (but likely to result in a retrospective change in Green Belt boundaries), and implemented in phases over 20 years, would also, by its nature, conflict with the purpose of Green Belt policy to promote urban

[186] The Applicant and Council have submitted a joint note asserting that the tilted balance is engaged because very special circumstances and substantial public benefits have been demonstrated. HEART agrees in terms of approach (i.e. that the tilted balance would be engaged in such circumstances) but does not agree that public benefits to outweigh substantial heritage harm or other considerations to outweigh GB harm have been demonstrated or exist.
[187] That is not to overlook the separate balancing exercises required in respect of the heritage and Green Belt effects of the development respectively. In principle 'public benefits' might be sufficient to outweigh harm to heritage but not sufficient to outweigh harm to Green Belt. In this case they are neither.
[188] Confirmed by Bell and Lancaster in xx.
[189] Copley/4.6
[190] NPPF/146
[191] Miele Appendix 11 animated view.

regeneration. It would do so by diverting demand which might otherwise have been channelled into bringing brownfield sites back into productive use, to sites in the countryside intended by the development plan and national planning policy to fulfil quite a different planning purpose[192].

9.16 In terms of overall Green Belt harm, the development would cause substantial harm to the Green Belt to which, as a matter of policy, the decision-maker must give substantial weight[193].

Other Planning Harm

Grade II Registered Park and Garden

9.17 The whole of the application site is either a designated heritage asset or part of its setting[194]. In order to assess the heritage effects the starting point is to assess the significance of the asset and the contribution of the setting[195]. That is particularly so where one of the stated objectives of the scheme is not merely to avoid harm but actually to restore the asset to some or all of its previous condition and interest.

9.18 Although the register entry only acknowledges the contribution of John Webb by name, more detailed research in connection with the application (and with this Inquiry) has established that his work developed out of a scheme carried out by William Emes during the latter part of the 18th Century when features such as the Pleasure Grounds were first laid out.

9.19 It is in the Webb landscape (or more accurately the Emes landscape as developed by Webb) that the greatest interest (and therefore the greatest contribution to significance) lies and the proposed development aims not simply to retain as much of that interest (and significance) as possible but to enhance it by restoring structures and features (e.g. the Pleasure Grounds, the Walled Garden, Mill Dam), undertaking replacement planting (e.g. of parkland trees and woodland) and implementing sympathetic land and woodland management practices.

9.20 The success of the proposal is to be judged by assessing the effects on significance applying the so-called 'Palmer principle' (i.e. considering the effects both positive and negative in the round to determine the overall 'net' effect).

9.21 Plainly the success of the assessment depends on the efficacy of the underlying assessment of significance. In this case, whilst there is considerable agreement between the respective experts about many of the landscape qualities and features that give the RPG significance there are important disagreements which largely account for the very different conclusions which they reach about the effects of the development in heritage terms.

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[192] Copley/4.29 and Lancaster/10.19
[193] NPPF/144
[194] There is a disagreement between experts about the extent to which the Northern Fields is part of the setting of the RPG. In the case of the Western Fields it is agreed that they are part of the setting but a disagreement about the contribution to significance.
[195] Paragraph 189 of the NPPF

9.22 The most important, perhaps, lies in the assertion made on behalf of the Applicant that Webb's design embodied the use of woodland plantations, woodland belts and woodland clumps to contain a 'core' parkland area from the surrounding landscape, thereby confining the greatest interest and significance to that 'core' area. This leaves the other parts of the site inside the RPG considerably less sensitive to development and those parts outside (e.g. the Western Fields) with little or no interest as setting and affording little or no contribution to the significance of the RPG as a result[196]. Because the Webb 'plan' was to contain the core area within perimeter woodland plantations, belts and clumps, it is said, any inter-visibility between the 'core' and the surrounding landscape is accidental and not part of the landscape design so that its loss cannot harm the interest or significance of the RPG.

9.23 The thesis supports a series of key features of the masterplan that is embodied in the application. First, each of the housing areas within the RPG is said to have little or no effect upon its significance because they are outside the 'core' and contained to a greater or lesser extent by woodland resulting in only limited inter-visibility.

9.24 Next the housing within the Western Fields is said to have little or no effect upon the significance of the RPG because although as a matter of fact there are views between the Western Fields and the RPG and both public and private ways connecting them, the views from 'core' are limited. Furthermore, because the parts of the RPG outside the 'core' are by definition less interesting (and contribute less to significance) than those within the 'core' they are able inherently to withstand more substantial change (e.g. in landform, golf infrastructure, etc) without commensurate effects on significance.

9.25 The thesis relies upon the so-called 'Presentation Plan'[197] which shows a planting layout similar to that which is recorded in Ordnance Survey maps from around 1890 onwards and excludes many of the parts of the RPG outside the 'core' area[198]. That is the layout which the master plan aspires to on the grounds that it is supposedly the Webb design when mature[199].

9.26 There are difficulties with the proposition that the Presentation Plan is anything to do with Webb. The first is that there is nothing to connect it to him. Although it has colouring, it has none of the other features of a true presentation plan (e.g. no cartouche, no title block, no other ornamentation or decoration). It excludes features which are acknowledged to be important to the significance of the RPG and part of the designed landscape (e.g. Mill Dam Lake, the Mill Dam Wood footpath, etc). It includes features which did not come into existence until long after Webb's death (e.g. the house in Crow Yard which carries the date 1848; the woodland at Park Pits Wood).

9.27 Whilst Dr Miele attributes the plan to c1808[200] (and Dr Stamper to c1824)[201] it is therefore more likely that the plan was prepared much later and that it

[196] Wikeley Figure 5 provides a visual representation
[197] CD 12.33.3
[198] CD12.35a
[199] Mr Wikeley in cross-examination
[200] The so-called 'Great Plan of c1808'
[201] Miele R/Appendix 2

incorporates elements that were not by Webb or in accordance with Webb's thinking: Webb died in 1828.

9.28 The Ordnance Survey maps from c1840[202] show a subtly different layout more reflective of the picturesque 'style' associated with Webb including not simply woodland plantations, belts and clumps but, crucially, gaps between them permitting views through the landscape between the so-called 'core' and the land outside it, both within the RPG and beyond (where the surrounding agricultural landscape formed the setting). Two important examples are the views from the carriage drive towards Dearden's Farm and from the carriage drive to the north entrance and Hulton Cottage. Such views are 'designed' because they are a function of the design although not a set piece or 'vista'.

9.29 Such connectivity between the parts of the RPG itself and the surrounding landscape is an integral element in the Webb designed landscape and is also evident in the relationship between the RPG and the Western Fields. The western boundary of the RPG has always remained open, allowing extensive views to and from the Western Fields to be retained. Whilst the Applicant asserts that it would have been considered desirable during the RPG's heyday to take the opportunity to close off the views and consistent with Webb's plan to have done so, the fact that it was never done is the best evidence that it was never intended nor part of the landscape design.

9.30 There was, in any case, a functional relationship between the two, with both public and private ways connecting them. Furthermore, views to and from the Western Fields were possible over much of the length of the Emes' footpath between the Pleasure Grounds and Mill Dam Lake and which, as originally laid out, ran along the southern/south-western boundaries of the Walled Gardens and of Mill Dam Wood (not within the wood as at present). The Western Fields would have formed a part of the view for anyone returning along the path from the Lake and provided the setting for the designed landscape by connecting it with the countryside surrounding it[203].

9.31 Park End Farm is towards the edge of the RPG, but it is enclosed within the RPG by woodland planting on the boundary (e.g. Kearsley Plantation). There are footpaths connecting the farm complex itself with Emes' footpath at Mill Dam Lake. There are visual and functional connections between the farm complex (and the land around it) and with New Park and Mill Dam Wood. According to the best evidence that there is of how Webb left the landscape of Hulton Park,[204] Park End Farm is plainly part of the coherent landscape design executed by Webb.

9.32 Hulton Hall itself was an important component of the designed landscape. Webb was the architect and the building may be assumed to have been designed for the landscape it was set within (and vice versa). It is common ground that the landscape was crafted to reveal the Hall to those approaching it along the carriage drive in a way calculated to convey an impression of the wealth and attainment of its occupants. But the revelation was

[202] CG Appendix A Fig 17; CD05b.6.12 Fig 11.3
[203] Wikeley in XX
[204] Namely the OS maps of the 1840s.

characteristically picturesque, subtle and restrained, reflecting the subtleties and character of the wider RPG.

9.33 The demolition of the hall has harmed the significance of the RPG. Reinstating a building of a similar character and scale to the original hall would contribute positively to the significance of the RPG[205].

9.34 Associated with the loss of the Hall is the deterioration of the related Pleasure Grounds and Walled Garden, the 'serpentine' or scimitar lake and Mill Dam Lake. Other features, such as entrance gates, as well as the Dovecote (a designated heritage asset in its own right), are in need of repair and maintenance. However, not only is the spatial arrangement of the designed landscape largely intact but crucially also much of the interest in the parkland landscape itself.

9.35 The Bolton Landscape Character Appraisal describes the park itself as "almost untouched" with many features "in an excellent state of preservation."[206] The Council's Greenspace Management Officer describes the park as a "…landscape that has a true sense of history and time embedded in it. It has character built up over the centuries. There is no other landscape like it in the Borough…"[207]

9.36 As the Historic England Guidance on Golf in Historic Landscapes observes *"Historic parks are far less vulnerable to destruction from lack of maintenance than buildings, at least in the short term. It is also possible, unlike a building, to recover a historic park which has not been maintained."*[208] That is the case here. Indeed, as far as the woodland plantations, belts and clumps are concerned, the Arboricultural Impact Report advises that "*woodland areas are not under existential threat*" and that "*minimal management would probably lead to a stable or slightly increased canopy cover*."[209] Whilst there is a need for some action to be taken, reports of the RPG's imminent demise are clearly somewhat exaggerated.

9.37 The proposal is for a large-scale intervention affecting every part of the RPG and large parts of the setting. It would involve new buildings, including the hotel/events complex and the golf clubhouse; repairs to and the reinstatement of landscape features (the Walled Garden, Mill Dam, the lakes, the Pleasure Grounds, the Dovecot); new landform (affecting all of the open parkland); tree and woodland removal; tree and woodland planting; and the implementation of new land and woodland management arrangements. Some would be beneficial and contribute positively to the significance of the RPG. Much would not.

9.38 The hotel has been designed to make a visual statement[210] with the size of the proposed building determined by commercial considerations[211]: it is an example of where the imperatives of golf have won over those of landscape conservation, with the result that the unapologetic structure would harm the

[205] CD13.10/3.29
[206] CD12.28/17
[207] CD9.1/126
[208] CD11.15/5
[209] CD05b/6.18 Table 4
[210] Marks/26
[211] Mr Wikeley in xx

significance of the RPG by being totally out of scale with it.[212] The clubhouse and associated golf infrastructure within the North Meadows would be similarly out of character with the designed landscape and harmful to its significance.[213]

9.39 Changes to landform would affect all of the open land within the RPG.[214] The amounts of cut and fill would be substantial, as would the amounts of material imported to, and exported from, the site.[215] The fabric, use and appearance of the historic landscape would be substantially changed, not simply as a result of remodelling the terrain but also by the introduction of features associated with the new use as a golf resort such as tees, greens, buggy paths, staging 'platforms' (for spectator, media and hospitality facilities) and access routes to the staging areas, all of which would be accompanied by the implementation of a new grassland management regime.

9.40 The purpose of the grassland management regime would be to mimic the appearance of parkland with the manicured tees, fairways and greens camouflaged by belts of 'Far Rough' planted with a wildflower mix that would be allowed to grow without frequent mowing.[216] It is this which enables much of the biodiversity net gain assessed by Environment Bank, since the 'Far Rough' grassland would be a more species rich habitat than the existing parkland pasture grazed by livestock.

9.41 The expected appearance produced by these arrangements is illustrated in the visualisations that accompany the LVIA. They are winter views, said to be based on photographs of the existing landscape taken in November. What is clear is that the new landscape would look very different from the existing agricultural landscape, which is a product of a grassland management regime that has existed since the park's inception and is based on the use of agricultural land for agricultural purposes by livestock.

9.42 The Council's Greenspace Management Officer suggests that the new landscape would amount to 18 micro-landscapes, one for each new hole.[217] In so saying, the Officer reflected the analysis in the Historic England guidelines for golf in historic landscapes (written by Mr Wikeley) that "*Building a golf course always involves earth-moving to create level tees and greens, to form bunkers and in some sites, to create suitable ground form for the fairways. This will always have an impact on a historic park as it will destroy the landform.*"[218]

9.43 That is the case here, made worse by the extent of tree removal, since new trees are not like-for-like replacements for existing, historic trees and woodland.[219] One of the main reasons for the amount of replacement planting proposed is that new trees offer significantly less benefit at the outset than the

[212] Mr Gallagher at 9.10
[213] Miele at 7.117 disagreeing with the HIA, identifies 'less than substantial harm'. Gallagher 9.12 'substantial harm'.
[214] Wikeley Figure 29; McMurray xx; Wikeley xx.
[215] CD 6c.4.2
[216] Indeed, mowing might be as little as one or twice a year.
[217] CD 9.1/127
[218] CD 11.37/3
[219] As Mr Wikeley acknowledged in cross examination.

mature trees they are intended to replace. The quality factor adopted in the planting proposals is between 1:1 and 4:1.[220]

9.44 Simply planting trees is not an advantage in itself in historic landscape terms, unless the new trees are in locations that reflect the inherent qualities of the designed landscape and enhance (or at the very least do not harm) significance. In this case, the reinstatement of parkland trees is hampered by the requirements of the championship golf course, with the result that they are kept away from the fairways and concentrated on their margins, resulting in an artificial, unnatural and certainly not picturesque arrangement which would be out of character with the designed landscape and harmful to its significance.[221] A new woodland block close to hole 13 is described as in keeping with the Webb design, but is simply pastiche.[222]

9.45 The housing areas within the RPG at Dearden's Farm and Park End Farm would involve the total loss of the significance of those parts of the RPG.[223]

9.46 The housing areas within the setting of the RPG would involve the total loss of the contribution made by the Western Fields to the significance of the RPG.[224]

9.47 Against the harm, the scheme incorporates a series of the proposals described as 'restoration' by which some features of the designed landscape would be reinstated (e.g. the Pleasure Grounds, paths and Walled Garden) and others would be repaired (e.g. the lakes, the entrance gates, the Dovecot). In addition, there would be the introduction of a new woodland management regime and the grassland management regime referred to above.

9.48 The Applicant assesses all of the elements in the preceding paragraph as beneficial and to such an extent as to outweigh any harm that the proposal would cause in heritage terms. Dr Miele allows for the possibility that the Secretary of State will disagree, but suggests that, if so, any "residual harm" would be less than substantial leading to the balancing exercise in paragraph 196 of NPPF to be engaged.[225]

9.49 Both Dr Miele and Mr Bell strongly maintained that even if it was not accepted that the 'restoration' proposals resulted in a 'net gain', the elements of the 'restoration' plan, together with the implementation of the grassland and woodland management proposals affecting the whole of golf course area, and the fact that the scheme would leave the spatial layout of the RPG substantially intact precluded a finding of substantial harm in 'Bedford' terms.

9.50 Mr Gallagher is equally clear that his assessment scale is calibrated on the same basis as that advocated by the court in 'Bedford' and that his finding of substantial harm is properly justified by the degree of change that the scheme would impose upon the designed landscape that would deprive the RPG of virtually all of its significance. Measures which the Applicant identifies as beneficial, such as the new grassland management regime and parkland tree

[220] Hesketh/6.82
[221] See Wikeley Figure 26
[222] Miele/6.9 "characteristic of Webb's work on the site"
[223] n.8
[224] n.9
[225] Miele/10.26

planting proposals, would adversely affect the character of the parkland by substantially changing its appearance in ways that would be at odds with the intrinsic parkland characteristics of the designed landscape.

9.51 The changes associated with the land-forming operations required to create a championship standard golf course, together with all of the associated golf infrastructure, would affect all of the open parts of the parkland depriving the great majority of the RPG of its existing fabric and form. The parts developed as housing would lose their significance altogether. The harm would be substantial. The significance of the RPG would be drained away.

Planning and Delivery of Housing

9.52 The scheme proposes a large amount of housing in a location where such development would normally be precluded for a combination of Green Belt and historic landscape reasons. The scheme would account for 7.5% of Bolton's housing requirement for the period 2018 to 2037[226], delivered over an overlapping 20-year period. This would only occur if, but only if, the authorities responsible for European golf decide to award a Ryder Cup hosting agreement to the golf resort. Therefore, the decision on whether the scheme ever comes forward (and if it does, from when) would not be in the hands of the developer or the planning decision-maker and would not be taken on planning grounds: it would be incidental to the decision on where to hold the Ryder Cup in either 2030 or 2034.

9.53 That would be an odd outcome of a planning system which is plan-led, but this proposal is the antithesis of a plan-led development.[227] It is not provided for in any existing or emerging development plan. Nor could it be given the attendant uncertainties as to whether or when it would be implemented. It would lead to the associated Green Belt boundaries being modified to exclude the housing sites retrospectively. It would create a housing commitment with absolutely no certainty that it would ever come forward.[228]

9.54 Significant uncertainty would therefore be imposed upon the planning and delivery of housing in Bolton for as long as it takes for the European golf authorities to come to their decision. The position is different from an ordinary residential planning permission where the factors affecting delivery are related to the scheme itself. The scale is substantial in the Bolton context, with implications for the development plan process and the local marketplace where the Secretary of State is already concerned about its capacity to absorb an increased pace of housing delivery by virtue of the 'HIF' scheme.[229]

9.55 The size of the contribution that the development would make to housing supply in the current five-year period is sensitive to when development could start following a decision by the golf authorities. If the decision is delayed beyond 2020 the already small contribution would be correspondingly diminished.[230]

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[226] Bell/12.58
[227] Ms Copley in evidence in chief
[228] Ibid
[229] CD12.64/6.5.7
[230] Mr Bell conceded this in cross-examination

The impacts of uncertainty on the planning process and housing market would more than outweigh such contribution.

9.56 The contribution would not include the full amount of affordable housing sought by policy, but would provide some at the outset, with a review mechanism to enable later phases to provide more subject to viability considerations. This is described as 'policy plus', on the basis that there is no requirement to provide any affordable housing at all where it is demonstrably not viable for a scheme to do so.

9.57 It is for the decision-maker to decide what weight to give to any viability assessment. What is clear in this case is that the only reason why the development can be shown not to be viable (so as to provide the full amount of affordable housing) is that the residential elements of the scheme have been packaged with the golf resort as a single project under a single planning application. There is an enabling relationship between the two (if not a traditional one[231]) but beyond the provision of funding for the golf development the synergy between the two is not obvious.

9.58 There is no functional relationship, the golf resort is contained within a secure perimeter with access restricted to its patrons except on special occasions.[232] The resort would not be dependant for its success on a walk-in catchment area.[233] Whilst a 'super-legacy' effect might lead to increased sale prices for some of the dwellings, that is an incidental rather than fundamental consequence of the relationship between the resort and the housing areas.

9.59 The failure to make full affordable housing provision is the result of a deliberate choice to give preference to golf and to items such as education contributions. It is another negative impact of the scheme.

Other Development Management Issues

9.60 The proposal raises other development management issues, many of which are addressed in planning conditions which are necessary to make the development acceptable in planning terms. An example are the conditions to regulate the hours of operation of the golf academy, including the driving range where it is proposed to allow ball collection until 1.00am. Such activities, in what is currently countryside, can only be acceptable in amenity terms if adequately controlled, both in terms of hours and suitable limits on noise from plant and equipment such as automated ball collectors.

Other Considerations

The Ryder Cup (the Event and the Legacy)

9.61 When the Applicant acquired the Hulton Estate in 2010 it was an opportunistic purchase: there was no plan to develop the land at that stage. It was only when the company's proposals for a golf resort development at what is now the embryonic RHS Bridgwater Garden came to nothing that attention switched to Hulton Park as a location to fulfil the chairman's ambition to bring the Ryder

[231] Mr Bell in cross-examination
[232] E.g. Access Plan condition
[233] Mr Bell in cross-examination

Cup to Greater Manchester. Since then, all of the Applicant's attention has been focussed on the golf resort proposal to exclusion of any alternative long-term plan. As a result, a land management regime has been implemented with only short-term objectives: patching the roof, not replacing it.[234]

9.62 Whilst the project has been described as conservation-led, it is plain that the concept of a championship golf resort, funded in part by large-scale housing development, was conceived before the present team was assembled. Its conception was certainly before Mr Wikeley was commissioned to prepare a conservation management plan[235], even though that is identified by Historic England as the necessary first step in devising golf course proposals in a historic landscape.[236]

9.63 The justification for a golf resort is that it would secure the optimum viable use for the RPG. However, the project is not viable on a standalone basis and it is clear that the Applicant's commitment to bridging the funding gap to deliver the project depends upon securing the prize of a Ryder Cup hosting agreement for either the 2030 or 2034 event.[237]

9.64 According to the Principal Statement of Common Ground 'very special circumstances' would only exist as and when a hosting agreement is secured. Both the Applicant and the Council contend that the benefits of hosting the Ryder Cup (principally economic but also social and cultural) would be sufficient in themselves to outweigh the Green Belt, historic landscape and planning harm that the development would cause. The Applicant is equivocal about whether the other benefits of the development (such as the restoration scheme) would also be sufficient in themselves, on the basis that in practice there is no intention to deliver them absent the Ryder Cup.[238]

9.65 A covenant to prevent any development from taking place without a binding legal agreement to host the Ryder Cup is part of the s106 agreement and is certified as necessary in planning terms for the purposes of the CIL Regulations.

9.66 The economic benefits of the Ryder Cup have been estimated by reference to analysis of previous tournaments in the United Kingdom, Ireland and mainland Europe. They divide broadly between those associated with constructing the venue; those associated with the four days of the event itself; and those associated with what is termed 'legacy' - meaning a programme of golf tournaments before and after the main event and a series of programmes designed to capitalise on the main event by promoting apprenticeships and business development initiatives.

9.67 By far the largest benefit, whether in terms of net new jobs or gross value added ('GVA') is associated with 'legacy' which, because it is long-term in

[234] Mr Knight in cross-examination
[235] Mr Wikeley in cross-examination
[236] CD11.36/3
[237] The s106 obligation refers to 2030 and/or 2034 but in practice only one agreement is contemplated.
[238] Mr Bell in cross-examination

nature and dependent upon the participation of third party 'partners' is acknowledged to be more uncertain than the other elements.[239]

9.68 The first and perhaps most important observation, is that the calculated benefits would, to a large extent, arise wherever the tournament is hosted in the United Kingdom. It is the distribution, rather than the magnitude, that is most affected by whichever location is chosen. Although it is hinted that Hulton Park is regarded by the domestic golf authorities as particularly suitable to be England's candidate location, there is no hard evidence that is the case. Mr Knight's choice of language was notably careful in that respect.

9.69 There is, apparently, a feasibility assessment underway and those conducting it are aware of the Hulton Park proposal.[240] That is different from being the front runner, or even in the race. Certainly, it is not contended with any conviction that there is no other UK candidate or that, without Hulton Park, the tournament would inevitably go elsewhere (Ireland or mainland Europe).

9.70 That being the case, the relevant issue in a development management decision on a site-specific proposal is not what economic benefits would arise from hosting the Ryder Cup somewhere in the UK (since those will arise in any event) but what distinctive economic benefits would arise from hosting the Ryder Cup at this site? That is a matter to be judged according to the Greater Manchester context[241] within which the benefits specifically for the immediately surrounding Bolton and Wigan areas are of greatest interest to the Council.[242]

9.71 Much of the Applicant's evidence was therefore directed to demonstrating the degree of economic disadvantage suffered by Bolton, Wigan and Greater Manchester and their residents. The proposed development is said to offer specific benefits in that context. This is because of the types of employment and apprenticeship opportunities that would arise and the business development opportunities that would arise, particularly in the tourism and hospitality sectors – aligning with the Greater Manchester Industrial Strategy[243] and the ambitions of the Marketing Manchester organisation.[244]

9.72 The difficulty facing the Applicant is, however, that the benefits of the Ryder Cup, as an international event, are skewed heavily in favour of locations outside Bolton, Wigan and Greater Manchester. The GVA for Bolton and Wigan from the event itself would be just £3m: in the case of Greater Manchester it would be £15.1m.[245] Even the benefits of the volunteer programme (a non-monetised benefit) would accrue to a large extent to locations outside Bolton, Wigan and the rest of Greater Manchester rather than the local area.[246]

9.73 The legacy provided as part of the 'Ryder Cup Commitment' would be potentially both greater and more long-lasting. The 'Apprenticeship Programme' is forecast to provide 73 new apprenticeship opportunities per

[239] Mr Tong in cross-examination
[240] Bell Appendix 2/4.26
[241] Bell/11.50
[242] Ms Lancaster in cross-examination
[243] CD11.52
[244] CD9.4/4
[245] Mr Tong table 9.11
[246] Tong xx & CD05a.4/40-41

annum in Greater Manchester.[247] However, compared with some 30,000 apprenticeship starts each year in Greater Manchester already[248], the number is hardly 'transformational.' The great majority of the apprenticeship opportunities are expected to be provided by third party partners who have yet to be identified. It is apparently far too early to take such steps. The forecasts must therefore be treated with a degree of caution, indicating an ambition but not by any means a certainty.

9.74 The impacts of the 'Tournament Programme' (comprising generally smaller golf tournaments involving far fewer spectators than the Ryder Cup) would be marginally bigger than those of the Ryder Cup in Bolton and Wigan (around £3.25m in each 'event year') apparently because the impacts would be more locally focused but rather less for Greater Manchester as a whole (around £11.1m).[249] Again, hardly transformational.

9.75 That leaves the 'Business Development Programme' which is, like the Apprenticeship Programme, heavily dependent on third parties to establish, lead and sustain it. Mr Tong anticipates involvement and, perhaps, leadership from bodies such as the Greater Manchester Combined Authority and Bolton Council, as well as public money to help it to succeed. Again, it is too early to predict the precise shape of the arrangements.[250] Letters from various bodies are cited as evidence of support and the likely success of the venture.[251]

9.76 In fact, what the letters show is that bodies such as the Greater Manchester Combined Authority have to-date been notably circumspect about lending their support to the scheme. Their letter noting alignment between a successful bid and certain local strategies was said to amount to 'fulsome support' whereas it merely asked to be kept informed about the scheme's progress.[252]

9.77 A letter from Marketing Manchester is more instructive, citing the existing value of the tourism economy to Greater Manchester as over £7.9 billion and growing at 5% per annum. That puts into context the entire 20 years' worth of Business Development Programme benefits identified by Mr Tong which would be negligible by comparison.

9.78 That is not to say that the benefits deserve no weight or should play no part in the overall balancing exercise. They are plainly advantages which weigh in favour of the scheme. However, it is important not to be distracted by headline figures, without interrogating them to understand what they represent. If the issue is whether to grant planning permission for a specific proposal on a specific site it is necessary to consider not simply what benefits any Ryder Cup would provide for the UK, but what benefits the particular proposal would bring to the location in question. Considered in that way, the benefits of the Ryder Cup for Bolton, Wigan and Greater Manchester would not be transformational. They would be, surprisingly perhaps, very modest when compared with the

[247] Tong Table 9.10
[248] CD11.22/29
[249] Tong during cross-examination re Tong Table 9.11, divided between 12 tournaments in all.
[250] Mr Tong in cross-examination
[251] Mr Bell/1.11 7 EIC
[252] CD 9.4/1

costs of the scheme both financially and in terms of the Green Belt, historic landscape and planning harm that would be caused.

Not Footloose/No Alternative Location

9.79 Many of the same considerations apply to the Applicant's contention that the project is not footloose because it can only be carried out on the application site. What is really being said is that a scheme sharing all of the characteristics of the application proposals is not footloose, rather than that a championship golf resort capable of hosting the Ryder Cup could not be developed (or does not already exist) elsewhere. The argument that the project is site-specific deserves little weight in the planning balance.

Access to the Green Belt

9.80 It is said that the development would secure increased access to the Green Belt in three ways: the use of the golf resort itself; an access programme secured by condition and enhancements in the public rights of way network, particularly through the Hulton Trail.

9.81 The golf resort, as a whole, is inappropriate development particularly because of the buildings of the hotel and events complex and the golf academy and driving range. The use of such facilities does not amount to enhanced access to the Green Belt, although it might facilitate access to parts of the RPG that are not currently accessible to the public, albeit that the patrons of the resort are expected to be an exclusive group. Mr Bell did not urge great weight to be given to the use by patrons of the spa in this regard.

9.82 An access programme not requiring golf resort patronage is to be welcomed, but few details are known and as Mr Bell conceded, the programme would be built around the commercial imperatives of the resort.

9.83 The planned enhancements of the PRoW network are primarily to enable inclusive use (for instance by those whose mobility is impaired) rather than wholly new routes. Since the 'Hulton Trail' would run for much of its length between the new housing estate on the Western Fields and the planned Westhoughton Bypass it is questionable whether it offers any benefits in terms of amenity compared with the existing footpath network that would be swallowed up in the new housing area. Since the housing area is likely to be removed from the Green Belt if the development proceeds, that part of the Hulton Trail would not afford access to the Green Belt in any event.[253]

9.84 The benefits should be seen for what they are and given only limited weight accordingly.

Biodiversity Net Gain

9.85 The scheme is assessed as achieving a biodiversity net gain in the long term, i.e. following the successful implementation of the various habitat creation and management proposals summarised in the Ecology Statement of Common Ground.[254]

[253] Mr Bell in cross-examination
[254] CD13.11

9.86 A degree of uncertainty attaches to the gain because it is predictive and over the long term, as Mr Hesketh conceded (although he expressed confidence that the position could turn out to be more favourable in the right circumstances). It is notable, however, that a significant proportion of the gain is attributable to the proposed grassland management regime and, in particular, the 'Far Rough' component, which would be so harmful in historic landscape terms, a factor which needs to be taken into account alongside the biodiversity benefits in the overall planning balance.

Congestion and 'HIF'

9.87 The Council has contrived to submit a bid for government funds to implement a series of highways improvements, including a Westhoughton Bypass, that is dependent upon a developer contribution from the Hulton Park scheme (the 'HIF' bid). If planning permission is refused the HIF scheme is thrown into doubt because it relies on the contribution to bridge a funding gap. It is said to be an advantage of the development that it would enable the HIF project to proceed, but that is only because the Council has put itself in a position where an important public project depends on a private development proposal which does not have planning permission and which has been called in by the Secretary of State because of the important planning policy issues which it raises.

9.88 Worse still, the HIF funds are time limited until 2023, yet the Council agrees that even if planning permission is granted (now at the earliest in the first half of 2020) it should not be implemented unless and until a hosting agreement is secured with no guarantee as to whether or when that might happen.

9.89 The Council's strategy is built upon uncertainty. It is not an advantage of the scheme that it might rescue the Council from the consequences of its actions. It is an advantage of the scheme that it would provide some additional capacity within the Chequerbent roundabout, which deserves some weight in the overall planning balance.

Housing/Affordable Housing

9.90 HEART's position on housing and affordable housing issues has already been outlined.

The Overall Balance

9.91 The proposal would cause substantial harm to the Green Belt. It would cause substantial harm to the RPG. It would create planning uncertainty and adversely affect housing delivery. It would fail to provide the amount of affordable housing required under the development plan for reasons based squarely upon golf not housing viability.

9.92 There are other considerations that weigh in favour of the development, including the economic and social benefits that would accrue to the local area and, more widely, to Greater Manchester as well as features of the development such as the Hulton Trail. However, they would not be sufficient to outweigh the harm that the development would cause, much of it irreversibly.

9.93 Therefore, whilst the scheme is not without benefits, when the balancing exercise in paragraph 144 of the Framework is carried out, it is clear that

planning permission ought to be refused. That being the case, the tilted balance in paragraph 11 of the Framework is not engaged.

Conclusion

9.94 HEART therefore invites the Inspector to conclude that the harm to the Green Belt together with the other harm that the development would cause is not outweighed by other considerations. The matter is not even finely balanced: very special circumstances do not exist and would not exist if a hosting agreement was ever secured and therefore that the opportunity presented by the scheme should be rejected.

**Other Oral Representations**

10.1 This case was characterised by high levels of public interest both in terms of organised groups and in terms of individuals wishing to take part in the proceedings. To that end two public sessions were organised at the Inquiry to facilitate members of the public engaging with the process and making their views known.

10.2 Two local MPs spoke at the public sessions. Mr Chris Green MP was concerned about protection of the Green Belt pointing to a nearby development at Horwich Local Works which was supported by the local community in contrast to the current proposal. Ms Yasmin Qureshi MP spoke about strength of opposition to the proposal and concerns regarding existing infrastructure, particularly highways, struggling to cope with demand.

10.3 Several ward and Borough Councillors attended the Inquiry and spoke against the proposal. Councillors Bullock and Hewitt were concerned about protecting the Green Belt and the loss of parkland and habitat and pointed to the land being unallocated within the existing local plan or the emerging GMSF[255]. Councillor Parkinson spoke about the necessity to safeguard the countryside from encroachment and to safeguard the setting of historic towns[256]. Councillor Christine Wild spoke about the changes which have occurred since the proposal was originally considered by the Council with all greenfield sites in Bolton being removed from the revised GMSF[257].

10.4 Concerns regarding the amount of congestion and air pollution were echoed by Mr Brian Jones[258] and other local residents including Mr Barrington Upton and Mr Dean[259]. Former Councillor Mr Chadwick also spoke about the effect on the local highways network and infrastructure[260]. Mr White reiterated the concerns of other about the permanent harm to Hulton Park[261]. Miss Fewtrell spoke about the deer on the site and the installation of stock-proof fencing[262]. Ms

[255] Inquiry Documents 14 and 15
[256] Inquiry Document 16
[257] Inquiry Document 33
[258] Inquiry Document 31
[259] Inquiry Document 41 and Inquiry Document 47
[260] Inquiry Document 42
[261] Inquiry Document 32
[262] Inquiry Document 34

Elaine Taylor[263] is a garden historian who spoke against the proposal describing the park as a "*sleeping Cinderella*". She said the Georgian landscape park is rare and exceptional in South Lancashire. Other residents, including Mr Pimlett and Mr Lee[264], gave evidence about the history of Hulton Park and the scouting activities which took place there.

10.5 Mr Michael Partington and/or members of his family attended each day of the Inquiry and Mr Partington spoke about his family's long-standing connection with Dearden's Farm and the successes they had had in diversification with a very successful artisan ice cream business on site. He has lived and worked on this farm for around 50 years and is rightly proud of his family's achievements. Mr Partington left me in no doubt as to the upheaval and sadness it would cause his family if the proposal were to be successful and they had to leave the farm[265].

10.6 Ms Dorothy Syddall also expressed concerns for the tenant farmers who would lose their homes and livelihoods as a result of the proposal and spoke about her parents' experience as tenant farmers[266]. Ms Buffey[267] spoke about the difficulties in re-homing some 60 horses and ponies currently resident on the site.

10.7 Dr Richardson[268] spoke on behalf of Leigh Ornithological Society and raised concerns about damage to the natural environment and the protection of wildlife. The ornithological society had recorded 46 bird species, 9 of which are on the RSPB red list and contends that Hulton Park is part of a wildlife corridor. His concerns were echoed by Mr Peter German and Mr Hurst who each spoke about habitat loss and biodiversity considerations[269].

10.8 Others, including Mr Stephen Taylor[270], were concerned about the housing crisis and the importance of the provision of affordable housing and the need to prioritise development on brownfield sites. Mr Hamlett produced experience about housing developments on Green Belt land in the vicinity of the site[271]. They pointed out that the application site does not feature as an allocation in the new GMSF. A local resident, Mrs Hesketh, was concerned about coal mining activities on the site and the loss of tranquillity[272]. Mr Roberts expressed a note of caution about the winning of the Ryder Cup[273].

10.9 Dr Des Brennan formerly of CPRE made observations about the s106 agreement but during the course of the Inquiry came to the view that the s106 agreement was robust enough to ensure that in the event that the Ryder Cup was not awarded, the development would not proceed[274]. Miss Nykola Taylor made

[263] Inquiry Documents 11 and 43
[264] Inquiry Document 35
[265] Inquiry Document 38
[266] Inquiry Document 36
[267] Inquiry Document 45
[268] Inquiry Document 10
[269] Inquiry Document 40 and Inquiry Document 48
[270] Inquiry Document 44
[271] Inquiry Document 37
[272] Inquiry Document 13
[273] Inquiry Document 17
[274] Inquiry Document 39 and Inquiry Document 59

representations as a local resident and on behalf of the Over Hulton Neighbourhood Forum[275]. A local resident and chartered engineer, Mr Phil Wood, made representations[276] about viability and timing of construction operations.

10.10 A north-west businessman and former CEO of Manchester City Football Club, Mr Garry Cook, attended the second public session and spoke in favour of the development. He was an independent consultant contacted by the Applicant but not paid by them. Mr Cook spoke of the need to have a vision and of Hulton Park presenting a unique opportunity to deliver a renowned golf tournament in the north-west.

**Written Representations**

11.1 There have been many other written representations objecting to the proposal at both application stage and subsequent to call in. Copies of all of the written representations which were sent to the Council at the application stage are contained within four blue folders marked 'Interested Party Reps at Application Stage'. There were 388 individual objection letters and 698 circular style objection letters, 1 letter in support and 27 letters providing comments. Copies of all written representations sent to the Planning Inspectorate are to be found inside the red folder. Many of the letters of objection repeat the concerns set out above by others and support HEART's case.

11.2 The two local MPs sent letters of objection setting out their concerns which are recorded at paragraph 10.2 above. Westhoughton Town Council objected on the basis of the loss of the historic park; loss of green space and wildlife; impact on health provision and school places; demolition of Hulton Cottage/ Dearden's Farm; impact on the surrounding highway network; an existing oversupply of housing and sufficient brownfield sites in Bolton to cater for housing.

11.3 I do not propose to repeat objections which I heard orally, and which I have already set out above, in any further detail. Many of the letters contain the same objections which were raised during the public sessions at the Inquiry. They relate to highways, social facilities being inadequate, local infrastructure being inadequate, the loss of two milk producing farms run by families who have lived on the sites for many years, lack of a need for another golf course and many objections relating to the loss of Green Belt land and harm to the RPG.

11.4 Other objections raised concerns about harm to wildlife, loss of mature trees and hedgerows and the destruction of woodland habitat. Some objectors raised the lack of public access to the golf course and the diversion of existing PRoWs. Some said that there would be an increase in noise and air pollution with no real benefits to the local community. Others contended that the real need was for affordable housing and the proposal only catered for 4/5 bedroomed houses. A few local residents raised questions about mine workings on the application site and the suitability of the site for development. Concerns were also raised by flooding of Carr Brook stream and harm to the living conditions of existing residents by virtue of overlooking.

[275] Inquiry document 46
[276] Inquiry document 8

## Planning Conditions

12.1 A list of suggested conditions was included in the Principal SoCG[277] agreed between the Council and Applicant and it was the subject of a roundtable session towards the end of the Inquiry. Other amended conditions and additional conditions were suggested, discussed and submitted as the Inquiry progressed. An updated conditions schedule[278] was placed into evidence on 11 October 2019 and the roundtable discussions centred upon this document. The conditions were discussed on a without prejudice basis and were considered in light of the tests set out at paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance.

12.2 Following the roundtable session, I requested that the Applicant consider various amendments and a revised, final conditions schedule[279] was submitted on 23 October 2019 as requested.

12.3 I shall comment upon the conditions. Some conditions have been amended or amalgamated for clarity, precision, elimination of duplication and having taken account of advice in the Planning Practice Guidance. I have also re-ordered the conditions and the numbers in brackets now refer to the conditions as re-ordered in the schedule to this decision. Unless otherwise stated the conditions referred to below were agreed and are not controversial.

12.4 Conditions applying to the whole development: Conditions (1) to (4) set out requirements in relation to phasing and the commencement of development. Condition (5) limits the number of houses on the site. Conditions (6) to (8) secure the provision of the Hulton Trail and works to existing PRoWs as well as their details, materials and timing. Conditions (9) to (12) comprehensively regulate construction and demolition activities across the site. Conditions (13) and (14) secure the approval of appropriate drainage measures throughout the site. Condition (15) contains all requirements necessary to manage ground conditions.

12.5 Condition (16) secures completion of the off-site highway works necessary for the development prior to occupation of any phase. Condition (17) controls the provision of internal access roads within each phase of the development. Conditions (18) and (19) are the standard landscaping conditions for each phase. Conditions (20) and (21) ensure that the heritage and archaeological value of the site is assessed and recorded appropriately.

12.6 The Golf Resort: Conditions (22) to (49) inclusive relate to the golf resort only. Condition (22) is the standard plans condition; (23) is a pre-commencement conditions requiring further details and (24) controls the provision of the 9-hole adventure course. Condition (25) is essential in that it controls restoration of the historic features within the RPG and condition (26) makes provision for the de-silting of the ornamental lakes. Condition (27) refers to the provision of a programme of public access events. Conditions (28) and (29) control signage within the RPG and secure the relocation of the blue heritage plaque currently on Hulton Cottage.

[277] CD 13.8
[278] Inquiry document 65
[279] Inquiry document 66

12.7 Conditions (30) to (33) control the provision of bat hotels, protection of barn owls and landscaping works on the golf resort. Condition (34) controls the operation of the historic driveway to the hotel complex and condition (35) requires a Travel Plan. Conditions (36), (37) and (38) are necessary to protect the living amenities of local residents and to contribute to sustainability principles by the provision of electric vehicle charging points. Condition (39) controls the provision of external lighting. I have amended the agreed condition so as to allow temporary external lighting installed for golf tournaments to be installed subject to approval by the Council.

12.8 Condition (40) was controversial and were the subject of debate at the roundtable session. HEART requested that use of the Clubhouse be limited to opening to patrons between 0600hours and 2300 hours. Notwithstanding the presence of the A6, there are a number of residential properties on the opposite side of the A6 to the proposed Clubhouse location. Even with a 2300hours closing, there would still be a period of time when patrons were getting into their vehicles and driving out of the site. Similarly opening at 0500 could cause disturbance to local residents with patrons getting out of their cars, banging doors and getting golf equipment out. I therefore agree with HEART's suggested operational times for the Clubhouse. Further protections from noise are contained within conditions (41), (42) and (43).

12.9 Condition (44) secures approval of investigations and any appropriate arrangements in relation to past coal workings and conditions (45) and (46) stipulate the requirements in relation to sustainability objectives. Conditions (47) and (48) control the mechanics of temporary facilities for tournaments and condition (49) makes provision for refuse storage.

12.10 Conditions relating to the residential development only: conditions (50) to (65) relate to the outline residential development only. Condition (50) is the standard plans condition. Conditions (51) to (54) control details in relation to finished levels, boundary treatments, the provision of open space and play facilities and crime prevention. Condition (55) sets out the details required in relation to provision of the local centre. Conditions (56) and (57) makes provision for electric charging points for vehicles and the submission of noise assessments as well as controlling external lighting.

12.11 Conditions (58) and (59) secures necessary provisions to control ground conditions and condition (60) contains stipulations in relation to drainage buffer zones and the protection of wildlife river corridors. Highways conditions (61) to (64) ensure that accesses, travel plans and pedestrian crossings are provided at appropriate junctures. Condition (65) ensures a minimum provision of new landscape planting secured as part of the phasing of the residential development.

12.12 I am satisfied that all of the conditions set out in Annex B hereto are reasonable and necessary and I would recommend their imposition in the event that the Secretary of State grants planning permission.

**Planning Obligations**

13.1 The executed agreement (the s106 agreement) made in accordance with section 106 of the Town and Country Planning Act 1990 secures **financial**

**contributions** in relation to: off-site highway works[280]; cycle improvements[281]; primary and secondary education contributions to be calculated in accordance with the Council's formulae and a Health Centre Contribution[282].

13.2 Prior to the Inquiry the Council submitted a 'Statement of Compliance with CIL Regulations' setting out its justification for each of the contributions sought in accordance with the policy tests set out in the Framework[283] and the statutory test in regulations 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The contributions support policy objectives in CS policies H1 and IPC1. CS policy H1 seeks to ensure that new development proposals contribute through planning contributions to meet the health needs generated. CS policy IPC1 seeks reasonable contributions towards the cost of infrastructure needed to mitigate the effects of the development. This is supported by supplementary planning documents (SPD) in the form of the Infrastructure Planning Contributions SPD, the Transport and Road Safety SPD and the Affordable Housing SPD[284].

13.3 If the Secretary of State is minded to grant planning permission for the development I am satisfied that the **financial contributions** requested are necessary to render the development acceptable in planning terms and they are directly related to the development. Having regard to the costings set out in the justification statement I am also satisfied that they are fairly and reasonably related in scale and kind to the development proposed.

13.4 The s106 agreement also contains other restrictions and promises which include the Ryder Cup Clause, which prevents the proposed development taking place unless the Ryder Cup bid has been successful, and the site is selected to host the Ryder Cup. Given that the whole development is predicated upon the Ryder Cup being successful and the assessment has proceeded on this basis, I am satisfied that the restriction is reasonable and necessary and satisfies the relevant policy tests.

13.5 In addition, the agreement contains promises to submit a Landscape and Habitats Management Plan for each phase of development; to transfer the Primary School Land to the Council and to provide off-site woodland planting which I have previously considered. All of these measures are necessary to make the development acceptable in planning terms, they are directly related to the proposed scheme and fairly and reasonably related in scale and kind.

13.6 The agreement contains a promise to make provision in relation to affordable housing. In the first instance the agreement commits to a provision of 10% of the units being affordable housing in the format of discounted sale units, discounted by 20% against market value or such other type of affordable housing which the Secretary of State (or the Council) elects subject to a cap[285].

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[280] £4,920,000
[281] £15,000
[282] £725,200 towards the expansion and/or improvements of existing health practices
[283] ¶56 tests: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.
[284] CD 11.7 and CD 11.10
[285] The cap being the same cost as the provision of 10% discounted sale units

This provision is agreed by the parties to be above and beyond policy requirements. As such it is not necessary to make the development acceptable in terms of the policy tests, but the Applicant wishes it to be taken into consideration as a positive benefit in terms of material considerations. The remainder of the provisions in relation to affordable housing relate to the review mechanisms and promises to make affordable housing contributions when the project becomes more profitable and viability improves. In terms of these obligations, they are necessary to make the development acceptable given that they meet policy requirements.

13.7 The review mechanisms within the s106 agreement was discussed at length at the Inquiry and is agreed by all parties. The reviews would occur at three points in the lifetime of the development and would afford an opportunity to re-assess viability and secure affordable housing. The s106 agreement also controls the provision of affordable housing coming forward, ensuring that it is distributed evenly across the scheme. I am satisfied that all of these review mechanisms and distribution provisions meet the policy tests.

13.8 The agreement sets out promises by the developer in terms of the implementation of a Local Employment Framework in relation to each phase of development to optimise the recruitment of local people and provide opportunities for local communities. These provisions are supported by adopted development plan and national policies and pass the Framework policy tests. A further covenant in the agreement relates to the provision of Open Space Land within each phase of development to ensure that such space comes forward as an integral part of the design of that phase. There is also a commitment to provide a local centre and health centre which are necessary given the quantum of housing proposed and would service the needs of the new residents making these provisions necessary, directly related and proportionate.

13.9 Finally, the agreement secures improvement works to the Hulton Trail which is necessary to meet the recreational needs of prospective occupiers of the development.

13.10 Overall, I conclude that, with the exception of the initial 10% affordable housing provision, the obligations in the s106 agreement meet the tests in CIL regulation 122 and the same policy tests in the Framework and I would recommend that they be taken into account in assessing the application.

## Inspector's Conclusions

*In this section the numbers in [subscript] refer to preceding paragraphs*

14.1 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

14.2 The development plan comprises the CS adopted in 2011, the AP adopted in 2014 and the GMMP adopted in 2013. [4.1-4.7] I shall proceed to test the proposal against the relevant development plan policies identified and having regard to all other relevant material considerations.

14.3 The Framework is a material consideration of significant weight. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development and contains a decision-making framework in relation to development proposals. The Framework also seeks to boost significantly the supply of housing and requires local authorities to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5YHLS).

14.4 Footnote 7 to paragraph 11 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5YHLS. In this case all three main parties are agreed that the Council does not have a 5YHLS and that policies for the supply of housing are out of date. [7.5, 9.12]

14.5 Where policies are out of date, paragraph 11 directs that planning permission should be granted unless: **either** the application of the protective policies set out in footnote 6 provide a clear reason for refusing development, **or** any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

14.6 By common consensus the footnote 6 policies engaged in this case are those which relate to designated heritage assets and to Green Belt polices. Separate balancing exercises have to be undertaken in relation to each of these restrictive policies and I shall undertake those tests within my analysis.

14.7 There are certain matters which are common to both tests, namely the assessment of public benefits, in the case of heritage matters, or other positive material considerations, in the case of a Green Belt balance. In addition, there are objections from third parties alleging other harms (such as highway congestion) and they need to be assessed as well. I therefore propose to look at the claimed benefits/positive factors and any alleged harms, as well as viability considerations and I shall make findings on those matters first. I shall thereafter examine the footnote 6 policies, completing a heritage assessment and balance before conducting my Green Belt analysis and balance. Finally, the whole development is predicated upon a successful Ryder Cup bid and I shall examine that matter of principle before anything else.

***The Ryder Cup-contextual matters***

14.8 The Ryder Cup is a biennial golf event which takes place over 3 days, with teams competing from the United States and Europe. It is the third largest global sports event and is recognised as one of the sporting mega events due to global media interest and an increased international profile. The benefits of the Ryder Cup arise from three categories: the build up to the event, the event itself and the post-event legacy. All Ryder Cups are underpinned by 'Ryder Cup Commitments' which establish a series of programmes aimed at securing increased training, inward investment, supply chain development work and a series of tournaments before the main Ryder Cup event. The key commitment programmes are the Apprenticeship Programme, a Business Development Programme and a Tournament Programme.

14.9 The championship golf course and associated facilities which make up part of the development proposal meet the Ryder Cup specification which includes minimum requirements in terms of the length of the course, the layout, and provision of: a halfway house; a Clubhouse; an Academy with practice facilities; and the hotel complex to provide on-site accommodation and facilities.

***The Ryder Cup as a precondition to Development***

14.10 Selection as a Ryder Cup venue results after a competitive bidding process, the processes and timescales of which are governed by the PGA European Tour[286]. The decision-makers would only award the Ryder Cup to a specific venue if planning permission has already been granted. The parties are agreed upon this. In this case the proposal is predicated upon a successful Ryder Cup bid in either of the years 2030 or 2034. All parties are agreed that, without an award of the Ryder Cup, development should not proceed. [7.131, 8.3, 9.65]

14.11 The proposal is a hybrid application which has component parts in the form of the detailed championship golf course submission and the outline submission in relation to the housing element. However, the development is indivisible. The winning of a Ryder Cup sits at the heart of this application, the provision of the housing has been gauged such as to cross-subsidise the Ryder Cup development and the heritage works. The Applicant's case is dependent upon the claimed benefits which it says arises from the Ryder Cup and the heritage restoration works.

14.12 On behalf of the Applicant, Mr Knight of Peel Investments gave evidence about the work already undertaken towards a Ryder Cup bid including 10-year and 12-year business plans prepared by European Tour Properties[287]. He described the bidding process as competitive but not an open process, rather it is a "*partnership proposition worked up and delivered with the European Tour and decided upon behind the scenes*"[288]. Mr Knight confirmed that delivery partners, anticipated to be the Council and the GMCA, would need to come on board, as well as UK Sport and Golf England. Mr Knight further confirmed that he had been informed that the European Tour were currently looking into bids

[286] Principal SoCG CD 13.27
[287] Appendix 6 to the Planning Statement at CD 05.a1 and appendix 3 to the Proof of Evidence of Stephen Bell
[288] During cross-examination by Mr Dixon

for the 2030 and 2034 Ryder cups and that decisions on both were expected in 2020 and that very little would be said publicly until that anticipated announcement. As far as Mr Knight was aware, Hulton Park was the only site in England under consideration.

14.13 In these circumstances I accept that it is appropriate to ensure that development should only proceed if the Ryder Cup is secured. I have already confirmed that the covenants in the section 106 agreement in this regard satisfy the relevant legal and policy tests.

14.14 I am further satisfied that it is appropriate to proceed to consider the planning application at this time prior to a Ryder Cup contract having been secured. Clearly there is a reasonable prospect of the Ryder Cup being won for Hulton Park. In any event it is inevitable that, in some circumstances, planning decisions are made on a provisional basis, subject to the outcome of matters outwith the planning system. The conditionality of a planning permission is a well-established principle. If the proposal is deemed acceptable on its planning merits by the Secretary of State, I can see no justification for not granting planning permission subject to a restriction preventing development until such time as the Ryder Cup bid is finalised and secured.

14.15 At the Inquiry I asked the parties to consider the most appropriate mechanism to secure a restriction preventing any development until such time as the Ryder Cup bid had been successful. The drafting of the clauses within the agreement were discussed and revised following those discussions. The agreement now contains a prohibition on beginning development unless the 'unconditional date' conditions are met. Those conditions relate to written confirmation of a successful bid, completion of a legally binding contract and service of notice on the Council.

14.16 All three Counsel agree that the covenants within the executed section 106 agreement represent the most appropriate device to ensure the restriction is honoured. The arguments set out in Mr Harris's note to the Inquiry[289] were accepted by all[290]. My own legal opinion is that the covenants in the agreement are binding and would prevent development commencing until such time as the Ryder Cup was secured in 2030 or 2034. As such it represents the most appropriate mechanism to secure the desired objective and I commend it to the Secretary of State. [7.31, 8.3, 8.6-8.12, 9.65]

***Socio-economic effects***

14.17 An Economic Impact Assessment prepared by Ekosgen and a Social Value Assessment prepared by Turley supported the planning application[291]. On behalf of the Applicant Mr Tong gave evidence as to the socio-economic impacts of the development[292].

14.18 The socio-economic benefits which would arise from the whole development would be felt at local, regional and national levels and in three distinct phases;

[289] Inquiry Document 49
[290] That also includes Dr Brennan of CPRE who latterly withdrew his objection and supported the Ryder Cup clause
[291] CD 05a.4 and CD 05a.5
[292] Supported by CD 12.90, 12.91 and 12.92

in the lead-up to the Ryder Cup, the event itself and post-event. This much is agreed by all parties. Disputes arise as to the quantification of those benefits and the analysis in terms of the value of those benefits at each of the three levels, as well as the distribution and value of those benefits. I propose firstly to set the context in which any benefits would be felt.

14.19 The local context: Bolton is assessed as the 24th most deprived town (of 109 towns) in the Indices of Multiple Deprivation (IMD)[293] and its neighbour, Wigan, is the 45th most deprived. Both towns face challenges in terms of slower growth forecasts relative to regional and national averages; higher rates of unemployment and economic inactivity, with long-term sickness being more prevalent in Bolton and Wigan.

14.20 Productivity levels in Bolton and Wigan have increased at a slower rate than those across Greater Manchester (GM), the North-West and the UK. Manchester, Bolton and Wigan all exhibit significant degrees of relative deprivation in many of the constituent categories[294] of the IMD. Since 2013 unemployment rates have fallen in Bolton and GM from their peak in 2012, the rates remain higher than at regional and national level. Whilst Bolton and Wigan have higher indicators of deprivation relative to GM, GM still faces its own challenges. Notably GM currently ranks 4 out of 32 counties and metropolitan areas in terms of unemployment rates.

14.21 Following his evidence Mr Tong produced a note[295] to update the IMD with the most recently released 2019 IMD data which now ranks at authority level. The 2019 IMD ranks 317 authorities and places Manchester 2nd most deprived, with Bolton at 47th and Wigan at 97th.

14.22 Quantum of benefits: the headline figure in Mr Tong's evidence is the total monetised socio-economic impact of the development estimated at some £1.2 billion between at 2021 and 2040[296]. This is a global figure which includes all those economic and social impacts which can be given a financial value. It includes the total cumulative impact across all geographical scales (Bolton and Wigan, GM, the North-West and the UK). Quantifiable social impacts are assessed at £123million but exclude qualitative social and cultural benefits, such as the provision of new greenspace and public rights of way, a sporting legacy and health and well-being, and other educational benefits.

14.23 The use of sporting events to promote and support business opportunities and investment, and as an economic force for good, cannot be disputed. In terms of major sporting events, the Ryder Cup fares well in terms of GVA impact per day when compared with other events[297].

14.24 Economic Impacts: The Applicant's quantification of the scheme benefits is based upon predictive judgments having regard to industry best practice, the application of DCMS[298] guidelines and studies examining the impacts of previous

[293] Tong, proof of evidence ¶6.1
[294] Population health, income and employment and crime and education, Tong ¶6.23-6.24
[295] Inquiry document 57
[296] All figures are at 2019 prices
[297] Tong figure 8.1
[298] Department of Media, Culture and Sport

Ryder Cup venues. Values have been expressed as 'gross value added' (GVA) to represent the economic stimulus over and above the existing baseline. The Ekosgen report and technical assessment was independently validated by the same GMCA research team, New Economy, responsible for the guidance on such methodologies. The technical work was found to be sound. No other economic forecasts are before the Inquiry. [8.28]

14.25 The Applicant has set out a baseline position by placing a valuation on the existing economic usage of the site, but I do not consider this to be particularly enlightening for two reasons. The site is currently run as a private estate which, on the Applicant's own evidence, has been subject to "running repairs". Essentially the site has been kept ticking over since its acquisition in 2010[299]. Secondly, in the same way that the proposed development would deliver intangible social benefits, the site also currently delivers other non-monetisable social benefits, and these would be lost. Such changes/losses will be the subject of assessment later in this report.

14.26 The quantification of pre-event and event GVA is likely to be more robust than estimates for the legacy GVA, given that the logistics of building out and organising the Ryder Cup course and the pre-event requirements are documented and more easily quantified. Past Ryder Cup events provide points of comparison in terms of visitor numbers and revenue generated for the local and wider economies for the event and pre-event activities[300]. I note that there have been varying economic impacts from previous Ryder Cups, dependent on the location of the event, the prestige of the wider location, the opportunity for, and the attractiveness of, extended stays in a particular region and the quality of the hotel offer and transport links. The magnitude of the pre-event and event economic impact in terms of direct GVA ranges from £21m at a more local scale[301] to some £90m at a sub-regional scale[302].

14.27 The assumptions and drivers for assessing the effects of a 2030 Ryder Cup are predicated upon attendee numbers. The Hulton Park venue is anticipated to host some 60,000 spectators per day which would make it one of the larger venues. In total some 280,000 spectators would attend across the competition programme, with staff, volunteers and media personnel increasing the total to around 337,000 people over the whole event. There are difficulties making direct comparisons between previous Ryder Cup events due to the benefits being assessed at different geographical scales, on different bases and because the venues themselves have different locational and qualitative attributes such as event capacity and attendance.

14.28 I further note that improved estimation techniques have resulted, in part, in lower GVA estimates for the 2014 and 2018 Ryder Cups. Clearly the overall economic effect of a Ryder Cup[303] (excluding legacy benefits) upon a national economy is beneficial to the tune of somewhere between £60m and £98m. I consider a more realistic range to be between £60m and £80m given that the higher values appear to relate to 2006 and 2010 when, on Mr Tong's admission,

[299] Mr Knight's statement and oral evidence
[300] Tong figure 7.2
[301] Perth and Kinross - Gleneagles
[302] South-east Wales- Celtic Manor
[303] Including pre-event and event impacts only

estimation techniques were not as advanced. These figures compare with an estimated £96m GVA increase in the UK economy for the Hulton Park bid. I appreciate that the trend is for GVAs to increase and that the capacity of Hulton Park would be at the higher end of the venue ranges. As a sense-check, whilst the £96m figure might seem at the higher end and optimistic, the estimate is not substantially out of kilter with previous events.

14.29 Extrapolating from national GVA benefits, it is also clear that there are differences between the magnitude of benefits felt at regional and local scales. More limited data is available in this regard. Regional impacts have been estimated at £68m in the case of the K Club event in 2006 and £89m in the case of Celtic Manor in 2010. Local GVA figures are available for the last 3 Ryder Cups: £33.8m, £21.4m and £72.9m in the case of Paris. The figure for Paris is something of an outlier given that it demonstrates virtually full retention of the national impacts due to its size, prestige and ability to cater for spectator requirements and the opportunity for linked trips.

14.30 Legacy benefits are more nebulous and hence difficult to determine. Legacy impacts of major sporting events are highly variable and critically dependent on strategy and execution. They are reliant upon strong partnerships between key stakeholders and cohesive programmes designed to capture a sporting legacy. In this regard, the Applicant points to the success of the Council in holding the Iron Man competition and the success of Manchester City Council in delivering a sporting legacy arising from the Commonwealth Games.

14.31 Notwithstanding the past record and support expressed[304], the success of legacy programmes cannot be guaranteed. It would require clear vision, stakeholder commitment and execution. The GMCA has set out[305] its track record in hosting and delivering international events and confirmed that the hosting of the Ryder Cup would fit with GM plans to become a leading European city region. The GM Local Enterprise Partnership set out its support for the scheme and its view that the development would represent a major contribution to the GM economy[306]. Other letters of support have been received from Wigan Council, Marketing Manchester, MIDAS, CBI, Bolton University, England Golf, Sport England, Golf Foundation, Greater Sport, North-West Business Leadership Team and the University of Manchester. The letters demonstrate a wide-ranging regional interest in the project which clearly aligns with the economic ambitions of the GM authority.

14.32 The projections are underpinned by an assumption that a Hulton Park Ryder Cup legacy programme would be materially larger than previous Ryder Cups. This is based in part on the region's catchment population and the North-West economy being larger than that of previous host venues in Wales and Scotland. I accept these propositions represent reasonable assumptions to inform the modelling. I have already commented upon how these figures compare with other Ryder Cup events. [14.27]

14.33 Legacy benefits would be achieved by the apprenticeship programme; the business development programme; and the tournament programme. Estimated

[304] CD 09.4.1 to CD 09.4.13
[305] CD 09.4.1
[306] CD 09.4.2

jobs[307] generated by these 3 programmes would be in the order of 1589 UK-wide, of which 1000 would be in GM with 260 in Bolton and Wigan. Similarly, around one fifth of the GVA generated for the UK at large (£628m) would be generated in Bolton and Wigan (£129m)[308] with 2/3rds of this estimated GVA going to GM (£443m).

14.34 The largest contributor to legacy benefits in Bolton and Wigan would be the business development programme estimated to deliver around £80m GVA over the 20-year assessment period, as against a total GVA of £273m across the UK. Similarly, the tournament programme, comprising 12 mini-tournaments, is estimated to produce £40m GVA for Bolton and Wigan against a total GVA for this element of £146m in the North-West and £275m across the whole of the UK.

14.35 The figures for total jobs and GVA are presented across geographical scales and for the three categories: pre-event, event and post-event. There are variations in the distribution of jobs and GVA across the three categories, but I do not propose to analyse those in any further detail. Instead I shall focus on the totality of the jobs and GVA generated from all three categories combined and the distribution of those jobs and GVA across geographical scales.

14.36 Total Economic Benefits: Overall, the total jobs[309] generated by pre-event, event and legacy activities are estimated to be in the order of 1686 UK-wide of which just over 1000 would be in the North-West region, with 921 in GM of which 294 would be in Bolton and Wigan. The economic impact shows a similar proportional distribution in terms of cumulative GVA for pre-event, event and legacy activities. Some £1.11billion is estimated to be generated across the UK, of which £729m would be in the North-West, £637m of which would be in GM and £195m in Bolton and Wigan. Some 60% of the Hulton Park jobs would be entry-level. Given the higher levels of economic inactivity in the borough, these jobs could offer a stepping-stone into employment.

14.37 In accordance with best practice, the gross impact estimates above have been reduced to reflect the proportion of positive impacts which come at a cost of attendant negative impacts (displacement) and impacts which would have taken place anyway (deadweight), as well as leakage outside of the targeted geographical area. Given that it is highly unlikely for a similar initiative in the same timeframe to take place in the North-West or even England, Ekosgen assessed deadweight to be low. The project is unlikely to result in significant displacement given that only a small proportion of the country's top golf courses are found in GM. It was accepted that Hulton Park would displace business at a regional level in terms of attracting golfers who might otherwise be attracted to the Lancashire Golf Coast. These adjustments are reasonable in my view.

14.38 Monetisable Social Impacts: The majority of the social benefits are predicted to occur locally and regionally. Key benefits in this category relate to employment; skills and training; apprenticeships; health and well-being and

[307] FTE annualised average over 2021-2040 Tong figure 9.8
[308] Tong Figure 9.9
[309] FTE annualised average over 2021-2040 to cater for anomalies including the 3338 jobs generated UK wide for one year only as a result of the Ryder Cup event itself. The annualised average is a fairer representation of the longer-term jobs generated and I rely upon it.

volunteering. A sports participation programme and volunteer recruitment and training programme form part of the suite of Ryder Cup Commitments. Analysis is not sub-divided across geographies but instead concentrates on four distinct activities, which include the construction period (£3.6m), the ongoing operation of the golf resort (£17.9m), the Ryder Cup event (£0.28m) and finally the legacy programme (£34.9m). The figures in brackets represent the total monetised social benefits arising[310].

14.39 The volunteer recruitment and training programme at £16m is estimated to generate by far the greatest social benefit. Although it essentially captures the benefits of volunteering, it would also represent an opportunity for the upskilling of large numbers of volunteers, estimated at in excess of 1,500 people, of whom 600 would be local residents[311].

14.40 Distribution of Benefits: The ability of Bolton and Wigan to benefit economically from the holding of a Ryder Cup would be dependent on a variety of factors. These have been alluded to above and include the ability to optimise the opportunity for legacy benefits, by far the largest component. It is also dependent on the amount of leakage of business and economic benefits generated but which would not be realised in Bolton and Wigan and are lost to GM and the North-West. Hotel accommodation is perhaps the best example of this. Given the limited hotel accommodation offer in Bolton and Wigan it is likely that patrons and spectators would seek accommodation elsewhere in the GM region.

14.41 In considering the benefits above I have already set out the proportion of jobs and GVA estimated to flow to Bolton and Wigan, as well as the wider North-West region, and the UK. The benefits to Bolton and Wigan, if realised, would be substantial in terms of jobs generated and GVA. This would be in the context of the deprived boroughs of Bolton and Wigan exhibiting lower productivity levels and higher rates of economic inactivity. When the analysis is widened out to Greater Manchester- two thirds of the total GVA generated would be retained in GM and 921 of the 1686 jobs created would be in GM. Again, the GM context is one where there are higher levels of deprivation in many of the IMD constituent categories. [14.19, 14.28]

14.42 I appreciate that in some cases economic benefits (GVA or jobs) felt in Bolton and Wigan may only be a small proportion of the total realisable economic benefits. HEART point to the GVA arising from the event itself being skewed heavily in favour of locations outside Bolton, Wigan and GM. Total event GVA would be £96m with £35m being retained in GM and £3m in Bolton and Wigan. However, Mr Dixon [9.72] provides his own explanation- the Ryder Cup is an international event, the benefits would never be retained in one locality. That does not mean that such benefits should not be considered in the planning balance. In any event, the sum of £3m GVA to the Bolton and Wigan economy as a result of a three-day competition is not an inconsequential sum in the context of the economy of Bolton and Wigan.

14.43 In terms of the estimated level of economic benefits I make the following observations: the benefits are difficult to quantify and predict and legacy

[310] Mr Tong's figures 9.12- 9.15
[311] Mr Tong PoE ¶9.104

benefits are even more difficult to estimate. The benefits cannot be guaranteed but represent the best estimate before the Inquiry. It is not unusual for planning decisions to be based, in part, upon estimates of future anticipated benefits. Having regard to past data, I consider that the estimated global benefits are probably on the high side. Whilst optimistic, they are not completely out of kilter with the quantum of benefits previously realised. I make these comments whilst recognising that the trend in terms of GVA for each subsequent Ryder Cup is upwards, and that the Hulton Park venue would be a larger venue with good transport links to the North-West.

14.44 Footloose: a debate arose at the Inquiry as to whether the project was footloose. HEART contend that the benefits described above would arise from a Ryder Cup staged anywhere in England and that essentially the magnitude of benefits would remain the same, but the distribution of those benefits would change dependent on the location chosen. So, HEART contends that the analysis should focus on the distinctive economic benefits which would arise from hosting the Ryder Cup at this site and the benefits which would flow to Bolton and Wigan. [9.68-9.70,

14.45 HEART's argument would have more force if there was some evidence of other competitors in the bidding process. [7.92] I appreciate that the bidding process is somewhat opaque. However, the cost of putting together a submission, together with the stringent requirements in terms of a championship level golf course would, in my view, narrow the potential pool of bidders. The viability considerations which have arisen in this case and the evidence of Ryder Cup courses having to be underwritten elsewhere, also point to the need for a developer with an appetite for, and deep pockets, to take on such a project.

14.46 There are also potential advantages conferred by designing a championship golf course in an established parkland environment, where there is a need to produce dramatic vistas and 'risk and reward' challenges for competitors[312]. Mr McMurray's view was that the scale of the landscape and its' topography would ensure a well-integrated course presenting the opportunity to create a spectacular and interesting golf course with a sense of maturity which many golf courses do not have. The adaptation of other RPGs to accommodate golf courses and the publication of English Heritage Guidance[313] on golf in historic landscapes attest to the interest of golf designers in such landscapes.

14.47 I make the comments in the preceding paragraph not having done my assessment as to the heritage impact of the proposal but merely recognising that the site is an attractive proposition for golf promotors and designers. The Applicant argues that there is no realistic suggestion as to another venue in the UK being promoted or that existing venues in the North-West are viable candidates since they would not meet the current Ryder Cup Committee requirements. [7.92] I accept that there is no evidence before the Inquiry to undermine that position.

[312] I rely on the oral and written evidence of Mr McMurray which was unchallenged in relation to golf course design

[313] CD 11.14 Golf in Historic Landscapes- The Planning System and Related Guide and CD 11.15 Golf in Historic Parks and Landscapes- Understanding Historic Park Designs

14.48 I further struggle with the proposition that the benefits would be delivered somewhere else in any event. This is not an either/or situation whereby there is evidence of another competitor course in England. Even if there were such a site/existing course, its merits relative to this site are not known and the success of any other bid cannot be known. For example, it may be that even without Hulton Park in the running another site would not be successful in their bid because it does not meet requirements or is not an attractive proposition relative to other European bids. It may be that another site is more attractive than Hulton Park and likely to be more successful. These matters are speculative. I therefore conclude that the full range of benefits, at local, regional and national level should be taken into account. The weight to be given to those benefits at these different scales is dependent on the context in which the benefits would be realised.

14.49 In any event, even if the Ryder Cup is held elsewhere in England and the national benefits realised, it is possible to say with some certainty that the benefits to Bolton and Wigan would not be as high. The Hulton Park site places Bolton and Wigan at the epicentre of potential benefits. If the Ryder Cup were elsewhere the distribution of benefits would be altered, and it is probable that the magnitude of effects in Bolton and Wigan and at other locations would be significantly different. [8.4-8.5]

14.50 Overall comments: a Ryder Cup event brings economic opportunities and benefits at all scales. All parties agreed that the scale of socio-economic benefits, if realised, ought to be given very significant weight [7.83, 8.25-8.27]. Such benefits are not guaranteed, and neither would they ever be guaranteed. Much would depend on the commitment of key stakeholders and the effectiveness of a clear strategy and delivery mechanisms. There is evidence though of a track record at both local and regional level of optimising the benefits from such events. There is also interest and support from those who would be expected to play an active role in securing a legacy.

14.51 The level of the monetised benefits which would be felt at all levels is very significant and importantly those benefits would be realised over a 20-year period. In and of themselves the benefits are of such magnitude that they attract very significant weight. I am satisfied that they would attract such weight wherever they were realised. In other words, in any location in the UK the benefits would be very significant and would attract very significant weight. In the context of a local and regional area which lags behind economically and evidences higher levels of deprivation and economic inactivity, the economic benefits described take on a greater significance. They represent a singular opportunity for Bolton in particular, to sit at the heart of a prestigious worldwide sporting event, and to capture the social and economic opportunities which would potentially arise.

14.52 I also bear in mind that some benefits cannot be measured in monetary terms: the prestige[314] and pride engendered by the holding of such an event, the association of the town with such an event placing it in a spotlight with a global audience. The golf resort itself would add to the sporting offer of Bolton

[314] The Applicant points to the success of Celtic Manor in establishing Newport as a NATO summit candidate

and GM. This would be in addition to social benefits including improvements to health and wellbeing, increased volunteering and its attendant benefits, improved employment prospects and increased amenities. All of these are benefits which go hand in hand with the monetised socioeconomic benefits. [8.37-8.38]

14.53 The economic benefits assessed above relate only to the golf-course element of the proposal. The headline figure of £1.2bn does not include any assessment of the jobs or growth which would be generated over the longer-term[315].

***Viability considerations***

14.54 Background: Mr Richard Knight of Peel Investments gave evidence[316] about the ethos of the Applicant company which is 75% in the ownership of the Whittaker family and placed in a trust in perpetuity. He attested that the company is essentially a long-term investor, interested in legacy projects and long-term acquisitions which have longer timescales than economic or political cycles. The company, together with other major stakeholders, were behind the development of Media City at Salford Quays over a 30-year timespan.

14.55 Mr Knight also provided the examples of the Trafford Centre as one of the company's trophy projects and Liverpool John Lennon airport as a legacy asset. Mr Knight indicated that whilst these projects started life with negative viability balance sheets, they are now trophy or legacy assets with positive values. The letter of the Peel Group Chairman, John Whittaker, to the Inquiry sets out the rationale and vision behind the Ryder Cup bid and deals further with the Applicant's company's attitude to viability[317]. [7.125-7.128]

14.56 Chronology of events: CS policy SC1 sets out a requirement for the provision of 35% affordable housing on new greenfield housing developments. The policy records that a lower proportion may be permitted where it can clearly be demonstrated that development would not be financially viable. It also sets out that the 35% provision should be split as to 75% for social renting and 25% for intermediate housing. Accordingly, the FVA was commissioned to provide an opinion on the financial viability of the development and as justification for the level of affordable housing on the site.

14.57 A Market Report and Viability Statement dated May 2017[318] was submitted in support of the planning application. The FVA was reviewed by the District Valuer[319] who concluded that the approach and assumed inputs were robust[320] . The Council's planning committee resolved to grant planning permission without any affordable housing provision, but with a future review mechanism which would secure affordable housing if viability improved as the scheme progressed. The Statement of Common Ground on viability matters sets out the agreements between the Council and the Applicant in relation to these matters [321]. [8.53]

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[315] Set out at ¶9.53-¶9.57 Mr Tong's Proof of Evidence
[316] Mr Knight's written evidence is at appendix 1 to the Proof of Evidence of Stephen Bell
[317] Appendices to Stephen Bell, Appendix 1, page 64-65.
[318] CD 05a.10
[319] Based on advice from Arcadis
[320] Viability SoCG ¶1.3
[321] CD 13.5

14.58 The original FVA was updated by the 2019 FVA[322] in anticipation of the Public Inquiry and expanded upon in Mr Nesbitt's proof of evidence. The Council and Applicant are agreed that the valuation has been prepared in accordance with all relevant guidance in the PPG and the RICS[323] mandatory requirements. The Council also instructed Trebbi[324] to undertake a review of the updated FVA and compare it with the original FVA upon which they were not instructed.

14.59 Trebbi commented that the position in 2019 was that the development was, according to the Applicant, considerably less viable than it had been in 2017 and that the question was one of deliverability as opposed to viability. They noted that the residential scheme delivered in isolation would make substantial returns to both housebuilder and developer and would be able to fund a full policy compliant level of affordable housing. They raised questions in relation to the value of the 10% offer of affordable housing[325], the gross development value for the hotel and golf course and a mismatch between assumed room rates for the hotel and the 5* standard of accommodation to be provided. They also contend that the profit element for the Master Developer related to the residential elements (estimated at £5.4m) should have already been included in the residential development profit of £47.9m otherwise there would appear to be an element of double counting when assessing the risk. I consider that all of these points have some merit.

14.60 In this case the housing element of the proposed scheme has been included to subsidise the restoration works to the RPG and the provision of the golf course. The consequence of this development package is that the FVA indicates that the development, as it currently stands, cannot afford to make any contribution towards affordable housing. This remained the Applicant's position at the conclusion of the Inquiry and is accepted by the Council[326]. The Council and Applicant are also agreed that the lack of provision of affordable housing on the site would not contravene development plan or national policy given the viability considerations in this case. [7.115]

> "*The main findings from the updated FVA …are that the proposed scheme is not viable at present and cannot support a policy compliant affordable housing provision based on the assumed costs and values as the result the result is a negative residual land value".*[327]

14.61 At the commencement of the Inquiry, notwithstanding the position that the project could not support the provision of any affordable housing and having an eye to the revised policy position in the new Framework[328], the Applicant offered a minimum of 10% affordable housing provision comprising discounted market housing. It is the joint position of both the Applicant and the Council that this represents a "*policy plus"* situation whereby the offer of affordable housing exceeds that which is reasonably required by policy. [7.116-7.118, 8.55, 9.56]

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[322] CD 07c.1. Updated to include changes to key inputs and also to include a 10% affordable housing commitment
[323] RICS Financial viability in planning: conduct and reporting May 2019.
[324] Appendix 1 to Ms Lancaster's Proof of Evidence
[325] Ibid ¶2.2
[326] Viability SoCG ¶1.10
[327] Ibid SoCG ¶1.10
[328] ¶64 NPPF February 2019

14.62 During discussions at the Inquiry I indicated that the Secretary of State may attribute different weight to the provision of different tenures of affordable housing, dependent on local needs. So, for example rented affordable housing may attract more weight than discounted market housing. I asked the Applicant and Council to revise the section 106 agreement to build in flexibility to enable the Secretary of State to give an indication as to preferred tenure. The final section 106 agreement now contains such a provision[329] as well as a review mechanism on viability at three distinct points over the life of the development.

14.63 All of the above matters were examined at a roundtable session at the Inquiry following the submission of various modelled scenarios which I had requested from the Applicant's viability experts.[330] I shall examine the viability position having regard to all of the evidence and the relevant PPG and other guidance.

14.64 Analysis: Two of the inputs into the updated FVA have changed since the original assessment was done and the costs of 10% provision of affordable housing, estimated at £3.95m, have now been included. Each of these elements have an adverse impact on viability. Firstly, the commercial and residential build costs across the project have increased by £16m in the two years since 2017. Secondly, the valuation of the golf course and hotel, at 2019 prices, has decreased by £9m. The golf course and hotel valuation is based on a Red Book approach, which does not allow optimistic assumptions and is only a view of the value at the current date. The Applicant acknowledges that it represents a cautious approach. The consequence of these adjusted inputs is that scheme viability for 1036 units shows a deficit of £48m.

14.65 I do not propose to interrogate the inputs into the model in any great detail given that they are in accordance with all relevant guidance, have been subject to testing by the District Valuer and no other figures are before me. However, I do make some observations. The inputs are self-evidently susceptible to market forces. In the space of 2 years since the original 2017 FVA, the projected deficit has increased by some £25m by virtue of increased costs and a reduced valuation. Valuations can increase as well as decrease and costs can also change over time. The proposal would be built out over 20 years which means that values are more likely to fluctuate, although I accept that the longer built-out period makes it more likely that the development would not be built at the top or bottom of an economic cycle and that peaks and troughs in costs and values are more likely to even out.

14.66 The Applicant acknowledges that the funding gap could be significantly reduced- if, for example, residential sales values increase and/or if the value of the hotel and golf course increases. The prospect of increased sales values in the residential properties is a very real one given that the current valuation is based on the current market. Properties situated on the periphery of a Ryder Cup championship golf course are likely to experience an uplift in values due to prestige and association. [7.122]

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[329] Page 3 of the agreement, the definition of Affordable Housing Units is "the discounted market sale units or…such other tenure of affordable housing as is recommended by the SoS in the Decision Letter;or…"

[330] Cushman and Wakefield 'Hulton Park Scenario Analysis Summary Schedule-Supporting Explanatory Note' and Inquiry Document 7: Additional Sensitivity Analysis.

14.67 Using the FVA as a starting point, I asked the Applicant's expert to run various scenarios through the model to test the effect of the provision of different types and quanta of affordable housing and with some of the variables adjusted. Each set of variables are applied to the 2026, the 2030 and the 2034 Ryder Cup scenarios and to two alternative schemes (with 1006 residential units and 1036 residential units). The 2026 scenarios can be ignored given that this option is no longer available. Given that planning permission is sought for 1036 units, I shall concentrate on those figures. In any event the outputs in relation to 1006 units are not dissimilar and follow the same patterns.

14.68 With 10% affordable housing provision and more optimistic residential revenues the 2030 Ryder Cup scenario reveals deficits from around £30m to £44m dependent on varying residential values[331]. When a more optimistic valuation is inserted for the hotel and golf course[332], the deficit reduces to £20m with the highest residential values. When the scenarios are run to test the different variables and with 35% affordable housing provision, as expected, the deficit increases[333].

14.69 Scenario 7 is interesting because it relates to the commercial (golf course and hotel) element only and reveals a deficit of over £100m[334]. When compared to the base position of the residential element only, on the basis of gross land value and 10% affordable housing provision[335], the housing scheme alone would produce a surplus of over £60m thus reducing the funding gap. This gives some indication of the magnitude of support which the golf course/hotel would garner from the housing element of the scheme.

14.70 Mr Dixon on behalf of HEART maintained that there is a non-traditional, enabling relationship between the two elements of the development and that a synergy between the two distinct elements is not obvious. [9.57] I acknowledge that there is no direct relationship between the two elements, save for the Applicant's claim that the housing represents a minimum safety net for the Applicant and provides essential cross-funding. [7.109] However, I must deal with the application as it is packaged up and assess it against development plan policy and other material considerations.

14.71 The only scenarios showing a positive outcome for the whole development (1036 units) package were those where the variables were set at: 10% affordable housing at discounted market value, increased residential revenues, uplifted commercial values and the removal of master developer profit and benchmark land values[336].

14.72 During the course of the Inquiry, I asked for further sensitivity analyses to be done by varying the mix of units on the site and substituting smaller housing units and by changing the tenure split on the affordable housing to test the effects of affordable housing provision with a policy compliant tenure split[337].

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[331] Scenario2a
[332] Based on Avison Young 'Special Assumption valuation'
[333] Scenario 4
[334] This is the funding gap of at least c.£102.6m identified by Mr Nesbitt.
[335] Scenario 8a
[336] Scenario 2bii for the 2030 Ryder Cup and Scenario 3bii for the 2034 Ryder Cup.
[337] 75% social rented and 25% intermediate housing Policy SC1

All scenario outputs resulted in the negative viability positions depicted in the schedule set out in Inquiry Document 7.

14.73 Concluding remarks on viability: I have reservations about some of the inputs in the modelled scenarios. In particular, I do not necessarily accept the figures for the Hotel and Golf course GDV and the application of Master Developer's Profit for the residential element. I bear in mind that the 2019 updated FVA is essentially a valuation at a given point in time seeking to estimate future returns and costs over a long timescale. However, I am not satisfied that the values inserted in the 2019 updated FVA are truly representative. These, and other factors, are matters which the Council may wish to investigate further if the development proceeds.

14.74 At this moment in time however, it would serve no purpose to engage in a fact-finding exercise in relation to the variables. I say this because even if the 2019 adjusted variables are not accepted, or the GDV of the hotel and golf complex is adjusted, these adjustments would not be determinative on the question of viability. Even with a question mark over the golf course valuation, I am satisfied that the more favourable 2017 scenarios still indicated that the project is not viable and as such it cannot afford to make any contribution to the affordable housing element. That was the position put before the Council in 2017. On the Applicant's analysis it has since worsened.

14.75 On the basis of the above I accept that the Applicant has demonstrated that the scheme cannot currently afford to bear the costs of affordable housing provision. Such a finding begs the question as to why the Applicant Company has chosen to proceed or why would any developer wish to develop out the project? The answer lies in the evidence of Mr Knight and the Company's chairman. They believe that viability would improve over the lifetime of the development and the scheme would show a positive balance sheet at some point in the future. I accept this as a proposition which means that reviews into viability at future points are crucial. [7.122,]

14.76 There then remains the question of the review mechanism and the weight to be accorded to the Applicant's current offer of 10% provision of affordable housing. The review mechanism within the s106 agreement contains a commitment to submit revised viability assessments at three different points in the lifetime of the development. At any of those points, if viability improves and the scheme can afford it, then additional affordable housing would be provided up to 35% provision across the development and after taking into account the existing commitments.

14.77 The mechanism was discussed in detail at the Inquiry. The first viability appraisal would be before occupation of 275 dwellings; the second viability assessment would be the earlier of the first reserved matters application following conclusion of the Ryder Cup or 12 months after the Ryder Cup; and the third viability appraisal update would be before occupation of 850 residential units. Given that the Applicant's own witness[338] accepted the likelihood of the Ryder Cup placing a premium on the value of some of the housing, it is important to revisit viability after the Ryder Cup event. I am satisfied that the

[338] Mr Nesbitt during the viability roundtable session

three trigger points for review would offer adequate opportunities to revisit the question of viability and optimise the likelihood of securing affordable housing.

14.78 The 10% offer of affordable housing: The Applicant's current commitment is to provide 10% affordable housing in the form of discounted market units for sale, defined as a resident unit sold at a discount of at least 20% below open market value. The cost of this was included in the 2019 FVA, put at £3.95m.

14.79 The s106 goes on to provide an opportunity for the Secretary of State to recommend another form of tenure or, if the Secretary of State makes no such recommendation, for the Council to specify which tenure it prefers. These provisions are subject to a caveat that if a different form of tenure is selected than the overall cost of affordable housing provision to the owner shall not increase and the quantum of provision would be adjusted downwards. Provision in accordance with policy aspirations would mean that any affordable housing should be 75% social rented housing and 25% intermediate housing. Since provision of these tenures is widely acknowledged to be more expensive than the provision of discounted market housing, the quantum of 10% provision would be adjusted downwards to a point where the cost of the new tenure split equated to some £3.95m. [7.118-7.121]

14.80 To assess the value of this offer it is necessary to look at local circumstances and the prevailing need in the Borough. The Strategic Housing Market Assessment (SHMAA) dated 2008[339] formed part of the evidence base underpinning the CS and CS policy SC1. It points to a greater need of social rented housing. The Council's Affordable Housing Supplementary Planning Document, adopted in 2013, refers to more up to date evidence in the Housing Market and Needs Strategy of 2011 which evidenced a continuing shortage of affordable housing and a need for the delivery of 377 new affordable units per annum[340].

14.81 On behalf of the Council, Ms Lancaster confirms that the latest Housing Needs Assessment (HNA) dated March 2016, indicated a Borough-wide net annual imbalance of 1235 affordable units based on an assessment of the need for social housing[341]. The HNA identifies that the greatest need was for social rented homes (65%) followed by intermediate tenure products (35%). The Council confirmed that this need would not be addressed by the discounted sale products proposed by the Applicant[342].

14.82 The Council's Growth and Regeneration Manager has expressed the view that whilst 20% discounted market sale units are a help, they do not address affordability issues as well as "*more traditional products like shared ownership or truly affordable housing products as it doesn't allow for staircasing*".[343] In his closing submissions Mr Dale-Harris confirmed the Council's preference for 65% social/affordable rented housing and 35% intermediate tenure and that such a split should carry more weight in the planning balance. [8.65, 7.123]

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[339] CD 12.3
[340] ¶2.7 SPD CD 11.7
[341] Ms Lancaster Proof of Evidence 8.69
[342] Ibid ¶8.74
[343] Appendix 2 to Ms Lancaster Proof of Evidence

14.83 Affordable Housing Concluding Comments: I have set out my finding that the proposal cannot support the provision of any affordable housing. It has therefore satisfied policy requirements which expect evidence to demonstrate such matters. The offer of 10% provision can more accurately be described as a capital sum of £3.95m towards any type of affordable housing given the review mechanism and power for the Secretary of State to elect the type of provision. Provision of 65% social rented and 35% intermediate housing would comply with policy expectations and more importantly would meet the needs of the local population. Provision of discounted sale units (discounted by 20%), on a prestige development with potentially rising market values, would do little in my view to address the affordable housing issues in the Borough. As such the provision of the 65%/35% tenures would attract more weight than any offer of discounted market sale housing.

14.84 The provision of 10% affordable housing on a discounted sale basis would equate to around 100 units in numerical terms. If the same money was instead used to provide social rented/intermediate housing I acknowledge that such provision would be materially less than the 10% of all housing in numerical terms. I have expressed a strong preference for a policy compliant tenure split. If the Secretary of State takes the same view, then I would recommend that he provides a clear indication.

14.85 As to the weight which such affordable housing would attract, I would attribute moderate weight to the provision of social rented/intermediate affordable housing. I accept that it is beyond policy requirements or 'policy plus' and that it would meet identified affordable housing needs, but it is likely to be somewhat less than the 100 units which would be provided if discounted market value housing were to be preferred. I shall proceed on the basis that the affordable housing provision is for the policy compliant tenure split and shall ascribe moderate weight to it in the planning balance.

14.86 To be absolutely clear, in circumstances where 100 discounted units were provided on a policy-plus basis, I would attribute only limited weight to such provision given that it would not address true affordability issues in the Borough. I also bear in mind that a 65%/35% tenure split (subject to the £3.95m cap) would be a minimum provision and that the opportunity would exist for the further provision of affordable housing if viability improved over the lifetime of the development.

***Market Housing-assessment of benefits***

14.87 The market housing proposed would be provided in Green Belt and I make a full assessment as to its effects on the Green Belt in due course. This section of the Report deals simply with the context in which the market housing would be provided and any benefits of it, as well as considering whether this aspect of the proposal would be in conformity with the development plan.

14.88 CS policy OA4 relates to West Bolton and confirms that the Council will concentrate sites for new development within the existing urban area and will maintain current Green Belt boundaries, as well as conserving and enhancing the character of the existing physical environment, especially the historic registered Hulton Park. The appeal site is not an allocated housing site.

14.89 The Housing SoCG[344] set out the matters agreed between all three main parties. It records the change in the 5YHLS position since the Council considered the proposal and recommended approval. CS policy SC1 requires the Council to identify a range of housing sites for additional provision of 694 dwellings per annum between 2008 and 2026. The latest Annual Monitoring Report (AMR) indicates that there is a requirement for at least 4,986 dwellings, as against a deliverable supply of 3,652 dwellings, giving a current shortfall equivalent to a supply of around 3.7 years. This Applicant and Council characterise this as a significant shortfall whilst HEART considers it to be moderate[345]. [7.110, 8.47-8.48]

14.90 I note that HEART alight upon the fact that there have been recent approvals at appeal which are not included in the AMR. However, the AMR is essentially a snapshot at a point in time and one cannot expect the Council to continuously update it throughout the course of the following year. I am satisfied that the latest AMR provides a robust estimation of the position based on the 2017/2018 report which was published in January 2019[346]. The current 5YHLS is somewhere between 3.5 and 3.7 years. That is a little over a 25% reduction in the supply of land which should be available for housing development as a minimum. The deficit is around 1,300 homes.

14.91 The Supplementary Housing SoCG[347] records further agreements between the Council and Applicant only. They are agreed that the residential development would make an important contribution towards meeting housing needs both in terms of quantity and quality, in the short and medium terms and particularly over the longer term[348]. They are further agreed that, notwithstanding the Green Belt designation, the relevant parts of the site are suitable for housing and would be delivered alongside a package of necessary supporting infrastructure[349]. I am satisfied that the housing would be in a location close to services and public transport options and therefore in a sustainable location [7.109]

14.92 Differences between the parties relate to the rate of delivery of the housing and its ability to contribute to the 5YHLS and the weight to be attributed to the provision of market housing.

14.93 Concluding Comments on market housing: the existing housing stock in the borough is skewed towards terraced housing and policy SC1 acknowledges the need for almost half of all new homes to be 3 bedrooms or larger. Whilst the residential development is in outline only at this stage, the proposal is predicated[350] upon delivery of family market housing with 28% of houses being 3 bedrooms and some 45% being 4 bedrooms[351]. As such, the development

[344] CD 13.9
[345] Ibid ¶2.8
[346] CD 12.5
[347] CD13.17
[348] Principal SoCG ¶8.12
[349] Ibid ¶8.13 second bullet
[350] The mix underpins the viability assessment, informed the Illustrative Masterplan layout and the Parameters Plan
[351] Mr Bell table 10.3- Indicative housing mix

would be likely to contribute towards the objective of diversifying the existing housing stock and would provide market housing of a type in demand. [7.113]

14.94 The Applicant's first estimate[352] was that some 200 dwellings would be provided during the five-year supply period. A more realistic assessment was agreed between the Council and Applicant at 115[353] homes in the current five-year period. This is dependent upon the site being selected as a Ryder Cup destination in the summer of 2020 with the first phases of residential development commencing in 2021 and a set of other assumptions in relation to timings. Any delay to any element of the process could potentially reduce the contribution towards 5YHLS to nil. To that end I prefer the evidence of Ms Lancaster in terms of her assessment of the likely delivery of housing and her analysis of the robustness of the assumptions. I shall therefore proceed on the basis that the proposal could potentially contribute somewhere between nil and 115 homes in the first five years. I consider this to be a modest potential contribution attracting only limited weight. [8.49]

14.95 The first draft GMSF included the Western Fields, the location of the housing element of this proposal, within Green Belt allocated for release to housing. That has now been removed and the longer-term requirements in terms of housing in Bolton are somewhat uncertain, given that it will be determined by the revised GMSF which is at an early stage. The proposal includes housing on an unallocated site and the housing element of the proposal is contrary to CS policy OA4. The Council accepts that the CS predates the 2012 Framework and that policies for the supply of housing (including SC1 and the first bullet point to OA4) are out of date and should be given limited weight. I agree that such policies are out of date and accordingly I attribute limited weight to the harm caused by the proposal being contrary to policy OA4 in terms of the location of new housing.

14.96 Given the scale of housing on the site it is axiomatic that it has the potential to make a significant contribution towards meeting any future housing needs of the people of Bolton over the longer period, whatever they may be. As such I attribute some weight to the provision of quality family market housing over the longer-term. I have tempered the weight given to this matter because of the uncertainty regarding longer-term requirements.

14.97 Ms Copley on behalf of HEART made further points regarding the ongoing negotiations between the GMCA and MHCLG regarding its Housing Deal. In particular, she raised concerns over Green Belt releases to meet housing projections. The development could account for 7.5% of the housing requirement for the period 2016 to 2037 when delivered over the 20-year period[354]. Ms Copley contends that allowing the development would cause uncertainty in the existing local housing market, which uncertainty is antithetical to a plan-led system. [8.51, .52-.55]

14.98 The current deficit within the existing 5YHLS is around 1,300 homes, some 5% of the total existing 5YHLS. This provides some idea as to the order of the deficit when compared with the quantum of the housing proposed (1,000

[352] Mr Bell Proof of Evidence ¶10.27 and the Supplemental ES CE07b
[353] Supplemental Housing SoCG
[354] Mr Bell PoE ¶12.58

homes). The concept of maintaining an adequate supply of housing within a plan-led system is a firmly established principle. When that plan-led system fails to deliver the requisite amount of housing, then corrective action is required, hence the imposition of 20% buffers[355] and the footnote 7 provisions decreeing that in the absence of a five-year supply of deliverable sites then policies should be considered out-of-date. If the Secretary of State concludes that approval of the proposal is the appropriate decision, I am satisfied that such a decision would be in accordance with the plan-led system, its inherent safeguards and the application of Framework policies.

14.99 Neither do I believe that any grant of planning permission for housing on the Site would distort the local housing market or have a chilling effect as alleged. Such a decision would be made in the context of a housing market which is currently failing to deliver the required number of homes for Bolton.

14.100 Finally, Mr Wood, a chartered engineer and local resident, conducted his own analysis regarding delivery of the housing and staging of the Ryder Cup[356]. In short, his point was that delivery of the housing is planned in phases[357]. Mr Woods points out that the need to retain approximately half of the Western Fields as undeveloped land to enable staging of the Ryder Cup would adversely impact housing delivery or the need to deliver the housing in line with the planned trajectory would adversely impact upon delivery of the Ryder Cup.

14.101 The proposed residential development has been split into six parcels or character areas[358]. Parcels 1 to 4 relate to the housing on the Western Fields. Parcels 5 and 6 relate to the housing on Dearden's Farm and Park End Farm which would be built out first, delivering a combined total of 277 houses. The northern parcels (1 and part of 2) can be built before the staging of the Ryder Cup. In the 2030 Ryder Cup scenario, a further 280 houses would be built on the Western Fields north site (parcel 1) by 2029/2030. The Ryder Cup would then use the rest of the Western Fields to stage the 2030 event.

14.102 Mr Wood's analysis moves onto the 2034 scenario. He demonstrates that the trajectory is such that in his view, in order to achieve the target of 691 houses by 2033/34, development would have to occur on the remaining parcels. This would result in only 20.8 hectares of undeveloped land remaining which is less than the 22.5 hectares advised as necessary. I accept entirely Mr Wood's analysis but make two points. Firstly, the development is predicated on the Ryder Cup bid and its minimum requirements. If the 2034 bid proceeds, then whatever land is required for staging would have to be reserved as such. Secondly, if the effect of this is that there is a hiatus in the middle of the 20-year development programme (2021 to 2041), this is not material to my decision making. I say this because the hiatus would occur outside the immediate 5YHLS period, which I have considered earlier, and it would not affect the overall quantum of housing contributing towards the longer-term

[355] Framework ¶73(c)
[356] Inquiry document 18
[357] See Appendix 6 to PoE Mr Stephen Bell- housing trajectory.
[358] See plan at page 15 of PoE of Mr Stephen Bell

***Biodiversity-assessment of benefits***

14.103 The application site contains four locally designated Sites of Biological Interest (SBIs): Mill Dam Wood, Hulton Park, New Park Wood and Carr Brook Mere and it contains several lakes which are silted up to varying degrees. The proposal includes a de-silting operation of the central lakes, designed to remove some 58,000 cubic metres of material.

14.104 The planning application is supported by a suite of documents setting out ecological measures and arboricultural proposals[359]. The updated Interim Landscape and Habitat Management Plan[360] (ILHMP) sets out management arrangements for existing habitat and newly created habitats, corridors and greenspaces. These matters are secured for each phase by obligations within the s106 agreement[361]. The parties are agreed that a Construction Environmental Management Plan[362] (CEMP) would be provided pursuant to a planning condition. Other measures are included in the Lighting Strategy[363] and the Outline Lake Desilting and Restoration Plan[364]. [8.61]

14.105 A further Updated Biodiversity Impact Assessment[365] was undertaken following a series of amendments and additions to the scheme since the date that the application was considered by the Council. The Applicant has also submitted a Supplemental Environment Statement which assesses the likely significant effects under the 2030 and 2034 Ryder Cup scenarios. Essentially the changes have resulted in a significant uplift to biodiversity gains- from 3.53% to 15.23%. This is attributable to a series of measures, one of which was the provision of the Gorse Wood woodland planting scheme[366] designed to deliver 5.36 hectares of off-site woodland. [8.62]

14.106 The s106 agreement as originally drafted contained provision for the Applicant to elect to provide either off-site woodland planting on land adjacent to the site or to pay a commuted sum to the Council to deliver off-site woodland itself. Following discussions at the Inquiry the agreement was changed to secure the provision of the off-site planting on a site immediately adjacent to the application site. This removes the possibility of the Council being asked to find land to provide such planting which could be located away from the site. It also removes the uncertainty associated with such a process.

14.107 Evidence from the Applicant's Ecologist, Mr Hesketh, was largely unchallenged. The RPG is currently unmanaged and consequently its ecological value is on the decline and would decline further in the absence of proactive management measures due to the presence of invasive species and grazing on the site[367]. The proposal would result in the enhancement of woodlands on site which are locally designated SBIs, with a number of these experiencing a

[359] Listed in ¶2.0 of the SoCG
[360] CD 07a.6
[361] Schedule 4
[362] Outline CEMP at CD 07a.5
[363] CD 07b.5.3
[364] CD 06c.5.12
[365] At Annex A to the Ecological SoCG
[366] CD 06c.5.10
[367] Mr Hesketh PoE ¶9.37

material uplift in value. Whilst there would be initial harm due to the construction works, the totality of the proposal would result in significant biodiversity improvements. [7.97-7.98,

14.108 Management of the semi-ancient woodland on site would reduce trespass and improve their value as ecological assets. The removal of 251 trees is associated with the development of the golf-course, but the proposal involves the planting of over 3,400 additional specimen trees in numerical terms (a net effect of +3,226nr). When this is viewed in terms of the quality of trees, lost and replaced, the adjusted loss is some 532 trees with the net effect at +2,945nr.[368]

14.109 During the consultation phase the Council's Tree and Wildlife Officer commented that there were existing tree losses due to lack of management and the proposal would have a short/medium-term adverse effect on some species which would be outweighed by other benefits. The Officer classified those benefits as; the inclusion of far rough and grassland management regime leading to additional colonisation of flora and fauna; compensatory tree planting in Gorse Wood SBI and enhanced woodland management; management of the golf course to provide biodiversity benefits and the management of retained habitat.

14.110 The Woodland Trust and Ancient Tree Forum[369] strongly objected to the proposal citing the degradation of the RPG landscape and unacceptable tree loss. They claimed that the Arboricultural Impact Assessment underestimated the current value of mature and veteran trees on the site and the quality of woodland and wood pasture habitat. The Applicant's Ecologists (TEP) responded fully to the criticisms[370]. The Woodland Trust's letter[371] of 6 June 2019 sought to row back on some of its earlier criticisms. They accepted that their previous estimate of veteran trees on site was probably a significant overestimate but that they were not entirely convinced that some of the woods on site are not areas of potentially unmapped ancient woodland.

14.111 Natural England have confirmed that there is not enough evidence to indicate that the woods on site are older than 18th century plantations. This is now accepted by The Woodland Trust. None of the three confirmed veteran trees on the site would be lost and ancient woodland within the site boundary would be protected in accordance with 'Standing Advice' and having regard to the IHLMP. [8.63] I am satisfied that a full assessment has been carried out in relation to existing trees and woodland areas. The proposal is accepted by Natural England and has been audited by the GMEU on behalf of the Council. GMEU is the specialist unit providing ecology advice to a consortium of ten district Councils.

14.112 The Ecological and Arboricultural SoCG[372] contains agreements between the Applicant and the GMEU. As indicated, the SoCG records an overall enhancement of 15.32% in the biodiversity metric of the site. Mr Hesketh

[368] Tables 4 & 5 Mr Hesketh Proof of Evidence
[369] Appendix A within Appendix E of the PoE of Mr Hesketh
[370] Appendix E to PoE of Mr Hesketh
[371] Inquiry document 27
[372] CD 13.11

confirmed that this was a very substantial net gain in terms of a development but attributed this to the size and nature of the site. HEART contends that a large element of the gain would be attributable to the grassland management regime and in particular the 'Far Rough' component of the golf course which would be harmful in heritage terms. The effect upon heritage assets will be assessed separately. It does not detract from the overall biodiversity benefits of the scheme, rather it is another element to place in the weighing scales. [7.95, 8.61, 9.86]

14.113 Natural England did not object to the proposal. In terms of protected species and the Habitats Regulations, Mr Hesketh confirmed that there was no reason to believe that the requisite licences would not be obtained from Natural England. In the event that the SoS considers it right to grant planning permission, I am satisfied that: the activities which would need to be licenced would be for imperative reasons of overriding public interest; there are no satisfactory alternatives in planning terms and Mr Hesketh confirmed that the least damaging alternative had been selected in ecological terms; finally favourable conservation status would be maintained and this is addressed in the ES. [8.63]

14.114 The Council suggested that moderate weight should be given to the biodiversity benefits. HEART accepts that the net biodiversity gains are of a high degree. I accept that they are by no means guaranteed but the figures have been validated by the GMEU experts and they contain a discount to allow for some habitats being difficult to establish[373].

14.115 Concluding comments on biodiversity gains: I am satisfied that there would be substantial benefits in relation to the diversification of the ecological features and habitats on the site. Given the size of the site and its parkland nature and the quantum of trees and woodland, it is not surprising that the net gain figures are of a high order. In addition, I bear in mind that the ecological value of the site is declining, and the proposal would secure its ongoing maintenance. These are important material considerations and I accord them substantial weight. As a result of these conclusions it follows that the proposal is in accordance with CS policy CG1.1 which seeks to ensure that the borough is protected from proposals which adversity affect biodiversity. It also contributes to the strategic policy objectives within the Framework which promote improvements in biodiversity within the development process.

***Highways***

14.116 A great many residents, and others, expressed concerns about the existing levels of congestion on the local and strategic highway networks surrounding the site and the ability of those networks to cope with the additional traffic generated by the proposal. The Applicant contends that the package of measures associated with the development would mean that the proposal would not only address its own impacts but would also provide additional benefits in terms of a reduction in congestion. All these matters were explored at a Highways roundtable session attended by the Applicant's highways expert, Mr Eggleston, and the Council's Highways Engineer, Mr

[373] Mr Hesketh under cross-examination referred to a difficulty rating of 1.5, dividing the values by 1.5 so as to '*factor in insurance that you won't always get what you plan for'*.

Johnson. Members of the public also attended and made points and asked questions of the experts. [7.108, 8.57-8.58]

14.117 The question of any benefits of the proposal in highway terms and the mitigation package on the highway network is inextricably linked to the overall impact of the proposal on the local roads. In this section therefore I shall examine all aspects of the impacts upon various sections of the highway network. Before doing so, I confirm that before, during and after the Inquiry sessions I have had the opportunity of travelling on the local and strategic highway networks several times and I am familiar with the local area.

14.118 The application was accompanied by a full Transport Assessment (TA)[374]and plans showing various highways mitigation schemes at key junctions[375]. The scope of the assessments was agreed by both the Council, as local highways authority, and by Highways England (HE) in relation to the wider strategic road network. Traffic surveys were conducted to examine existing traffic flows and the existing peak hour flows and junction capacities were agreed. Finally, the TA was considered by both consultees who raised questions and issues resulting in further information being provided and revisions to the measures. Eventually the highways authorities arrived at a point where they were satisfied with the mitigation measures proposed.

14.119 A comprehensive Highways SoCG sets out the agreed position between the Applicant, the Council and HE[376]. It contains agreements relating to the existing baseline in terms of traffic conditions, accessibility of the site, traffic forecasts and the impacts of the full development on both the local road network and the strategic road network, with separate consideration given to the impacts of the Ryder Cup.

14.120 Many residents expressed concerns that a number of existing, large developments had been granted planning permission and when built, they would have a further deleterious effect upon the highway network. As is usual in such assessments, the projections take account of the traffic generated from those developments which have gained planning permissions (committed development)[377] when looking at traffic impacts in future years. Having regard to the TA and the evidence I am satisfied that a robust assessment has been carried out.

14.121 Accessibility of the site: the site is located close to the M61 and wider motorway network. It is served by a wide range of existing transport services, including bus and rail services. There are two railway stations some 500 metres of Hulton Park and two further rail stations a little further away. The Site itself is criss-crossed by a network of Public Rights of Way (PRoWs). The Site therefore has excellent public transport links and good connectivity to the wider highway network and to other shops, services, schools and local employment opportunities. As such it is in an accessible location.

[374] CD 05a.11
[375] CD 05a.22.2 to CD 05a.22.6
[376] CD 13.12
[377] Inquiry Document- Plan B

14.122 The Proposal: The existing access to Hulton Park is via a main entrance gate on Newbrook Road. The proposal would retain this access but only for ceremonial use during golf tournaments and this would be secured by condition. Access to the clubhouse and hotel would be via the entrance from the A6. Access onto the proposed residential areas would be from the A6 Manchester Road to serve the housing on Dearden's Farm and from Woodland Drive and Broadway to serve Park End Farm. The largest parcel of housing, located on the 'Western Fields', would be accessed via the A6 Manchester Road and via an additional access to the proposed new Platt Lane-Chequerbent Roundabout link road.

14.123 Whilst a design for the link road has been worked up, approval for it is not sought as part of this application since the Council may pursue an alternative arrangement as part of improvements to the wider Strategic Road Network in the area[378]. As such the principle of access from the west must be considered as part of this application, but the details would be reserved for further consideration[379]. The access arrangements have all been subject to traffic capacity assessments which indicate that they would operate within capacity, subject to mitigation measures in some cases. The TA contains agreed existing peak hour traffic flows and theoretical capacities. Thereafter the impact of the proposal in terms of traffic generated and its addition to existing flows has been modelled.

14.124 Proposed Mitigation Measures: The main measure proposed is the construction of a new link road between the Chequerbent roundabout and Platt Lane, serviced by the enlargement of an existing minor arm to the roundabout. At the southern end of the new link road there would be a new roundabout leading onto the residential Western Fields part of the development. The link road would then continue southwards to connect to the northern section of Platt Lane via a priority junction.

14.125 The link road would either be delivered as an integral part of the Council's Westhoughton Bypass scheme or as a shorter section as part of this proposal. Other mitigation measures comprise junction improvements as follows: at junction 5 of the M61, at the junction of Park Road and Leigh Road and at the Four Lane Ends crossroads[380]. Apart from the link road, all the other mitigation measures are secured by condition[381].

14.126 The Chequerbent roundabout is currently over-capacity, especially in the evening peak hour. Around 4000 vehicles enter the Chequerbent junction during the AM and PM peaks [382] resulting in significant queuing, particularly on Snydale Way. Surveyed queues were in the order of around 200 vehicles. The PM peak two-way flow along the A58 Snydale Way is some 2,770 vehicles. In the PM peak hour traffic is funnelled off the roundabout onto Park Road and due to the large volume of vehicles, it backs up, with traffic queuing back to the

[378] Namely the provision of the Westhoughton bypass which potentially forms part of a wider scheme between M61/J5 and M6/J6 across Bolton and Wigan- ¶4.2.4 Principal SoCG and ¶6.66
[379] See Parameters Plan CD 06b.8
[380] A traffic signal-controlled junction of A6 Manchester Road with the A579 Newbrook Road.
[381] Proposed condition 16
[382] TA Table 4.3

roundabout, sometimes around the roundabout and onto Snydale Way back to the M61.

14.127 The link road would connect into an existing arm off the Chequerbent roundabout which would be enlarged, and the circulatory system would be reconfigured. This would alleviate some of the pressure on Park Road. It is this link road which would provide access firstly to the Ryder Cup spectators and later, to residents of a large portion of the housing proposed on the Western Fields. The traffic generated by these two scenarios and its' impact on the network has been modelled. For the full development the additional traffic was calculated and then distributed across the network and its impact upon key junctions considered with committed developments factored in[383]. In addition, the highways effects of the phase 1 development were estimated given that this development would be built prior to the link road. The impacts of the Ryder Cup were also assessed separately.

14.128 The analysis shows that the baseline plus committed development would result in a worsening in the operation of the Chequerbent roundabout. When the Hulton Park development and attendant link road are factored in, the analysis demonstrates that queueing lengths and delays are generally reduced and are reduced significantly on several arms in the PM peak. The introduction of the link road would therefore represent a significant benefit in terms of the operation of the roundabout due to its more efficient operation and the distribution of traffic across the various arms. This is accepted by AECOM, the Council's independent highways consultants. [7.105, 8.58]

14.129 Some of the earlier phases of development would be delivered before the link road and an assessment has been done of the effects of this development. The additional phase 1 traffic would result in increased queueing and delays at the roundabout. Therefore, consideration was given to a partial implementation of the mitigation scheme[384] to ameliorate the effects of the phase 1 development. With this partial mitigation scheme in place there would be some benefits in the operation of the roundabout which would continue to operate above capacity. In other words, the scenario involving the baseline plus committed development plus phase 1 and partial mitigation would represent a slightly better position than just the baseline plus committed development[385]. I accept this analysis.

14.130 During the roundtable session members of the public raised concerns about the effects of the new link road and the distribution of traffic on the Platt Lane junction with Park Road. Others were concerned about the traffic joining Park Road from the side roads and the queues on Park Road to and from the roundabout. The tables at H26/4 and H26/5[386] set out the picture of the existing baseline position with the committed developments included and secondly the existing baseline with committed developments and Hulton Park development without mitigation.

[383] Table 7.1 Chequerbent roundabout capacity analysis results
[384] Being the improvement works to the roundabout only
[385] TA Table 7.12
[386] In the appendices to the Highways SoCG

14.131 In the baseline plus committed development scenario, Park Road and Leigh Road are operating above capacity in the PM peak and this would worsen with the Hulton Park development adding to queueing times. When the mitigation measures are factored in, with all committed development, and the Hulton Park development, the levels of saturation are still high in the PM peak, but they are marginally better and queueing times are projected to reduce. This is attributable to the redistribution of the traffic on the network and the operation of the roundabout. Mr Eggleston explained that the link road is a shorter and faster route, so traffic would transfer to the link road more quickly thus reducing flows and reducing the blocking back to the junction on Platt Road. I accept the modelling and its underlying premises in relation to this matter.

14.132 There was a debate at the Inquiry as to how any benefits of the link road should be viewed in terms of the planning balance in this application. This is because the link road in these mitigation measures would potentially form part of the Westhoughton Bypass Scheme which itself is part of a wider strategic network scheme for which the Council and Wigan Council have jointly applied for granting HIF grant[387]. The amount requested by the Council is some £38m for its part of the bypass scheme. If the bid is successful, then it is a requirement of the process that the monies are spent by 2023. The contribution of £4.92m from this development would bridge the Council's funding gap in relation to its part of the scheme. [7.107]

14.133 HEART contends that if planning permission is refused for this scheme it would throw the HIF bid into doubt because the bid is reliant upon the s106 contribution to close its funding gap. Whilst the Applicant contends that the contribution towards the wider scheme would effectively be a benefit of this proposal, HEART asserts that that is only because the Council has put itself in a position whereby an important public project is reliant on s106 contributions. [9.87] The Council contends that the development's contribution to delivery of the link road is one of "moderate benefit". The Applicant avers that the enhancement of the motorway network, the reduction in congestion and waiting times is a "very powerful and weighty public benefit". [7.108]

14.134 The Council helpfully prepared a note for the Inquiry setting out the current position on the HIF bid[388]. This should be read in conjunction with the Council's Committee Report of January 2019[389]. The total cost of the HIF bid across the two Councils is some £131m with the Westhoughton Bypass scheme comprising one element at a cost of £38m. The bidding process is somewhat protracted, and the Council has just moved to stage 2 which requires the business case to be further developed. The note to the Inquiry states in no uncertain terms that, without this contribution, there would be a shortfall in funding, which could prevent delivery of the HIF scheme.[390]

14.135 The scheme is linear in nature, so every section of the link is necessary. The committee report of January 2019 sets out the finance case as relying upon the following elements contributing to a total cost of £220m:

[387] Housing Infrastructure Fund
[388] Inquiry Document 51
[389] CD 12.64
[390] Inquiry document 51 ¶5

- HIF £131m
- Wigan £19.3m
- Private sector/section 106 £38.476m
- Other public £30.594m

14.136 Given the scale and nature of the whole road scheme, I find it somewhat surprising that the delivery of one link would be jeopardised if planning permission was not granted for this development and the s106 contribution was not forthcoming. Be that as it may, if planning permission is granted in this case and the contribution made, I accept it would make some contribution towards easing congestion on the road network as set out above. In the absence of the appeal scheme coming forward, I further accept that there is a question mark over delivery of this link and the benefits which would accrue. I therefore accord moderate weight to the contributions towards highway improvements having regard to the circumstances and the magnitude of the net improvements.

14.137 Junction 5 of the M61: some residents gave evidence that they had experienced queueing on the M61 junction 5 slip road back to Four Lane Ends. The mitigation measures proposed include the widening of the A58 Snydale Way[391]. The scheme would increase flow such that the junction would operate within capacity when the development traffic is factored in.

14.138 The TA also looked at the merge and diverge provision at junction 5 and concluded that at 2027, the eastbound merge and diverge provision would accommodate the existing forecasts. The westbound merge and diverge provision at this junction would not meet theoretical requirements at opening year or at 2027. Importantly the inclusion of the development generated traffic does not change this position. HE has accepted that no improvements are needed to the slip roads and the impacts of the proposed development would not be severe on the operation of this junction. I have seen no evidence to counter any of these projections.

14.139 Four-Lane Ends: this junction was remodelled in June 2019 as part of the mitigation measures included in a planning approval for residential development at Logistics North. Residents were concerned that the arrangements for a left-hand turning lane on the westbound A6 at the signals would be reinstated as part of the mitigation measures[392] for this proposal which would essentially revert matters to their previous position. The Applicant's expert confirmed that this was because the traffic flows further east would be increased as a result of the current proposal.

14.140 The Council further confirmed that it was part of the overall highway improvements and they were satisfied that the southern arm should return to its previous configuration because of the improvements on the southern approach and better operation of the network. The mitigation scheme has been subject to an independent Stage 1 Road Safety Audit and the recommendations which came out of that audit have been adopted. The Council's Highways

[391] Highways SoCG Appendix H35
[392] Appendix H28 Highways SoCG

Expert is satisfied with the measures. I accept that the proposed mitigation works would offset the effects of additional traffic generated by the proposal.

14.141 Impacts of The Ryder Cup Event: the Ryder Cup event would last for seven days, with three days of competition when an estimated 70,000 spectators would attend on each day of the competition. A temporary car park would provide some 3000 car parking spaces on the Western Fields. It is anticipated that up to 50,000 people would use Park and Ride facilities with a further 7000 spectators travelling by train. An Interim Event and Travel Management Plan (IETMP) accompanied the planning application and included details of the staging of the event and traffic management proposals[393]. The staging plan indicates that areas of parking for the tournament would be located on the southern portion of the Western Fields with the spectator entrance located off the new link road providing access to a bus terminal and car parking areas.

14.142 It is anticipated that during the event a traffic control and management strategy would direct vehicular traffic to the course via junction 5 of the M61, Snydale Way, Chequerbent roundabout and the new link road. Temporary traffic control measures would be utilised to control long queues at peak times. Table 10.2 in the TA provides a summary of the two-way Ryder Cup traffic generation. It estimates some 1200 cars, 144 coaches and 372 park and ride buses in the AM and PM peak hours. Mr Woods calculated that this would entail a coach movement every 4.1 seconds and what he described as a huge amount of conflicting movements.

14.143 I am informed that the competition event would occur over a weekend (Friday to Sunday). The Applicant's expert indicated that it is usual to instigate temporary one-way systems on local roads and that local emergency services would be involved in forward planning measures. I am satisfied that, subject to forward planning, there would be traffic management measures which could be deployed to manage the large numbers of attendees. The IETMP provides some idea as to how traffic would be managed through the three days of competition and the four practice days. It provides a reasonable basis upon which a future management plan could be based. The control measures would be temporary and akin to other measures used for large events.

14.144 Concluding comments on Highway Matters: drawing together my findings above, I conclude that the package of measures secured by condition and the s106 agreement would be sufficient to address the additional traffic impact arising as a result of the proposal, including the holding of the Ryder Cup event. The introduction of the link road would significantly improve the operation of the Chequerbent roundabout when the proposed development and all committed development is taken into account. Without the appeal scheme coming forward there is a question mark over the delivery of the link road, and I have ascribed moderate weight to the contribution of the proposal towards highways improvements. [14.136]

14.145 Having regard to the above I conclude that the proposal is in conformity with CS policies P5 and S1 and AP policies P7AP.

[393] CD 07b.5.4

***Heritage Matters***

14.146 I have set out a description of the site and its surroundings in section 2 of this Report. The application was accompanied by a Landscape Character and Visual Impact Assessment (LVIA)[394]. The ES also contains a Cultural Heritage Impact Assessment (HIA)[395] and a Conservation Management Plan (CMP) comprising an Assessment of Heritage Significance and a Conservation Strategy[396]. Supporting documents include a report on Historic Structures: Condition/Repair Issues[397]. Relevant plans include a restoration plan and plans relating to the Dovecote[398]. The LVIA is supported by a series of figures and I also had the benefit of a 3D virtual reality animation series which was made available to all participants in the Inquiry and which I found to be most useful.

14.147 A series of experts gave evidence to the Inquiry. On behalf of the Applicant, Ms Knight gave evidence as to landscape effects and Mr Wikeley gave evidence about the historic landscape. The two key experts were Dr Miele, on behalf of the Applicant and Mr Gallagher, on behalf of HEART, who each gave evidence about heritage matters, one of the main issues in this application. The original HIA in the ES was completed by Mr De Figuereido for the Applicant and Dr Miele has adopted most of the conclusions, with some adjustments. Where there is any difference between the HIA and Dr Miele, I have taken the position of the Applicant to be that propounded by Dr Miele.

14.148 There is a SoCG relating to historic landscape matters between the Applicant and HEART.[399] A key dispute between the Applicant and HEART relates to the effect of the proposal upon heritage assets. In short, the Applicant identifies a significant net enhancement to the special interest of the RPG, whereas HEART contends that there would be substantial harm to the RPG in that the significance of the RPG would be drained away. Both parties are agreed that the proposed repairs to the Dovecote would constitute a beneficial effect, but Mr Gallagher believes that the setting of the Dovecote would be substantially altered, which in turn would harm its significance. The Council's position is that the development involves some aspects which would cause harm to the significance of the RPG and the Dovecote and many which would give rise to benefits, and that the benefits of the scheme in heritage terms outweigh the harms. [7.49-7.50, 8.39]

14.149 Law and policy: Within the application site there are two heritage assets, the Hulton Park grade II RPG and the grade II listed Dovecote. Outside the site, along the A6, residential properties at nos. 791 and 793 Manchester Road are also grade II listed. [7.21] The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when

[394] CD 05b.3, CD 05b.4 and CD06c.2 and Supplemental LVIA updated Landscape and Visual Assessment Tables at CD 07b.5.6 and CD 07b.2
[395] CD 05b.3, CD 06c.2 and CD 07b.2 and CD 07b.5.7
[396] CD 05a.8.1 and CD 05a.8.2
[397] CD 05a.9
[398] CD 05a.36, CD 05a.37, CD 05a.37.1 and CD 05a.37.2
[399] CD 13.10

considering whether to grant planning permission for development which affects the setting of a listed building.

14.150 The Framework explains that heritage assets range from sites of local historic value to those of highest significance and that assets should be conserved in a manner appropriate to their significance. Paragraph 192 is important in this appeal. It provides that when applications are determined account should be taken of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

14.151 The Framework confirms that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to categorise any harm to the significance of a heritage asset as either *'substantial harm to (or total loss of significance of) an asset*' or '*less than substantial harm to the significance of an asset'.* The planning balances in each case are different and are set out in paragraphs 195 and 196 of The Framework. I shall return to the heritage planning balance at the end of this assessment.

14.152 I have set out the policy principles in the Framework in some detail since they form the basis of my assessment. The adopted development plan is broadly consistent with the above national policy objectives. CS Policy OA4 sets out a requirement to "*conserve and enhance the character of the existing physical environment, especially...the historic registered Hulton Park*" and CS Policy CG3: promotes good design and seeks to conserve and enhance the heritage significance of heritage assets.

14.153 The PPG provides guidance on decision making and the historic environment. It deals with the importance of significance and how to assess it, before going to explain the concept of optimum viable use and harm to a heritage asset[400]. I am further assisted by two Good Practice Advice Notes[401] and other guidance issued by Historic England (HistE) and its predecessor, English Heritage.[402] Further guidance is to be found in The Gardens Trust publication[403]. I must finally mention, in particular, the two English Heritage publications in relation to Golf in Historic Landscapes[404], which, although a little dated and now archived (GPA2) and a research paper (GPA3), are still useful today.

[400] CD 11.6.5
[401] GPA 2-Managing Significance in Decision -Taking in the Historic Environment and GPA3-The Setting of Heritage Assets
[402] CD 11.14 to 11.20
[403] CD 11.21 The Planning System in England and the Protection of Historic Parks and Gardens
[404] CD 11.14 and CD 11.15

***Hulton Park-Assessment of Significance and Effects on Significance***

14.154 Introduction: The parties are agreed that Hulton Park is a designed landscape of acknowledged national importance. Its association with the Hulton family spanned several centuries but ended with the sale of the estate in 2010. During its ownership, the Hulton family oversaw the evolution and expansion of the estate. The late-18th and early-19th century saw key developments in terms of the design of the parkland estate by two respected landscape architects, William Emes and John Webb. The resultant estate was of significant scale and quality incorporating designed woodland, meadow and agricultural lands, large waterbodies, formal display gardens and architectural structures. This development was funded by coal-mining activities across the Hulton Park estate and the family were important local employers in the mining industry. It is emblematic of a time when the park and the family sat at the heart of social and political life.

14.155 The Hall was demolished in the 1950s and the site has suffered from a lack of maintenance over many years. Structures have become degraded and features obscured over time. Some of the woodland plantations, including the Pleasure Grounds have been colonised by rhododendron and other non-native invasive species. The walled kitchen garden is in a parlous state, having suffered from collapse or partial demolition. Similarly, the ha-ha has suffered partial collapse and the large waterbodies have become silted up and reduced in size. (Heritage SoCG)

14.156 In its consultation response The Gardens Trust[405] acknowledge that "*…currently there is no realistic strategy that will bring Hulton back to its former glory, and if nothing is done the Park will probably be lost entirely*". Importantly all parties acknowledge that intervention is necessary to secure a sustainable future for the RPG[406].

14.157 Other application site land outside and to the west of the RPG, includes the agricultural land referred to as the Western Fields totalling some 42 hectares. This land is crossed by a network of public footpaths, interspersed with blocks of woodland. It is bounded on its immediate west side by a former railway line, now used as a recreational footpath. The residential development would occupy the Western Fields, with two smaller parcels of residential development partly within the boundary of the RPG at Park End Farm, in the south-eastern corner, and Dearden's Farm in the north-eastern corner.

14.158 In conducting its landscape assessment, the Applicant divided the whole site up into ten distinct landscape character areas[407]. These were used to assess the heritage significance of the RPG and the effects upon significance. The approach was broadly endorsed by Mr Gallagher.

14.159 Significance: All parties agree that a key aspect of the special interest of the RPG is derived from the landscape designs of Emes and Webb. In particular, the water features, the pleasure grounds, the walled Kitchen Garden, the parkland and the associated woodlands combine to create a special created

[405] CD 09.1 Statutory Consultee Responses page 276 letter dated 14 July 2017
[406] SoCG ¶2.6
[407] CD 05b.4.8

landscape of significant quality. The Conservation Management Plan (CMP)[408] divides the RPG into eight heritage 'character areas' for the assessment, namely: The Park; Pleasure Grounds and Woodland; Mill Dam Wood and Lake; North Meadows; West of House; New Park Wood and Fields; Park End Farm; and Dearden's Farm.

14.160 Each of the heritage character areas exhibit distinct character traits which combine to give the RPG its significance. However, not all areas make an equal contribution towards significance. At the heart of the estate is The Park and the Pleasure Grounds and Woodlands which are of considerable significance. This is because these features surrounded the old Hall and they were the areas developed for social and recreational purposes as well as facilitating the running of the Hall. These are the elements most closely associated with the works of Emes and Webb.

14.161 The landscape was designed for the Hulton family, to promote their social standing, enhance and service the family Hall and to create a parkland setting of interest and beauty. The association of the RPG with the Hulton family, and the industrialisation of the land in terms of mineral and coal extraction, also contributes to significance. The tragic Pretoria Mining disaster on the site is significant because of the loss of life, making it one of the worst pit tragedies in the history of coal mining in this country. The memorial erected is testament to this, but the memorial and its immediate setting has been eroded due to the encroachment of nearby housing along Broadway.

14.162 Mr Gallagher contends that the survival of the farm buildings and complexes at Home Farm, Dearden's Farm and Park End were the functional elements through which management of the agricultural elements of the designed parkland was realised. As a consequence, he contends they are of some significance. Dr Miele agrees with the HIA that the Park End Farm and Dearden's Farm character areas are of low significance.

14.163 I do not accept that there is a demonstrable visual connection between the core of the RPG and its parkland and (i) Park End Farm towards the edge of the RPG and (ii) with Dearden's Farm, as contended by Mr Gallagher. Park End Farm operates as an enclosed, separate unit with limited physical connectivity to the wider RPG. The farmsteads to both Park End Farm and Dearden's Farm both have their own entrances away from the RPG, which creates a further sense of separation. I acknowledge that some of the grazing lands, particularly in the case of Dearden's Farm, form an integral part of the periphery of the RPG but in these parts the character is several steps removed from the picturesque parkland seen in The Park and West of House character areas. [7.55-7.60]

14.164 Dearden's Farm and Park End Farm may have been an integral part of the estate in terms of their functional relationship to it. The farms may have made produce used in the Hall and contributed to the stewardship of the associated land, but there is limited evidence on this point. They are working farms, laid out to agriculture as is evident on the many OS maps and other plans submitted into the Inquiry. Visually there is a sense of separation between the farms and the wider RPG which I shall return to. My conclusions in this matter are that the farms contribute only a limited amount to significance

[408] CD 05a.8.2 and CD 06c.5.1

by virtue of the historical landownership and because of their functional relationship with the RPG. [7.55-7.59]

14.165 Significance-the making of a parkland: William Emes was a talented landscape gardener and agricultural 'improver'. He reorganised landscapes to make them aesthetically pleasing and more economically productive and efficient. Hulton Park is one of his early private commissions, with his improvements there starting in the 19th century and continuing over many years[409]. Emes was a visionary and renowned as a master of the water feature. His work is evident in the water features all over Hulton Park today, particularly in the Serpentine Lake. Emes was also known for creating sylvan recreational routes in the form of pleasure gardens and woodland walks. [7.24-7.25]

14.166 John Webb undertook work with Emes and subsequently became a well-regarded landscape gardener in his own right, although not as renowned as Emes. He came to prominence at a time when picturesque thinking was finding favour. Following the death of William Emes, John Webb oversaw landscape works at Hulton Park, which are agreed to have somewhat overwritten the Emes parkland structure of a meadow flowing into a Great Park. This work included the re-alignment of the main carriageway and the arrangement of farmland areas at Dearden's Farm, Home Farm close to the Hall, Park House Farm and Wood End Farm. [7.30]

14.167 In the later 19th and early 20th century the parkland landscape is depicted on surviving plans as more established. Coal mining operations on land surrounding the park is also evident. Throughout this period the Hulton family continued to invest in mining and became a major employer in the Lancashire coal mining industry. The farm complex around the Hall was firmly established in later plans depicting the stable block, the Dovecote, the Pleasure Ground and ha-ha[410].

14.168 In the later 20th century coal mining activities were receding, but the pattern of woodlands laid out by Emes and Webb was still evident, albeit with a decline in the number of individual trees. The coherent and comprehensive design of the parkland and pleasure grounds, with the extensive woodland additions and other features listed above, are agreed by both experts to contribute to Hulton Park being of considerable heritage significance [411]. The only real dispute related to Mr Gallagher's inclusion of the wider agricultural landscape as contributing to considerable significance by way of forming part of its setting.

14.169 The site of the former Hulton Hall was at the heart of the RPG and was the rationale for all that followed. A family home, and the lands surrounding it, evolved over time into a beautiful parkland estate and a created romantic landscape. The Pleasure Grounds and Serpentine lake were added as adornments to enable recreation and to signify the family's stature and wealth. The Kitchen Garden would have been an attractive and productive addition. These elements sat at the centre of the overall composition, surrounded by the ornamental parkland and woodland plantations which were put to use as

[409] Mr Gallagher PoE section 2
[410] Mr Gallagher PoE figures 18-29
[411] Mr Gallagher and Dr Miele

grazing and farming. The aesthetic value of Hulton Park is indisputably high- it is self-evident on travelling through the main gates as the picture-perfect landscape unveils itself as one proceeds along the main drive. I single this dynamic view out as important because it is the one which a visitor would have had on arriving at Hulton Hall.

14.170 Finally, within the RPG there are two publicly accessible Public Rights of Way (PRoW). PRoW WES 134 is in the western part of the RPG and affords views of the agricultural hinterland behind the Pleasure Gardens and it makes a modest contribution to the appreciation of the park. The second PRoW is a short length of footpath in the south-eastern corner of Park End Farm which only provides close views of the farm and its immediate surroundings.

14.171 Setting: Beyond the RPG are views of the wider landscape. To the west are expansive views of rolling pastureland out towards the Western Fields from southern points along the Emes' footpath between the Pleasure Grounds and Mill Dam Lake.[412] Partial, but nevertheless panoramic views over the surrounding landscape to the south are available from points on the main entrance drive and on points in the southernmost parts of the RPG. There are also the views along the two driveways. Along the main carriageway, facing east, there are views through the ornamental gates towards the wider world beyond Hulton Park. There are also extensive views of the northern pasturelands from the track which travels from the former Hulton Park Hall site up to Hulton Cottage.

14.172 One of the disputes between the experts centred upon the Applicant's assertion that Webb's design utilised woodland plantations, belt and clumps to contain a core area of parkland, with any views outwards to the wider landscape being incidental or accidental. As a consequence, the Applicant posits that these outer areas are less sensitive to change. The Applicant's approach extends to the housing areas on the Western Fields and the farmsteads, which are said to have little or no effect upon significance. The argument between the parties developed to one regarding the attribution of various plans and the intentions of the respective landscape designers.[413] [9.22] By contrast, HEART's view is that the connectivity between the parts of the RPG and the surrounding landscape is an integral element in Webb's design and indicative of the functional relationship between the two elements. [9.29-9.30]

14.173 I do not propose to embark on a forensic exercise to determine which plans should be attributed to individual landscape designers and then seek to divine intentions from the plans. I find it more instructive to look at the landscape as it exists and analyse what it is which currently contributes to significance, and what, on a balance of probability, was likely to have been considered important in the design of the parkland landscape.

14.174 Views out towards the west over the Western Fields are extensive and are of agricultural lands which provide a sense of place. Glimpsed views to the south from the main drive and from the southern extremities of the parkland are impressive and again allow the viewer to understand the location and context of Hulton Park in the wider landscape. Similarly, views out of the main

[412] HVP09
[413] The presentation attributed to Webb

gates and over the surrounding landscape appear to have been given some thought. When travelling back down the drive towards Newbrook Road, these views give the viewer a clear sense of where the park sits in the wider world- framing the parkland and creating a distinctive sense of place.

14.175 To that end, I consider that any retained views out of the parkland would have been valuable to the landscape designer, since they provide a sense of location and setting for the RPG. Such views also add to the grandeur of the RPG. For example, the views out are not limited to land within the ownership of the Hulton family. By retaining views of attractive pastureland and expansive landscapes beyond the limits of Hulton Park this land would, to some extent, be co-opted into the overall composition to give the impression of a generous, extensive parkland befitting of a wealthy local landowner.

14.176 For these reasons, I believe that the views out are likely to have been considered by Webb. I further think it likely that he sought to retain such longer distance views insofar as they contributed to the overall composition of the RPG and allowed its wider landscape setting to form part of an attractive backdrop. When one considers the views out of Hulton Park which are available, they are generally of longer-distance attractive landscapes. For example, the longer views over the agricultural Western Fields feed into the impression that these fields could be part and parcel of the RPG- the viewer is not aware of the end of the RPG and the beginning of the agricultural lands beyond. By contrast, much of Newbrook Road and the A6 is obscured by tree belts and plantations, which reinforces my belief that any retained views out, albeit limited, are not accidental. [9.29]

14.177 Whilst I therefore agree with the Applicant that the two farms within the site add little to the significance of the RPG, I conclude that the Western Fields contribute somewhat more to significance for the reasons set out above. I have concluded that the views out towards land beyond the RPG and in particular, the views over to the Western Fields, form part of the setting of the RPG as a matter of principle. However, I make two further points. With the exception of the views out over the Western Fields, the other views out of Hulton Park are often glimpsed from a handful of viewpoints. As such the sense of a contribution from the wider area to setting is somewhat limited. Secondly, in this case the asset itself is of such a large size that it stands to be read on its own and the contribution which the wider setting make to its heritage significance is somewhat diluted.

14.178 An assessment of present-day significance of Hulton Park and its setting: Mr Gallagher spoke enthusiastically about the beauty of Hulton Park as an enclosed green oasis, with its core structure and design elements (trees, water, woodland and undulating grassland) remaining largely in good health[414]. The Bolton Landscape Character Appraisal notes the particular interest of Hulton Park as follows:

> "…*one of the best historic landscapes in the Borough, which has been described by David Crosby in 1998 as 'a remarkable oasis in a district which has suffered significant damage to countryside and farmland character'. It is an example of an 18th and early 19th century parkland and, although there were*

[414] Ibid ¶2.71

*collieries and tramways outside the perimeter, the park itself is almost untouched so that the pattern of plantation woodlands, the open parkland and the chain of small lakes are in an excellent state of preservation. The woodlands in particular are afforded protection locally for their importance for nature conservation."*[415]

14.179 One area of dispute between the experts relates to the baseline assessment of Hulton Park today and its current character and condition. On behalf of HEART, Mr Gallagher asserts that the degree of its apparent decline has been overstated by the LVIA. His view is that the greater part of the parkland is currently managed as grazing land which is an efficient and sustainable means of preserving the significance of the asset. Mr Gallagher acknowledges that the former Pleasure Grounds and Kitchen Gardens have become overgrown and that, in places, the loss or decay of fabric to buildings and structures has had a damaging impact. [8.40]

14.180 There can be no doubt that the core area of the RPG has been degraded. Hulton Hall as a focal point has been lost and its immediate environs in the guise of the Pleasure Grounds and Kitchen Gardens are much diminished. They have become overgrown and reclaimed by vegetation. The Serpentine Lake is badly silted-up and has lost its shape and purpose. Home Farm and the stables and other associated buildings, including the Dovecote are in poor condition.

14.181 There is decline in these core areas, and much would need to be done to restore key features. The parkland area still contains a valuable, although much reduced, stock of individual mature specimen trees. The woodland plantations remain largely intact, if in need of management. Whilst the grassland is being grazed much as it would have been at the height of Hulton Park, there have been significant individual tree losses over time with no replenishment of stock or active management. Invasive species also have crept in and dominate some areas. [7.26-7.27]

14.182 The Park is the largest character area and it has suffered losses. Mr Gallagher confirmed that the Ordnance Survey 1st Edition plan of 1893/4 is the most precise guide to historic tree positions and woodland cover[416]. This depicts some 521 trees in the open areas of the park with about 300 trees in the 'core parkland areas'. He estimates that about 40+ trees and small clumps or groups of trees survive today. On comparing the 1893 plan with a current constraints plan depicting the surviving trees[417], it becomes clear that it is the individual specimens dotted around The Park which have been lost. The comparison is quite startling and indicates just what has been lost.

14.183 The magnificent feature lake at Mill Dam Wood is somewhat overgrown and has contracted in size, although it has retained much of its shape and grandeur. The woodland walk through the steep valley is framed by fine mature specimen trees but rhododendrons are creeping in. It is a thoughtfully designed secluded walk, making an important contribution to the significance of the asset.

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[415] CD-05b.3, LVIA ¶7.86
[416] PoE ¶7.25 and CG Figure 18
[417] LUC Overall Constraints Plan

14.184 I would agree with Dr Miele's assessment[418] that the North Meadow's character area in the north of the RPG, whilst of less significance than the core areas, is more important than Dearden's Farm and Park End Farm. The plantations framing the area were planted by Webb and are largely intact. There are also views into the meadows from the Park which creates the impression of a green landscape rolling off into the distance. The track leading up from Hulton Hall Home Farm to Manchester Road is a secondary entrance to the Park. To the west of this entrance is Hulton Cottage, a formerly elegant building which has been significantly altered and degraded. The Cottage and its curtilage are open to view when travelling along the track. Its altered and degraded appearance, and the attendant cluttered domestic paraphernalia, add nothing to the significance of the RPG. Of some interest, however, is the view travelling from the main road down the track, where the expanse of the parkland is seen unfurling in the distance.

14.185 In terms of the baseline condition, in a sense both experts are correct. I agree with the Applicant's contention that there has been significant decline which rests on much of the above. The core area around the Hall is particularly degraded and the important water features on the estate have become diminished. However, Dr Miele also observes that "*the original layout and structure have survived with relatively few changes*".[419] The RPG covers such a wide area that the survival of the parkland shape, together with the established plantations and individual trees make it a very fine and valuable picturesque parkland scene today. I therefore also agree with Mr Gallagher that the "*essential integrity of the later-18th & early-19th century landscape design at Hulton Park remains intact*". The listing as Grade II on the Register of Parks and Gardens of Special Historic Interest in England occurred as late as 2002 and is testament to this. [420]

14.186 I have set out above the agreements between the parties regarding the elements which are of considerable significance. In addition, the Dovecote and other structures hold both architectural interest and are of evidential value. These include the entrance Lodge and gateway, the farm buildings forming part of the four farmsteads within the RPG. The surviving elements of the ha-ha and the kitchen gardens are of interest. The grade II listed RPG is of evidential value due to the abundance of archive materials and the historic trees on the land. Further historic interest comes from the Hulton family and its long-standing association with the land, and from the involvement of Emes and then Webb who were influential in shaping the parkland. This is made more important because of the rich archive and pictorial sources associated with the family.

14.187 Trees are the very fabric of the parkland itself. Webb was responsible for much of the current structural planting on the site today. It is evident from the plans, and agreed by the experts, that a lack of active management over time has resulted in the loss of a substantial number of parkland trees which would have been fine specimens, sitting in their own space, artfully placed to engineer the picturesque result desired. One of the most important areas is the

[418] Contrary to the HIA conclusions
[419] Dr Miele PoE ¶5.94
[420] Mr Gallagher PoE ¶2.83

ancient woodland known as New Park Wood, which straddles the southern boundary. Nevertheless, the tree belts, plantations and individual specimens continue to make a substantial contribution to significance. [7.31-7.32, 7.36]

14.188 I have dealt with the contribution of the setting to the significance of Hulton Park above. Whilst I agree that the setting does make a contribution towards significance, for the reasons set out I would categorise that contribution as modest.

14.189 The Proposal: before embarking upon an assessment of its impact, it is helpful to set out the main elements of the proposal that would impact on significance. The detailed golf course proposal would involve the introduction of a new hotel, golf clubhouse and other associated structures. The existing Barn within Home Farm would be retained and the Dovecote and ha-ha would each be repaired; the pleasure grounds would be reinstated as would the Serpentine Lane and Mill Dam Lake. There would also be tree, woodland and hedgerow removals and planting of new trees. Much of the grazing land would become part of the golf course, or far rough.

14.190 There are some 672 individual trees across the site recorded in the Arboricultural Assessment[421]. Of these about 37% would be removed including 52 trees of high quality. The survey identified some 33 clumps or groups of trees, of which 3,100m$^2$ of high-quality trees would be removed. Overall, some 9.53 hectares of woodland and woodland clumps are scheduled for removal. Some 2.91km of hedgerow would also be removed.

14.191 The Impact of the Proposal Upon the Significance of Hulton Park: the parties are agreed upon the method of assessment of effects on significance. Both experts agree that the principles established by the Palmer case[422] should be applied. This essentially means assessing the effects against a single heritage asset in the round, looking at both positive and negative effects and coming to a view as to the 'net' effects of a development proposal. I endorse this approach which I shall adopt.

14.192 The Hall was an important component of the designed landscape, it was the seat of the Hulton family and the focal point of the estate. Reinstating an imposing building in this location would contribute towards the significance of the asset. Mr Gallagher points out that the driveway towards the Hall and the enveloping parkland was designed such that the Hall could not be seen from the front gates. Instead there was a 'slow reveal' of the Hall as one progressed along the driveway, in keeping with the picturesque theme of the parkland. [9.32]

14.193 ***The new hotel*** would be on a larger scale than the original Hall[423] which was relatively modest in scale compared to the extent of the RPG. The hotel would also be more prominent within the parkland setting. However, it would recreate an attractive and appropriate centrepiece around which the rest of the RPG would be read and understood. The hotel design is elegant, and the layout of the hotel and conference facility reflects the historic locations of the

[421] CD 05b.6.15
[422] Palmer v Herefordshire Council & Another [2016] EWCA Civ 1061
[423] A photograph of the original Hall taken in 1939 is at page 128 of the Design and Access Statement CD 05a.2

original hall, lake and stable block. These key relationships would be reinstated. The hotel would maintain an appropriate relationship with the reinstated pleasure gardens. Whilst the romanticism of the slow reveal would be somewhat lost and the hotel would be seen above the treeline in views from the driveway, it would be an attractive building which would sit well in its location at the heart of the RPG. I am satisfied that the addition of the hotel complex would be a positive benefit in terms of its contribution to significance.

14.194 During the Inquiry I asked about the passing places on the main driveway depicted on the plans but absent from some of the illustrations. It seems to me that the passing places would interrupt the sinuous line of the driveway and would be detrimental. The Applicant confirmed that they could be deleted, with the driveway used as a ceremonial approach for golf competitions only. This matter is now the subject of a condition. I have conducted my assessment on the basis that the passing places are deleted.

14.195 ***The Clubhouse*** would be positioned in the North Meadows, adjacent to the Northern Drive, with access taken from the A6. The clubhouse would be of two-storeys, with a curved frontage. The associated car parking would be enveloped by an existing woodland belt. The Applicant has sought to embed the clubhouse sympathetically into the landscape, in a less sensitive area of the RPG. Even so, the presence of a large building and attendant car parking in this location would be somewhat out of kilter with the picturesque landscape and in this regard, it would detract to a modest extent from significance. [9.38]

14.196 For the reasons set out earlier, I have concluded that Hulton Cottage contributes little to significance and its removal would not cause material harm. The loss of the view along the track and the line of the track would erode significance to a limited extent. This track appears to have gained prominence by its upgrading in later years and it forms an attractive secondary entrance to the parkland.

14.197 A new reservoir would be sited within the North Meadows character area. This is one of the character areas of lesser sensitivity, but here the Webb plantations are still intact. A new reservoir would be enclosed by a new belt of woodland planting, merging into the existing planting on the northern parts of character area 2: Pleasure Grounds and Woodland. Other changes would include the construction of a bridge to cross the stream valley at the end of the golf course after hole 18. There would be features lakes and the clubhouse which I have discussed above. The combination of these things would result in quite a change to the North Meadows which plays less of a role in the significance of the RPG. Overall there would be some harm to this aspect of significance.

14.198 Other buildings associated with the golf complex include the ***maintenance building***, the starter hut, a halfway house and the Academy building. Of these the maintenance building is the largest with a utilitarian design. However, it would be sited within the maintenance compound which would be located discretely to the west of the hotel and screened by existing woodland supplemented by additional planting. Its location means that the maintenance building would be completely enclosed, and the screening needed would not impact upon the parkland landscape. The starter hut and halfway house would be low-key, relatively modest buildings. The Academy building

would be located on the other side of the A6, outside the RPG and it would not affect the significance of the setting of the RPG.

14.199 ***The Kitchen Garden and Pleasure Grounds*** would be reinstated and would go a long way in reclaiming the contributions which these elements made to significance. Given the current parlous state of these elements of the RPG and the quality of the proposed restoration I am satisfied that the works represent a significant benefit. Similarly, the stone ha-ha would be repaired and would appear as an attractive feature. Whilst there was some debate about the authenticity and methods for the reinstatement work, I am satisfied that they would be done with care and to a high standard, controlled by conditions[424]. The pleasure grounds and walled garden were characteristic of the work of Emes and their reinstatement and conservation would represent an important benefit. [7.37]

14.200 Restoration of the ***Serpentine Lake*** and its desilting would make a major contribution to significance, enabling the former glory of the lake to be revealed. The outflow dam structure would be reinstated and the Emes cascade feature at the southern end brought back to life. These works would enable the artistry of Emes, in his manipulation of watercourses, to be properly seen and appreciated.

14.201 ***The Dovecote*** would be repaired which is welcomed by Mr Gallagher. However, he is concerned that its setting would be substantially altered which would harm its significance. The Dovecote is an integral part of the RPG, but it is a heritage asset in its own right. I shall conduct a separate assessment of the effect upon the Dovecote and its setting separately, but I include it here as acknowledgment of its contribution towards the RPG. Its repair in terms of the wider RPG would enhance significance of the RPG and would represent a small benefit. It would also sit in a more generous and attractive setting which would be a benefit although I acknowledge that the loss of some of the older Home Farm structures would cause some harm, but they are in a poor state of repair. I shall expand upon these points later.

14.202 Desilting, repairs and reinstatement of ***Mill Dam Lake and of Mill Dam*** would be undertaken. Mr Gallagher expresses his concern about the extent of such works[425] and indeed Dr Miele accepts that the works required to accommodate the fairway of hole 13, and a bridge spanning the valley, would cause a degree of harm. Facilitation of these works would require the removal of trees[426] across the valley stream and on the far bank. Dr Miele acknowledges that it would result in a greater degree of openness than was intended by Emes' original design intent. It would however reinstate a break in the trees, providing a glimpse of the water which was also part of the design rationale.

14.203 Part of the charm of Mill Dam Lake and Mill is its sense of seclusion and privacy, an aquatic oasis in a valley floor. The introduction of a bridge structure and the loss of trees would be harmful and would disturb this sense of quiet seclusion. I bear in mind the reinstatement of the '*tantalising glimpse*' of the

[424] CD 05a.9 Lloyd Evans Pritchard Ltd, Historic Structures Condition Report
[425] PoE ¶7.39-7.40
[426] I appreciate that the ES is based on a worst-case scenario with further works to be done but, in my view, I must assess the proposal upon the worst-case scenario.

water body but the end effect would not be so much a tantalising glimpse of a waterbody within a secluded glade but a wider view with a functional bridge structure, associated footpaths and its attendant footfall over the bridge.

14.204 I do not accept Dr Miele's contention that the introduction of the bridge across fairway 13 would not be incongruous due to its lightweight, simple structure. Dr Miele accepts that such bridges were not particular features favoured by either Emes or Webb. I therefore consider that a bridge at this point would be an alien addition to this picturesque scene and conclude that, notwithstanding its design, this part of the proposal would be harmful to both the landscape character of this area and to the significance of the heritage asset. There would however be improvements to the woodland walk which would be better defined and appreciated.

14.205 ***The Park*** would be affected by the golf course in four ways: upon landform; trees; grassland management/appearance, and by the proposed path network. Mr McMurray gave evidence regarding the requirements for a championship golf course and how the need to protect the heritage asset as much as possible had been considered in designing the course. In terms of landform, the RPG as it exists today is not regular for a number of possible reasons including land slippage, drainage, water retention and contained agricultural drains. This is not surprising given the boggy nature of much of the site. These irregularities have generally blended into the undulating topography of the site. I accept that the course has sought to follow the grain of the landscape and has largely achieved that objective with the notable exception of part of hole 13. [7.41-7.46]

14.206 ***Landform***: The cut and fill grading plan[427]shows changes of between +2.5m to -2.5m above or below existing levels across the site. Mr Gallagher expressed concern about the levels of land moving, categorising it as a complete reprofiling and the total loss of these historic areas[428]. Over half a million cubic metres of 'cut' would take place with slightly more 'fill'. His concern was that very little of the original fabric of the parkland would remain untouched. However, the woodland areas would not be disturbed and in The Park character area the fill would generally be limited to less than one metre in depth. [7.33, 9.39]

14.207 The larger landform changes relate to the creation of water bodies. The sections produced by Mr Wikeley[429] demonstrate that across key areas the changes would be graduated. In my view the regrading of the land would result in some material changes to the appearance of an undulating parkland landscape which has undergone changes in the past. Those areas where bunkers and new water bodies are proposed to create hazards on the course would be intrusive and alien in form to the parkland landscape. They would be detrimental to its significance. [7.41]

14.208 The **grassland management** of the course would represent a notable change to the current regime. Currently, the core areas of the parkland and the outer areas are similar in appearance, they constitute grazing lands with little

[427] CD 06c.4.2
[428] PoE ¶9.3
[429] Included at Appendix 13 to PoE of Dr Miele

differentiation. This gives the park a naturalistic feel. The areas flow into each other and are framed by the plantations. The golf course would result in a managed grassland regime, incorporating distinct types of grassland: greens and tees; fairways and semi-rough; rough and far rough. They would amount to 19 micro-landscapes[430], one for each hole and be intersected by new buggy routes. Altogether, the feel of the parkland would become one of a managed and an overtly designed landscape. To my mind these changes would be the most significant. They would be deleterious and would remove much of the romance from the landscape. [9.40-9.42]

14.209 In terms of ***trees***, the proposal would result in new tree planting for open areas of the Park of around 252 trees which Mr Gallagher estimates represents some 48% of historic numbers. I have already compared the existing numbers of individual trees in The Park with historic plantings in 1893, and I have set out the extent to which these individual specimens have been lost. Mr Gallagher has estimated that some 40 or so trees now survive in the core parkland compared to the 300 trees depicted on the historical plans. Mr Gallagher criticises the positioning of some of the proposed planting and the decision not to replant historic trees due to the need to accommodate the golf course. [7.28-7.29, 7.36, 9.44]

14.210 Trees are an important component of the RPG; they are its very fabric and contribute much to significance. In my view, in assessing the effect of the proposal upon this element of significance, the test cannot be to exactly replicate what is shown on the historic plan. That misses the point. The current baseline in terms of surviving individual trees contributing to the parkland scene (and to significance) is low. Some 40+ trees survive out of 300. The proposal would result in the replanting of 252 trees. Mr Gallagher's 'figure 31' is a very useful depiction of the historic trees which would be replaced, and those historic trees previously lost which would not be replaced. It is evident that the proposal would result in the further loss of some individual specimens of value. However, when the extent of replanting is compared to what currently exists, it is evident to me that it would represent a substantial enhancement to the character of the parkland in the core character area known as The Park and to its significance.

14.211 Figure 31 also incorporates the areas of historic woodland proposed for removal. These are largely to facilitate fairways and other elements of the golf course. They would represent a modest erosion of the existing woodland cover. This would be compensated for by additional planting and by active woodland management, which would remove the areas of rhododendron understoreys and other invasive species. Active management of the woodland areas would also be a benefit of the scheme. Three veteran trees on the site would be retained and managed. Other benefits would include a new woodland belt on the eastern boundary which would have the virtue of screening the housing on Newbrook Road.

14.212 As part of my assessment of the effects upon the significance of The Park, it is useful to return to the dynamic experience of the viewer proceeding along from the main entrance to the driveway towards the hotel site. The main

[430] As described by the Council's Greenspace Management Officer CG 9.1 p.127

gates and lodge would be repaired, but the main gate would lose its status as the main entrance. Progressing through the gates the magnificent Park is revealed. The scenic park and its tranquillity would be eroded by views of buggy lanes, manicured greens, golf flags and bunkers. I appreciate that the grassland adjacent to the drive would comprise rough and meadows, but the golf holes would come into view as one proceeded. The buggy routes and path networks would be an unwelcome distraction from the sweeping driveway, particularly at the five intersections with the drive. Adding to the picture would be the hotel which would be seen on progressing west, which aspect would represent an improvement.

14.213 The combination of changes to landform and the grassland management regime and paths would result in the most harm to the RPG and would be especially felt in The Park. I am quite clear that they would represent the single most harmful change. In in my view, the overall resultant immediate impression would not be that of a picturesque parkland but of a golf course albeit within a majestic parkland setting.

14.214 ***The Hulton Trail*** would be created within the ancient woodland. It would follow an existing track and would be fenced to prevent indiscriminate access. During my unaccompanied site visits, I travelled this track on two occasions, the track is wide in some parts where walkers have deviated from the main route and at the entrance to the park there is evidence of fly-tipping. Whilst it is likely that the numbers of people using the trail would increase, fencing and proper management of the trail would ensure that walkers remained on a dedicated pathway and would prevent incursions into the woodland. As such it would represent an improvement and a contribution to significance.

14.215 The PRoW (WES14) in the west of the RPG would be realigned to run along the western boundary of the RPG. The housing on the Western Fields would be immediately visible to the left and the juxtaposition of the housing would substantially harm the views and experience of the RPG from these viewpoints. There would be some modest harm.

14.216 I have concluded that ***Dearden's Farm and Park Farm*** do not make a visual contribution to significance but contribute by virtue of their functional relationship with the parkland as illustrated by inclusion within its boundary. The proposal would result in the loss of the historic farmhouse at Dearden's Farm and ancillary buildings. The farmhouse and historic barn at Park End Farm would be renovated but it would cease to operate as a working farm. Housing within these areas would be contained by trees belts and would be visually separate from the parkland. I conclude therefore that housing in these two locations would not be visually harmful to the RPG designation but there would be some loss of significance because of the loss of the functional relationship and the loss of some of the historic buildings.[431] [7.55]

14.217 ***The Pretoria Park Memorial*** would be relocated to a site closer to the site of the former pit in the south-eastern part of the estate. A species rich meadow and amenity grassland would be created to provide a more tranquil and suitable setting for the memorial. This relocation to a site more fitting and

[431] Dr Miele PoE ¶5.166

in a more sympathetic environment would represent a significant improvement in understanding the history of the estate and the tragedy which occurred. This improvement would constitute a net benefit insofar as the pit memorial contributes to significance.

14.218 In terms of the impacts on ***the setting of the RPG*** I have already found that the Western Fields contribute to significance by virtue of the views out from the park. The Western Fields would undergo a dramatic change by the introduction of a significant number of housing, roads and other infrastructure. Views out from the Emes footpath would be curtailed by the edge of the residential development screened by new planting. In these views the sense of a never-ending pastoral landscape would be lost. This loss would be harmful to the contribution which the setting makes to significance. [9.5]

14.219 I disagree that the demolition of Hulton Cottage and the introduction of a statement entrance to the clubhouse would mean that the Academy complex would adversely affect the setting. This is because of the nature of the road and the strong northern boundary of the RPG. There is a distinct separation between the northern side of the road and the parkland, and this would remain even with the loss of Hulton Cottage and a more conspicuous entrance. I conclude that this element of the proposal would have no material adverse impact on the significance of the setting.[432]

***Overall Conclusions on the Effects of Significance on RPG***

14.220 I have already referred to the Palmer case. Whilst that case concerned a listed building and its setting, the comments of Lord Justice Lewison in terms of the approach to a multi-faceted assessment are pertinent here. He commented "*…where proposed development would affect a listed building or its settings in different ways, some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting.*" In this case all parties are agreed that, in concluding upon the effects on significance of the RPG, it is the net effect which matters when all individual (positive and negative) effects have been considered. Not only would I endorse that view as an approach, I would comment that it seems to me the only sensible basis upon which to conduct the assessment.

14.221 I need not repeat each of my individual findings here- they are all carried forward into a global assessment. However, it occurs to me that broadly there are two important strands to my findings which feed into the final assessment. On the one hand there is an acknowledgement that there would be substantial benefits of the proposal. These would be in the core areas especially, with the reinstatement of key features and the return of a focal point. Allied to that is the replacement tree planting- I have already stressed the importance of trees as a very important part of the fabric of the parkland. On the other hand, there would also be substantial harm to the parkland character area and the loss of some historic material. It is my view that, to some extent, the parkland landscape canvas would be overwritten by the golf course. On entering Hulton Park, one would, firstly see a golf course and then

[432] Mr Gallagher PoE ¶7.64

the parkland setting. This would be reflected by the Hulton Park name becoming synonymous with golf. These aspects would be harmful.

14.222 When I consider all matters together, I have come to the view that, even with the substantial improvements to significance in some parts, when these are weighed with the harm which I have identified there would remain some overall harm to the RPG which would be less than substantial harm. I would not place it at the upper end of the less than substantial harm spectrum. I do not consider it necessary to calibrate my findings any further.

***Dovecote-Assessment of Significance and Effects on Significance***

14.223 The Dovecote is in poor state of repair and the parties are agreed that the proposed repairs to it would constitute a beneficial effect and would go some way to ensuring its continued survival. Mr Gallagher has expressed his surprise at the retention of the suspended cupola supported only by a central post, which he believes to be a somewhat odd arrangement. Notwithstanding this, the refurbished Dovecote would be an attractive feature and I am satisfied that the restoration would be sympathetic.

14.224 The Dovecote is a small but integral part of the parkland estate, comprising a functional but attractive brick-built tower for the keeping of pigeons, kept as a supply of meat originally. Mr Gallagher's further concerns related to the immediate setting of the restored Dovecote. It originally existed within the Home Farm complex- a 'model farm' used to showcase emerging Victorian farming practices. The Dovecote stands between the stables and Home Farm and would have been in a more generous setting. However, modern farm buildings and paraphernalia have encroached upon this setting. This encroachment, coupled with general neglect, has eroded the current day setting of this listed building.

14.225 The refurbished Dovecote would sit within an attractive walled garden with sufficient space around it to enable a full appreciation of the asset. Whilst some of its historical authenticity would be lost by virtue of it no longer being within a model farm, I conclude that the net effect would be substantially beneficial. The heritage asset and its significance would be enhanced.

***Listed buildings at 791-793 Manchester Road***

14.226 The two listed buildings at 791 and 793 Manchester Road are residential properties. They are situated on the northern side of the road, opposite Hulton Park and separated by the wide carriageway. There is a clear sense of separation between these listed buildings and the RPG. On the northern side of Manchester Road, the Academy complex would wrap around the domestic curtilages at one end, but the properties would be away from the main Academy buildings. I am satisfied that the listed buildings would be preserved.

***Conclusions on the effects on significance of the RPG and the Dovecote***

14.227 During the Inquiry I asked Counsel about the treatment of the two heritage assets in this case in terms of the heritage balance which needs to be undertaken pursuant to footnote 6 of paragraph 11 of the Framework. Essentially, I sought views as to whether there should be one heritage balance relating to the effects on both the RPG and the Dovecote, or two heritage balances, one for each asset in the event that I concluded that there was some

harm to each asset. My initial view was that there should be one heritage balance for reasons which I shall outline. Each of the three barristers confirmed that they considered two separate balances should be undertaken.

14.228 I have carefully considered the arguments put forward by Counsel in relation to the point on the heritage balance. After much deliberation I remain of the view that one balance is the appropriate approach for the following reasons. In this case the Dovecote is part and parcel of the RPG. It is essentially a small heritage asset nesting within a much larger asset. It contributes to the significance of the RPG. In my view it would be somewhat artificial to seek to divorce the two assets therefore and to conduct separate balancing exercises under paragraph 196 of the Framework. It is instructive that all of the experts have embedded their assessment as to the effects on the Dovecote within the larger RPG assessment.

14.229 I have further concerns that in conducting two separate balances, any potential harms or benefits would be separated into two balances whereas the public benefits would be counted twice, once in each balance. For these reasons I shall conduct one heritage balance. In any event I have now concluded that there would be no harm to the Dovecote. As such there is only one heritage balance which is required and that is an assessment of the less than substantial harm to the RPG considered in light of the advice within paragraph 196.

14.230 The heritage balance: The assessment of effects on the RPG is complicated by virtue of the ten distinct character areas and the number of different elements which contribute to significance. There are several instances of the proposal resulting in the restoration of significance to varying extents, but there are also several instances where the proposal would cause harm to the asset and its significance. I have reminded myself of the national policy objectives in relation to heritage assets. I am aware of the importance of attaching great weight to the conservation of heritage assets.

14.231 I have concluded that the proposal would cause less than substantial harm to the RPG and that it would preserve and enhance the Dovecote. The combination of these findings results in a conclusion of less than substantial harm to the heritage assets on the site (i.e. the net effects on both the RPG and the Dovecote combined). This is because the Dovecote is a small part of a much larger asset and whilst its enhancement contributes to the positive effects on the RPG, I have already included the effects on the Dovecote and its setting within my finding of less than substantial harm to the RPG in terms of net overall effects. Returning to the Framework I again remind myself that considerable weight must be given to my finding of less than substantial harm. [7.50]

14.232 Before undertaking the heritage balance, I shall examine the proposal against the objectives in paragraph 192 of the Framework. The guidance directs decision-makers to take account of the desirability of putting heritage assets to viable uses consistent with their conservation. It is recognised that an asset with a long-term beneficial use is more likely to retain its significance.

14.233 The financial picture is complex in that the housing is being used to cross-subsidise the golf course development and only part of the golf course development costs are associated with restoration costs, albeit those costs in

themselves are significant. They are agreed between the parties. A full schedule of restoration and other costs is included in Mr Nesbitt's evidence but as an illustration I note the costs of renovation of the ha-ha, the kitchen walled garden and the Dovecote are put at £49,220, £509,690 and £16,000 respectively[433].

14.234 It is probable that the development would be highly profitable in the long-term, but its development is not viable at the current time. Dr Miele asserts that there remains no alternative, so the asset's condition represents a significant threat to its conservation[434]. The Council's recorded position is that it is unlikely that the current use of the site would provide for conservation or enhancement of the RPG in the medium or long-term. The Council have focussed on the overall net effect of the development, as well as the threats which, it perceives, exist to its future condition and the overall outcome in terms of achieving a future viable use. [8.40-8.42]

14.235 HEART points to observations within the guidance by Historic England on historic landscapes.[435] This guidance recognises that historic parks are far less vulnerable to destruction from lack of maintenance than buildings and that it is possible to recover a historic park which has not been maintained. I would agree that any suggestion of the RPG's imminent demise is not supported. The decline has been gradual, and it is likely to remain on this trajectory without any meaningful intervention. [9.36]

14.236 The Hall was lost over 70 years ago and since then the park has experienced a period of benign neglect. Its original intended use as a family seat has long gone and there is no prospect of a return to this type of use. Since the family left the hall there have been no other prospective uses which have come forward. None are suggested by other parties. Whilst grants may go some way to maintenance and some restoration costs, the ongoing use would still be uncertain. I remind myself again of the consultation response from the Gardens Trust to the effect that currently there is no realistic strategy that will bring Hulton back to its former glory, and if nothing is done the Park will probably be lost entirely. Importantly all parties acknowledge that intervention is necessary to secure a sustainable future for the RPG.

14.237 There can be no argument that the proposed project would bring Hulton Park back into a purposeful use and that its future maintenance would be secured. The use put forward is a viable use and as the only use being proposed, it represents the optimum viable use in accordance with PPG guidance. [7.51-7.54, 8.40-8.45]

14.238 The second limb to paragraph 192 directs decision makers to have regard to the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality. I have already set out above the economic and social benefits which the project would bring to the local area. Finally, the third limb exhorts the desirability of new development making a positive contribution to local character and distinctiveness. In colloquial terms the proposal would put Hulton Park on the

[433] Appendix 9 to Mr Nesbitt's Proof of Evidence
[434] Proof of Evidence ¶5.106
[435] Historic England Guidance on Golf in Historic Landscapes CD 11.15

map. It would only proceed if the Ryder Cup was won and in those circumstances the park would become a distinctive destination.

14.239 Turning finally to the balance in paragraph 196. I say at the outset that I consider it a difficult task to balance the less than substantial harm to the significance of the RPG against the public benefits of the proposal. It requires the balancing of very different elements. However, given the enormity of the public benefits in this case and the quantum of harm, I am entirely satisfied that the balance tips strongly in favour of the public benefits. It follows that, in terms of paragraph 11, the application of heritage policies does not provide a clear reason for refusing the development.

14.240 CS policies CG3 and OA4 require, amongst other things, that proposals conserve and enhance the heritage significance of heritage assets. I have concluded that the proposal would cause less than substantial harm to the RPG and as such it might be said that it fails to conserve and enhance the asset. However, the picture is more nuanced and to the extent that the proposal is not in conformity with adopted CS policy I rely upon my conclusions in relation to the Framework as the most recent expression of national policy.

***Landscape Character***

14.241 On behalf of the Applicant, Ms Rebecca Knight gave evidence about landscape character. She was responsible for leading the preparation of the LVIA and completing the Supplemental LVIA[436]. As previously mentioned, the proposed development site was divided into 10 distinct character areas. The wider landscape character comprises a mixture of undulating farmland and urban areas intersected by highways. The Bolton Landscape Character Appraisal[437] classifies the site and the surrounding rural areas to the west, east and north as the Agricultural Coal Measures Landscape Character Type and more particularly as the Blackrod/Hulton Ridge Landscape Character Area. This landscape character area is characterised by low grade farmland, ponds and woodland. Key features are undulating topography, structural woodlands and a fragmented landscape with scattered settlements and dissecting transport links.

14.242 Hulton Park forms the largest component of the site. It is largely enclosed with limited local views into the site, predominantly from Newbrook Road and from the network of public footpaths to the west of the park. The LVIA identifies key visual receptors as the walkers along the Bolton Rotary Way and other PRoWs, local road users and local communities. A lighting assessment was undertaken in terms of existing baseline conditions and future baseline conditions. Embedded mitigation was taken into account in the assessment and the likely significant effects likely to occur during construction, operation and decommissioning phases were then assessed.

14.243 Many of the effects on landscape character have already been analysed in the heritage section of this Report. The LVIA concludes that although there would be some significant adverse effects on individual character areas within the Proposed Development Site, these are well contained and the effect on the wider landscape character area Agricultural Coal Measures (Bolton) and

[436] CD07b.2
[437] CD 12.28

Undulating Enclosed Farmland (Wigan) would not be significant. During operation of the Project there would be long-term significant beneficial landscape effects on the pleasure grounds, Mill Dam Wood and the lake within Hulton Park; long-term significant adverse effects on those parts where housing is proposed and an overall neutral effect upon landscape character in other parts of the RPG.

14.244 The LVIA further concludes that whilst there would be loss of land to housing, effects within the development site would be well-contained and the effect upon the wider landscape character area would not be significant. I accept this proposition entirely. In terms of visual effects, the only significant effects on visual amenity would be within or immediately adjacent to the development site. Whilst there would be some changes to the aspects of those residents living adjacent to the site, those changes would not be materially harmful and would not cause any harm to residential amenity.

14.245 CS policy CG1.1 directs that the rural areas of the borough should be safeguarded from development which would adversely affect trees, woodland and hedgerows and landscape character, amongst other things. Similarly, policies CG3.2 and CG3.7 seek to conserve and enhance local distinctiveness and to ensure that landscape character of the surrounding countryside is maintained and respected. These objectives are mirrored in the location specific policy OA4.4 relating to the West Bolton area and they are similar to national policy objectives seeking to conserve and enhance the natural environment.

14.246 In conclusion, in broad terms I accept the findings of the LVIA in relation to landscape character. The most significant finding is in relation to some harm to landscape character caused by the loss of land to housing. It would be minimised to some extent by virtue of the housing being well-contained. Overall, I conclude that the proposal would, to some extent be at odds with policies CG1.1, CG3.2 and CG3.7 in terms of the limited harm to landscape character to which I attribute moderate weight.

***Other Planning Matters***

14.247 Impact on PRoWs: CS policy P5 seeks to ensure that development proposals take into account accessibility considerations by a range of means including walking. AP policy P8AP more particularly states that development proposals affecting PRoW will be permitted provided that the integrity of the right of way is retained. The proposal would affect a total of 10 PRoW located in the application site[438]. A PRoW Strategy was submitted with the application[439]. This included plans for the provision of a new PRoW, the Hulton Trail as well as the realignment of existing footpaths. The Hulton Trail would provide a further 950metres length of public footpath together with the formalisation of some 1,500 metres of footpath.

14.248 The Council's PRoW confirmed that whilst some lengths of footpath would be diverted, there would be overall net benefits by virtue in an increased length of PRoWs and there would be a new and enhanced network across the

[438] WES 211, 126, 127, 128, 129, 130, 134, 135, 136, 137, 138 and 139.
[439] CD 05.a.6

RPG and the appeal site generally. I have already referred to the experience of walkers along footpath WES14 in the west of the RPG which would be realigned to run along the western boundary of the RPG. The housing on the Western Fields would be immediately visible to the left and the juxtaposition of the housing would substantially harm the views and experience of walkers along this route.

14.249 Notwithstanding the harm identified above, I am satisfied that when the package of measures is considered as a whole, there would be a net benefit both in terms of PRoW provision but also in terms of its attractiveness and utility. I say this because the provision would have more connectivity and would be likely to appeal to a wider variety of users. As such it would increase public access to parts of the RPG. I ascribe some moderate weight to this benefit, and I conclude that the proposal is in conformity with the policies set out above.

14.250 Coal Mining: CS policy CG4 seeks to ensure that new development proposals on land affected by land instability issues must include an assessment of possible risks. The ES contains a full assessment as to impacts in relation to geology, soils and contamination and detailed assessment of past mining activities and ground conditions. The Council's Pollution Control Officers and the Coal Authority have been consulted. The Coal Authority has confirmed that the site lies within an area defined as 'Development High Risk Area'. It has accepted the conclusions of the Applicant's Minerals Assessment[440].

14.251 The Applicant also submitted an extensive Mining Assessment Report[441] which sub-divided the whole site into a series of blocks. Only two blocks did not require further assessment with the rest needing further investigation prior to the commencement of development. To that end, the Coal Authority has expressed itself satisfied if conditions are imposed requiring further investigation work and a detailed remediation strategy prior to the commencement of development. These matters are now secured by condition.

14.252 During the Inquiry Mrs Hesketh submitted a handful of coloured plans depicting past mine workings which were subsequently provided to the Coal authority for review. The Applicant produced a note[442] detailing that the Coal Authority confirmed that these plans had been considered and that they had reviewed their in-house mapping system and database. Their own information flagged up all recorded and potentially unrecorded coal mining features. I am satisfied that the response of the Coal Authority was based on the best evidence available and that a precautionary approach has been taken in terms of the imposition of the conditions requested.

14.253 Mineral extraction: CS policy P4 seeks to identify and protect sites for minerals extraction. Parts of the application site fall within Mineral Search Areas for sand and gravel and the whole site is allocated as a Mineral Search Area for surface coal and brick clay by the Greater Manchester Joint Minerals Plan. Policy 8 of this plan provides that any viable mineral resource should be extracted in advance of the construction of non-mineral developments.

[440] CD 05a.18
[441] CD 05b.6.48
[442] Inquiry Document 30

14.254 A detailed Minerals Assessment was submitted with the application[443]which amongst other things, demonstrated that it was not environmentally acceptable or economically viable to extract the mineral prior to the non-mineral development and that the mineral is of no economic value or too deep to extract. Policy 8 provides that in such circumstances a proposal can be permitted in the absence of prior extraction of minerals. I am satisfied therefore that the relevant tests have been passed in relation to policy 8 and the proposal is compliant in this regard.

14.255 Living conditions of nearby residents: there are detailed lighting impact, air quality and noise assessments supporting the application[444]. The Council's Pollution Control Officers have considered the proposal and its effects in relation to noise from both the construction phases, the holding of the Ryder Cup tournament and the day to day operation of the golf club resort. I note that an acoustic fence is proposed between the boundary of the Academy and the residential properties on Manchester Road. Subject to the suggested conditions, they are content that the living conditions of adjoining residents would not be compromised. These conditions were discussed at length at the Inquiry and I have already made my views known in relation to them.

14.256 Having regard to the above I conclude that the proposal would not cause any material harm to the living conditions of existing residents. As such the proposal would be compliant with CS policy CG4.

14.257 Retail considerations: CS policy P2 confirms that additional convenience goods floor space of up to 10,000 square metres will be planned for in town, district and local centres where communities have good access. Policy P2 is silent on the question of leisure provision. The Framework seeks to ensure the vitality of town centres and sets out a sequential test for main town centre uses which are not in an existing centre or in accordance with an adopted plan. Impact assessments are required for retail and leisure developments outside town centres above either a locally set threshold or 2500 square metres in the absence of a local threshold.

14.258 The floorspace of the hotel complex would be 10,469 square metres. There is no sequential assessment of the hotel complex. However, given the very specific nature of the proposal and noting that the hotel is part and parcel of the golf course complex, I am satisfied that the site is likely to be the only one in Bolton which would offer an opportunity to develop a championship golf course. A Feasibility Study[445] was submitted with the planning application. This study indicates that the hotel complex would not undermine the operation of existing or planned developments in existing town centres and it would not impact upon the overall vitality and viability of such town centres. The study is not challenged, and I accept its conclusions.

14.259 The local centre would potentially provide a broad range of uses including retail, office, restaurant/café, drinking establishment and hot food takeaway as well a health centre. At up to 1,382 square metres it would operate essentially as a local hub designed to service the needs of residents on

[443] CD 05a.18
[444] CD 05a.20, Cd 05b.3 Chapters 12 and 13
[445] Appendix 8 of the Planning Statement

the proposed development. Whilst the local centre would not be a local centre as defined by policy P2, given the scale of the proposed housing I am satisfied that it would be a necessary addition. As such I am satisfied that it would comply broadly with the objectives of policy P2 which is designed to direct essential services at appropriate scales to centres of population.

14.260 Local infrastructure: I have set out the financial and other contributions which would be made and are designed to mitigate the impacts of the development. Over 1000 houses are proposed on the site but I am satisfied that the needs of the intended occupiers would be met by the contributions which are outlined. These contributions relate to retail, health, leisure, education and highways and I am satisfied that they are sufficient to ameliorate the additional demands which would be generated by the new residents.

14.261 Loss of local farms: CS policy CG1 seeks to safeguard rural areas from development which would adversely affect, amongst other things, agricultural value. The agricultural land within the application site is used for the grazing of livestock by the occupiers of Dearden's Farm, Home Farm and Back Gates Farm. The tenants of Dearden's Farm have developed an award-winning farm and ice cream business of which they are rightly proud. The farms are an integral part of the community and an important source of local employment. Mr Partington spoke about the history of his farm and the work which he, and his family, have put into developing a successful enterprise. The development would result in the loss not only of livelihood but of a family home. I was left in no doubt as to how keenly this loss would be felt. The proposal would be contrary to policy CG1 in that it would have an adverse impact in terms of the loss of agricultural land.

14.262 Best and Most Versatile Land: The application site runs to 268 hectares, of which some 180 hectares is in agricultural use. The majority of the agricultural land is either moderate quality (grade 3b) or poor quality, with the remaining 3 hectares being of good quality (grade 3a)[446]. Whilst the proposal would result in the loss of some best and most versatile land, in terms of this application it would be '*de minimis'*. I conclude that its loss carries no weight in the overall planning balance.

14.263 Surface water drainage and flooding: The application was accompanied by a Flood Risk Assessment and Drainage Strategy[447]. The strategy is designed to ensure that surface water run-off from the site would be discharged to onsite watercourses at a restricted greenfield runoff rate, that sufficient attenuation storage would be provided and that detailed surface water modelling would be provided as detailed design stage which would include sustainable urban drainage systems where possible. The Environment Agency and the Council's inhouse experts have not raised any objections. I am satisfied that the proposal would comply with CS policy CG1 and Framework objectives which seek to reduce flooding risk.

[446] Agricultural Land Classification CD 05a.17
[447] CD 06c.5.13

***Green Belt Analysis***

14.264 The entire application site is located within the adopted Greater Manchester Green Belt. Figure 11.1 of the Planning Statement[448] contains a plan of the Green Belt with the site shown edged in red.

14.265 All three parties are agreed that the proposal constitutes inappropriate development in the Green Belt. The Framework sets out a presumption against inappropriate development in the Green Belt unless very special circumstances exist. It provides that, when considering any application, substantial weight should be given to any harm to the Green Belt. It goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations[449].

14.266 The Framework sets out five purposes served by the designation of Green Belt land. For ease of reference I repeat them here:

(a) To check the unrestricted sprawl of large built-up areas;

(b) To prevent neighbouring towns merging into one another;

(c) To assist in safeguarding the countryside from encroachment;

(d) To preserve the setting and special character of historic towns; and

(e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

14.267 In terms of the development plan, policy CG7AP of the Allocations Plan Document says that the Council will not permit inappropriate development in the Green Belt. It states that inappropriate development includes any development which does not maintain the openness of land or which conflicts with Green Belt purposes. Whilst policy CG7AP sets out categories of development which would not constitute inappropriate development, it does not contain a clause which permits inappropriate development in very special circumstances. As such it is out of step with more recent national policy in the latest Framework. I shall conduct my Green Belt analysis by applying the principles set out in the Framework.

14.268 Finally, my attention was drawn to the Greater Manchester Green Belt Assessment of 2016[450] which comprises a baseline assessment of the extent to which parcels of land making up the Greater Manchester Green Belt meet green belt objectives. However, this was intended to form part of the evidence base to support the preparation of the GMSF and any Green Belt review. I do not consider that its findings, in terms of the qualitative merits of parcels of Green Belt, should play any part in the decision-making process of a single application. It is not part of my remit to conduct a Green Belt review. As far as I am concerned the application site is within the Green Belt, has full Green Belt status

[448] CD 05a.1 reproduced at page 78 of Mr Bell's Proof of Evidence
[449] The National Planning Policy Framework ¶144
[450] CD 12.9

and I shall conduct my assessment using the Green Belt policies set out in the Framework.

14.269 Openness: The proposal would introduce over 1000 new homes, internal roads and a local centre and primary school onto the Western Fields. As such this element of the proposal would cause significant harm to the openness of the Green Belt.

14.270 During the Inquiry there was a dispute between the parties regarding consideration of the golf course development. [8.22] The Applicant's planning witness conducted an analysis as to those parts of the development, namely the golf course and associated structures, which in his view would not constitute inappropriate development[451]. However, Mr Bell did accept that the whole development is inappropriate development in Green Belt terms and must be assessed as such.

14.271 Most of the harm to openness, in both spatial and visual terms, would be due to the housing. One thousand homes with gardens, fences, garages, driveways and all of the other associated domestic paraphernalia would be sited on land which currently comprises open, agricultural fields. The application site is some 286 hectares in total; the Western Fields constitute some 43 hectares of the site, with the other housing parcels on Park End Farm and Dearden's Farm being some 6 hectares and 7.4 hectares respectively[452]. The housing would therefore take up some 56.4 hectares of open Green Belt land. That would represent a very substantial erosion of this part of the Green Belt.

14.272 The Framework confirms that the provision of appropriate facilities in connection with a change of use for outdoor sport or recreation would not be inappropriate development provided the facilities preserve the openness of the Green Belt and do not conflict with Green Belt purposes. I accept that some of the smaller ancillary structures, the internal roads, car parks and pathways would represent appropriate facilities to support a golf course use and would largely preserve openness.

14.273 In principle I accept that a clubhouse might be an appropriate facility to support outdoor recreation. However, the clubhouse proposed would patently not preserve openness, it would be a sizeable building in a visible location. I do not consider that it would be an appropriate facility for the purposes of outdoor sport and recreation due to its size. Similarly, the hotel, spa and conference facilities would have 142 bedrooms to service the needs of a championship golf course. As such I am not satisfied that the complex would be an appropriate facility. It would be a significant addition reducing the openness of the Green Belt in volumetric terms. Whilst the hotel complex would be located at the heart of the site, it would only be visible from within the site, but it would still be prominent building, to the visual detriment of the Green Belt, when viewed from within the site.

14.274 The driving range and Academy buildings on the northern side of the A6 would also erode the openness of the Green Belt. The Academy buildings are relatively small scale and I accept that they would represent a modest erosion

[451] Mr Stephen Bell proof of evidence Table 11.1
[452] Cd 05a.1 Planning Statement ¶2.8

to Green Belt in both spatial and visual terms. Regrading of the RPG would result in substantial amounts of earth moving, but generally the amounts of cut and fill are similar and the ground levels in most parts would not be significantly different. The regrading works would cause limited harm to openness in spatial terms and would not be discernible in visual terms.

14.275 I further accept that many parts of the RPG would remain open and free from development, but this does not detract from the quantum of development on other parts of this Green Belt site. Overall the development would result in a substantial erosion of this part of the Green Belt. I attribute substantial weight to the global harm to openness.

14.276 Purpose (a) to check unrestricted urban sprawl of built-up areas: the site is an important piece in the Greater Manchester Green Belt jigsaw in terms of checking unrestricted urban sprawl. Its importance derives from its location on the edge of three urban settlements. Figure 11.1 within the proof of evidence of Mr Bell contains the location of the approved residential development sitting below the Chequerbent roundabout. The housing on the northern portion of the Western Fields would sit very close to this development and would represent urban sprawl in its clearest form.

14.277 In assessing the magnitude of harm caused by urban sprawl, it seems to me that it is helpful to have regard to its location within the Green Belt, its visibility within the Green Belt and the quantum and nature of the development constituting urban sprawl. The housing on the Western Fields would be associated with the Persimmon development by virtue of its location. This would add to the impression of urban sprawl in the region of the Chequerbent Roundabout. This largest housing parcel would be enclosed by woodland planting on its eastern edge which would form a well-defined boundary between the housing and the RPG, as well as screening.

14.278 The Park End Farm parcel of housing and the Dearden's Farm housing would be smaller parcels, visually and spatially contained by strong woodland boundaries and close to the existing housing. The boundaries would be clear and defensible, thus reducing the risk of further urban sprawl. I conclude that these housing parcel would cause modest harm to this Green Belt purpose.

14.279 Overall, the development would result in substantial urban sprawl because it would introduce large amounts of housing into open countryside and extend existing built development on the edge of settlements. The sprawl would be significant, and it would cause substantial harm to the Green Belt.

14.280 Purpose (b) to prevent neighbouring towns merging into one another: Figures 11.1 and 11.2 in the proof of Mr Bell depict the site located between Over Hulton to the east, Atherton to the south and Westhoughton to the west and contain various measurements. It also depicts the parcel of land immediately to the south of the Chequerbent Roundabout which is subject to a residential planning permission.

14.281 The development would result in a material narrowing of the gap between Westhoughton and Atherton/Over Hulton. At its narrowest point the

gap would be some 113 metres[453]. This is the gap between the existing housing on Everest Road and the southernmost edge of the Western Fields development. The effect would be compounded by virtue of the proposed housing on the Persimmon development which, in combination with the application proposal, would effectively result in housing running along the whole of the A6 through the roundabout and wrapping around it. The finger of housing on the application site would extend a long way south towards the edge of Atherton. [8.20]

14.282 The combination of the above aspects would lead to an erosion in the physical separation and the sense of physical separation between Westhoughton and Atherton. This would be somewhat mitigated because it would only be perceived by those handful of residents at the end of the Everest Road housing and those residents on part of the southern edge of the Western Fields housing. However, even though there would be the erosion in the physical separation of settlements, the proposal would not result in coalescence or the merging of settlements. I am satisfied that the proposal would not offend this Green Belt purpose.

14.283 I have also considered the effects of the housing on Dearden's Farm and Park End Farm. I have concluded that they would have no material effect upon this Green Belt purpose because of the quantum of housing on these parcels and its location. Similarly, the Academy building and complex on the northern part of the A6 would be viewed as part of the sporadic, linear development along this thoroughfare and I conclude that it would not result in any material reduction in the gap between Over Hulton and Westhoughton.

14.284 Purpose (c) to assist in safeguarding the countryside from encroachment: The proposed housing would result in encroachment into the open countryside, introducing urban form where currently there is none. Again, due to the quantum of development on the Western Fields in particular, the encroachment would be significant.

14.285 Purpose (d) to preserve the setting and special character of historic towns: there was a minor debate at the Inquiry as to whether the towns of Westhoughton and Over Hulton were "*historic towns*". There is limited evidence to suggest that they are. The reference in purpose (d) is a reference to the need to preserve the '*setting*' and '*special character'* of historic towns which indicates to me that something other than age of settlement is involved. I do not therefore accept that this purpose is pertinent to the consideration of this application or that there is any harm to this purpose.

14.286 Purpose (e) to assist in urban regeneration: this purpose is allied to the policy objectives of re-using brownfield land in preference to green field land. The project can only be carried out upon this site and to that end, it is not preferring green field land over brownfield land or compromising such policy objectives. I find no harm against this Green Belt purpose.

14.287 Other matters: The Applicant points to improved access and beneficial use of the Green Belt as a benefit of the proposal. I acknowledge that there would be a public access programme which would secure at least 50 public

[453] Mr Bell Figure Figure 11.2 in Proof of Evidence

participation events per year in the RPG. Whilst the proposal would increase access to the RPG by virtue of these events and by increased lengths of PRoWs through the park, it would not increase access to the Green Belt per se because the Western Fields would be completely transformed and the RPG would become a golf resort. Indeed, the Council and Applicant are agreed that if planning permission is granted, it is likely that the Green Belt boundaries would ultimately be altered within a development plan process to exclude those parts of the site proposed for housing[454]. [9.3]

14.288 The increased access afforded to the RPG by virtue of the public events would have to also be considered in the light of the loss of the existing small-scale community activities, including archery and other outdoor events. For the above reasons I do not accept that there would be improved access to the Green Belt by the proposal.

14.289 The Applicant also advanced the proposition that the proposal amounts to a beneficial use of the Green Belt as advocated in paragraph 141 of the Framework. This paragraph confirms that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use by for example looking for opportunities to provide access and to provide opportunities for outdoor sport or recreation, amongst other things.

14.290 The proposal would introduce golf as a sporting activity to the site, but it would be run on a commercial basis and open to those able to afford membership fees. The Academy would provide some increased access to sporting opportunities for younger members of the community. However, the proposal would also essentially result in the loss of a swathe of Green Belt land on the Western Fields reducing the quantum of open Green Belt land.

14.291 In terms of a more fitting location for the Pretoria Park and improvements to the RPG and Dovecote, I have already taken this benefit into account in the heritage balance, the results of which will be carried forward into the Green Belt balance. After taking all of the above into consideration, I conclude that the proposal would result in a modest beneficial use of the Green Belt to which I attribute limited weight. [8.59, 9.80-9.84]

***The Green Belt Balance***

14.292 I have now arrived at the point where I have assessed all the impacts of the development across multiple areas. I have arrived at conclusions in terms of the benefits and harms of the proposal and I have undertaken a full Green Belt assessment. I must now come to a view as to whether very special circumstances exist. [8.17]

14.293 Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The proposal constitutes inappropriate development in the Green Belt which attracts substantial weight. In addition, there would be substantial erosion of openness, substantial urban sprawl and substantial encroachment into the open

[454] CD 13.8/8.22 and accepted by Mr Bell and Ms Lancaster during cross-examination

countryside. Taken together these matters attract very substantial weight in the balance.

14.294 Other harms: In addition to the Green Belt harm, there are other harms. These include the harm by virtue of the proposal being contrary to policy OA4 in terms of the location of new housing. I have already confirmed that this policy is out of date and accordingly I attribute limited weight to the harm caused by the proposal being contrary to policy OA4 in terms of the location of new housing. There would also be some limited harm to landscape character caused by the loss of land to housing to which I have attributed moderate weight. The proposal would be contrary to CS policy CG1 in terms of the loss of local farms and agricultural value. Given the scale of the losses I attribute limited weight to these matters. [14.245, 14.259]

14.295 I have undertaken a comprehensive heritage impact assessment and concluded that the proposal would cause less than substantial harm to the RPG and that it would enhance the Dovecote and its setting. This harm, together with the harm in terms of policy OA4 and landscape harm is added to the overall Green Belt harm and adds to the very substantial weight I have already attributed to Green Belt harms. The totality of harms is very substantial and attracts very substantial weight.

14.296 However, that is not the end of the matter with regards to the heritage assets because I have also concluded that the proposal would bring Hulton Park back into a purposeful and viable use and would represent the optimum viable use of the park, given that no other viable uses are put forward. In addition, the heritage assets would make a positive contribution towards the establishment of a sustainable community and to local character and distinctiveness. I attribute some weight to these positive benefits.

14.297 Benefits: Against the above harms I must weigh the benefits of the proposal. In addition to the optimum viable use of the heritage asset, other benefits include the socio-economic benefits which I have considered in detail. They are of considerable magnitude and all parties are agreed that they should be given very significant weight. The level of monetised benefits would be felt at all geographic levels and would be realised over a 20-year period.

14.298 I have already indicated that the magnitude of the economic and social benefits is such that, in my view, they would attract very significant weight in whatever location they were focussed upon. In this case the location is Bolton. The context is a local area which lags behind economically and evidences higher levels of deprivation and economic inactivity relative to other parts of the country. As such the benefits become even more important and gain even more significance. The application represents a singular opportunity for Bolton to sit at the heart of a prestigious worldwide sporting event and to capture all the social and economic opportunities which would arise from it. [14.50-14.53]

14.299 The Applicant has offered 10% provision of affordable housing in the form of discounted market housing OR such other affordable housing tenure as the Secretary of State indicates, capped at the same cost of 10% discounted housing provision. I have already indicated that the provision of 65% social rented and 35% intermediate housing is to be preferred and would meet existing affordable housing needs. I have also indicated that such preferred provision would attract moderate weight since it is beyond policy requirements.

The Review Mechanism in the s106 agreement provides the opportunity to revisit the question of viability and, if appropriate, for the Applicant to provide further affordable housing in accordance with policy requirements. I attract only limited weight to this provision given its uncertainty.

14.300 The scheme would also provide market housing over a long timeframe. The Council does not currently have a 5YHLS and the proposal would make a modest contribution in the first five years to which I have attributed limited weight. Over the longer-term the proposal would potentially make a significant contribution to the supply of family housing in the borough and towards meeting future housing needs. I have attributed some weight to the provision of quality family market housing over the longer-term. [14.93, 14.95]

14.301 There would also be substantial benefits in relation to the diversification of the ecological features and habitats on the site. These are important given that the ecological value of the site is in decline. The proposal would halt such decline and reverse the process. These are important material considerations and I have accorded them substantial weight. [14.114]

14.302 Other benefits of the scheme would be some highway improvements which I have examined in detail and to which I have ascribed moderate weight for the reasons set out. There would also be a net benefit in terms of the PRoW provision to which I have ascribed moderate weight. [14.143 and 14.248]

14.303 The Overall Green Belt Balance: Mr Dale-Harris neatly summarised the position with the Green Belt balance as presenting an asymmetric and complex exercise. I would agree with that assertion. The Green Belt balance in this case is multi-faceted and includes harms and benefits of significant orders of magnitude. When the Green Belt and other harms are taken together, I am more than satisfied that they are clearly outweighed by the benefits and other considerations which I have identified. I have come to this view primarily because of the range of benefits and the magnitude of those benefits. In particular, the range and magnitude of the socio-economic benefits which would be felt and the context in which they would be realised have contributed to this finding.

14.304 I have now concluded that very special circumstances do exist in this case. As such policies in the Framework relating to Green Belt land do not provide a clear reason for refusing the development. I now return to the remainder of paragraph 11 of the Framework.

**Overall Conclusions**

Paragraph 11 of the Framework

14.305 The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the development plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework[455]. The appeal site is in the Green Belt and the proposal constitutes inappropriate development. It would also result in substantial harm to openness and the purposes of including land in the Green Belt and less than substantial harm to heritage assets. Policies for the supply of housing are out of date which reduces

[455] ¶2, 11, 12

the weight afforded to them. The policies contravened are strategic policies and as a result of their contravention I conclude that the proposal is contrary to the development plan when considered as a whole.

14.306 The Framework is, of course, a material consideration to which substantial weight should be attached. Paragraph 11 recites the presumption in favour of sustainable development and sets out what it means for decision-taking and contains two sub-paragraphs (c) and (d). I have already concluded that the development does not accord with the development plan in terms of paragraph 11(c) and that relevant policies are out of date in relation to paragraph 11(d). Therefore, I shall progress to the two sub-clauses in 11(d).

14.307 Paragraph 11(d)(i) indicates that the presumption should not be applied if specific policies indicate development should be restricted. I have already concluded that heritage and Green Belt policies do not indicate that the proposed development should be restricted. I now move on to paragraph 11(d)(ii) which requires a balance to be undertaken whereby permission should be granted unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

14.308 Given my conclusions in relation to the Green Belt balance I shall go back to perform the tilted balance in paragraph 11(d)(ii). I accept that this may be viewed as a somewhat academic exercise given that I have already undertaken the Green Belt balance. However, it seems to me to be a necessary and logical step in my decision-making process. This sub-clause indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.309 The Green Belt balance has set out all of the harms on one side and all of the benefits and other material considerations on the other side of the balance. I have already concluded that all of the harms are clearly outweighed by all of the benefits. It is axiomatic therefore that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits. Whilst the proposal is contrary to the development plan as a whole, there are significant material considerations which weigh in favour of the proposal. It follows that I conclude that planning permission should be granted.

**Recommendation**

14.310 I therefore recommend that planning permission should be granted, subject to the imposition of conditions in Annex D and subject to the provisions in the section 106 Agreement. I would further recommend that the Secretary of State gives a clear indication that he would prefer the affordable housing to be in the form of a policy compliant tenure split.

*Karen L Ridge*

INSPECTOR

## APPENDIX A- APPEARANCES

FOR THE APPLICANT:

| | |
|---|---|
| Mr Russell Harris of Queen's Council | Instructed by Mr Ian Ginbey of Clyde & Co LLP |
| He called | |
| Mr Andrew Tong BSc (Hons), MSc | On Economic Impact and Legacy<br>Director, Deloitte |
| Mr Francis Hesketh BSc (Hons) CEnv CMLI MCIEEM MICFor | On Ecology<br>Director, The Environment Partnership |
| Mr Ross McMurray BA MEIGCA | On Golf Course Design<br>Designer, European Golf Design |
| Mr Justin Marks BA(Hons) BArch | On Golf Resort Buildings Design<br>Director, Leach Rhodes Walker |
| Mr Derek Nesbitt MRICS APAEWE | On Viability<br>Director, Cushman and Wakefield |
| Ms Rebecca Knight BSc DipLA MA CMLI | On Landscape and Visual Impact<br>Director, Land Use Consultants Limited |
| Mr Steven Eggleston BSc(Hons) BEng(Hons) CMILT MCIHT | On Highways<br>Partner, i-Transport LLP |
| Dr Chris Miele MRTPI IHBC FRHS | On Heritage<br>Senior Partner, Montagu Evans |
| Mr Adrian Wikeley BA(Hons) DipLA FLI | On Historic Landscape<br>Director, Land Use Consultants Limited |
| Mr Richard Knight MRTPI | On behalf of the Applicant Company<br>Director, Peel Holdings (Land and Property) Limited |
| Mr Stephen Bell BA(Hons) MTPl MRTPI | On Planning/policy<br>Senior Director, Turley |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|---|---|
| Mr Matthew Dale-Harris of Counsel | Instructed by Ms Nicola Raby of Legal Services, Bolton Metropolitan Council |
| He called | |
| Ms Emma Lancaster MTPl MRTPI | On Planning and Planning Policy<br>Associate, Quod North |
| Mr Alistair Johnson BSc PgD | On Highways<br>Associate Director at AECOM |
| Mr Murray LLoyd | On Viability Matters<br>Trebbi Continuum |

FOR HEART:

| | |
|---|---|
| Mr Peter Dixon of Counsel | Instructed by Mr Paul Haworth, Chairman HEART |
| He called | |
| Mr Paul Haworth Chartered Engineer, FICE | On various matters<br>Chairman of HEART |
| Mr Christopher Gallagher BSc | On Historic Landscape and Heritage |
| Ms Jackie Copley BA(Hons) MA MRTPI | On Planning and Planning Policy |

INTERESTED PERSONS:

First Public Session

| | |
|---|---|
| Mr Chris Green | Member of Parliament, Bolton West |
| Mr Garry Croft | Local resident (doc 9) |
| Dr Paul Richardson | Leigh Ornithological Society (doc 10) |
| Mrs Elaine Taylor MA | Local resident and garden historian (doc 11) |
| Mr Luke Smith | Representative of Over Hulton Neighbourhood Forum (doc 12) |
| Mrs Sandra Hesketh | Local resident (doc 13) |
| Cllr Derek Bullock | Councillor for Hulton Ward (doc 14) |
| Cllr Toby Hewitt | Councillor for Hulton Ward (doc 15) |
| Cllr Diane Parkinson | Councillor for Hulton Ward (doc 16) |
| Mr Pimlett | Local resident |
| Mr John Roberts | Local resident (doc 17) |
| Mr Phil Wood | Local resident (doc 18) |

Second Public Session

| | |
|---|---|
| Ms Yasmin Qureshi | Member of Parliament |
| Mr Brian Jones | Local resident (doc 31) |
| Mr Sullivan (speaking on behalf of Mr Graham White) | Local resident (doc 32) |
| Mr Alan Dean | Local resident |
| Cllr Christine Wild | Ward Councillor Westhoughton North and Chew Moor (doc 33) |
| Miss Sylvia Fewtrell | Local resident (doc 34) |
| Mr Geoff Hamlett | Local resident (doc 37) |
| Mr Michael Partington | Tenant Dearden's Farm (doc 38) |
| Dr Des Brennan | CPRE Lancashire Trustee (doc 39 and doc 59) |
| Mr Garry Cook | Businessman |
| Ms Wilcox Buffey | Local resident |
| Ms Nykola Taylor | Troy Planning for Over Hulton Neighbourhood Forum (doc 46) |
| Ms Dorothy Syddall | Local resident (doc 36) |
| Mr Peter German | Local resident (doc 40) |
| Mr Barrington Upton | Local resident (doc 41) |
| Mr David Chadwick | Local resident and former Councillor (doc 42) |
| Mr Stephen Taylor | Local resident (doc 44) |
| D A Dean | Local resident (doc 47) |
| Mrs Elaine Taylor | Local resident (doc 43) |

## APPENDIX B

## CORE DOCUMENTS

| Document No. | Appeal Document |
|---|---|
| **01** | **Original Application Forms** |
| 01.1 | Application Forms and Certificates |
| **02** | **Site Ownership certificate and agricultural holdings certificate** |
| 02.1 | Application Forms and Certificates |
| **03** | **LPA Planning Committee Key Documents** |
| 03.1 | Bolton MBC Officer Report to Planning Committee (22 March 2018) |
| 03.2 | Bolton MBC Planning Committee Late List (22 March 2018) |
| 03.3 | Bolton MBC Planning Committee Minutes (22 March 2018) |
| **04** | **Site Plan** |
| 04.1 | Site Location Plan [Dated 28 March 2017] |
| 04.2 | Areas for Detailed and Outline Approval<br>[Drawing Ref. LUC-6628-LD-PLN-000 Issue E] |
| **05a** | **Copies of all application plans and supporting documents submitted with the Original application on 19 May 2017** |
| **Application Documents and Reports** | |
| 05a.0 | Application Cover Letter, prepared by Turley (19 May 2017) |
| 05a.1 | Planning Statement, prepared by Turley (May 2017) |
| 05a.2 | Design and Access Statement, prepared by Land Use Consultants, Leach Rhodes Walker, Calder Peel, and European Golf Design (Version 5.0, April 2017) |
| 05a.3 | Residential Design Codes, prepared by Calder Peel (comprising two documents set out below): |
| 05a.3.1 | Character Area 5: Park End Farm (May 2017) |
| 05a.3.2 | Character Area 6: Dearden's Park (May 2017) |
| 05a.4 | Economic Impact of Hulton Park and the 2026 Ryder Cup, prepared by Ekosgen (March 2017) |
| 05a.5 | Social Value Assessment, prepared by Turley (May 2017) |
| 05a.6 | Public Right of Way Strategy, prepared by Land Use Consultants (May 2017)<br>[Document Ref. 6628-LD-REP-800 Version 4.0] |
| 05a.7 | Statement of Community Involvement, prepared by Newington (April 2017) |

| Document No. | Appeal Document |
|---|---|
| 05a.8 | Conservation Plan, prepared by Land Use Consultants (comprising two documents set out below): |
| 05a.8.1 | Volume 1: An Assessment of the Heritage Significance (April 2017) |
| 05a.8.2 | Volume 2: Conservation Strategy (April 2017) |
| 05a.9 | Historic Structures: Condition/Repair Issues, prepared by Lloyd Evans Pritchard (Version 3, March 2017) |
| 05a.10 | Market Report and Viability Statement (Private & Confidential), prepared by Cushman & Wakefield (May 2017) |
| 05a.11 | Transport Assessment, prepared by i-Transport (April 2017) [Document Ref. SEE/VACE/dc/ITM10187 – 012E] |
| 05a.12 | Travel Plan Golf Resort, prepared by i-Transport (April 2017) [Document Ref. VACE/SEE/dc/ITM10187-015 A] |
| 05a.13 | Travel Plan Residential, prepared by i-Transport (April 2017) [Document Ref. VACE/SEE/dc/ITM10187-013 A] |
| 05a.14 | Interim Event and Travel Management Plan, prepared by i-Transport (April 2017) [Document Ref. SEE/dc/ITM10187 - 016B] |
| 05a.15 | OnCourse Developments: Golf Sustainability Blueprint, prepared by Golf Environment Organisation (February 2017) |
| 05a.16 | BREEAM and Sustainability, prepared by Sustainable Assessments Limited (Revision B, April 2017) |
| 05a.17 | Agricultural Land Classification, prepared by Reading Agricultural Consultants Ltd (March 2017) [Document Ref. RAC 7403, Version 1.2] |
| 05a.18 | Minerals Assessment, prepared by Aecom (April 2017) |
| 05a.19 | Interim Level 2 Utility Study, prepared by Zerum (February 2017) |
| 05a.20 | Lighting Assessment, prepared by Zerum (Revision 2.0, January 2017) |
| 05a.21 | Crime Impact Statement, prepared by GM Design for Security (February 2017) [Document Ref. 201 6/1 030/CIS/01, Version A] |
| 05a.22 | Section 106 Heads of Terms, comprising: |
| 05a.22.1 | S106 Agreement Heads of Terms and CIL Compliance Statement, prepared by Turley (May 2017) |
| 05a.22.2 | Indicative Local Bypass Route to Platt Lane & Mitigation Works at Chequerbent Roundabout [Drawing Ref. ITM10187-SK-199 Rev A] |
| 05a.22.3 | Indicative Local Bypass Route to Platt Lane [Drawing Ref. ITM10187-SK-159 Rev H] |
| 05a.22.4 | M61 J5 Mitigation Scheme [Drawing Ref. ITM10187-SK-192 Rev A]<br>A58 Park Road / Leigh Road Mitigation Scheme [Drawing Ref. ITM10187-SK-193] |

| Document No. | Appeal Document |
|---|---|
| 05a.22.5<br>05a.22.6 | Four Lane Ends Mitigation Scheme Newbrook Road / A6 Manchester Road / St Helens Road / A6 Salford Road [Drawing Ref. ITM10187-SK-194 Rev A] |
| **Application Plans and Drawings** | |
| 05a.30 | Site Location Plan (Dated 28 March 2017) |
| 05a.31 | Areas for Detailed and Outline Approval<br>[Drawing Ref. LUC-6628-LD-PLN-000 Issue E] |
| 05a.32 | Landscape Masterplan Site Wide (Full Development)<br>[Drawing Ref. LUC_6628_LD_PLN_103 Issue C] |
| 05a.33 | Illustrative Masterplan [Drawing Ref. 15191 (PL) 001 P] |
| 05a.34 | Parameters Plan [Drawing Ref. 15191 (Pl) 500 Q] |
| 05a.35 | Demolition Plan [Drawing Ref. 6628-LD-PLN-010 Issue E] |
| 05a.36 | Restoration Plan [Drawing Ref. 6628-LD-PLN-011 Issue A] |
| 05a.37 | The Dovecote (Grade II Listed), comprising: |
| 05a.37.1 | Elevations and Masonry Repairs [Drawing Ref. dov/lbc/001] |
| 05a.37.2 | Plans and Sections [Drawing Ref. dov/lbc/002] |
| 05a.38 | The Golf Course, comprising: |
| 05a.38.1 | Golf Grading Overview [Drawing Ref. 1263.405.01 Rev E] |
| 05a.38.2 | Golf Grading 1 of 3 [Drawing Ref. 1263.405.02] |
| 05a.38.3 | Golf Grading 2 of 3 [Drawing Ref. 1263.405.03] |
| 05a.38.4 | Golf Grading 3 of 3 [Drawing Ref. 1263.405.04] |
| 05a.38.5 | Golf Grading Analysis [Drawing Ref. 1263.415.01 Rev D] |
| 05a.38.6 | General Arrangement Overview Plan<br>[Drawing Ref. LUC_6628_LD_PLN_200 Issue A] |
| 05a.38.7 | General Arrangement Plans Site Wide, Drawings 1 to 19<br>[Drawing Ref. LUC_6628_LD_PLN_201 to 219 Issue C] |
| 05a.38.8 | Indicative Planting Schedule & Specification [Drawing Ref. 6628-LD-SCH-705] |
| 05a.38.9 | Detailed Area; Golf and Academy Entrance<br>[Drawing Ref. LUC-6628-LD-PLN-231 Issue A] |
| 05a.38.10 | External Lighting Layout [Drawing Ref. 3023-(97)-EX-01 Rev P5] |
| 05a.39 | The Clubhouse, comprising: |
| 05a.39.1 | Clubhouse Lower Ground Floor General Arrangement Plan<br>[Drawing Ref. L(20)11] |

| Document No. | Appeal Document |
|---|---|
| 05a.39.2 | Clubhouse Ground Floor General Arrangement Plan [Drawing Ref. L(20)12] |
| 05a.39.3 | Clubhouse Roof General Arrangement Plan [Drawing Ref. L(20)13] |
| 05a.39.4 | Clubhouse General Arrangement Elevations [Drawing Ref. L(20)14] |
| 05a.39.5 | Clubhouse Section A-A [Drawing Ref. L(20)15] |
| 05a.39.6 | Clubhouse Visualisation [Drawing Ref. 7433-L(00)159] |
| 05a.39.7 | Clubhouse Views, Sheet 1 [Drawing Ref. 7433-L(00)145B] |
| 05a.39.8 | Clubhouse Views, Sheet 2 [Drawing Ref. 7433-L(00)146A] |
| 05a.40 | The Academy, comprising: |
| 05a.40.1 | Academy Ground Floor General Arrangement Plan [Drawing Ref. L(20)16] |
| 05a.40.2 | Academy Roof General Arrangement Plan [Drawing Ref. L(20)17] |
| 05a.40.3 | Academy General Arrangement Elevations [Drawing Ref. L(20)18] |
| 05a.40.4 | Academy Sections A-A B-B C-C [Drawing Ref. L(20)19] |
| 05a.40.5 | Academy views, Sheet 1 [Drawing Ref. 7433-L(00)147A] |
| 05a.40.6 | Academy views, Sheet 2 [Drawing Ref. 7433-L(00)148A] |
| 05a.40.7 | 9 Hole Adventure Golf & 9 Hole Ryder Cup Course |
| 05a.41 | The Hotel Complex, comprising: |
| 05a.41.1 | Hotel Visualisation [Drawing Ref. 7433-L(00)150A] |
| 05a.41.2 | Hotel Visualisation (rear) [Drawing Ref. 7433-L(00)158] |
| 05a.41.3 | Hotel Views, Sheet 1 [Drawing Ref. 7433-L(00)141B] |
| 05a.41.4 | Hotel Views, Sheet 2 [Drawing Ref. 7433-L(00)142B] |
| 05a.41.5 | Hotel Views, Sheet 3 [Drawing Ref. 7433-L(00)143B] |
| 05a.41.6 | Hotel Views, Sheet 4 [Drawing Ref. 7433-L(00)144B] |
| 05a.41.7 | Hotel Lower Ground Floor General Arrangement Plan [Drawing Ref. L(20)01] |
| 05a.41.8 | Hotel Ground Floor General Arrangement Plan [Drawing Ref. L(20)02] |
| 05a.41.9 | Hotel First Floor General Arrangement Plan [Drawing Ref. L(20)03] |
| 05a.41.10 | Hotel Second Floor General Arrangement Plan [Drawing Ref. L(20)04] |
| 05a.41.11 | Hotel Third Floor General Arrangement Plan [Drawing Ref. L(20)05] |
| 05a.41.12 | Hotel Fourth Floor General Arrangement Plan [Drawing Ref. L(20)06] |
| 05a.41.13 | Hotel Roof General Arrangement Plan [Drawing Ref. L(20)07] |
| 05a.41.14 | Hotel General Arrangement Elevations North & South [Drawing Ref. L(20)08] |
| 05a.41.15 | Hotel General Arrangement Elevations East & West [Drawing Ref. L(20)09] |
| 05a.41.16 | Hotel Sections A-A B-B [Drawing Ref. L(20)10] |
| 05a.42 | Associated structures and buildings, comprising: |
| 05a.42.1 | Maintenance Shed General Arrangement Plan [Drawing Ref. L(20)20] |

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| 05a.42.2 | Maintenance Shed General Arrangement Elevations & Sections [Drawing Ref. L(20)21] |
| 05a.42.3 | Maintenance Building Views [Drawing Ref. 7433-L(00)149] |
| 05a.42.4 | Halfway House General Arrangement Plans & Elevations [Drawing Ref. L(20)22] |
| 05a.42.5 | Starters Hut General Arrangement Plans & Elevations [Drawing Ref. L(20)23] |
| 05a.42.6 | Bridge 1 [Drawing Ref. 60484817-DR-BD-03.001-1D] |
| 05a.42.7 | Bridge A [Drawing Ref. 60484817-DR-BD-03.004-1D] |
| 05a.42.8 | Bridge B [Drawing Ref. 60484817-DR-BD-03.005-0D] |
| 05a.42.9 | Bridge C [Drawing Ref. 60484817-DR-BD-03.006-1D] |
| 05a.42.10 | Underpass North & South Ramps [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00115] |
| 05a.42.11 | Illustrative Golf Buggy Underpass Sections [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00002 Rev P3] |
| 05a.43 | Landscape, comprising: |
| 05a.43.1 | Illustrative Landscape Masterplan; Hotel & Pleasure Grounds [Drawing Ref. LUC-6628-LD-PLN-101 Issue A] |
| 05a.43.2 | Illustrative Landscape Masterplan; Academy & Clubhouse [Drawing Ref. LUC-6628-LD-PLN-102 Issue A] |
| 05a.43.3 | Detailed Area; Hotel and Pleasure Grounds, Drawing 1 [Drawing Ref. LUC-6628-LD-PLN-225 Issue C] |
| 05a.43.4 | Detailed Area; Hotel and Pleasure Grounds, Drawing 2 [Drawing Ref. LUC-6628-LD-PLN-226 Issue C] |
| 05a.43.5 | Detailed Area; Hotel and Pleasure Grounds, Drawing 3 [Drawing Ref. LUC-6628-LD-PLN-227 Issue C] |
| 05a.43.6 | Detailed Area; Hotel and Pleasure Grounds, Drawing 4 [Drawing Ref. LUC-6628-LD-PLN-228 Issue C] |
| 05a.43.7 | Detailed Area; Clubhouse [Drawing Ref. LUC-6628-LD-PLN-229 Issue C] |
| 05a.43.8 | Detailed Area; Golf Academy [Drawing Ref. LUC-6628-LD-PLN-230 Issue C] |
| 05a.44 | Hulton Trail Proposals, comprising: |
| 05a.44.1 | Hulton Trail Proposals Plan 1 [Drawing Ref. 507C 08 Rev A] |
| 05a.44.2 | Hulton Trail Proposals Plan 2 [Drawing Ref. 507C 09 Rev A] |
| 05a.44.3 | Hulton Trail Proposals Plan 3 [Drawing Ref. 507C 10 Rev A] |
| 05a.44.4 | Hulton Trail Proposals Plan 4 [Drawing Ref. 507C 11 Rev A] |
| 05a.44.5 | Hulton Trail Proposals Plan 5 [Drawing Ref. 507C 12 Rev A] |
| 05a.45 | **Residential Development, comprising:** |
| 05a.45.1 | Illustrative Masterplan for Dearden's Farm [Drawing Ref. 15191 (PL) 002 J] |

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| 05a.45.2 | Illustrative Masterplan for Park End [Drawing Ref. 15191 (PL) 005 K] |
| 05a.45.3 | Illustrative Masterplan for Western Fields 1 [Drawing Ref. 15191 (PL) 003 K] |
| 05a.45.4 | Illustrative Masterplan for Western Fields 2 [Drawing Ref. 15191 (PL) 004 J] |
| 05a.46 | **Highways and Access, comprising:** |
| 05a.46.1 | Proposed Residential Access to Dearden's Farm Parcel from A6 Manchester Road [Drawing Ref. ITM10187–SK–145 Rev D] |
| 05a.46.2 | Proposed First Phase Residential Access to Western Fields from A6 Manchester Road [Drawing Ref. ITM10187–SK–146 Rev D] |
| 05a.46.3 | Proposed Residential Access from Broadway [Drawing Ref. ITM10187–SK–191 Rev C] |
| 05a.46.4 | Proposed Residential Access from Woodlands Drive [Drawing Ref. ITM10187–SK–208 Rev A] |
| 05a.46.5 | Proposed Clubhouse, Hotel and Academy Accesses from A6 Manchester Road [Drawing Ref. ITM10187–SK–197 Rev B] |
| 05a.46.6 | Combined Proposed Road Layout [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00116] |
| 05a.47 | **Drainage, comprising:** |
| 05a.47.1 | Drainage General Arrangement [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00117] |
| 05a.47.2 | Academy Drainage General Arrangement [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00108] |
| 05a.47.3 | Clubhouse Drainage General Arrangement [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00107] |
| 05a.47.4 | Hotel / Car Park General Arrangement [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00105] |
| 05a.47.5 | Maintenance Building General Arrangement [Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00106] |
| 05b | Environmental Statement (May 2017) |
| 05b.1 | Environmental Impact Assessment Scoping Opinion Request, comprising: |
| 05b.1.1 | EIA Scoping Opinion Request: Scoping Report (November 2016), by Turley |
| 05b.1.2 | EIA Scoping Opinion Request: Scoping Report Appendices, prepared by various |
| 05b.2 | Environmental Statement Volume 1: Non-Technical Summary (May 2017), prepared by various |
| 05b.3 | Environmental Statement Volume 2: Technical Assessment (May 2017), prepared by various<br><br>Chapter 1: Introduction (Turley)<br>Chapter 2: Site Location and Description (Turley)<br>Chapter 3: Project Description (Turley) |

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| | Chapter 4: Response to Environmental Statement Scoping Opinion (Turley) |
| | Chapter 5: EIA Methodology (Turley) |
| | Chapter 6: Consideration of Alternatives (Turley) |
| | Chapter 7: Landscape Character and Visual Amenity (Land Use Consultants) |
| | Chapter 8: Cultural Heritage (Peter de Figueiredo) |
| | Chapter 9: Archaeology (Salford Archaeology) |
| | Chapter 10: Ecology and Arboriculture (TEP) |
| | Chapter 11: Traffic and Transportation (i-Transport) |
| | Chapter 12: Air Quality (Miller Goodall) |
| | Chapter 13: Noise (Miller Goodall) |
| | Chapter 14: Geology, Soils and Contamination (Aecom) |
| | Chapter 15: Water Environment (Aecom) |
| | Chapter 16: Socio-Economics (Turley and Ekosgen) |
| | Chapter 17: Environmental Management (Turley) |
| | Chapter 18: Conclusion and Summary (Turley) |
| 05b.4 | **Environmental Statement Volume 3a: LVIA figures (May 2017), prepared by Land Use Consultants** |
| 05b.4.1 | Appendix 7.1 – Study Area |
| 05b.4.2 | Appendix 7.2 – Location Plan |
| 05b.4.3 | Appendix 7.3 – Public Rights of Way in Bolton |
| 05b.4.4 | Appendix 7.4 – Local Character Areas within the Proposed Development Site |
| 05b.4.5 | Appendix 7.5 – District Scale Character Areas |
| 05b.4.6 | Appendix 7.6 – Historic Landscape Characterisation |
| 05b.4.7 | Appendix 7.7 – Assessment Viewpoints |
| 05b.4.8 | Appendix 7.8 – Masterplan with Character Areas |
| 05b.4.9 | Appendix 7.9 – Masterplan with Viewpoints |
| 05b.4.10 | Appendix 7.10 – Cumulative Sites |
| 05b.4.11 | Appendix 7.11 – 7.38 – Viewpoints |
| 05b.5 | **Environmental Statement Volume 3b: Other Assessment Figures (May 2017), prepared by various** |
| 05b.5.1 | Appendix 3.1 – Project Illustrative Masterplan |
| 05b.5.2 | Appendix 3.2 – Proposed Development Boundary |
| 05b.5.3 | Appendix 3.3 – Ryder Cup Illustrative Masterplan |
| 05b.5.4 | Appendix 3.4 – Cut and Fill / Grading Plan |
| 05b.5.5 | Appendix 3.5 – Location of proposed Bridges |
| 05b.5.6 | Appendix 3.6a – Bridge 1 |

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| 05b.5.7 | Appendix 3.6b – Bridge A |
| 05b.5.8 | Appendix 3.6c – Bridge B |
| 05b.5.9 | Appendix 3.6d – Bridge C |
| 05b.5.10 | Appendix 3.7 – Underpass Plans |
| 05b.5.11 | Appendix 3.8 – Access to golf resort and Academy (T junction) |
| 05b.5.12 | Appendix 3.9 – Access to golf resort and Academy (T junction) |
| 05b.5.13 | Appendix 3.10 – Internal access roads and paths |
| 05b.5.14 | Appendix 3.11 – Historic Assets Location Plan |
| 05b.5.15 | Appendix 3.12a – Access to Dearden's Farm Residential Area |
| 05b.5.16 | Appendix 3.12b – Access to Western Fields Residential Area |
| 05b.5.17 | Appendix 3.12c – Indicative Access to Western Fields Residential Area from Link Road |
| 05b.5.18 | Appendix 3.12d – Indicative Access to Park End Residential Area |
| 05b.5.19 | Appendix 3.12e – Access to Park End from Woodlands Drive |
| 05b.5.20 | Appendix 3.13 – Hulton Trail |
| 05b.5.21 | Appendix 3.14 – Residential Parameters Plan |
| 05b.5.22 | Appendix 5.1 – Location of Other Major Projects |
| 05b.5.23 | Appendix 8.1 – Overall Constraints Plan |
| 05b.5.24 | Appendix 9.1 – Location of non-designated below ground heritage assets |
| 05b.5.25 | Appendix 9.2 – Hulton Park in relation to known prehistoric activity |
| 05b.5.26 | Appendix 9.3 – Geophysical Survey |
| 05b.5.27 | Appendix 9.4 – Location of evaluation trenches |
| 05b.5.28 | Appendix 10.1 – Phase 1 Habitat Survey |
| 05b.5.29 | Appendix 10.2 – Tree Loss |
| 05b.5.30 | Appendix 10.3 – Grassland Loss |
| 05b.5.31 | Appendix 10.4 – Hedges Lost and Retained |
| 05b.5.32 | Appendix 10.5.1 – Bat Buildings Surveyed |
| 05b.5.33 | Appendix 10.5.2 – Bat Buildings Results |
| 05b.5.34 | Appendix 10.5.3 – Bat Build Tree Results |
| 05b.5.35 | Appendix 10.5.4 – Bat Activity Results Land S of A6 |
| 05b.5.36 | Appendix 10.5.5 – Bat Activity Results Land N of A6 |
| 05b.5.37 | Appendix 10.6 – GVN Survey |
| 05b.5.38 | Appendix 10.7 – GCN Mitigation |
| 05b.5.39 | Appendix 10.8 – Invertebrate Sampling and Trap Locations |
| 05b.5.40 | Appendix 10.9 – Habitat Creation Areas |
| 05b.5.41 | Appendix 10.10 – Ponds Created, Enhanced, Disturbed and Lost |
| 05b.5.42 | Appendix 10.11 – Arable Land Loss |
| 05b.5.43 | Appendix 10.12 – Air Pollution 2015 N Deposition Current Baseline |

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| 05b.5.44 | Appendix 10.13 – Air Pollution 2026 N Deposition with development |
| 05b.5.45 | Appendix 10.14 – Air Pollution 2026 N Deposition without development |
| 05b.5.46 | Appendix 10.15 – Air Pollution 2040 N Deposition wit development |
| 05b.5.47 | Appendix 10.16 – Air Pollution 2040 N Deposition without development |
| 05b.5.48 | Appendix 10.17 – Location Context |
| 05b.5.49 | Appendix 10.18 – Ancient Woodland |
| 05b.5.50 | Appendix 11.1 – Study Area |
| 05b.5.51 | Appendix 12.1 – Construction Dust Study Area |
| 05b.5.52 | Appendix 12.2 – Road Traffic Study Area |
| 05b.5.53 | Appendix 12.3 – Diffusion Tube Monitoring Locations |
| 05b.5.54 | Appendix 12.4 – Existing Sensitive Receptor Locations |
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| 05b.5.57 | Appendix 12.6 – BMBC and WMBC Diffusion Tube Monitoring Location |
| 05b.5.58 | Appendix 12.7 – 1KM Grid Square References |
| 05b.5.59 | Appendix 12.8 – 2018 Baseline N02 Concentrations |
| 05b.5.60 | Appendix 12.9 – 2026 Baseline N02 Concentrations |
| 05b.5.61 | Appendix 12.10 – 2040 Baseline N02 Concentrations |
| 05b.5.62 | Appendix 12.11 – 2018 Construction NO2 Concentrations |
| 05b.5.63 | Appendix 12.11a – 2018 Construction NO2 Concentrations – Four Ends Lane |
| 05b.5.64 | Appendix 12.12 – 2026 Platforms Construction NO2 Concentrations |
| 05b.5.65 | Appendix 12.13 – 2026 Infrastructure Constructions NO2 Concentrations |
| 05b.5.66 | Appendix 12.14 – 2040 with NO2 Concentrations |
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| 05b.5.70 | Appendix 13.2 – Noise monitoring locations |
| 05b.5.71 | Appendix 13.3 – Construction Noise Assessment – Sensitive Receptor Locations |
| 05b.5.72 | Appendix 13.4 – Operational Noise Assessment - Sensitive Receptor Locations |
| 05b.5.73 | Appendix 13.5 – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.74 | Appendix 13.5a – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.75 | Appendix 13.5b – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.76 | Appendix 13.5c – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.77 | Appendix 13.5d – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.78 | Appendix 13.6 – Road Traffic Noise - Sensitive Receptor Locations |
| 05b.5.79 | Appendix 13.7 – Future baseline noise levels (2026) |
| 05b.5.80 | Appendix 13.8 – Contour Map of Road Traffic Assessment –Full development including link road (2040) – Results |

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| 05b.5.81 | Appendix 13.9 – Contour Map of Road Traffic Assessment –Operation of Ryder Cup (2026) – Results |
| 05b.5.82 | Appendix 13.10 – Contour Map of Road Traffic Assessment Operation of Ryder Cup (2026) Results |
| 05b.5.83 | Appendix 13.11 – Contour Map Showing Difference Between Ryder Cup (2026) and Do Minimum (2026) |
| 05b.5.84 | Appendix 13.12 – Mitigation for BS4142 |
| 05b.5.85 | Appendix 15.1 – Water Receptors |
| 05b.6 | Environmental Statement Volume 4: Technical Appendices (May 2017), prepared by various |
| 05b.6.1 | Appendix 3.1a – Hulton Park Conservation Plan Volume 1: An Assessment of the Heritage Significance |
| 05b.6.2 | Appendix 3.1b – Hulton Park Conservation Plan Volume 2: Conservation Strategy |
| 05b.6.3 | Appendix 3.2 – Lighting Impact Assessment |
| 05b.6.4 | Appendix 3.3 – Interim Event and Travel Management Plan (IE&TMP) |
| 05b.6.5 | Appendix 4.1 – Environmental Statement Scoping Opinion |
| 05b.6.6 | Appendix 4.2 – Environmental Statement Scoping Opinion: Consultee Response Review |
| 05b.6.7 | Appendix 7.1 – Landscape and Visual Assessment Tables |
| 05b.6.9 | Appendix 8.1 – Heritage Impact Assessment |
| 05b.6.10 | Appendix 8.2 – Historic Structures Condition and Repair Issues |
| 05b.6.11 | Appendix 8.3 – Hulton Park Existing Masonry Wall |
| 05b.6.12 | Appendix 9.1 – Archaeological Desk Based Assessment for Hulton Park |
| 05b.6.13 | Appendix 9.2 – Geophysical Survey Report for Hulton Park |
| 05b.6.14 | Appendix 10.1.1 – Desk Based Ecology Assessment |
| 05b.6.15 | Appendix 10.1.2 – Arboricultural Desk Study |
| 05b.6.16 | Appendix 10.2.1 – Phase 1 Habitat Survey, South of A6 |
| 05b.6.17 | Appendix 10.2.2 – Phase 1 Habitat Survey, North of A6 |
| 05b.6.18 | Appendix 10.3 – Tree Survey/Arboricultural Implication Assessment |
| 05b.6.19 | Appendix 10.4 – Mycology (Fungi) Report |
| 05b.6.20 | Appendix 10.5.1 – Bat Roost Overview |
| 05b.6.21a | Appendix 10.5.2 – Bat Survey 2015 Results |
| 05b.6.21b | Appendix 10.5.3 – Bat Inspection Survey Report – Hulton Cottage |
| 05b.6.22 | Appendix 10.5.4 – Bat Hibernation Survey Report |
| 05b.6.23 | Appendix 10.5.5 – Bat Roost Survey Report 2016 |
| 05b.6.24 | Appendix 10.5.6 – Bat Tree Assessment Schedule |
| 05b.6.25 | Appendix 10.5.7 – Bat Activity Survey Report 2016 |
| 05b.6.26 | Appendix 10.5.8 – Bat Impact Assessment: Construction Phase Scenario 1 |
| 05b.6.27 | Appendix 10.6 – Breeding Bird Survey |

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| 05b.6.28 | Appendix 10.7 – Great Crested Newt Survey |
| 05b.6.29 | Appendix 10.8 – Invertebrate Assessment |
| 05b.6.30 | Appendix 10.9 – Inter Project Cumulative Assessment |
| 05b.6.31 | Appendix 10.10 – CONFIDENTIAL Badger Desktop Records |
| 05b.6.32 | Appendix 11.1 – Transport Assessment |
| 05b.6.33 | Appendix 11.2 – Committed Development Details |
| 05b.6.34 | Appendix 12.1 – Consultation document - BMBC |
| 05b.6.35 | Appendix 12.2 – Consultation document - WMBC |
| 05b.6.36 | Appendix 12.3 – ADMS Inputs |
| 05b.6.37 | Appendix 12.4 – Dust Risk Assessment – Construction of Development Including Off-Site Improvement Works (2018) |
| 05b.6.38 | Appendix 12.5 – Dust Risk Assessment – 2026 Ryder Cup Construction |
| 05b.6.39 | Appendix 12.6 – Dust Risk Assessment – 2026 Ryder Cup Decommissioning |
| 05b.6.40 | Appendix 13.1 – Consultation document for Bolton MBC |
| 05b.6.41 | Appendix 13.2 – Consultation document for Wigan MBC |
| 05b.6.42 | Appendix 13.3 – Noise measurement methodology |
| 05b.6.43 | Appendix 13.4 – Construction Noise Assessment - Calculation Methodology |
| 05b.6.44 | Appendix 13.5 – CadnaA inputs |
| 05b.6.45 | Appendix 13.6 – BS4142;2014 Assessment Data |
| 05b.6.46 | Appendix 13.7 – Road traffic Assessment Results |
| 05b.6.47 | Appendix 14.1 – Phase 1 Desk Study Report (ref: 60484817/MNGEO/RP/001) Date: April 2015 |
| 05b.6.48 | Appendix 14.2 – Mining Assessment Report |
| 05b.6.49 | Appendix 14.3 – Geotechnical and Geo-environmental Desk Study |
| 05b.6.50 | Appendix 14.4 – Geotechnical and Geo-Environmental Ground Investigation |
| 05b.6.51 | Appendix 14.5 – Minerals Safeguarding Report |
| 05b.6.52 | Appendix 14.6 – Golf Academy Area, Ground Investigation Report |
| 05b.6.53 | Appendix 14.7 – Lake Sediment Technical Note |
| 05b.6.54 | Appendix 14.8 – TS Link Road |
| 05b.6.55 | Appendix 15.1 – Flood Risk Assessment and Drainage Strategy |
| 05b.6.56 | Appendix 15.2 – Mill Dam Stream Hydromorphological Desk Study and Site Survey |
| 05b.6.57 | Appendix 15.3 – Mill Damn Stream, Ornamental and Back O' Th' Woods ('Upper') Lake Investigation and Monitoring Report |
| 05b.6.58 | Appendix 15.4 – Preliminary Water Framework Directive (WFD) Compliance Assessment |
| 05b.6.59 | Appendix 15.5 – Drainage Strategy Report |
| 05b.6.60 | Appendix 15.6 – EA Letter |
| 05b.6.61 | Appendix 16.1 – EKOSGEN Economic Impact Report |

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| 06a | Copies of all application plans and supporting documents submitted post-validation and pre-determination by BMBC (May – December 2017) |
| 06a.1 | Hulton Park Golf Course Masterplan<br>*Submitted 20 June 2016 |
| 06a.2 | Landscape Masterplan Site Wide (Full Development)<br>[Drawing Ref. LUC_6628_LD_PLN_103 Revision E]<br>*Submitted 12 July 2017 |
| 06a.3 | Illustrative Masterplan [Drawing Ref. LUC_6628_LD_PLN_100 Issue N]<br>*Submitted 12 July 2017 |
| 06a.5 | Biodiversity Impact Assessment Report, prepared by The Environment Bank (July 2017) [Document Ref. EB3072-A2]<br>*Submitted 19 July 2017 |
| 06a.5 | **Hulton Trail Proposals** |
| 06a.5.1 | Hulton Trail Proposals Plan 1 [Drawing Ref. 507C 08 Rev B] |
| 06a.5.2 | Hulton Trail Proposals Plan 2 [Drawing Ref. 507C 09 Rev B] |
| 06a.5.3 | Hulton Trail Proposals Plan 3 [Drawing Ref. 507C 10 Rev B] |
| 06a.5.4 | Hulton Trail Proposals Plan 4 [Drawing Ref. 507C 11 Rev B] |
| 06a.5.5 | Hulton Trail Proposals Plan 5 [Drawing Ref. 507C 12 Rev B]<br>*Submitted 19 July 2017 |
| 06a.6 | **Drainage** |
| 06a.6.1 | Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00117 Rev E] |
| 06a.6.2 | Academy Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00108 Rev P2] |
| 06a.6.3 | Clubhouse Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00107 Rev P2] |
| 06a.6.4 | Hotel / Car Park General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00105 Rev P3] |
| 06a.6.5 | Maintenance Building General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00106 Revi P2]<br>*Submitted 03 October 2017 |
| 06a.7 | Section 106 Supporting Document: M61 J5 Mitigation Scheme [Drawing Ref. ITM10187-SK-192 Rev C] |
| 06a.8 | Updated Hulton Park Flood Risk Assessment (Version 002, September 2017) |
| 06a.9 | Development Appraisal, prepared by Cushman & Wakefield (September 2017) |

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| | *Document dated 18 September 2019 due to date file saved as PDF |
| 06b | Copies of all application plans and supporting documents submitted post-validation and pre-determination by BMBC (Submitted 12 January 2018) |
| 06b.1 | Revised Design and Access Statement, prepared by Land Use Consultants, Leach Rhodes Walker, Calder Peel, and European Golf Design<br>(Version 6.1, January 2018) |
| 06b.2 | Revised Residential Design Code, prepared by Calder Peel, comprising: |
| 06b.2.1 | Revised Character Area 5: Park End Farm (January 2018) |
| 06b.2.2 | Revised Character Area 6: Dearden's Park (January 2018) |
| 06b.3 | Revised Conservation Plan, prepared by Land Use Consultants, comprising: |
| 06b.3.1 | Revised Volume 1: An Assessment of the Heritage Significance (January 2018) |
| 06b.3.2 | Revised Volume 2: Conservation Strategy (January 2018) |
| 06b.4 | Revised Travel Plan Golf Resort, prepared by i-Transport (December 2017)<br>[Document Ref. VACE/SEE/dc/ITM10187-015 C] |
| 06b.5 | Revised Interim Event and Travel Management Plan, prepared by i-Transport (January 2018)<br>[Document Ref. SEE/dc/ITM10187 – 016E] |
| 06b.6 | Landscape Masterplan Site Wide (Full Development)<br>[Drawing Ref. LUC_6628_LD_PLN_103 Revision H] |
| 06b.7 | Illustrative Masterplan [Drawing Ref. LUC_6628_LD_PLN_100 Issue Q] |
| 06b.8 | Parameters Plan [Drawing Ref. 15191 (Pl) 500 U] |
| 06b.9 | **The Golf Course** |
| 06b.9.1 | Golf Grading Overview [Drawing Ref. 1263.405.01 Rev H] |
| 06b.9.2 | Golf Grading 1 of 3 [Drawing Ref. 1263.405.02 Rev C] |
| 06b.9.3 | Golf Grading 2 of 3 [Drawing Ref. 1263.405.03 Rev B] |
| 06b.9.4 | Golf Grading 3 of 3 [Drawing Ref. 1263.405.04 Rev B] |
| 06b.9.5 | Golf Grading Analysis [Drawing Ref. 1263.415.01 Rev G] |
| 06b.9.6 | General Arrangement Overview Plan<br>[Drawing Ref. LUC_6628_LD_PLN_200 Issue B] |
| 06b.9.7 | General Arrangement Plans Site Wide, Drawings 1 to 19<br>[Drawing Ref. LUC_6628_LD_PLN_201 to 219 Issue E] |
| 06b.9.8 | Detailed Area; Golf and Academy Entrance<br>[Drawing Ref. LUC-6628-LD-PLN-231 Issue B] |

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| 06b.10 | **The Clubhouse** |
| 06b.10.1 | Clubhouse Lower Ground Floor General Arrangement Plan [Drawing Ref. L(20)24A] |
| 06b.10.2 | Clubhouse Ground Floor General Arrangement Plan [Drawing Ref. L(20)25A] |
| 06b.10.3 | Clubhouse Roof General Arrangement Plan [Drawing Ref. L(20)26A] |
| 06b.10.4 | Clubhouse General Arrangement Elevations [Drawing Ref. L(20)32A] |
| 06b.10.5 | Clubhouse Section A-A [Drawing Ref. L(20)15A] |
| 06b.10.6 | Clubhouse Views, Sheet 1 [Drawing Ref. L(20)33A] |
| 06b.10.7 | Clubhouse Views, Sheet 2 [Drawing Ref. L(20)34A] |
| 06b.11 | **The Academy** |
| 06b.11.1 | Academy Ground Floor General Arrangement Plan [Drawing Ref. L(20)27A] |
| 06b.11.2 | Academy Roof General Arrangement Plan [Drawing Ref. L(20)28B] |
| 06b.11.3 | Academy General Arrangement Elevations [Drawing Ref. L(20)29B] |
| 06b.11.4 | Academy Sections A-A B-B C-C [Drawing Ref. L(20)19A] |
| 06b.11.5 | Academy views, Sheet 1 [Drawing Ref. L(20)30B] |
| 06b.11.6 | Academy views, Sheet 2 [Drawing Ref. L(20)31B] |
| 06b.12 | **Landscape** |
| 06b.12.1 | Illustrative Landscape Masterplan; Academy & Clubhouse [Drawing Ref. LUC-6628-LD-PLN-102 Revision D] |
| 06b.12.2 | Detailed Area; Clubhouse [Drawing Ref. LUC-6628-LD-PLN-229 Rev E] |
| 06b.12.3 | Detailed Area; Golf Academy [Drawing Ref. LUC-6628-LD-PLN-230 Rev E] |
| 06b.13 | **Hulton Trail Proposals** |
| 06b.13.1 | Hulton Trail Proposals Plan 1 [Drawing Ref. 507C 08 Rev C] |
| 06b.13.2 | Hulton Trail Proposals Plan 2 [Drawing Ref. 507C 09 Rev C] |
| 06b.13.3 | Hulton Trail Proposals Plan 3 [Drawing Ref. 507C 10 Rev C] |
| 06b.13. 4 | Hulton Trail Proposals Plan 4 [Drawing Ref. 507C 11 Rev C] |
| 06b.13.5 | Hulton Trail Proposals Plan 5 [Drawing Ref. 507C 12 Rev C] |
| 06b.14 | **Residential Development** |
| 06b.14.1 | Illustrative Masterplan for Dearden's Farm [Drawing Ref. 15191 (PL) 002 K] |
| 06b.14.2 | Illustrative Masterplan for Park End [Drawing Ref. 15191 (PL) 005 M] |
| 06b.14.3 | Illustrative Masterplan for Western Fields 1 [Drawing Ref. 15191 (PL) 003 N] |
| 06b.14.4 | Illustrative Masterplan for Western Fields 2 [Drawing Ref. 15191 (PL) 004 K] |

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| 06b.15 | **Drainage** |
| 06b.15.1 | Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00117 Rev F] |
| 06b.15.2 | Academy Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00108 Rev P3] |
| 06b.15.3 | Clubhouse Drainage General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00107 Rev P3] |
| 06b.15.4 | Hotel / Car Park General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00105 Rev P4] |
| 06b.15.5 | Maintenance Building General Arrangement<br>[Drawing Ref. PSAM-ACM-XX-XX-DR-CE-00106 Rev P3] |
| 06b.16 | Hulton Trail: Access Restrictions Proposals [Drawing Ref. 507C-13 Revision A] |
| 06b.17 | Academy Entrance Visual [Drawing Ref. L(20)35] |
| 06b.18 | Clubhouse Entrance Visual [Drawing Ref. L(20)36] |
| 06b.19 | Clubhouse Rear Visual [Drawing Ref. L(20)37] |
| 06b.20 | Outline Construction and Environment Management Plan (January 2018) |
| 06b.21 | Interim Landscape and Habitat Management Plan (January 2018) |
| 06c | Environmental Statement Addendum (January 2018) |
| 06c.1 | Environmental Statement Addendum Volume 1A: Non-Technical Summary, prepared by various |
| 06c.2 | **Environmental Statement Addendum Volume 2A: Technical Assessment**, prepared by various<br><br>Chapter A: Introduction to the ES Addendum (Turley)<br>Chapter 1: Introduction (Turley)<br>Chapter 2: Site Location and Description (Turley)<br>Chapter 3: Project Description (Turley)<br>Chapter 4: Response to Environmental Statement Scoping Opinion (Turley)<br>Chapter 5: EIA Methodology (Turley)<br>Chapter 6: Consideration of Alternatives (Turley)<br>Chapter 7: Landscape Character and Visual Amenity (Land Use Consultants)<br>Chapter 8: Cultural Heritage (Peter de Figueiredo)<br>Chapter 9: Archaeology (Salford Archaeology)<br>Chapter 10: Ecology and Arboriculture (TEP)<br>Chapter 11: Traffic and Transportation (i-Transport) |

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| | Chapter 12: Air Quality (Miller Goodall) |
| | Chapter 13: Noise (Miller Goodall) |
| | Chapter 14: Geology, Soils and Contamination (Aecom) |
| | Chapter 15: Water Environment (Aecom) |
| | Chapter 16: Socio-Economics (Turley) |
| | Chapter 17: Environmental Management and Conclusions (Turley) |
| 06c.3 | **Environmental Statement Addendum Volume 3aA: LVIA figures**, prepared by Land Use Consultants |
| 06c.3.1 | |
| 06c.3.2 | Overview of LVIA Figures ES Addendum Changes |
| 06c.3.3 | Appendix 7.18(a) HVP08 Northern Entrance |
| 06c.3.4 | Appendix 7.21(a) HPV11 Western of the Park |
| 06c.3.5 | Appendix 7.27(a) VP02 A6 Entrance |
| 06c.3.6 | Appendix 7.37 (a) VP12 Footpath WES211 Punch Lane |
| | [Document Ref. 20171214] |
| | Appendix 7.38 (a) VP13 Pretoria Pit Memorial Broadway |
| | [Document Ref. 20180108] |
| | *All other Appendices remain unchanged from original ES |
| 06c.4 | **Environmental Statement Addendum Volume 3bA: Other Assessment Figures**, prepared by various |
| 06c.4.0 | |
| 06c.4.1 | Overview of Other Assessment Figures ES Addendum List |
| 06c.4.2 | Appendix 3.1(a) – Project Illustrative Masterplan |
| 06c.4.3 | Appendix 3.4(a) – Cut and Fill / Grading Plan |
| 06c.4.4 | Appendix 3.5(a) – Location of Proposed Bridges |
| 06c.4.5 | Appendix 3.13(a) – Hulton Trail (Comprising 6 Plans) |
| 06c.4.6 | Appendix 3.14(a) – Residential Parameters Plan |
| 06c.4.7 | Appendix 3.15 – Potential Offsite Woodland Planting and Management Area |
| 06c.4.8 | Appendix 3.16 – Drainage Infrastructure (comprising 5 plans) |
| 06c.4.9 | Appendix 10.1(a) – Phase 1 Habitat Survey |
| 06c.4.10 | Appendix 10.2(a) – Tree Loss |
| 06c.4.11 | Appendix 10.3(a) – Grassland Loss |
| 06c.4.12 | Appendix 10.6(a) – GVN Survey |
| 06c.4.13 | Appendix 10.7(a) – GCN Mitigation |
| 06c.4.14 | Appendix 10.9(a) – Habitat Creation Areas |
| 06c.4.15 | Appendix 10.10(a) – Ponds Created, Enhanced, Disturbed and Lost |
| 06c.4.16 | Appendix 10.13(a) – Air Pollution 2026 N Deposition with development |
| 06c.4.17 | Appendix 10.14(a) – Air Pollution 2026 N Deposition without development |

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| 06c.4.18 | Appendix 10.15(a) – Air Pollution 2040 N Deposition with development |
| 06c.4.19 | Appendix 10.16(a) – Air Pollution 2040 N Deposition without development |
| 06c.4.20 | Appendix 12.9(a) – 2026 Baseline N02 Concentrations |
| 06c.4.21 | Appendix 12.10(a) – 2040 Baseline N02 Concentrations |
| 06c.4.22 | Appendix 12.14(a) – 2040 with N02 Concentrations |
| | Appendix 12.15(a) – 2026 with Development N02 Concentrations |
| | *All other Appendices remain unchanged from original ES |
| 06c.5 | **Environmental Statement Addendum Volume 4A: Technical Appendices**, prepared by various |
| 06c.5.0 | Overview of Technical Appendices ES Addendum List |
| 06c.5.1 | Appendix 3.1a (a) – Hulton Park Conservation Plan Volume 1: An Assessment of the Heritage Significance |
| 06c.5.2 | Appendix 3.1b (a) – Hulton Park Conservation Plan Volume 2: Conservation Strategy |
| 06c.5.3 | Appendix 3.3(a) – Interim Event and Travel Management Plan (IE&TMP) |
| 06c.5.4 | Appendix 7.1(a) – Landscape and Visual Assessment Tables |
| 06c.5.5 | Appendix 9.3 – Historic Buildings Gazetter |
| 06c.5.6 | Appendix 10.2.1(a) – Phase 1 Habitat Survey, South of A6 |
| 06c.5.7 | Appendix 10.3(a) – Tree Survey/Arboricultural Implication Assessment |
| 06c.5.8 | Appendix 10.11 – Breeding Bird Survey – survey completed north of A6 in 2017 |
| 06c.5.9 | Appendix 10.12 – GMEU Consultation Response August 2017 |
| 06c.5.10 | Appendix 10.13 – Potential Offsite Woodland Planting and Management Area (Gorse Wood) |
| 06c.5.11 | Appendix 12.3(a) – ADMIS Inputs |
| 06c.5.12 | Appendix 14.9 – Outline Lake De-Silting Feasibility Study and Strategy |
| 06c.5.13 | Appendix 15.1(a) – Flood Risk Assessment and Drainage Strategy |
| 06c.5.14 | Appendix 15.4(a) – Preliminary Water Framework Directive (WFD) Compliance Assessment |
| | *All other Appendices remain unchanged from original ES |
| 06d | Copies of all application plans and supporting documents submitted post-validation and pre-determination by BMBC (Submitted February 2018) |
| 06d.1 | **Golf Course** |
| 06d.1.1 | General Arrangement Plans Site Wide, Drawing 4 of 19 |
| | [Drawing Ref. LUC_6628_LD_PLN_204 Rev F] |
| 06d.1.2 | Detailed Area; Golf and Academy Entrance |
| | [Drawing Ref. LUC-6628-LD-PLN-231 Rev C] |

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| | *Submitted 05 February 2018 |
| 06d.2 | **Academy** |
| 06d.2.1 | Academy views, Sheet 1 [Drawing Ref. L(20)30C] |
| 06d.2.2 | Academy views, Sheet 2 [Drawing Ref. L(20)31C]<br>*Submitted 05 February 2018 |
| 06d.3 | **Landscape** |
| 06d.3.1 | Illustrative Landscape Masterplan; Academy & Clubhouse<br>[Drawing Ref. LUC-6628-LD-PLN-102 Issue E]<br>*Submitted 05 February 2018 |
| 06d.3.2 | Detailed Area; Clubhouse [Drawing Ref. LUC-6628-LD-PLN-229 Issue F]<br>*Submitted 06 February 2018 |
| 06d.3.3 | Detailed Area; Golf Academy [Drawing Ref. LUC-6628-LD-PLN-230 Issue F]<br>*Submitted 05 February 2018 |
| 06d.4 | Academy Entrance Visual [Drawing Ref. L(20)35A]<br>*Submitted 09 February 2018 |
| 06d.5 | Revised Travel Plan Golf Resort, prepared by i-Transport (February 2018)<br>[Document Ref. VACE/SEE/dc/ITM10187-015 D]<br>*Submitted 08 February 2018 |
| 06d.6 | Revised BREEAM and Sustainability, prepared by Sustainable Assessments Limited (Revision C, February 2018)<br>*Submitted 15 February 2018 |
| 07a | Additional plans and documents submitted during the call-in inquiry process (Submitted 08 May 2019) |
| 07a.0 | Summary of Changes to Application Documents |
| 07a.1 | Updated Design and Access Statement, prepared by Land Use Consultants (Version 7, April 2019) |
| 07a.2 | Updated Travel Plan – Residential, prepared by i-Transport (April 2019)<br>[Document Ref. VACE/SEE/dc/ITM10187-013B] |
| 07a.3 | Updated Travel Plan – Golf Resort, prepared by i-Transport (April 2019)<br>[Document Ref. VACE/SEE/dc/ITM10187-015B] |
| 07a.4 | Updated Outline Construction and Environmental Management Plan, prepared by Turley (April 2019) |
| 07a.5 | Updated Interim Landscape and Habitat Management Plan, prepared by TEP (April 2019) |

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| 07a.6 | Hulton Park Trail: 507C-13 Rev A (New Additional Plan) |
| 07b | Supplemental Environmental Statement (Submitted 08 May 2019) |
| 07b.1 | Supplemental Environmental Statement Volume 1: Non-Technical Summary (April 2019) |
| 07b.2 | **Supplemental Environmental Statement Volume 2: Environmental Assessment** (April 2019)<br><br>Chapter 1: Introduction (Turley)<br>Chapter 2: Site Location and Description (Turley)<br>Chapter 3: Project Description (Turley)<br>Chapter 4: Response to Environmental Statement Scoping Opinion (Turley)<br>Chapter 5: EIA Methodology (Turley)<br>Chapter 6: Consideration of Alternatives (Turley)<br>Chapter 7: Supplemental Landscape Character and Visual Amenity (Land Use Consultants)<br>Chapter 8: Supplemental Cultural Heritage Impact Assessment (Peter de Figueiredo)<br>Chapter 9: Supplemental Archaeology Assessment (Salford Archaeology)<br>Chapter 10: Supplemental Ecology and Arboriculture Assessment (TEP)<br>Chapter 11: Supplemental Traffic and Transportation Assessment (i-Transport)<br>Chapter 12: Supplemental Air Quality Assessment (Miller Goodall)<br>Chapter 13: Supplemental Noise Assessment (Miller Goodall)<br>Chapter 14: Supplemental Geology, Soils and Contamination Assessment (Aecom)<br>Chapter 15: Supplemental Water Environment Assessment (Aecom)<br>Chapter 16: Supplemental Socio-Economics Assessment (Turley)<br>Chapter 17: Supplemental Environmental Management and Conclusions (Turley) |
| 07b.3 | Supplemental Environmental Statement Volume 3a: Landscape Figures (April 2019)<br>*All Appendices remain unchanged from original ES and/or ES Addendum |
| 07b.4 | Supplemental Environmental Statement Volume 3b: Other Assessment Figures (April 2019) |
| 07b.4.1 | Appendix 5.1(a) – Updated Location of Other Major Projects |
| 07b.4.2 | Appendix 12.8(a) – 12.16(a) – Updated Air Quality Figures |
| 07b.4.3 | Appendix 12.17 – 12.22 – New Air Quality Figures |
| 07b.4.4 | Appendix 13.11(a) – Updated Noise Contour Map |

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| | *All other Appendices remain unchanged from original ES and/or ES Addendum |
| 07b.5 | Supplemental Environmental Statement Volume 4B: Technical Appendices (April 2019) |
| 07b.5.1 | Appendix 3.1a (b) – Updated Conservation Plan Volume 1 |
| 07b.5.2 | Appendix 3.1b (b) – Updated Conservation Plan Volume 2 |
| 07b.5.3 | Appendix 3.2(b) – Updated Lighting Impact Assessment |
| 07b.5.4 | Appendix 3.3(b) – Updated Interim Event and Travel Management Plan [Document ref. SEE/dc/ITM10187-016G] |
| 07b.5.5 | Appendix 3.4 – Updated Chapter 3 of the ES Addendum Jan 2018 |
| 07b.5.6 | Appendix 7.1 (b) – Updated Landscape and Visual Assessment Tables |
| 07b.5.7 | Appendix 8.1 (a) – Updated Heritage Impact Assessment |
| 07b.5.8 | Appendix 11.1 – Consolidated Transport Assessment, prepared by i-Transport [Document Ref. SEE/VACE/dc/ITM10187-012H] |
| 07b.5.9 | Appendix 12.3 (a) – Updated Air Quality ADMS Inputs |
| 07b.5.10 | Appendix 13.5a – Updated CadnaA Inputs |
| 07b.5.11 | Appendix 13.7a – Updated Road traffic Assessment Results<br>*All other Appendices remain unchanged from original ES and/or ES Addendum |
| 07c | Additional plans and documents submitted during the call-in inquiry process (July – August 2019) |
| 07c.1 | Updated Financial Viability Assessment, prepared by Cushman & Wakefield (July 2019) |
| 07c.2 | Four Lane Ends Mitigation Scheme Newbrook Road / A6 Manchester Road / St Helens Road / A6 Salford Road [Drawing Ref. ITM10187-SK-194 Rev D] |
| 07c.3 | Hotel General Arrangement Elevations North & South Ref L(20)08A |
| 07c.4 | Hotel General Arrangement Elevations East & West Ref L(20)09A |
| 07c.5 | Hotel Sections A-A B-B Ref L(20)10A |
| 07c.6 | Updated Design and Access Statement (Version 8, July 2019) |
| 08 | A list of all plans, drawing and documents (stating drawing/document references, revision numbers and submission dates) |
| 08.1 | List of all plans, drawing and documents (stating drawing/document references, revision numbers and submission dates) (Dated 06/08/19) |
| 09 | Consultation Responses |
| 09.1 | Statutory Consultee Responses |

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|---|---|
| 09.2 | Summary of Third Party Consultation Responses (including consultation responses), prepared by Turley (June 2019) |
| 09.3 | Supplemental Environmental Statement and Updated Documents Consultation Statement (including consultation responses), prepared by Turley (July 2019)<br>*Submitted to BMBC, Planning Inspectorate & HEART 16 July 2019 |
| 09.4 | Letters of Support for Hulton Park Proposals, comprising letters from: |
| 09.4.1 | Greater Manchester Combined Authority (dated 09 May 2018) |
| 09.4.2 | Greater Manchester Local Enterprise Partnership (dated 26 April 2018) |
| 09.4.3 | Wigan Council (dated 07 February 2018) |
| 09.4.4 | Market Manchester (dated 30 April 2018) |
| 09.4.5 | Manchester Inward Investment Agency (dated 24 April 2018) |
| 09.4.6 | Confederation of British Industry North West (dated 10 June 2019) |
| 09.4.7 | The University of Bolton (dated 26 April 2018) |
| 09.4.8 | England Golf (dated 13 February 2018) |
| 09.4.9 | Sport England (dated 26 January 2018) |
| 09.4.10 | The Golf Foundation (dated 04 June 2019) |
| 09.4.11 | Greater Sport (dated 03 May 2018) |
| 09.4.12 | North West Business Leadership Team (dated 06 August 2019) |
| 09.4.13 | The University of Manchester (dated 13 August 2019) |
| 10 | Key Correspondence |
| 10.1 | Bolton Council Environmental Impact Assessment Scoping Opinion Letter (Dated 16 January 2017) |
| 10.2 | Secretary of State 'Call-in' Letter, Planning Casework Unit, MHCLG (Dated 31 July 2018) |
| 10.3 | Bespoke timetable for the Public Inquiry |
| 10.4 | Letter from Planning Inspectorate (Helen Skinner) confirming HEART Rule 6 Status (Dated 19 October 2018) |
| 10.5 | Applicant letter notifying BMBC of Supplemental and Updated Documents Consultation (Dated 08 May 2019) |
| 10.6 | Applicant letter notifying PINS of Supplemental and Updated Documents Consultation (Dated 08 May 2019) |
| 10.7 | Campaign to Protect Rural England Lancashire letter in response to Application (Dated 27 July 2017) |
| 10.8 | Campaign to Protect Rural England Lancashire letter in response to call in (Dated 26 March 2018) |

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| 10.9 | Campaign to Protect Rural England Lancashire letter to Secretary of State requesting a Call-in (Dated 20 October 2018) |
| 10.10 | Applicant letter notifying BMBC of Amendments to Hotel Plans (Dated 06 August 2019) |
| 10.11 | Applicant letter notifying PINS of Amendments to Hotel Plans (Dated 06 August 2019) |
| 10.12 | Applicant letter notifying HEART of Amendments to Hotel Plans (Dated 06 August 2019) |
| 11 | Policy Documents |
| 11.1 | Bolton's Local Plan Local Development Scheme, April 2019 |
| 11.2 | The Bolton Core Strategy (Adopted March 2011) |
| 11.3 | The Bolton Allocations Plan (Adopted December 2014) |
| 11.4 | Greater Manchester Joint Minerals Plan (Adopted April 2013) |
| 11.5 | The National Planning Policy Framework (February 2019) |
| 11.6 | Relevant extracts of Planning Practice Guidance (PPG), comprising: |
| 11.6.1 | Appeals (Published March 2014) |
| 11.6.2 | Housing and Economic Land Availability Assessment (Updated September 2018) |
| 11.6.3 | Housing and Economic Needs Assessment (Updated February 2019) |
| 11.6.4 | Viability (Updated May 2019) |
| 11.6.5 | Historic Environment (Updated July 2019) |
| 11.6.6 | Natural Environment (Updated July 2019) |
| 11.6.7 | Green Belt (Updated July 2019) |
| 11.7 | Bolton Affordable Housing Supplementary Planning Document (February 2013) |
| 11.8 | Bolton Accessibility, Transport and Road Safety Supplementary Planning Document (October 2013) |
| 11.9 | Bolton General Design Supplementary Planning Document (June 2015) |
| 11.10 | Bolton Infrastructure and Planning Contributions Supplementary Planning Document (July 2015) |
| 11.11 | Bolton Sustainable Design and Construction Supplementary Planning Document (October 2016) |
| 11.12 | The Bolton Economy: Our Strategy for Growth 2016-2030 (Bolton Council, 2016) |
| 11.13 | Emerging Greater Manchester Spatial Framework (Consultation Draft January 2019) |

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|---|---|
| 11.14 | Golf in Historic Landscapes – The Planning System and Related Guide (English Heritage, 2007) |
| 11.15 | Golf in Historic Parks and Landscapes – Understanding Historic Park Designs (English Heritage, 2008) |
| 11.16 | Enabling Development and the Conservation of Significant Places (English Heritage, 2012) |
| 11.17 | Good Practice Advice in Planning: 2, Managing Significance in Decision-Taking in the Historic Environment (Historic England, March 2015) |
| 11.18 | Advisory Note on the Reconstruction of Heritage Assets – Consultation Draft (Historic England, 2016) |
| 11.19 | Good Practice Advice in Planning: 3, The Setting of Heritage Assets (Second Edition) (Historic England, December 2017) |
| 11.20 | Historic England Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, Historic England (2008) |
| 11.21 | The Planning System in England and the Protection of Historic Parks and Gardens (The Gardens Trust, 2016) |
| 11.22 | The Greater Manchester Strategy, comprising |
| 11.22.1 | Stronger Together: The Greater Manchester Strategy (GMCA and AGMA, 2013) |
| 11.22.2 | Our People, Our Place: The Greater Manchester Strategy (GMCA (GMCA, 2017) |
| 11.23 | Greater Manchester Housing Strategy 2019 - 2024 (GMCA, April 2019) |
| 11.24 | The Greater Manchester Strategy for the Visitor Economy 2014 – 2020 (Marketing Manchester, 2014) |
| 11.25 | Greater Manchester Moving, comprising: |
| 11.25.1 | The Blueprint for Physical Activity and Sport in Greater Manchester (June 2015) |
| 11.25.2 | #GMMoving – The Plan for Physical Activity and Sport 2017-21 |
| 11.26 | Northern Powerhouse Strategy (HM Treasury, November 2016) |
| 11.27 | Building more homes, House of Lords Select Committee on Economic Affairs (July 2016) |
| 11.28 | Autumn Budget 2017, HM Treasury (November 2017) |
| 11.29 | Fixing our broken housing market, Department for Communities and Local Government (February 2017) |
| 11.30 | Economic value of sport in England, Sport England (July 2013) |
| 11.31 | Sporting Future: A New Strategy for an Active Nation (HM Government, Cabinet Office, December 2015) |

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| 11.32 | Sporting Future: First Annual Report (HM Government, Cabinet Office, February 2017) |
| 11.33 | Sporting Future: Second Annual Report (HM Government, Cabinet Office, January 2018) |
| 11.34 | Sporting Future Annual Report 2019: Written statement - HCWS1311<br>(HM Government, Department for Digital, Culture, Media and Sport, 07 February 2019) |
| 11.35 | Transcript of Speech by Mims Davies (Parliamentary Under Secretary of State for Sport and Civil Society) at UK Sport's Future Funding Strategy Launch (Delivered 12 February 2019) |
| 11.36 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 1: Course Layout and Density, 2007 |
| 11.37 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 2: Landform, 2007 |
| 11.38 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 3: Buildings, Car Parks and Circulation, 2007 |
| 11.39 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 4: Trees and New Planting, 2007 |
| 11.40 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 5: Furniture, Paths and Lighting, 2007 |
| 11.41 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 6: Bunkers, 2007 |
| 11.42 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 7: Grassland Management, 2007 |
| 11.43 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 8: Water Bodies and Irrigation, 2007 |
| 11.44 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 9: Landscape Management, 2007 |
| 11.45 | Historic England: Golf in historic parks and landscapes: Detailed Guideline 10: The wider historic landscape character, 2007 |
| 11.46 | Historic England The Setting of Heritage Assets (consultation draft 2017) |
| 11.47 | Historic England Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, Historic England (consultation draft 2017) |
| 11.48 | Planning for Sport Guidance, Sport England (June 2019) |
| 11.49 | Tourism Sector Deal, Department for Business, Energy & Industrial Strategy and Department for Digital, Culture, Media & Sport (28 June 2019) |

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| 11.50 | Industrial Strategy – Building a Britain fit for the Future, HM Government (November 2017) |
| 11.51 | Bolton 2030 – A Vision for Bolton's Future, Vision Summary (Bolton Vision Partnership, July 2017) |
| 11.52 | Greater Manchester Local Industrial Strategy (June 2019) |
| 11.53 | Greater Manchester Biodiversity Action Plan |
| 11.54 | The National Adaptation Programme and the Third Strategy for Climate Adaptation Reporting (July 2018) |
| 11.55 | Rural Landscapes – Register of Parks and Gardens Selection Guide, Third edition (Historic England, December 2017). |
| 11.56 | Guidance on Golf in historic parks and landscapes (English Heritage, Consultation Draft July 2005) |
| 12 | Other Documents |
| 12.1 | Report on the Examination into the Bolton Core Strategy Development Plan Document, 17 December 2010 |
| 12.2 | Bolton Strategic Housing Land Availability Assessment 2007, Final Report, August 2008 |
| 12.3 | Bolton Strategic Housing Market Assessment: Final Report 2008, prepared by David Couttie Associates on behalf of Bolton Council, 2008 |
| 12.4 | Bolton Council Brownfield Land Register December 2017 |
| 12.5 | Bolton's Authority Monitoring Report 2017/18: Volume 2 Housing Land Requirements and Supply, Bolton Metropolitan Borough Council |
| 12.6 | Bolton Housing Delivery Plan (April 2019) |
| 12.7 | GMSF Housing Topic Paper, comprising: |
| 12.7.1 | GMSF Housing Topic Paper (GMCA, January 2019) |
| 12.7.2 | Greater Manchester Housing Land Supply Statement (GMCA, January 2019) |
| 12.8 | Greater Manchester Strategic Housing Market Assessment, Greater Manchester Combined Authority (January 2019) |
| 12.9 | Greater Manchester Green Belt Assessment: Final Report, LUC (July 2016) |
| 12.10 | Revised Draft GMSF: Representations by the Peel Group (April 2019), comprising: |
| 12.10.1 | Paper 1: Summary of the Representations |
| 12.10.2 | Paper 2: Response to Consultation Questions |

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| 12.10.3 | Paper 3: Planning for Growth |
| 12.10.4 | Paper 4: Critique of the Housing Land Supply |
| 12.10.5 | Paper 5: Safeguarded Land Requirements |
| 12.10.6 | Paper 6: Critique of the Integrated Assessment |
| 12.10.7 | Paper 7: Site Specific Representations |
| 12.10.8 | Site Specific Summary Framework Documents (Hulton Park) |
| 12.10.9 | Site Specific Development Frameworks (Hulton Park) |
| 12.11 | Greater Manchester Independent Prosperity Review – Reviewers' Report (March, 2019) |
| 12.12 | Manchester Independent Economic Review (2009) – "Understanding Labour, Markets, Skills and Talent" |
| 12.13 | Housing Delivery Test: 2018 Measurement, Ministry of Housing, Communities and Local Government (19 February 2019) |
| 12.14 | Bellway Homes (Manchester Division) vs Bolton MBC [2019], Land at Bowlands Hey / The Fairways, Westhoughton, Bolton (Appeal Ref. APP/N4205/W/18/3207361) – Report of the Inspector |
| 12.15 | Hunston Properties Limited v (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678 (September 2013) – Report of the Inspector |
| 12.16 | Solihull Metropolitan Borough Council v (1) Gallagher Estates Limited and (2) Lioncourt Homes [2014] EWCA Civ 1610 (17 December 2014) – Report of the Inspector |
| 12.17 | Homeowners' Housing Aspirations Show Signs of Optimism (Lloyds Bank, 3 September 2016) |
| 12.18 | Glossop, C. (2008) Housing and economic development: Moving forward together (Centre for Cities and Housing Corporation Centre for Research and Market Intelligence) |
| 12.19 | Barker, K. (2004) Review of Housing Supply - Delivering Stability: Securing our future housing needs (HM Treasury) |
| 12.20 | Regeneris Consulting and Oxford Economics. (2010) The role of housing in the economy |
| 12.21 | Romer, P. (1990) Human Capital and Growth: theory and evidence. Carnegie-Rochester Conference Series on Public Policy (32), p.251 – 286 |
| 12.22 | CURDS. (2007) 'The Economic Role of Mobile Professional and Creative Workers and their housing and residential preferences: Evidence from North East England'. (University of Newcastle upon Tyne) |
| 12.23 | Lee, P and Murie, A. (2004) 'The role of housing in delivering a knowledge economy'. Built Environment, (30), p.244 – 245 |

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|---|---|
| 12.24 | Frontier Economics. (2016) Assessing the productivity benefits of improving inter-city connectivity in Northern England - A report prepared for the National Infrastructure Commission. |
| 12.25 | The Guidelines for Providing for Journeys on Foot (The Institution of Highways and Transportation, 2000) |
| 12.26 | Closer to Home: Next steps in planning and devolution (Institute of Public Policy Research, 2016) |
| 12.27 | Local Plans and the National Planning Policy Framework: Compatibility Self-Assessment Checklist, Local Government Association Planning Advisory Service |
| 12.28 | A Landscape Character Appraisal of Bolton, October 2001 |
| 12.29 | Wigan: A Landscape Character Assessment: Undulating Enclosed Farmland Landscape Type description extract (Wigan Council, 2009) |
| 12.30 | Greater Manchester Urban Historic Landscape Characterisation Project: Bolton District Report (2008) |
| 12.31 | Hulton Park Statement of Significance (Lancashire Gardens Trust, January 2017) |
| 12.32 | Farrer, W. & Brownbill, J (eds.) The Victoria History of the County of Lancashire Vol 5 (1911) |
| 12.33 | Documents from Lancashire Archives, comprising: |
| 12.33.1 | DDHU/37/9 Quitclaim referring to the early park at Hulton 16 Jul 1312 |
| 12.33.2 | DDHU/41/5-7 Lease, quit claim & deed of entail each referring to early park at Hulton Nov 1333-April 1335 |
| 12.33.3 | |
| 12.33.4 | DDHU/ACC8410/249 Plan of Hulton Park early-19th century |
| 12.33.5 | DDHU/ACC8410/253 Plan of Hulton Park 1808 |
| 12.33.6 | DDHU/acc9350/X42 Plan of Hulton Park mid-19th century |
| 12.33.7 | DDHU/ACC8410/250 Sketch of a Weir 1824 |
| 12.33.8 | DDHU42/25 Bill from William Emes c.1765 |
| | Lancashire Archives DDHU Archives Calendar Hulton Family of Hulton Park 1190-1998 |
| 12.34 | Documents from Bolton Reference Library, comprising: |
| 12.34.1 | BN/ZAL/362 Rough Ground Plan at Hulton Hall Stables 16 Sept 1808 |
| 12.34.2 | BN/ZAL/379 Plan of House & Demesne at Hulton Park 1772 |
| 12.34.3 | BN/ZAL/1226 Plan of House & Demesne at Hulton Park 1772 |
| 12.34.4 | BN/ZAL/373 Rough Plan of Wm Hulton Esq's Demesne at Hulton 1808 |
| 12.35 | Ordnance Survey County Series (25" to 1 mile): |

| Document No. | Appeal Document |
|---|---|
| | Lancashire Sheets XCIV.7; XCIV.8; XCIV.11; XCIV.12 1st, 2nd & Revised Editions 1888- 1938 |
| 12.36 | Photography and Photomontage in Landscape and Visual Impact Assessment<br>Landscape Institute Advice Note 01/11 2011 |
| 12.37 | Guidelines for Landscape & Visual Impact Assessment, 3rd Edition, LI & IEMA 2013<br>Only available in hard copy format; Rebecca Knight to provide a reference copy during the Inquiry (as confirmed by email 19/08/19) |
| 12.38 | Guidance on Heritage Impact Assessment for Cultural World Heritage Properties, ICOMOS 2011 |
| 12.39 | Cantor, Leonard The Mediaeval Parks of England: A Gazetteer (1983) |
| 12.40 | Croston, James, County Families of Lancashire and Cheshire (1887), p.284 |
| 12.41 | British Library Royal MS 18 D III f.80. |
| 12.42 | Oxford Dictionary of National Biography online William Emes (1729/30-1803), landscape designer and gardener |
| 12.43 | Chambers, J.D. & Mingay, G.E. The Agricultural Revolution 1750-1880 (1966)<br>Only available in hard copy format; Christopher Gallagher to provide a reference copy during the Inquiry (as confirmed by email 16/08/19) |
| 12.44 | McDonagh, Briony A.K. Women, Enclosure and Estate Improvement in Eighteenth-Century Northamptonshire in Rural History Vol.20,2, pp.143-162 |
| 12.45 | Horn, Pamela An Eighteenth-Century Land Agent: The Career of Nathaniel Kent (1737–1810) in The Agricultural History Review, vol. 30 (1) 1982, pp.1–16 |
| 12.46 | Gallagher, C. & Ashmead Price Kedleston Hall Derbyshire: Parkland Conservation Plan (2013) |
| 12.46 | Gallagher, C. & Ashmead Price Kedleston Hall Derbyshire: Parkland Conservation Plan (2013) |
| 12.47 | Gallagher, C. Chirk Castle: A Survey of the Landscape (1996) |
| 12.48 | British Library Maps C.23.c.11 (1818) |
| 12.49 | British Library 2” to 1 mile ‘Outline Drawings’ Maps 176 n.89 Sheets SE 89: D3, E3, E4, D4 (1841) |
| 12.50 | Baines, E., History of the County Palatine and Duchy of Lancaster Vol.3 (1836) |
| 12.51 | Britain from Above: EPW019351, Hulton Park, Over Hulton (1927) |
| 12.52 | Bolton and Leigh Railway Wikipedia Page - https://en.wikipedia.org/wiki/Bolton_and_Leigh_Railway |

| Document No. | Appeal Document |
|---|---|
| 12.53 | Durham Mining Museum Hulton Colliery Co. Ltd. http://www.dmm.org.uk/company/h1005.htm. |
| 12.54 | Clarke, Pam The Coal Mines of Westhoughton Compiled by Pam Clarke for Westhoughton Local History Group… p.20 (2013). |
| 12.55 | List of collieries in Lancashire since 1854 Wikipedia Page - https://en.wikipedia.org/wiki/List_of_collieries_in_Lancashire_since_1854 |
| 12.56 | Historic England The National Heritage List: Hulton Park, comprising: |
| 12.56.1 | Full Text |
| 12.56.2 | Map |
| 12.57 | Hulton Estate's proud Scouting Legacy, The Bolton News (Vesty, H) https://www.theboltonnews.co.uk/news/17544483.hulton-estates-proud-scouting-legacy/#gallery7 |
| 12.58 | £8.5m for a piece of Manchester's bloodied history, Manchester Evening News (Thompson, D). |
| 12.59 | Historic Hulton estate is sold to property firm, The Bolton News (30/09/2010). |
| 12.60 | Semple Kerr, James The Conservation Plan (6th Edition, 2004) |
| 12.62 | European Institute of Golf Course Architects (EIGCA) & English Heritage Golf Courses as designed landscapes of historic interest (abridged in 2007 from more extensive report by EIGCA). |
| 12.63 | Extracts of Edgbaston Golf Club Website - https://www.edgbastongc.co.uk/ - including 'Home' and 'Course' page. |
| 12.64 | Bolton Council Cabinet Report on the Housing Infrastructure Fund (HIF) Development of Business Case (Dated 21 January 2019) |
| 12.65 | Appeal Decision APP/N4205/W/18/3212602, Land at Eldercot Road, Bolton, Report of the Inspector |
| 12.66 | Parkhurst Road v SSCLG & LBI, Judgement by Mr Justice Holgate (Case No. CO/3528/2017), 27th April 2018 |
| 12.67 | How a war of words over housing erupted between the mayor and ministers, Manchester Evening News. (Williams, J). |
| 12.68 | 'Technical consultation on updates to national planning policy and guidance', MHCLG, October 2018 |
| 12.69 | 'Government response to the technical consultation on updates to national planning policy and guidance', MHCLG, February 2019 |
| 12.70 | The Cherkley Campaign Ltd v. Mole Valley DC Case, comprising: |

| Document No. | Appeal Document |
|---|---|
| 12.70.1 | Cherkley Campaign Case – Summary |
| 12.70.2 | Cherkley Campaign Case – Full Case Report |
| 12.70.3 | Cherkley Campaign Case – Full Official Transcript |
| 12.71 | Why Greater Manchester's long-term housebuilding plan could be delayed YET AGAIN, Manchester Evening News, 23 July 2019 (Williams, J). |
| 12.72 | Kemnal Manor Memorial Gardens Ltd v First Secretary of State [2006] 1 P. & C.R. 10 |
| 12.73 | Turner v SSCLG [2016] EWCA CIV 466 |
| 12.74 | Samuel Smith Old Brewery (Tadcaster) V North Yorkshire County Council, comprising: |
| 12.74.1 | R. (on the application of Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire CC [2017] EWHC 442 (Admin); [2017] 3 WLUK 161 (High Court) |
| 12.74.2 | Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA Civ 489; [2018] 3 WLUK 394 (CA) |
| 12.75 | Goodman Logistics v SSCLG [2017] EWHC 947 (Admin); [2017] 4 WLUK 510; [2017] J.P.L. 1115 |

END OF CORE DOCUMENTS LIST

## APPENDIX C
## DOCUMENTS HANDED UP DURING THE INQUIRY

Doc 1 List of Appearances on behalf of the Applicant.
Doc 2 Notification letters dated 3 September 2019 and 12 September 2019 and list of those notified.
Doc 3 Site notice and photographs.
Doc 4 Applicant's Opening Submission.
Doc 5 Opening Submissions on behalf of the Council.
Doc 6 Opening Submissions on behalf of Hulton Estate Area Residents Together (HEART).
Doc 7 Hulton Park Scenario Analysis Summary Schedule and various scenario outputs, submitted by the Applicant.
Doc 8 Draft section 106 agreement- draft dated 24 September 2019, submitted by the Applicant.
Doc 9 Submission of Mr Garry Croft.
Doc 10 Submission of Dr Paul Richardson on behalf of Leigh Ornithological Society.
Doc 11 Submission of Ms Elaine Taylor.
Doc 12 Submission of Troy Planning on behalf of Over Hulton Neighbourhood Forum.
Doc 13 Submission of Mrs Sandra Hesketh.
Doc 14 Submission of Cllr Bullock.
Doc 15 Submission of Cllr Toby Hewitt.
Doc 16 Submission of Cllr Diane Parkinson.
Doc 17 Submission of Mr John Roberts.
Doc 18 Submission of Mr Phil Wood
Doc 19 Amstel Group Corporation v SoS MHCLG and North Norfolk District Council [2018] EWHC 633 (Admin), submitted by the Applicant.
Doc 20 Note of plans supporting the evidence of Mr Francis Hesketh.
Doc 21 List of persons wishing to speak at Public Speaking Sessions on 2 October 2019 and 10 October 2019.
Doc 22 Draft section 106 agreement- draft dated 7 October 2019, submitted by the Applicant.
Doc 23 Draft section 106 agreement- draft dated 7 October 2019 with tracked changes, submitted by the Applicant.
Doc 24 Agreed schedule of all application plans and drawings.
Doc 25 Statement of Mr Richard Knight, submitted by the Applicant.
Doc 26 Briefing note on Over Hulton Neighbourhood Forum: Consultation exercise May 2019, submitted by Troy Planning.
Doc 27 Email from Mr Jack Taylor, Woodland Trust to Mr Tom Popplewell dated 6 June 2019, submitted at Inspector's request.
Doc 28 Note on visualisations submitted on behalf of the Applicant.
Doc 29 Note on 'The Tilted Balance' submitted by the Council and the Applicant.
Doc 30 Note of Alex Allen regarding historic mining maps, submitted by the Applicant.
Doc 31 Submissions of Mr Brian Jones.
Doc 32 Submissions of Mr Graham White.
Doc 33 Submissions of Cllr Christine Wild.
Doc 34 Submissions of Miss Sylvia Fewtrell.
Doc 35 Submissions of .
Doc 36 Submissions of Ms Dorothy Syddall.

Doc 37 Submissions of Mr Geoff Hamlett.
Doc 38 Submissions of Mr Michael Partington.
Doc 39 Submissions of Dr Des Brennan.
Doc 40 Submissions of Mr Peter German.
Doc 41 Submissions of Mr Barrington Upton.
Doc 42 Submissions of Mr Peter Chadwick.
Doc 43 Further submissions of Mrs Elaine Taylor.
Doc 44 Submissions of Mr Stephen Taylor.
Doc 45 Submissions of Ms Wilcox Buffey.
Doc 46 Submissions of Ms Nykola Taylor on behalf of Troy Planning.
Doc 47 Submissions of D A Dean.
Doc 48 Submissions of Mr M J Hurst.
Doc 49 Applicant's note on the Ryder Cup Clause.
Doc 50 Statement of Common Ground Ecology and Arboriculture- Erratum.
Doc 51 Note for Inspector on Housing Infrastructure Fund Bid made by Bolton Council.
Doc 52 Appeal Decision APP/N4205/W/15/3139219: Land at Lee Hall, Westhoughton.
Doc 53 Clarification of Park and Ride Traffic Flows submitted by i-Transport on behalf of the Applicant.
Doc 54 Montagu Evans Briefing Note on OS Maps dated 14 October 2019.
Doc 55 Note Regarding Existing Tenancies prepared by Mr Richard Knight on behalf of the Applicant.
Doc 56 Briefing Note on Traffic Delays at Four Lane Ends Junction prepared by i-Transport on behalf of the Applicant.
Doc 57 English Indices of Deprivation 2019; Mapping Resources, note submitted by the Applicant.
Doc 58 Note on design objectives Eighteen Hole Golf Course etc, submitted by the Applicant.
Doc 59 Corrected representation submitted by Dr Des Brennan.
Doc 60 Erratum to JC1.
Doc 61 Closing Submissions on Behalf of Hulton Estate Area Residents Together.
Doc 62 Closing Submissions of the LPA.
Doc 63 Applicant's Closing Submissions.
Doc 64 Executed s106 agreement dated 5 November 2019.
Doc 65 Conditions Schedule discussed at roundtable session on 16 October 2019.
Doc 66 Final amended conditions schedule submitted by Applicant on 23 October 2019.

PLANS

A Set of plans for insertion into section 106 agreement, submitted by the Applicant.
B Various site visit plans, prepared by the Applicant and agreed by all parties.

## APPENDIX D
## RECOMMENDED CONDITIONS IN THE EVENT THAT PLANNING PERMISSION IS GRANTED

### General Conditions applying to all parts of the development

1) The development hereby approved shall not be begun until a phasing scheme has been submitted to, and approved in writing by, the local planning authority. The phasing scheme shall identify the proposed phasing of the development hereby approved, including the following:
    - the Golf Resort development;
    - the residential development;
    - the phased implementation and opening of the Hulton Trail; and
    - the heritage restoration works across the site.

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

2) The development hereby approved shall be carried out in accordance with the objectives, parameters, works, commitments and other relevant details set out in the following approved plans and documents:
    - Site Location Plan (dated 28:03:17);
    - Updated Conservation Plan Volume 2: Conservation Strategy (May 2019), including the provisions for regular monitoring and review;
    - Public Right of Way Strategy (Version 4.0, May 2017; 6628-LD-REP-800);
    - Crime Impact Statement (February 2017); and
    - Updated Design and Access Statement (Version 8, July 2019).

3) That part of the development hereby approved in full, as defined on drawing "LUC-6628- LD-PLN-000 Issue E" (hereafter referred to as the "Golf Resort Development"), shall be begun before the expiration of three years from the date of this planning permission.

4) No phase of the development hereby approved in outline (hereafter referred to as the "Residential Development") the extent of which is defined on drawing "LUC-6628-LD-PLN-000 Issue E"), shall be begun until details of all of the reserved matters for that phase (appearance, landscaping, layout, scale and access (in part)) have been submitted to, and approved in writing by, the local planning authority.

    Applications for the approval of all reserved matters in respect of the first phase of the Residential Development shall be submitted no later than three years from the date of this permission. Applications for the approval of reserved matters for all other phases of the Residential Development shall be submitted no later than eighteen years from the date of this permission.

    The first phase of the Residential Development shall be begun before the expiration of five years from the date of this planning permission or two years of the date of the final reserved matters approval in respect of that phase, whichever is the later. Each subsequent phase of the Residential Development shall be begun before expiration of two years from the date of

approval of the last of the reserved matters to be approved in respect of that phase. Each phase of the Residential Development shall thereafter be implemented in accordance with the approved reserved matters in respect of that phase.

5) No more than 1,036 dwellings shall be constructed as part of the Residential Development.

**The Hulton Trail & Public Rights of Way**

6) No more than 499 dwellings hereby permitted shall be occupied until the Public Right of Way infrastructure referred to as the "Hulton Trail", shown on drawings "507C 08 to 12 Revision C", has been completed and opened to the public. The development of the residential development area referred to in the "Updated Design and Access Statement" (Version 8, July 2019) as "Park End Farm" shall not be begun until a specification and route in respect of the part of the Hulton Trail which is reserved, as identified on approved drawing "507C 12 Revision C", has been submitted to, and approved in writing by, the local planning authority. The Hulton Trail shall be completed in accordance with the approved details, including the phasing scheme approved pursuant to Condition (1).

7) No phase of the Hulton Trail, as referred to in Conditions (1) and (6), shall be begun until details of the following, in respect of that phase, have been submitted to, and approved in writing by, the local planning authority:

   i) surfacing materials; and

   ii) any appropriate measures to be installed to restrict access by motor vehicles, in broad accordance with the proposals illustrated on approved drawing "Hulton Trail Access Restriction Proposals" (reference: 507C 13 Revision A); and

   iii) the specification for and design of public art and interpretative material to be provided along the route of that phase (as defined by the phasing scheme approved pursuant to Condition 1), in broad accordance with Section 5.15 of the approved "Updated Design and Access Statement" (Version 8, July 2019).

   Each phase of the Hulton Trail shall thereafter be implemented in full in accordance with the approved details for that phase prior to its use by members of the public.

8) The development hereby approved shall not be begun until a scheme to secure works to the following Public Rights of Way (PRoW) for the purposes of providing connections to the Hulton Trail has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the following:

   i) Construction of a 2m-wide rolled stone path where necessary in respect of PRoW ATH28;

   ii) A new footpath connection between PRoW ATH28 and Spa Road;

   iii) Construction of a 2m-wide rolled stone path where necessary in respect of PRoW WES127;

   iv) Widening of the footpath at the Greendale Road subway link to 5.5m and associated landscape improvements;

v) Installation of associated signage along Spa Road;

vi) Associated vegetation clearance, edging and drainage; and

vii) A programme for its implementation and completion prior to the opening of the Hulton Trail.

All surfacing works shall comprise a non-slip material. The works shall thereafter be undertaken in accordance with the approved scheme.

**Construction management applying to all parts of the development**

9) No demolition, ground works, construction works, or restoration works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1400 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.

10) No phase of the development hereby approved, shall be begun until a Construction and Environmental Management Plan (CEMP) in relation to that phase has been submitted to, and approved in writing by, the Local Planning Authority. Each CEMP shall be in accordance with the "Outline Construction Environmental and Management Plan" dated April 2019 and include details of the following:

- Temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period of each particular phase of development;
- Site access proposals;
- A Traffic Management Plan;
- Construction vehicle parking and workers parking;
- Operatives access;
- Off-street parking provision for the delivery of plant and materials;
- Wheel washing facilities;
- Signage arrangements;
- Hours of construction and deliveries;
- Publicity arrangements and a permanent contact / Traffic Manager once development works commences to deal with all queries and authorised by the developer / contractors to act on their behalf;
- Details of the measures to be employed to control and monitor noise and vibration;
- Construction routes within the site; and
- Compound locations within the site.

Development of that phase shall thereafter only be carried out in accordance with the approved CEMP for that phase.

11) No phase of the development hereby approved, shall be begun including any tree felling or excavation works, until details of the methods to be employed to minimise noise disturbance during construction of that phase have been submitted to, and approved in writing by, the local planning authority. Those details shall include the measures detailed in "Table 13.32: Recommended Construction Phase Mitigation Measures" of Chapter 13 of the "Environmental Statement Volume 2: Environmental Assessments" (May 2017). The approved details shall thereafter be implemented in full prior to the commencement of any demolition or

construction works and shall be retained throughout the demolition and construction periods.

12) No phase of the development hereby approved, shall be begun until a scheme for the management of dust or windblown material associated with the construction of that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall:
- be prepared in broad accordance with the details provided in the "Updated Outline Construction and Environmental Management Plan" (April 2019);
- include proposals for dust deposition, dust flux and/or real time PM10 continuous monitoring locations;
- specify that baseline monitoring of dust emissions shall begin at least three months before the construction of that phase is begun; and
- require that that phase shall not be begun until all monitoring data has been provided to the local planning authority.

The approved details shall be implemented in full prior to commencement of any demolition or construction works on that phase of the development and shall be retained throughout the demolition and construction periods.

**Drainage-applying to all parts of development**

13) No phase of the development hereby approved shall be begun until a scheme for the management of foul and surface water from that phase has been submitted to, and approved in writing by, the local planning authority. The details shall be prepared in broad accordance with the following:

i) Drainage Strategy Report dated January 2018;

ii) Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00117 Revision F),

iii) Academy Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00108 Revision P3),

iv) Clubhouse Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE- 00107 Revision P3),

v) Maintenance Building General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE-00106 Revision P3) and

vi) Hotel / Car Park Drainage General Arrangement drawing (reference: PSAM-ACM-XX-XX-DR-CE- 00105 Revision P4).

The submitted details shall include:
- A hydraulic model of the proposed surface water drainage scheme for that phase;
- A programme for the delivery of the foul and surface water drainage scheme for that phase; and
- A management and maintenance plan for the foul and surface water drainage scheme for that phase, including arrangements for either a) adoption by an appropriate public body or statutory undertaker or b) management and ongoing maintenance by an appropriate management company.

Each phase of the development shall be constructed in full in accordance with the approved scheme for that phase, prior to the occupation of any of the dwellings within that phase.

14) No phase of the development hereby approved shall be begun until a scheme for the provision of Water Framework Directive (WFD) mitigation and enhancement within that phase has been submitted to, and approved in writing by, the local planning authority. The scheme(s) shall be prepared in accordance with the recommendations of the "Preliminary Water Framework Directive (WFD) Compliance Assessment" (March 2017). Thereafter, the relevant phase of the development shall be implemented in accordance with the approved scheme for the phase.

**Ground Conditions applying to all parts of the development**

15) No phase of the development hereby approved shall be begun until the following information in respect of that phase has been submitted to, and approved in writing by, the local planning authority:

i) a preliminary risk assessment to determine the potential for that phase to be contaminated;

ii) prior to any physical site investigation, a methodology for undertaking an assessment to determine the nature and extent of any contamination affecting that phase and the potential for off-site migration;

iii) provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the approved "Preliminary Risk Assessment"; and

iv) where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment.

Following the approval of the above information by the local planning authority, each phase of the development shall be carried out in accordance with the approved scheme of remediation (where necessary) for that phase. The local planning authority shall be notified regarding the presence of any additional or unforeseen contamination encountered during the development of any phase as soon as practicably possible and a scheme of remediation to deal with such unforeseen contamination shall be submitted to, and approved in writing by the local planning authority, and thereafter implemented in full in accordance with the approved details.

Upon completion of the approved remediation schemes for each phase, and prior to the occupation of that phase, a completion report demonstrating that the scheme of remediation for that phase has been appropriately implemented and the site for that phase is suitable for its intended end use shall be submitted to the local planning authority.

**Transport- all parts of the development**

16) No phase of the development hereby approved shall be occupied or operated until the following off-site highway works have been completed and are open to traffic:

- Improvements at the A58 Snydale Way / Chequerbent roundabout junction, as shown and identified as "additional third lane to be created on approach" at Snydale Way and "lane markings to be amended" at A6 West on drawing "ITM10187-SK-199 Revision A";

- Improvements at the A58 Snydale Way / M61 Junction 5 junction, as shown on drawing "ITM10187-SK-192 Revision C";
- Improvements at the A6 Manchester Road / Newbrook Road junction, as shown on drawing "ITM10187-SK-194 Revision D"; and
- Improvements at the A58 Park Road / B5235 Leigh Road junction, as shown on drawing "ITM10187-SK-193".

17) No phase of the development hereby approved, shall be begun until details of the design, construction, specification, lighting and drainage of all internal access roads within that phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling within each phase shall be occupied until the internal access roads to serve that phase have been constructed to at least base course level in accordance with the approved details. The internal access roads for each phase shall thereafter be completed in accordance with the approved details prior to the occupation of the final dwelling within that phase.

**Landscaping- all parts of the development**

18) No phase of the development hereby approved shall be begun until a detailed planting specification in respect of the soft landscaping works to be provided within that phase has been submitted to, and approved in writing by, the local planning authority. Each scheme shall be prepared pursuant to, and in broad accordance with, the detail identified by the "Indicative Planting Schedule & Specification" (reference: 6628-LD-SCH-705; dated April 2017) and the associated drawings; and shall also include details of the programme for implementing and completing the planting. No phase of the development shall be occupied unless the soft landscaping works have been completed in accordance with the approved scheme for that phase.

19) All soft landscape works for each phase of the development hereby approved shall be carried out in accordance with the details approved pursuant to Condition (18) for that phase and shall comply with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, or with alternative species, size and number as approved in writing by the local planning authority.

**Heritage and Archaeology- all parts of the development**

20) The development hereby approved shall not be begun until, a scheme for investigation of the landscape history of the Registered Park and Garden, written analysis and interpretation of that history, and timescales for their publication, has been submitted to, and approved in writing by, the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

21) No phase of the development hereby approved shall be begun until a Written Scheme of Investigation (WSI) for undertaking archaeological assessment and recording work within that phase has been submitted to,

and approved in writing by, the local planning authority. The scheme shall be submitted and approved in advance of the demolition of any buildings or above ground structures within that phase.

The archaeological assessment and recording work for each phase shall be undertaken in accordance with the recommendations of Chapter 9 of the "Environmental Statement Volume 2: Environmental Assessments" (May 2017), including:

- a programme and methodology of investigation and recording to include historic building surveys (Historic England Level 1-3), an archaeological evaluation through trial trenching and geophysics, and targeted area excavation and/or a watching brief;
- a programme for post-investigation assessment, including analysis of the site investigation records and finds, production of final reports on the significance of the archaeological and historic interest, and deposition of the final reports with the Greater Manchester Historic Environment Record;
- publication of the results of the archaeological assessment and recording work; and
- provision for the archive deposition of the results of the archaeological assessment and recording work, including the final reports.

Each phase of the development hereby approved shall be implemented in accordance with the approved WSI for that phase.

**B. Conditions relating to the Full Planning Permission ONLY (i.e. the Golf Resort Development)**

22) The Golf Resort Development hereby approved shall be carried out in accordance with the following approved plans:

- Landscape Masterplan Site Wide (Full Development) (reference: LUC_6628_LD_PLN_103 Issue H);
- Demolition Plan (reference: 6628-LD-PLN-010 Issue E);
- Restoration Plan (reference: 6628-LD-PLN-011 Issue A);
- The Dovecote (Grade II Listed): Elevations and Masonry Repairs (reference: dov/lbc/001);
- The Dovecote (Grade II Listed): Plans & Sections (reference: dov/lbc/002);
- Golf Grading Overview (reference: 1263.405.01 Revision H);
- Golf Grading 1 of 3 (reference: 1263.405.02 Revision C);
- Golf Grading 2 of 3 (reference: 1263.405.03 Revision B);
- Golf Grading 3 of 3 (reference: 1263.405.04 Revision B);
- Golf Grading Analysis (reference: 1263.415.01 Revision G);
- General Arrangement Overview Plan (reference: LUC_6628_LD_PLN_200 Issue B);
- General Arrangement Plans Site Wide (1 of 19) (reference: LUC_6628_LD_PLN_201 Revision E);
- General Arrangement Plans Site Wide (2 of 19) (reference: LUC_6628_LD_PLN_202 Revision E);
- General Arrangement Plans Site Wide (3 of 19) (reference: LUC_6628_LD_PLN_203 Revision E);

- General Arrangement Plans Site Wide (4 of 19) (reference: LUC_6628_LD_PLN_204 Revision F);
- General Arrangement Plans Site Wide (5 of 19) (reference: LUC_6628_LD_PLN_205 Revision E);
- General Arrangement Plans Site Wide (6 of 19) (reference: LUC_6628_LD_PLN_206 Revision E);
- General Arrangement Plans Site Wide (7 of 19) (reference: LUC_6628_LD_PLN_207 Revision E);
- General Arrangement Plans Site Wide (8 of 19) (reference: LUC_6628_LD_PLN_208 Revision E);
- General Arrangement Plans Site Wide (9 of 19) (reference: LUC_6628_LD_PLN_209 Revision E);
- General Arrangement Plans Site Wide (10 of 19) (reference: LUC_6628_LD_PLN_210 Revision E);
- General Arrangement Plans Site Wide (11 of 19) (reference: LUC_6628_LD_PLN_211 Revision E);
- General Arrangement Plans Site Wide (12 of 19) (reference: LUC_6628_LD_PLN_212 Revision E);
- General Arrangement Plans Site Wide (13 of 19) (reference: LUC_6628_LD_PLN_213 Revision E);
- General Arrangement Plans Site Wide (14 of 19) (reference: LUC_6628_LD_PLN_214 Revision E);
- General Arrangement Plans Site Wide (15 of 19) (reference: LUC_6628_LD_PLN_215 Revision E);
- General Arrangement Plans Site Wide (16 of 19) (reference: LUC_6628_LD_PLN_216 Revision E);
- General Arrangement Plans Site Wide (17 of 19) (reference: LUC_6628_LD_PLN_217 Revision E);
- General Arrangement Plans Site Wide (18 of 19) (reference: LUC_6628_LD_PLN_218 Revision E);
- General Arrangement Plans Site Wide (19 of 19) (reference: LUC_6628_LD_PLN_219 Revision E);
- Detailed Area; Golf and Academy Entrance (reference: LUC-6628-LD-PLN-231 Issue C);
- External Lighting Layout (reference: 3023-(97)-EX-01 Rev P5);
- Clubhouse Lower Ground Floor General Arrangement Plan (reference: L(20)24A);
- Clubhouse Ground Floor General Arrangement Plan (reference: L(20)25A);
- Clubhouse Roof General Arrangement Plan (reference: L(20)26A);
- Clubhouse General Arrangement Elevations (reference: L(20)32A);
- Clubhouse Section A-A (reference: L(20)15A);
- Clubhouse Views, sheets 1 and 2 (reference: L(20)33A and 34A);
- Academy Ground Floor General Arrangement Plan (reference: L(20)27A);
- Academy Roof General Arrangement Plan (reference: L(20)28B);
- Academy General Arrangement Elevations (reference: L(20)29B);
- Academy Sections A-A B-B C-C (reference: L(20)19A);
- Academy views, sheets 1 and 2 (reference: L(20)30C and 31C);
- 9 Hole Adventure Golf & 9 Hole Ryder Cup Course;
- Hotel Views, sheets 1 to 4 (reference: 7433-L(00)141B to 144B);

- Hotel Lower Ground Floor General Arrangement Plan (reference: L(20)01);
- Hotel Ground Floor General Arrangement Plan (reference: L(20)02);
- Hotel First Floor General Arrangement Plan (reference: L(20)03);
- Hotel Second Floor General Arrangement Plan (reference: L(20)04);
- Hotel Third Floor General Arrangement Plan (reference: L(20)05);
- Hotel Fourth Floor General Arrangement Plan (reference: L(20)06);
- Hotel Roof General Arrangement Plan (reference: L(20)07);
- Hotel General Arrangement Elevations North & South (reference: L(20)08A);
- Hotel Elevations East & West (reference: L(20)09A);
- Hotel Sections A-A B-B (reference: L(20)10A);
- Maintenance Shed General Arrangement Plan (reference: L(20)20);
- Maintenance Shed General Arrangement Elevations & Sections (reference: L(20)21);
- Maintenance Building Views (reference: 7433-L(00)149);
- Halfway House General Arrangement Plans & Elevations (reference: L(20)22);
- Starters Hut General Arrangement Plans & Elevations (reference: L(20)23);
- Bridge 1 (reference: 60484817-DR-BD-03.001-1D);
- Bridge A (reference: 60484817-DR-BD-03.004-1D);
- Bridge B (reference: 60484817-DR-BD-03.005-0D);
- Bridge C (reference: 60484817-DR-BD-03.006-1D);
- Underpass North & South Ramps (reference: PSAM-ACM-XX-XX-DR-CE-00115 Revision P3);
- Detailed Area; Hotel and Pleasure Grounds, drawings 1 to 4 (reference: LUC-6628-LD-PLN-225 to 228 Issue C);
- Detailed Area; Clubhouse (reference: LUC-6628-LD-PLN-229 Issue F);
- Detailed Area; Golf Academy (reference: LUC-6628-LD-PLN-230 Issue F); and
- Proposed Clubhouse, Hotel and Academy Accesses from A6 Manchester Road (reference: ITM10187–SK–197 Rev B).

23) Notwithstanding the approved plans, the Golf Resort Development hereby approved shall not be begun until details of the following have been submitted to, and approved in writing by, the local planning authority:
- all materials to be used on all external elevations;
- all materials to be used in respect of hard landscaping works, including boundary treatments and surfacing materials;
- any materials to be imported to the site for the purpose of constructing the golf course;
- the colour of the materials to be used to surface buggy paths;
- the location, scale and appearance of direction signs, tee markers, hole flags and other golf course furniture required for the operation of the golf resort;

- a detailed scheme in respect of the golf buggy underpass, to be prepared in broad accordance with the "Illustrative Golf Buggy Underpass Sections" (reference: PSAM-ACM-XX-XX- DR-CE-00002 Revision P3); and
- details of the existing and proposed site levels and finished floor levels of the buildings and the level of the proposed roads, footpaths and other landscaped areas relative to above ordnance datum points, the location of which has previously been approved by the local planning authority.

The Golf Resort Development shall thereafter be carried out in accordance with the approved details.

24) The adventure golf course hereby approved as shown on drawing "9 Hole Adventure Golf & 9 Hole Ryder Cup Course", shall not be begun until details of its layout, appearance, scale and landscaping have been submitted to, and approved in writing by, the local planning authority. The adventure golf course shall thereafter be implemented in full in accordance with the approved details prior to its first use.

**Heritage-Golf Resort only**

25) The Golf Resort Development hereby approved shall not be begun until a detailed specification for the restoration of historic structures and features identified within the *Historic Structures: Condition/Repair Issues Report* (March 2017) has been submitted to, and approved in writing by, the local planning authority. The specification shall be prepared in accordance with the *Historic Structures: Condition/Repair Issues Report* (March 2017) and shall include:

i) a detailed condition survey of all historic structures and features identified in that report, including all lakes, streams, dams and cascades;

ii) a schedule of restoration works for each structure and feature;

iii) the method of restoration works for each structure and feature; and

iv) a programme for the implementation of the proposed restoration works for each structure and feature.

The Golf Resort Development shall thereafter be carried out in accordance with the approved specification and in accordance with the approved timescales.

26) Prior to the de-silting of the Ornamental Lakes hereby approved, a Lake Desilting and Restoration Plan shall be submitted to, and approved in writing by, the local planning authority. This shall be based on the *Outline Lake De-Silting Feasibility Study and Strategy* (January 2018), and shall include:

i) a programme for implementation;

ii) a method statement for protection of fish species;

iii) a water and materials management plan; and

iv) details of the proposed haul routes, which shall be via the existing driveway from Newbrook Road in respect of the works at the Back O' th' Lawn Lake and via the construction route for the 13th golf hole in

respect of the works at the Mill Dam Lake as defined by drawings PSAM-ACM-XX-XX-DR-CE-0031 and PSAM-ACM-XX-XX-DR-CE-0032 , unless otherwise agreed in writing by the local planning authority.

The de-silting works shall be completed in accordance with the approved Lake Desilting and Restoration Plan prior to the first operation of the Golf Resort Development hereby approved.

27) Prior to the first operation of the Golf Resort Development hereby approved, a programme of public access events in the Registered Park and Garden shall be submitted to, and approved in writing by, the local planning authority. The programme shall identify the frequency, timings and other organisational details of such events, and shall thereafter be implemented in accordance with the approved details. As a minimum the programme shall provide for at least 50 such events per annum for the lifetime of the development, including:

i) guided walks along and through the historic drive, the pleasure grounds and the Mill Dam Lake and stream;

ii) heritage open days and/or visits/tours around the Registered Park and Garden;

iii) talks/presentations/lectures about the history and/or heritage value of the Registered Park and Garden;

iv) nature and ecology tours of the Registered Park and Garden; and/or

v) visits to the Registered Park and Garden by schools and other local organisations.

28) Prior to operation or occupation of each phase of the development within the Registered Park and Garden, the specification for and design of interpretative signage and other material to be provided in that phase shall be submitted to, and approved in writing by, the local planning authority. The approved scheme for each phase shall be completed prior to first operation or first occupation of that phase.

29) Prior to the demolition of Hulton Cottage, details of the relocation of the blue heritage plaque presently mounted on Hulton Cottage shall be submitted to, and approved in writing by, the local planning authority. The details shall include a programme for relocation of the plaque. The blue heritage plaque shall be displayed in accordance with the approved details and thereafter permanently retained in that position.

**Ecology and Landscaping-Golf resort only**

30) Prior to the operation of the Golf Resort Development hereby approved, the detailed design of 5(no.) 'bat hotels' shall be submitted to, and approved in writing by, the local planning authority. The bat hotels shall thereafter be installed in the locations identified on drawing G6471.06.001 (within Appendix H of the *Bat Management Strategy* within the Updated *Interim Landscape and Habitat Management Plan* (April 2019)) prior to the operation of the Golf Resort Development.

31) Prior to the demolition of any of the buildings at Home Farm, a barn owl method statement in respect of each of those buildings shall be submitted to, and approved in writing by, the local planning authority. The method statement shall be prepared in broad accordance with the details provided

in Appendix G *Barn Owl Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019). The demolition works shall thereafter be undertaken in accordance with the approved method statement.

32) Prior to the construction of the Clubhouse hereby approved, a planting specification and maintenance plan for the areas of green roof shown on the *Clubhouse Roof General Arrangement Plan* (reference: L(20)26A) shall be submitted to, and approved in writing by, the local planning authority. The planting specification should include a wildflower species mix. The green roof shall be installed prior to the first use of the Clubhouse in accordance with the approved details. Thereafter it shall be maintained in accordance with the approved maintenance plan.

33) Notwithstanding the details shown on the approved plans, the Golf Resort Development shall not be begun until a scheme for the soft landscaping works adjacent to the proposed 13th hole and fairway, including the proposed bridge crossing over the Mill Dam Stream has been submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared pursuant to, and in broad accordance with, the detail illustrated by the drawing "General Arrangement Plans Site Wide (15 of 19)" (reference: LUC-6628-LD_PLN_215 Issue E) and labelled "HOLE 13 REFINEMENT: ILLUSTRATIVE LAYOUT SHOWING REDUCED AREA OF EXISTING WOODLAND REMOVAL & INCREASED AREA OF PROPOSED WOODLAND". The Golf Resort Development shall not be open to the public until the approved scheme has been carried out and completed in full.

**Highways and access-Golf Resort only**

34) Notwithstanding the details shown on the approved plans, no passing places shall be provided along the historic driveway running within the site between Newbrook Road and the hotel complex, such that its maximum width along its whole length does not exceed 3m (excluding the adjacent grasscrete surface or similar shown on the approved plans). Prior to the first operation of the hotel complex within the Golf Resort Development, a scheme for traffic control measures, including appropriate signage, which imposes a one-way traffic system along the historic driveway, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in full, in accordance with the approved details prior to the first operation of the hotel complex within the Golf Resort Development and permanently retained thereafter.

35) Prior to the first operation of the Golf Resort Development, a Travel Plan for the Golf Resort Development shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan should be consistent with the objectives, targets, governance arrangements and monitoring schedule set out in the *Updated Golf Resort Travel Plan* (April 2019). The Golf Resort Development shall be operated at all times in accordance with the approved Travel Plan.

**Environmental Health-Golf Resort Development only**

36) Prior to the first operation of the Golf Resort Development, a Noise Management Plan (NMP) containing details of the methods to be employed

to prevent noise disturbance during the operating hours of the Golf Resort Development shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to first operation of the Golf Resort Development and shall thereafter be operated in accordance with the approved NMP.

37) Prior to the first operation of the Golf Resort Development, a scheme for the provision of electric vehicle charging points within the Golf Resort Development shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in accordance with the Institute of Air Quality Management (IAQM) guidance and comprise the provision of one charging point per 1,000sqm of floorspace. The charging points shall be provided in accordance with the approved scheme prior to the first operation of the Golf Resort Development and permanently maintained thereafter.

38) Prior to the first operation of the clubhouse, academy building, and hotel complex within the Golf Resort Development, a scheme for the installation of equipment to control the emission of fumes and smells/odours from the respective buildings shall be submitted to, and approved in writing by, the local planning authority. No building shall be occupied until the equipment to control the emission of fumes and smells/odours in that building, has been installed in accordance with the approved scheme. The equipment shall thereafter be operated and maintained at all times in accordance with the manufacturer's instructions.

39) Prior to the installation of any external lighting within the Golf Resort Development, a scheme for that external lighting shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in broad accordance with the details and parameters provided in the *Updated Lighting Impact Assessment* (April 2019) and illustrated on drawing 3023-(97)-EX-01 Rev P5.

The submitted scheme shall include details regarding the protection of key features of importance for barn owls and bats as identified in Appendix G *Barn Own Management Strategy* and Appendix H *Bat Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019). With the exception of temporary external lighting installed for the purposes of staging a golf tournament pursuant to Condition (47), the external lighting shall:

i) be designed to an illumination value of 5 lux at the nearest residential property; and

ii) achieve a beam angle below 70 degrees and be fitted with spill shields where it is directed towards any potential observer.

With the exception of temporary external lighting installed for the purposes of staging a golf tournament pursuant to Condition (48), no external lighting within the Golf Resort Development shall be provided otherwise than in accordance with the approved scheme.

40) The operational hours of the Golf Resort Development shall be limited as follows:

The Academy

i) The Academy shall only be open to patrons between 0600 hours and 2200 hours daily.

ii) External lighting used for the operation of the driving range shall be not be switched on between 2200 hours and 0600 hours daily.

iii) Grass cutting at the Academy site shall only take place between the hours of 0800 hours to 2000 hours daily.

iv) Between the 2200 hours and 0100 hours daily any ball collector used must not exceed background noise levels when such levels are measured at the boundaries of the site.

v) No deliveries shall be taken at, or despatched from, the Academy building other than between 0700 hours and 2200 hours Monday to Saturday, and not at any time on Sundays or Bank or Public Holidays.

The Golf Course

vi) The Golf Course shall only be open to patrons between 0600hours and 2200 hours daily.

vii) Maintenance of the Golf Course shall only be undertaken between 0500 hours to 2330 hours daily, with the exception of mowing of the 5th fairway which shall only take place between 0800 hours and 2000 hours daily and mowing of the 10th fairway which shall only take place between the hours of 0600 to 2300 daily.

The Clubhouse

viii) The Clubhouse shall only be open to patrons between 0600 hours and 2300 hours daily, except during the staging of a golf tournament.

ix) Use of the rooftop terrace of the Clubhouse shall only take place between the hours 0800 to 2200 at all times.

41) The noise rating level (LAeqT), as determined by the methodology given in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound, from all sources associated with the Golf Resort Development covered under the scope of BS4142:2014, when operating simultaneously or individually, shall not exceed the background sound levels (LA90) that are specified in the Environmental Statement (May 2017), Chapter 13, Table 13.21 (daytime) and Table 13.22 (night time), when assessed 4metres from the boundary of any noise sensitive receptor covered under the scope of BS4142:2014.

42) The Academy hereby approved, shall not be brought into use until a 1.8 metre-high, close-boarded acoustic fence has been erected in the location identified by drawing LUC-6628-LD-PLN- 230 Revision F. The fence shall be retained thereafter and shall be erected in accordance with details which have been submitted to, and approved in writing by, the local planning authority.

43) Grass cutting of the Golf Academy site and at the 5th hole of the golf course shall be restricted at all times to the use of lower powered grass-cutting machinery with a sound level of 101dB or lower.

**Ground Conditions (Coal Authority)- Golf Resort Only**

44) The Golf Resort Development hereby approved, shall not be begun until the following information in respect of the Golf Resort Development has been submitted to, and approved in writing by, the local planning authority:

i) a scheme of intrusive site investigations of the relevant land for the mine entries and shallow coal workings, including gas monitoring;

ii) a report of findings of the intrusive site investigations undertaken pursuant to (i) above;

iii) a scheme of treatment and/or mitigation measures/remedial works for the mine entries and/or shallow coal workings, including a programme for the implementation and maintenance of those works.

The Golf Resort Development shall be carried out in accordance with the approved details.

**Sustainability-Golf Resort Only**

45) The Golf Resort Development shall achieve the Golf Environmental Organisation (GEO) Certified® Development 'Sustainable Golf' accreditation. The Golf Resort Development shall not be begun until a GEO Certified® pre-construction report setting out the means by which the Golf Resort Development will be implemented in order to secure the accreditation shall be submitted to, and approved in writing by, the local planning authority.

Within six months of the completion of the Golf Resort Development, a GEO Certified® completion report identifying the extent to which the Golf Resort Development has been undertaken in accordance with the approved pre-construction report and certifying that the Golf Resort Development has achieved the GEO Certified® Development 'Sustainable Golf' accreditation shall be submitted to the local planning authority.

46) The Clubhouse, Academy building and Hotel complex within the Golf Resort Development shall achieve a 'very good' Building Research Establishment Environmental Assessment Methodology (BREEAM) rating under BREEAM Communities 2012. The Golf Resort Development shall not be begun until an Interim Certification of the stipulated BREEAM rating of the Clubhouse, Academy Building and Hotel complex has been submitted to the local planning authority. Within six months of the completion of the Clubhouse, Academy Building and Hotel complex, a Final Certificate certifying that that those buildings have achieved the stipulated BREEAM rating shall be submitted to the local planning authority.

**Tournament Staging-Golf Resort Only**

47) No temporary facilities associated with any golf tournament to be held at the Golf Resort Development shall be erected or installed until details of their scale, landscaping, access, appearance and layout, and details of any associated works relating to their installation including the removal of such facilities and restoration of the land upon which the temporary facilities are to be erected, have been submitted to, and approved in writing by, the local planning authority. The temporary facilities shall be erected and installed in accordance with the approved details and in accordance with an

approved timetable which shall include a timetable for removal of all temporary structures and facilities and any reinstatement provisions.

48) Prior to staging any golf tournament at the site, an Event and Travel Management Plan (ETMP) shall be submitted to, and approved in writing by, the local planning authority. The ETMP shall be prepared in accordance with the principles set out in the Updated *Interim Event and Travel Management Plan* (April 2019) and shall include:

i) measures relating to the management of impacts on ecology, which shall include details concerning the protection of bluebells following the completion of a bluebell survey to be undertaken in the month of May preceding the relevant tournament and in line with the details provided in Appendix B *Bluebell Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019); and

ii) a strategy for the installation of temporary external lighting, which shall include details concerning a) the protection of features of importance for bats as identified in *Appendix H Bat Management Strategy* of the Updated *Interim Landscape and Habitat Management Plan* (April 2019), and b) a programme for the removal of the temporary lighting after its installation.

No golf tournament shall be held otherwise than in accordance with the approved ETMP.

**Waste Management-Golf Resort Only**

49) Prior to the Golf Resort Development first being brought into use, a scheme which details the design, location and size of facilities to store refuse and waste materials for the Clubhouse, Academy Building, maintenance building and Hotel complex shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in full prior to the first operation of the Golf Resort Development and permanently retained thereafter.

**C. Conditions relating to the Outline Planning Permission (i.e. the Residential Development)**

50) The Residential Development hereby approved shall be implemented in accordance with the following approved plans:

- Parameters Plan (reference: 15191 (Pl) 500 U);
- Demolition Plan (reference: 6628-LD-PLN-010 Issue E);
- Residential Design Code Character Area 5: Park End Farm (January 2018);
- Residential Design Code Character Area 6: Dearden's Park (January 2018);
- Proposed Residential Access to Dearden's Farm Parcel from A6 Manchester Road (reference: ITM10187–SK–145 Rev D);
- Proposed First Phase Residential Access to Western Fields from A6 Manchester Road (reference: ITM10187–SK–146 Rev D);
- Proposed Residential Access from Broadway (reference: ITM10187–SK–191 Rev C); and
- Proposed Residential Access from Woodlands Drive (reference: ITM10187–SK–208 Rev A).

51) Prior to the commencement of each phase of the Residential Development, details of the existing and proposed levels of the buildings, roads, footpaths and other landscaped areas throughout the phase and finished floor levels of all dwellings on that phase (defined relative to a datum or datum points the location of which has previously been approved) shall be submitted to, and approved in writing by, the local planning authority. Each phase of the Residential Development shall be carried out in accordance with the approved details for that phase.

52) Reserved matters submission/s in relation to appearance for each phase of the Residential Development shall include details of all boundary treatments to be carried out on all the perimeter boundaries on that phase and details of any boundary enclosures to be erected or grown within that phase. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.

53) The reserved matters layout submission in relation to each phase of the Residential Development shall include a scheme and programme for implementation for the provision of the open space and children's play facilities within and/or for that phase which shall be submitted to, and approved in writing by, the local planning authority. The scheme shall specify scale, type and design of the open space and children's play facilities to be provided within and/or for that phase. No dwelling within each phase of the Residential Development shall be occupied until the open space and children's play facilities have been completed in accordance with the approved scheme for that phase.

54) Prior to the commencement of each phase of the Residential Development, a detailed crime prevention scheme for that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in broad accordance with the details and parameters provided in the *Crime Impact Statement* (February 2017). Each phase of the Residential Development shall be carried out in accordance with the approved scheme for that phase.

**Local Centre-Residential Development Only**

55) The maximum floorspace of the Local Centre as defined on the *Parameters Plan* (reference: 15191 (Pl) 500 U) shall not exceed 1,382 square metres (gross).

The Local Centre shall not comprise uses outside of the following Use Classes, as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended): A1, A2, A3, A4, A5 and/or D1.

No individual unit for A1 uses within the Local Centre shall exceed 500 square metres (gross).

Premises and units within the Local Centre shall only be open to customers between the following hours: 0700 to midnight daily.

The Local Centre shall not be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use

in accordance with details which shall be first submitted to, and approved in writing by, the Local Planning Authority, and the car parking spaces shall thereafter be retained for the purposes of car parking at all times in the future.

**Environmental Health-Residential Development Only**

56) Prior to the occupation of the first dwelling within each phase of the Residential Development, a scheme for the provision of electric vehicle charging points within that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be prepared in accordance with Institute of Air Quality Management (IAQM) Guidance and comprise the delivery of one charging point per dwelling, with dedicated parking or one charging point per 10 car parking spaces where there is not allocated parking. No dwelling shall be occupied until the charging point(s) to serve that dwelling has/have been provided and commissioned in accordance with the approved scheme for that phase. The charging points shall be permanently retained and maintained in full working order thereafter.

57) The reserved matters details submitted in respect of each phase of the Residential Development shall be accompanied by:

- A noise impact assessment for that phase. No dwellings within that phase shall be occupied until any recommended noise attenuation measures to be incorporated into that phase have been completed in accordance with the approved details, which shall be retained thereafter; and
- A detailed external lighting plan for that phase. The plan shall be prepared in broad accordance with the details and parameters provided in the Updated Lighting Impact Assessment (April 2019) and illustrated on approved drawing 3023-(97)-EX-01 Rev P5. The external lighting plan shall include details regarding the protection of key features of importance for barn owls and bats as identified in Appendix G Barn Own Management Strategy and Appendix H Bat Management Strategy of the Updated Interim Landscape and Habitat Management Plan (April 2019).

No dwelling within each phase of the Residential Development shall be occupied until any recommended noise attenuation measures in the approved noise impact assessment for that phase have been completed. Such measures shall be retained permanently thereafter.

Each phase of the Residential Development shall be carried out in accordance with the approved lighting plan for that phase and there shall be no additional external lighting on the public areas without the prior written consent of the local planning authority.

58) Prior to commencement of construction of any residential properties that are proposed to contain basements, the results of a further assessment of groundwater assessment, including identification of any necessary measures required to prevent the flooding of the basements of those residential properties, shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

**Ground Conditions-Residential Development Only**

59) Prior to the commencement of any phase of the Residential Development hereby approved, the following information in respect of that phase of the Residential Development shall be submitted to, and approved in writing by, the local planning authority:

i) A scheme of intrusive site investigations of the relevant land for mine entries and shallow coal workings, including gas monitoring;

ii) A report of findings of the intrusive site investigations undertaken pursuant to (i) above.

The reserved matters layout submission in relation to each phase of the Residential Development shall include:

iii) A drawing which identifies appropriate zones of influence for the mine entries on the relevant land and the definition of any necessary 'no build' zones;

iv) A scheme of treatment and/or mitigation measures/remedial works for the mine entries and/or shallow coal workings, including a programme for the implementation and maintenance of those works.

Each phase of the Residential Development shall be carried out in accordance with the approved details for that phase.

**Drainage-Residential Development Only**

60) No demolition or constructions works shall take place within the Residential Development until a scheme has been submitted to, and approved in writing by, the local planning authority for the following:

i) the provision and management of a minimum 8 metres wide undeveloped buffer zone along the whole length of Chanters Brook;

ii) the protection of all existing local wildlife sites running along river corridors; and

iii) a 4-metre buffer along the unnamed western tributary.

The buffer zone scheme shall be free from all built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone along all waterbodies bisecting the site;
- details showing how riparian local wildlife sites will be protected and integrated in new scheme design;
- details of any new soft landscaping including a planting schedule based on native species;
- details demonstrating how the buffer zone will be protected during development, and managed and maintained;
- details of new drainage scheme associated with the development within the buffer zone and/or tying in with the retained stream corridor;
- details of any proposed footpaths, fencing and/or lighting within the buffer zone; and
- details of any interlinking and/or retained ponds.

The development shall thereafter be carried out in accordance with the approved scheme.

**Highways and Transport- Residential Development Only**

61) Prior to the occupation of the 276th dwelling hereby approved, the westernmost highway access to the area of the Residential Development referred to on the *Updated Design and Access Statement* (July 2019) as *Western Fields* shall be constructed and open to traffic in accordance with the relevant details submitted and approved pursuant to Condition (4).

62) Prior to the first occupation of any dwelling in each phase of the Residential Development, a Travel Plan for that phase shall be submitted to, and approved in writing by, the local planning authority. The Travel Plan should be consistent with the objectives, targets, governance arrangements and monitoring schedule set out in the *Updated Residential Travel Plan* (April 2019). Each phase of the Residential Development shall be carried out in accordance with the approved Travel Plan for that phase.

63) No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.

64) No development within the areas of the Residential Development referred to on the approved drawings as "Dearden's Farm" and "Park End Farm" shall be occupied until a scheme for the provision of a Zebra or signalised Puffin / Pelican crossing across Newbrook Road has been submitted to, and approved in writing by, the local planning authority and it has been implemented in accordance with the approved details. The crossing shall be located on Newbrook Road between the junctions of Low Green and Green Hall Close, and it shall facilitate a pedestrian link between Public Rights of Way PFWES126a and PF16.

**Landscaping- Residential Development Only**

65) The Residential Development hereby approved shall cumulatively provide new landscape planting equivalent to:

- 2,600 no. specimen trees and 7,253sqm of woodland, in accordance with the minimum requirements and specification set out in the *Arboricultural Impact Assessment* (December 2017) and as shown on the *Parameters Plan* (reference: 15191 (Pl) 500 U); and
- 4,150m of hedgerows, in accordance with the minimum requirements and detail illustrated on the drawing *Hedges Created, Lost and Retained* (reference: G5136.069) and as shown on the *Parameters Plan* (reference: 15191 (Pl) 500 U).

A plan for the phased implementation of this new landscape planting across the Residential Development shall be submitted to, and approved in writing by, the local planning authority alongside the first reserved matters application for the Residential Development. The landscape planting shall thereafter be implemented in accordance with the approved phasing plan.

END OF (65) CONDITIONS

Ministry of Housing, Communities & Local Government

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**RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

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

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

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

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

**Challenges under Section 288 of the TCP Act**
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

**SECTION 2: ENFORCEMENT APPEALS**

**Challenges under Section 289 of the TCP Act**
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

**SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

**SECTION 4: INSPECTION OF DOCUMENTS**

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