

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Applicant's Comments on Local Impact Reports [Appendix D - National Transportation Policy Response]

Document reference: 18.4.4

Revision: 01

24 October 2023

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Regulation 5(2)(q)

Hinckley National

National Transport Policy

A. General

1. The overall strategic aims of the NPPF and the NPS are consistent (NPS NN 1.17).
2. NPPF is likely to be an 'important and relevant consideration' in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project (NPS NN 1.18).
3. NPPF makes clear that it is not intended to contain specific policies for NSIPs, where particular considerations can apply (NPS NN 1.19). In short form, the NPPF makes clear that it is not a source of individual or project specific policy for NSIP decision making.

B. Northampton Gateway – West Midlands Interchange

1. The Examining Authority for Northampton Gateway identified Framework Paragraph 111 (then paragraph 109 of the Framework 2019) as being relevant to a SRFI (Northampton Gateway Ex A Report paragraph 5.2.16).
2. The Secretary of State noted in his decision that the NPPF is '*subordinate to the NPS NN policies*'. The Secretary of State made reference to NPPF paragraph 103 (which states that a significant development should be focussed on locations that can be made sustainable through limiting the need for travel and offering a choice of transport models). The Secretary of State agreed with the Panel's consideration that SRFIs need large sites and can only realistically be located adjacent to railway lines and the road network (DCO Decision Letter paragraph 25). The Secretary of State did not make specific reference in the Decision Letter to the Framework paragraph 109 (now paragraph 111).
3. The Examining Authority for Northampton Gateway and West Midlands Interchange both made reference to the Department for Transport Circular 02/2013 titled '*The Strategic Road Network and the Delivery of Sustainable Development*'.
4. This Circular was published on 10th September 2013 and predates the NPS NN (December 2014). Paragraph 9 of Circular 02/2013 states:

'Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or judgement) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

5. Circular 02/2013 has been updated by Circular 01/2022 Paragraph 9 of Circular 02/13 is not repeated in Circular 01/2022. Paragraph 51 states:

'Where a transport assessment indicates that a development would have an unacceptable safety impact or the residual cumulative impacts on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary'. (Emphasis added)

C. Position of the Applicant

1. The position of the Applicant is that the residual cumulative impact of HNRFI on the SRN and the local highway network is not 'severe'. No 'unacceptable safety impacts' are caused.
2. The Applicant has produced a Transport Assessment for the impact of HNRFI, which is sufficiently satisfactory for a conclusion about the severity of the transport impact to be reached. It is submitted that none of the additional information requested by National Highways and the LHAs is necessary for such an assessment to be reached. In short form:
 - The inputs to the traffic modelling have been agreed with the HAs.
 - The outputs are produced from the model operated by LCC LHA transport consultants.
3. The Applicant has devised mitigation to the highway network. The HAs have yet to respond to the mitigation proposals.
4. The meaning of 'severe residual cumulative impacts' (after mitigation) is not defined in any policy statement and requires the exercise of planning judgement. In an appeal decision (Ref: APP/D3315/W/16/3157862) the Planning Inspector commented (paragraph 15):

'There is no definition of the term 'severe' in either the Framework or in the Government's Planning Practice Guidance (PPG). There was a discussion at the Hearing into what is meant by 'severe', and the Appellant drew my attention to an appeal decision and an Inspector's report to the Secretary of State which consider the term 6. In the report to the Secretary of State, the Inspector comments (paragraph 34) that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: "The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion". I agree with my colleague's comments, which have influenced my determination of the appeal...'. (Emphasis added)

5. The Inspector's Decision Letter (3157862) is attached as **Appendix 1**. The Inspector's Report and the Secretary of State's Decision Letter on appeal 2208393 (referenced to above) is attached as **Appendix 2**.

6. The queueing of vehicles was regarded as a relevant matter in considering the cumulative impact of development on the local highway network. That said, the issues for consideration are the consequence of the queueing of vehicles on the operation of the highway network, rather than the principle of motorists queueing in the peak hour.
7. In a reported appeal (Ref: APP/A0665/A/A/12/2179410 and 2179374), Planning Inspector Stephen Roscoe commented (paragraph 8.40) on the Appellant's case where it was stated in cross-examination:

'... even if there would be some increased period over which drivers would experience delay, it is not the aim of policy to protect the convenience of commuting car drivers'.
(Emphasis added)

8. At paragraph 14.45 the Inspector stated in his Conclusions:

'Any additional delay, however carries less weight as it is not the aim of policy to protect the convenience of commuting car driver'. (Emphasis added)

9. The Secretary of State in his Decision Letter did not depart from his Inspector's Conclusions.
10. The Inspector's report and Decision Letter are attached as **Appendix 3**.

D. M1 (J21)/M69

1. The Appellant's case is that the impact of traffic on this junction is sufficiently mitigated, so as not to result in a severe residual cumulative impact, by reason of:
 - i. That as a consequence of the delivery of the A47 Link additional alternative routes are created to Leicester and the A5 (via the A47) for traffic... Further, the traffic displaced from J21 has been accounted for within the reassignment (strategic model) and mitigation on the local road network has been developed to address these impacts. . The provision of an enhanced public transport service Leicester – Coventry (service X6) to coincide with warehouse shift changes and 'office hour' staff movement reduces the impact of the HNRFI on J21 further through expected modal shift.
2. In the absence of a 'severe cumulative residual impact', no transport improvements to J21 are necessary, consistent with the provisions of Circular 02/2022. The scheme (including the provision of the X6 services) to facilitate journeys to works and the A47 Link are sufficient to reduce the impact of HNRFI on J21 to an acceptable level (NPS NN 5.213).
3. The mitigation measures are considered 'proportionate and reasonable' and with the emphasis on the X6 service 'focused on promoting sustainable transport' (NPS NN 5.216).

4. It is submitted that HNRFI does not result in a severe impact at J21, nor materially worsen accessibility through J21. There is a fundamental capacity constraint at this junction (namely the carriageway space between the bridge supports on the southern arc of the roundabout). Any suggestion that mitigation is needed to the extent of re-constructing this junction is neither necessary, proportionate nor 'reasonably possible' (NN 5.216).

E. Narborough Crossing

1. The impact of HNRFI on the Nuneaton – Felixstowe Strategic Rail Freight Route (which could experience increased freight movement out with HNRFI) at Narborough is possibly an additional barrier down time of some 2.5 minutes in the AM 'extended' peak hours (07:00 – 10:00) (Highways Position Statement item 6) to allow the passage of a single freight train at 75mph. In the extended PM peak hours (16:00 – 19:00) two freight trains may pass. There is no certainty these peak hour train paths would actually be needed or utilised – they are simply available.
2. If used, then a peak hour total barrier down time could be approximately 20 minutes (well within Network Rail's consideration of an acceptable barrier down time (45 minutes) in a town centre location. Attached as **Appendix 4** is correspondence issued by Network Rail dated 23rd October 2023. The correspondence states, inter alia:

*'the rail industry generally, including H.M. Railway Inspectorate at the Office of Rail & Road (O.R.R), considers that (as with most safety issues pertaining to risk management) at locations where there is potential for the **Barrier Down Time** to exceed 45 minutes per hour, then the level crossing in question should be subject to site assessment, with the outcome documented in the Narrative Risk Assessment (or Suitable and Sufficient Risk Assessment/Impact Assessment Report).'*

Narborough Level Crossing is actually on the edge of Narborough, not in the town centre and the level crossing primarily benefits only the residents of Litlethorpe. Alternative routes from Litlethorpe are available via Crosby.

3. The additional inconvenience of 2.5 minutes has been judged by the advisors to Blaby District Council, Icen, in its '*Narborough Social, Health and Wellbeing Impact Report*' (Written Representations Appendix 4 attached as **Appendix 5**), that the impact including for vehicles and pedestrians with pushchairs (there is a pedestrian bridge), as follows:

'This assessment concludes that the increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents. Nevertheless, there will be occasions when the effects will be noticeable and would likely to influence daily routines causing delays.'

4. Network Rail has been consistent in all its discussions with both TSL and the relevant local authorities, that the predicated level of use at Narborough is well below the level at which it, the ORR or The Railway Inspectorate would intervene. For those who wish to continue to drive through Narborough, a small adjustment may be required to drive times. In so far as this maybe 'inconvenient' to some people, it is not the aim of national planning policy to protect the convenience of commuting car drivers. Other routes exist which do not involve level crossings.

Conclusion

The cumulative residual impacts on the SRN and local highway network – after mitigation (none is considered necessary at Narborough Crossing) is considered not be 'severe'. As stated in the NN – NPS '*Appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure*' (NPS NN 5.214).

APPENDIX 1 Inspector's Decision Letter on appeal 3157862



Appeal Decision

Hearings held on 9 January and 21 February 2018

Site visit made on 9 January 2018

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 22nd March 2018.

Appeal Ref: APP/D3315/W/16/3157862

Land at Hartnell's Farm, Monkton Heathfield Road, Monkton Heathfield, Taunton, Somerset, TA2 8NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Strategic Land Partnerships against the decision of Taunton Deane Borough Council.
 - The application Ref 48/16/0033, dated 27 April 2016, was refused by notice dated 30 August 2016.
 - The application sought outline planning permission for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnell's Farm, Monkton Heathfield without complying with a condition attached to planning permission Ref 48/13/0008, dated 26 November 2015.
 - The condition in dispute is No 12 which states that: *No more than 150 dwellings shall be constructed and occupied until the Western Relief Road, as required by the Taunton Deane Core Strategy, has opened for use.*
 - The reason given for the condition is: *In the interests of highway safety and to ensure that the development does not result in an unacceptable overloading of the existing highway network.*
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnell's Farm, Monkton Heathfield in accordance with application Ref 48/16/0033, dated 27 April 2016 without compliance with condition number 12 previously imposed on planning permission Ref 48/13/0008, dated 26 November 2015 and subject to all the other conditions imposed on that permission.

Preliminary Matters

2. A second application (Ref 48/16/0025), which is a resubmission of the appeal application (same proposal, same site), was granted planning permission on 26 May 2017. Unlike the appeal application, the second application includes a Section 106 Agreement, which makes provision for a financial contribution of £1 million towards the provision of the Western Relief Road (WRR) prior to or on commencement of development.

3. Although all matters were reserved in the original outline application for future approval, an illustrative layout drawing shows a possible location for the vehicular access in the form of a priority junction. The Appellant also indicated that the precise form of this access would be determined in consultation with the highway authority, including the possibility of either a signalised junction or a roundabout, and a couple of options were submitted¹.
4. In determining the appeal, I have taken account of the Statement of Common Ground (SCG), dated December 2017, signed by the Appellant and the Local Planning Authority. This document states both the areas of agreement and those aspects which are still an issue between the main parties.
5. The areas of agreement state: (i) housing land supply figures are not relevant to the determination of this appeal; (ii) the dispute over the impact of the proposed development on the local highway network is confined to the junction of the A3259, Milton Hill and Greenway; (iii) the highway authority's automatic traffic counter (ATC) data is correct and can be relied upon; (iv) the development and occupation of 320 dwellings on the appeal site will not have a severe impact on the highways network; (v) the traffic on the network in 2017 is lower than that forecast in 2013 for 2018; and (vi) there is a planning permission for the construction of the WRR, which must be implemented by 9 March 2018, and a mechanism for its funding is included within a signed Memorandum of Understanding (MOU).
6. The matters still in dispute centre on traffic considerations and partly cut across the areas of agreement. In particular, the highway authority contends that the Appellant's conclusions on the traffic counts since the introduction of the Bridgwater Road bus gate are premature, and that there is insufficient evidence to conclude that the traffic pattern will settle at the current recorded level. I will address this matter later in my decision.

Main Issue

7. The main issue is whether condition no (12) attached to planning permission Ref 48/13/0008 is necessary and reasonable for the satisfactory development of up to 320 dwellings at Hartnell's Farm, having regard to the impact of the 'full' proposal on the local highway network, including the principles of sustainable development, highway safety and the satisfactory flow of traffic.

Reasons

8. The appeal site is agricultural land, to the north-west of the A3259 main road, about 5 kilometres north-east of Taunton town centre. The 16.1 ha site lies on the north-west edge of the Monkton Heathfield urban extension, which is being developed into a large, sustainable neighbourhood.

Policy background

9. Policy SS1 of the Core Strategy² makes provision for a new sustainable neighbourhood comprising 4,500 new homes, in addition to 22.5 ha of employment land, other community uses and strategic landscaping, to be delivered at Monkton Heathfield. This will form phase 1 of a north-eastern urban extension of Taunton. In addition to the number of homes in Phase 1,

¹ Hearing Document 12.

² Adopted Taunton Dean Core Strategy 2011-2028; September 2012.

the Council has agreed to the release of interim sites, such as Hartnell's Farm, to ensure a 5 year supply of available housing land in the Borough.

10. Policy SS1 highlights the importance of strategic highway improvements as part of an integrated strategy for the new development at Monkton Heathfield. Improvements to the A38 and A3259 are identified as a prerequisite of the urban extension, and the policy identifies two specific highway schemes as part of its approach. The first is a new eastern development spine, the Eastern Relief Road (ERR) which has recently been opened to traffic. It is designed to be converted to a dual carriageway should this be necessary.
11. The second scheme is a new western development spine, the Western Relief Road (WRR), to the south-west of the appeal site. The WRR has not been constructed in its entirety³, and it is a material consideration in this appeal. In addition, the former A38 at Bridgwater Road has been closed to private vehicles, with the implementation of a bus gate at its southern end. Through traffic has been diverted to the ERR, which is now designated as the A38. A second bus gate is proposed on the A3259, just to the north of the appeal site, with through traffic to be diverted to the ERR, to be implemented once the WRR is open to traffic.

The Main Issue – Highways Impact

12. The role of the WRR, which is identified on the Monkton Heathfield Concept Plan in the Core Strategy, is to connect the A38 and the A3259 on a route to the south-west of Monkton Heathfield. By linking these two roads, and connecting to the ERR, the WRR will take a significant amount of the existing vehicular traffic using the A3259, which will provide access to the appeal site.
13. The Council considers that condition (12), which limits the number of dwellings that can be constructed and occupied to 150 on the appeal site until the WRR has opened for use, is necessary for highway safety and to ensure that the proposal does not result in a cumulative severe vehicular impact on the existing highway network.
14. The Council considers that the cumulative impact on the existing A3259, including the operation of the A3259/Greenway/Milton Hill junction, and the Milton Hill/Bridgwater Road junction, which is located a short distance to the south of the appeal site in the absence of condition (12) would be severe⁴. It therefore considers that the proposal would be contrary to paragraph 32[3] of *the Framework*⁵, which states that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
15. There is no definition of the term 'severe' in either *the Framework* or in the Government's Planning Practice Guidance (PPG). There was a discussion at the Hearing into what is meant by 'severe', and the Appellant drew my attention to an appeal decision and an Inspector's report to the Secretary of State which consider the term⁶. In the report to the Secretary of State⁷, the Inspector

³ A short section of the WRR has been built at the eastern end of the route, to enable access to the housing development at Aginhills.

⁴ This was confirmed at Day 2 of the Hearings and in the Appellant's Technical Note 2, Section 1 – Introduction and Overview.

⁵ DCLG: National Planning Policy Framework (NPPF) (*the Framework*); March 2012.

⁶ Hearing Documents 8 and 9.

⁷ Hearing Document 8.

comments (paragraph 34) that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: "The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion". I agree with my colleague's comments, which have influenced my determination of the appeal...

16. In the above mentioned appeal decision⁸, the Inspector considers (paragraph 25f), and I agree with him, that the queuing of vehicles is a relevant matter in looking at cumulative impact of development on the local highway network.
17. The main parties considered that the critical elements in assessing whether the impact was severe were firstly, increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety. In addition, the ability for pedestrians to cross the main road conveniently and safely and the ease of vehicles to gain access to the main road from side streets and access points, were agreed to be important factors in assessing potential severity of impact.
18. In considering whether the cumulative impact of the 'full' proposal at Hartnell's Farm on the local highway network would be 'severe' (i.e. with the removal of condition (12)) and in the light of the written submissions and discussion at the Hearings, I have identified four relevant considerations:

Consideration 1 – Projected traffic flows on the A3259 Corridor as a result of the full proposal in terms of congestion and highway safety
19. In looking at the projected traffic flows along the A3259, it is necessary to consider the impact of the full development on the 'carrying capacity' of the road; would it significantly erode the free flow of traffic and driver/pedestrian safety and would the critical junctions be overloaded?
20. The Appellant's Technical Note 2 (TN2), dated January 2014, analyses traffic conditions at both the Milton Hill/A38 (now the declassified Bridgwater Road) junction and the A3259/Greenway Junction. It is based on three development scenarios over the period 2015 - 2020, for 100, 150 and 320 units of housing.
21. TN2 states that in the forecast year 2020, the Milton Hill/Bridgwater Road junction would continue to function "comfortably", even with the full 320 dwellings at the appeal site.
22. The modelling for the A3259/Greenway Junction, however, reveals serious congestion, even at the 2015 baseline scenario. It is expected to continue to operate above the 85% threshold. However, TN2 shows that with the inclusion of the proposed signalised crossings on the A3259, this figure reduces from 109% capacity, in the 150 dwelling scenario, to 100.1%, for the AM peak, i.e. 9% betterment, with a slight rise to 103.0% for the PM peak, still representing a substantial betterment over the 2020 base year. The 320 dwelling scenario gives a higher figure of 103.9% in the AM peak and 105.6% for the PM peak.
23. TN2 concluded that the development at Hartnell's Farm should be capped at 150 dwellings until such time as both the ERR and WRR were constructed and opened to public use, based on the operational capacity of key pinch points

⁸ Hearing Document 9.

- (i.e. the two above-mentioned junctions) being safeguarded within reasonable levels. TN2 was also prepared against an expectation by the main parties that the development of the WRR was “imminent”.
24. Two updated traffic reports were submitted by the Appellant since TN2. The first, dated January 2016, showed traffic growth was lower than forecast when the original Transport Assessment (TA) was produced in 2013. The highway authority stated that January is not considered to be a ‘neutral’ month for traffic surveys⁹, and considered the timing of the survey to be premature in being able to assess the full effects of the recent opening of the ERR, whilst there were also several temporary road closures in the area at that time. However, the SCG’s Matters of Agreement (section 7, bullet point 7) indicate that the actual traffic on the network in 2017 is lower than that forecast in the 2013 TA for 2018¹⁰.
 25. Concern was expressed by the highway authority that the full effect of the implementation of the Bridgwater Road bus gate in September 2017 could result in increased traffic using the A3259 past the appeal site; ideally, more time was needed to understand the effects of both the ERR and the bus gate on traffic patterns in Monkton Heathfield.
 26. The Appellant submitted a further updated traffic statement, ‘Supplementary Transport Statement of Evidence (STS) No 3’¹¹, dated 14 February 2018. It provides data based on highway authority vehicle counts at its ATC on the A3259, a short distance to the north-east of the appeal site. This shows four months of traffic data recorded since the implementation of the Bridgwater Road bus gate, i.e. from September to December 2017. The STS shows not only a fall for both AM and PM peak traffic from October to December in 2017 compared to 2016, but importantly, a sharp decline in both the AM and PM peaks to below the December 2016 levels, in the region of 8.6% for the AM peak and 10.3% for the PM peak.
 27. The veracity of these traffic figures was not challenged by the local planning authority, although members of the public pointed out that even if the amount of traffic has declined (which they doubted), the noise impact from large vehicles using the A3259, especially after midnight, remains high. In view of the late submission of the STS, and little officer time to digest it, the local planning authority was given additional time to make a written response.
 28. It appears from the latest data that traffic has adjusted to both the Bridgwater Road bus gate and the ERR. There is no evidence to suggest that more traffic will use the A3259 in preference to the ERR. In fact the opposite appears to have happened. The ERR would be the ‘obvious’ through route for the majority of drivers, even before the opening of the WRR, in terms of signing and quality/alignment of the highway, whilst the proposed pedestrian crossings on the A3259 and the impact of the proposed access to the appeal site would further discourage traffic from using this route. An additional supporting factor is that the ERR provides direct access to the M5 as well as to Taunton town centre.

⁹ DMRB Volume 13, Part 14.

¹⁰ This conclusion is also set out in SCDC’s second bullet point in its comments on the Appellant’s Rebuttal, in the form of a Memorandum dated 20 December 2017 (although the date is given erroneously as 2018).

¹¹ Examination Document 13.

29. Both main parties submitted late final documents: a SCC Memorandum¹² maintaining its concern that the removal of the 150 dwelling cap would be premature, and a response by the Appellant¹³, arguing that the latest figures show an overall decrease in peak hour traffic between 2016 and 2017. Whilst I accept there has been relatively little time since the implementation of the Bridgwater Road bus gate in September 2017, the SCC Memorandum acknowledges “some spare capacity” due to considerable network changes, and the ATC figures show a decrease in traffic for eight out of the twelve months over 2016/17, including a significant decrease in the December totals. I accept that part of the reason for the overall drop in peak flows could be that the peak period has spread from one to over two hours in recent years, but the fact remains that the figures show an overall reduction in peak traffic.
30. Based on the above information, and in particular the additional, updated highway survey work in the STS and the highway authority’s acceptance at the Hearing that the projected traffic numbers have fallen, I do not agree that the cumulative traffic impact generated by the increase from 150 to 320 dwellings at Hartnell’s Farm would result in unacceptable congestion on the A3259 in the vicinity of the appeal site. On this basis, I conclude that the impact would not be ‘severe’ with reference to paragraph 32 of *the Framework*.

Consideration 2 - Infrastructure improvements along the A3259 Corridor

31. The Appellant argues that the existing and proposed infrastructure improvements along the A3259 Corridor would enhance pedestrian access both along and across the main road, and enable key junctions to operate within capacity. These improvements include the following:
- (i) Relocated 30 mph speed limit sign further to the north-east, to reduce legal vehicle speeds at the entrance to the Hartnell’s Farm. This is to be reinforced by a village gateway feature.
 - (ii) Three signalised pedestrian crossings on the A3259 between its junction with the A38 to the north-east and Yallands Hill to the south-west, one of which is in place and operational.
 - (iii) Sections of footway along the A3259 are to be improved to ensure a continuous 1.8-2m width.
 - (iv) Several junctions are to be improved, most notably Greenway/Milton Hill/A3259.
 - (v) The proposed access to Hartnell’s Farm is to be in the form of either a roundabout or a signalised T junction.
32. These improvements would slow traffic and break up the continuous flow of vehicles into what were described at the Hearing as ‘platoons’, which would allow for the emergence of gaps to enable turning traffic to manoeuvre safely. The Appellant’s modelling¹⁴ shows that although vehicle delays would increase, this is not sufficient to cause a material impact on the road network.
33. I find no reason to doubt the robustness of the Appellant’s traffic modelling. The projected traffic flows, delays and queue lengths would not be sufficient to

¹² Examination Document 26.

¹³ Examination Document 27.

¹⁴ For example included within the Appellant’s Transport Statement; August 2016.

cause material harm to either safety or ease of traffic flow along the A3259 corridor, or to any other parts of the local highway network. On the basis of the traffic data discussed at the Hearing, I consider that the existing and proposed infrastructure improvements along the A3259 Corridor would improve pedestrian movement along and across the main road. I therefore do not consider that the impact on highway safety or on ease of traffic movement could be classified as 'severe'.

Consideration 3 – The potential for sustainable transport

34. The Appellant argues that the sustainable location of the appeal site means that it is likely that a high proportion of trips could take place by sustainable means without using the private car.
35. Clearly, not everyone would stop driving cars along the A3259 as a result of public transport improvements. I consider, however, that the combination of the appeal site's proximity to several facilities and services, such as schools and shops, and the likelihood of significant improvements to bus services (including the Taunton-Bridgwater rapid transit bus proposal), cycling and pedestrian routes coming to fruition, will have some effect in reducing the growth of vehicular traffic along the A3259.
36. From the evidence before me, I expect the proposals for sustainable transport along the A3259 would have some effect on reducing the volume of traffic, even if the amount of modal shift from the car turns out to be less than expected. I have already stated that the traffic impact of the full proposal would not be 'severe', so the effect of any modal shift would be likely to improve an already non-severe impact on the local highway network.

Consideration 4 – Implementation of the Western Relief Road (WRR)

37. Both parties agreed that the delivery of the road is not straightforward. The Council's situation update on the implementation of the WRR¹⁵ maintains it is a critical part of the proposed strategic highway network for the new community of Monkton Heathfield, as outlined in Policy SS1. It states that its detailed design is almost complete, with the only matter holding back its delivery being the lack of a £1 million contribution, included in the Section 106 Agreement accompanying the second application for the same scheme (see Preliminary Matters above). The Council also stated its intention to start work on the WRR by 9 March 2018, before the expiry of the planning permission. It submitted a plan¹⁶ showing the critical importance of the WRR in relieving the A3259.
38. The Council also submitted a schedule of estimated costs for the delivery of the WRR¹⁷, amounting to £5.4 million, and outlined its concern that, in the absence of funding from the Appellant, there could be further delay in the delivery of this road. In the absence of the necessary funding for the WRR to come forward in the near future, the Council, supported by SCC, stated that the development of the full planning permission at Hartnell's Farm would result in severe cumulative highway impact. However, at the Hearing, the Council stated it would look to other potential finance to complete the road, such as through the Borough's recently granted Garden City status.

¹⁵ Hearing Document 6.

¹⁶ Hearing Document 2.

¹⁷ Hearing Document 19.

39. The Appellant states¹⁸ that the delivery of the WRR is in the hands of a third party, the Persimmon/Redrow Consortium (PRC) and that the Council is a party to the second deed of variation to a unilateral undertaking made under Section 106 of the Act¹⁹ in relation to the planning application for Phase 1 of the Monkton Heathfield urban extension. The significance of this document is that it gives the owners at their absolute discretion up to ten years to complete the WRR. The Council has also removed the cap on the number of dwellings PRC can build without the completion of the WRR, from 651 to 900 dwellings on this phase. This indicates an acceptance by the Council that some latitude in the absence of the WRR is acceptable.
40. Despite the second deed of variation, it seems likely that the PRC will be keen to develop more than 900 dwellings on their land at Monkton Heathfield, and that it will be in their commercial interests to ensure the delivery of the WRR in the short term. From the evidence submitted and discussed at the Hearing, I consider that there is a realistic prospect of additional resources, either from the Council or the PRC, to construct the WRR in the short term.
41. However, the precise timing of the delivery of the WRR is unclear at this time, and the key question is whether the WRR is critical to the delivery of the full application without resulting in severe cumulative traffic impact.

Main Issue - Conclusion

42. From the first three considerations, all of which have as their context the lack of the WRR, I consider that the full proposal at Hartnell's Farm would not result in unacceptable congestion on the A3259; it would not significantly harm highway safety or ease of traffic movement; and the proposed sustainable transport measures would further reduce the traffic impact to a degree. Without the WRR, the evidence conclusively demonstrates that the cumulative traffic impact of the full proposal would not be severe, and as such it would not be contrary to national planning policy or the development plan.

Housing land supply

43. Although it is not my remit to consider whether the Council has a five year housing land supply, the amount of housing that the site could deliver within five years was contested between the main parties and is relevant.
44. The Council's Strategic Housing Land Availability Assessment (SHLAA)²⁰ estimates a delivery rate of 50 dpa at Hartnell's Farm from 2018/19, meaning the site has a build life of about 6-7 years. These figures could be optimistic, given that planning permission for the appeal site is in outline, with all the reserved matters still to be determined. However, a second developer has expressed an interest to work on the site²¹, effectively giving it dual branding. I therefore consider that the figure of 50 dpa in the SHLAA is realistic. On this basis, it is reasonable to assume that the 150 dwelling cap, as required by condition (12) would not be breached until year 4, by which time it is likely that the WRR would be open to traffic. If the above scenario comes to fruition, the highways impact issue, as identified by the Council, is unlikely to happen.

¹⁸ Hearing Document 14.

¹⁹ Hearing Document 16.

²⁰ SHLAA, Taunton Urban Area Trajectory, site 48/13/00080A Hartnell's Farm; dated March 2017

²¹ Hearing Document 6.

The Planning Balance

45. The principal benefit of deleting condition (12) is the opportunity to bring forward the delivery of an additional 170 dwellings on the appeal site. If the entire complement of up to 320 dwellings were developed within 5 years, (which I consider to be possible but unlikely), the site would be able to contribute even more effectively to the Council's 5 year housing land supply, as required by paragraph 47 of *the Framework*. I have therefore given substantial weight to this consideration in determining the appeal.
46. The potential harm relates to whether the traffic impact generated by the additional 170 dwellings over the 150 dwelling cap would result in a severe cumulative impact on the local highway network, such that it would be contrary to national policy as set out in paragraph 32 [3] of *the Framework*. I find that:
- Traffic generation could be absorbed by the highway network without undue congestion, in the context of peak flows on the A3259 that have declined over the period 2016-2017;
 - The proposed infrastructure improvements along the A3259 would enable the safe and convenient movement of traffic, both along the main road and for gaining access/egress to/from the surrounding areas;
 - The potential for modal shift to bus, cycle and pedestrian movement would further limit vehicular traffic increase on the A3259; and
 - It is reasonable to assume that the WRR would be completed and open to traffic in the near future and certainly within five years, by which time at a rate of 50 dpa, only about 250 out of the 320 dwellings at Hartnell's Farm would have been completed. However, even if the WRR's implementation is further delayed the development of the full proposal would not result in a severe cumulative impact on the A3259.
47. On the basis of my findings, I consider that the benefit of allowing the appeal outweighs the cumulative impact on the local highway network following the implementation of the proposed development, which, without the imposition of condition (12) would be less than 'severe'. As such there is no sound basis for placing a restriction on the number of dwellings to be built and occupied on the site prior to the opening of the WRR. Based on these considerations, Condition (12) becomes redundant.

Other conditions

48. At the Hearing, the main parties agreed that the remaining conditions attached to the original planning permission Ref 48/13/0008 were still appropriate and complied with the requirements set out in paragraph 206 of *the Framework*. Having read these conditions, I consider that they all comply with national policy and I shall impose all of them, with the exception of course of condition (12). In the event that some of these conditions may have been discharged, that is a matter which can be addressed by the parties.

Conclusion

49. Taking account of the above considerations, the disputed condition (12) is not justified, having regard to national policy and the development plan. For the reasons given above and having regard to all other matters raised, I conclude

that the appeal should be allowed and that condition (12) should be deleted. All the other conditions imposed on planning permission Ref 48/13/0008 are not at issue and are not changed by my decision.

Mike Fox

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Celina Colquhoun	Counsel
Jeremy Penfold	WSP
Tim Baker	Strategic Land Partnerships
Phil Jones	Turley

FOR THE LOCAL AUTHORITY:

Julie Moore	Taunton and Deane Borough Council
Helen Vittery	Somerset County Council
Lisa McCaffrey	Somerset County Council

INTERESTED PERSONS

Cllr Norman Cavill	West Monkton Parish Council
Barry Gage	Resident
Michael Plaister	Resident
Mrs Plaister	Resident
Jeanette Weston	Resident

DOCUMENTS SUBMITTED ON OR AFTER THE HEARING

1. Plan showing infrastructure improvements along the A3259 in the vicinity of Hartnell’s Farm; submitted by Taunton Deane Borough Council (TDBC).
2. Plan showing location of the Western Relief Road (WRR), Eastern Relief Road (ERR), the A3259 and the Appeal Site; submitted by TDBC.
3. Statement of Common Ground (SCG) signed by the main parties, dated 20 December 2017 and 5 January 2018; joint submission.
4. Plan showing new housing, both built and committed/proposed at Monkton Heathfield, showing Persimmon/Redrow Consortium (PRC) developments as well as the appeal site; submitted by TDBC.
5. Unilateral Undertaking under Section 106 of the TCP Act 1990 relating to land at Hartnell’s Farm, dated 4 January 2018; submitted by Appellant.
6. Situation update on the implementation of the WRR; submitted by TDBC, dated 2 February 2018.
7. Master Plan for Monkton Heathfield/Bathpool at 1:2,000 scale, dated 02/05/2016; submitted by Somerset County Council (SCC).
8. Report of Inspector to Secretary of State Ref APP/U1105/A/13/2208393 for land at Pinn Court Farm, Pinn Hill, Exeter, EX1 3TG, dated 20/03/2015; submitted by Appellant.

9. Appeal Decision Ref APP/Y1138/W/17/3172380 for land off Silver Street, Willand, Devon, dated 3 November 2017; submitted by Appellant.
10. Record of Attendance, Day 1, dated 9 January 2018.
11. Document of Clarification regarding points within Section 7 of SCG, dated 1 February 2018; submitted by SCC.
12. Plan Ref 1492-SK-04 Monkton Heathfield/Bathpool Overview, showing new housing, both built and committed/proposed at Monkton Heathfield; submitted by TDBC.
13. Supplementary Transport Statement (STS) of Evidence no 3 – 14 February 2018; submitted by WSP on behalf of Appellant.
14. E-mail from Turley addressing (i) housing land supply and delivery rates; (ii) timescale for construction of WRR; and (iii) comments on third party representations; submitted on behalf of Appellant, dated 30 January 2018.
15. Annex 1 to Turley letter (Document 14); submitted by David Wilson Homes on behalf of Appellant, dated 5 January 2018, concerning build out rates.
16. Second Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Taunton Deane Borough Council in relation to a Unilateral Undertaking made under Section 106 of the Act, dated 18 April 2008; submitted by Appellant.
17. Third Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Somerset County Council in relation to an Agreement made under Section 106 of the Act, dated 14 April 2008; submitted by Taunton Deane Borough Council.
18. Extract from Somerset Local Transport Plan, dated November 2011; submitted by SCC.
19. Appendices A and B of MOU between main parties on estimated costs associated with delivery of WRR and contributions to delivery of WRR, dated 2 February 2018; submitted by SCC.
20. E-mail from TDBC, commenting on Appellant's e-mail of 30 January 2018, dated 2 February 2018.
21. E-mail from SCC as lead local flood authority regarding flood risk, dated 24 January 2018.
22. Plan showing Phase 2 of Monkton Heathfield, dated 25 April 2017; submitted by TDBC.
23. Land at Hartnell's Farm, Monkton Heathfield-Schedule of housing numbers related to TDBC Plan; submitted by SLP.
24. Letter from Sarah Nicole to Cllr Cavill; submitted 21 February 2018 by Cllr Cavill.
25. Record of Attendance, Day 2, dated 21 February 2018.
26. Memorandum from SCC to PINS in response to Appellant's STS No 3 (Document 13), dated 26 February 2018.
27. WSP Response to SCC Memorandum dated 26 February 2018 (Document 26), dated 6 March 2018.

APPENDIX 2 Secretary of State's Decision Letter on appeal 2208393



Department for
Communities and
Local Government

Mr Robin Upton
WYG Planning & Design
Hawkridge House, Chelston
Business Park
Wellington
Somerset
TA21 8YA

Our Ref: APP/U1105/A/13/2208393

20 March 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY MILLWOOD HOMES (DEVON) LTD
LAND AT PINN COURT FARM, PINN HILL, EXETER EX1 3TG
APPLICATON REF: 12/0795/MOUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Christina Downes MRTPI, who held a public local inquiry on 29 April and dates between 21 and 27 October 2014 into your clients' appeal against a decision of East Devon District Council ('the Council') to refuse planning permission for the development of up to 430 residential units, local centre comprising retail space of up to 240 m² and a community centre, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces and a park and change facility, together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off new access from the highway (B3181), in accordance with application ref:12/0795/MOUT, dated 20 March 2012.
2. On 20 December 2013 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable mixed, and inclusive communities.

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Inspector's recommendation and summary of the decision

3. The Inspector recommended that the Secretary of State seeks a revised contribution of £749 per dwelling as the appropriate mitigation to avoid significant impact upon the Exe Estuary Special Protection Area and the Pebblebed Heaths Special Protection Area and Special Area of Conservation. Subject to this being secured, he recommended that appeal be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where indicated otherwise, and agrees with his recommendation. He is therefore minded to allow the appeal and grant planning permission subject to the receipt of a satisfactory revised planning obligation.
4. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. The Secretary of State notes that the park and change facility is now to be provided within the new development at Old Park Farm and the area proposed for this facility at the appeal site would be used as a skate park (IR1).
6. The Secretary of State has taken into account the Environmental Statement (ES) and the Addendum to the ES (IR5 and 218), and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. He agrees with the Inspector that a slight amendment to the main access drawing which was submitted at the Inquiry is a factual correction and does not consider it to have any significance in terms of the assessment of impacts or cause any prejudice to any party. He agrees with the Inspector that this drawing is accepted as relevant to the determination of this appeal (IR6). The Secretary of State is content that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal proposal.

Policy considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the East Devon Local Plan 2006-2011 (LP), which was adopted in 2006. The Secretary of State agrees with the Inspector that the saved policies most relevant to this appeal are those identified at IR15.
8. Material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework, March 2012) and the associated planning practice guidance issued in March 2014. He has also taken into account the Community Infrastructure Levy (CIL) Regulations 2010 as amended and the Conservation of Habitats and Species Regulations 2010 as amended.
9. The Secretary of State has also taken into consideration the emerging East Devon Local Plan 2006-2026 (ELP) which has been submitted for examination but is currently in abeyance (IR16). He agrees with the Inspector that the most

relevant policies to this appeal are those listed at IR17. As any proposals are liable to change, he attributes little weight to most of the emerging Local Plan. However he gives a considerable degree of weight to ELP Draft Strategy 34 because of the Inspector's reasons referred to at paragraph 15 below.

10. The Secretary of State has also taken into account the Pinhoe Area Access Strategy, a background document to the ELP, updated in July 2013 (IR18).

Main issues

11. The Secretary of State agrees with the Inspector that the main issues regarding this appeal are those listed at IR135.

Housing land supply and the presumption at paragraph 14 of the Framework

12. The Secretary of State has carefully considered the Inspector's assessment at IR136-138 as to whether the proposed development of the site is needed to meet the housing requirements of East Devon District and contribute to any short term housing land supply deficit. He notes that the Council does not dispute that it cannot presently demonstrate that it has a 5 year supply of deliverable housing sites (IR136). The Secretary of State therefore agrees with the Inspector's conclusion that the proposed development of the site would contribute to the short term housing land supply deficit. He also agrees that although the proposal would not be in accordance with LP policies H1 and H2, these policies are out-of-date. The Secretary of State notes that, in such circumstances, the Inspector took the view that the proposal should be considered in the context of Paragraph 14 of the Framework and whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole (IR139). However, the Secretary of State as competent authority under the Conservation of Habitats and Species Regulations 2010 must undertake a Habitats Regulations Assessment for reasons considered at paragraph 22 below. . Paragraph 119 of the Framework states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. Therefore the Secretary of State has not applied the presumption in this case.

Character and appearance of the area

13. The Secretary of State has considered the Inspector's reasoning and conclusions at IR140-141 on the effect of the proposed development, which is outside the settlement boundary, on the character and appearance of the area. He agrees that the development would result in a significant adverse landscape and visual impact, but that the latter would be relatively localised (IR140).
14. The Secretary of State agrees that the site is not of any particular landscape significance, although much of it is high quality agricultural land. He also agrees with the Inspector that it is inevitable that land outside the LP settlement boundaries will need to be developed to meet the Council's housing requirement. Like the Inspector he notes that the appeal site has been allocated in the ELP and that the Council granted planning permission for a

similar scheme, subject to various stipulations unpalatable to the Appellant. He therefore also agrees with the Inspector that the principle of housing on this land is thus accepted by the Council. The Secretary of State also agrees that LP Policy S5 is of relevance to the supply of housing and that in the absence of a 5 year housing land supply it is out-of-date having regard to Paragraph 49 of the Framework. The Framework is clear that the intrinsic character and beauty of the countryside should be recognised and he agrees with the Inspector that this is therefore a matter to be placed in the planning balance. However he does not agree that there is no development plan policy objection in terms of the loss of countryside in this case because as the Inspector recognises at IR140 the proposal conflicts with saved Policy S5, albeit he agrees that this policy is of relevance to the supply of housing and in the absence of a 5 year housing land supply therefore carries reduced weight (IR141).

Affordable housing

15. The Secretary of State has carefully considered the Inspector's reasoning and conclusions at IR142-167 as to whether the proposed 25% affordable housing provision in this case would be sufficient taking account of housing need, planning policy and viability. For the reasons given at IR142-149, the Secretary of State agrees with the Inspector's conclusions that Draft Strategy 34 of the ELP which proposes a 25% provision can be given a considerable degree of weight (IR148) and is to be preferred to LP Policy H4 which is out-of-date (IR150).
16. For the reasons given at IR151-167, the Secretary of State agrees with the Inspector's conclusion at IR168 that the Appellant's viability assessment is to be preferred to that of the Council's, save that the care home element of the scheme should be included in the valuation. On the basis of 40% affordable housing provision the landowners would receive about 20 times the agricultural land value but the Secretary of State agrees with the Inspector that this would be insufficient to incentivise the landowner to sell and accepts the evidence given that 25% affordable housing would be sufficient for the landowner to sell (IR168). Notwithstanding that the Secretary of State agrees that LP Policy H4 is out of date, on the basis of the viability evidence he agrees that the appeal proposal would comply with that policy (IR168) as well as complying with Draft Strategy 34 of the ELP.

Traffic congestion and harm to highway safety

17. For the reasons given at IR169-194, the Secretary of State agrees with the Inspector's conclusions at IR194 that the appeal scheme is unlikely to result in a severe transport impact and it would therefore comply with saved Policy TA7 and the relevant provisions of the Framework. He also agrees with the Inspector's assessment at IR195 - 196 about the 'Grampian' conditions considered at the Inquiry. Like the Inspector he considers that these are not necessary for the reasons the appellant gives (IR34 - 49 and 196). Moreover, for the reasons given at IR 48 and 196 the Secretary of State considers that the imposition of the Grampian conditions themselves would diminish the likelihood that the Langaton Lane Link Road would be completed and the wider benefits that it would bring to the Pinhoe area realised (IR197).

Residential amenity

18. For the reasons given at IR198-199, the Secretary of State agrees with the Inspector's conclusion at IR200 that the appeal proposal would not have an adverse effect on the living conditions of adjoining residential occupiers.

Effect on schools and medical facilities

19. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR201-202 in regard to schools and medical facilities.

Flood risk

20. The Secretary of State notes that the EIA has concluded that with a sustainable drainage strategy in place there would be no risk of flooding elsewhere and that the Environment Agency has raised no objections to the appeal scheme (IR203). Therefore the Secretary of State agrees that this should be the subject of a planning condition.

Ecology and wildlife

21. For the reasons at IR204-206 the Secretary of State considers that, subject to suitable conditions, the appeal proposal has the potential to enhance local biodiversity (IR206). He notes that this view is shared by the Devon Wildlife Trust (IR105), and that Natural England does not object to the appeal proposal subject to adequate mitigation measures (IR103).
22. The Secretary of State has had regard to the fact that the site is within 8km of the Pebblebed Heaths Special Protection Area and Special Area of Conservation and within about 6 km of the Exe Estuary Special Protection Area (IR207). He has taken note of Natural England's representations (IR103) and its letter to the Council dated 29 June 2012 about planning application 12/07951, which was the same as the current appeal proposal in terms of the site, quantum and type of development. In that letter Natural England expressed the view that the proposal was likely to have a significant effect on the interest features on the Exe Estuary Special Protection Area (SPA). Consequently the Secretary of State, as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010, considers that he needs to undertake an assessment pursuant to Reg. 61 of the Regulations. His assessment is at Annex A to this letter.
23. On the basis of the conclusions of his assessment he agrees with the Inspector's analysis at IR207 - 208. The Section 106 Agreement dated 28 April 2014 provides a contribution of £492 per dwelling to mitigate any adverse impacts in line with the *South East Devon European Site Mitigation Strategy* (IR207), but in order for the scheme to comply with the Habitats Regulations an increased level of payment of £749 per dwelling would be necessary (IR208). The Secretary of State agrees with the Inspector's conclusion at IR208 that this can be resolved by a new Section 106 Agreement to be submitted within a specific time period.

Conditions

24. The Secretary of State has considered the proposed conditions and the Inspector's assessment at IR110 - 123 and IR209 and agrees with the Inspector's reasoning and conclusion regarding the Grampian conditions and Condition 5 (IR209). He is satisfied that conditions 1 - 19 as proposed by the Inspector at Annex 3 to the IR and set out at Annex B to this letter are reasonable, necessary and comply with the requirements of paragraph 206 in the Framework.

Obligations

25. The Secretary of State has considered the Section 106 Agreements submitted by the appellant and the Inspector's assessment at IR124 - 134 and 210 - 216. He agrees with the Inspector's conclusion that, with the exception of the £50,000 payment towards the third party land acquisition considered at IR213 and 217, and the mitigation payment relating to nature conservation sites considered at IR207 - 208 and paragraph 23 above, the remaining contributions and obligations secured are 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; and can therefore be considered to accord with the CIL Regulations 2010 and Paragraph 204 of the Framework (IR217).

Overall conclusions

26. 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. The Secretary of State considers that the proposal does not accord with the development plan taken as a whole, for the reason given at paragraph 14 above. Therefore he has gone on to consider whether there are material considerations which indicate that planning permission should be granted notwithstanding that the proposal is not in accordance overall with the development plan.

27. The Secretary of State has carefully considered the Inspector's conclusions at IR218-224. The Secretary of State also recognises that the District has a serious and significant short term deficit of deliverable housing sites and therefore the housing supply policies in the LP are out of date and insufficient (IR219). For the reasons at paragraphs 12 and 22 above he considers that the presumption in favour of sustainable development at paragraph 14 of the Framework does not apply in this case. Consequently he does not agree that the test as set out at IR220 is applicable in this case. The Secretary of State has given careful consideration as to whether this makes any difference to his decision. He concludes that his decision is not affected because, as set out below, the balance of material considerations falls strongly in favour of the appeal proposal so as to justify development not in accordance with the development plan.

28. As the Inspector notes, paragraph 47 of the Framework seeks to boost significantly the supply of housing. In the light of this and the deficit of

deliverable housing sites, and the housing supply policies in the Local Plan being out of date and insufficient, the Secretary of State agrees with the Inspector that the contribution that the appeal scheme could make in this regard is a matter of considerable weight in the overall balance (IR219). In reaching this conclusion he has taken into account the Inspector's conclusions at IR222 regarding affordable housing.

29. The Secretary of State agrees with the Inspector about the economic and travel sustainability benefits of the proposal identified at IR221 - 222, and he gives these benefits significant weight. He also gives moderate weight to the on-site ecological benefits (IR223).
30. Weighing against the proposal, it would result in the loss of some good quality agricultural land and an area of countryside, but the Secretary of State agrees with the Inspector that that this carries limited weight as the land has no protective designation and the views are relatively localised (IR223).
31. As the Secretary of State has concluded that potential harm to the European sites can be successfully mitigated by an amended contribution (IR223), this is a neutral consideration in the balance.
32. The Secretary of State agrees with the Inspector that whilst the appeal scheme is likely to cause queuing and congestion in the short term, it will not cause a severe transport impact. In reaching this view, like the Inspector he has taken into account the likelihood that the Langaton Lane Link Road will be delivered in a timely manner and the probability that the Exhibition Way Link will be built. Even if the latter scenario does not occur, he agrees that there are also other factors that would tend to reduce the impacts such as peak spreading and the diversion of traffic along Science Park Drive (IR224). Accordingly he gives only moderate weight to any adverse transport impacts.
33. Overall, the Secretary of State considers that the benefits of the appeal proposal clearly outweigh any harm and that the material considerations in this case indicate that the proposal should be determined other than in accordance with the development plan. He agrees with the Inspector's overall conclusion that this would be a sustainable form of development (IR224).

Formal decision

34. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby is minded to allow the appeal and grant outline planning permission for the development of up to 430 residential units, local centre comprising retail space of up to 240 m² and a community centre, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces and a park and change facility, together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off new access from the highway (B3181), in accordance with application ref:12/0795/MOUT, dated 20 March 2012, subject to the conditions set out at Annex B. Before proceeding to his final decision, he invites you to amend the planning obligation, submitted under section 106 of the Town and Country Planning Act 1990, to address the issue set out at paragraph 23 of this letter. The Secretary of State proposes to allow five weeks from the date of this letter (i.e. to **Friday 24 April 2015**) for

receipt of a duly signed and dated planning obligation. He then intends to proceed to a final decision as soon as possible. If he does not receive a satisfactory planning obligation by 24 April 2015, he will reconsider his minded to approve position. It should be noted that he does not regard this letter as an invitation to any party to seek to reopen any of the other issues covered in it.

35. 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.

36. 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.

37. This letter serves as the Secretary of State's statement under regulation 24(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Right to challenge the decision

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

39. A copy of this letter has been sent to East Devon District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Julian Pitt

Authorised by Secretary of State to sign in that behalf

ANNEX A

RECORD OF THE HABITATS REGULATIONS ASSESSMENT UNDERTAKEN UNDER REGULATION 61 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED FOR AN APPLICATION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990)

Project Title and Location: Development at Pinn Court Farm, Pinn Hill, Exeter EX1 3TG, of up to 430 residential units, local centre comprising retail space of up to 240 m² and a community centre, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces and a park and change facility, together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off new access from the highway (B3181), in accordance with application ref:12/0795/MOUT, dated 20 March 2012.

Assessment completion date: 17 March 2015

Project description

1. The project site and surroundings are described at paragraphs 10 - 13 of the Inspector's report (IR). The project proposal is described in the planning application and in detail in the Environmental Statement referred to at IR 5 – 6 and also in the Ecological impact assessment (Inquiry document PA14).

Competent authority

2. The above project, being a 'recovered appeal', is to be determined by the Secretary of State for Communities and Local Government using his powers under section 78 of the Town and County Planning Act 1990. The Secretary of State is therefore the 'competent authority' for the purposes of the Conservation of Habitats and Species Regulations 2010.

Screening

3. In a letter dated 29 June 2012 to East Lindsey District Council, Natural England expressed the view that the proposal as submitted is likely to have a significant effect on the interest features for which the Exe Estuary Special Protection Area (SPA) has been classified, in combination with outer residential development within 10km of the SPA. In light of that advice the Secretary of State has undertaken the following assessment. Moreover, the appeal site is within 8km of the Pebblebed Heaths Special Protection Area and Special Area of Conservation (SAC), and in view of the technical information considered below, the Secretary of State has taken the view that the proposal, in combination with other residential developments, is likely to have a significant effect on the interest features for which that SPA/ SAC has been classified.

Assessment

Relevant documentation

4. In this assessment, the relevant technical information is set out in the *South East Devon European Site Mitigation Strategy* (the Strategy) published in June 2014, which drew on a range of studies cited in the document. The Strategy was prepared by consultants with support from many interested parties including advice from Natural England and the RSPB. It states that its aim is to provide a strategy to mitigate for the potential in-combination impacts of new housing development on three European wildlife sites within and in the vicinity of East Devon District, Exeter City and Teignbridge District, namely the Exe Estuary Special Protection Area (SPA) and Ramsar site, Dawlish Warren Special Area of Conservation (SAC) and the East Devon Pebblebed Heaths SAC/SPA.
5. The Strategy provides a comprehensive evidence base and strategy to ensure that European sites are adequately protected whilst taking forward sustainable levels of growth, in appropriate locations. The Strategy is a mitigation and delivery strategy, and was produced following a number of earlier studies and surveys to gather information and evidence relating to the use of European sites in the area for recreation, and the potential disturbance to European site interest features that could be caused by that recreational use.
6. The full set of reports that provide the European site evidence base are listed at paragraph 1.4 of the Strategy. Following that work, the Strategy provides a single overarching document addressing the European sites, the mitigation required for residential development coming forward, and the means to deliver the mitigation, informed by all preceding work. The Strategy describes the particular features of the European designated sites in question and their conservation objectives, and addresses the potential for increased recreational pressure on these sites arising from new residential development across the three administrative areas of Exeter City, East Devon and Teignbridge Districts, the potential impacts on the European sites that could occur as a consequence, and the measures that should be put in place to mitigate for those potential impacts. The study takes a holistic approach to the total quantum of planned development around the designated sites and the in-combination effects of that total quantum which includes the appeal proposal.
7. The Secretary of State has also taken into account more recent reports prepared for the participating local planning authorities on progress with implementing the Strategy including mitigation measures. These documents include Inquiry document IFD15, a report to the Development Management Committee of East Devon District Council.
8. Consideration has also been given to documents on the East Devon District Council website on progress with implementing a Community Infrastructure Levy, which the Secretary of State notes includes provisions for implementation of mitigation measures called for in the Strategy.

Natural England's advice

9. In its letter of 29 June 2012, Natural England advised East Devon Council (being competent authority at that stage, prior to the recovered appeal stage) that:

'If the applicant is willing to follow the Joint Interim Approach (agreed by the relevant local planning authorities) and contribute a financial sum of £350 per dwelling towards mitigation measures, then an adverse effect on the integrity of the Exe Estuary SPA can be avoided.'

10. The Secretary of State, having become the competent authority in this case, contacted Natural England again on 17 March 2015, stating that in view of the publication of the Strategy and the work being undertaken by the relevant Councils in partnership with NE and RSPB to implement that strategy, it is his understanding that, providing the developer commits in a legally binding way (a section 106 undertaking) to pay the relevant developer contribution for mitigation (confirmed by the Council at the Inquiry as having risen to £749 per dwelling) and providing the Secretary of State is satisfied that arrangements to implement the Mitigation Strategy are proceeding satisfactorily, then he can conclude in making his Habitats Regulations Assessment that an adverse effect on the integrity of the Exe Estuary SPA can be avoided.
11. Natural England replied on 18 March 2015 to confirm that its advice regarding this proposal remains unchanged from that given in its letter of 29th June 2012, and that they concurred with the Secretary of State's assessment. Natural England has also confirmed that, as the Strategy and increased contribution also provide for adequate mitigation in regard to the East Devon Pebblebed Heaths SAC/SPA, the Secretary of State can also conclude in making his Habitats Regulations Assessment that an adverse effect on the integrity of the East Devon Pebblebed Heaths SAC/SPA can be avoided.

Consideration and conclusions

12. The Secretary of State has given very careful consideration to the technical information in the Strategy and the advice of Natural England referred to above, and to progress with implementation of the Strategy. He is satisfied that arrangements to implement the Strategy are proceeding satisfactorily and he is confident that the package of proposed mitigation measures will be adequate and can be appropriately secured on a phased basis as housing development in the Exeter area proceeds in order to avoid any adverse effects on the European sites in question.
13. Turning to the specific project at Pinn Court Farm, the Secretary of State has scrutinised the Section 106 Legal Agreement between the appeal site owners and the Council dated 28 April 2014, which makes provision for an 'Exe Estuary SPA and Pebblebed Heaths SPA/SAC Contribution' of £492 per dwelling. The agreement stipulates that no more than 50% of open market housing in any phase of the development shall be occupied until this contribution relating to each dwelling in that phase has been paid to the Council. On this basis he is satisfied that the contribution for mitigation will be suitably phased with the physical development and occupation of the housing. However, in order for the scheme to comply with the Habitats Regulations, he considers that an increased level of contribution of £749 per dwelling would be necessary. He agrees with the Inspector's conclusion at IR208 that this can be resolved by a new Section 106 Agreement. Accordingly, the Secretary of State will invite the appellant to amend the planning obligation to provide for a contribution of £749 per dwelling.

The Secretary of State will not grant planning permission for the Project unless he is satisfied that the increased payment has been secured and unless he remains satisfied that the arrangements to implement the Strategy continue to be implemented satisfactorily.

14. On the basis of the above consideration and conclusions, and his decision to secure an increased contribution towards mitigation, the Secretary of State concludes that the construction and operation of the project as described, with the proposed mitigation actions being secured by implementation of the Strategy, will not adversely affect the integrity of the Exe Estuary SPA or the East Devon Pebblebed Heaths SAC/SPA, either alone or in combination with other plans or projects.
15. Copies of the technical information and correspondence referred to in this Assessment may be obtained by application to the address at the bottom of the first page of the decision letter.

ANNEX B: SCHEDULE OF CONDITIONS

APPLICATION REF: 12/0795/MOUT

1. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") for each approved phase or phases of the development shall be obtained from the Local Planning Authority in writing before the development of the relevant phase or phases is commenced.
2. Application for approval of the reserved matters in respect of Phase 1 of the development hereby permitted shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
3. Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.
4. Subsequent phases of the development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the residential reserved matters to be approved in respect of that phase.
5. A detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the areas of public open space/green infrastructure as well as a construction programme for the housing and other build elements of the development. The development shall be carried out in accordance with the approved phasing plan and delivery programme.
6. No development shall take place until a detailed surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be based upon the principle of sustainable drainage systems as outlined in the *Level 2 Flood Risk Assessment: Final Report – Revised* (June 2012). The strategy shall include a timetable for implementation and details of the management and maintenance of the surface water drainage system. Development shall be carried out in accordance with the approved strategy.
7. No development-related works comprised in a particular approved phase or phases of the development shall take place within the site until a written scheme of archaeological work relating to that phase has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work including the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme.
8. Before any development commences on a particular approved phase or phases of the development, details of finished floor levels and finished ground levels in relation to a fixed datum relating to that phase shall be submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

9. Prior to submission of any reserved matters application for an agreed phase or phases of the development, a detailed Design Code for the agreed phase or phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall follow the *Design Framework* (August 2013). The reserved matters application(s) shall adhere to the approved Design Code(s) relevant to that part of the site.
10. Prior to the commencement of development of an agreed phase or phases of the development hereby approved an Ecological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation in the *Ecological Impact Assessment* (December 2011). Development shall be carried out in accordance with the approved details and the Strategy shall include:
 - a. Details of the design and location of bat tubes and swift boxes in 1 in 20 of the new buildings (plus one bat box in the public building if relevant).
 - b. Details of external lighting, including the design, hours of use, location and management of any temporary or permanent exterior lighting within any public area, including signage, flood lighting and road lighting.
 - c. Details of a scheme for the removal and relocation to a suitable receptor site for reptiles. This shall also indicate how adjacent areas to the relevant phase or phases are being considered in terms of reptile removal.
 - d. Details of those hedgerows that are to be retained and how they will be protected during construction; details of those hedgerows to be removed and how any adverse impact on biodiversity will be mitigated.
 - e. A timetable for implementation.
11. Prior to the commencement of an agreed phase or phases of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will confirm to the “good” design range identified by BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.
12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. The parking of vehicles of site operatives and visitors.
 - b. Loading and unloading of plant and materials.
 - c. Storage of plant and materials used in constructing the development.
 - d. Wheel washing facilities.

- e. Measures to control the emission of dust and dirt during construction.
 - f. No construction work shall be carried out, or deliveries received, outside of the following hours: 0800-1800 Monday-Friday, 0800-1300 on Saturdays, not at all on Sundays and public holidays.
13. No development shall take place until details of how existing trees shall be protected during the course of construction have been submitted to and approved in writing by the local planning authority. The tree protection measures shall be in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified arboricultural consultant. The development shall be carried out in accordance with the agreed details and protection measures shall be adhered to throughout the construction period.
 14. No development shall take place until a Landscape and Ecology Management Plan for the whole development hereby permitted has been submitted to and approved in writing by the local planning authority. The Landscape and Ecology Management plan shall be carried out as approved for each phase of the development.
 15. No development shall take place until details for the provision and future maintenance of the proposed noise bund along the eastern boundary of the site. The details shall include the design and landscaping of the bund along with a timetable for its provision. The bund shall thereafter be provided in accordance with the approved details and timetable.
 16. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – PL081006 LP-01B
 - Proposed Junction & Swept Path Analysis – 47063396-02
 - Proposed secondary access – D122481-105 Rev 01
 - Masterplan Framework – PL081006 MPF-03T
 - Open Space Plan – PL081006 OSP-01B
 17. Should a District Heating Network be provided to the site, the buildings comprised in the development hereby permitted shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of the development, the necessary onsite infrastructure shall be put in place for
 18. connection of those systems to the network on points on the site boundary to be first agreed in writing by the local planning authority.
 19. The development shall be limited to the occupation of 150 dwellings until a link has been provided between the development and Parkers Cross Lane. This shall be as shown on Drawing No: D122481-105 Rev 01 and in accordance with a specification to be first agreed in writing with the local planning authority. The specification shall include measures to ensure that

the link is only used by buses, emergency vehicles, cyclists and pedestrians and shall be carried out as approved and the measures shall be retained thereafter.

20. No dwelling on the development hereby permitted shall be occupied until a signal controlled access onto the B3181 Road has been designed and constructed fully in accordance with the details on Drawing No: 47063396-02.

Report to the Secretary of State for Communities and Local Government

by Christina Downes MRTPI

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

Date: 22 December 2014

TOWN AND COUNTRY PLANNING ACT 1990

EAST DEVON DISTRICT COUNCIL

Appeal made by

MILLWOOD HOMES (DEVON) LTD

Inquiry held on 29 April, 21-24 and 27 October 2014
Site visit held on 28 October 2014

Land at Pinn Court Farm, Pinn Hill, Exeter EX1 3TG

File Ref: APP/U1105/A/13/2208393

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ABBREVIATIONS LIST

Term

Community Infrastructure Levy
Compulsory Purchase Order
Devon County Council
East Devon District Council
East Devon Local Plan 2006-2026
Emerging East Devon Local Plan 2006-2026
Environmental Impact Assessment
Environmental Statement
Langaton Lane Link Road
National Planning Policy Framework
Passenger Car Unit
Pinhoe Area Access Strategy
Planning Obligation by Agreement
Planning Obligation by Unilateral Undertaking
Planning Practice Guidance
Statement of Common Ground
The Highway Authority

Acronym

CIL
CPO
The County Council
The Council
LP
ELP
EIA
ES
LLL
the Framework
PCU
PAAS
Section 106 Agreement
Unilateral Undertaking
PG
SCG
HA

File Ref: APP/U1105/A/13/2208393

Land at Pinn Court Farm, Pinn Hill, Exeter EX1 3TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Millwood Homes (Devon) Ltd against the decision of East Devon District Council.
- The application Ref 12/0795/MOUT, dated 20 March 2012, was refused by notice dated 17 October 2013.
- The development proposed is up to 430 residential units, local centre comprising retail space of up to 240 m² and a community centre, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces and a park and change facility, together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton Lane, served off new access from the highway (B3181).

Summary of Recommendation: That permission be granted

PROCEDURAL MATTERS

1. The park and change facility is now to be provided within the new development at Old Park Farm. The area proposed for this facility at the appeal site would be used as a skate park. An amended description has thus been agreed in the Planning Statement of Common Ground (SCG) (**Document BD 5**).
2. The application was submitted in outline form with all matters apart from access being reserved for consideration at a later stage.
3. The Inquiry was adjourned on its first day (29 April) due to the submission of further evidence relating to the proposed signalisation of the double mini roundabout. This was received close to the start of the Inquiry and could also have implications for viability. In the circumstances it was decided that no evidence should be heard in the interests of fairness and there were no objections to this from the main parties (**Document BD 3**). The Inquiry was therefore resumed in October 2014, which was the earliest date that all parties were available.
4. There were two Planning Obligations made under Section 106 of the Town and Country Planning Act 1990 (as amended). These are considered later in this Report. However I agreed that the parties should be allowed a short period of time following the close of the Inquiry to complete a Deed of Variation so that the obligations regarding the Safeguarded Land within the site for the Langaton Lane Link and the contribution towards the purchase of the third party land needed to construct it, would not be dependent on a finding by the Secretary of State regarding the Community Infrastructure Levy (CIL) Regulations.

The Environmental Impact Assessment (EIA)

5. There is no dispute that the proposal is EIA development. The planning application was accompanied by an Environmental Statement (ES) and following statutory consultation with the Environment Agency, Dorset County Council as Highway Authority (HA) and the Council, an Addendum to the ES was produced (**Document PA 1**). This effectively replaced the chapters relating to the development proposal, planning context, environment, transport, cumulative impact and conclusions. The assessed drawings were as follows:

- Revised site location plan – LP-01 Rev B
 - Masterplan Framework – PL081006 MPF-03 Rev T
 - Open space plan – PL0810006 OSP-01 Rev B
 - Main access – 47063396/01
 - Conceptual block plan – PL081006 CBP-01 Rev A
6. Apart from the conceptual block plan the assessed drawings are those agreed to be the relevant ones for the determination of the appeal in the Planning SCG. However at the Inquiry a slight amendment to the main access drawing was submitted (47063396-02) (**Plan A/1**). This shows the new access into the Old Park Farm estate as it has now been constructed and so is a factual correction. It is not considered that this would have any significance in terms of the assessment of impacts or cause any prejudice to any party. The Council raised no objection and so it is recommended that this drawing is accepted as relevant to the determination of this appeal.
7. There was also a separate Transport Assessment and various additional technical notes and assessments relating to highway matters (**Documents PA 2-PA 7**). The signalisation of the double mini roundabout junction on Main Road has undergone various iterations and the resulting impacts have been dealt with in the evidence to the Inquiry. This is all included as relevant environmental information for the purposes of the EIA Regulations. Other reports provided in association with the planning application include a landscape and visual impact assessment, a flood risk assessment, an ecological assessment, noise and air quality assessments (**Documents PA 8; PA 9; PA 11-PA 16; PA 21; PA 22**). These are all detailed in the background documents. The application was also supported by a Masterplan (**Plan A/3; Document PA 26**).
8. The Council confirmed at the Inquiry that it was satisfied that all necessary publicity has been undertaken and that it is legally compliant. A local resident was concerned that insufficient publicity had been given, due to the location of the site close to Exeter City. However the proposal was widely advertised in local newspapers. There were also site notices and individual letters sent to nearby residents, local ward councillors and the parish council (**Documents BD 1; ID 1**). The Planning SCG confirms that it provided a screening opinion and that the topics suggested have been included in the ES.

APPEAL RECOVERY

9. The appeal was recovered by the Secretary of State for Communities and Local Government for his own determination on 20 December 2013. The reason for this direction was that it involves a proposal for residential development of over 150 units and would be on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities (**Document BD 2**).

THE SITE AND SURROUNDINGS

10. The appeal site is within the West End Area which lies on the western edge of East Devon District where it adjoins Exeter City. Pinhoe is no longer a discrete settlement but is at the north-eastern end of a continuous built up area radiating out from the city centre. West End is designated as an area of change in the emerging East Devon Local Plan and the appeal site along with Old Park Farm immediately to the west are allocated for large scale residential development. The West End developments also include a large area proposed for housing to the south along with the Science Park, which is currently under construction. Cranbrook is a proposed new settlement further to the east and north of Exeter International Airport.
11. The appeal site comprises about 27 hectares of agricultural land on the north-eastern side of Pinhoe close to the northern edge of the built up area. The house and complex of farm buildings at Pinn Court Farm are towards the southern end of the appeal land but excluded from it. The topography is complex with local undulations and ridges but generally the land slopes down in an easterly and southerly direction. There are a number of treed hedgerows along field boundaries and a substantial band of trees and vegetation along the eastern perimeter with the M5 motorway, which is partly on an embankment at this point.
12. To the south of the site is a large residential area whilst to the west there is a ribbon of houses along the B3181, Main Road North. Old Park Farm is on the western side of Main Road North and is currently under construction. Its signal controlled access is opposite the proposed access into the appeal site. The centre of Pinhoe is around a complicated crossroads served by a double mini roundabout. There are several shops, including a short parade, on the corner of Main Road North and Church Hill. These include a small supermarket, post office, butcher and estate agent. There are also other commercial premises on the Station Road arm of the junction, including a restaurant and take-away, newsagent and chemist. Further along Station Road is Pinhoe Station with services to Exeter and London, Waterloo. There are various bus stops along Main Road and Church Hill. A short distance to the north in Harrington Lane, off Church Hill, is a primary school.
13. Many of the roads in the Pinhoe area are narrow country lanes. These include Langaton Lane and sections of Tithebarn Lane for example. There are some useful photographs and context maps in **Document PA 12**.

PLANNING POLICY

14. The relevant statutory policy document is the **East Devon Local Plan 2006-2011** (LP), which was adopted in 2006 (**Document POE 11, Appendix 17**).
15. The Planning SCG lists the various saved policies that the main parties consider to be relevant (**Document BD 5, Paragraph 3.20**). Whilst all have been taken into account, the most pertinent to this appeal are as follows:
 - **Saved Policy S5** defines the countryside as everywhere outside the Built-up Area boundaries or allocated sites. Development in the countryside will only be permitted in accordance with specific policies and where the

distinctive landscape, amenity and environmental qualities will not be harmed.

- **Saved Policy S7** seeks to ensure infrastructure requirements arising as a direct consequence of development are met in full to serve the needs of the development.
 - **Saved Policy EN14** aims to protect best and most versatile agricultural land unless there is an overriding need for the development.
 - **Saved Policy H1** sets out the housing requirement from 2006-2011. **Saved Policy H2** establishes residential allocations and a sequential approach to site selection with priority to brownfield land in urban areas
 - **Saved Policy H4** sets out the requirement for affordable housing where an up-to-date housing needs survey demonstrates a need. Qualifying sites are defined and the Council will seek to negotiate a minimum of 40% affordable dwellings.
 - **Saved Policy TA1** aims to locate development in accessible locations so that the need for car travel is minimised.
 - **Saved Policy TA4** requires development to include measures to provide and improve facilities for pedestrians and cyclists commensurate with the scale of the proposal.
 - **Saved Policy TA7** seeks to ensure that proposed access and traffic generation would not be detrimental to the safe and satisfactory operation of the highway network.
16. The **emerging East Devon Local Plan 2006-2026** (ELP) has been submitted for examination but is currently in abeyance. Amongst other things the Examining Inspector was concerned about whether the housing target was adequately supported by an up-to-date evidence base reflecting the objectively assessed housing needs of the Housing Market Area over the plan period (*Document POE 11, Appendix 23*). The Council is currently undertaking this work.
17. The Planning SCG lists the various policies that the main parties consider to be relevant (*Document BD 5, Paragraphs 3.22-3.25*). Whilst all have been taken into account, the most pertinent to this appeal are as follows:
- **Draft Strategy 1** sets out the housing and employment provision for the District with a significant amount being accommodated in the West End where the appeal site is located.
 - **Draft Strategy 14** provides for an urban extension to Exeter of 800 houses in Pinhoe comprising the appeal site and Old Park Farm.
 - **Draft Strategy 34** (as proposed to be modified) sets out the district's affordable housing targets, including a minimum of 25% in the larger towns and the strategic West End development sites. In other places, including the rural areas, the starting point is 50% subject to viability considerations.
18. The **Pinhoe Area Access Strategy** is a background document to the ELP and was produced in its updated form in July 2013 (*Document POE 11, Appendix 16*). It seeks to address the traffic implications of 4 major developments in the

Pinhoe area, including 2 in Exeter City (Pinhoe Quarry and Ibstock Brickworks) and two in East Devon District (Old Park Farm and the appeal site). This includes improving the range of sustainable transport options; enhancing the public realm and improving safety and local traffic management; and the provision of new route choices through the Exhibition Way link and the Langaton Lane Link (LLL) to mitigate the impact on the double mini roundabout in the centre of Pinhoe.

THE CASE FOR THE APPELLANT: MILLWOOD HOMES (DEVON) LTD

*The Appellant's case is fully set out in its evidence, including its opening and closing submissions (**Document ID 23**). The main points are:*

19. The overriding context for this appeal is one of a very high degree of agreement on a wide range of matters and a joint ambition on all sides for the appeal site to come forward for residential development. The appeal site is included in the ELP, which is now at an advanced stage of preparation. Moreover it is a site which the Council has resolved to grant permission for precisely the same development. The issues that remain between the parties are not matters which go to the principle of development, nor to the detail or quality of the master planning which lies behind the appeal proposal. The focus is on two main issues, namely traffic impacts and their mitigation, and the level of affordable housing provision.
20. The Council accepts that it does not have a five year land supply and that a 20% buffer is required (**Document BD 5, Paragraph 5.2**). It does not have an objectively assessed housing need and so the housing requirement for the district is unknown. The only available number against which to measure supply is derived from the regional strategy, which is inappropriate and not lawful. Even on that basis the supply is somewhere between 2.2 and 4.3 years. Paragraph 49 of the Framework applies and the policies for the supply of housing land should not be considered up to date. The proposal attracts significant weight in policy terms insofar as it meets identified and urgent housing need in a location which is agreed to be appropriate for housing.
21. The Council agrees that there is no issue in this case as to whether or not development in the open countryside breaches any development plan policy. It has not raised any character and appearance issue. A landscape and visual impact assessment was undertaken as part of the EIA (**Document PA 12**). The Council's position, as recorded in the Officer's report is that the site is not isolated countryside. It observes that there will inevitably be a visual impact but notes that the impact is generally limited to the immediate site and a localised margin bounding the site. Overall, the Council considers that the landscape impact would only be local and in respect of a site which is not designated and is in an area which will see radical change over the next few years. It considers that the area would see benefits arising from the new planting and also areas of open space (**Document POE 11, Appendix 13**).

Affordable housing

Policy position

22. The Council relies upon saved LP Policy H4 in support of its case that 40% of the dwellings should be affordable. However the policy is premised on an up-

to-date housing needs survey demonstrating a need for affordable housing. The Council has no idea what its housing needs are and so it follows that the first clause of the policy has not been satisfied. The Council confirmed that the last housing needs survey was undertaken in 2007 and updated in 2011¹. That is not an up to date housing needs survey.

23. Policy H4 is out of date for the following reasons:

- It was not subject to any strategic viability testing;
- It was adopted prior to the Framework and consequently does not address the requirement in Paragraph 173 for competitive returns to a willing landowner.
- It is in any event aged, even when measured against the date of the saving letter issued in June 2009;
- The Council has failed to adopt any affordable housing supplementary planning document as Paragraph 5.36 of the supporting text to the policy indicates it would do;
- The weight to be given to Policy H4 must be extremely limited by reason of Strategy 34 in the ELP, which is acknowledged to be at an advanced stage and which is supported by detailed and un-criticised evidence.

24. The Framework is a growth orientated policy document. It actively seeks to boost the supply of housing through mechanisms such as a presumption in favour of sustainable development and the provision of a five year supply of housing land. The policy in Paragraph 173 must be read in the context of the Framework as a whole and its growth orientated general thrust (Paragraph 6). That was plainly not the position in national policy terms when Policy H4 was conceived and adopted.

25. The Council commissioned two well respected organisations to undertake a study of the viability of affordable housing provision (**Document POE 11, Appendix 6**). That study is accepted by the District Valuer and the Council's Planning Policy Manager to be technically robust². Indeed, the Council promoted a level of affordable housing at 25% in the area of the appeal site at the ELP Examination. The Council for this appeal contend that Policy H4 is part of the extant development plan and therefore 40% affordable housing should be provided. However, that takes no account of its own, unquestioned and thoroughly researched evidence as to the appropriate level of affordable housing in this area, which has been translated into an emerging policy and widely consulted upon. This provides for exactly the level of affordable housing which the Appellant is content to offer. The emerging policy is at an advanced stage and has gone, so far, un-criticised by the Examining Inspector. There were no more than 5 objections but these were unsupported by any substantive analysis, data or evidence. This material consideration was not considered by the Council in its evidence prior to the Inquiry.

¹ This was confirmed by Mr Dickens in cross-examination by Mr Kimblin.

² This was accepted by Mr Gill and Mr Dickens in cross-examination by Mr Kimblin.

26. In the circumstances there is no proper policy basis upon which to found a refusal on the basis of the affordable housing offer. This is illustrated in the appeal decision by Feniton Park Ltd (**Document ID 7**). Here the Appellant offered 4 affordable dwellings out of the 32 proposed, namely only 12.5%. In that case the Inspector held that the affordable dwellings would be a benefit that carries a small amount of weight in favour of permitting the appeal, albeit not as much as would have been the case had 40% of the proposed dwellings been secured as affordable. The Council could not identify any reason why the Secretary of State should not do likewise here.
27. Clearly, the inspector in that case took the view that Policy H4 was not breached and one can well see why because the policy merely seeks the provision of affordable dwellings and explains that the number to be sought will typically be 40%. Of course, the higher the percentage the greater the weight which attaches to the benefit from providing affordable housing, for which there is a need. Hence, applying the principle in the Feniton Park Limited appeal, the provision of 25% affordable housing, well in excess of 100 units, is a matter that should attract weight in favour of the proposal. It certainly should not result in a finding which is adverse to the proposal and should not result in a finding of failure to comply with the development plan.

Viability assessment

28. In the above context, the evidence in respect of viability has little value. Nevertheless viability assessments were undertaken and various scenarios tested. Many of the inputs were agreed with the Council (**Document BD 5, Appendix 2**). One of the disagreements related to Developer's Profit on the market housing and bearing in mind comparable evidence from other house builders a blended profit of 18.8% on gross development value seems reasonable (**Documents POE 13, Paragraph 5.7; POE 14, Paragraph 4**) The content of the option agreement between the Appellant and the landowners is not relevant because it is commercially sensitive and nobody relies upon it. The Appellant produced a residual land value appraisal of about £685,000 per hectare for a 40% affordable housing scheme³ (**Document POE 13, Paragraph 7.2 and Appendix 7**). This is plainly not a land value which will attract a willing seller. This is plain because the available evidence all points to land prices being considerably in excess of this sum, on any view. The following comparable sites exceeded the residual land value calculated at 40% affordable housing (**Document POE 13, Paragraph 6.2**):
- Hele Park Golf Course, Newton Abbot at £1.658 million per hectare
 - Hill Barton, Exeter at £1.93 million per hectare
 - Rydon Place, Pinhoe at £2.06 million per hectare
 - Ibstock Brickworks, Exeter at £1.13 million per hectare
 - Sandrock Nursery, Exeter at £1.37 million per hectare
29. The only real point taken against these comparables is that they were subject to a 25% and not a 40% affordable housing provision. However even on an

³ This produced an overall residualised price of £9.1m or £11.3m including the care home.

appraisal at 25% affordable housing provision, the residual land price would only be about £898,000 per hectare (**Document POE 13, Paragraph 7.3 and Appendix 8**). So even at this level of affordable housing the landowner would be accepting a residual land value that is substantially below any of the identified comparables.

30. The Council considered that Maer Farm, Exmouth and Cloakham Lawns, Axminster represented the closest comparisons in terms of form, scale and planning circumstances to the appeal site (**Document POE 4, Paragraph 6.44**). However it was conceded⁴ that there were fundamental difficulties with each of these comparables. Maer Farm was a transaction that was not undertaken at arm's length. It was undertaken for tax purposes and was not underpinned by any marketing at all. It is not known what price would have been ascribed to this sale on the open market if there had been a willing seller and a willing buyer. Cloakham Lawns is tainted because it was ultimately a forced sale in which the receivers were involved. These circumstances mean that little or no weight can be placed upon that particular comparable.
31. The Council worked on the basis that the care home element ought to be included in the total development value. However there is neither a policy link nor a functional link between such development and affordable home provision. The only reason that this issue arises is that the care home is a part of the totality of the development proposed and for which permission is sought. If it were to be included a value of £2.2m may be achieved over the initial 0.4ha site but taking account of the limited market and competition from nearby sources, overall a value of about £1.5m ha seems reasonable (**Document POE 13, Paragraph 5.4**).
32. One particular reason for the Council's elevated development value was that the value of the 4 bedroom units had been over-estimated. This was more than £2m above the Appellant's valuation and that of two other agents, who are active in the area. Their evidence and expertise is derived from active professional engagement in the market and the District Valuer's is not. It is no answer to rely upon information from the revenue as to the payment of stamp duty because the data selected is entirely for new build housing to which incentives are known to apply. This often results in prices which are understated by some 5% to 10% because of mortgage and part exchange incentives that are included in the house builder's package (**Documents POE 13, Paragraph 5.2; POE 14, Paragraph 3**).
33. The Council considers that as a rule of thumb the land value can be calculated by a multiplier of the agricultural land value (**Document POE 4, Paragraph 6.32**). However whether the residual land value is 15, 20 or 30 times the agricultural value is no answer to the evidence as to actual sales in the open market as produced in the Appellant's valuation. The reality is that the reasonable vendor can expect to realise at least £1.1 million per hectare. It is unrealistic and inconsistent with the principles in the *Planning Practice Guidance* (PG) to expect a transaction to be incentivised and to occur to deliver housing at a value less than the relevant comparables (**Document ID 5**). Land values should be sufficient to promote economic growth and should be arrived at in a

⁴ This was agreed by Mr Gill in cross-examination by Mr Kimblin.

transparent fashion. Although the return on the basis of 25% affordable housing was still lower than some comparable transactions, the landowners have confirmed that they would be prepared to proceed on this basis (**Document POE 13, Paragraph 8.4 and Appendix 8**). The Secretary of State should give full and proper effect to his own guidance such that he is informed by comparable, market-based evidence wherever possible.

Traffic generation, congestion and highway safety

34. Paragraph 32 of the Framework makes clear that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. This is to set a high bar for intervention via the planning system in traffic effects arising from development. The Council agreed that mere congestion and inconvenience was not sufficient to trigger the “severe” test but rather that it was a question of the consequences of such congestion⁵. This can be seen from the Preston appeal decision, which was extensively relied upon by the Council (**Document POE 6, Appendix 20**). When read as a whole it is clear that it is highway safety and the dangerous consequences of congestion which are at the heart of the Inspector’s finding. For example, he found that the nature of the junction precipitated irresponsible and dangerous driver actions and that the junction impinged directly on emergency vehicles going to the hospital nearby. These and other features of the decision are what led to his finding of adverse effects upon highway safety and thus a severe residual effect.
35. In the current situation there is no significant existing congestion to be concerned about. A considerable amount of modelling has been undertaken using a variety of base data (**Documents POE 16, Sections 5-8; POE 19, Section 3**). Having arrived at agreement on using the 2013 traffic flows, predictions have been made taking account of all permitted development and the proposed development (**Document BD 6, Paragraph 12**). It is extremely important to appreciate the assumptions which lie behind that modelling. The Council’s predictions of long queues are on the basis of worst case scenarios during the morning peak hour. Congestion at peak times would be short lived and for most of the day there would be none.
36. A number of factors that will occur in reality are not incorporated into the modelling, largely at the HA’s request. First a park and change facility, which will be provided at the Old Park Farm development, has not been included. Second “peak spreading” where people spread their journey times to avoid peak congestion, has not been included. Third future changes in the highway network have not been included. In particular, there is a route which will open up in Spring 2015 which will permit traffic to divert left from Main Road North, down Parker’s Cross Lane and to connect with Science Park Drive and thus to destinations beyond. Whether or not it would be a “rat run” it is important in understanding how long any queue will in fact be (**Documents POE 16, Paragraphs 4.3.7 and 4.38; POE 17, Appendices 8 and 9**).
37. The reason for refusal relates solely to Main Road North. It does not complain of anticipated congestion anywhere else on the highway network, save that the Council takes some subsidiary points in respect of such congestion as might be

⁵ This was agreed by Mr Pratt in cross-examination by Mr Kimblin.

a secondary consequence of mitigation measures. The Council has resolved to grant planning permission for a similar proposal, subject to certain Grampian conditions (**Document POE 16, Paragraph 2.5**). The first of those accepts that 150 dwellings could be built on the site without any mitigation whatsoever. In that regard, the Council accepts a queue of 184 passenger car units (PCU) or 1.1 km with a delay of just under 13 minutes (**Document POE 16, Paragraph 6.7**)⁶.

38. The calculated queuing would spread across the three “arms” of Main Road North, the appeal site access and the site access from Old Park Farm. This sort of situation would not give rise to any driver frustration. Observations indicate that drivers in the area are courteous and to the extent that it is necessary for one driver to let out another that is the sort of thing which is common place on the highway in this area. It is simply not correct to say that the sort of short term queues that would ensue from the permitted developments without any substantial mitigation measures would amount to a severe residual impact in Framework terms. No safety critical feature has been identified as it was in the Preston appeal decision, merely a generalised assertion that such queuing would be dangerous.
39. The Appellant has sought, responsibly, to assist the Council in its wider objectives for growth in this area. This has taken two forms:
 - Signalisation of the double mini roundabout; and
 - Putting in place a large section of the LLL.
40. It should be emphasised that the Appellant does not seek permission for a signalisation scheme even though the level of detail would suggest this is the case. It has been prompted by the HA seeking ever more options and assessment. The upshot has been to gold-plate the works which are intended merely as an interim solution pending the construction of the LLL. The modelling shows that signalisation would significantly increase the junction capacity such that the queue length and delay would be less with the appeal scheme and Old Park Farm Phase 2 in place than the 2019 Base with the existing double mini roundabout (**Document POE 16, Table 8.5**).
41. The real difficulty that arises is the HA’s insistence upon signalised pedestrian crossings and signalised accesses to the shops and private drives. While such features may be desirable in facilitating sustainable modes of movement, the only existing pedestrian facility at the junction is a toucan crossing set back some distance north up Main Road North. The introduction of the pedestrian facilities would have the effect of significantly reducing the capacity of the junction (**Document POE 16, Tables 7.6 and 8.5**). Signalising the accesses to the shops is overly robust when on-site observations show that traffic enters from Church Hill and exits onto Main Road North, given the orientation of the parking bays (**Document POE 19, Paragraph 2.7 and Section 3**).
42. There is a limited time resource available at the junction which has to be prioritised and divided between pedestrians, the shops and highway traffic. It

⁶ Inspector’s Note: It should be noted that this was based on the modelling using 2010 traffic survey data. If the agreed 2013 data is used 100 dwellings could be built without mitigation. This is the basis for the Grampian conditions suggested for the appeal proposal.

is really a matter for the HA how that is divided but it is unfair to require a gold-plated standard for pedestrians as against a nil base and then to hold the consequences against the appeal scheme.

43. The parties agree that the provision of the LLL is a suitable form of mitigation and is desirable and beneficial in broader terms. It is a feature of the Council's *Pinhoe Area Access Strategy* (PAAS), the purpose of which is to set out the likely transportation improvements that will be needed to support growth planned in the Pinhoe area (**Document POE 11, Appendix 16**). It forms part of the evidence base for the ELP. The LLL would be a solution that over-mitigates the impact of the appeal scheme as it would also attract existing traffic from the B3181 and from Old Park Farm. It is estimated by the HA that it would divert about 157 trips from the B3181 in the morning peak, including 26 of the 132 trips from the appeal site using that road (**Document ID 3**). The PAAS indicates that with the growth in jobs east of the motorway there may be wider benefits to traffic reduction along the B3181 corridor.
44. The appeal proposal seeks to deliver a very large part of the LLL and therefore to enable those wider benefits to be felt and their advantages to become a part of the new framework of growth in this part of East Devon and Exeter. The Planning Obligation by Agreement (Section 106 Agreement) with the County Council includes a provision to safeguard the necessary land within the site and prevent the owners from constructing anything on it for a period of 15 years. The County Council would have a right under the terms of the Section 106 Agreement to enter the land and once it has been constructed, to require the landowners to grant an easement and dedicate the land as a public highway (**Document ID 16**). This right is not conditional upon the LLL being found to be necessary and therefore compliant with Regulation 122 of the CIL Regulations (**Document ID 18**).
45. A secure mechanism is thus in place for the land to come forward to provide for the LLL on the appeal site. The remaining issue involves the 0.02 hectares of land owned by Wain Homes. This lies between the appeal site and the highway land on Langaton Lane and is not within the Appellant's or landowners control (**Document ID 6**). In the event that planning permission were granted for the appeal scheme there would be no ransom value associated with this land and the agricultural land value would be very low indeed, being some hundreds of pounds. Even if the relevant value was as extensions to the adjacent residential gardens, the land would only be valued at some low thousands of pounds. It is inconceivable that use of Compulsory Purchase Order (CPO) powers would be necessary in respect of a scrap of useless land, held by a developer which then had no ransom value. However, even if that were not the case, the making of a CPO would be a course of action which is supported by the ELP policies for the provision of housing in Pinhoe. There is no requirement for residual traffic congestion to be severe in order to make a CPO. Rather an acquiring authority would have to show a compelling case in the public interest. It has already done so by producing its PAAS and permitting much of the housing growth in the area. Moreover, the acquiring authority evidently has a clear idea of how the land would be used and has the necessary funding.
46. The contention by the Council that the Appellant should have approached Wain Homes to purchase the land is fanciful. In such circumstances there would be

a ransom in respect of part of the development, taking account of the principles in *Stokes v Cambridge*, and the range of values is easy to calculate from the residual valuations. The Appellant has undertaken to provide a sum to a maximum of £50,000 to accommodate the land purchase costs and associated legal costs, including the making of a CPO (**Document ID 17**). There is simply no reason why that which the Council has planned for in the PAAS should not be realised with this modest degree of cooperation from the County and District Councils.

47. There is plenty of time for this to occur. There would be a period of a year during which reserved matters would be submitted. The evidence is that a sales rate of 3 market dwellings per month would be the maximum achievable which would result in 36 a year. It would therefore be three years before the 100th dwelling were occupied. This is the amount of housing that the Council has agreed can take place on the appeal site without any unacceptable highways effects. Hence, there is no reason as to finance, statutory powers or the necessary time being available for the relevant parties to cooperate to bring forward the LLL. All of these points are in the context of there being the alternative route of Science Park Drive coming forward in the Spring of 2015 which has not been modelled but which is acknowledged by all parties to play a role in providing a further choice of routes away from the B3181.
48. The upshot of the Council's highways position is to either result in no development at all to assist in rectifying its perilous housing land supply position, or a development that would be very severely compromised as to its viability. That is because the imposition of the proposed Grampian condition would create a ransom and would take out very significant sums from the development value which would necessarily have to be balanced by the removal of planning obligations and/or affordable housing provision. Both of those alternative outcomes are highly undesirable from the points of view of all of the parties and of the wider community which needs the development which has been proposed.
49. Ultimately this is a simple case and one is not to be distracted by the issues surrounding the 0.02 ha of third party land. A very high quality illustration has been produced of what can be achieved by signalisation of the Pinhoe double-mini roundabouts. That may not be needed having regard to the opening of Science Park Drive in the spring of 2015, or if Exhibition Way emerges from its Village Green litigation (**Document POE 16, Paragraph 2.6**). However it is quite wrong to take a negative and gold-plating approach to the signalisation and its associated mitigation. It is wrong to so configure the signals as to remove the benefits which are achievable. Further, and in any event, the necessary land and financial provision is entirely in place and secure to both fully mitigate the impact of the appeal proposal and to provide some further benefit in that regard via the LLL. In resisting the appeal proposal the Council is creating exactly the difficulties which are preventing the agreed optimal solution, namely the LLL.

Sustainable development

50. The appeal scheme has been carefully designed with a high quality Masterplan. That process was achieved after detailed and extensive discussion and cooperation with the Council, including providing for the Council to obtain

significant external urban design advice (**Documents PA 24-PA 26**). This is agreed to be a high quality scheme on a sustainably located site that has been allocated for residential development in a reasonably advanced ELP (**Document BD 5, Section 8**).

51. The appeal site is within an area which is subject to significant planned growth both in housing and employment terms. The associated infrastructure is in the course of construction. If the necessary housing is not provided for the associated employment then anticipated economic growth can not happen. This is a fundamental point in the context of a planning authority which has neither a five year supply of housing land nor any idea what its objectively assessed housing need is. It is most important that the necessary housing is made available in order to support economic growth and also to take advantage of the economic growth associated with the fact of building and construction in itself.
52. The social dimension is equally important and the provision of over 100 units of affordable accommodation is a significant and weighty matter in assessing the sustainability of the proposal. The provision of both market and affordable housing is key to planning and central to the objective of boosting supply significantly in accordance with Paragraph 47 of the Framework. None of this is in dispute. The only point taken against the appeal site is the traffic point. For the reasons given above that is resolvable. Upon that resolution there is nothing but a wholly sustainable site which benefits from the assumption in Paragraph 14 of the Framework.

THE CASE FOR EAST DEVON DISTRICT COUNCIL

The Council's case is fully set out in its evidence, including its opening and closing submissions (Document ID 22). The main points are:

53. The Council resolved to grant planning permission on this site for 430 houses on 25 March 2014. The benefits of that development results from a scheme that delivers the target level of affordable housing in the adopted LP and the LLL, which the County and District Councils consider is necessary infrastructure. The appeal scheme does not provide these benefits.
54. It is agreed that there is not a 5 years supply of housing land and that the shortfall is between 2.2 and 4.3 years (**Document BD 5, Paragraph 5.2**). Although it is not possible to work out where in the range it is, if household projections are used it is likely to be at the top. The highway and affordable housing policies are not housing supply policies so the deficit is less important in this case.

Affordable housing

Policy position

55. It is not disputed that there is a considerable need for affordable housing in East Devon as set out in the LP (**Document POE 11, Paragraphs 5.26-34**). The ELP also recognises it as a critical issue as is evidenced in *the Examination Topic Paper 2* (January 2014) (**Document POE 11, Appendix 8, Section 2**). In recent years affordable housing delivery has been relatively low and has fallen well short of the identified need, even under a low growth scenario (**Document POE**

- 1, Section 5**). In the Feniton appeal decision the need for affordable housing was said to be overwhelming (**Document ID 7, Paragraph 106**).
56. LP Policy H4 deserves the most weight, bearing in mind Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 215 and 216 of the Framework. It is the saved adopted policy and it is the policy that Inspectors are applying in East Devon (**Documents POE 1, Appendix 1, Paragraph 31; ID 7, Paragraphs 99, 106, 129, 135**). In the Feniton appeals the ELP was before the Inspector but Policy H4 was applied in preference to the emerging policy. Policy H4 is also entirely consistent with Paragraph 50 of the Framework. There is an undisputed need and the policy has a preference for on-site provision but off-site provision can be considered in exceptional circumstances. The Framework requires policies to be sufficiently flexible to take account of changing market conditions over time. When read with Paragraph 5.38, Policy H4 seeks 40% but allows for flexibility if that would jeopardise viability. Paragraph 173 of the Framework requires a competitive return to a willing landowner and that is obviously able to be considered under Policy H4 because that was the whole focus of the Council's viability evidence.
57. Policy H4 is not a supply of housing policy. The proposal would not comply with the policy and therefore would not comply with the development plan. If a scheme does not provide 40% but it is clearly viable to provide that quantum, as here, there would obviously be conflict with Policy H4. If that is not the position then no developer would bother to provide the full amount of affordable housing and that would be a bizarre and untenable reading of the policy. The language of Paragraph 99 of the Feniton Park Ltd appeal decision needs a little thought in the context of that appeal. It should be read in the context that the Council contended there was no need for affordable housing in Feniton. There were also issues of viability based on the contributions to an all-weather pitch, the relocation of a power cable as well as a substantial contribution to flood relief. The Council had agreed the number of affordable houses in negotiation and that is why the Inspector concluded that the lower provision could be treated as a benefit and given some weight. Less weight should be given to this appeal decision as to the construction of Policy H4 because it was not controversial in that appeal. In the present case it is viable to provide 40%, there is no negotiated settlement with the Council on affordable housing and it is clearly contrary to the policy not to provide 40%.
58. The weight to be given to Strategy 34 in the ELP is limited having regard to the factors in Paragraph 216 of the Framework. The ELP is at the stage where the Examination is still underway and has been delayed for further work. That further work has not yet been reported back to Members. There are also unresolved objections, some seeking more affordable housing and some seeking less. There are 3 very strong representations from knowledgeable parties where a greater percentage of affordable housing is supported (**Document POE 2, Section 3 and Appendices 1-3**). That is in addition to CPRE, Cllr Wright, David Boyle and if properly analysed Tetlow Planning at the consultation draft stage (**Document POE 12, Table 1**).
59. The Appellant put forward a number of reasons why Strategy 34 in the ELP should be preferred to saved Policy H4 in the adopted LP (**Document POE 11, Paragraph 6.3.12**). These are rejected as follows:

- Paragraph 211 of the Framework makes it plain that policies in a local plan are not out of date just because they were adopted prior to the publication of the Framework. Whilst the policy was not subject to viability testing this is built in so that it could be done at application stage.
 - Policy H4 may not have been adopted after the Framework but it can still consider competitive returns which were certainly considered as part of this application.
 - Policy H4 may not be saved indefinitely but it is saved now and should be applied.
 - Paragraph 5.36 refers to the production of supplementary guidance to provide advice on the application and implementation of Policy H4. Just because this was not produced does not mean the policy should not be applied.
 - The *Affordable Housing Viability Study*, which is part of the ELP evidence base, was more optimistic about higher values on land close to Exeter being able to support higher levels of affordable housing (**Document POE 11, Appendix 6, Paragraphs 4.29-4.32, 7.2**). It is thus perfectly possible faced with this evidence that the Examining Inspector will look at the areas in a careful way.
 - There are some representations that want more affordable housing and others that want less. The Council's current position is that Strategy 34 in the ELP is robust, although it originally wanted to have a flexible policy where the level of affordable housing could go up if viability demonstrated that⁷.
 - Policy H4 is not in direct conflict with Paragraphs 158 and 173 of the Framework. By allowing viability to be considered it clearly enables the question of whether there is a competitive return to be dealt with.
60. The Appellant's contention that the ELP should be given more weight involves speculating about what the Examining Inspector will do with objections. The other matter that is unknown is what further evidence will be submitted to the Examining Inspector. For example if the conclusion of this appeal is that a careful bespoke assessment concludes that 40% is viable, those seeking a higher percentage are likely to draw it to the attention of the Examining Inspector. He would then be faced with a clear example that when matters are gone into in more detail, 40% is achievable. Thus faced with an overwhelming housing need the Inspector may well take that matter into serious consideration in his recommendations on the ELP.

Viability assessment

61. Here there has been a bespoke viability assessment of this very scheme by the experienced District Valuer who concludes that it is viable (**Document POE 4, Section 6**). That should be given great weight. This shows that the reasonable

⁷ In relation to the areas where a minimum of 25% affordable housing is required, Strategy 34 in the ELP is proposed to be modified to remove the words "*unless viability evidence shows that a higher percentage is achievable*"

landowner making about 31 times the current use value would be incentivized to go ahead (**Document POE 4, Paragraph 8.4**). The alleged comparators relied upon by the Appellant are not helpful and are all in different local authority areas with permissions for lower amounts of affordable housing.

62. There was no dispute that the acid test on viability in Paragraph 173 of the Framework is whether there is a competitive return to the landowner⁸. Further advice is given in the PG (**Document ID 5**). The Council has then applied it to the facts of this case. Even on the basis of the Appellant's assessments, with a policy compliant 40% affordable housing the scheme returns £9.1m (**Document POE 13, Appendix 7**). This excludes the value of the care home which even the Appellant values at £2.22m (**Document POE 13, Paragraph 5.4.12**). It was agreed that this totalled about £11.3m⁹. If the District Council is correct, the value of the scheme to the landowner would be £17m (**Document POE 4, Appendix S1**).
63. The PG advises that this should be compared with the current use value. This was agreed as being agricultural and being about £20,000 per hectare. If that is applied to the whole site the current use value would be about £545,000. There would clearly be a competitive return even on the Appellant's figures because:
- If only the return on the residential element is considered this would be about 17 times the current use value land value (£9.1m ÷ £545,000).
 - If the care home is added the return would be about 21 times the current use value (£11.3m ÷ £545,000).
 - If the District Valuer's figures are correct then the development value would be about £17m and the return would be about 31 times the current use value (£17m ÷ £545,000).
64. The landowner would therefore make between 17 and 31 times the current use value or between 21 and 31 times if the care home were added. The benchmark for what is a reasonable incentive to release a greenfield site is of the order of 10-20 times agricultural values. This was set out in the Peter Brett Associates and Three Dragons report for the CIL (2013) and guidance from the Homes and Communities Agency (2010) (**Document POE 4, Paragraph 6.32**). Thus in terms of current use value there is plenty of incentive to proceed for the landowner.
65. The other matter that the PG advises should be considered is whether there is a realistic alternative use that complies with planning policy. Here the landowner does not have a realistic alternative and this was accepted by the Appellant¹⁰. Thus when the return is compared with the other available options as the Government advises, it is clear that the landowner would make an excellent return. If this scheme is delivered the landowner would make between £11.3m and £17m. That is vastly preferable to the £545,000 current use value with no alternative use.

⁸ This was accepted by Mr Eke in cross-examination by Mr Ground.

⁹ This was agreed by Mr Eke in cross-examination by Mr Ground.

¹⁰ This was accepted by Mr Eke in cross-examination by Mr Ground.

66. Care is needed when considering the actual landowner's position, because the PG is careful to look at the reasonable landowner otherwise the affordable housing policy would be toothless. A letter on behalf of the landowner contended that it was unlikely that the land would be released if based on a residual land value resulting from greater than 25% affordable housing (**Document POE 13, Appendix 9**). It is unknown how many £m the actual landowner would be satisfied with and it seems bizarre that any normal definition of a satisfactory planning permission would not be met if a developer agreed the affordable amount in the adopted LP. In any event the Appellant's valuation witness did not know the actual terms of the option agreement. The Appellant did not say why the contract was legally privileged or commercially sensitive. It may well show that if permission is granted on the basis of 40% the site will be delivered and the owner bound to continue.
67. It is highly unlikely that the option agreement really does preclude anything more than 25%. It was signed before August 2013 when the developer was offering 30%¹¹. The developer also applied in the application that was resolved to be granted in March 2014 for 40% affordable housing. It would have been a waste of time and money if this was an option that meant the developer could not buy in those circumstances. In the August 2013 appraisal it was stated that £700,000-£750,000 ha on the net developable residential land would represent a fair value for the site. It was agreed that the option agreement was in place by then and had not changed. Also that many of the comparable sites had already been transacted by the time of the August 2013 appraisal so if they were real comparables they would have been considered in that appraisal¹². The value the landowners are going to make is more than a fair value.
68. If the Appellant is correct about everything the current valuation assessment shows that with 40% affordable housing, the landowners would make £9.138m from the residential part of the scheme and a further £2.22m from the care home (**Document POE 13, Paragraph 5.4.12 and Appendix 7**). The total area of both would be 14.814 hectares and thus the landowner would make a return of £767,000 per hectare. This is more than the top of the range of a fair value according to the August 2013 report. If the Council's valuation evidence is correct then the landowner would make £1.1m, which is a considerable premium over what was originally described as a fair value for the subject site by the Appellant (**Document POE 4, Appendix S1**).
69. The Appellant also seeks to rely on comparators but these are sufficiently dissimilar that none were relied on in the August 2013 report (**Document POE 13, Paragraphs 6.2-6.3**). They are not available alternatives to this landowner for this site. They are in different local authority areas with different, and lower, requirements for affordable housing (**Documents POE 4, Paragraph 6.35; POE 5, Paragraph 6.3**). There are also factors which go the other way, such as the percentage of affordable rent. They do not accordingly meet the tests in the PG relating to "Land Value" (**Document ID 5, Page 6**). In reality these sites

¹¹ Inspector's Note: This was from a viability appraisal submitted to the Council in August 2013 but not put into the Inquiry as an evidential document. Mr Eke explained that it was based on a different instruction and was not undertaken as a robust viability assessment.

¹² This was agreed by Mr Eke in cross-examination by Mr Ground.

are all so different that they do not comply with the PG on looking at “comparable market based evidence” that “reflect policy requirements”.

70. Furthermore, all of those sites had planning permission, which differs from the current appeal situation. The market value would be at today’s date for the purposes of the affordable housing calculation. There is no extant planning permission merely a resolution to grant at 40% affordable housing with Grampian conditions for the LLL. That is what should be valued. It is very far from being a planning permission for 25% affordable housing. Land value is an input in the model for the purpose of working out the affordable housing contribution. It is difficult to see why the landowner should get more than the value of the land now when working out what the affordable housing contribution should be. In any event the site value certainly should not be based on an assumption of less than 40% affordable housing under the RICS guidance (**Document POE 4, Paragraph 6.29**). It should be a competitive return based on 40% affordable.
71. The Council’s comparable sites have considerable advantages (**Document POE 4, Paragraphs 6.37-6.44**). First many were in East Devon District and all had a requirement for 40% affordable housing. At Cloakham Lawns, Axminster allowance was made for the forced sale element by taking the bid before the financial problems. With land at Maer Farm, Exmouth there were two RICS valuers involved and it satisfied the tax man. Land at Young Hayes Farm, Broadclyst was in the same market area. The site did not have planning permission and was purchased by a house builder. It was an actual transaction at £250,000 per gross hectare. There are other examples in the evidence of the District Valuer which were transacted for less than the landowner will take here.
72. There were various other differences in the viability appraisals as follows:
- It is normal to consider the entirety of the application proposal and this includes the care home. There would be shared infrastructure and both elements would provide the incentive to the landowner and the return. The values of the care home were based on comparable transparent evidence (**Document POE 4, Paragraph 6.5 and Appendix S3**). The Appellant referred to competition from a new care home on the Istock Brickworks site. However the care home market is a large one and cannot be that adversely affected by one care home in the vicinity of a populous and relatively affluent area.
 - The Council’s approach complied with the PG “comparable market based evidence” by using the 2014 sale price of new build houses in the same post code area (**Document POE 4, Paragraph 6.3 and Appendix S2**). By contrast the Appellant’s sales evidence included a long list of second hand and new houses but the most relevant and recent ones were not there and reliance was placed on marketing prices rather than actual sales prices (**Document POE 13, Section 5.2 and Appendix 1**). The Council’s values were based on the amount that stamp duty was paid on, which is likely to exclude any incentives offered by the developer. However the market is now buoyant enough that very few inducements are being given.
 - The affordable rent has been agreed. There is a small difference in the value of the intermediate units. The Council used the market values for

50% and for the other half capitalised up agreed rents. This compared favourably with two real transactions (**Document POE 4, Paragraph 6.4**).

- The District Valuer had the considerable advantage of having 100 formal tenders as to what developers would accept on developer profit. The average across the whole country was 17.2% for the market and 5% for the affordable (**Document POE 4, Paragraph 6.19**). Clearly this is a buoyant area and this is not an unusually difficult site. The Council has taken 17.5% and 6% (market/ affordable) which is more than the average and more than accepted in a recent appeal decision at Red House School, Stockton-on-Tees (**Document POE 4, Paragraph 6.18-6.22**). The Holsworthy appeal referred to by the Appellant was a Section 106BC application which reviews the assessment submitted with the planning application and tries to leave the assumptions the same. In addition that was a stalled site. (**Document POE 14, Paragraph 4.4 and Appendix 3**).
 - Contingency is agreed at 4% and the experience, expertise and reliability of the District Valuer makes his 7% figure for professional fees preferable.
73. Ransom does not make a difference to viability. If there is a ransom situation such that the full site includes the ransom strip then the owner of the ransom part is a landowner for the purposes of the exercise. The landowner of the site together with the ransom part makes the same amount of money. Any comparable value would be with a similar ransomed site. The Council has been careful to try to help the Appellant not get into a ransom situation and has suggested options the developer can pursue such that a ransom situation will not arise (**Document POE 17, Appendix 4, Page 2**).

Traffic generation, congestion and highway safety

74. The issue is whether the scheme would cause unacceptable congestion and harm to highway safety. The Appellant provided no evidence of the effect of the development traffic on to the double mini roundabout without mitigation¹³. There was no equivalent to the Council's figure that the 103 PCU queuing along Pinn Hill in the morning peak would increase to 220 PCU. The queue would be 1,320 metres long and extend beyond the site entrance, which is about 800 metres from the double mini roundabout (**Document POE 8, Paragraphs 6.14-6.16 and Table 2**). The Appellant contended that the queue beyond the site entrance would actually comprise 3 smaller queues because it would include vehicles coming in from the appeal site and Pinn Court Farm as well as vehicles coming down Main Road North. However, drivers would still have to join the queue on the main road after they had negotiated the queue out of the site access. Paragraph 32 of the Framework includes a separate requirement for a safe and suitable access to the rest of the network suggesting a higher standard is required at the site access. If the site access is gridlocked there will be driver frustration and danger. The access is also one where pedestrians will be crossing.

¹³ Mr Blair accepted in cross-examination by Mr Ground that he had no figures for the queues that would arise with the development traffic added and no mitigation to the double mini roundabouts.

75. The residual effects of having such a queue on the facts of this case would be severe. They would cause the site access to fail to operate in a safe and suitable way. A similar conclusion was reached in the Preston appeal decision where the Inspector found that blocking back at the junction would cause it to be locked and to precipitate irresponsible and dangerous driver actions (**Documents POE 8, Paragraph 6.17; POE 6, Appendix 20**).
76. The Appellant suggested that buses would not be affected in the appeal scheme. However the frequent bus service goes down Main Road North and will not be diverted through the site. There are 6 buses per hour all serving mid-Devon on the B3181 and no dedicated bus lanes. There is no evidence about the frequency of emergency vehicles going down Main Road North.
77. The length of time that the morning peak queue backs up past the site entrance has been assessed through an Arcady analysis. This shows that this would happen between 0830 and 0845 until after 0915 as it would take some time to dissipate a queue of over 200 vehicles (**Document POE 8, Appendix 9, Page 15**). This queue of over 45 minutes is longer than in the Preston appeal.
78. The HA had agreed that 100 of the new dwellings could go ahead without mitigation of the double mini roundabouts. However this was an attempt to be flexible and allow development to get underway. It did not form a new base position and was on the basis that it was highly unlikely that a developer with a planning permission for 430 dwellings would stop when 100 had been built (**Document POE 9, Paragraphs 4.3-4.4**). This would be a temporary situation on the basis that the committed schemes were still being built, so for a short while the problem may not be as bad anyway. The only reliable base to use is 103 PCU, which includes commitments (**Document POE 8, Table 2**). The Appellant's figure of 133 PCU is too high for various reasons, including that it does not concur with other transport analyses for new developments in the area (**Document POE 9, Paragraph Paragraphs 4.1-4.3**). In comparison the 220 PCU with the appeal development in place supports the conclusion that the unmitigated development would stop safe and suitable access and would be a severe impact. This is not disputed in the written evidence of the Appellant, which is presumably why a mitigation scheme for the double mini roundabouts is being promoted.
79. Unfortunately the proposed mitigation makes matters even worse in terms of queuing traffic and safety when reasonable assumptions are made. It is necessary to put a pedestrian phase within the lights so that people can cross safely. Paragraphs 29 and 35 of the Framework makes clear that it is necessary to make proper provision for pedestrians at a new junction. Policy TA4 in the LP is clear that proposals should include measures to provide improved and extended facilities for pedestrians (**Document POE 11, Appendix 17**). In addition the new scheme removes a toucan crossing on Main Road South just north of the double mini roundabout (**Document POE 18, Appendix 21**).
80. The number of people crossing the new arms of the lights would justify running the pedestrian phase every cycle, which would be once every two minutes. It was predicted that in the morning peak, 95 people would cross at the lights without the Old Park Farm Phase 2 development in place and 126

with it in place (**Document POE 9, Paragraphs 5.14, 5.15**). This was not disputed¹⁴ and no reason was given why the pedestrian cycle should not be on every cycle.

81. The shop and residential accesses are in a live traffic light system and are shown on the drawings with traffic lights although this has not been included in the modelling (**Document POE 9, Paragraphs 5.4-5.5**). There clearly needs to be time in the cycle for those to be called and once every third cycle is reasonable. When the modelling included the pedestrian and access phases the queues along Main Road north became very much longer, not just on the Main Road North arm but also along Main Road South locking the junction with Cumberland Way and extending along Church Hill/ Harrington Lane past the primary school. It is not normal to have stationary traffic in front of a primary school when young children are arriving. It may be that the Main Road North queue could also be spread so that there would be long queues in addition at the site accesses of the appeal site and Old Park Farm. The situation would not be sufficiently improved to prevent the above effects even with the Exhibition Way Link in place (**Document POE 19, Tables 3.2 and 3.4**).
82. If Old Park Farm Phase 2 is built with its associated improvements to the double mini roundabout, the Appellant has put forward a slightly different scheme (**Document POE 18, Appendix 27**). However with pedestrian phases and accesses included the queues would still encounter the same problems as identified above, with and without the Exhibition Way Link in place (**Document POE 19, Tables 3.6 and 3.8**).
83. So in every scenario the queues in the morning peak would go well past the site access if pedestrian and access phases are allowed for in the signalisation. Furthermore there would be long queues along Main Road South through the Cumberland Way junction and past the school in Harrington Way. The signalisation of the junction would not prevent significant highway impacts and would also result in an increase in accidents and reduction in air quality (**Document POE 9, Paragraph 5.21**). A yellow box would not address the problem as it would only assist the small proportion of those turning right out of the access and in any event as the exit is only 1 lane the right turner would probably be stuck behind a blocked left turner.
84. The Appellant's oral evidence was that the model was a worst case scenario and did not take account of peak spreading, increased sustainable measures in the area and traffic diverting down Parkers Cross Lane once Science Park Drive was opened. On the latter point, the trip distribution, which was agreed in SCG Transport, did not show any vehicles using this route (**Document BD 6, Section 13**). It is a roundabout route along estate roads and it is unlikely that it would provide a very popular "rat run" either for existing or new traffic. The Appellant's assessment of 2019 base flows (base plus commitments) was the most pessimistic numerically (**Document POE 8, Table 2**). Also the saturation flows were based on default saturation values calculated from the junction geometry. These were over-optimistic and 20-25% better than the reality as confirmed by surveys at comparable junctions (**Document POE 8, Paragraphs 6.47-6.64**).

¹⁴ Mr Blair did not dispute the pedestrian figures put forward by Mr Pratt.

85. In addition the traffic lights would be likely to increase accidents by 250% (**Document POE 9, Paragraphs 4.6-4.15**). Thus the mitigation scheme of traffic lights would worsen the existing position, would create a severe residual impact and would not provide a safe and suitable operating access. It would also worsen safety. This is based on an optimistic model and would not comply with Paragraph 30 of the Framework.

Delivery of the LLL

86. The LLL is necessary to mitigate the traffic impacts of the appeal development. The number of trips that would be diverted has been agreed (**Documents BD 6, Paragraph 7; ID 3**). The HA has been extremely pro-active in putting forward the solution but the Appellant has still not progressed the LLL, having not even spoken to the relevant landowner to try to acquire the remaining land (**Document POE 8, Paragraph 6.87 and Appendix 10**). It was agreed that the £50,000 capped sum did not indemnify the Council or County Council for the cost of this land¹⁵. There is no evidence that it would be enough to buy the land either on the open market or through compulsory purchase. All of the risk was thus being transferred to the acquiring authority. The County Council was careful to help avoid a ransom situation but still the Appellant has done nothing to advance that last bit of the LLL (**Document POE 17, Appendix 4, Page 2**). Worse still, if the Appellant's evidence is accepted the LLL would not be necessary because there would be another form of mitigation. The result of this is that it would be almost impossible to make a compelling case in the public interest to compulsorily acquire the land.
87. In any event it cannot be that the HA is duty bound to provide necessary infrastructure to mitigate development. Paragraph 173 of the Framework, for example, envisages that developers would provide the necessary infrastructure.
88. The Appellant considers that some of the £700,000 Offsite Highway Works Contribution in the Section 106 Agreement could be used for the acquisition of the Wain Homes land by the Council (**Document ID 6, Page 3**). However that money was intended to cover the improvements to the existing Langaton Lane, east of the M5 Motorway. In the PAAS there were 3 costed options for this work. The 2 of those that did not have planning difficulties were costed at £650,000 and £700,000 but that only included works costs and not the cost of surveys, service diversions and the like. Also they were based on 2010-2011 costs which will have increased (**Document POE 11, Appendix 16**). The £700,000 would also need to cover the signalisation of the double mini roundabouts which could be about £350,000. In the circumstances there would be none left over for acquiring the Wain Homes land.
89. The Appellant also suggested that access to Langaton Lane could be via the secondary access intended in this application for pedestrians, cycles and buses. However, that is not part of this proposal, no consultation has taken place and the Appellant did not seek to amend the application. Any later Traffic Regulation Order that may be sought is not part of this application and

¹⁵ Mr Blair agreed in cross-examination by Mr Ground that the sum would not provide an indemnity against the cost of acquiring the Wain Homes land.

would have to go through consultation so it cannot be relied upon as an alternative solution to the Wain Homes land.

90. Grampian conditions are needed to ensure the Langaton Lane Link is provided at the appropriate time, depending on other road improvements including the Exhibition Way Link and the capacity changes to the double mini roundabouts in connection with Old Park Farm Phase 2 (**Document ID 12**). This is to avoid a severe residual impact and ensure a safe and suitable access.

Sustainability

91. The economic benefits are very much less than they should be because the appeal scheme would have the considerable economic disadvantage of causing gridlock at the critical peak hour. It also would not have the benefit of 40% affordable housing for which there is an overwhelming need. It would not provide the infrastructure that is needed and which the Framework sets out should be part of the economic role. The LLL has long been envisaged as required with this development in the PAAS and yet the development would not provide it in full. The development would be viable with 40% affordable housing and so in terms of the social dimension the scheme would underperform. The congestion would also cause environmental harm.
92. The benefits that the development would bring could easily be brought about if the full level of affordable housing were provided and if the LLL were provided in full. The proposal would conflict with saved Policies H4 and TA7 in the LP, which are up-to-date, consistent with the Framework and are not housing supply policies. The proposal should be determined in accordance with the development plan as there are no material considerations that indicate otherwise. However if the appropriate test is in Paragraph 14 of the Framework the adverse impacts significantly and demonstrably outweigh the benefits.

OTHER ORAL REPRESENTATIONS

The main points are:

93. **Mrs S Landers** also submitted written objections at application and appeal stage (**Documents BD 4; BD 7**). She is a long term resident who has lived in the area for many years. She currently occupies a house along Pinn Court Lane, which also serves Pinn Court Farm. She is concerned about its potential future use as it is within the red line of the application site. She has seen many changes in the vicinity, including the building of a number of new housing estates. The centre of the village is a focal point. There are many shops and services that are well used by the local community, including the doctor's surgery which is always busy. The toucan crossing on Main Road North originated from a petition in the 1960's.
94. One of the problems is that, rather than using the M5 Motorway, traffic takes short cuts, including through Pinhoe. Many of the roads leading to the B3181 are country lanes, which were extensively used for walking although that is less possible as they become upgraded to urban roads. The road system is already badly congested and the proposal, along with other planned development, would make matters much worse and increase the amount of pollution.

95. More open space is needed within the area, which presently only has 2 playing fields. Mrs Landers is concerned about the lack of green spaces between the houses and the motorway. The loss of countryside and agricultural land is very regrettable. She also raised concerns that the effect on the water table had not been properly considered, especially with other planned development.

WRITTEN REPRESENTATIONS

Written Representations to the appeal

These are at Document BD 7. The main points are:

96. **Mrs C J Ham** also wrote at application stage. She is a local resident who is very concerned about the loss of local farmland and an area of attractive countryside. She believes that the local roads, which are already heavily congested, would grind to a halt, especially taking account of the recent approval of the Old Park Farm Phase 2 development.
97. **Mrs M Henkus** lives on Main Road North and makes similar points about traffic and congestion. She pointed out that Langaton Lane is part single width and unsuitable for development traffic. She also pointed out that the local school is full and that the medical facilities are at capacity. She does not know where the new residents would work. There is also concern about the loss of countryside and wildlife. Mrs Henkus objects to the excessive amount of new building taking place within Pinhoe.
98. **Broadclyst Parish Council** also wrote at application stage and does not consider that the traffic issues could be resolved by the signalisation of the double mini roundabout. Major infrastructure improvements are needed as highlighted in the LP Inspector's report. This is just one small junction and the changes would make little difference to the congested conditions on the wider network. Concerns were also raised about flood risk and the lack of medical and primary school provision, amongst other things.
99. **Alderman John Landers** also wrote at application stage. He lives close to the centre of Pinhoe and adjacent to the site. He made a number of points, including that the scheme would be at a far higher density than its surroundings, with little thought given to the need for level playing areas. He does not consider that there should be any vehicular access from Pinn Court Lane and that houses should not be more than 2 storeys high. He points out that there are a number of other planned developments, including Old Park Farm Phase 2. The existing congestion and tailbacks from traffic travelling through Pinhoe towards Exeter would be made much worse by the appeal development. He is further concerned about whether cars could be prevented from using the bus access onto Parkers Cross Lane.

Written representations to the planning application

These are at Document BD 4. The main points are:

100. There were many objections from **local residents**. Increased traffic and congestion onto an already overloaded network was of particular concern. This reflected the objections of others reported above. It was considered that the signalisation of the double mini roundabouts would make the situation worse. Amongst other things there were also objections to the loss of countryside and

agricultural land, the detrimental effect on wildlife, residential amenity, flood risk and the inadequate existing provision of schools, hospitals and doctor's surgeries. The creation of a rat run along Parkers Cross Lane was an issue for some people whilst others raised the need for more affordable homes.

101. **Exeter Civic Society** objected to siting the play and games areas near to the main road for reasons of safety and pollution. A more central location, perhaps closer to the Linear Park, was suggested. There were also concerns about traffic impacts, especially in relation to junctions closer to the city.

Consultation responses

These are at Document BD 4. The main points are:

102. The **Environment Agency** has no objections subject to development being in accordance with the Flood Risk Assessment (**Document PA 15**).
103. **Natural England** does not object to the scheme. The appeal site is relatively close to the Exe Estuary Special Protection Area and Ramsar Site and the Dawlish Warren Special Area of Conservation. Natural England is satisfied with the proposed mitigation and has concluded that the proposal would be unlikely to have a significant effect on the European sites either alone or in combination with other plans and projects. The relevant contribution should be made on commencement of development and the mitigation should be delivered in a timely manner. Natural England welcomes the provision of a Linear Park which will contribute to the biodiversity value of the site. It is pointed out that the pedestrian/ cycle links should be delivered to ensure a sustainable movement network between the site and its environs.
104. **South West Water** has no objections. It confirmed that the public foul sewerage network has insufficient capacity to serve the proposals but that the Appellant has agreed to fund the necessary improvements. A Consultant's Report confirmed that a contribution of £704,000 would be necessary in order to carry out the necessary improvements to the sewerage infrastructure (**Document ID 14**).
105. **Devon Wildlife Trust** considers that the proposal is likely to result in a net gain to biodiversity. Conditions were suggested, including one for the long term management of habitat.
106. The **Police Crime Prevention Officer** is encouraged to see that the principles of *Secured by Design* would be incorporated into the scheme and suggested that an appropriate condition should be imposed.
107. **Exeter City Council** objects strongly to the proposal on traffic grounds. Many of the new residents would travel into Exeter but the effect of the additional traffic on the Air Quality Management Area has not been assessed either individually or cumulatively with other new development in the area. There are similar concerns about noise emission.
108. **Poltimore Parish Council** objects on the grounds of the impact on traffic flows on the B3181 and questions the accuracy of the Transport Assessment which was undertaken in poor weather conditions. The Parish Council considered that it would cause further congestion and that the frustration and delay would result in more drivers using the rat run through the village.

Objections were also raised about the loss of good quality agricultural land, lack of adequate foul sewerage and inadequate medical provision, especially in view of the care home proposal.

109. The **Devon County Archaeologist** points out that this is an area of known high significance with features associated with prehistoric settlement and funerary activity. A condition was recommended in accordance with Paragraph 141 of the Framework. The archaeological works should take place prior to construction given the extent and significance of the deposits. The **Devon County Education Officer** seeks a contribution towards the provision of a primary school.

PLANNING CONDITIONS

110. The Council and Appellant produced a list of agreed conditions. There was also a set of phasing conditions provided by the Appellant at my request. In addition the Council wished to see a set of Grampian conditions with various triggers that it considered would mitigate the highway impact. The Appellant objected strongly to these (*Documents ID 12/1-ID 12/3*).
111. The conditions were discussed in detail at the Inquiry and I suggested various changes in the interests of precision and enforceability and otherwise to accord with the provisions of the Framework and PG. The conditions that I recommend if the Secretary of State is minded to allow the appeal are contained in the Schedule in Annex 3. The numbering does not accord with that within the *ID 12 documents* as some conditions have been deleted whilst others have been combined and re-worded. For the avoidance of doubt the condition numbers in this section of the Report and hereafter concur with those in the Annex 3 Schedule.
112. Whilst I have considered the conditions against the tests in Paragraph 206 of the Framework, I consider them further in my Conclusions, especially the Grampian conditions and phasing conditions relating to highway issues.
113. **Conditions 1-4** are the reserved matters and implementation conditions and **Condition 5** requires details of the phasing. It seems appropriate that the development should commence expeditiously, not least because it would be contributing to the housing land supply deficit in the Housing Market Area. It is understood that the development would be likely to be undertaken in 4 or 5 phases and the Appellant was agreeable to a shorter period for the submission of reserved matters and the implementation of Phase 1. It was not possible to be sure of the timing of subsequent phases as this would depend on their size. However it is reasonable to expect each phase to be commenced within a year of the reserved matters for that phase. The phasing plan needs to be approved before the first reserved matters submission because the timing in Condition 2 is specifically related to the phasing. The condition refers to layout and this effectively means that this reserved matter would be dealt with in totality at the start. This would conflict with the agreed Condition 1 and seems unreasonable. It is to be noted that the Council has advanced an amended phasing condition which is disputed by the Appellant because it relates to the Grampian conditions, which are considered below.
114. The appeal site is in Flood Zone 1 where residential development is normally acceptable. The Environment Agency does not object to the proposal provided

the details set out in the revised Flood Risk Assessment are implemented (**Document PA 15**). This recommends a surface water drainage strategy based on sustainable drainage principles. With this in place the EIA concludes that the development would not increase flood risk elsewhere. The details of the surface water drainage strategy form the subject of **Condition 6**. The evidence indicates that the site has archaeological significance and a programme of works on a phased basis is thus necessary as set out in **Condition 7**. The EIA indicates that subject to such mitigation impacts would be negligible.

115. The proposal is in outline form but it is necessary to ensure that some details are provided at this stage in order to ensure that the whole scheme is to a high quality and integrates satisfactorily with its surroundings. These include floor and site levels and detailed Design Codes (**Conditions 8 and 9**). There are other details which I consider can be provided at reserved matters stage. These include landscaping details, materials, internal road layout and means of enclosure. Although the Council wanted to see permitted development rights removed for walls and fences within the curtilage of the dwellings it seems to me that there is insufficient justification to be satisfied that this would be necessary at this stage. If required I see no reason why such restrictions could not be imposed on the reserved matters.
116. The EIA considers the impact on ecology and biodiversity and concludes that any adverse effects could be successfully mitigated. The importance of the mature trees and hedgerows to nesting birds and bats was highlighted along with the possible injurious effect on slow-worms. However adverse effects could be successfully mitigated and there is the opportunity for biodiversity enhancement through management of open spaces and hedgerows. The Ecological Impact Assessment sets out a number of recommendations and I have combined the various ecological conditions suggested by the parties into one that requires submission of an Ecological Mitigation Strategy (**Condition 10**).
117. Parts of the site would be affected by road noise, especially on the eastern side close to the M5 Motorway. As outlined in the EIA a 4.5-6m high bund would be provided to achieve the necessary noise attenuation. This is provided for in **Condition 15**. As this is an outline scheme the detailed layout is not known at this stage. **Condition 11** provides the necessary requirement for mitigation so that the internal noise environment of individual dwellings conforms to BS 8233:2014 *Guidance on sound insulation and noise reduction in buildings*. This site is likely to take some years to build out and therefore cause a prolonged period of inconvenience and disruption to new occupiers of an earlier phase as well as existing residents living close by. Whilst this cannot be prevented it can be controlled through the submission of a Construction Method Statement as detailed in **Condition 12**. The condition has been changed slightly to be more comprehensive and relevant to this site.
118. There are a number of trees on the site, mostly within the field hedgerows, which are shown on the Masterplan as intended for retention. These would contribute to the landscaped framework of the developed site as well as being important for biodiversity. Their protection during construction is the subject of **Condition 13**. The suggested condition has been re-worded in the interests of precision. Once development is complete it would be necessary for the

Council to consider whether the amenity value of the retained trees would warrant a Tree Preservation Order to ensure their long term protection. I have reworded the condition to omit reference to the hedgerows themselves as these are covered by **Condition 10**.

119. The Open Spaces Plan (Drawing No: PL081006 OSP-01B) shows various open areas, including play spaces, food growing areas and a community green. It is important to ensure that these areas and the ecology associated with them are maintained and managed in perpetuity and this is covered by **Condition 14**. However reference to the Linear Park has not been included as that is covered by one of the Section 106 Agreements. There is no evidence that this greenfield site, which has been in longstanding use for agricultural purposes suffers from contamination to justify a condition relating to the matter.
120. The Council explained that progress is being made on establishing a District Heating Network and several developers are on board, including the Appellant. This would be a local and sustainable solution to energy provision but, if it is to be utilised, the new buildings would need to be constructed in such a manner to allow connection to the decentralised energy source. This is controlled through **Condition 17** and one of the covenants in the Section 106 Agreement with the Council requires reasonable endeavours to be made to secure the connections. If this is not possible the covenant requires energy savings from other sources.
121. The proposal includes a secondary access onto Parkers Cross Lane. This would be built to a similar specification, including a 6 metre wide carriageway and a 2 metre wide footway. The application made it quite clear that this would be for bus and emergency vehicles only. There was no consultation on a wider use and this has not been assessed in the EIA. In the circumstances **Condition 18** is necessary to ensure that the use of this access is limited and that general vehicular use is not permitted. The main access is from the B3181, Main Road North and it is required in the interests of highway safety to ensure it is provided in accordance with the submitted details before any dwelling is occupied. This is the subject of **Condition 19**.
122. **Condition 16** lists the plans which are included as part of the permission. These include the Masterplan, Open Spaces Plan and access drawings. They help ensure that the EIA remains relevant to the details submitted at reserved matters stage.
123. The disputed Grampian conditions establish a set of triggers and also an expanded phasing condition in place of **Condition 5**. This requires details of the layout for each of the trigger points but this would be problematical for the reason given in Paragraph 113 above. I discuss this further and the merits of Conditions 20-23 in my Conclusions because they are central to the highway issue, which is a main point of dispute in this appeal. In essence the trigger points are as follows:
 - **Condition 20**: No more than 100 dwellings to be occupied until:
 - The LLL has been completed; or
 - The Exhibition Way Link Road has been constructed; or

- Improvements to the capacity of the double mini roundabout have been made as proposed in the Old Park Farm Phase 2 development.
- **Condition 21:** No more than 140 dwellings to be occupied until:
 - The LLL has been completed; or
 - The Exhibition Way Link Road has been constructed; or
- **Condition 22:** No more than 270 dwellings to be occupied until:
 - The LLL has been completed; or
 - The Exhibition Way Link Road has been constructed; and
 - Improvements to the capacity of the double mini roundabout have been made as proposed in the Old Park Farm Phase 2 development.
- **Condition 23:** No more than 310 dwellings to be occupied until:
 - The LLL has been completed.

PLANNING OBLIGATIONS

124. There were two main Section 106 Agreements between the Appellant, the landowners and the Council and County Council. There were other supplemental provisions as explained below. The Secretary of State can be satisfied that the documents are legally correct and fit for purpose. I consider whether the obligations are in accordance with the statutory provisions of Paragraph 122 of the CIL Regulations and the policy tests in Paragraph 204 of the Framework in my Conclusions.

Section 106 Agreement with Devon County Council (*Document ID 16*)

125. This contains financial contributions of £700,000 towards off-site highway works. These are defined as being works designed to mitigate the impact of development on the double mini roundabout. It would include improvements to Langaton Lane east of the M5 motorway and also the signalisation of the double mini roundabouts that has been proposed by the Appellant. There is a further contribution of £440,000 towards bus service improvements, which would extend one of the existing bus services into the development. The first instalment is due upon occupation of the 150th dwelling and three more equal sums are due annually thereafter. There is also a Travel Plan contribution of £550,000 payable to the County Council to administer the Travel Plan.
126. Provision is made for a strip of safeguarded land in a position to be agreed for the purpose of providing the section of the LLL which crosses the site. This land would be protected from any other development for 15 years and provision is made for the County Council to enter the land for the purpose of constructing the LLL and thereafter dedicating it for that purpose. There is also a contribution of £3,000 per dwelling of 2 or more bedrooms to provide primary education facilities. This is triggered by the occupation of 50% of the dwellings on any particular phase.
127. A **Planning Obligation by Unilateral Undertaking** (Unilateral Undertaking) was submitted during the course of the Inquiry by the Appellant and landowners to the County Council (***Document ID 17***). This includes a

contribution of up to £50,000 towards the compulsory acquisition of land to complete the LLL. In effect this means the Wain Homes land shown on **Document ID 6**.

128. A **Deed of Variation** was submitted following the close of the Inquiry which removed the conditionality clause in the main Section 106 Agreement and the Unilateral Undertaking so that it would not apply to the covenants relating to the safeguarded land and the contribution paid towards the compulsory acquisition. In effect this means that even if these obligations were found not to comply with the CIL Regulations they would still come into effect and would be enforceable. Such an approach would be lawful as shown in the Court of Appeal decision *Millgate Development v Wokingham Borough Council* (**Document ID 22**).

Section 106 Agreement with East Devon District Council (**Document ID 19**)

129. This contains the provision for the provision of 25% affordable housing with a tenure split of 70:30 affordable rent to shared ownership. The covenants include various provisions to ensure that the homes remain affordable. There are also trigger points for their provision on a phased basis, which relates to the occupation of the market houses. All of the affordable homes have to be transferred to a Registered Provider before more than 80% of market houses are occupied. The external appearance of the affordable homes has to be materially undistinguishable from the market dwellings.
130. A contribution of £492.62 per dwelling is made towards the Exe Estuary Special Protection Area and the Pebblebed Heaths Special Protection Area and Special Area of Conservation. The background to the tariff payment is provided by the *South East Devon European Site Mitigation Strategy*. Since the Section 106 Agreement was signed however the contribution per dwelling has increased to £749 per dwelling (**Documents ID 11; ID 15**).
131. A contribution of £698 per dwelling is made to improve sports facilities within a 10 mile radius of the site. This contribution would be paid on a phased basis and triggered by the occupation of 50% of the market houses. A contribution of up to £704,000 is provided towards upgrading the foul sewerage system. This is payable when requested by the Council, but not before 150 dwellings have been occupied.
132. Provision is made for a phased specification for the laying out, access arrangements and future maintenance provisions of all the open spaces, broadly in accordance with the Open Space Plan (**Plan A/4**). Provision is made for the transfer of all or part of the open spaces to the Management Company Alternatively transfer may be made to the Council in which case a commuted sum for future maintenance would be payable. The Linear Park is envisaged to be managed and maintained by a Linear Park Body with a commuted sum of £325,754 for this purpose and in accordance with the Community Nature Park Management Plan. The latter would be part of the Landscape and Ecology Management Plan required by Condition 14. The layout and management of the food growing areas is to be in accordance with a specification to be approved by the Council. These areas may be transferred to the Parish Council for use as allotments.

133. Covenants are also included for provision of the local centre, either by the Appellant or by means of a marketing strategy. If the former option is chosen there would be a reduction in the contribution towards sports facilities. There are also provisions relating to sustainable construction. These concern connection to the District Heating Facility or alternatively to supply a proportion of the supply through renewable or low carbon energy sources. Also, affordable dwellings are to achieve a minimum of Level 3 of the Code for Sustainable Homes whilst the commercial buildings are to achieve BREEAM “very good” rating.
134. A **Supplemental Agreement** was submitted during the course of the Inquiry (**Document ID 20**). This was because provisions regarding the links between the site and the adjoining land to the north and south of the site had inadvertently been omitted from the main Section 106 Agreement.

CONCLUSIONS

The numbers in square brackets refer back to earlier paragraph numbers of relevance to my conclusions.

135. Taking account of the oral and written evidence and my site observations, the main considerations in this appeal are as follows:
- **Consideration One:** Whether the proposed development of the site is needed to meet the housing requirements of the District and contribute to any short term housing land supply deficit.
 - **Consideration Two:** The effect of the proposed development, which is outside the settlement boundary, on the character and appearance of the area.
 - **Consideration Three:** Whether the affordable housing provision would be sufficient taking account of housing need, planning policy and viability.
 - **Consideration Four:** Whether the traffic generation associated with the appeal proposal would result in unacceptable congestion and harm to highway safety.
 - **Consideration Five:** Other Matters
 - **Consideration Six:** Whether any conditions and obligations are necessary to make the development acceptable.
 - **Consideration Seven:** Overall conclusions and planning balance to determine whether the proposal would be a sustainable form of development taking account of the three dimensions in the Framework.

Consideration One: Whether the proposed development of the site is needed to meet the housing requirements of the District and contribute to any short term housing land supply deficit

136. The Council does not dispute that it cannot presently demonstrate that it has a 5 year supply of deliverable housing sites. Furthermore it agrees that it has a record of persistent under delivery, which results in a 20% buffer being applied in accordance with Paragraph 47 of the Framework. The purpose of such a

buffer is to bring forward sites from later in the plan period in order to ensure choice and competition in the market for land [20; 54].

137. The statutory plan comprises the LP, which was adopted in 2006 and covers the period 1995-2011. The housing requirement in the LP was based on the now revoked Structure Plan and does not give an up-to-date picture of objectively assessed housing needs as required by the Framework. The ELP has been submitted for examination but the Examining Inspector was critical of the housing target, which he considered was not based on a current evidence base for the housing market area. The Council is presently undertaking work on this and so the ELP is not at a stage where its housing requirements can be relied upon. Various documents, including the 2013 Strategic Housing Land Availability Assessment, suggest figures for housing supply, ranging between 2.2 and 4.3 years. However until the target requirement is settled through the development plan process it would be very difficult to come to any meaningful conclusion about where in the range the true position lies. In any event it is not crucial in this case because, even if the supply is 4.3 years, that is still a serious and significant deficit. It means that homes are not being provided in the housing market area for those that need them [14; 16; 20; 54].
138. Paragraph 47 of the Framework seeks to boost housing delivery significantly. Although the whole development of 430 houses would not be completed within the next 5 years a significant number could be, especially with the shorter implementation periods agreed by the Appellant. In the circumstances the delivery of these houses would be a significant benefit of the scheme. Paragraph 49 of the Framework establishes that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that relevant policies for the supply of housing should not be considered up-to-date if a five year supply of deliverable housing sites cannot be demonstrated. That is the case here [113].
139. It is therefore concluded that the proposed development of the site would contribute to the short term housing land supply deficit. Although the proposal would not be in accordance with LP Policy H1, which sets out the housing requirement and the components of supply and LP Policy H2 concerning residential land allocations, these policies are out-of-date. In such circumstances the appeal proposal should be considered in the context of Paragraph 14 of the Framework and whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. This matter is considered under Consideration Seven [15].

Consideration Two: The effect of the proposed development, which is outside the settlement boundary, on the character and appearance of the area

140. The appeal site is within an area of countryside and outside the built up area boundary for Exeter in the LP. It comprises open greenfield land and it is clear from the representations of local people that many value it as an attractive area of rural farmland between the settlement edge and the M5 Motorway. Saved Policy S5 in the LP seeks to restrict development in the countryside to specific purposes and the proposal would not accord with its provisions. There is no doubt that a development of 430 houses, even with the provision of

generous amounts of open space and a Linear Park, would result in a significant adverse landscape and visual impact. The latter would however be relatively localised due to the containment of the site, the nature of the topography and the backcloth of existing and proposed new development [10; 11; 15; 21; 96; 100; 108].

141. The appeal site is not within an area distinguished in the LP as being of any particular landscape significance, although much of it is high quality agricultural land. It seems inevitable that land outside the LP settlement boundaries, and therefore covered by saved Policy S5, will need to be developed to meet the Council's housing requirement. The appeal site is not only allocated in the ELP but also has been granted planning permission for a similar scheme, albeit with various stipulations unpalatable to the Appellant. The principle of housing on this land is thus accepted by the Council. I note that the Inspector in the Feniton appeals concluded that saved Policy S5 is of relevance to the supply of housing and that in the absence of a 5 year housing land supply it is out-of-date having regard to Paragraph 49 of the Framework¹⁶. That is also the case here although the Framework is clear that the intrinsic character and beauty of the countryside should be recognised. This is therefore a matter to be placed in the planning balance, albeit that there is no development plan policy objection in terms of the loss of countryside in this case [17; 53].

Consideration Three: Whether the affordable housing provision would be sufficient taking account of housing need, planning policy and viability

Policy context

142. Policy H4 in the LP establishes that the Council will seek to negotiate a minimum level of 40% affordable housing, subject to thresholds in terms of settlement and site size. Paragraph 5.38 of the supporting text indicates that the negotiations will take account of viability. Draft Strategy 34 in the ELP, as proposed to be modified, takes a rather different approach with a minimum 25% provision in a number of towns as well as the major strategic West End development sites, which include the appeal land. Elsewhere the starting point is 50%, subject to viability considerations [15; 17].
143. The Framework does not change the statutory position, which is that a proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 211 also makes clear that development plan policies are not out-of-date just because they were adopted prior to the Framework. The relevant matter is to consider their consistency with the policies in the Framework.
144. There is no dispute that there is a substantial affordable housing need within the housing market area. This was identified in the LP and continues to be the case as is shown in the evidence base to the ELP. It seems clear that annual need is far greater than past delivery and this means that the unmet provision is currently increasing year-on-year. Although saved Policy H4 does allow some flexibility this is on the basis of the developer being able to satisfactorily demonstrate that 40% provision would not be viable. This policy requirement

¹⁶ The relevant reference in the Feniton appeal decision is at Paragraph 24 (**Document ID 7**).

is district-wide but was not subject to any viability testing prior to adoption to see whether it would allow the development in the plan to be delivered [23; 55].

145. As was apparent from the evidence to this Inquiry, viability assessment of an individual development proposal is far from being an exact science. Indeed it includes informed judgements to be made and on which professional valuers often disagree. This inevitably increases risk by introducing uncertainty and possible delay to the process and does not sit comfortably with the Government's objective of significantly boosting housing supply. Furthermore Paragraph 5.38 in the LP indicates that the residual land valuation will be compared with alternative acceptable uses. In the present case it was agreed that there are no alternatives that would be acceptable in policy terms, other than the existing agricultural use [65].
146. Paragraph 173 of the Framework requires that local plans should not be subject to policy burdens that threaten the ability to deliver development viably. Affordable housing is given as an example. Furthermore, the viability assessment should be based on providing competitive returns to a willing landowner and a willing developer. The terms of saved Policy H4, for the reasons given above, do not sit comfortably with either of these requirements and these factors are a serious shortcoming [23].
147. Strategy 34 in the ELP on the other hand is underpinned by the *Affordable Housing Viability Study* by Peter Brett Associates and Three Dragons. Unsurprisingly the Council does not dispute that it is a robust piece of work, undertaken by the consultants on its behalf. The appeal site is one of the strategic West End sites in the ELP where the draft policy sets a minimum level of 25% affordable housing. Paragraph 216 of the Framework indicates that the weight to be given to emerging policies depends, amongst other things, on whether there are unresolved objections. There were a few representations that considered 25% was too low. Following the Examination hearing sessions earlier in 2014 the Examining Inspector wrote to the Council raising a number of points of concern. Amongst other things his letter referred to housing need and the lack of an up-to-date Strategic Housing Market Assessment. It did not however raise any issue with the proposed affordable housing provision [25; 28].
148. The Council has pointed out that the *Affordable Housing Viability Study* commented that higher values on land closely associated with Exeter may generate higher residual values. However it did not suggest a different level of affordable housing to the 25% promulgated. It seems to me that if the Examining Inspector had considered that the policy was not soundly based he would have drawn this to the attention of the Council in the same way as his other concerns. Of course this may happen once the matters already raised by the Inspector have been addressed. Further changes may be discussed once the new Strategic Housing Market Assessment has been produced. Ultimately until his Report has been submitted to the Council, the Examining Inspector's final conclusions on Strategy 34 will not be known. Nevertheless, on the evidence as it exists at present, there is nothing to suggest that the policy is other than Framework-compliant or that the Examining Inspector has concerns about its soundness, having considered the oral and written representations

that have been submitted to date. In the circumstances I consider that draft Strategy 34 can be given a considerable degree of weight [25; 59; 60].

149. It is the case that the Feniton appeal decision relied on saved Policy H4 and it seems likely that the Inspector would have had the ELP policy before her even though it is not relied on in her decision. However it does not appear that affordable housing policy was a controversial issue in that appeal and so my colleague did not have to grapple with the weight to be given to draft Strategy 34 or whether Policy H4 was Framework-compliant [56].
150. Policy H4 is not a housing supply policy but it is out-of-date and draft Strategy 34 is to be preferred in this case. If the Secretary of State agrees then there is no need to consider viability issues further because the proposal would provide 25% affordable housing in accordance with the draft policy. However the Secretary of State may not agree with my reasoning on this matter and I therefore go on to consider whether the appeal scheme would be viable on the basis of 40% affordable housing provision as required by LP Policy H4 [57].

Viability assessment

151. There is no agreement between the two main parties. The Council's position is that the appeal scheme could support a level of 40% affordable housing and the Appellant's position is that it could not. Both the District Valuer and the Appellant's expert witness provided their own residual valuations. A number of the inputs were agreed, including build costs, contingencies and marketing fees. A number of scenarios were undertaken but the comments below relate to the assessments with 40% affordable housing included [28; 61].

Basis for assessment

152. The Appellant's view was that the assessment should be solely on the residential part of the scheme because the commercial uses, including the care home element, could be developed separately and have no affordable housing requirement attached to its delivery. I do not concur with this argument because it seems to me that the various parts of the development would be interlinked, relying on joint access arrangements and at least some elements of the infrastructure. The planning application, whilst it may be residential-led, included a mix of uses which would ultimately contribute to the overall value of the land. In the circumstances I concur with the Council that the viability appraisal should consider the costs and values of the scheme in total and not just the residential part [31; 72].
153. It was agreed by both parties that the viability assessment should be undertaken on current costs and values. This is on the basis of providing competitive returns to a willing land owner and a willing developer to enable the development to be deliverable as established in Paragraph 173 of the Framework.

Development value

154. For the purposes of the viability assessments the housing mix was agreed. The main difference related to the value of the 4 bedroom units, with the Council's valuation being markedly higher than that of the Appellant. The PG advises that wherever possible specific evidence from comparable developments should be used. The Council has based its conclusions on actual

sales of new build properties. However it is not clear whether the price takes account of incentives, which are often offered by the developer to attract new purchasers. There is no evidence to support the Council's view that such inducements are no longer commonplace because of improvements in the housing market. Overall I find the Appellant's assessment more convincing. It includes the advice of several estate agents active in the local area as well as sales information involving both new and second hand properties [32; 72].

155. The value of the affordable rented units is agreed. The dispute lies with the value of the intermediate homes where the Council's value is about £400,000 higher than that of the Appellant. The Appellant has applied a value of 40% of the market value but the Council has made a more complex calculation by taking 50% from the market sales value and 50% from the capitalisation of the affordable rent. As the latter is agreed, the main difference is due to the market values, which are higher in the Council's assessment. The cross-check with actual bids from affordable housing providers did not provide information on 4 bed units. As I have concluded that overall the Council has over-estimated the value of the 4 bedroom market homes I do not consider that its assessment of the intermediate houses is as reliable as that of the Appellant [72].
156. The care home element would include standard and specialist facilities over about 1.5 hectares of land. The Council's valuation was about £2.2m per hectare but its comparable sites were much smaller. It does not seem unreasonable to surmise that for larger sites the pool of potential purchasers in this particular market would be limited and that this would be likely to influence the overall price. The cost of building specialist and assisted care facilities may well be higher but the income could also be expected to be greater. The site proposed for the facilities is quite extensive and it is noted that a new care home is being built on a development site nearby. In a limited market the Appellant has concluded that whilst the first 0.4 hectare may command a value of £2.2m, overall the value would be around £1.5m per hectare. This does not seem unreasonable [31; 62].
157. Drawing this together I find that the Appellant's assessment of the overall value is more convincing, subject to an addition being made for the care home element.

Development costs

158. Many of the development costs have been agreed between the parties. On the matter of developer's profit the dispute relates to the market housing element of the scheme. The Council favour a profit of 17.5%, which gives a blended profit of 15% on gross development value, taking account of the agreed 6% for the affordable element. The Appellant considers that a blended profit on gross development value of 18.8% would be more appropriate. The acceptable level of profit for the developer is directly related to the risks involved in the project [28; 72].
159. In this case the site is greenfield and there are no specific development constraints. Indeed outline planning permission has been granted subject to conditions, including the provision of 40% affordable housing. No flats are envisaged, which could increase the risk. On the other hand the project is substantial in size and would take some years to build out. Furthermore it

would be taking place within a competitive market where a substantial amount of new houses are being built. This includes the new settlement of Cranbrook, which is not far away. The PG advises that comparables should be used where possible and both parties provided such evidence [10].

160. The Council took the national average from tender bids sought by the Homes and Community Agency on benchmark appraisal inputs. The basis of the tenders is unknown. For example if a number of sites were included in a tender this would spread the risk between them. The Appellant on the other hand sought information from several developers local to the area. Whilst I note the conclusion of the Inspector in the Red House School appeal decision where a blended return of 15% was considered appropriate, the site was a very different one and the scheme was much smaller. From the information provided I consider that overall the Appellant's assessment is more reasonable and to be preferred in this particular case [28; 72].

Land value

161. The land value is the residual sum that is left for the purchase of the land. Whilst there are some other differences between the assessments, overall I consider that the Appellant's analysis is to be preferred, albeit that the care home element should also be included. On the basis of providing 40% affordable housing, the Appellant's assessment is that the residual value would be about £9.1m or £11.3m with the care home element included [28; 62].
162. It is agreed that the existing use of the land is agricultural, which has a value of about £20,000 per hectare. The site is about 27.2 hectares so the overall site value would be worth about £545,000. In view of the low value of agricultural land in comparison with residential land, it is reasonable to expect a substantial uplift in order for the landowner to be willing to sell. The Council has referred to a commonly used benchmark value of 10-20 times agricultural use value. On this basis the landowner would receive about 20 times current use value on the Appellant's assessment. The PG however indicates that land value should be informed by comparable, market-based evidence wherever possible. On the basis of both the residential and care home uses, the residual value in the Appellant's assessment would be about £767,000 per net developable hectare [63; 64; 68].
163. Both parties produced evidence of schemes that they considered to be comparable. The Council's examples were all in the East Devon area and most were similar sized sites with a 40% affordable housing requirement. However for the following reasons I am concerned that they are not good comparables. Maer Farm, Exmouth involved a sale within the same group of companies and so was not an open market transaction. Land at Monkton Heathfield involved significant infrastructure costs. Land at Young Hayes Farm, Broadclyst comprised staged transactions some years ago. There was no planning permission, even in principle, and so the price comprised mainly the "hope value" attributed to the land. Land at Bishops Court Quarry, Exeter was designated in the Local Plan for a number of non-residential purposes, including employment land. It also did not benefit from any planning permission for housing. Cloakham Lawns, Axminster was a forced sale due to financial difficulties suffered by the landowner. Whilst there was a bid price of

about £719,000 per hectare this was an initial offer price and is not reliable as a basis for considering market value [30; 71].

164. The examples provided by the Appellant were near to the appeal site even though they were not within East Devon district. This does not seem to me unreasonable given that the appeal land is very close to the District boundary with Exeter City. Of more significance is that these sites all had lower affordable housing requirements of between 20-25% and so residual values would be expected to be higher. This may well be compensated to a degree by the fact that a high proportion of the affordable housing was social rent, which has a significantly lower capital value than an affordable rented product. This would tend to result in lowering land values, although it is not known whether grant aid was available. The various examples provided by the Appellant show land being sold at between £1.37m and £2.06m per hectare. Even if this was too high it is very different from the £767,000 per hectare achieved in the Appellant's valuation. Furthermore, even on the basis of the Appellant's assessment with 25% affordable housing, the residualised price per hectare would only be about £898,600 or about £946,000 with the care home included. This would still be well below the value of the Appellant's comparable sites [28; 29; 69].
165. Both parties provided examples of market-based evidence to support their assessment of land value. Both had drawbacks in terms of comparability but overall it is considered that the Appellant provided a more convincing picture of the type of land values that could reasonably be expected to be achieved through an open market transaction on the appeal site.

The Option Agreement

166. There was a considerable amount of discussion at the Inquiry about this and what contractual conditions it contained. However none of the Appellant's witnesses had seen the document and it was not submitted to the Inquiry, even in redacted form. Indeed the only available information was a short letter from the owners' Land Agent saying that they would be unlikely to release the land based on a residual value of more than 25% affordable housing. This does not seem to me to add much to an understanding of the situation or to be particularly helpful in considering the value at which a willing landowner would sell the land to a willing developer. The option agreement is based on the achievement of a satisfactory planning permission but the calculation of how much will be paid for the land will not be undertaken until after planning permission has been granted [28; 66].

August 2013 assessment

167. Reference was made at the Inquiry to viability work that was submitted to the Council in August 2013. The Appellant contended that this was not a robust viability assessment but had rather been undertaken on instructions from the landowner to test the proposition of 30% affordable housing. The Council contended that at this time the Appellant considered that such a level would be viable and that the land value on the basis of it would be acceptable to the landowners. However, as I understand it the comparable site assessment now provided by the Appellant had not been undertaken at that time. In any event, the August 2013 analysis was not submitted in evidence and the Appellant objected to it being put forward as an Inquiry document. This may

be considered unfortunate but on the other hand the Council has not suggested that 30% affordable housing would be acceptable. The only viability evidence that is available is that based on either 25% or 40% [67-69; FN11].

Conclusions

168. For the reasons given above, the Appellant's assessment is to be preferred to that of the Council, save that the care home element of the scheme should be included in the valuation. On the basis of 40% affordable housing provision the landowners would receive about 20 times the agricultural land value. However in my opinion this would be insufficient to incentivise the landowners to sell, based on the best available comparable evidence. If 25% affordable housing were to be provided the land value would still be less than the Appellant's comparable sites but the evidence was given that it would be sufficient for the landowner to sell. On the basis of my findings on the viability evidence the appeal proposal would comply with Policy H4 in the LP [33].

Consideration Four: Whether the traffic generation associated with the appeal proposal would result in unacceptable congestion and harm to highway safety

169. There is currently peak period queuing in the Pinhoe area, as referred to in local representations. This will undoubtedly get worse with the additional traffic generated by housing commitments and Park Farm Phase 2, which has recently been permitted subject to some capacity improvements to the double mini roundabout. The proposed entrance to the appeal site is virtually opposite that of Old Park Farm and some 800m to the north of the double mini roundabout. Taking account of existing development commitments, the HA has estimated that there would be queues well back past the site entrance once the traffic generated by the appeal development is added. The problem of queuing traffic along Main Road North from the double mini roundabout is identified in the PAAS. One of the reasons is the large number of right turning vehicles from Church Hill [18; 74; 96; 98-100].

The Langaton Lane Link (LLL)

170. One solution suggested by the PAAS is the construction of the LLL. This would provide a new route for traffic travelling south towards the A30 and M5 Motorway, avoiding the centre of Pinhoe and the double mini roundabout. The HA has estimated that the new road would remove around 157 trips from the B3181 in the morning peak. This is considered by the HA to mitigate the highway impact of the 132 trips travelling south along the B3181 in the morning peak. Provision is made in the appeal scheme to safeguard a route through the appeal site for the purposes of providing this road. This would be secured by the covenant in the Section 106 Agreement with Devon County Council. Furthermore the Deed of Variation means that it is not necessary for this covenant to be found CIL compliant [18; 43; 44; 126; 128].

171. The main problem with the provision of the LLL is that it depends on a small piece of land between the appeal site and Langaton Lane, which provides access for the farm and is owned by a third party, Wain Homes. It is therefore likely that in order to provide the LLL in totality the Council or County Council will need to use its powers of compulsory purchase. The Appellant was criticised for not approaching the owner of this land to see whether it could be

purchased privately. However the reason why such an approach was not made is understandable. Any such action would have instantly inflated the value of the land as being necessary to unlock the full development potential of the site. Taking the principles of *Stokes v Cambridge* this would be likely to be considerable and could thus have a serious impact on the viability of the development with implications for the provision of affordable housing or other contributions [45; 46; 86].

172. There was some discussion at the Inquiry about the use of the bus and emergency access into Parkers Cross Lane as a temporary access for vehicles. However such a scenario was not included in the planning application and there has been no consultation with affected residents. Furthermore as this is EIA development any impacts arising from such a scenario have not been assessed. In the event this proposition was not taken forward and all agreed that it could not provide a solution, even on a temporary basis, within the terms of the appeal scheme [89].
173. The Unilateral Undertaking to the County Council provides a sum of £50,000 towards the compulsory acquisition of the Wain Homes land although the basis for contribution was not explained. The Council was in any event critical as it was considered insufficient to provide a proper indemnity of the likely costs that would be involved in terms of compensation payments. That may well be the case if the land accrues a ransom value. On the other hand if there is an alternative option that would mitigate the transport impact then the ransom element would fall away. In such circumstances the land would be likely to be worth very little indeed due to its size [45; 86; 127].
174. It is however appropriate to comment that on the HA's own figures, the LLL would have a benefit beyond mitigating the highway impacts of the appeal development. The HA has made it clear that it is anticipated to carry a proportion of the existing B3181 traffic as well as a proportion of the Old Park Farm development traffic. Even though Old Park Farm Phase 2 proposes its own mitigation at the double mini roundabout it seems to me that the LLL would result in a significant environmental improvement to the centre of Pinhoe and a benefit beyond that necessary to mitigate the impact of the traffic generated by the appeal scheme. In the circumstances it is not unreasonable that some costs associated with the LLL should be funded by the public purse [43; 82].

Existing and unmitigated situation

175. If the LLL is not in place the only alternative for development traffic travelling into Exeter would be out of the main site entrance and down the B3181. The 2019 base position is the starting point and this is taken to include existing commitments. The Appellant's 2019 base position was significantly higher than that of not only the HA but also other developers building in the area. One reason may be because the park and change facility at Old Park Farm, which will remove some trips off the B3181 when built, has not been included in the Appellant's assessment. The Appellant estimated that this would take about 12 trips off the highway during the peak period¹⁷. If this is taken into

¹⁷ This was from oral evidence given by Mr Blair.

account, which is not unreasonable, the queue would not extend as far as the two residential site entrances [74].

176. The Appellant has not provided any evidence of what delay would occur if the traffic from the appeal development were added but no mitigation provided. The only assessment is by the Council and this indicated that the queue would rise to 220 PCU, which would stretch for about 1.3 km back along the B3181 from the double mini roundabout. This would be well beyond the appeal site entrance and that of Old Park Farm. The Appellant pointed out that this queue would be made up of 3 components. In part it would comprise vehicles on the B3181 already but it would also include vehicles joining from the two residential developments. Nevertheless this does not alter the position that stationary traffic would extend back beyond these junctions. Whether this would be of importance in terms of road safety is considered later [38; 74].

Proposed mitigation

177. The Appellant has put forward a scheme for the signalisation of the double mini roundabout in order to improve capacity. Although this was considered in fine detail it is important to remember that it is not part of the appeal proposal. Rather it was suggested as an option to satisfactorily accommodate the development traffic in the event that the LLL was unable to be completed or as an interim solution until the LLL is completed. There is no reason to doubt that the Appellant is keen to do as much as is reasonably possible to ensure that the LLL does come forward. The Appellant is confident that the new road will be built and that the signalisation of the double mini roundabout will not be required [40; 44].
178. The evidence shows that the signalisation would increase the capacity of the junction. Taking the 2019 base position plus the traffic from the appeal development, queues along Main Road North, which is the section of the B3181 north of the double mini roundabout, would be reduced. If Old Park Farm Phase 2 is also included, the Appellant's modelling indicates that a signalised junction would result in an improvement on the unmitigated situation but that the queue would be over 1km long and stretch back beyond the site entrances. The HA considered that the saturation flow used in the Appellant's modelling on the Main Road North arm of the signalised junction was too high. However taking account of the various surveys undertaken and the new junction design I am not convinced that the values used are overly optimistic [40; 84].
179. There is an existing toucan crossing on Main Road North, a short distance to the east of the double mini roundabout. I understand that this was put in place many years ago as a result of a petition to assist people crossing between the shops and facilities either side of the junction. The pedestrian counts indicate that the crossing is relatively well used in peak periods and my observations on site confirmed this was the case. It also seems likely that pedestrian movements will increase as a result of the new housing developments planned for the Pinhoe area. Saved Policy TA4 seeks to ensure that development proposals provide, and if possible improve, facilities for pedestrians and cyclists. The Framework encourages priority to pedestrian and cycle movements and the creation of safe and secure layouts that minimise conflicts between traffic, cyclists and pedestrians. The HA is

concerned that if the toucan crossing were to remain in place there would be driver confusion between the two sets of lights and that this would result in danger to pedestrians. This is a reasonable concern and it therefore makes sense to include a pedestrian phase into the signal sequence [15; 41; 79; 80; 93].

180. If a pedestrian phase is introduced the capacity of the junction would decrease. The Appellant has modelled a scenario whereby the pedestrian phase is called at every 2 minute cycle to allow people to cross Church Hill as well as Main Road North. If the proposed zebra crossing over Station Road is also taken into account this would result in a significant improvement for pedestrians to what exists at present. However it would also significantly increase the queues, not only along Main Road North but also along Church Hill and Main Road South [41; 42].
181. The HA also considered that the private drives and shop access, which would emerge within the live junction should be signalised. It was agreed that this only need be every third cycle. This would introduce further delays and thus result in a further deterioration in terms of capacity. I am not convinced that this is necessary however. From my observations and considering the angle of the parking spaces on the forecourt to the shops it seems likely that most vehicles would exit onto Pinn Hill rather than travelling through the junction. Also, it seems rather excessive for signalisation to be provided for the small number of dwellings served by the private drives [41; 81].

Severe residual transport impact

182. Paragraph 32 of the Framework indicates that development should only be refused on transport grounds where the residual cumulative impacts are severe. It was agreed that an increase in queuing may be inconvenient but that in itself would not provide the necessary justification to refuse permission. Rather it was the consequence of queues in terms of driver behaviour, risk and safety that was the matter at issue. The main concern of the HA was the increase in queues along Main Road North extending back beyond the entrance to Old Park Farm and the appeal site, which would be signalised junctions virtually opposite each other. On the Appellant's analysis this is likely to occur with the addition of the development traffic once Old Park Farm Phase 2 also comes on stream and with a signalisation of the double mini roundabout including pedestrian phasing. The length of the queue along the main road would mean that the junction is unlikely to clear during the green cycle and joining traffic would be impeded by vehicles queuing back from the double mini roundabouts. The exit from the appeal site would be a single lane wide and so those wanting to turn right would have to wait in the secondary queue. Furthermore traffic already on the main road could also have difficulty progressing through the junction. In such a situation the junction would become locked [34; 74].
183. It is not difficult to see how such a situation could lead normally considerate drivers to act in an aggressive or irrational manner and attempt to get through the lights as they were changing to red. Others may be keen to advance forward as soon as the green phase starts and the potential for conflict is not difficult to imagine. Furthermore pedestrians crossing the bellmouth could also be put at risk. The Preston appeal decision was different in many ways from

the current proposal, not least because the Inspector found the existing traffic conditions of considerable concern before any additional traffic was added from the development in question. Nevertheless my colleague identified certain behaviours that can arise from congested situations resulting in junctions becoming locked and traffic unable to move through them on the green phase of the signals. In this respect his observations are relevant to the present appeal and his conclusions concur with my own [34; 38; 75].

184. Whilst the queue referred to above would only occur in the morning peak, the evidence from the HA's Arcady modelling shows that the critical queue of 800m or more would be present for a period of around 45 minutes or perhaps longer within the morning peak period. The use of box markings would discourage stationary vehicles from stopping within the junction and would help the movement of right turning traffic once it reached the front of the secondary queue out of the appeal site. However it would not allow more traffic through the junction itself or prevent the stationary traffic on the western side. A queue detector loop could be installed to vary green time on the approaches but this could be confusing and reduce the confidence of drivers that they would be able to clear the lights, again resulting in the potential for uncertainty and risk [35; 77; 83].
185. Whilst the impact on other approaches to the double mini roundabouts was not raised by the HA at the time planning permission was refused, further modelling by the Appellants indicates that there would also be significant queues along Main Road South which would be likely to block back to the Cumberland Way junction. Furthermore, the queues along Church Hill and Harrington Way would extend to beyond the primary school at a time when young children are arriving. These all add to the concerns that the appeal development could give rise to a severe traffic impact [81; 83].
186. The HA raised concerns that the signalised junction would result in more accidents than the double mini roundabout. This was on the basis of a COBA analysis and a comparison with other 4 arm signalised junctions. It was estimated that the accident rate would more than double although the number of annual personal injury accidents would remain relatively low [85].

Other relevant factors

187. The HA has agreed that based on 2013 base data, up to 100 dwellings could be built on the site without any mitigation being necessary. The HA contended that this was in order to be reasonable and allow development to get underway and that it did not form a new base position. The argument was that committed development will be unlikely to come on-stream all at once. The HA is therefore satisfied that any risk to highway safety would be acceptable for a temporary period of time. However it cannot be guaranteed that such a situation would be temporary. It is not impossible to envisage that the development would only be partially built out even though planning permission was granted for a larger scheme [37; 78].
188. There was no modelling available as to the queuing situation that would arise from the unmitigated position with 100 dwellings from the appeal site. This is because up until near the end of the Inquiry the HA had agreed that 150 dwellings could be built without mitigation. The figure was lowered when it came to light that this had been based on 2011 traffic data and not the 2013

data, which had been agreed should be used. The Appellant did assess the situation with commitments and 150 dwellings and this was found to result in a queue of over 1 km in length, well back beyond the site entrance. 100 dwellings would result in less of a queue but this would probably still be greater than 800m in length. The HA has further agreed that if the capacity improvements to the double mini roundabout are implemented as part of Old Park Farm Phase 2, then the junction would have additional capacity to accommodate 40 more dwellings on the appeal site [37].

189. The Appellant considers that from the grant of planning permission it would take about 3 years to build out 100 dwellings. This would give a reasonable time for the compulsory acquisition to take place in order for the LLL to be put in place. If that happens the Section 106 Agreement with the County Council covenants to pay £700,000 towards offsite highway works, which can include measures identified in the PAAS. This would go a long way towards improving the alignment and conditions on the existing country lane east of the M5 Motorway in order to provide the full LLL between the B3181 and Tithebarn Lane [47; 88; 125].
190. Science Park Drive will provide a link from Tithebarn Lane to the A30 and would be an alternative option for south bound traffic wishing to travel in the direction of the M5 Motorway. This link road is due to be open in Spring 2015. It is not unreasonable to surmise that the 157 peak hour trips the HA estimated would be diverting from the B3181 along the LLL would use this route until the LLL is operational. This would involve drivers cutting down Parkers Cross Lane but it would reduce the time spent in the queue to get through the double mini roundabouts. This was not included in the Appellant's modelling in order to provide a robust assessment [36; 49; 84; 100].
191. The construction of the Exhibition Way Link would result in a significant improvement because it would reduce the vehicular flow from the Church Hill arm onto the double mini roundabout. Part of the land required for this new road was subject to a Village Green proposal. Although it was not registered the matter is currently subject to a legal challenge. However following the Supreme Court decision in the *Barkas* case and also the case of *Naylor v Essex County Council* it seems unlikely that the legal challenge will succeed. Whilst there is no certainty in the situation at the moment, funding is available for this new road link and it could be brought forward relatively quickly¹⁸. In such circumstances the queue along Main Road North would reduce substantially and would only just extend beyond the residential site entrances [49].
192. The traffic conditions referred to above would be restricted to about 45 minutes in the morning peak period. It is probable that those with flexibility to plan their journeys would choose to travel outside these busy periods. This is known as peak spreading and would help to reduce the size of the queue at peak times [35; 36].

Conclusion

193. Drawing together the above points it is clear that there is the potential for a severe residual transport impact and that the safety of the access with the

¹⁸ This was from oral evidence given by Mr Pratt.

B3181 may be compromised. These impacts are likely to occur if the double mini roundabout is signalised with a pedestrian phase on every cycle. They would only occur for part of the morning peak, but nevertheless this would not be an insignificant period of time. Nevertheless the HA has agreed that 100 dwellings could be built with no mitigation at all and that a further 40 more could be built if the Old Park Farm Phase 2 improvement to the double mini roundabout takes place. Whilst the HA consider this as a short term and expedient solution there is no guarantee that this would be the case. Once commitments were built the resultant traffic queue would be likely to block the junction between the appeal site and the B3181 and thus cause similar harmful consequences.

194. In reaching a conclusion on the highway issue it is necessary to weigh up what is likely to happen in reality. The first point to make is that the signalisation scheme is not part of the appeal proposal and there may be other options available to reduce queues like, for example reducing the call on pedestrian time. Furthermore there is every chance that the LLL will be built. The existence of an alternative option for site traffic along the B3181 means that the small section of third party land needed for its completion would be likely to have little or no ransom value. Furthermore there is every possibility that the Exhibition Way Link will be built and in that case there would be a considerable reduction in the traffic entering the junction in the centre of Pinhoe from the Church Hill direction. There is also the probability that if the LLL is delayed the traffic that would have taken that route would use Parkers Cross Lane and Science Hill Drive instead. So taking all of these factors into account it is concluded that, on balance, the appeal scheme is unlikely to result in a severe transport impact. It would therefore comply with saved Policy TA7 and the provisions of the Framework.
195. However the Secretary of State may not agree with that conclusion and if that is the case there is the option to impose the conditions put forward by the HA. These effectively provide 4 triggers linked to the occupation of specific numbers of dwellings. The triggers depend on certain road improvements being carried out other than the signalisation of the double mini roundabout. In brief this would allow 100 dwellings to be built with no mitigation at all and up to 140 with the Old Park Farm Phase 2 improvements in place. However the total number of dwellings proposed would not be able to be built without the LLL being fully completed. Assuming that the Exhibition Way Link Road goes ahead it would be the last 120 homes that would be at issue [123].
196. The Appellant is opposed to the 4 Grampian conditions and for the reasons given I do not consider them necessary. It seems likely that certainly the final trigger would significantly increase the value of the third party land required to complete the LLL. What effect this would have on the overall viability of the appeal scheme is not known. A sum of £50,000 is offered by the Appellant for the compulsory purchase of the Wain Homes land. However it is difficult to see how this sum was arrived at and therefore how it could be justified. In such circumstances it cannot be taken into account as a reason to grant planning permission as it would be contrary to Regulation 122 of the CIL Regulations. The legal agreements include a provision that removes the conditionality clause but the Council is likely to be correct that it would be insufficient to provide the necessary indemnity in a ransom situation. Whilst it may not be unreasonable to expect some contribution from the public purse

the land value in such circumstances would be likely to be substantial [48; 86; 128].

197. For these reasons the Secretary of State will wish to consider whether the imposition of the Grampian conditions themselves would diminish the likelihood that the LLL would be completed and the wider benefits that it would bring to the Pinhoe area realised.

Consideration Five: Other Matters

Residential amenity

198. There are a number of residential properties that adjoin the appeal site to the west and south. Inevitably these existing residents would experience a considerable change in outlook, with built development replacing open fields. However that in itself is not a reason to refuse permission because no-one has a right to a view across third party land. The scheme is in outline form and matters such as appearance and layout are reserved for future consideration. The height, position and orientation of buildings and the provision of intervening spaces and landscaping are matters that would be in the control of the Council and subject to consultation with those affected [100].
199. There is a proposed bus, cycle and emergency access at the southern end of the site into the residential area around Parkers Cross Lane. The appeal scheme does not propose a general use of this access for car traffic and a condition is proposed to ensure that such a restriction would remain in place. Pinn Court Lane is a narrow sunken lane that would continue to serve Pinn Court Farm as well as a number of other properties at its western end. It would not be suitable as a vehicular access to serve the site and indeed is not intended for that purpose. It would however provide a pedestrian link between the southern part of the site and Main Road North [93; 99].
200. For all of the above reasons it is concluded that the appeal proposal would not have an adverse effect on the living conditions of adjoining residential occupiers.

Effect on schools and medical facilities

201. There is local concern that education infrastructure would not be sufficient. Devon County Council as Education Authority is satisfied that there is sufficient capacity in the nearby secondary school to accommodate the children from the development. However this is not the case with primary school provision. There is land provided for a new primary school on Old Park Farm. Information has been submitted¹⁹ that is sufficient to be confident that the contribution in the Section 106 Agreement would provide the necessary funding for the primary education needs of the appeal development [97; 100].
202. Several local objectors are concerned about the impact of the additional population on medical facilities. The difficulty of getting a doctor's appointment is not unique to this area and there is no specific evidence that the needs of the development cannot be reasonably accommodated. No

¹⁹ See Document ID 13.

specific requirement for mitigation in this respect has been requested by the Council or the health authority [97; 100].

Flood risk

203. The appeal site is in Flood Zone 1 which has the lowest risk of flooding from fluvial and tidal sources. The accompanying Flood Risk Assessment has considered all sources of flooding, including from groundwater and surface water. It is proposed to drain the site using a sustainable drainage strategy and this could be the subject of a planning condition. The EIA has concluded that with this in place there would be no risk of flooding elsewhere and it is noted that the Environment Agency has raised no objections to the appeal scheme [7; 100; 114].

Ecology and wildlife

204. The appeal site has no ecological designation and is not identified in the LP as being of particular importance to wildlife. An Ecological Impact Assessment was undertaken in 2011 and concluded that no protected species would be significantly affected by the appeal development. Mature hedgerows and trees border individual fields and it is proposed that these would mainly be retained to provide a landscape framework within which development would take place. There is no reason therefore why bat corridors or foraging grounds should be disturbed. A condition could ensure that suitable lighting is provided to public areas to prevent harm in terms of inappropriate illumination to darker areas where bats may feed or commute [7; 100; 116].

205. The Ecological Impact Assessment dates back to 2011 and recommends a further protected species survey by January 2013 if development has not commenced. Whilst it would have been better if this had been undertaken before, I note that the planning application was submitted in March 2012 and a further survey was not a requirement of the Council in its decision notice. This is not a site with any nature conservation protection and any dormice that may subsequently be found would be likely to be within hedgerows which are proposed to be retained. There is no specific evidence that the mitigation suggested is not still applicable or that the situation has materially changed to require permission to be withheld on this basis. An Ecological Mitigation Strategy could be required by condition and seems a proportionate response in this case [116].

206. The proposal includes various open spaces and a Linear Park on the eastern side of the site. There would also be provision for food growing areas, which are likely to be managed as allotments. These features would have the potential to enhance local biodiversity [132].

207. The site is within about 8 km of the Pebblebed Heaths Special Protection Area and Special Area of Conservation and within about 6 km of the Exe Estuary Special Protection Area. These are sites of international importance to nature conservation and under European legislation it is necessary to ensure that planning permission is not granted for a development that would have a significant adverse effect either on its own or in combination with other plans and projects. The Section 106 Agreement with the Council provides a contribution in this respect, which is in accordance with the *South East Devon European Site Mitigation Strategy*, agreed with Natural England for all sites

within 10km of the designated sites. The Council explained at the Inquiry that the agreed cost per dwelling has increased from the £492.62, which was current when the Section 106 Agreement was signed in April 2014, to £749 [130].

208. It is appreciated that the Linear Park is a relatively large open space that would provide new occupiers with recreational provision on the site itself thus avoiding some trips to the protected sites for such activities as dog walking. However this was not considered by Natural England to provide suitable mitigation. In order to be sure that the appeal scheme would comply with the Habitats Regulations, an increased level of payment would be necessary as set out above. If the Secretary of State otherwise agrees with my recommendation to grant planning permission for the scheme the Appellant suggested that the matter could be resolved by a new legal document to be submitted within a specific time period. This seems a reasonable suggestion in the circumstances.

Consideration Six: Whether any conditions and obligations are necessary to make the development acceptable.

209. The planning conditions are set out in Annex Three. Justification has been provided in **Paragraphs 110-123** and there are also references to specific conditions, where relevant, in my Conclusions. For the reasons I have given I do not consider that the Grampian conditions (Conditions 20-23), relating to highway impact, are either necessary or reasonable. Furthermore, I have considerable concerns about the references to layout in the phasing condition (Condition 5). This is because it would require the layout of the whole site to be approved at the start, notwithstanding that the reserved matters (including layout) are to be approved on a phased basis under Condition 1. The conditions would therefore conflict and Condition 5 would be unreasonable, in my opinion. I have therefore revised Condition 5 accordingly²⁰. Apart from these, it is considered that the conditions are reasonable, necessary and otherwise comply with the provisions of Paragraph 206 of the Framework and the PG for the reasons given. I recommend that they are imposed if the Secretary of State decides to allow the appeal.
210. There are two main Section 106 Agreements, which include a variety of provisions as set out in **Paragraphs 126-134** above. They have been referred to in the previous sections of my Conclusions and are put forward to mitigate adverse impacts, meet the needs of the development and enable the scheme to go ahead. The Planning Obligations were discussed in detail at the Inquiry. I am satisfied that the documents are legally correct and fit for purpose.
211. The policy context for the infrastructure contributions is provided by saved Policy S7 in the LP. However it is necessary to consider whether the obligations meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in Paragraph 204 of the Framework in order to determine whether or not they can be taken into account in any grant of planning permission. The requirements are that the obligations must be necessary, directly related and

²⁰ If the Secretary of State wishes to see the wording of the original conditions, these are at **Document ID 12/2**.

fairly and reasonably related in scale and kind to the development in question. It is noted that all of the obligations, save for those relating to the safeguarded road and CPO payment, contain a clause that they are conditional on the Secretary of State's finding that they comply with the CIL Regulations.

212. There are various highway contributions. The £700,000 towards off-site highway works is to mitigate the impact of the development on the double mini roundabout. This was intended to pay for improvements to Langaton Lane east of the M5 Motorway and has been based on the highest costed option in the PAAS. However there is no reason why part could not be used for a signalisation scheme. This would be likely to cost less but there is the provision for paying back any unspent sum if it is not used within a specified time period. Travel planning is administered by the County Council for the wider strategic growth area with each site making a contribution. This has been based on the cost of providing travel vouchers, welcome packs and the services of a travel Plan Co-ordinator. The Bus Service Contribution is based on the cost of extending one of the existing town centre services into the site. It would require extra buses and has been discussed and agreed with the provider, Stagecoach, on the basis of pump priming for a 4 year period after which the service is expected to be viable.
213. The obligation to safeguard the land within the site for the LLL and also the provisions which allow the County Council to enter the land and construct the road are necessary for all the reasons given in Consideration Three. A financial contribution towards the compulsory acquisition of the third party land seems to me reasonable and necessary in principle. My overall conclusions relating to traffic impact take account of the likelihood of the LLL being constructed in its entirety. However the cost of this is not known and therefore whether the £50,000 offered is reasonable or proportionate. In the circumstances it cannot be concluded that it complies with Regulation 122 of the CIL Regulations or Paragraph 204 of the Framework. Whilst it cannot therefore be taken into account as a reason for granting planning permission it would be paid anyway because the conditionality clause would not apply on account of the Deed of Variation.
214. There is a need for primary education provision. The justification for the contribution is discussed in Consideration Five. The requirement for affordable housing, the policy basis and justification for the level of provision is discussed in Consideration Three. The tenure split is agreed by the Council to meet local needs and the phasing of provision, which is tied to the market dwellings, is considered reasonable in order to ensure that the affordable homes are delivered expeditiously. The contribution towards the sites of international nature conservation importance is considered to be too low to ensure the necessary mitigation as discussed in Consideration Five. However the Appellant is willing to increase these to the necessary level if the Secretary of State finds the scheme acceptable in all other respects.
215. South West Water confirmed that the existing foul sewerage system was not sufficient to serve the development. A Consultant's report indicated that a payment of £704,000 would be necessary to undertake the necessary improvements. The appeal development would include various areas of open space, including a Linear Park on the eastern side running up to the embankment with the M5 Motorway. There are obligations relating to the

specification of the open spaces and its future management and maintenance. A commuted sum of £325.754 has been provided towards the long term cost of managing and maintaining the Linear Park. It is expected that this will be undertaken by the County Wildlife Trust and the costing has been provided on the basis of 8 years, after which it is expected to become self funding. These provisions all seem reasonable and necessary in order to ensure that the open spaces provide attractive and functional places for those living on the new development.

216. There are several sustainability provisions. These relate to the potential connection to the District Heating Facility or else the provision of a proportion of the energy supply from decentralised and/or renewable or low carbon energy sources. Also to build dwellings to Level 3 of the Code for Sustainable Homes and achieve a Very Good BREEAM rating for the commercial buildings. These seem necessary requirements in order to ensure that the development is sustainable and energy efficient.
217. In conclusion it is considered that the obligations provided in the various legal agreements are in accordance with Regulation 122 of the CIL Regulations and Paragraph 204 of the Framework. The exception relates to the £50,000 payment towards the third party land acquisition and the mitigation payment relating to the nature conservation sites. The latter would be too low in order for the appeal scheme to satisfy the requirements of the Habitats Regulations. The former should not be taken into account as a reason for granting planning permission, but would be paid due to the removal of the conditionality clause.

Consideration Seven: Overall conclusions and planning balance to determine whether the proposal would be a sustainable form of development

218. The appeal proposal is EIA development and the planning application was accompanied by an ES. This has been adequately publicised in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Under Regulation 3 planning permission cannot be granted for EIA development unless the environmental information has been taken into account. This includes not only the Environmental Statement but also the written and oral evidence to the Inquiry. This environmental information has been taken into account in my consideration of this appeal and my recommendation to the Secretary of State [5-8].
219. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. It has been concluded that the District has a serious and significant short term deficit of deliverable housing sites. The housing supply policies in the LP are thus out-of-date and in such circumstances the relevant policy comes from Paragraph 14 of the Framework. This establishes that decisions should be made in accordance with the presumption in favour of sustainable development. Paragraph 47 seeks to boost significantly the supply of housing and the contribution that the appeal scheme could make in this regard is a matter of considerable weight in the overall balance.
220. The appeal site is not within one of the areas where specific policies indicate that development should be restricted. In such circumstances the appropriate test set out in Paragraph 14 of the Framework is whether there are any

adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

221. In considering this matter it is important to have in mind the three interdependent dimensions to sustainable development set out in Paragraph 7 of the Framework. In terms of the economic dimension I have already highlighted the important contribution that the scheme would make to the Council's housing land supply deficit. The shorter implementation period agreed by the Appellant would ensure that a timely start was made and that houses would appear on the ground in an expedient manner. New residents would also contribute to the local economy and of course the provision of jobs during the construction period would be beneficial for a number of years.
222. The scheme would make a significant contribution to affordable housing and the mix of affordable rent and intermediate homes would be in accordance with identified needs. It is appreciated that the Council would have liked to have seen a greater provision. However for the reasons given that would not be viable, regardless of whether the policy requires it or not. There is no reason why the appeal scheme should not provide a high quality built environment and the potential to link to the district heating network would be a local and sustainable solution to energy provision. There are opportunities within this location to travel by modes other than the car. The site is accessible to local shops and services in Pinhoe. There are a number of bus services available to new occupiers which travel into Exeter. It is the case that several routes are down Main Road North and, in the absence of dedicated lanes, the buses would get caught in the traffic queues in the morning peak period. At other times however this would be a realistic option for travel into the city centre. Furthermore the scheme would provide a financial contribution so that one of the bus services could travel through the site. This seems to me a very accessible location that offers new residents realistic choices of travel mode.
223. The appeal scheme would result in the loss of good quality agricultural land and an area of countryside. However it seems to me inevitable that greenfield land will be needed if the district is to meet its housing needs. Whilst it is appreciated that the site is valued by existing local residents it has no protective designation and views are relatively localised. This is a disadvantage but one that therefore has limited weight. There are also some environmental advantages, including the provision of the Linear Park, the retention and management of most hedgerows and trees and the enhancements to biodiversity. The potential harm to the European sites could be successfully mitigated by an amended contribution.
224. Whilst the appeal scheme is likely to cause queuing and congestion in the short term it is not considered that it would cause a severe transport impact or that the access would be other than safe and suitable. This is a balanced judgement taking account of the likelihood that the LLL will be delivered in a timely manner and the probability that the Exhibition Way Link will be built. Even if the latter scenario does not occur there are also other factors that would tend to reduce the impacts such as peak spreading and the diversion of traffic along Science Park Drive. In my judgement the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. My overall conclusion is that

this would be a sustainable form of development and that the appeal should be allowed.

RECOMMENDATION

225. That the Secretary of State seeks a revised contribution of £749 per dwelling as the appropriate mitigation to avoid significant impact upon the Exe Estuary Special Protection Area and the Pebblebed Heaths Special Protection Area and Special Area of Conservation.
226. Subject to the above, it is recommended that outline planning permission be granted for residential development of up to 430 units including a local centre comprising retail (up to 240 m²) and community space, care home of up to 60 bedspaces, specialist care home of up to 60 bedspaces, skate park and a visitor car park together with associated open space (formal and informal), cycleways, footpaths and infrastructure, safeguarded vehicular route to Langaton lane served off a new access from the B3181 subject to the conditions in Annex Three.

Christina Downes

INSPECTOR

ANNEX 1: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Ground	Of Counsel, instructed by the Solicitor to East Devon District Council
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He called:

Mr M Dickens MRTPI	Planning Policy Manager with East Devon District Council
Mr W Pratt BSc MSc MIHE	Highways and Transportation Case Officer with Devon County Council
Mr W Gill BSc MRICS	District Valuer Services

FOR THE APPELLANT:

Mr Martin Kingston*	Of Queen's Counsel, instructed by Mr R Upton, WYG Planning and Environment
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Mr Richard Kimblin	Of Counsel, instructed by Mr R Upton, WYG Planning and Environment
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He called:

Mr R Upton BSc(Hons) MRTPI	Associate with WYG Planning & Environment
Mr P Blair BEng CEng FICE FCIHT	Head of Transport UK at WYG Transport
Mr A Eke BSc(Hons) MRICS	Registered Valuer with Vickery Holman
Mr M Smith	Millwood Homes

*Mr Kingston was only present for the first day of the Inquiry (29 April)

INTERESTED PERSONS:

Mrs S Landers	Local resident
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ANNEX 2: DOCUMENTS

PA: Planning Application Supporting Documents

PA 1	Environmental Statement, Non Technical Summary and Environmental Statement Addendum
PA 2	Transport Assessment with Appendices
PA 3	Transport Assessment Addendum (January 2013)
PA 4	Access junction final Stage 1 Road Safety Audit (July 2013)
PA 5	Double mini roundabouts Technical Notes (August 2013)
PA 6	Technical Note on capacity of revised site access (August 2013)
PA 7	Transport explanatory note
PA 8	Archaeological evaluation/ Results of a historical archaeological assessment/ Results of an archaeological gradiometer survey
PA 9	Geo-technical Phase 1 Desk Study and Phase II Report
PA 10	Planning statement
PA 11	Tree survey and constraints plan
PA 12	Landscape and visual impact assessment
PA 13	Noise assessment
PA 14	Ecological impact assessment
PA 15	Flood risk assessment
PA 16	Air quality assessment
PA 17	Sustainability statement
PA 18	Linear Park management framework
PA 19	Waste management policy
PA 20	Utilities assessment
PA 21	Hydro geological risk assessment
PA 22	Heritage asset statement of significance
PA 23	Statement of community involvement
PA 24	Design and access statement
PA 25	Design framework
PA 26	Supplementary information – revisions to the Masterplan

BD: Background Documents

BD 1	Council's notification of the appeal and Inquiry and list of persons notified
BD 2	Secretary of State's recovery letter (20 December 2013)
BD 3	Inspector's note to the parties (30 April 2014)

BD 4	Questionnaire
BD 5	Statement of Common Ground: Planning
BD 6	Statement of Common ground: Transport
BD 7	Letters received in response to the appeal notification

POE: Proofs of Evidence

POE 1	Proof of evidence and Appendices of Mr Dickens
POE 2	Rebuttal and Appendices of Mr Dickens
POE 3	Proof of evidence (superceded) and Appendices of Mr Gill
POE 4	Supplementary proof of evidence and Appendices of Mr Gill
POE 5	Rebuttal proof of evidence of Mr Gill
POE 6	Proof of evidence (superceded) and Appendices of Mr Pratt
POE 7	Rebuttal proof of evidence (superceded) and Appendices of Mr Pratt
POE 8	Proof of Evidence and Appendices of Mr Pratt
POE 9	Rebuttal proof of evidence and Appendices of Mr Pratt
POE 10	Proof of evidence and Appendices of Mr Upton
POE 12	Supplementary proof of evidence and Appendices of Mr Upton
POE 13	Proof of evidence and Appendices (July 2014) of Mr Eke
POE 14	Rebuttal proof of evidence and appendices of Mr Eke
POE 15	Proof of evidence and Appendices of Mr Grist*
POE 16	Supplementary proof of evidence of Mr Blair
POE 17	Appendices 1-14 of Mr Blair
POE 18	Appendices 15-29 of Mr Blair
POE 19	Rebuttal proof of evidence and Appendices of Mr Blair

ID: Inquiry Documents

ID 1	Note regarding the publicity for the EIA provided by the Appellant
ID 2	Note regarding the Arcady model and Table 6.7 of Mr Blair's evidence
ID 3	Note by Mr Pratt on the expected use of the Langaton Lane Link
ID 4	Appeal decision: Red House School, Stockton-on-Tees
ID 5	Extract from the Planning Practice Guidance on Viability
ID 6	Plan showing the extend of the land owned by Wain Homes
ID 7	Appeal decisions: Sites at Feniton, Devon
ID 8	Extract from the East Devon Local Plan, including Policy EN4
ID 9	East Devon Open Space Study and Appendices



East Devon Open
Space Study - Appen



East Devon Open
Space Study.pdf



East Devon Open
Space Study - Appen

ID 10 Development Management Committee Agenda Item on the Open Space Study (12 June 2012)

ID 11 South East Devon European Site Mitigation Strategy



S.E.Devon European
Site Mitigation Strate

ID 12 Proposed list of conditions, including those not agreed between the parties and additional conditions suggested by the Appellant regarding phasing

ID 13 Background information provided by the Council in relation to education contributions

ID 14 Report by Pell Frischmann regarding the impact of the proposed development on the sewerage system

ID 15 Development Management Committee Report regarding mitigation of impacts on the protected habitats of the Exe Estuary and Pebblebed Heaths

ID 16 Planning Obligation by Agreement between the site owners, developer and Devon County Council (29 April 2014)

ID 17 Unilateral Undertaking between the site owners, developer and Devon County Council (21 October 2014)

ID 18 Deed of Variation between the site owners, developer and Devon County Council (7 November 2014)

ID 19 Planning Obligation by Agreement between the site owners, developer and East Devon District Council (28 April 2014)

ID 20 Supplemental Agreement between the site owners, developer and East Devon District Council (20 October 2014)

ID 21 Summary of Section 106 Agreements

ID 22 Closing submissions on behalf of the Council

ID 23/1 Opening and closing submissions on behalf of the Appellant

ID 23/2

* Mr Grist was present on the first day of the Inquiry but presented no evidence when it resumed. The highway evidence was given by Mr Blair on behalf of the Appellant.

PLANS

A Application plans

B Revised access junction plan (47063396-02)

ANNEX 3: SCHEDULE OF CONDITIONS

1. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") for each approved phase or phases of the development shall be obtained from the Local Planning Authority in writing before the development of the relevant phase or phases is commenced.
2. Application for approval of the reserved matters in respect of Phase 1 of the development hereby permitted shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
3. Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.
4. Subsequent phases of the development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the residential reserved matters to be approved in respect of that phase.
5. A detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the areas of public open space/green infrastructure as well as a construction programme for the housing and other build elements of the development. The development shall be carried out in accordance with the approved phasing plan and delivery programme.

or in the alternative to accompany Conditions 20-23:

A detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the areas of public open space/green infrastructure as well as a construction programme for the housing and other build elements of the development. The phasing plan shall show which parts of the development would be constructed in each of the phases referred to in Conditions 20-23 and how each phase would be designed so as to form a satisfactory form of development in its own right that also integrates into the wider development on the site. The development shall be carried out in accordance with the approved phasing plan and delivery programme.

6. No development shall take place until a detailed surface water drainage strategy shall have been submitted to and approved in writing by the local planning authority. The strategy shall be based upon the principle of sustainable drainage systems as outlined in the *Level 2 Flood Risk Assessment: Final Report – Revised* (June 2012). The strategy shall include a timetable for implementation and details of the management and maintenance of the surface water drainage system. Development shall be carried out in accordance with the approved strategy.
7. No development-related works comprised in a particular approved phase or phases of the development shall take place within the site until a written

- scheme of archaeological work relating to that phase has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work including the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme.
8. Before any development commences on a particular approved phase or phases of the development, details of finished floor levels and finished ground levels in relation to a fixed datum relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 9. Prior to submission of any reserved matters application for an agreed phase or phases of the development, a detailed Design Code for the agreed phase or phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall follow the *Design Framework* (August 2013). The reserved matters application(s) shall adhere to the approved Design Code(s) relevant to that part of the site.
 10. Prior to the commencement of development of an agreed phase or phases of the development hereby approved an Ecological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation in the *Ecological Impact Assessment* (December 2011). Development shall be carried out in accordance with the approved details and the Strategy shall include:
 - a. Details of the design and location of bat tubes and swift boxes in 1 in 20 of the new buildings (plus one bat box in the public building if relevant).
 - b. Details of external lighting, including the design, hours of use, location and management of any temporary or permanent exterior lighting within any public area, including signage, flood lighting and road lighting.
 - c. Details of a scheme for the removal and relocation to a suitable receptor site for reptiles. This shall also indicate how adjacent areas to the relevant phase or phases are being considered in terms of reptile removal.
 - d. Details of those hedgerows that are to be retained and how they will be protected during construction; details of those hedgerows to be removed and how any adverse impact on biodiversity will be mitigated.
 - e. A timetable for implementation.
 11. Prior to the commencement of an agreed phase or phases of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will conform to the "good" design range identified by BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.
 12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors.
 - b. Loading and unloading of plant and materials.
 - c. Storage of plant and materials used in constructing the development.
 - d. Wheel washing facilities.
 - e. Measures to control the emission of dust and dirt during construction.
 - f. No construction work shall be carried out, or deliveries received, outside of the following hours: 0800-1800 Monday-Friday, 0800-1300 on Saturdays, not at all on Sundays and public holidays.
13. No development shall take place until details of how existing trees shall be protected during the course of construction have been submitted to and approved in writing by the local planning authority. The tree protection measures shall be in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified arboricultural consultant. The development shall be carried out in accordance with the agreed details and protection measures shall be adhered to throughout the construction period.
14. No development shall take place until a Landscape and Ecology Management Plan for the whole development hereby permitted has been submitted to and approved in writing by the local planning authority. The Landscape and Ecology Management plan shall be carried out as approved for each phase of the development.
15. No development shall take place until details for the provision and future maintenance of the proposed noise bund along the eastern boundary of the site. The details shall include the design and landscaping of the bund along with a timetable for its provision. The bund shall thereafter be provided in accordance with the approved details and timetable.
16. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan – PL081006 LP-01B
 - Proposed Junction & Swept Path Analysis – 47063396-02
 - Proposed secondary access – D122481-105 Rev 01
 - Masterplan Framework – PL081006 MPF-03T
 - Open Space Plan – PL081006 OSP-01B
17. Should a District Heating Network be provided to the site, the buildings comprised in the development hereby permitted shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of the development, the necessary onsite infrastructure shall be put

in place for connection of those systems to the network on points on the site boundary to be first agreed in writing by the local planning authority.

18. The development shall be limited to the occupation of 150 dwellings until a link has been provided between the development and Parkers Cross Lane. This shall be as shown on Drawing No: D122481-105 Rev 01 and in accordance with a specification to be first agreed in writing with the local planning authority. The specification shall include measures to ensure that the link is only used by buses, emergency vehicles, cyclists and pedestrians and shall be carried out as approved and the measures shall be retained thereafter.
19. No dwelling on the development hereby permitted shall be occupied until a signal controlled access onto the B3181 Road has been designed and constructed fully in accordance with the details on Drawing No: 47063396-02.

Grampian Conditions:

20. No more than 100 dwellings hereby permitted as specified within a phasing plan to be submitted for the prior written approval of the local planning authority, shall be occupied until:
 - a. The local planning authority has approved in writing a scheme of works to provide a new vehicular transport link from the site to Langaton Lane (LLL) and the approved works have been completed; or
 - b. A new vehicular transport link on Eastern Fields to connect Exhibition Way to Harrington Lane, the "Exhibition Way Link Road" (as identified in the Pinhoe Area Access Strategy dated July 2013) has been constructed and is open for traffic; or
 - c. An improvement scheme to the Pinhoe double mini roundabout junction has been carried out:
 - as required by the planning permission granted for the Old Park Farm Phase 2 development (Ref:13/0001/MOUT) or any subsequent planning permission granted for this development which requires the same improvement scheme for the double mini roundabout junction; or
 - as required by any planning permission which requires an improvement scheme for the double mini roundabout junction provided that the local planning authority's written approval is obtained first to confirm that any such scheme is adequate to allow occupations beyond that restricted by this condition.
21. No more than 140 dwellings hereby permitted as specified within a phasing plan to be submitted for the prior written approval of the local planning authority, shall be occupied until:
 - a. The local planning authority has approved in writing a scheme of works to provide the LLL and the approved works have been completed; or
 - b. The Exhibition Way Link Road has been constructed and is open for traffic.

22. No more than 270 dwellings hereby permitted as specified within a phasing plan to be submitted for the prior written approval of the local planning authority, shall be occupied until:-
- a. The local planning authority has approved in writing a scheme of works to provide the LLL and the approved works have been completed; or
 - b. The Exhibition Way Link Road has been constructed and is open for traffic; and
 - c. An improvement scheme to the Pinhoe double mini roundabout junction has been carried out:
 - as required by the planning permission granted for the Old Park Farm Phase 2 development (Ref:13/0001/MOUT) or any subsequent planning permission granted for this development which requires the same improvement scheme for the double mini roundabout junction; or
 - as required by any planning permission which requires an improvement scheme for the double mini roundabout junction provided that the local planning authorities written approval is obtained first to confirm that any such scheme is adequate to allow occupations beyond that restricted by this condition.
23. Notwithstanding Conditions 20, 21 and 22 above, no more than 310 dwellings hereby permitted as specified within a phasing plan to be submitted for the prior written approval of the local planning authority, shall be occupied until:-
- a. The local planning authority has approved in writing a scheme of works to provide the LLL and the approved works have been completed.

End of conditions



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

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

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

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

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

SECTION 3: INSPECTION OF DOCUMENTS

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

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

APPENDIX 3 Inspector's Report and Decision Letter recovered appeals 2179410 & 2179374



Department for
Communities and
Local Government

Mrs Samantha Ryan
Director
Turley Associates
1 New York Street
Manchester
M1 4HD

Our Ref: APP/A0665/A/12/2179410 &
APP/A0665/A/12/2179374

Mr M Gilbert
The Planning Consultancy
Bridge Farm
Sarn
Malpas
Cheshire
SY14 7LN

18 November 2013

Dear Madam and Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEALS BY HARROW ESTATES PLC AND BY BRIDGEMERE LAND PLC AND
BRIDGEMERE JV LTD - LAND AT GRANGE FARM, HARTFORD, CHESHIRE
AND LAND TO THE EAST OF SCHOOL LANE, HARTFORD, NORTHWICH,
CHESHIRE, CW8 1PW
APPLICATION REFERENCES 11/05765/OUT AND 11/05805/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Stephen Roscoe BEng MSc CEng MICE, who held a public inquiry on 4-7 and 11 December 2012 into your clients' appeals as follows:

APPEAL A by Harrow Estates plc against a decision of Chester West and Chester Council (the Council) to refuse planning permission for 'up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park' at Land at Grange Farm, Hartford, Cheshire, in accordance with application reference 11/05765/OUT, dated 9 December 2011.

APPEAL B by Bridgemere Land PLC and Bridgemere JV Ltd against a decision of the Council to refuse planning permission for 'a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane' at Land to the East of School Lane, Hartford, Northwich, Cheshire, CW8 1PW, in accordance with application reference 11/05805/OUT, dated 9 December 2011.

2. On 27 July 2012 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because the appeals involve proposals for residential development of over 150 units on sites of over 5ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that both appeals are allowed and planning permission is granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. At the inquiry applications for costs were submitted by each of your clients against the Council. These applications are the subject of a separate decision letter, also being issued today.
5. The Secretary of State has had regard to the two issues identified by the Inspector at IR2.2 and 2.3 and notes that neither issue led to any objection from any party.
6. Following applications for screening opinions made in May and November 2011 in respect of the proposed residential developments, the Council confirmed by letters dated 14 June and 10 November 2011 that Environmental Impact Assessments would not be required (IR2.4). Like the Inspector (IR2.4), the Secretary of State is satisfied that there is no reason to depart from this position.
7. He also notes that the Council withdrew its second reason for refusal of planning permission in relation to both applications (IR2.6).

Matters arising after the close of the inquiry

8. On 24 April 2013 following the close of the Inquiry, the Regional Strategy for the North West (Revocation) Order 2013 was laid before Parliament. The Order came into force on 20 May 2013. The Secretary of State wrote to interested parties on 7 May 2013 seeking their views on the implications of the then impending revocation of the Regional Strategy for the North West (the RS) to the case they put to the inquiry. On 19 July 2013 the Secretary of State wrote to interested parties enclosing certain responses to his letter of 7 May 2013 (as

outlined in Annex A of the 19 July 2013 letter). He also enclosed a summary of responses received from the large number of other parties who made representations in response to his letter of 7 May 2013 (as outlined in Annex B of the 19 July 2013 letter). The Secretary of State's letter of 19 July 2013 invited further comments. In response to this he received further comments from the parties listed at Annex 1 of this decision letter. In addition to the revocation of the RS, a number of other issues were raised by parties in their representations in response to the Secretary of State's letters of 7 May and 19 July. He has carefully considered these additional matters which are outlined in the summary of representations that he circulated to parties with his letter of 19 July 2013. The Secretary of State is satisfied that most of the issues raised were considered at the inquiry including, for example, the transport impacts of the proposals and the emerging neighbourhood plan, and that none of the other issues raised would affect his decision.

9. The Secretary of State is also in receipt post inquiry representations which were received by the Planning Inspectorate too late to be considered by the Inspector from: Brendan Sheppard-Baker dated 26 November 2012 and A C McBride, Managing Director of Redrow Homes date 6 December 2012. Additionally he has received post inquiry representations from: Councillor Rita Hollens dated 15 April 2013 on behalf of the Hartford Joint Action Group (HJAG); Dr John Swaffield MBE dated 5 July 2013 on behalf of HJAG; Mr Chris Bates dated 22 July 2013; Mr David Gardner dated 29 July 2013, Mr Phil Herbert dated 12, 27 and 28 of August 2013; and Mr J Pritchard dated 30 August and 15 October 2013. The Secretary of State has given careful consideration to the representations identified in this paragraph, but as they do not raise new matters that would affect his decision he has not considered it necessary to circulate them to all parties. Mr Herbert's representations are referred to further at paragraph 28 below.
10. Furthermore the Secretary of State has received two letters from the Council in relation to housing supply. The first, dated 11 September 2013, provides an update on progress with the draft local plan and indicates that as of 13 August 2013 the Council considered that it has 6.97 years housing land supply based on a new housing target for 22,000 dwellings in the plan period 2010 to 2030. However, in the second letter dated 22 October 2013, which was sent to the Planning Inspectorate in relation to a number of undecided housing appeals including Appeals A and B, the Council acknowledges that it cannot currently demonstrate a five year supply of housing land in the borough and estimates the supply at between 2.5 and 2.8 years. The Council has confirmed to the Secretary of State that its letter of 22 October 2013 represents its current position on housing supply. The Secretary of State does not consider it necessary to circulate the Council's letter of 22 October 2013 to parties for comment because in his view it does not represent a significant change to its position at the inquiry on the matter of housing supply.
11. Copies of all representations received in response to the Secretary of State's letters of 7 May 2013 and 19 July 2013, the summary of responses circulated with his letter of 19 July 2013 and the other post inquiry representations identified in paragraphs 9 and 10 above may be obtained by written request to the address at the foot of the first page of this letter.

Policy considerations

12. In deciding the application, 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.
13. In this case, the development plan comprises the saved policies of the Vale Royal Borough Local Plan First Review Alteration 2006 (the LP). In light of the revocation of the RS and all saved structure plans under the RS order the Secretary of State has not had regard to policies in the RS or the 2005 Cheshire Structure Plan Alteration, or to the Inspector's remarks about the extent to which the appeal schemes comply with them. The Secretary of State considers that the development plan policies most relevant to the appeal are those identified by the Inspector at IR4.5 to 4.7 and IR14.6 to 14.7.
14. Other material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework ('the Framework'); Circular 11/95: *The Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011) and the other documents identified by the Inspector at IR14.9. The Secretary of State has also had regard to the fact that on 28 August 2013 the Government opened a new national planning practice guidance web-based resource. However, given that the guidance has not yet been finalised, he has attributed limited weight to it.
15. The Secretary of State has also had regard to the Publication Draft Local Plan (Part One) - Strategic Policies which was published by West Cheshire and Chester Council on 6 September 2013. However, as it has not yet been subject to testing at examination and so is subject to change, it has been afforded little weight.
16. In deciding Appeal A, given that part of the site lies within, and part adjacent to, the Hartford Conservation Area (IR7.32), the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

17. The Secretary of State considers that the main considerations in this case are those matters identified at IR14.2 and the relationship of the proposals to the development plan.

Housing Demand and Supply

18. The Secretary of State has carefully considered the Inspector's comments at IR14.10-14.26 together with parties' responses to his letters of 7 May and 19 July on the implications of revocation of the RS and the Council's letter of 22 October 2013. The Council and the appellants agreed at the inquiry that the RS provided the housing land requirements from which land supply should be calculated and that 1,317 dwellings should be provided annually in the Council's area between 2003 and 2021 (IR7.2). Based on the RS requirement, the Inspector reports that

the Council's latest Housing Land Monitor shows that it has a housing land supply of 2.6 years against the Framework requirement of five years, and that this is lower than the 2.9 years agreed between the two main parties, indicating a worsening situation (IR14.11).

19. Following the Inquiry the Council, in its letter of 24 May 2013, indicated that the revocation of the RS would raise no issues that would affect its case to the public inquiry. Each appellants' position was similar to this, with Turley Associates' letter of 22 May 2013 on behalf of the Appeal A appellant and The Planning Consultancy's letter of 23 May 2013 on behalf of the Appeal B appellant both indicating that the RS housing requirement is based on the most up-to-date, objectively tested evidence base figures. In its letter of 22 October 2013 the Council states that its housing land supply is between 2.5 and 2.8 years.
20. In light of the evidence before him the Secretary of State considers that the RS evidence base which underpinned its former RS housing requirement should be given weight in this case in the absence of a more robust locally derived target. This is because the RS evidence base was objectively tested through a full examination process prior to publication of the RS. For the reasons set out at paragraph 15 above, the Secretary of State gives little weight to the Council's emerging local plan and the housing requirement set out in it. Based on the RS requirement the Inspector considers that there is a shortfall in the supply of deliverable housing sites. The Council's letter of 22 October 2013 accepts that it cannot currently demonstrate a five year supply of housing land in the Borough. The Secretary of State is therefore satisfied that there is a shortfall in the supply of deliverable housing sites.
21. The Secretary of State agrees with the Inspector that the Council has a record of persistent under delivery of housing land, and that the five year requirement should therefore be increased by 20% (IR14.14). He also sees no reason to disagree with the Inspector that there is a shortfall in the provision of affordable housing (IR14.14) and that the 195 affordable dwellings that the appeal schemes would provide would make a valuable contribution in this regard (IR14.16). For the reasons given at IR14.17-14.20, the Secretary of State agrees with the Inspector that both sites are, and have been for some time, on the horizon for housing development (IR14.20). Regarding the Inspector's comments on localism at IR14.22-14.23 he agrees with Inspector that the significant demand for housing in the Council's area has to take precedence over the absence of an updated local plan and neighbourhood plan. However in reaching this conclusion, the Secretary of State does not agree with the Inspector's comment that, without an updated local plan, the community of Hartford does not have the parameters for its neighbourhood plan (IR14.22). For the reasons given by the Inspector, the Secretary of State agrees with his conclusion that the proposals would not be sufficiently large in their policy context to trigger prematurity issues or to prejudice the outcome of the emerging local plan process (IR14.24). Regarding the issue of previously developed land, the Council considers that there is a shortage of previously developed sites within its area (IR14.25). The Secretary of State agrees.
22. The Secretary of State agrees with the Inspector's conclusions on housing demand and supply at IR14.26. He agrees that: the Council's poor housing land

supply situation renders the related LP policies out of date; the appeal proposals, either in combination or individually, are necessary now to meet immediate housing need; and the presumption in favour of sustainable development in the Framework applies (paragraphs 14 and 49). He also agrees that the proposals would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply and would accord with the Framework in this regard.

High Quality Communities

23. The Secretary of State agrees with the Inspector's reasoning and conclusions set out at IR14.27-14.37. He agrees with the Inspector's conclusion that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities (IR14.37).

Highways

24. The Secretary of State has carefully considered the Inspector's assessment of highways issues set out at IR14.38-14.70. For the reasons given by the Inspector, the Secretary of State agrees with his conclusions at 14.70 that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford and that they do not conflict with the Framework in this regard or any element of LP Saved Policy T1 which is not to be regarded as out of date. He agrees with the Inspector (IR14.70) that the proposals would have an adverse but limited impact on the network in relation to the morning peak queuing on The Green and on Chester Road in an eastbound direction.

Other Considerations

25. In respect of Hartford Conservation Area, the Secretary of State agrees with the Inspector's conclusion (IR14.75) that the built form of the Appeal A proposals would preserve the character and appearance of the conservation area. In reaching this conclusion the Secretary of State agrees with the Inspector that the proposal would result in less than substantial harm to the open nature of the Grange Farm site that contributes to the significance of the conservation area, but that this harm would not outweigh the public benefit that would result from the provision of housing on the site which would be likely to take place and the positive contribution to the significance of the conservation area which would result from the potential re-use and future conservation of the Grange farmhouse (IR14.74). Regarding primary school places, he has had regard to the Inspector's comments at IR14.76-14.77, the unilateral planning obligations submitted in this respect, and to the fact that the Council in its capacity as Education Authority, has not objected to the proposals (IR14.76). The Secretary of State is satisfied that the proposals are not unacceptable in this respect.

26. The Secretary of State agrees with the Inspector's assessment of the proposals' impact on landscape at IR14.78-14.79. He agrees that the Appeal B proposal would not have a harmful effect on the surrounding landscape (IR14.78) and that the Appeal A proposal would not result in any landscape harm (IR14.79).

Regarding suggestions that part of the Grange Farm site should be developed as a village centre (IR14.80), for the reasons given by the Inspector, the Secretary of State agrees with his conclusion that the possibility of such a scheme coming forward would be no reason to dismiss the appeal.

27. The Secretary of State notes that Natural England has not objected to the proposals on ecological grounds and that the Council believes that the proposals would generally enhance the biodiversity of the sites (IR14.81). The Inspector is satisfied that the Appeal A proposal complies with the provisions of the Conservation of Habitats and Species Regulations 2010 and with Article 16 of the Habitats Directive and these conclusions are supported by Natural England (IR14.81). The Secretary of State agrees with the Inspector's conclusion.
28. The Secretary of State notes that both sites are included in historical recorded event records, and that the appellants have carried out archaeological assessments (IR14.82). He has also carefully considered the representations of 12, 27 and 28 August 2013 made by Mr P Herbert in respect of the Grange Farm site and the addition of the World War Two Crash site of an Armstrong Albermale in Hartford to the Cheshire Historic Environment Record Monument Record. Overall, taking into account the fact there has been no objection from the Council's archaeologist to the proposals (IR14.82) and also taking into account the requirements of condition 6 set out in Annex 2 in respect of archaeological investigation, the Secretary of State agrees with the Inspector that there is no justification for dismissing the appeals on the basis of archaeological issues.
29. In addition the Secretary of State agrees with Inspector's reasoning and conclusions in respect of those issues identified at IR14.83-14.84.

Conditions

30. The Secretary of State has considered the proposed conditions at Appendix A and B to the IR, the Inspector's comments at IR13.1 and IR14.89-14.92 and national policy as set out in paragraph 206 of the Framework and Circular 11/95. He is satisfied that the proposed conditions are reasonable and necessary and meet the other tests set out in the Framework and Circular 11/95. The conditions relevant for each appeal are reproduced at annexes 2 and 3 of this letter.

Planning Obligations

31. The Secretary of State has considered the dated and certified unilateral undertakings submitted at the Inquiry (IR13.1), the Inspector's comments at IR13.1-13.2 and IR14.85-14.88 and national policy as set out in paragraphs 203 and 204 of the Framework and Regulation 122 of the CIL Regulations 2010. He notes that the Council has no objection to the terms of the agreements and like the Inspector considers that the submission of unilateral undertakings instead of agreements between the owners of the sites and Council, as suggested in the Council's SPD1, does not count against the appeals (IR14.85). The Inspector considers that the sums secured by the undertakings directly relate fairly and reasonably to the proposal in scale and kind, and they would meet the tests set out in Regulation 122 of the CIL Regulations 2010 as amended (IR14.88). The Secretary of State agrees and accords weight to provisions of the undertakings.

Overall Conclusions

32. The Secretary of State agrees with the Inspector's conclusions at IR15.1-15.5. He has found that the Council is unable to demonstrate a 5 year supply of deliverable housing sites and agrees with the Inspector (IR15.1) that the appeals should be considered in the context of the presumption in favour of sustainable development. He has also found that proposals would provide substantial benefits both in terms of the Government's objective to secure a better balance between housing demand and supply, and the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities.
33. The Secretary of State further concludes that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford, although would have an adverse but limited impact on the network in relation to the morning peak queuing on The Green and on Chester Road in an eastbound direction. He also agrees with the Inspector's conclusion at IR15.3 that the impact in combination or individually would not significantly and demonstrably outweigh the benefits of the proposals such as to justify dismissing the appeals. The Secretary of State is satisfied that the proposals represent sustainable development.
34. Overall, like the Inspector (IR15.4) the Secretary of State concludes that the proposals accord with the relevant up to date policies of the development plan including H14, T1, T3, T9, and T20 and the Government's policies as set out in the Framework including in respect of delivering a wide choice of high quality homes and promoting sustainable transport.

Formal Decision

35. Accordingly, the Secretary of State agrees with the Inspector's recommendation. He hereby:

Allows **APPEAL A** by Harrow Estates plc for up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park' at Land at Grange Farm, Hartford, Cheshire, in accordance with application reference 11/05765/OUT, dated 9 December 2011 subject to the conditions set out at Annex 2;

Allows **APPEAL B** by Bridgemere Land PLC and Bridgemere JV Ltd for 'a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane' at Land to the East of School Lane, Hartford, Northwich, Cheshire, CW8 1PW, in accordance with application reference 11/05805/OUT, dated 9 December 2011 subject to the conditions set out at Annex 3.

36. 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.
37. 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

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
39. A copy of this letter has been sent to Cheshire West and Chester Council and the Hartford Joint Action Group. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Authorised by Secretary of State to sign in that behalf

Annex 1

Responses to the Secretary of State's letter of 19th July 2013

Derek Bowden	22 July 2013
MoreenMorrón	22 July 2013
Arthur and Maureen Wyatt	23 July 2013
Dr Robert Mais	23 July 2013
Eira Bowden	23 July 2013
Sam Ryan, Turley Associates	23 July 2013
M Gilbert, The Planning Consultancy	24 July 2013
Peter Jackson	24 July 2013
Aileen Penny	25 July 2013
Allan and Sheila Bell	25 July 2013
Andy Rae	25 July 2013
Anne Lynda Kenny	25 July 2013
Anne Radband	25 July 2013
Anne Roberts	25 July 2013
Arthur and Maureen Wyatt	25 July 2013
B R Slaney	25 July 2013
Brian Wilkinson	25 July 2013
CA and JG Castle	25 July 2013
Carole Miller	25 July 2013
Caroline and Tony Houghton	25 July 2013
Claire Hope	25 July 2013
Craig Hewett	25 July 2013
David Barr	25 July 2013
Derek Bowden, on behalf of the Northwich Town Council Neighbourhood Plan Working Group	25 July 2013
Deryck Petty	25 July 2013
Dr David Richards and Mrs Jenny Richards	25 July 2013
Dr John Swaffield, Secretary, Hartford Civic Society	25 July 2013
Eileen Roberts	25 July 2013
Elizabeth Davies	25 July 2013
Graham Shaw	25 July 2013
Iris Isserlis	25 July 2013
Janet Poole	25 July 2013
John Szostek	25 July 2013
Judith Gordon, Cheshire West and Chester Council	25 July 2013
Julia Griffiths	25 July 2013
June Orton	25 July 2013
Kathryn Joy Hitchenson, John Hitchenson and Kathleen Joan Harrop	25 July 2013
Lucy Roberts	25 July 2013
Mary and Stuart Mellish	25 July 2013
Michael Isserlis	25 July 2013
Mrs Rosemary Jackson and Dr Stephen Jackson	25 July 2013
Neville Roberts	25 July 2013
Paul Flanagan	25 July 2013
Peter Davis	25 July 2013
Peter Fahy	25 July 2013

Philip Ingram	25 July 2013
Philip Millar	25 July 2013
Rox Ellis	25 July 2013
Simon, Joanne and Emily Walker	25 July 2013
Susan Gibb	25 July 2013
Susan Slaney	25 July 2013
Valerie Davies	25 July 2013
Alan Cox	26 July 2013
Alison Gardiner	26 July 2013
Bruce Ursell	26 July 2013
Councillor Paul Dolan	26 July 2013
David Gardner	26 July 2013
David Glenn	26 July 2013
David Tasker	26 July 2013
Diane Hewett	26 July 2013
Dr A P Sharratt	26 July 2013
Dr Alan Adams	26 July 2013
Dr Claire Banner	26 July 2013
Gareth Williams	26 July 2013
Helen Rae	26 July 2013
Hilda Millar	26 July 2013
Joan Dowling	26 July 2013
Joan Parkes	26 July 2013
Jon Pritchard	26 July 2013
Katharine and Clive Thompson	26 July 2013
Katrina Pritchard	26 July 2013
Keith Sexton	26 July 2013
Malcolm Haigh	26 July 2013
Margaret and Eugene Boyle	26 July 2013
Marie Hodgson	26 July 2013
Martin Loftus	26 July 2013
Michael Smith	26 July 2013
Mrs G Pickup	26 July 2013
Mrs J P Sharratt	26 July 2013
Nicholas Smith	26 July 2013
Oliver Rae	26 July 2013
Patricia Cox	26 July 2013
Paul Evans	26 July 2013
Pauline Glenn	26 July 2013
Peter Craven	26 July 2013
Phil Herbert	26 July 2013
Rita Hollins, on behalf of Hartford Parish Council, Hartford Joint Action Group and Hartford Neighbourhood Plan Working Group	26 July 2013
Robert and Debbie Jones	26 July 2013
Robert and Margaret Baker	26 July 2013
Robert Hollens	26 July 2013
Sarah Round	26 July 2013
Sion Hughes	26 July 2013
Vicki Carnell	26 July 2013
W V Gillies	26 July 2013

Annex 2 – list of planning conditions for Appeal A (Land at Grange Farm)

- 1) Details of the landscaping for Phase 1 and the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") in respect of each other phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of Phase 1 and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) Phase 1 of the development hereby permitted and applications for the approval of reserved matters shall be in accordance with the parameters set out in the Design and Access Statement (received 12/12/11) and the approved plans and documents listed in Schedule 1.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the site until the appellant, or their agents or successors in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours;
 - ii) means of enclosure and boundary treatments;
 - iii) car parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - vii) bird nesting-box details;
 - viii) street furniture;
 - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);

- x) retained historic landscape features and proposals for restoration, where relevant;
 - xi) trees, hedgerows and woodland areas to be retained;
 - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
 - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of the proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) Development in any phase shall not begin until a scheme, setting out a precautionary method of working with regard to bats and birds, for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall include methods of working to Grange farmhouse and for the clearance of trees, shrubs and hedgerows. Development shall be carried out in accordance with the approved scheme. No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 11) Development in any phase shall not begin until an up to date badger survey in relation to that phase has been undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 12) No development shall take place until a planting plan and programme for the replanting of fruit trees, to compensate for those lost through redevelopment of the site, have been submitted, to and approved in writing by, the local planning authority. Planting shall be carried out in accordance with the approved plan and programme and be thereafter retained.
- 13) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (setting out long-term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the

local planning authority. The habitat and landscape management plan shall be implemented as approved.

- 14) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 15) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing with the local planning authority.
- 16) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 18) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size and design of luminaries and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.
- 19) Development in any phase shall not begin until a tree pruning and felling specification in respect of that phase has been submitted to, and approved in

writing by, the local planning authority. Development shall be carried out in accordance with the approved specification.

- 20) Development in any phase shall not begin until a plan and details identifying tree Root Protection Areas (RPAs) in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Where it is found that there is conflict between identified tree RPAs and the proposed development, the details shall include a construction specification and method statement relating to those areas. Development shall be carried out in accordance with the approved plan and details.
- 21) Notwithstanding Condition 4, no development shall take place until details, and a programme for the installation, of a removable bollard to prevent unauthorised vehicular access on Footpath 5 - Hartford have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. Notwithstanding Condition 4, the existing surface of Footpath 5 - Hartford, shall be retained with its grass verges.
- 22) Notwithstanding Condition 4, no development shall take place until house type details relating to Plots 1-3 and 52-56 have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 23) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
 - i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
 - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAmax; and
 - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 24) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 25) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in

writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:

- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
- (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
- (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 26) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 27) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 28) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:

- i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
 - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 29) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) details of construction traffic phasing;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) the storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
 - viii) a scheme for the recycling or disposal of waste resulting from construction works;
 - ix) hours of construction;
 - x) details of any piling; and
 - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 30) Development shall not begin until details of the proposed access, including all associated works within the public highway, as set out on drawing no CBO-0018-002 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until that access has been constructed in accordance with the approved details.
- 31) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycle ways within that phase of the development, as indicated on the approved plans, have been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.

- 32) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 33) The development shall not be occupied until a controlled crossing facility has been provided on Chester Road in accordance with the details shown on drawing no CBO-0018-002 Rev A.
- 34) Development shall not begin until details of a car parking area, between Grange farmhouse and Chester Road shown illustratively on drawing no. PL1111 M101 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the car parking area has been constructed in accordance with the approved details and made available for public use, including the approved number of spaces for disabled persons. The car parking area shall be retained for public use, unless otherwise approved in writing by the local planning authority.
- 35) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby permitted. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 36) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
- 37) No development shall take place until a scheme for the management of overland flow, from surcharging of the site's surface water drainage system, during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels and details of measures to prevent blockage of the railway culvert flowing from the site, together with any compensatory flood storage required to accommodate a 1 in 100 year flood event. Development shall be carried out in accordance with the approved scheme.
- 38) No development shall take place until a scheme, showing how foul water will be dealt with, has been submitted to, and approved in writing by, the local planning authority. Only foul drainage shall be connected into the public sewerage system, and the scheme shall provide for all tree protection requirements on the development site. No part of the development shall be brought into use until all drainage, relating to that part of the development, has been completed in accordance with the approved scheme.
- 39) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in

writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.

- 40) Development in any phase containing proposed public open spaces shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.
- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building, extension or structure, and no wall, fence or other means of enclosure shall be erected on Plots 1-3 and Plots 52-56 of Phase 1, other than those expressly authorised by this permission.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alteration or enlargement shall be made to the dwellings on Plots 1-3 and Plots 52-56 of Phase 1, other than that expressly authorised by this permission.
- 44) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

Annex 3 – list of planning conditions for Appeal B (Land to the East of School Lane)

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") in respect of each phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of the first phase and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) The applications for the approval of the reserved matters shall be in accordance with the parameters described and identified in the Design and Access Statement and the Design and Access Statement Addendum for a maximum of 350 dwellings. The development hereby permitted shall also be carried out in accordance with the approved plans listed in Schedule 2.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details, unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the areas of archaeological interest 078/079, 211/219 and 355/359 as identified on the 'Finds' plan appended to the Archaeological Monitoring of Metal Detecting Survey, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours;
 - ii) means of enclosure and boundary treatments;
 - iii) car parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - vii) bird nesting-box details;
 - viii) street furniture;

- ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);
 - x) retained historic landscape features and proposals for restoration, where relevant;
 - xi) trees, hedgerows and woodland areas to be retained;
 - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
 - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) No development shall take place until a badger protection strategy, providing for protection to badgers on and adjoining the site, has been submitted to, and approved in writing by, the local planning authority. The strategy shall include a survey and details of phased mitigation measures, which shall be updated and informed by up to date badger surveys prior to the commencement of development on each phase, and shall be implemented as approved.
- 11) No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 12) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (including the replacement of inappropriate species planting on the valley floor, long term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be implemented as approved.
- 13) No development shall take place until details to secure a minimum 15 m Buffer Zone along the edge of the Marshall's Arm Nature Reserve have been submitted to, and approved in writing by, the local planning authority. If private gardens are proposed to be incorporated into the Buffer Zone, then the

details shall include a tree management scheme for existing and new tree planting within the Buffer Zone. Development shall be carried out in accordance with the approved details.

- 14) No development shall take place until a scheme to secure the retention and protection of the tree T29, identified in the Tree Survey Report submitted with the planning application, has been submitted to, and approved in writing by, the local planning authority. The scheme shall ensure that the tree will be located in an open or garden area. Development shall be carried out in accordance with the approved scheme.
- 15) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 16) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing by the local planning authority.
- 17) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 18) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 19) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size, design of luminaires and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto

vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.

- 20) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
- i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
 - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAmax; and
 - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 21) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 22) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
 - (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
 - (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and

- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved, unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 23) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 24) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 25) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
 - i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
 - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) details of construction traffic phasing;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;

- iv) the storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
 - viii) a scheme for the recycling or disposal of waste resulting from construction works;
 - ix) hours of construction;
 - x) details of any piling; and
 - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 27) No construction in relation to the causeway access route shall take place until a wildlife protection plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include:
- i) a plan showing wildlife protection zones where construction activities will be restricted and where protective measures will be installed or implemented;
 - ii) details of protective measures, both physical measures and sensitive working practices, to avoid impacts during construction;
 - iii) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (birds/badgers); and
 - iv) details of replacement planting (trees and shrubs).

All construction activities shall be implemented in accordance with the approved plan and timetable, unless otherwise approved in writing by the local planning authority.

- 28) No dwelling accessed from School Lane shall be occupied until the access from School Lane has been constructed in accordance with the approved drawing nos. HEY/09 001 P7 and CBO-0019-001 Rev B.
- 29) No dwelling accessed from Douglas Close shall be occupied until the access from Douglas Close has been constructed in accordance with the approved drawing no CBO-0019-002.
- 30) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycleways within that phase of the development, as indicated on the approved plans, has been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in

accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.

- 31) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 32) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby approved. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 33) The site access, from Douglas Close, shall serve only as an access for motor vehicles to no more than 50 dwellings.
- 34) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
- 35) No development shall take place until a scheme to ensure that no ground levels would be raised within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 36) No development shall take place until a scheme for the management of surface water from surcharging of the site's surface water drainage system during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels. Development shall be carried out in accordance with the approved scheme.
- 37) No development shall take place until a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 38) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
- 39) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and

approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.

- 40) No building hereby permitted shall be occupied until a scheme for the eradication of Japanese Knotweed has been submitted to, and approved in writing by, the local planning authority. The eradication scheme shall include: surveying and the identification of the extent of the Japanese Knotweed on a plan; a programme for implementation; and arrangements and a programme for the submission and approval in writing, by the local planning authority, of a validation report confirming the nature of the treatment and eradication. Should a delay of 12 months or more elapse between the submission of the scheme and the commencement of development, a further survey shall be carried out and a revised scheme submitted to, and approved in writing by, the local planning authority before the buildings hereby permitted are occupied.
- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.



Report to the Secretary of State for Communities and Local Government

by Stephen Roscoe BEng MSc CEng MICE

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

Date: 27 February 2013

TOWN AND COUNTRY PLANNING ACT 1990

APPEALS BY HARROW ESTATES PLC AND BY BRIDGEMERE LAND PLC AND BRIDGEMERE JV LTD

CHESHIRE WEST AND CHESTER COUNCIL

Inquiry held on 4-7 & 11 December 2012

Site Visit held on 12 December 2012

Land at Grange Farm, Hartford, Cheshire and Land to the East of School Lane, Hartford, Northwich,
Cheshire CW8 1PW

File Refs: APP/A0665/A/12/2179410 & 2179374

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GLOSSARY

ASLEV	Area of Significant Local Environmental Value
CA	Hartford (Extended) Conservation Area
CIL	Community Infrastructure Levy
CS	Core Strategy
DAS	Design and Access Statement
DCLG	Department for Communities and Local Government
DfT	Department for Transport
DP	Development Plan
DPD	Development Plan Document
EA	Environment Agency
EIA	Environmental Impact Assessment
IHT	Institution of Highways and Transportation
JAG	The Hartford Joint Action Group
LP	Local Plan
LTP	Local Transport Plan
MfS2	Manual for Streets 2
MOVA	Microprocessor Optimised Vehicle Actuation
NE	Natural England
RS	Regional Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground
SP	Structure Plan
SPD	Supplementary Planning Document
SuDS	Sustainable Urban Drainage System
TA	Transport Assessment

Appeal A

File Ref: APP/A0665/A/12/2179410

Land at Grange Farm, Hartford, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Harrow Estates plc against the decision of Cheshire West and Chester Council.
- The application Ref 11/05765/OUT, dated 9 December 2011, was refused by notice dated 7 June 2012.
- The development proposed is an outline application for up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park.

Summary of Recommendation: The appeal be allowed.

Appeal B

File Ref: APP/A0665/A/12/2179374

Land to the East of School Lane, Hartford, Northwich, Cheshire CW8 1PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Bridgemere Land PLC and Bridgemere JV Ltd against the decision of Cheshire West and Chester Council.
- The application Ref 11/05805/OUT, dated 9 December 2011, was refused by notice dated 7 June 2012.
- The development proposed is a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane.

Summary of Recommendation: The appeal be allowed.

1. Preamble

1.1 This report includes: descriptions of the sites, surrounding areas and the proposed developments; a summary of the planning histories and relevant policies; the material points of representations made; my appraisal and conclusions; and my recommendations. Document references are shown in square brackets and, in my appraisal and conclusions, the numbers in subscript indicate the relevant paragraphs of the report to which reference is made. Details of those who took part in the Inquiry and comprehensive lists of the documents and plans referred to are attached at the end of the report. Recommended conditions are attached as appendices.

2. Procedural Matters

- 2.1 At the Inquiry, an application for costs was made by the appellant against the Council. This application is the subject of a separate Report. Prior to the Inquiry, the Hartford Joint Action Group (JAG) was granted Rule 6(6) Party status by letter dated 14 September 2012 [G16].
- 2.2 Mrs J Gordon BA(Hons) MSc MRTPI Principal Planning Officer, Cheshire West and Chester Council did not appear. Her submitted proofs and appendices have

therefore been taken as written representations [JG1 – JG4]. There was no objection from appellants or any other party to this course of action.

- 2.3 At the opening of the Inquiry, the Council requested that certain sections of the rebuttal proof of Mr Posford be deleted from his evidence, and the document has been marked up accordingly [CWC3]. Again, there was no objection from appellants or any other party to this course of action.
- 2.4 The planning applications which are the subject of these appeals were submitted as recorded above [CD1 & CD5]. Applications for screening opinions, pursuant to Regulation 5 of the Environmental Impact Assessment (EIA) Regulations 1999 and 2011, were made in May and November 2011 in respect of the proposed residential developments. The Council confirmed, by letters dated 14 June and 10 November 2011 in respect of Grange Farm and School Lane, that EIAs would not be required, and there is no reason to depart from this position [G17 & G18].
- 2.5 Appeals were made on 10 July 2012, in respect of the Grange Farm and School Lane proposals [G4 & G5] against the refusals of permission by the Council, dated 7 June 2012, [CD3 & CD7] following reports to its committee, [CD2 & CD6]. Each of the Council's decision notices contained two reasons for refusal, as set out below:
1. The development proposals would have a severe impact on the highway network. It is considered that the mitigation measures proposed are insufficient to overcome such impact. Accordingly, the proposal is contrary to the provisions of the National Planning Policy Framework and Policy T1 of the Vale Royal Borough Local Plan First Review Alteration 2006.
 2. Insufficient information has been provided as to the transport impact that the proposed development would have on the Northwich Vision Area. Accordingly, the proposal is contrary to Policy GS9P of the Vale Royal Borough Local Plan First Review Alteration 2006.
- 2.6 The appeals were recovered by the Secretary of State on 27 July 2012 under Section 79 of the Town and Country Planning Act 1990 [G6]. This was as the appeals involved proposals for residential development of over 150 units on sites of over 5ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities. The Council subsequently withdrew its second refusal reason in relation to each of its decisions [G13 & G14].
- 2.7 The Inquiry sat for five days between 4 and 7 and on 11 December 2012. I carried out an accompanied site visit on 12 December 2012 following the closure of the Inquiry. This included viewing the appeal sites and the surrounding area. I was accompanied throughout this site visit by representatives of the appellants and the Council. I also undertook unaccompanied site visits in the surrounding area on 3, 4, 10 and 12 December 2012.

3. The Sites and Their Surroundings

- 3.1 The appeal sites and their surroundings are described in the Statements of Common Ground (SoCGs) [G7 secn 4, G8 secn 4, G9 – G12] which have been agreed between the Council and the appellants. Photographs of the sites and surrounding areas are included in the Design and Access Statements (DASs) submitted with the planning applications [CD1 & CD5].
- 3.2 The Grange Farm site comprises an irregular shaped plot of land of approximately 15.4ha in area and generally adjacent to the settlement boundary of Hartford. The site is enclosed by existing development comprising residential uses to the north, east, south and west together with The Grange and sports facilities to the east. Situated to the north of Chester Road and to the south of the Chester to Manchester railway line, the site has clearly defined and defensible boundaries. Existing fences, hedges and mature tree planting also contain the site where it abuts existing dwellings and the school grounds.
- 3.3 A small area of the site is partly within the Hartford settlement boundary and was previously developed. The remainder of the site comprises predominantly open land that has been in intermittent agricultural use. It is sub-divided into a number of fields by mature hedgerows.
- 3.4 The site contains the former Grange farmhouse which is situated towards the south on Chester Road and is designated as a locally listed building. The house and its grounds are currently derelict and have been since the farmhouse was abandoned. It has suffered fire and vandalism and is in a very poor state of repair.
- 3.5 There is an existing vehicular access to the Grange farmhouse from Chester Road which is also a public footpath that links to The Grange to the east. There are no other vehicular or pedestrian routes directly into or crossing the site. Part of the site, fronting Chester Road and running parallel to the rear boundaries of the properties on the eastern side of Walnut Lane, lies within the Hartford (Extended) Conservation Area (CA) which extends to the south and east.
- 3.6 Beyond the site boundaries, the surrounding area is predominantly residential in character with areas of housing to the east and west and to the north and south, beyond the railway line and Chester Road respectively. 37 properties share boundaries with the site.
- 3.7 The School Lane site has an area of 34ha and is primarily in agricultural use. Whilst it is crossed by a number of hedgerows, it is an open area with few significant features, apart from woodland around its periphery and a belt of recently planted trees. The westernmost part of the site forms a level area, beyond which, to the east, the land falls away towards the River Weaver which forms the eastern boundary of the site.
- 3.8 The Marshall's Arm Nature Reserve adjoins the site to the north. This is an area of ancient woodland, beyond which is the Hartford Campus, which is occupied by a number of schools and colleges. To the west and north west, the site is adjoined by the established residential area of Hartford, whilst to the south it is fringed by the A556. Beyond the River Weaver to the east is the residential area of Kingsmead. The site is not within or adjoining any conservation areas.

3.9 The site is currently accessed from School Lane through residential development along Whitehall Drive and Douglas Close. Views of the site from School Lane are entirely obscured by a combination of intervening development and mature woodland. A public footpath runs alongside the River Weaver linking Northwich town centre to the A556 at Hartford Bridge.

4. Planning Policy

- 4.1 The development plan comprises the Regional Strategy¹ (RS) [CD9] and the Saved Policies of the Structure Plan² (SP) [CD11] and the Local Plan³ (LP) [CD10]. RS Policy DP 1 sets the spatial principles for the region. Policy DP 2 seeks to promote sustainable communities by, amongst other things, fostering sustainable relationships between homes and other concentrations of regularly used services and facilities. Policy DP 4 seeks to make the best use of existing resources and infrastructure by, amongst other things, building upon existing concentrations of activities and infrastructure. It also sets out a sequential approach for the location of development where, after locations within settlements, it seeks to encourage development on land which is well related in relation to services and infrastructure.
- 4.2 Policy DP 5 seeks to manage travel demand, reduce the need to travel and increase accessibility. It also promotes sustainable access between homes and a range of services such as retail, health, education and leisure, and seeks to ensure that this influences locational choices. Policy DP 7 seeks to promote environmental quality, and Policy DP 9 seeks to reduce emissions and reduce climate change.
- 4.3 Policies RDF 1 and RDF 2 set out spatial priorities throughout the region and priorities for rural areas. Policy RDF 1 identifies Northwich as one of the third priority towns for development, behind Manchester and Liverpool together with the inner areas that surround them. Policies L 4 and L 5 set out regional housing provision and potential delivery mechanisms for affordable housing.
- 4.4 The only SP saved policy of any relevance to these appeals is Saved Policy T7 which seeks to ensure that the provision of car parking is used to manage demand for car travel.
- 4.5 The following saved policies of the LP are relevant to these appeals. Saved Policies T1 and T20 relate to transport requirements and travel plans. Saved Policy T1 records that the Council will have regard to, amongst other things: the Cheshire Local Transport Plan⁴ (LTP) [CD23]; reducing the need to travel, especially by car; the production of Transport Assessments (TAs); the accessing of proposals by various transport means; the minimisation of traffic generation; and the production of Travel Plans, detailed in Saved Policy T20.
- 4.6 Saved Policy H4 identifies Hartford as a Tier 1 settlement in the hierarchy for housing development. Saved Policy H14 seeks to ensure that 30% of housing provided on windfall sites within Tier 1 settlement boundaries, for developments of 15 or more dwellings, is affordable. Policies GS2 and GS5 relate to new development in the Borough and the open countryside. Saved

¹ The North West of England Plan: Regional Spatial Strategy: 2008

² Cheshire Structure Plan Alteration: 2005

³ Vale Royal Borough Local Plan First Review Alteration: 2006

⁴ Cheshire West and Chester Council: Local Transport Plan: Integrated Transport Strategy 2011-2026

Policy GS2 seeks to ensure that new development is concentrated on the edge of Northwich amongst other areas, including Hartford. Saved Policy GS5 aims to restrict the construction of new buildings outside settlement boundaries.

- 4.7 Saved Policies NE7 and NE12 refer to the protection of landscape features and the prevention of unacceptable harm to Areas of Significant Local Environmental Value (ASLEVs). Saved Policies NE1, NE5 and NE8 seek to protect the natural conservation resource, endangered species and valuable ecological features. Saved Policies T3 and T9 seek to ensure the provision of safe, secure and covered cycle parking together with facilities for public transport. Saved Policy BE1 seeks to ensure, amongst other things, that adequate amenity and open space is provided. Saved Policy BE4 requires developers to enter into planning obligations to provide new or enhanced infrastructure and community facilities where necessary.
- 4.8 The Council's Core Strategy (CS), which is a key document in the emerging Local Plan, is still at an early stage of preparation and is not expected to be adopted until 2014 at the earliest.
- 4.9 The Council's Supplementary Planning Document 1⁵ (SPD1) [CD12] and CA Appraisal⁶ [CD14] are relevant to these appeals. SPD1 requires, amongst other things, that affordable housing is normally secured by a Section 106 agreement between the Council and the landowner and anyone with a legal interest in the land.
- 4.10 The following Council evidence base documents are also relevant to these appeals. They are the Strategic Housing Land Availability Assessment⁷ (SHLAA) [CD17], the Housing Land Monitor⁸ [CD18] and the Strategic Housing Market Assessment⁹ (SHMA). The Housing Land Monitor shows the Council to have 2.6 years housing land supply.
- 4.11 This report also pays particular regard to the National Planning Policy Framework, Circular 11/95¹⁰ and the Community Infrastructure Levy Regulations as amended [CD21]. It also has particular regard to Planning for Growth [CD15] and The Plan for Growth [CD16].

5. Planning Histories

- 5.1 The planning histories of the appeal sites are described in the SoCGs [G7 & G8]. The Grange Farm site was the subject of an outline planning application in 2000 for some 350 dwellings. The application was however withdrawn following the publication of new national policy which introduced a sequential test for new housing to focus on the development of previously developed land in the first instance.
- 5.2 The site was included within the settlement boundary and allocated for housing development in the 2001 Local Plan. At that time, Hartford was identified as a

⁵ Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007

⁶ Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

⁷ Strategic Housing Land Availability Assessment: 2010 – 2011

⁸ Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update

⁹ Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

¹⁰ Circular 11/95: The Use of Conditions in Planning Permissions

Tier 1 settlement and a main focus for new development. The allocation was larger than the appeal site.

- 5.3 This 2001 housing allocation was deleted from the 2006 LP and the settlement boundary altered to exclude most of the site and identify it as open countryside. This was due to the Regional Planning Guidance and SP policies in place at the time, which sought to restrict housing development in the shires and focus on regeneration in areas of housing market failure. The SP anticipated that the Borough strategic housing requirement could be largely met by developing on previously developed land in urban areas. The current LP therefore only contains a limited number of housing allocations and a windfall housing policy.
- 5.4 A development comprising 19 dwellings on the former Hollies Farm, immediately adjoining the School Lane site, was granted permission in March 2010 Ref 09/01980/FUL. It has now been implemented. Planning permission was granted, on appeal, in 2009 for a 6m wide field access from School Lane just to the north of the Hartford Hotel, the access being carried across a pond by means of a bridge. This permission was renewed in March 2012 Ref 11/05186/EXT.

6. The Proposals

- 6.1 The proposals are described in the SoCGs [G7 secn 6 & G8 secn 6].
- 6.2 The application for the Grange Farm site contains the majority of the details for the first phase of 56 dwellings. In this phase, notwithstanding the description of the proposal in the planning application, only landscaping is reserved for subsequent approval. For the remaining, and larger, part of the site, details were only submitted for vehicular access with an illustrative masterplan for these areas, including an area of off-street parking fronting Chester Road. Details are set out in the DAS [CD1].
- 6.3 The first phase would be located at the southern end of the site between Walnut Lane and The Grange. It would comprise: two to five bedroom dwellings, the larger units being on generous individual plots fronting Walnut Lane; a new community green on Chester Road; the spine road into the site; and a cul-de-sac of 24 dwellings adjacent to The Grange. The larger units would lie within or immediately adjacent to the CA, would have a layout and design to reflect the character of the CA and would complement the surrounding development. The other units in the first phase would comprise smaller two, three and four bedroomed units centrally located within the site.
- 6.4 The illustrative masterplan demonstrates how the remainder of the site could accommodate some further 244 units comprising a mix of two to five bedroom dwellings arranged in blocks centred on the primary residential street and around open spaces. The masterplan shows that the 0.5ha community green would have links to a linear park cutting north – south through the site. The 0.6ha park would enable longer views over and through the site towards the open space of the school playing fields adjacent to the north-eastern boundary. Such views are currently largely screened from public views along Chester Road due to an overgrown leylandii hedge.
- 6.5 The primary street would run through the site, approximately parallel to Walnut Lane, the starting point for which would be adjacent to the community

green. The street would meander around a series of open spaces towards the northern and western boundaries of the site. Pedestrian routes would run through the site adjacent to, or within, areas of open space linking into the community green, linear park and routes to Chester Road. The existing pedestrian access to The Grange would be retained.

- 6.6 The proposal would be accessed via a priority vehicular junction onto Walnut Lane together with a modification of the existing priority junction of Walnut Lane with Chester Road. An emergency access would also be provided at the northern end of Walnut Lane. It would link to an existing public footpath, would be pedestrianised, with bollards fitted to enable the passage of emergency vehicles only.
- 6.7 The masterplan shows the landscaped area of dedicated off-street parking partly in lieu of the loss of 6 car parking spaces on Chester Road. These spaces would be accessed directly from Chester Road. They would be provided to serve visitors to the nearby shops and facilities as well as the potential D1 use of the Grange farmhouse. A number of minor improvements and amendments to the public highway and footpaths are proposed, including the provision of a controlled Puffin crossing on Chester Road.
- 6.8 The masterplan proposes a large amount of open space across the remainder of the site. Overall, a total of 2 ha of open space is identified within the site in the form of areas of informal recreation, local equipped areas of play and landscaping. All of the existing trees identified in Categories A or B (retention most desirable or desirable respectively) would be retained. Where possible, existing hedgerows would also be retained. The natural topography, and the existing ditch system, of the site would offer the potential for the use of Sustainable Urban Drainage Systems (SUDS) as part of open areas, particularly in the north-western part of the site.
- 6.9 The development would be likely to comprise a variety of detached and semi-detached houses with some short terraces, up to 4 units, and up to a maximum of 2.5 storeys in height. The style and design of the housing would comprise dwellings constructed of a mix of brick, tile, render and weather-boarding to reflect the local style and vernacular in The Grange and Walnut Lane. The affordable housing would be pepper-potted throughout the site.
- 6.10 The proposal includes the retention and re-use of the Grange farmhouse, which offers the potential for reuse for local community purposes, such as a dental surgery. Alternatively, if there is no commercial interest in the building, it could be refurbished as a dwelling.
- 6.11 The planning application for the School Lane site is in outline with all matters reserved except for access. The indicative layout indicates that the area of built development would be limited to some 19ha of the site, with some 15 ha, alongside the River Weaver, being used for open space purposes. Tree removal, for the purposes of forming the access and elsewhere, together with hedge removal, would be kept to a minimum. A buffer zone would be incorporated within the proposal to safeguard the Marshall's Arm Nature Reserve. The priority junction access to School Lane would be at a very similar point to that which has already been approved for an agricultural access, just to the north of Hartford Hall Hotel. A pond would however be crossed by means of a causeway rather than a bridge. A small number of

dwellings would be accessed from Douglas Close, which would also provide a secondary emergency access for the whole site.

- 6.12 The proposal includes the upgrading of a footpath alongside the River Weaver, to provide a footpath and cycleway into Northwich town centre and a similar link through the nature reserve to the Hartford campus. These would be considered in more detail at reserved matters stage following concerns expressed by council consultees.
- 6.13 The 15ha of open space would be laid out primarily as an informal area of parkland with additional areas of open space, for amenity and children's play, provided within the built up area of the site. Landscaping treatment would provide an acceptable interface between the built up area and the parkland to maintain the character of the river valley. The parkland would also enable the enhanced use of the river corridor for recreation purposes and the layout would provide improved access to the corridor for the existing residents of Hartford.

7. Other Agreed Facts

General

- 7.1 Other facts agreed between the appellants and the Council are included within SoCGs. For the Grange Farm proposal, SoCGs have been agreed on planning, heritage and environmental issues and on transportation [G7 & G9]. For the School Lane proposal, SoCGs have been agreed on planning and environmental issues and on transportation [G8 & G11]. The SoCGs refer to the following matters, amongst other things.
- 7.2 The RS provides the housing land requirements from which land supply should be calculated [CD9]. Some 1,317 dwellings should be provided annually in the Council's area between 2003 and 2021 [CD9 tbl 7.1]. There is a 2.9 year supply of housing land that the Council considers to be deliverable within five years as of 1 April 2012 [CD18]. This amounts to a five year shortfall of 3,615 dwellings.
- 7.3 The LP saved policies relating to housing land supply should therefore be considered out of date, and the Framework sets out clear guidance for decision makers in these circumstances [CD8 paras 14 & 49 & CD10]. The proposal would not accord with LP Saved Policy GS5, but this policy should be read in the context of the Framework as a material consideration [CD8 para49].
- 7.4 There has been an under provision of 3,918 dwellings between 2003 and 2012, and completions only exceeded the average annual requirement in 2005/06. There is therefore a record of persistent under delivery of housing, and the five year requirement should be increased by 20% [CD8 para 47]. To significantly boost the supply of housing, local planning authorities should use their evidence base to ensure their local plan meets needs for market and affordable housing [CD8 para 47].
- 7.5 It is therefore necessary to identify a 6 year supply of housing land to make up the shortfall as quickly as possible. The current deliverable supply is less than half this figure, and there is an urgent need to bring forward appropriate sites. Given the significant shortage of deliverable previously developed sites to make up this shortfall, priority should be given to other performance criteria

such as location and sustainability. The proposals would make an important contribution to the supply of housing in the district, and the affordable homes would be constructed alongside the open market dwellings.

- 7.6 There is a gross annual shortfall in affordable housing of 1,311 dwellings, and new households are forming at a rate of 1,140 per annum with 470 of these being unable to afford open market prices or rents for housing [CD19]. Net affordable dwelling annual completions have averaged 304 over the past four years [CD18]. The proposals would provide 30% affordable housing in accordance with LP Saved Policy H14, and this would make a valuable contribution towards meeting housing needs [CD10].
- 7.7 The LP identifies Hartford as a Tier 1 settlement and a main focus for development due to its sustainable location. The LP seeks to concentrate new housing within and on the edge of Northwich, including Hartford. A principal element of the LP is the regeneration of Northwich Town Centre, including the development of the Winnington Urban Village. The proposals have the opportunity to link with the regeneration priorities and investment in Northwich and would not have any materially detrimental impact on the delivery of this regeneration project. Moreover, none of the LP brownfield housing allocations in Northwich Town Centre have so far been delivered.
- 7.8 The emerging Local Plan can only be afforded limited weight as it is still at an early stage of progress, and the CS is unlikely to be adopted until the end of 2014. The evidence base for the CS (including the SHLAA and the SHMA) does however provide some relevant background to the emerging Local Plan [CD17 & CD19]. The SHLAA has been prepared in accordance with the Strategic Housing Land Availability Assessments Practice Guidance.
- 7.9 The Council's January 2011 Issues and Options Paper put forward housing growth rates for Northwich, including Hartford, of between 10 and 30%. It also suggested that greenfield sites would be required to achieve supply in the short, medium and long term. Further consultation indicated that greenfield sites would be required under a moderate growth strategy in all the main urban areas.
- 7.10 The proposals are not so significant in the context of the overall housing requirement and not so substantial as to raise issues of prematurity as set out in paragraph 19 of the General Principles Document¹¹. Furthermore, given the early stage of preparation of the emerging Local Plan, the proposals would not raise any unacceptable issues of prematurity or precedent.
- 7.11 The LP does not provide any basis for disaggregating the housing land supply requirements to the more local level so as to provide a sound strategic basis for the preparation of a neighbourhood plan for Hartford. The preparation of such a plan will therefore need to await the formulation of the CS where, it is intended that, appropriate strategic guidance will be set out. It is thus likely to be at least the end of 2014 before such a document can be adopted.
- 7.12 A recent appeal relating to residential development at Cuddington raised similar circumstances to those posed by the current appeals [CD20].

¹¹ The Planning System: General Principles: ODPM: 2005

- 7.13 The statutory school walking distances, defined by the Council, are 2 and 3 miles for primary and secondary age children. The Council considers it appropriate, subject to reasonable exceptions, for children to walk this distance to get to and from school, accompanied if necessary. No travel subsidy is provided within these limits or if, due to parental choice, a child does not attend his or her nearest school.
- 7.14 There are 18 state and privately run education facilities within the statutory walking distances of all of the sites [G9 App GCG1 & G11 App HCG1]. Of the state, special and faith schools, there are 7 primary and three secondary schools. The number of school places in many of these schools exceeds that which is taken by residents within those catchments.
- 7.15 Hartford has two railway stations. Hartford station has regular high speed services to Liverpool, Runcorn, Winsford, Crewe, Stafford and Birmingham [G9 fig GCG4 & G11 fig HCG4]. Greenbank station has local commuter services to Manchester, via Northwich, and Chester. A 30 min interval weekday bus service to Chester and Northwich runs along Chester Road [G9 fig GCG5 & G11 fig HCG5].
- 7.16 There are also a number of major employment facilities in the surrounding area, and the Council's emerging Local Plan evidence base acknowledges that Northwich plays an important sub regional role as a centre for retail, employment and local services [G9 App GCG2 & G11 App HGC2].
- 7.17 The profile for traffic flows on Chester Road across a typical day, measured on Wednesday 12 October 2011, show: an am peak, from 08.00 to 09.00; a school closing pm peak, from 15.15 to 16.15; and a commuter pm peak from 17.00 to 18.00. There are no major half day closures locally or any other reason that would affect the count results. As flows measured during the school holiday period, on Thursday 27 October 2011, are far lower, the educational establishments increase traffic in the area.
- 7.18 Queue lengths were measured on Thursday 20 September 2012, in school term time, and on Thursday 27 October 2011, in school holiday time, and profiles have been plotted [G9 App GCG4 & G11 App HCG4].
- 7.19 The Base Case demand flows for the peak hours include an allowance for committed development. They are an appropriate benchmark against which the development can be assessed prior to an allowance for trip demand reduction as a result of any Travel Plan or driver behavioural change [G9 App GCG3 & G11 App HCG3]. The daily variation in flows could however be plus or minus 15%. The Draft Interim Travel Plans are appropriate and acceptable [G10 & G12].
- 7.20 The traffic growth rate is currently zero in Hartford at peak commuter and education travel periods and has been so for at least 10 years. This is likely to be due to a perceived inconvenience for travel by car at these times compared to alternatives. The result is a pool of suppressed demand for car travel at these times.
- 7.21 The Council has improved the junctions of Chester Road with Bradburns Lane and The Green. One of the consequences was to improve pedestrian facilities which in turn can reduce traffic capacity when there is significant pedestrian use.

7.22 The five year accident record for Hartford does not show any consistent pattern of repeats. Whilst any accident is regrettable, the accident characteristics are not unusual and do not give cause for anything more than usual concern. Moreover, the Council has not identified the Hartford transport network as requiring accident remediation.

Grange Farm

- 7.23 The outline planning application in 2000 for some 350 dwellings on the site, which was subsequently withdrawn, included a medical centre and a community hall.
- 7.24 In the 2001 Local Plan, the policy requirements for the site included the provision of a village green, car parking for the local shops and the re-use of Grange farmhouse.
- 7.25 The 2001 housing allocation was deleted from the 2006 Local Plan. The changes to the policy status of the site over the years, particularly in relation to the 2001 and 2006 Local Plans are explained by reference to strategic priorities and the planning context set by national and regional policy.
- 7.26 The site is partly within the Hartford settlement boundary and is partly developed with the remainder allocated as open countryside within LP Saved Policy GS5. The site is not allocated as protected open space, lies adjacent to a Tier 1 location and is the highest priority for development. The Council, in its SHLAA, has identified the site as being suitable for housing with a capacity of 300 dwellings in years 6 to 15 [CD17].
- 7.27 Beyond the site boundaries, the surrounding area is predominantly residential in character. A number of schools are located in close proximity to the site, including two primary schools, two high schools and Mid Cheshire College, all within 1.3km of the centre of the site.
- 7.28 The centre of the site is located 0.65km from the crossroads at the centre of Hartford. There are shops and services immediately to the south of the site including a supermarket, public house, bakery, butcher, florist, hairdresser and pharmacy. A post office, community hall, Church and sports and social club are all located within a short walking distance from the site. A newsagent, doctor's surgery and a dentist are situated within an acceptable walking distance from the site. It is highly accessible and falls well within the Council's accessibility range [HE4 para 2.7].
- 7.29 The bus service to Chester and Northwich runs along Chester Road, immediately to the south of the site [G9 fig GCG5]. Bus stops are located within walking distance of the majority of the site. Chester Road has footways on either side of the carriageway providing access to the rest of the settlement [G9 fig GCG3].
- 7.30 Hartford's two railway stations are both within a comfortable walking and cycling distance of the site. Hartford station is 0.5km to the west of the site and Greenbank station is some 1.5km to the east of the site.
- 7.31 The proposal would accord with the spatial priorities and principles set out in RS Policies RDF 1 and DP 1 to 9. The DAS submitted with the planning application demonstrates how, with appropriate conditions, the principles of good design could be embodied in the development of the site.

- 7.32 Part of the site lies within, and part adjacent to, the Hartford CA, which is supported by a CA Appraisal [CD14]. The appraisal describes four important spaces that relate to an open linear spine of Chester Road in the CA, one of which is the Grange Farm site adjacent to Walnut Lane [CD14 para 3.3]. The appellant has also carried out a heritage assessment [CD1]. The proposal would include larger units on generous plots fronting Walnut Lane. These units would lie within or immediately adjacent to the CA and would have a layout and design to complement the surrounding development. The first phase of the development would provide a mix of housing that would reflect the character of the CA. The proposed community green on Chester Road would respond positively to guidance in the Village Design Statement and the CA Appraisal [CD13 & 14].
- 7.33 The significance of the CA is defined by a combination of its evidential, historical, aesthetic and communal values. The Grange farmhouse, within the CA, is a locally listed building and is of significance as a non-designated heritage asset. Subject to appropriate conditions, the proposed development is capable of resulting in a neutral effect on the character, appearance and significance of the CA.
- 7.34 A linear park would allow views through the site towards the open space of the playing fields adjacent to the north east boundary of the site. The proposal would provide formal parking for the local shopping centre. The illustrative masterplan shows a landscaped area of dedicated off-street parking partly in lieu of the loss of 6 parking spaces on Chester Road which serve visitors to the nearby shops and services.
- 7.35 The site has been the subject of a Phase 1 Habitat survey and Phase 2 surveys for bats, barn owls, badgers and reptiles. It is of moderate ecological value, based on its potential to support protected UK, local Biodiversity Action Plan and red data species and the proposal would, in general terms, enhance the biodiversity value of the site. In respect of the three tests of the Conservation of Habitats and Species Regulations 2010 and Article 16 of the Habitats Directive:
- i) the principle of development on the site is justified due to the need for residential development in the borough and, in the circumstances, there is no satisfactory alternative;
 - ii) the development would not be detrimental to the maintenance of the population of bats, subject to a precautionary working method for tree felling and demolition, and the development would be unlikely to have a direct impact or effect on badgers or breeding birds subject to the imposition of appropriate conditions; and
 - iii) the development would not cause unacceptable harm to any statutory or non-statutory designated nature conservation site.
- 7.36 The proposal would therefore comply with the provisions of the Conservation Regulations, the Habitats Directive and LP Saved Policies NE1, NE5, NE7 and NE8. This conclusion is supported by Natural England.
- 7.37 The submitted archaeological survey recommends that a watching brief, to record any findings, is carried out during the course of the development. A programme of archaeological work or mitigation could be satisfactorily secured

by an appropriately worded condition in accordance with the LP. The site comprises Grade 2 and 3a agricultural land. Whilst the LP seeks to protect land in the highest categories, this may be outweighed by other considerations. Here, the benefits in terms of housing supply would outweigh the loss of agricultural land, and this conclusion is supported by Natural England.

- 7.38 The site is not within a flood risk area, as shown on the Environment Agency (EA) flood zone maps, and is not subject to flood risk from any other sources. The development is capable of incorporating SuDS. The EA has confirmed that the proposal would be acceptable in principle and United Utilities has not objected to it, subject to the imposition of various conditions relating to discharge rates and the extension of existing water mains.
- 7.39 The appellant expects to be able to sell 32 open market dwellings per annum. This is however a conservative figure, as Hartford represents a relatively strong market area, even in the present economic climate. The proposed development is expected to generate the need for 55 primary and 39 secondary school places. These secondary school pupils could be accommodated within the surplus places that currently exist at Hartford High School. There are some surplus spaces at the local state primary schools, but a significant number of the places at both Hartford primary schools are occupied by out of catchment pupils.
- 7.40 The past use of the land may have resulted in areas of low level contamination on small parts of the site, but such contamination would not prohibit the development. Risks are limited and could be dealt with by the imposition of appropriate conditions. There would be some potential for impact on residential amenity arising from construction activity, but this could be satisfactorily controlled through the imposition of appropriate conditions.
- 7.41 The visibility splays at the proposed site access and the reconfigured Chester Road and Walnut Lane junction would be appropriate and adequate, and the access arrangements have been agreed with the Council as Highway Authority. The masterplan, first phase layout and pedestrian, cycle and vehicular accesses, as well as the proposed pedestrian crossing, would be appropriate and acceptable and would satisfactorily serve the development.
- 7.42 There would be no material effect on highway and transport safety as a result of the development. The reason for refusal relates specifically to traffic impact at the junctions of: Chester Road with The Green; Chester Road with School Lane; and Chester Road with Bradburns Lane. The remainder of the highway network would be expected to be able to accommodate the additional traffic demands of the developments, either individually or cumulatively with that from development on the School Lane site.

School Lane

- 7.43 The Council, in its SHLAA, has identified the site as being suitable for housing with a capacity of 735 dwellings in years 6 to 16+ [CD17]. It has not raised any reason for refusal relating to the principle of residential development on the site. The site is contained within the general extent of the established urban area of Northwich, but lies outside the present identified settlement boundary. It is however adjacent to a Tier 1 location, and is the highest priority for development.

- 7.44 The site is highly accessible and in close proximity to shops, schools, community facilities and public transport. Day to day facilities in the centre of Hartford are within an acceptable walking distance of the site [G11 fig HCG2]. Hartford's two railway stations are both within easy walking, cycling and driving distance of the site. The site is therefore in a sustainable location, and there is a presumption in favour of sustainable development [CD8 para 19].
- 7.45 The permitted access for the 6m wide field entrance from School Lane would be at a very similar point to that which is the subject of this appeal.
- 7.46 The proposal would accord with the spatial priorities and principles set out in RS Policies RDF 1 and DP1 to 9. The DAS submitted with the planning application demonstrates how, with appropriate conditions, the principles of good design could be embodied in the development of the site.
- 7.47 Saved LP Policy NE12 identifies the site as being within an ASLEV to be protected from unacceptable harm, but it is not allocated as protected open space. The policy however, which seeks to control the extent of development, should now be given limited weight in the context of the Framework and the housing land shortfall. In any event, the proposal would not result in unacceptable harm to the landscape and would not conflict with LP Saved Policy NE12.
- 7.48 The indicative proposal includes a major area of open space alongside the River Weaver which would enhance the use of the river corridor for recreation and improve public access to the corridor. An acceptable landscape interface could be provided between the open space and the built up area of the site to maintain the character of the river valley. The Council's consultees have raised concerns regarding the proposed footpaths and cycleways alongside the River Weaver and through the Marshall's Arm Nature Reserve to the Hartford Campus. Should the appeal be allowed, these matters would be considered further at reserved matters stage.
- 7.49 There are no ecological interests on the site that would prevent the proposal proceeding, and it would in fact enhance the biodiversity value of the site. The site has been the subject of an archaeological investigation, and there is no evidence of any interest that would preclude the granting of planning permission subject to appropriate conditions. There would be some potential for impact on residential amenity arising from construction activity, but this could be satisfactorily controlled through the imposition of appropriate conditions.
- 7.50 The appellant envisages that the sales rate for the site would be a minimum of 64 open market dwellings per annum. The proposed development is expected to generate a need for 63 primary and 45 secondary school places. These secondary school pupils could be accommodated within the surplus places that currently exist at Hartford High School. There are some surplus spaces at the local state primary schools, but a significant number of the places at both Hartford primary schools are occupied by out of catchment pupils.
- 7.51 The illustrative masterplan and pedestrian, cycle and vehicular accesses would be appropriate and acceptable and would satisfactorily serve the development. There is no highway reason as to why a modest number of dwellings cannot be accessed from Douglas Close. Furthermore, there would be no material effect on highway and transport safety as a result of the development. The reason

for refusal relates specifically to traffic impact at the junctions of: Chester Road with The Green; Chester Road with School Lane; and Chester Road with Bradburns Lane. The remainder of the highway network would be expected to be able to accommodate the additional traffic demands of the development, either individually or cumulatively with that from development at Grange Farm.

8. The Cases for the Appellants

The material points are:

Introduction

8.1 These material points address the issues arising with regard to both appeals, where distinctions are drawn between them this is made clear. Where there are particular advantages arising from one or other of the proposals these are identified. The points address the second main consideration first, since there is very little that is contentious in that regard.

8.2 SOCGs have been prepared [G7, G8, G9 & G11]. Their importance was highlighted in the case of Poole (R. on the application of) v. the Secretary of State for Communities and Local Government (2008) EWHC 676 at para 44 when the then Sullivan J. observed:

"The imperative in the rules requiring the principal parties to focus their attention on the issues that are in dispute would be wholly frustrated if appellants and local planning authorities were unable to place any degree of reliance on matters that have been apparently resolved in a statement of agreed facts. It would be entirely unsatisfactory if, having agreed such matters, the principal parties to an Inquiry would still have to prepare their evidence on the basis that the Inspector might wish to pursue a particular line of reasoning that departed from the agreed statement".

The Development Plan and Planning Policy Background

8.3 The only SP Saved Policy that is relevant to the appeal proposals is Policy T7, which identifies maximum parking standards and that new development should make adequate provision for cycle parking [CD11]. No conflict is alleged with that policy.

8.4 With regard to the Development Plan (DP), it is agreed that [G7 & G8]:

- i) the LP Saved Policies relating to housing which provide settlement boundaries should be regarded as out of date.
- ii) the LP seeks to concentrate new housing within and on the edge of Northwich, which the plan confirms includes Hartford;
- iii) the proposals would not have any detrimental impact on the delivery of any regeneration schemes;
- iv) although there have been housing developments in the wider area in recent years, there have been no allocations for housing development in Hartford in either the current LP or its predecessor ;
- v) Hartford is a Tier 1 settlement and part of the Northwich urban area which is a priority for development in RS and, as a Tier 1 settlement in the LP, Hartford is a sustainable location for new housing development;

- vi) apart from the alleged conflict with LP Saved Policy T1, no conflict is alleged with any other relevant policy of the DP;
- vii) in terms of the emerging DP, the proposals should not be regarded as premature and the progression of any neighbourhood plan will need to await the advancement of the CS;
- viii) full weight can be accorded to the relevant RS policies in the determination of these appeals; and
- ix) the proposals accord with the spatial priorities and principles in the RS.

8.5 The DP position is therefore a strong one in support of the grant of planning permission for the appeal proposals. The proposals accord with every relevant element of the strategy of the DP, which includes the most recent and up to date approach with regard to ensuring that housing development takes place in sustainable locations. Neither the Council's nor JAG's evidence identifies any preferable location at Hartford which would produce a more sustainable outcome than either of the appeal proposals. The Council accepts that the appeal proposals can be appropriately characterised as being sustainable development. This is with the single caveat in relation to the alleged conflict with transportation policy with regard to the impact on congestion at the identified junctions.

8.6 With regard to the alleged conflict with LP Saved Policy T1, the policy is agreed to be out of date as not being in conformity with the Framework [Posford XX]. The policy itself is not phrased in terms of "refuse if", but rather "take into account" and "have regard to", and it was agreed that [Posford XX]:

- i) the LTP is fully up to date, and the proposals do not have any conflict with any element of it [CD23];
- ii) the proposals would reduce the need to travel by car and are sustainable in that regard with no conflict with the second criterion of the policy, and the Council has also agreed the draft Travel Plans [G10 & G12];
- iii) TAs have been produced, with no outstanding requests for any further information and no reasons for refusal alleging a lack of information [G1 TA & G5 TA];
- iv) there is no allegation of any impact on local amenity, the environment or safety;
- v) there is no impact with regard to any trunk road or free flow of traffic on it, and it is of note that the criteria for trunk roads is materially different to that for more local roads;
- vi) the Council accepts that the proposals are accessible by a variety of means of transport, and they are therefore sustainable in that regard;
- vii) whilst the policy seeks to minimise the effects of traffic generation, this criteria, which is relied on in the reasons for refusal, conflicts with the Framework and cannot be given any weight; and
- viii) the LP includes a range of other policies relating to transportation issues, such as public transport, walking and cycling, none of which are relied upon [Posford XX].

8.7 In these circumstances, it is not possible to allege any conflict with any up to date element of the policy relied on in the reasons for refusal.

8.8 The Council has also included both appeal sites in its SHLAA [CD17]. This would have required the specific consideration of the extent to which the proposals would contribute to the creation of mixed and sustainable communities. This should be seen against the background of the range of matters agreed in the SoCGs.

Other Material Considerations

8.9 There is a range of other material considerations which support the grant of planning permission in these cases. The most material is the position with regard to housing land availability in terms of shortage of supply [G7 & G8].

8.10 With regard to affordable housing, the Council agrees that it has a gross annual shortfall, and that the proposals would make an "important contribution to the supply of housing in the district" [G7 para 7.37 & G8 Para 7.37]. It is also agreed that the proposals would make "a valuable contribution towards meeting housing needs". The proposals would also include a contribution towards open space availability in the area, which is of wider benefit.

8.11 The recent appeal decision at Forest Road, Cuddington [CD20] raised a number of relevant issues [G7 para 7.47 & G8 para 7.47] including:

- i) mechanisms to respond to the severe shortfall in housing land are largely absent, and there is no immediate prospect of any Development Plan Document (DPD) providing a context in which to allocate sites;
- ii) Cuddington is on the edge of Northwich and is thus suitable to accommodate its share of development;
- iii) there is no compelling evidence that granting permission would undermine the regeneration of Northwich;
- iv) the provision of affordable housing would make an important contribution to meeting an outstanding and clearly identified need;
- v) the site is in an inherently sustainable location having access to shops, schools, community facilities and a railway station; and
- vi) even though the site is in the open countryside in present policy terms, RS Policy RDF 2 does not provide an appropriate policy context to judge the proposal in the light of the severe shortfall in housing.

8.12 The Council agrees that all of the above conclusions are similarly applicable to the appeal proposals.

8.13 The Council also agrees that the appeal sites are in sustainable locations [G9 & G11]. Some of the matters that have been agreed with the Council in this regard are that:

- i) the sites are within the Hartford and Greenbank ward and within the conurbation that includes Northwich Town Centre [G9 para 1.4 & G11 paras 1.4];

- ii) the sites lie either at the heart of Hartford (Grange Farm) or on Hartford's south east side but bounded by residential development on its north side (School Lane);
- iii) with regard to walk routes, these are predominantly on footways which are generally of an appropriate size and in an appropriate state of repair;
- iv) cyclists use the carriageways, which is appropriate, and they are content to do so in the context of the preferred approach set out in the guidance in Manual for Streets 2 (MfS2);
- v) the sites are close to two railway stations and within reach of them by foot, cycle and car, and the railway stations serve a wide variety of destinations;
- vi) buses serve Hartford, and the sites are in sustainable locations in terms of public transport accessibility;
- vii) the sites are within the statutory school walking distance which the Council considers it reasonable for children to adopt for the purposes of walking to and from school;
- viii) there are no less than 18 educational facilities within the statutory walking distance of sites;
- ix) day to day facilities are within acceptable walking distances of the sites;
- x) taking into account the proximity of day to day facilities, the provision of walking and cycling networks and public transport, the sites are in sustainable locations;
- xi) there are a number of major employment facilities in the surrounding area which are accessible by a variety of means; and
- xii) with the single exception of LP Saved Policy T1, the proposals comply with all other elements of national, regional and local policy.

8.14 It is suggested by JAG that the sites should not be regarded as being in sustainable locations due to the existence of maximum walking distances applicable to either local facilities or public transport options [MK1 secn 5]. The Council however adopts walk distances of, for example, 1.6km to day to day facilities, including primary schools, and distances in the order of 800m for access to bus stops [CD25 & MAV4 para 4.5]. The Institution of Highway and Transportation (IHT) 2000 Guidelines however suggest a preferred maximum of 2km and a suggested acceptable distance of 1km for commuting [MAV4 para 4.6.4].

8.15 The data from Leeds shows the inappropriateness of the JAG suggested maximum walking distances [HE7]. In addition, JAG's approach is not supported by its own school travel document evidence [MK2 & MK4]. This demonstrates that the distances which would be, for all practical purposes, the maximum distances from any house on the appeal sites are already being walked by very many pupils. It also demonstrates that there exists a desire by many more to walk to school if appropriate encouragement was provided. Moreover, the maximum walking distances promoted by JAG are based on old, generic and (for present purposes) out of date guidance.

- 8.16 It is agreed that the large number of educational institutions in Hartford is generating a traffic problem [Posford XX & Kitching XX]. A large number of children are brought into Hartford by car in circumstances where, if they were displaced by more local children, there would be a distinct and beneficial effect.
- 8.17 As all of the schools considered wish to adopt sustainable travel, if resources were available, it is inconceivable that they would not adopt an approach of favouring local catchment children in terms of school places [HE15]. Considering the schools with identified catchments in the Transportation SoCGs, there are currently over 1,000 pupils attending the schools from outside the catchment areas [HE6]. Therefore, in all probability, they predominantly travel to school by car and contribute to the current congestion. The fact that the schools adopt catchments provides the best indication of their approach to identifying areas from which pupils will be favoured.
- 8.18 In terms of the creation of sustainable communities, making housing available in areas where school places are available, or can be made available, for children in locations which are accessible by sustainable modes, has distinct benefits. The benefits arise not only with regard to the adoption of sustainable modes of travel and the relief of congestion, but also with regard to the wider community aspects. There are social and community benefits from adopting sustainable transport measures and having children from the local area attending local schools and residents using local facilities [Axon XC]. This is precisely what the appeal proposals provide the opportunity for.
- 8.19 There is no doubt that the appeal sites offer the opportunity for appropriate access to Hartford's two railway stations on foot [Axon XC]. Moreover, it is agreed that they are highly accessible by cycle [CD5 TA URS Review]. There is no reason why anyone should choose to drive to the stations in circumstances such as these. That some people, no doubt coming from further away, do so is plain from the evidence given with regard to parking related to station use. All that evidence serves to do however is to deny the suggestion that the stations do not offer a popular and relevant service for commuters served by the array of destinations on the relevant railway lines.
- 8.20 A vast range of community facilities and services is available in Hartford [Gilbert XC, Ryan App 1, G7 & G8]. This (coupled with the almost certainly unique range of educational facilities, the availability of two railway stations and bus services that were favourably commented on in the Cuddington decision) makes Hartford an outstandingly sustainable location to provide housing in [CD20]. If locations such as these are not to be regarded as accessible, then it is difficult to imagine any location that might be so regarded. Appropriate encouragement for the adoption of sustainable modes of travel would also be provided by the travel plan prepared for each site. These have had full regard to all relevant guidance and have not attracted any criticism from the Council [G9 & G11].
- 8.21 In relation to the first consideration therefore, the appeal sites offer outstandingly good opportunities to contribute to the provision of much needed housing in highly sustainable locations. They will contribute directly and positively to the achievement of DP, RS and national policy objectives with regard to the provision of homes in locations that will meet the objective of providing sustainable communities.

Highways

8.22 The only element of LP Saved Policy T1 which the Council relies upon is out of date because it is not in accordance with the Framework with regard to highways impact and the refusal of planning permission. The Council's refusal alleges a conflict with the Framework, in that it is said that the impacts of the proposal are in highway terms "severe" [CD8 para 32]. There are a number of matters to note about that as an allegation:

- i) it is clear that, when considering the proposals, the Council tested them against the out of date test set out in LP Saved Policy T1 and not against the requirements of the severe impact test [CD2 paras 6.150 & 6.186 & CD6 paras 6.161 & 6.199];
- ii) the late addition of the reference to the Framework to the reasons for refusal cannot save the Council from having adopted the wrong policy test, and the Council's committee reports do not consider whether the proposals would have a severe impact as set out in the Framework test;
- iii) in any event, and more fundamentally, the Council's highways witness admitted that he could not, and did not in his proof of evidence, ascribe a severe impact to the proposals [Posford XX]. The evidence called does not support the reason for refusal because there is insufficient information to allow a judgment to be made [Posford XX]. There is, as a result, no evidence to rebut the presumption in favour of sustainable development; and
- iv) the Council's failure to provide evidence to support a severe impact is compounded by the complete absence of any cross examination alleging any severe impact or any breach of LP Saved Policy T1 [Axon XX] and is consistent with Council's highways witness' answers in cross examination and the absence of any reference to LP Saved Policy T1 in the Council's highways proof of evidence [Posford Proof & XX].

8.23 The agreed position between the Council and the appellants is that traffic growth in the Hartford area is currently at zero at peak commuter and peak education travel periods and has been so for the last 10 years [G9 & G11]. It is agreed that this is likely to be the case because of the perceived inconvenience for car travel at these times, as evidenced by queue lengths, compared with the alternatives [MAV2 App MA1]. The result of this is a pool of suppressed demand for car travel at these times.

8.24 The Council agrees that there has been traffic growth generally in the last 10 years and development in the area which will have produced traffic [MAV1 secn 5]. The Council then alleges that the appeal developments will result in traffic growth during the peak period with increased congestion. The Council has not however explained why this additional congestion should happen in relation to the appeal developments when it has not happened in relation to other developments in the wider area and as a result of general traffic growth.

8.25 If the appeal developments were to produce traffic growth in the peak period, this would buck the trend of the last 10 years. There is no logical basis as to why this should occur, particularly bearing in mind that the appeal sites are in good sustainable travel locations and offer the opportunity for the displacement of pupils attending local schools from further afield. The

Council's case is therefore illogical, not supported by the evidence and counter intuitive with regard to the travel mode options likely to be taken by occupants of the new developments when faced with the existing congestion.

- 8.26 The appellants have assessed the impact on the agreed trip generation rate for the proposed dwellings. This has been undertaken with regard to the sustainable locations of the sites, the effects of the travel plans and the likely change in driver behaviour [MAV2 App MA7, MAV1 secn 9 & HE10].
- 8.27 There was some attempt at criticism of the appellants' approach, based on judgments made as to the likely effects of the travel plan measures on the trip generation rates. That criticism is entirely unjustified having regard to the guidance. The Government is clear that, to consider the transport assessment and travel plan as an integrated package of information and proposals to deal with the transport impacts of the developments, is the most effective approach [MAV2 App 2 pg 6]. The appellants' assessment therefore accords with the relevant guidance. It also ensures that an approach is not adopted which might, for example, result in highway improvements. These would simply release the currently suppressed demand for travel during the peak commuter and education periods.
- 8.28 The Council's approach, in its committee reports and Inquiry evidence, is to suggest that the potential benefits of a sustainable location, a properly formulated travel plan and the potential impact on driver behaviour should be ignored. JAG adopts a similar approach. Neither the Council nor JAG address the fact that the approach they wish to adopt is contrary to the relevant Government guidance. Each suggests that the benefits of the travel plan and the sustainable location should be entirely discounted and that the impacts of the appeal proposals should be assessed on a gross basis.
- 8.29 JAG's highways witness accepted that such an approach was not in accordance with the approach that his firm espouses generally with regard to the adoption of travel plan type measures [Kitching XX]. For the Council, the position is even starker having regard to its approach to travel plans in its LTP. This is fulsome in its approach to the relevance of travel plans, their importance in the development process, the references to new housing development and travel plans, and the references to travel plans [CD23 pg 40 para 5.3.1, pg 37 & pg 43 & Posford XX].
- 8.30 The Framework makes it clear that travel plans are key to the facilitating of the use of sustainable transport modes [CD8 paras 35 & 36]. This also was not addressed by the Council or JAG. It is difficult to understand how a measure that should be regarded as key should, at the same time, be ignored in the assessment process considering the impact of any development proposal. The professional judgment involved in the assessment is able to be informed by the sort of information contained in the LTP which is local, relevant and relied on by the Council itself in the formulation of its local transport proposals [CD23 pg 40 para 5.3.1].
- 8.31 The Council has acknowledged the suitability and appropriateness of the interim draft travel plans presented with the Unilateral Undertakings [G10 & G12]. JAG however suggests that the travel plans might be lacking in some regard. Its evidence however was entirely silent on any deficiency, and

- neither the Council nor JAG could point to any element of good practice guidance that had not been complied with [Kitching XX].
- 8.32 There is compatibility between the outcome of the appellants' exercise on, and the Council's position that there has been no growth in, traffic in the peak commuter and education periods over the last 10 years [HE9 & HE10]. The consequence of this is that it cannot be suggested that the appeal proposals will produce any material, let alone severe, impact on congestion in the peak period.
- 8.33 On the contrary, the likely effect of the appeal proposals is to provide a benefit in those periods. This would be from the opportunity to reduce traffic accessing local educational facilities and the encouragement of sustainable modes of travel, not only by new residents but also existing residents. This would achieve objectives which are entirely consistent with the Framework and wider Government policy objectives related to the links between the adoption of sustainable travel modes and health and wellbeing.
- 8.34 JAG's evidence relied in part on guidance with regard to cycling arising from the Department for Transport (DfT) Local Transport Note 02/08 [MK1 pg 25]. It is however relevant that:
- i) the guidance is not meant to be rigidly applied but taken only as a guide;
 - ii) the preferred way is to create conditions on the carriageway where cyclists are prepared to use it;
 - iii) it points out that many cyclists feel comfortable on roads with no cycle specific infrastructure if traffic speeds are low;
 - iv) the table which Mr Kitching's Proof purports to replicate does not set out any sort of requirement for cycle provision, but is entitled in the Guidance "approximate guide to type of provision".
- 8.35 Road speeds locally, at the relevant time, would be low due to congestion. In such circumstances, there is no reason why the conclusion, that locations in the area such as the stations are highly accessible by cycle, should not be accepted [Posford XC]. Furthermore, the Council's view is that the use of the highways by cyclists is appropriate and acceptable [G11 para 1.11].
- 8.36 The junction between Chester Road, Bradburns Lane and The Green was improved in November 2009 as part of a traffic management scheme instigated by the Council as the Highway Authority [G9 & G11]. One of the consequences was to improve pedestrian facilities, which in turn could reduce traffic capacity when there is significant pedestrian use. The Council agrees it is proper that vulnerable users (pedestrians and cyclists) are considered first, and there is clearly a significant demand for pedestrian use of that crossing facility during the peak hours.
- 8.37 In improving this junction, the Council prioritised the movement of pedestrians and cyclists over the movement of those who have chosen to use their cars to gain access to particular destinations. Such an approach is consistent with the approach in national policy. It is not however consistent with the Council's approach in these appeals, which is to suggest that impacts on peak hour congestion by way of additional delay are unacceptable.

- 8.38 The increases in potential journey time on Chester Road eastbound and The Green, even on the basis of the Council's approach, would be the equivalent of being delayed by a signal at red, as opposed to being able to pass through at green [MAV1 secn 9 & paras 9.34 to 9.49]. It would also be equivalent to the extension of overall queuing time experienced by individual drivers in excess of 1min/veh over the 6mins currently experienced on Chester Road eastbound and The Green [CD6 para 6.184 & CD2 para 6.171]. In the context of overall journey times, such a delay could not possibly be regarded as a severe impact, particularly as the average journey to work time in Great Britain is some 28 min [Axon XC]. Moreover, the appellants' approach to this point was not contested [Axon XX]. The appellants' approach is also consistent with the Council's approach in its consideration of the Winnington Urban Village proposal. At Winnington, the Council considered that the effects, which were calculated to be more substantial than from the appeal proposals, were marginal [Axon XX].
- 8.39 Even if the appellant's evidence, with regard to the likely effects of the proposals (taking into account the sustainable location, the travel plans and changes in driver behaviour) is rejected, this would not result in a conclusion that the proposals would have a severe impact.
- 8.40 Moreover, even if there would be some increased period over which drivers would experience delay, it is not the aim of policy to protect the convenience of commuting car drivers [Axon XC]. That is evidently also the Council's approach in the prioritising of pedestrians over car users at the junction of Chester Road, Bradburns Lane and The Green.
- 8.41 Against that background, and even on the basis of the Council's own estimates of the effect of the proposals, there is therefore no basis for regarding any effect of these proposals as severe. For these reasons, the single reason for refusal in relation to each appeal site should be rejected.

The Planning Balance

- 8.42 The planning balance, with regard to all matters apart from the highway issue, is one which is firmly in favour of the grant of planning permission [G7 para 7.93 & G8 para 7.75]. If the conclusion is reached that there is any force in the Council's remaining reason for refusal, it would be necessary to balance the alleged highway impact against the proposals' development plan policy compliance and any other benefits arising from them. This would be necessary in order to effectively discharge the Framework test, that planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits [CD8 para 14].
- 8.43 Substantial benefits generally arise from the proposals with regard to the sustainability of their locations and the contribution that they would make to the building of sustainable communities. The following benefits of the individual appeal proposals should also be taken into account in any balancing exercise.
- 8.44 The following benefits arise from the Grange Farm proposal:
- i) the provision of a community green off Chester Road;
 - ii) the provision of accessible on-site open space;

- iii) the provision of apparently much needed off highway parking convenient to the facilities in Hartford; and
- iv) the prospect of the renovation of the dilapidated but locally listed Grange farmhouse and its availability for some community use.

8.45 The following benefits arise from the School Lane proposal:

- i) the provision of a substantial area of accessible open space;
- ii) the substantial contribution to ecological resources and biodiversity in the area;
- iii) the provision of substantial improvements to the accessibility of the River Weaver corridor;
- iv) the opportunity for improved access to the school campus by way of the linked footpath.

8.46 Those individual site benefits are in addition to the benefits from: the provision of housing to meet a very substantial shortfall; the provision of 30% affordable housing, equating to a total of about 196 affordable dwellings; and the benefits of providing housing in a location which is, in policy terms, the preferred location because of its sustainable nature.

8.47 The objections made by local people are in the main related to the likely effect on traffic and a desire to avoid any significant level of new housing development in Hartford. The latter matter is a debate which has already taken place in the context of the formulation of the relevant DP policies and strategies. That debate has effectively settled the issue as to the appropriateness of Hartford for a significant scale of new housing development to meet the needs of the area.

8.48 Local people made reference to the fact that, in accordance with their view of the localism agenda, they should be able to effectively decide the level of housing which was regarded as acceptable in their area. In that regard, it is appropriate to consider the Secretary of State's approach in a decision letter of the 16th July 2012 [SR1 App 4E para 32]:

"However, he is clear that the changes to the planning system giving communities more say over the scale, location and timing of developments in their areas carry with them the responsibility to ensure that local plans are prepared expeditiously to make provision for the future needs of their areas."

8.49 In the area of the appeal sites, there has not been an expeditious provision of local plans and there has been a manifest and longstanding failure to make provision for the future needs of the area. The agreed position at the present time, on the basis of the conclusions reached in the Cuddington appeal, is that mechanisms to respond to the severe shortfall in housing land are largely absent and there is no immediate prospect of any DPD providing a context in which to allocate sites. Against that background, reliance on the localism agenda is entirely inappropriate. The DP has provided the opportunity for full consideration as to the appropriateness of Hartford as a Tier 1 settlement for the provision of housing. That debate has been had with clear conclusions based upon sustainability considerations. In the context of a failing 5 year supply, and no means identified to overcome that failure, the provision of housing at locations such as Hartford, on sites which are highly sustainable, is an entirely appropriate response.

- 8.50 Objections with regard to traffic and the impacts of it are entirely understandable but, in the circumstances of this case, illogical. The provision of housing on the appeal sites will have beneficial effects on the amount of traffic locally, promote a broader community view of sustainable travel to local facilities and encourage healthier lifestyles. The proposals have everything to offer the local community with no disbenefits beyond the community's dislike of additional housing in its area.

Conditions and Undertakings

- 8.51 There exist substantially agreed lists of conditions, with the only outstanding issues having been debated in the context of the conditions session. The terms of the Unilateral Undertakings have been available for full consideration by all parties, and their comments have been taken into account. The undertakings deliver all that is required by way of support for the travel plan initiatives and the necessary contributions to facilities such as education. There is no basis for regarding any aspects of the undertakings as being inappropriate or unacceptable, and the requirements of the Community Infrastructure Levy Regulations have been complied with.

Conclusions

- 8.52 Hartford is a settlement which boasts two railway stations, a wide range of locally accessible facilities and a range of educational establishments of all kinds. It possesses an environment which is entirely appropriate and suitable for the encouragement of sustainable modes of travel. There cannot be many instances of appeal sites coming forward with such obvious wide-ranging and powerful DP support for them.
- 8.53 The benefits of the appeal proposals and their easy fit with policies at local, regional and national level are apparent from the evidence. The only impediment to the grant of planning permission, so far as the Council is concerned, is an alleged impact on peak hour traffic congestion. This is an objection which is advanced in the face of a concession that there has been no peak hour traffic growth in the area for the last 10 years, despite local development and general traffic growth. The Council's position is also completely at odds with its approach to local transport issues set out in its LTP and completely at odds with any proper interpretation of national policy with regard to transportation matters. Its evidence failed to support the reason for refusal as to the severity of the alleged impact.
- 8.54 Other objections from JAG lack any support in policy at any level. Its evidence with regard to sustainable travel was firmly rooted in the past, failed to have regard to local adopted approaches and misinterpreted other guidance [Kitching XX]. JAG's planning objections related to the availability of land for housing and the provision of infrastructure, such as educational facilities, to support the proposal. It failed to have regard to all relevant guidance and to the provision of facilities needed to support the developments brought forward through the Unilateral Undertakings.
- 8.55 In these cases, the Secretary of State has the opportunity to reach conclusions which provide the opportunity to reinforce the appropriateness of the provision of housing in locations which accord with the DP strategy at all levels. The proposals also provide the opportunities to substantially support the provision of sustainable communities. In the circumstances of these cases, there are

not only no good reasons for refusing planning permission but there are a significant number of powerful reasons why the planning permissions should be granted.

- 8.56 Accordingly, recommendations to the Secretary of State to grant planning permission are invited, subject to the substantially agreed conditions and the settled Unilateral Undertakings.

9. The Case for the Council

The material points are:

Introduction

- 9.1 The Council's concerns are the effects of the proposals, individually or cumulatively, upon the junction arrangements at the A559 Chester Road/The Green and the A559 Chester Road/Bradburns Lane/School Lane highway junctions. As The Green operates one way northbound and School Lane operates one way southbound, the junctions operate as one staggered junction.

Agreed Matters

- 9.2 The sole reason for refusal is transportation related, and planning issues are not in dispute. The Secretary of State can therefore note the following main points of agreement between the Appellants and the Council in relation to planning matters [G7 & G8]:
- i) the identification of Hartford as a Tier 1 settlement and a sustainable location for new housing development;
 - ii) the appeal sites themselves are sustainable locations for housing development;
 - iii) there is full compliance with RS Policies DP 1 to DP 9;
 - iv) the Council has 2.9 years supply of deliverable housing land;
 - v) the need for a 20% buffer on top of a five year supply;
 - vi) the triggering of a presumption in favour of sustainable development;
 - vii) the lack of housing land supply means that the fact that the sites are located outside the settlement boundary cannot be of real weight against the proposal;
 - viii) the proposals would accord with the LP Saved Policy H14 requirement to provide 30% affordable housing, and the appeal schemes would therefore make a beneficial contribution towards meeting the affordable housing needs identified in the 2010 update of the Council's SHMA;
 - ix) the appeal sites are deliverable within a short timescale; and
 - x) the only alleged conflict with the DP and national policy relates to transportation matters, as set out below.
- 9.3 In the light of the Transport SoCGs and the Council's evidence, the following transport related issues are not in dispute [G9, G11 & CP1]:
- i) the draft interim Travel Plans are appropriate and suitable;

- ii) the draft interim Travel Plans contain sets of objectives, measures and targets;
- iii) the draft interim Travel Plans, and the Council's response to them, would be informed by the relevant guidance as to their formulation, implementation and enforcement;
- iv) the Travel Plans would be a key tool in facilitating the protection and exploitation of sustainable travel modes;
- v) the only DP policy cited in the remaining reason for refusal for each scheme is LP Saved Policy T1, and as to its detail:
 - a) it pre-dates the Framework and therefore needs to be tested for compliance with it. Insofar as it is inconsistent with the Framework, reduced weight should be afforded to it;
 - b) LP Saved Policy T1 identifies matters to be taken into account, it does not prescribe a development management test;
 - c) in that context, as to criterion (i) of the policy, there is no conflict with the provisions of the LTP;
 - d) as to criterion (ii), the proposal would have regard to the requirement to reduce travel, especially by car;
 - e) as to criterion (iii), a TA was produced with each application, and the Council did not refuse planning permission on the basis of any defect or lack of information in the TAs;
 - f) as to criterion (iv), the Council does not allege any adverse impact upon local amenity, the environment or highway safety;
 - g) criterion (v) is not material to the application, as it applies to ensuring the free flow of road traffic on the trunk road network;
 - h) the proposals would have regard to the need to ensure that they would be accessible by a variety of means of transport and so criterion (vi) is not offended against;
 - i) the application takes into account the need to minimise the effects of traffic generation, and so the issue raised by criterion (vii) is dealt with. It is also accepted that the policy criterion refers to the minimisation of such effects, not their prevention or elimination; and
 - j) the schemes both produce Travel Plans, as required by criterion (viii).
- vi) the proposals therefore comply with all elements of national, regional and local policy on transportation issues, except for the Framework [CD8 para 32];
- vii) as for the Framework, the Council accepts that it has not characterised the effects of the traffic generation of the scheme [CP1];
- viii) the Council does not allege that to allow the appeals would lead to rat-running along inappropriate routes or else that it

- would cause alternative routes to be used which would have adverse consequences;
- ix) the only time period of concern to the Council in respect of the traffic effects of the proposal relates to the am peak hour;
- x) there has been no traffic growth in the am peak hour in Hartford since 2000, but it is not right to say that traffic has reduced since then [Axon XX];
- xi) if the proposals went ahead, there would be alternatives available to residents of the proposed developments, and the extant population, which would include not using their cars;
- xii) the developments would, over time, displace children from local schools who presently attend them from outside their catchments;
- xiii) the draft interim Travel Plans include measures in respect of school travel which are supported by national, regional and local policy and which relate to measures which the schools have themselves said would assist them;
- xiv) the Travel Plans would have a beneficial effect on the amount of travel which is undertaken by sustainable modes;
- xv) the LTP provides support for the use of Travel Plans, which is based upon the view of their effectiveness [CD23 para 5.3.1];
- xvi) the Council does not disagree with the content of the DCLG Guidance on Travel Plans [MAV2 App MA2];
- xvii) the impacts of proposals should be linked to the out-turns of Travel Plans, and Travel Plans and TAs should be viewed and assessed together;
- xviii) the agreed traffic generation figures for the developments are set out in the Transport SoCGs, and these are gross figures;
- xix) the Council pursues no reason for refusal based on air quality impacts or relating to the effects of the proposals' traffic upon the A559 Chester Road/Beach Road gyratory junction; and
- xx) the Council has also accepted that the body of its committee report applied the wrong test in assessing the transportation impacts [Posford XX].

Traffic

- 9.4 Notwithstanding these agreed matters, it is submitted that planning permission still ought to be refused for each scheme for the following reasons. There is no dispute about the existing conditions at the Chester Road/The Green and the Chester Road/Bradburns Lane/School Lane junctions. Conditions are such that, during the am peak, serious queuing arises at the junctions. The extent of the problem is demonstrated by traffic surveys conducted:
- i) on behalf of the appellants, during the preparation of the two applications and set out in the TAs for the proposals;
 - ii) by the Council, in the past and during its consideration of the applications; and
 - iii) on behalf of JAG, in explaining its objection to the applications.

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- 9.5 The Appellants' TAs reveal that, at the eastbound approach of Chester Road to its junction with The Green, average am peak hour queues are as high as 53 vehicles. The maximum queues are as long as 75 vehicles on days when schools are open. Those queues are short-lived, but cause serious inconvenience. These survey results are supported by the TAs' modelling, using the appropriate proprietary software (LINSIG) of the junctions' extant capacity. This modelling shows that there is considerable negative Practical Reserve Capacity for both junctions during the am peak period.
- 9.6 The information set out in the TAs is to the same effect as that set out in the appellants' September 2012 queue length survey results [MAV2 App MA1]. This shows that, in school term time, queues on the eastbound approach along Chester Road build up from around 07.55 and are at their peak between around 08.15 and 08.50. Queue lengths during that period are between 60 and 70 vehicles at the end of the red phase for the signal showing to that traffic and between just under 50 vehicles and around 65 vehicles at the end of the green phase. This demonstrates the small amount of traffic that each cycle of the traffic signals is able to allow to proceed. This queuing occurs despite the proximity of railway services, bus services and the accessibility of local services by foot or cycle.
- 9.7 The TAs were produced on the basis that linked Microprocessor Optimised Vehicle Actuation (MOVA) would be provided at the junctions [CD1 TA paras 10.13 and 10.16 & CD5 TA paras 10.14 & 10.15]. Linked MOVA is no longer to be provided. Furthermore, the TAs and the later Technical Notes were prepared on the basis of incorrect cycle timings at the two junctions [CD1, CD5 & CP1].
- 9.8 The absence of linked MOVA as part of the appeal schemes and the use of incorrect signal timings combine to mean that the impact assessments presented in the two TAs cannot now be relied upon in the decision making process. As a result, all depends upon the correctness of the appellants' evidence that the proposals would not exacerbate delay and queuing in the am peak [Axon XC].
- 9.9 The Appellants do not propose any physical mitigation measures at the junctions. The traffic from the proposals would use the junctions in their current physical condition and without any further amendment to the individual MOVA control in place at each junction.
- 9.10 The Transport SoCGs contain agreed two-way gross trip rates for the two proposals [G9 & G11]. For the am peak hour, the agreed two-way trip rate is 0.636, which does not allow for any behavioural change or for the effects of the Travel Plans.
- 9.11 These trip rates feed into the am peak hour gross development flows set out in each Transport SoCG [G9 App GCG10 & G11 App HCG10]. Each SoCG shows the agreed gross trip rates for the am peak [G9 App GCG10a & G11 App HCG10a]. Each SoCG shows the cumulative gross development demand for the two schemes in combination [G9 App GCG10c & G11 App HCG10c]. As for the trip rates, the flow diagrams assume no behavioural change and no effect from Travel Plans.
- 9.12 The combined gross flows, for both proposals show that, during the am peak hour:

- i) 73 more vehicles would seek to use the junctions eastbound on Chester Road;
- ii) 19 more would use the southbound approach on Bradburns Lane;
- iii) 24 additional vehicles would use the westbound approach on Chester Road;
- iv) 66 extra vehicles would use the northbound approach at The Green, of which 51 would seek to turn right onto Chester Road; and
- v) the total additional flow into the junction would be 182 vehicles.

9.13 The appellants discount from these trip rates and the resultant flows by applying two factors. The first factor is a 5% reduction in car borne traffic relating to non-school traffic arising from the developments. This reduction is based on an assumption that the Travel Plans and the sustainable locations have the claimed degree of effect upon the traffic generation derived from typical trip generation rates [HE10].

9.14 The second reduction from the gross trip rate and flows relates to school journeys. The appellants assume that 20% of the traffic which would typically be generated by the proposal would be related to school trips. Of those trips, 75% of them are deducted as being trips which would be undertaken by sustainable modes. As a result, overall traffic generation is reduced by 15%. However, the effect of those reduced trips is not generally assigned across the network, but by reference to movements which end up on Chester Road to the east of Bradburns Lane junction or on Bradburns Lane itself [HE10 para 26]. This is on the basis of another assumption, that these locations are the most likely destinations during the am peak.

9.15 Using these compound assumptions about school traffic, a comparison shows the following [HE10 figs 2 & 4]:

- i) for the eastbound approach on Chester Road, the gross demand of 73 vehicles would reduce by 21 vehicles, or 28%;
- ii) for vehicles wishing to turn right out of The Green, the gross figure of 51 reduces by 25 vehicles, a reduction of 49%;
- iii) for traffic using Bradburns Lane southbound, the gross figure of 19 vehicles is reduced by 7 vehicles, a 36% reduction; and
- iv) for the westbound approach along Chester Road, the gross demand of 24 vehicles would be reduced by 8 vehicles, a 33% reduction.

9.16 This is most counterintuitive. Taking the right turning vehicles out of The Green and ignoring the 5% reduction in non-school traffic for present purposes, the net demand by vehicles wishing to turn right out of The Green would be 26 vehicles (51-25). Of those 26 vehicles, 7 would be school related journeys, because the 21 vehicle reduction for transferred school trips is 75% of the school related journeys. That leaves 19 vehicles which the appellants assume would perform the right turn out of The Green for non-school journeys.

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- 9.17 If it is assumed that all of the traffic is generated by the 350 dwelling School Lane proposal, the appellants are asking the Secretary of State to accept that there would be but 19 non-school related journeys involving a northbound approach along The Green and turning right onto Chester Road. This is patently unrealistic given the existence of Northwich, including its town centre, and other areas in the direction that such journeys would take someone. The exercise that the appellants undertake involves the making of assumptions which produce unrealistic outputs, demonstrating that they are forced to make such unrealistic assumptions to arrive at the end result they wish to see.
- 9.18 The end result, after making and applying the assumptions inherent in this exercise, is that the 182 vehicles which enter the cordon around the junctions in the gross demand scenario is reduced to 112 vehicles. That is a reduction of 38% in the flows which would otherwise arise.
- 9.19 In justifying these reductions, the appellants seek to rely, amongst other things, upon the locational characteristics of the site and the effect of the Travel Plans. The difficulty with the locational characteristics of the appeal sites is that the evidence is that, in the Hartford area, surveys have shown that 40% of traffic is school related. This is despite the locational characteristics of those schools and the amount of housing around them. Clearly, the locational characteristics do not presently contribute to reduced car borne traffic, as the rate of school related car traffic at 40% is twice the Borough-wide rate of 20%.

Travel Plans

9.20 As for the Travel Plans:

- i) the appellants' position is that a change of culture needs to be brought about by the Travel Plans, but this is not the same as evidence that the Travel Plans would bring about a shift in behaviour of the degree assumed by the appellants;
- ii) the physical measures set out in the Travel Plans would not bring about a change in culture. A number of the local schools already have Travel Plans, and the appellants only point to one school which has said that the moribund state of its Travel Plan is due to resources. The present traffic levels in Hartford, and the conditions to which they give rise, therefore exist in the context of Travel Plans being in place in the locality;
- iii) local residents have explained other factors which have been at play and which serve to explain why Travel Plans have not led to a reduction in school journeys by car;
- iv) the Council's acceptance of the adequacy of the Travel Plans and its lack of dispute with the DCLG guidance on the topic simply means that the Travel Plans are to be assumed to bring with them some beneficial effect. However, that does not mean that the Travel Plans can have the beneficial effect which the appellants assert [MAV2 App MA2];
- v) the appellants repeatedly said that we must not assume that policy will fail [Axon XX]. The Council does not question policy, but contends that the claimed degree of success of the Travel Plans, which accord with policy, will not come about;

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- vi) the Department for Communities and Local Government (DCLG) guidance is silent on the degree of benefit which the Travel Plans would produce;
 - vii) the DCLG guidance suggests that the TAs and Travel Plans should be seen as a linked package. The TAs' consideration of impact was however prepared on a basis the linked MOVA was to be provided and on the basis of incorrect signal timings. The situations assessed by the TAs and the Travel Plans are therefore materially different;
 - viii) whilst the LTP advises that modest travel awareness programmes have reduced car traffic by 9%, there is no detail on whether that is a figure which relates to daily or peak hour flows, and still less am peak flows [CD23 para 5.3.1]. The appellants therefore seek to use the LTP extract to support a weight which it cannot properly bear [Axon XC];
 - ix) the appellants could not give any detail about the reductions found in Peterborough in the Demonstration Projects Summary Report and could not say whether the experience there was in relation to a workplace or residential scheme and whether it was comparable to the situation here [Axon XC];
 - x) the appellants justify their view on the potential success of the Travel Plans in the context that "traffic in the area has reduced since 2000 despite an increase in population and jobs" [MAV2 App MA7 para 12]. The appellants however accepted that that is not right [Axon XX]. The agreed position is that of no growth, and so if one factor they rely upon is factually incorrect, it undermines the assumptions they have made; and
 - xi) the appellants' finishing point is that the net amount of car traffic created by these proposals, and which would use the relevant junctions, would be 38% lower than the gross level of demand to use those junctions [Axon XC]. Even allowing for the other development traffic which would not use the relevant junctions in the am peak, and which does not enter the "cordon", this level of claimed reduction is plainly very high compared to the levels of traffic reduction referred to in the LTP and in the other numerical information referred to by the appellants, to which reference has been made above [CD23 para 5.3.1 & Axon XC].

9.21 For these reasons, the appellants' assumptions about the effects of the Travel Plans and of the sustainable locations of the appeal sites are seriously overstated and are not robust.

Traffic Growth

9.22 The appellants also rely very heavily upon the zero growth that has taken place in Hartford in recent years [Axon XC]. Again, that reliance is misplaced for these reasons:

- i) as the proposals are of a considerable size, it does not follow that the past absence of traffic growth at the junctions means that the developments would create no growth in the future;

- ii) the appellants point to the development which has taken place in the local area since 2000 [MAV1 para 5.3]. A total of 14 housing schemes are listed, but only three of them are in Hartford, comprising a total of 127 dwellings;
- iii) this is important, because the appellants accepted that they could not say what amount of traffic each scheme would contribute to the am peak flows at the junctions with which the Council is concerned [Axon XX];
- iv) there is therefore simply no reasonable basis to conclude that the past lack of traffic growth in Hartford would continue if the appeal schemes went ahead and, to adapt the appellants' terms, there are good reasons to conclude that the developments would create conditions which would serve to "buck the observed trend", because that observed trend arose in a materially different factual context [Axon XX]; and
- v) the appellants position is that "zero growth" is "the nub of the issue" [Axon XX by JAG]. It therefore appears that the appellants consider that traffic growth would not occur whatever the results of the Travel Plans, because the answer to JAG's criticisms of the Travel Plans was for the appellants to revert to reliance upon the past zero growth. It would be unwise for the Secretary of State to place so much reliance upon the zero growth point, when it appears to be the very basis of the case that there would be a nil net detriment if the proposals went ahead.

9.23 The Council accepts that the proposals would lead to the displacement from the local schools of children who live outside the schools' catchments or at a greater distance than the appeal sites. However, the appellants have not quantified that effect.

9.24 Only three local schools have defined catchments. Others are schools of a character where pupils are likely to be drawn from wider catchments than others, such as the private schools and the schools catering for students with special needs of various kinds [HE6]. For those schools with catchments, the admissions criteria show that the preference given to children who live within a school's catchment, or closer to the school than other children, is subordinate to the preference given to "looked after" children, children with medical or social reasons for admission to a particular school and children with siblings already at the preferred school [Gilbert XX].

9.25 If these points are accepted, then the two developments would indeed generate additional traffic which would use the relevant junctions in the am peak. This additional traffic would add to the existing queues and delays at the junctions [CD2 & CD6].

Conclusions

9.26 The Council does not characterise the residual impacts of the scheme as severe. The evidence before the Inquiry would however allow the Secretary of State to conclude that the impacts would be severe when set in the context of the current unsatisfactory peak hour conditions [Posford XC]. Although the committee reports only addressed the applications against LP Saved Policy T1,

the reasons for refusal do address the Framework and demonstrate awareness of the appropriate policy test [CD8 para 32]. The evidence before the Inquiry also allows the decision maker to conclude that the appellants:

- i) overstate the likely effects on car-borne trip rates of the locational characteristics of the site;
- ii) overstate the likely degree of effect of the Travel Plans upon school trips, non-school trips and background traffic levels; and
- iii) that the reliance on past lack of growth in order to justify finding that zero growth would continue if the appeal schemes were to go ahead is misplaced.

9.27 If accepted, these points would allow one to conclude that the proposals would have severe residual transportation effects. If the proposals, either individually or cumulatively, would have severe residual effects on the highway network, then the proposals' disadvantages would significantly and demonstrably outweigh the agreed benefits of the scheme. The presumption in favour of sustainable development would therefore be rebutted.

9.28 The Council asks the Inspector to recommend and the Secretary of State to decide that both appeals be dismissed.

10. The Case for the Hartford Joint Action Group

The material points are:

Introduction

10.1 Traffic and transport issues have dominated this Inquiry, whether in the guise of reasonable walking distances, travel plans or the quality of train and bus services. Inevitably these link to other issues such as: the perceived housing shortage; educational matters; the availability and location of employment; and the environment. There has however been very little mention of sustainability as defined in the Framework [CD8 pg 2]. The three dimensions to sustainable development (economic, social and environmental) are the underpinning principles of Hartford's developing Neighbourhood Plan.

10.2 During the Inquiry, many references have been made to sustainable transport modes, but there has been no evidence of the wider economic, social or environmental benefits arising from the proposals. Were these developments to be approved, they would have a permanent and irreversible detrimental impact on the life of the village and the environment. They would also frustrate the delivery of new homes on previously developed land in Northwich.

Planning

10.3 In the Council's most recent Local Plan consultation, The Preferred Policy Directions, it has set out how much, where and what type of new development could take place in the Borough over the next 20 years. A number of proposals in this document set out a different approach to that of the RS. This is entirely justified, taking proper account of changes to national planning policy, following the publication of the Framework, and taking account of local up-to-date, and therefore more relevant and robust, evidence. The most obvious example of this is the setting of a new local housing target for the

Borough, signalling a move away from the current RS target which is based on out-of-date information.

- 10.4 The target set for Northwich and the surrounding villages is 4,200 new homes over the next 20 years. This equates to 20% of the overall Borough target. Planning permissions already granted by the Council in the Northwich area amount to 2,717 dwellings which is well over the five year target.
- 10.5 Guidelines for meeting the housing requirements in Northwich and the surrounding villages encourage the use of previously developed land, particularly through delivery of major housing led mixed developments. The explanation and related development priorities explain that there is significant brownfield land resource available.

Environment

- 10.6 Mr R Haffenden, a volunteer officer of the Marshall's Arm Nature Reserve Friends Management and Conservation Group, spoke about the work of the group to protect this valuable resource within the village of Hartford. He highlighted the impact that the development on the School Lane site would have on the reserve. He concluded that he wished to ensure that the value of the reserve and its contribution to the health, well being and quality of the local communities and the educational value to students was not degraded. Mrs E Bowden, a keen walker and cyclist, was well placed and just as passionate with regard to her concerns for the Weaver Valley should development take place on the School Lane site.

Employment

- 10.7 The nearby ICI plant at Winnington was the making of Hartford. 90% of the residents worked there and were able to walk or cycle to work. Sadly, those days have gone, and now residents travel far and wide for employment. Quite rightly, the appellants state that our biggest, and most likely only, employer of any size within the village is education.
- 10.8 However, if you are not a teacher or have skills associated with education, this opportunity is not open to you. There are approximately 600 people employed in Hartford's 10 educational establishments, but research has shown that only 20% live in Hartford, which means that 480 people commute to our schools each day. Evidence produced shows that the majority of residents are employed in areas that are not accessible by either the one half hourly bus service or the two rail services. This means that, with the best will in the world, they cannot use the public transport system.

Education

- 10.9 Education is a very serious consideration in this appeal. Hartford is blessed with 10 educational establishments. The diversity of these establishments is unique, but there are only two primary schools, Hartford Manor Community and Hartford Primary, that have catchment areas. This means that the other 8 schools have no restriction on the area that their pupils and students come from, and they thus cover a wide area of not only Northwich and the surrounding areas but all parts of Cheshire.
- 10.10 The appellants predict that all the children in Hartford Manor Community and Hartford Primary Schools who live within the catchment area of these schools

will walk, cycle or scoot to school, no matter how far they live from the school [Axon XC]. If this was to happen, it would however result in such a small reduction in the amount of traffic generated from the remaining 8 schools that it would not be noticeable.

- 10.11 There could also be children from a further 650 homes. The appellants state that the children from the proposed developments will replace children who presently attend the two primary schools, but where will these replaced children be educated [Axon XC]. In the meantime, there is the problem of all the children from the approved planning applications at Winnington (1,200 homes) Sandiway (308 homes) and Wincham (1,050 homes) where there is either no school or capacity. Where will these children be educated? Winnington Urban Village will have a particularly serious impact on Hartford not only from the modest projection of 218 primary school children but also from a further 156 senior students.
- 10.12 All these school children will need to travel to Hartford, further increasing the traffic congestion on Hartford's roads. This was anticipated by the Council in their traffic improvements at the Bradburns Lane and Chester Road junction. The Council's Children and Young Peoples' Service is also adamant that there will be a drastic shortage of places, not only in the Northwich and Rural North Area Partnership Board area but also outside the area.

Cuddington

- 10.13 The appellants have put great store on the Cuddington decision made by Mr Cunnifford. There are however a number of differences between the Hartford and Cuddington appeals. Cuddington has just two schools within its boundary, Hartford has 10. Cuddington therefore does not suffer severe traffic congestion at peak times. Cuddington is not confined by the River Weaver and has good access to the A556 and A49 with less congestion on the local road network. Cuddington does have the same local two carriage Chester to Manchester rail link and the half hourly bus route, but residents have to drive to Hartford for the Liverpool to Birmingham train.
- 10.14 The most important difference is that the infrastructure and sustainability of Cuddington could accommodate a development of 150 dwellings. In view of the difference between a 150 dwelling development and one of 650, the large scale appeal developments would have a devastating effect on the existing community and future generations.

Traffic

- 10.15 Through the life of the planning applications, the approach to mitigating the effects of the developments was one of junction capacity improvements at the Chester Road/Bradburns Lane/School Lane and Chester Road/The Green signalised junctions through the introduction of MOVA. [CD1 TA & CD5 TA]. The appellants also considered the existing traffic conditions, including traffic volumes and queuing lengths on the junction approaches.
- 10.16 The appellants state that they have arrived at a position of no growth in traffic in the peak periods through the analysis of traffic count data. Such a statement is however misleading, as the analysis actually shows a position of no growth in the throughput of traffic in the peak periods. This latter position is highly likely to be the case, as with two fully saturated junctions, there will

be a ceiling as to how much traffic can pass through this point on the network in a 60 min peak period.

- 10.17 Indeed, the appellants' evidence confirms that, even with their no growth position, traffic conditions have deteriorated further since the production of the TAs. The appellants' recent queue length surveys are significantly longer than those recorded in the TAs, and correlate well with the photographic evidence provided by JAG [MAV2 App MA1, CD1 TA, CD5 TA & MK1]. This also confirms that, even with no growth in throughput at the junctions in the peak periods, queuing is increasing. There is also anecdotal evidence that rat running is increasing. This has occurred with the development of just 127 new dwellings in 10 years.
- 10.18 JAG agrees with the appellants that there is suppressed demand at the junctions and that, if capacity is increased, the suppressed demand for travel by car would be released. The peak period delay would then return to its current levels almost immediately [MAV1 para 9.55]. JAG maintains its position that this will occur whether capacity is increased or whether capacity headroom is created through the introduction of the Travel Plans.
- 10.19 The appellant has made no attempt to model the existing performance of the junctions, nor the additional 182 vehicle movements, equating to 9.1% of the measured flows, generated by the developments [HE10 para 12]. This additional traffic would have a material impact at the two junctions, and would have a severe impact on an already congested network in peak periods.
- 10.20 For the assessment of the developments at the two junctions to be sufficiently robust and thorough, the following should have been modelled: the 12 October 2011 surveyed flows [HE10 fig 1]; the agreed base case, which includes the traffic associated with the permitted Winnington Urban Village as agreed with the Council [CD1 TA & CD5 TA]; and then the base and development cases, with the additional 182 gross vehicle movements [HE10 fig 2]. The appellants have confirmed that these 182 vehicle movements have been agreed with the Council as the traffic that would result before any allowance is made for driver behavioural change or the effects of the Travel Plans [HE10 para 9].
- 10.21 Such an approach would have provided a transparent assessment of the impact of the developments on the two junctions. It would have identified the impacts of the developments over the agreed baseline conditions and the impact if the Travel Plan benefits failed to materialise. This approach would have also allowed a clear assessment of the benefits of the proposed Travel Plans to be understood. The appellant has chosen not to do this in their evidence.

Site Sustainability

- 10.22 Turning now to the extensive debate on the sustainability credentials of the appeal sites, both have deficiencies that cannot be overcome through the introduction of the Travel Plans. The evidence from JAG, the Council and the appellants' original transport consultant quite rightly referred to the current IHT guidance on appropriate walk distances to local facilities (including bus stops, rail stations and education facilities) [CD1 TA paras 4.5 & CD5 TA para 4.6].

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- 10.23 Only the appellants' transport witness chose to ignore this guidance, preferring to base the likelihood on professional judgement of how far residents of the new developments would walk to local facilities and public transport. The appellant's witness was however unable to give a single example of a travel plan he had implemented, or provide an indication of any of the modal splits achieved from any of the travel plans his company had produced [Axon XX Council].
- 10.24 The appellant has also shown a reluctance to make any robust assessments of future travel to employment destinations on foot, by cycle or by public transport. Moreover, the appellant was unable to provide any technical analysis on expected journey to work trips by rail. This was despite their having made a conscious decision to improve cycle parking at both stations. They have also deleted the offer of rail vouchers from the Travel Plans which would have encouraged these types of trips [Axon XX]. Such decisions should be made on robust evidence, not just unquantified judgements, to ensure that the proposals deliver the step-change in sustainable travel that the appellants require to mitigate the impact of their development.
- 10.25 The Leeds data and the 2009/2010 National Travel Survey clearly show that, the further a child has to travel to school, the more likely they will travel by car and the less likely they will walk [HE7]. In Leeds, which the appellants consider is comparable to Hartford, 79.7% of primary school children living within 1km of their school walk to school, with 17.2% travelling by car. However, when travelling between 1 to 2km, these percentages change significantly, with walking falling to 42.6% and car travel increasing to 46.5%. In addition, residents travel to employment outside the immediate area and drop their children off at school on the way to work.
- 10.26 The main catchment school, Hartford Manor Community Primary, falls within 0.5 miles (0.8km) and 1.05 miles (1.7km) of the Grange Farm site. Using the Leeds evidence, the general propensity to walk to the catchment school would be expected to be around 45%, with car travel a similar 45%. This is a sensible indicator, as these percentages correlate with the existing primary school travel plans in the Hartford. Such an approach also follows the general pattern of walking/car travel to primary schools shown in the National Travel Survey data [HE7].
- 10.27 The appellants believe such comparisons to be incorrect, but were then unable to draw on any evidence to prove their statement that 'as all of both sites are within walking, cycling and scooting distance of a full choice of schools, there is no reason for any significant proportion of pupils to make a dedicated car-borne trip to school' [Axon XX & HE7 para 24]. Such a statement disregards the advice contained in the NHS NICE document which states that the choice for children to walk or cycle to school is heavily influenced by complex household routines [CD26 para 3.52 2nd bullet].
- 10.28 Having originally adopted a strategy of capacity improvements at the two junctions, through the introduction of MOVA, the appellants have shifted to an approach that is reliant on the two Travel Plans. Notwithstanding the appellants' failings to accurately model the effects of the MOVA scheme in the TAs, their switch from attempts to enhance the operation and capacity of the junctions is diametrically opposed to their current thinking of all encompassing travel plans for Hartford.

- 10.29 The sustainability credentials of both sites have been significantly embellished. The appellants have also incorrectly appraised the impact of the proposals on the surrounding highway network. The sites do not have excellent accessibility, as concluded by the appellants. Neither site relates well to the public transport corridors that would be required to reduce car trips, particularly commuting trips. All parties agree that bus access to both sites is limited to a daytime provision. JAG considers that this would be of limited attraction for commuting trips from the sites.
- 10.30 The appellant makes no offer to improve bus service frequencies or running times. Furthermore, 50% of the proposed residential units at the Grange Farm site would fall outside the 400m recommended walk catchment to the nearest bus stop. All the proposed residential units at the School Lane site would be between 700m and 1.4km from the nearest bus stop. Given the low frequency of bus services, it is unlikely that future residents would walk further to access services.
- 10.31 Notwithstanding the appellants' reluctance to draw on any empirical evidence when assessing access to these facilities, there is no disagreement as to how far the two appeal sites are from the stations. Only the southern sector of the Grange Farm site falls within the IHT recommended 800m preferred maximum walk distance to Hartford station [MK2 App B & MK4 App B]. Hartford and Greenbank stations are well in excess of the IHT recommended 800m walk distance from the School Lane site.
- 10.32 The combination of an hourly service, coupled with walk times of 16 and 25 mins from the furthest points from the Grange Farm and School Lane sites, would hinder the attractiveness of Hartford station services to a large proportion of residents [MK2 App B & MK4 App B]. Greenbank station would be even less attractive, with a walk time of 25 mins from the most north eastern point on the Grange Farm site. A walk time of nearly 27 mins, using existing pedestrian links to Hartford station, is also expected to discourage all but the most enthusiastic of pedestrians.
- 10.33 The appellants' decision to drop the promotion of MOVA junction capacity improvements at The Green/Bradburns Road/Chester Road junctions confirms the level of existing congestion at these fully saturated junctions. It also confirms that it would not be possible to mitigate the effects of any additional traffic through these junctions. This 11th hour change in approach, to drop the junction improvements and adopt a strategy completely dependent on significant travel behavioural change in respect of all education trips from the appeal sites, was surprising.

Travel Plans

- 10.34 JAG supports the Travel Plans and the improved sustainable transport measures which can be delivered through them. The appellants have also offered to deliver improved school travel plans at various education establishments in Hartford. Whilst laudable, this offer is solely based on conversations with head teachers at these schools. The appellants have not engaged with the Council's School Travel Plan Officer, nor did they source the existing travel plans for the schools to consider what benefits could be delivered.

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- 10.35 Furthermore, as a Governor of Hartford Manor Community Primary School, Mrs Hollens has been informed by Mr S Kidwell, the Head Teacher, that he has had just one formal meeting with Mr Axon, which is the interview in his evidence. A further casual meeting took place when Mr Axon was in the area to look at the turning circle. Likewise, a Governor from Hartford Primary School has informed Mrs Hollens that Mrs C Slater, the Head Teacher, has only had one meeting with Mr Axon and is not working with the appellants.
- 10.36 All the schools in Hartford have travel plans in operation, but they have had a very modest effect due to various concerns of parents and their inability to volunteer for walking buses amongst other things. The existing Hartford residents are supportive of travel plans, and would wish to further the ethos of walking, cycling and scooting to school, but they consider that, for safety reasons and time constraints, this is not possible. This was borne out in the recent national survey.
- 10.37 Ms C O'Brien explained to the Inquiry the dangers of children cycling to school on the Hartford roads that hold so many obstacles and dangers. There can be no safe cycling routes provided on School Lane, Chester Road, Bradburns Lane or Beach Road which are the main routes to the Hartford schools. Again, the safety of cycling on our roads in peak periods is borne out by another recent national report into the amount of deaths and the dramatic increase in serious injury.
- 10.38 The appellants, using professional judgement, have applied a 5% reduction to all gross traffic flows from the developments, which is said to reflect the sustainable locations and the benefits of the Travel Plans on non-school travellers [HE10 para 13]. The appellants have also assumed that 75% of all the 20% (not just catchment school) education car trips from the site in the am peak period would be made on foot, cycle or scooter.
- 10.39 JAG considers this to be wholly unachievable, as the appellants have no control over where residents may choose to send their children to school. In addition, having identified a need to make such a significant change in education travel behaviour, the Travel Plan targets make no attempt to deliver what the appellants need to achieve. The targets bear little resemblance to the identified 5% and 15% reductions, despite having been written by the same author [Axon XX and HE10]. The targets therefore do not reflect the reductions required to mitigate the development, as well as being virtually impossible to measure.
- 10.40 In addition, the proposed sustainable links from the School Lane site to the Hartford campus sites would not accommodate cyclists [Gilbert XX]. Children scooting to school therefore would also not be able to use this link. This would impact on the appellants' percentage reductions [HE10].
- 10.41 The Unilateral Planning Obligations simply provide for one-off contributions to cycle and scooter parking at the education facilities and make no financial contribution to the improvement of the school travel plans. This lack of on-going financial commitment to the school travel plans leads to questions as to how the travel plan targets will be achieved [HE10].
- 10.42 Furthermore, the timescales for achieving the travel plan targets do not align with the appellants' desire to make a step-change in travel behaviour in Hartford. Applying a single assessment period that could be undertaken just

under 5 years after the first unit is occupied is not appropriate. The proposed 5 year travel plan target time period also comes at a time when the yearly travel plan funding ceases and the development is completed [HE12 paras 4.4 & 4.5 & HE13 paras 4.4 & 4.5]. The time periods suggested in the obligations would effectively allow the appellants to walk away once the developments are complete. No travel plan sanctions or penalties have been identified other than a one-off payment if the targets are not met.

10.43 As such, JAG remains to be convinced that such a strategy will mitigate the full effects of the proposals. If this is not achieved, then the developments will be reliant on the private car, which is contrary to the objectives of local and national planning policy.

Conclusions

10.44 The Framework states that development proposals should only be refused when the residual cumulative impacts are severe. The appellants' assessment masks the true impact of the development by discounting the volume of traffic that will pass through this known peak period congested location [HE10]. The appellants have also grossly overestimated the likelihood of 'almost all' children walking, cycling or scooting to any of the education facilities they may attend [Axon XX].

10.45 As a result, the appellant has not adequately demonstrated the true and severe impact the proposals would have on an already congested highway network. The proposals therefore would not meet the requirements of the Framework.

10.46 The Council was correct in concluding that the proposals would have a severe impact on the highway network. The deletion of the MOVA mitigation measures, which were shown to be insufficient to overcome the impact of the development, further reinforces JAG's view that there are no deliverable mitigation measures that would address the congestion issues at the junctions. The proposed Travel Plan measures, whilst laudable, would not mitigate the impact of the 650 residential units. The lack of demand restraint measures in the scheme design or the Travel Plans would not restrain vehicular movements to and from the site in the peak periods to the level required to mitigate the developments on an already congested peak period highway network where there is suppressed demand for car travel [MAV1 para 9.55].

10.47 There is no indication in the appellants' evidence that a travel plan would be successful, and there was no proof that their witnesses had experienced a successful plan [Axon XX]. Words noted were probable, guesstimate, in my judgment, assume, benchmark. The other overwhelming word that was continually used was choice. The residents of Hartford would like a choice.

10.48 They are not objecting to development within the village, they are objecting to such a large development that would have a severe impact on the highway network that cannot be mitigated with a travel plan. Such a large development, that would increase the population by almost 30%, would not be economically, socially or environmentally sustainable.

10.49 Based on this, JAG maintains its original position, that the Council was correct in refusing both planning applications. JAG hopes that the Inspector is minded to recommend the dismissal of both appeals and would respectfully request

that the Secretary of State considers the concerns of the community of Hartford when making his decision on these appeals.

11. Interested Persons

The material points are:

Mr Graham Evans MP

- 11.1 Mr Evans spoke to represent his constituents. He drew attention to the strength of local opposition to the proposals in terms of a petition of some 3,000 signatures and the 100s of letters and telephone calls he had received.
- 11.2 His main concern was the additional strain that the proposals would place on existing infrastructure. In relation to education, although there are excellent establishments in the area and the Council has not objected to the proposal in this regard, they would not be able to accommodate the demand from the new residents. In respect of road infrastructure, it was barely sufficient to cater for the existing situation where a high volume of traffic is school related, particularly in the am peak. There are already a large number of accidents due to frustration, and additional traffic would be dangerous and untenable.
- 11.3 The residents of Hartford are not against development and recognise the housing needs of young people and those who are older and wish to downsize. Moreover, there is a shortfall of housing in this area and the Government is seeking to encourage house building to assist in the economic recovery. To add 650 house to Hartford's congested roads and limited school places would result in untold strain. Insufficient mitigation has been proposed and the proposals would therefore conflict with LP Saved Policy T1. Other Northwich sites, which comprise previously developed land, would be better suited to the proposals.
- 11.4 The nearby Winnington Urban Village proposal is located on the former ICI brownfield site, and it is important that the use of brownfield land continues to take precedence over development on green field sites. The Winnington proposal would have a significant impact on Hartford in terms of road and school capacity, but it is different to the proposal in that it represents the redevelopment of previously developed land.

Cllr P Dolan

- 11.5 Cllr Dolan spoke to represent Northwich Town Council. Brownfield and derelict land, including that related to the former salt mines, should be redeveloped before taking open land, which should be retained for environmental buffers and green gaps. The appeal sites represent the last remaining open spaces within the village boundary of Hartford. The School Lane site is also an ASLEV, and the proposal here would have a detrimental impact on this important part of the wildlife corridor of the River Weaver.
- 11.6 The proposals would not enhance the quality of life in and the community of Hartford. The proposals would also compromise regeneration efforts being made in Northwich and would dash local plans for Hartford. They would make a mockery of localism. In a letter dated 27 March 2012 to Graham Evans MP, Greg Clark MP, the then Minister for Decentralisation and Planning, stated that two of the three objectives of the Government's reforms to planning policy were: to put power in the hands of communities to shape the places in which

they live and to protect and enhance our natural and historic environment. The proposals conflict with both of these objectives.

- 11.7 The proposals would create a doughnut effect in terms of development around the periphery of Northwich. This would compromise the regeneration of Northwich, which has already received over £30m from the Government for the stabilisation of former salt mines to facilitate development.
- 11.8 The rejection of the appeals would meet the priorities of the communities of Hartford and Northwich. This would also support sustainable development within the spirit of the Minister's letter, the Framework, the LP and the emerging neighbourhood plans of Hartford and Northwich Councils. On the other hand, the approval of the proposals would dash these plans and demoralise the communities of Hartford and Northwich. It would make a mockery of the spirit behind the Government's localism and neighbourhood plan strategies and local democracy.

Cllr R Haffenden

- 11.9 Marshall's Arm Local Nature Reserve is a site of biological interest. The access routes shown within the Unilateral Undertaking for the School Lane proposal would be problematic due the need for steps to cross the river valley in the reserve and a locked school gate.
- 11.10 Whilst the Council's ecologist has not objected to the proposal, it would disturb the reserve and designated Site of Biological Importance. The loss of the agricultural land would also impact on food sources available for wildlife in the reserve

Cllr H Manley

- 11.11 Cllr Manley spoke to represent his constituents. The existing congestion in Hartford can add 27mins to a journey. Many residents of Hartford work in the Warrington area, and the use of public transport would be unlikely as it would involve using a number of buses and trains. Existing cycle racks are never used, and it is noticeable that traffic levels increase in poor weather. The Travel Plans are optimistic in terms of their walk distances.

Ms M Morron

- 11.12 Ms Morron is a resident of Lodge Lane and a retired primary school head teacher and spoke to represent the residents of Lodge Lane. Lodge Lane is used as a rat run for vehicles speeding to avoid, and make up for time lost in queuing for, the Hartford junctions. The proposals would make this worse.
- 11.13 Lodge Lane is a route to Hartford Primary School, and children are, and would be even more so, put at risk as a result of this rat running. Indeed, even on the morning of her evidence, cars were seen to be mounting the pavements near Hartford Primary School.
- 11.14 Many of the residents of Hartford chose to live in a village to avoid rush hour standing traffic. The proposal would exacerbate an already intolerable, unsafe and unsustainable situation, and the traffic generated would completely strangle Hartford.

Sir Peter Fahy

- 11.15 Sir Peter is the Chief Constable of Manchester, the former Chief Constable of Cheshire and is currently a school governor. The existing congestion causes problems for vehicles exiting Walnut Lane. Moreover, some users of the shops on Chester Road, and indeed Hartford railway station, already park in Walnut Lane with little consideration for the residents. The Grange Farm proposal, in using the Walnut lane access onto Chester Road, would exacerbate these problems. The access routes to the main education campus would be difficult as they would cross playing fields, which are muddy in the winter, and would involve negotiating security gates.
- 11.16 His commute to work in Manchester would involve a walk to Greenbank station, over an hour on the train and a 20min tram journey. This would be unlikely to be the mode of choice for many commuters. Much employment is located in the economic zones of Warrington and Manchester Airport, which are more difficult to access by public transport from Hartford.

Cllr P Herbert

- 11.17 Cllr Herbert is a member of JAG but spoke as a resident. He is concerned about the impact of the proposals on the Hartford neighbourhood plan and that insufficient consideration had been given to industrial and landscape archaeology. The Council's archaeologist had not addressed these issues, and the mitigation proposed by condition would not be sufficient. Both sites are included in Historical Recorded Event Records. The Grange Farm site has the potential for Romano British remains of regional significance. All remains and potential remains should therefore be left in situ until appropriate supervised technology is available for an appropriate archaeological investigation. On the School Lane site, artefacts from an early form of proto-industrialisation, which preceded industrial societies, have been found on part of the site. This would require more than trial trenching and a watching brief. The open nature of the site also relates to the landscape and industrial archaeology of the Weaver Valley.
- 11.18 No form of mitigation could alleviate the impact of development on these historic landscapes, and there is much in danger of being lost on both sites as a result of the proposals.

Mr Gardiner

- 11.19 Mr Gardiner spoke on behalf of Mr V Lakeland and the residents of Woodham Close and Douglas Close. The reporting of the appellants' traffic surveys is deeply flawed, as the absence of a sensor on School Lane should be taken account of. This underplays the traffic flows, and those reported are based on speculation only. The sensors on Chester Road also failed to capture certain traffic flows and no sensors were placed on Beach Road, a major route into Hartford. The period over which the average was calculated also started in the school holidays.
- 11.20 The Council has classed the access from Whitehall Drive onto School Lane as minor and for 100 houses. 95 houses already use this access, and the additional 20 proposed, if not more, will take the access over its limit. There is

also construction traffic to be considered and a shallow water main. The Whitehall Drive access is therefore not suitable for the School Lane proposal.

- 11.21 There are concerns that Section 106 contributions in relation to the School Lane site have not been paid by the appellant's parent company, Redrow Homes, and this history should be borne in mind. The existing sewerage problems in the area would also be exacerbated by the proposal. There are many brownfield sites needing development in the Northwich area which would not have these impacts; conflict with the previous, current and emerging neighbourhood plans; or bridge the open gap between Hartford and Davenham (Kingsmead).
- 11.22 Insufficient account has been taken of construction parking, and parking by the users of Hartford railway station takes place in Fullerton Road, Walnut Close and The Crescent, with some 4 to 5 cars in The Crescent.

Mr J Szostek

- 11.23 Mr Szostek was formerly the membership secretary of the Hartford Civic Society but spoke to give his personal views. Whilst Hartford is a Tier 1 settlement in the LP, both appeal sites lie outside the defined policy boundary of Hartford. The appeal sites are also not among the five sites in the Northwich area listed in the Council's November 2009 Topic Paper: Strategic Local Sites, which is to replace the use of tiers. They therefore lie, and are likely to continue to lie, outside the Council's intended areas for development.
- 11.24 The strategic importance of regenerating Northwich is reiterated in the Council's August 2013 Preferred Policy Directions document which encourages the use of previously developed land to minimise the loss of greenfield land. The greenfield proposals would damage the brownfield regeneration strategy in Northwich. It would also damage the regeneration of the centre of Northwich. This would be by distancing housing from it, leading to residents shopping elsewhere such as on their journeys home from work, and by reducing its accessibility due to congestion on its periphery at Hartford.
- 11.25 The Framework states that planning should be plan led, empower local people to shape their surroundings and have local and neighbourhood plans to set out a positive vision for the future of the area [CD8 para 17]. At a meeting with Rt Hon Greg Clark MP, he convinced those present of the merit of producing a neighbourhood plan for Hartford, that the provisions of the localism bill would be made to work and that he would call in a percentage of planning decisions. The Hartford Neighbourhood Plan Working Group has been working as fast as the implementation of the legislation has allowed. Hartford was an early producer of its Village Design Statement and will be an early producer of its neighbourhood plan. The development process should be driven by well thought through plans and not the opportunistic proposals that are the subject of these appeals.
- 11.26 To get to work in Warrington should take 35 to 40 mins by car. This is not possible due to the congestion in Hartford. Mr Szostak had changed his working hours by 45 mins to avoid the Hartford congestion. Many others are likely to have made the same choices, leading to the absence of any reported peak time traffic growth.

11.27 To use public transport involves a train south to Crewe, a train north to Warrington and a final shared car journey. This takes between 1 hr 10 and 1 hr 30 mins. The journey using three buses takes 2 hrs. New residents would therefore be likely to use their cars.

11.28 The proposals should be decided upon by the people of Hartford and not opportunistically under the Framework.

Cllr Mrs E Bowden

11.29 Cllr Mrs Bowden is a retired teacher and a member of JAG, but spoke as a resident.

11.30 The School Lane site is situated in close proximity to the Weaver Valley and is part of an Area of ASLEV designated in the LP. The ASLEV is said to form an important gap between Hartford, Leftwich and Kingsmead and have an important role in maintaining views across the Weaver Valley. It is also said to be under particular pressure for housing development.

11.31 The Heritage Lottery funded Saltscape Project includes the natural habitats and heritage attractions of the Weaver Valley. The Council's August 2012 Preferred Policy Directions document identifies leisure and tourism as important sources of future growth in the Borough. The Framework requires: the planning system to enhance the natural and local environment; local planning authorities to protect biodiversity networks, green infrastructure and valued landscapes; and states that policies should provide for local communities to designate local green space and allow them to rule out new development other than in very special circumstances.

11.32 Many surveys report that access to the natural world has psychological, social and economic benefits. This view is also held by the Government's Natural Capital Committee, which reports to the Economic Affairs Committee chaired by the Chancellor of the Exchequer.

11.33 Northwich is crying out for regeneration. Building 350 houses on the School Lane site in the Weaver Valley will not solve the housing needs of the neighbourhood or the country, but it will have a severe and detrimental effect on the landscape and natural habitats. This will have repercussions for the environment, tourism, the economy and the wellbeing of the community. It will negate the investments made in the Saltscape Project and will be a betrayal of future generations.

Mr D Bowden

11.34 Mr Bowden is a retired head teacher and consultant to schools and local authorities, has a Masters Degree in Educational Management and is a member of Sustrans. He spoke as a local resident.

11.35 Successful walking and cycling schemes have usually required significant infrastructure. The key roads in Hartford are not safe and cannot accommodate such infrastructure. Traffic has increased in the village with each new housing development, and the claim that this development will be different is an unsupported assertion

11.36 Hartford residents decide how their children get to school by what means they deem safe and convenient, not by what is set out in a travel plan. The

appellants have seriously underestimated the task of bringing about a sustained cultural change in groups of parents and have not accounted for the fragility of schemes dependent on volunteers. These views result from many years experience of managing change in real schools and real communities

Ms H Clegg

- 11.37 Ms Clegg is a local resident. Parking causes many problems in the village, the two biggest of which are at Hartford railway station and the shops. The station car park is full by 08.30 and parking then spills onto the A559 restricting visibility at the car park and Booth Road junctions and making the Fullerton Road junction difficult to negotiate. Parking then extends to The Crescent causing access difficulties. The car park at Greenbank railway station is also almost always full.
- 11.38 Although the proposal for the Grange Farm site includes a public car park, this would not be sufficient for the new residents wishing to use the shops. This would affect the future viability of the shops.
- 11.39 School journeys also cause congestion chaos in the roads close to the schools, and the proposal would result in parking gridlock. Hartford is a special place and different to many other villages and parking, which is a very big issue, should be considered in any decisions.

Mrs J Pritchett

- 11.40 Mrs J Pritchett is a local resident. There is a need for more smaller and local housing, and indeed the Grange Farm site may be suitable in principle, if community facilities are included. The house types and numbers proposed are however unsuitable for the village, and there are no intended community facilities.
- 11.41 There are many reasons as to why children do not walk to school including safety, convenience, economic circumstances, fashion and habit. The evidence and projection in support of the effects of the travel plans is nothing more than an optimistic hypothetical wish list, and the reasons why children do not walk to school are unlikely to change.
- 11.42 There can be no increase in traffic at the two junctions in Hartford, as they are already saturated and gridlocked. Travellers use alternatives, but these are alternative routes, such as through the side roads of Hartford, and are not by foot, cycle or scooter.
- 11.43 School Lane is used by traffic to and from the A556 Northwich bypass. It is a major corridor for traffic northbound to the educational establishments and railway station in Hartford and southbound for Hartford's commuters to Manchester, Chester and southwards. Recent roadworks on School Lane have made drivers aware of rat runs through Lodge Lane, Landswood Park, Riddings Lane, Park Lane, Abbey Lane, Chantry Avenue and through the Wimpey estate. These side roads are narrow and not meant for heavy traffic or large numbers of cycles.
- 11.44 These routes allow drivers to avoid the centre of Hartford when: travelling west from Hartford to join the A556; travelling from the bypass to the railway station; taking children to Hartford Primary School by car and school bus; and travelling east from Hartford to join the A556. The routes are used in both

directions, and would be available for the future residents of both appeal sites making them even more congested and unsafe.

11.45 Despite the appellants' description of the area as the Northwick, Greenbank and Hartford conurbation, Hartford retains its identity. This is in part due to the undeveloped nature of the appeal sites which are the only remaining green areas within the community. If these are lost, the conurbation will indeed be complete.

Mr B Slaney

11.46 Mr Slaney is a local resident and a member of the Association of Project Safety and the Association of Project Managers. His children attended schools in the area. Whilst he endorses the admirable objectives of children attending schools near to their homes, this has not always occurred with his children in the past. Sustainable development is more than cycle shelters and scooter pods. A significant ongoing benefit for residents is needed. The proposed green should be provided first and handed over before the houses are built.

11.47 Walnut Lane already suffers from parking by customers of the shops, causing problems for larger vehicles on the lane. It is too narrow for the Grange Farm site construction traffic. Vehicles must be let out to leave the lane, and the lane is used for u-turns to enable vehicles to join the queue partway along its length.

11.48 Mr Slaney has cycled to work locally in the past, but now works in the Warrington and Manchester area where using public transport to commute is impossible. He uses the rat runs previously described, as the traffic signals at the junction between The Green and Chester Road only pass three vehicles on a green phase in the am peak.

11.49 The Walnut Lane conservation area is important, particularly in terms of any proposed hoarding or fencing, and conditions would be necessary to regulate construction parking and bussing to the site. There have been broken promises concerning development in Hartford in the past, and the Council must ensure that it has sufficient teeth if the permissions are granted.

Mr B Ursell

11.50 Mr Ursell is a local resident and was formerly the chief executive of two banks and a chairman and director of two property companies, both of which were involved in house building. A large percentage of education places in Hartford are taken by non-Hartford residents. This, together with outward commuter traffic, results in the am peak congestion. It is unrealistic to suggest that the proposal would not have any material impact on an already difficult situation, which will get worse as a result of traffic from the Winnington Urban Village development. Any reduction in primary school journeys would be offset by an increase in senior school and commuter traffic.

11.51 Travel to London from Hartford requires the use of the hourly service to Crewe to reach the London connection. The four track line from London reduces to two to the south of Hartford, and local trains to Crewe are frequently delayed to give other services priority. Future additional tracks are unlikely due to the limited width of the Weaver Viaduct. Mr Ursell uses a taxi to Crewe, and many

other commuters drive to Runcorn or Crewe. Commuting to Manchester is not practical due to the hourly service and poor timekeeping.

11.52 The Grange Farm site represents the only opportunity to create a real village centre, with various facilities to reduce travel to Northwich, and is crucial to any village plan. The proposed car park does not do this, and would not alleviate the parking problems at the shops. The proposals do not provide supported housing to alleviate the needs of an ageing population.

11.53 To grant permission on the Grange Farm site would eliminate a significant asset that could be used to enhance Hartford rather than create further problems.

J Krause

11.54 J Krause is a local resident. Walnut Lane would be materially affected by the proposal for the Grange Farm site. The combined entrance to the lane and the site would desecrate the amenity of the lane and its CA, and properties would be blighted by the proposal. Furthermore, the SoCG does not satisfactorily address safety in terms of: the parking of delivery vehicles at the Chester Road shops; young children and cyclists with inadequate road sense; the crossing island on Chester Road, which is designated as a safe route to school. These points are supported by submitted photographs. The photographs also show flooding on Chester Road at the Walnut Lane junction, due to run off from the Grange Farm site, and at The Green traffic junction, evidence of further load on the sewerage system.

11.55 Raw sewage regularly discharges into a ditch running alongside the site which, in the summer months, results in fetid conditions. The introduction of SUDS onto a site comprising clay is also a matter for concern. The site drainage includes a 9" culvert under the Manchester to Chester railway line, which does not appear to have been surveyed. This culvert also takes water from the nearby Fullerton Road estate. The area before the culvert passes under the railway line also regularly ponds, and the site therefore does not have a low risk of flooding as suggested by the appellant. Furthermore, the bog and pond areas have not been the subject of any assessment.

11.56 The ditch running alongside the site takes drainage from the properties in Walnut Close. The existing occupiers have riparian rights to protect the ditch as an integral part of flood protection for the properties, as some of them have flooded in the past.

11.57 The appellant is of the opinion that the proposal would have a neutral effect on the CA and Walnut Lane [SR1 p7.85]. Neutral is however not a sufficiently stringent test, as the test is to enhance and protect. The density of the proposal would in fact skew the setting of the CA.

Dr J Swaffield

11.58 Dr Swaffield is the Chair of the Governors of Cloughwood School and appeared on behalf of the governing body of the school. Peak traffic congestion in Hartford is, in part due to the 10 educational establishments in the village. To this will be added the traffic from the 1,200 dwellings of the Winnington Urban Village development. In addition to this however, the entrances to Hartford Manor Primary and Cloughwood Schools create chaos in and on the single

track drive at the end of Stones Manor Lane. The proposals would further severely aggravate this situation.

- 11.59 Cloughwood School has moved to a timetable with earlier start and finish times to avoid the congestion, and this is another reason why peak traffic levels in Hartford have not increased in recent years.
- 11.60 Experience as a governor at previous schools has shown that travel plans rarely achieve the anticipated benefits, and this is repeated in the private sector. They are not a magic one step solution as claimed by the appellants and in Government literature. Their level of success is only revealed long after the developers have left the area.
- 11.61 The appeals should be dismissed. Our only green lungs should not be destroyed and the character of our village changed for ever.

Mrs C O'Brien

- 11.62 Mrs O'Brien is a local resident, a committee member of the Weaver Valley Cycling Club, and is heavily involved in the education and promotion of cycling through being the first local Cycling Ambassador and running safe cycling courses at the Grange Junior School amongst other things. In her experience it is difficult to translate cycling and training into action. People will not cycle to school unless it is safe and convenient to do so.
- 11.63 In Hartford, cycling can only be made safer and more accessible through major changes to road infrastructure. The sustainable transport initiatives in the travel plans are and will be put in place through the Council's cycling strategy without the need for the travel plans. Family car ownership levels have also been underestimated leading to more use of the car than anticipated.

Mr K Sexton

- 11.64 Mr Sexton is a local resident and is experienced in the implementation of travel plans in large organisations.
- 11.65 These developments have been proposed at the very time the village plan, which will consider the location and scale of future development, is in preparation. To grant permission would frustrate local democracy, and the substance of the village plan would become peripheral.
- 11.66 Whilst the Council's refusal reason refers to traffic, the issues of housing need, the availability of brownfield land, prematurity with respect to the emerging core plan, environment and ecology and schooling are also material issues that should have been identified and contribute to the unsustainability of the proposal.
- 11.67 In view of the Framework test, it is essential that the Inquiry determines the cumulative residual impact and provides a robust interpretation of the adjective severe.
- 11.68 There is concern that traffic sensors have been deliberately placed to miss traffic that uses alternative routes in Hartford to avoid the congested junctions. Baseline flows should also include those predicted in relation to the Winnington Urban Village.

- 11.69 Additional capacity at the junctions can only be generated by reducing pedestrian crossing time, which would prejudice the safety of those crossing, particularly schoolchildren. Any reduction in in-commuting to local schools would not be significant. Only a limited number of primary school pupils would be generated by the proposed developments. Those at senior levels would be further than the realistic walking distance. Any reduction in school commuting into Hartford would therefore be minor compared to that generated by the proposals.
- 11.70 The definition of the adjective 'severe' is dependent on its surroundings. What may be acceptable in a dense metropolitan setting will almost certainly be unacceptable in a rural setting. The test of severity should also include the extent to which traffic routes change to those which are less acceptable, such as those through housing estates.
- 11.71 Currently the filter lane for right turning vehicles from the A559 into School Lane cannot cope at times with the volume of waiting traffic. This is an accident waiting to happen on this busy 70mph dual carriageway with the junction lying just beyond a visibility restricting bend. The increased traffic generated by the proposals would make this already dangerous situation worse. Due to the prohibited right turn out of School Lane at this junction, residents of the School Lane site would have to travel through the village to join the A559 westbound, adding to congestion in Hartford.
- 11.72 Countywide trade offs are not appropriate in this rural village setting. Hartford has increased dramatically in a short time. It has reached its limit, and a further 28% increase from the proposals would be unsustainable. The main economic benefit would be the windfall gains in land value. There would be no employment opportunities within the proposed developments, and there are limited opportunities in Hartford. This would lead to additional commuting. The natural environments of the Weaver Valley, Marshalls Arm and the Cheshire countryside generally would be adversely affected. The road junctions in Hartford are already at capacity, and additional traffic would have social impacts on the community.
- 11.73 There is a massive disconnect between the intentions of travel plans and their delivery in practice. In the Netherlands, sustainable investment takes place on segregated cycle lanes, particularly for children. Here the travel plans are purely cosmetic. In the UK sustainability is something of a comparative concept, but policy clearly directs development to brownfield land first.
- 11.74 Both the appeal sites are unsustainable in terms of development, which would damage the agricultural land and significant environmental assets. The proposals would also place a significant and unsustainable burden on traffic and the village, and would prejudice the development of brownfield sites.
- 11.75 The traffic that would result from this development would have a significant and severe impact on the already congested village. The mitigation measures proposed would not have any material effect. The resulting cumulative impacts would be severe.

12. Written Representations

- 12.1 Many representations were sent to the Council by members of the public prior to the Council's decisions on the appeals and to the Planning Inspectorate

during the appeals process [G15 & O1]. The vast majority of these were sent in objection to the proposals although some were sent in support. The representations cover similar points to those made during the Inquiry. As they do not raise issues that are materially different to those already recorded, no further summary is therefore necessary.

13. Conditions and Section 106 Agreement

- 13.1 Two sets of conditions, substantially agreed between the two main parties, were submitted during the course of the Inquiry [CWC4 & CWC5]. The Council has suggested that house type details on the plots fronting Walnut Lane and the community green at Grange Farm should be subject to further approval by condition, to which the appellant disagrees. This is on the basis that discussion had already been held and the designs amended and that the matter has formed no part of the Council's case. Certified copies of executed Section 106 Unilateral Planning Obligations from the appellants were submitted during the course of the Inquiry. These were replaced with dated certified copies following closure of the Inquiry [HE12 & HE13].
- 13.2 The Obligations would provide for: a 30% element of affordable housing; a scheme for the provision and management of public open space; and one cycle voucher for each dwelling. Financial contributions would be provided towards: cycle and scooter parking at the catchment primary schools; access, car and cycle parking and customer facilities improvements at Hartford and Greenbank railway stations; the construction of two additional classrooms at Hartford Manor Community Primary School; and the provision or improvement of off-site formal playing pitches in the vicinity of the sites. In relation to the Travel Plans, the Obligations would provide for: their implementation; and the appointment and funding of a Travel Plan Co-ordinator; and the payment of sums for the implementation of Travel Plan measures and any payments due from the Travel Plan reserve fund.

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14. Conclusions

Figures in subscript refer to earlier paragraphs in the report

Background

14.1 The proposals would provide up to 300 dwellings on the Grange Farm site and up to 350 dwellings on the School Lane site.

Main Considerations

14.2 Having heard the evidence, read the written representations and seen the sites and surroundings, I consider the main considerations to be:

- i) the impact of the proposals on the Government's objectives to secure a better balance between housing demand and supply and the creation of high quality, sustainable, mixed and inclusive communities: and
- ii) the effect of the proposals on the transport network, with particular reference to highway junctions in Hartford.

Planning Policy and Considerations

14.3 The development plan comprises the Regional Strategy¹² (RS), the Saved Policies of the Structure Plan¹³ (SP) and the Local Plan¹⁴ (LP). RS Policy DP 1 sets the spatial principles for the region. Policy DP 2 seeks to promote sustainable communities. Policy DP 4 seeks to make the best use of existing resources and infrastructure. Policy DP 5 seeks to manage travel demand, reduce the need to travel and increase accessibility. Policy DP 7 seeks to promote environmental quality, and Policy DP 9 seeks to reduce emissions and reduce climate change. Policies RDF 1 and RDF 2 set out spatial priorities and priorities for rural areas. Policies L 4 and L 5 set out regional housing and affordable housing provision. 4.1, 4.2 & 4.3

14.4 The revocation of RSs has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the RS for this area is formally revoked by order, limited weight can be attributed to the proposed revocation in determining these appeals.

14.5 The only SP saved policy that is relevant to the appeal proposal is Saved Policy T7 which refers to maximum parking standards and provision for cycle parking. 4.4

14.6 The following saved policies of the LP are relevant to the appeals. Saved Policies T1 and T20 relate to transport requirements and travel plans. The element of LP Saved Policy T1 which relates to the minimisation of traffic generation is inconsistent with, and has a more than limited degree of conflict with, the National Planning Policy Framework. The Framework is therefore a material consideration of substantial and sufficient weight to justify recommending otherwise than in accordance with this element of development plan policy which is therefore now out of date. The test to be used, in terms of

¹² The North West of England Plan: Regional Spatial Strategy: 2008

¹³ Cheshire Structure Plan Alteration: 2005

¹⁴ Vale Royal Borough Local Plan First Review Alteration: 2006

the proposals, should thus be the Framework test, that only a severe cumulative impact on the transport grounds would be sufficient in its own right to refuse permission. Any lesser impact could however be included in a planning balance. 4.5, 8.6 & 8.7

- 14.7 Saved Policies GS2 and GS5 relate to new development in the Borough and seek to resist new development in the open countryside. The Framework however requires that policies relevant to the supply of housing should be considered in the context of housing land supply, and this matter is addressed later in these conclusions. Saved Policies H4 and H14 identify Hartford as a Tier 1 settlement and seek 30% affordable housing. Saved Policies NE7 and NE12 refer to the protection of landscape features and Areas of Significant Environmental Value (ASLEVs), and Policy BE4 relates to planning obligations. 4.6, 4.7
- 14.8 The Council's Core Strategy (CS), which is part of the emerging Local Plan, is still at an early stage of preparation and is not expected to be adopted until 2014 at the earliest. In view of this very early stage of preparation, it carries little weight in these appeals. 4.8
- 14.9 The Council's Supplementary Planning Document 1¹⁵ (SPD1) and Conservation Area (CA) Appraisal¹⁶ are relevant to these appeals. The following Council evidence base documents are also relevant to the main considerations in these appeals. They are the Strategic Housing Land Availability Assessment¹⁷ (SHLAA), the Housing Land Monitor¹⁸ and the Strategic Housing Market Assessment¹⁹ (SHMA). These conclusions also pay particular regard to the National Planning Policy Framework, Circular 11/95²⁰ and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. They also have particular regard to Planning for Growth²¹ and The Plan for Growth²². 4.9, 4.10 & 4.11

Housing Demand and Supply

- 14.10 Many of the matters identified below, including the summary, are agreed between the two main parties in the relevant SoCGs.
- 14.11 The Council's latest Housing Land Monitor shows that it has a housing land supply of 2.6 years against the Framework requirement of five years. This latest figure is lower than the 2.9 years agreed between the two main parties, indicating a worsening situation. JAG has suggested that a figure used in the emerging Local Plan consultation for the Northwich area alone, which would show a larger housing land supply, should be used in the consideration of these appeals. The emerging Local Plan should however be given limited weight. The suggested figure would appear to represent a material shift away from current policy. It would also appear to seek to change the role of

¹⁵ Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007

¹⁶ Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

¹⁷ Strategic Housing Land Availability Assessment: 2010 – 2011

¹⁸ Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update

¹⁹ Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

²⁰ Circular 11/95: The Use of Conditions in Planning Permissions

²¹ Planning for Growth: Ministerial Statement: 23 March 2011

²² The Plan for Growth: HM Treasury: March 2011

Northwich in supporting growth in the Council's area in conflict with the Council's Issues and Options Paper. 4.10, 7.9, 7.2, 8.54, 8.9, 9.2, 11.3, 10.3 & 10.4

- 14.12 The figure used in the consultation therefore carries little weight in these appeals. In any event, the Framework does not support the disaggregation of housing land supply figures within Council areas in dealing with shortfall issues, and the LP does not provide any basis for disaggregating figures.
7.8 & 7.11
- 14.13 JAG has also referred to the number of extant planning permissions in the Northwich area. These would however have been taken into account in the Council's calculation of the housing land supply figure. 10.4
- 14.14 The Council has a record of persistent under delivery of housing land, and the five year requirement should therefore be increased by 20%. The Council's housing land supply is therefore less than 50% of that required. There is no doubt that this represents a considerable shortfall of deliverable sites, and some evidence that the situation results from the limited allocations made in the LP in the context of wider policy at the time. There is also a shortfall in the provision of affordable housing, and this contributes to a poor housing delivery situation as a whole. 7.25, 7.4, 7.5 & 11.40
- 14.15 The proposals would deliver up to 650 dwellings, in comparison with the Council's five year shortfall of 3,615 dwellings. Dwellings at Grange Farm would be made available at more than 32 open market per annum plus affordable units and more than 64 per annum plus affordable units at School Lane. These dwellings would make an important contribution to the Council's shortfall, as would each of the proposals in isolation. 7.5, 7.39, 7.50 & 8.21
- 14.16 Of the 650 dwellings, 195 would be affordable, in comparison with the Council's gross annual shortfall of 1,311 affordable dwellings. Again, the proposals, either in combination or individually, would make a valuable contribution in this regard. 8.10, 8.46 & 8.55
- 14.17 In terms of the individual sites themselves, Grange Farm was included within the Hartford settlement boundary and allocated as housing land in the 2001 Local Plan. At this time, Hartford was identified as a Tier 1 settlement and a main focus for development due to its sustainable location. 7.24
- 14.18 At the time of the adoption of the current LP in 2006, the site was not required for housing, in the context of the Structure Plan and Regional Planning Guidance housing requirements. These sought to focus housing development in regeneration areas of market failure. The SP anticipated that the Borough's housing requirement could be largely satisfied by developing on previously developed land. The allocation was thus taken out of the LP and the site taken out of the settlement. Hartford however retained its Tier 1 settlement status.
7.25 & 7.7
- 14.19 Historically therefore, the allocation of the site appears to have been dependent on housing requirements. It is surprising that it was not included in a Council November 2009 Topic Paper as a strategic local site, but then there is no evidence on the period covered by the paper. It is however included within the SHLAA as a potential 300 dwelling site to be brought forward in between 6 to 15 years time. The current supply shortage and the appeal

proposal could thus be seen to be bringing the SHLAA identified potential forward to meet the current demand. 7.26, 8.8 & 11.23

- 14.20 On School Lane, the site is similarly identified in the SHLAA for 735 dwellings starting in 6 years time, although not in the 2009 Topic Paper. Again however, the proposal could be seen to be bringing forward the potential to meet current demand. The site also lies adjacent to a recently completed, although much smaller, housing development. Both sites therefore are, and have been for some time, on the horizon for housing development. 7.43, 7.45 & 11.23
- 14.21 Many of the objections to the proposals from local residents relate to the fact that the proposals would increase the size of the village by almost 30%. Development would however take place over a number of years. Moreover, the objections run contrary to the trend towards housing growth in this area, including housing on greenfield sites, which the Council wishes to see at between 10 to 30%. 7.9, 8.47, 10.48 & 11.72
- 14.22 The objections also refer to localism. Localism however carries with it the responsibility for the expeditious production of local plans. In these cases, the LP is out of date in relation to housing supply, and the Council has not responded expeditiously following the strategic housing supply changes sought by the 2008 RS. Without an updated local plan, the production of which is in the hands of the Council, the community of Hartford does not have the parameters for its neighbourhood plan. Furthermore, the absence of an updated local plan does not allow the Council to postpone its obligation to identify and maintain an adequate supply of deliverable housing land. 8.48, 8.49, 11.6, 11.8, 11.25, 11.28 & 11.65
- 14.23 The significant demand for housing in the Council's area therefore has to take precedence over the absence of an updated local plan and indeed the absence of a neighbourhood plan. This accords with Planning for Growth, which carries an expectation that local planning authorities will, wherever possible, approve applications where plans are out of date. The document also suggests that they should make every effort to meet the housing needs of their areas.
- 14.24 Whilst this demand, of some 1,317 dwellings per annum, is currently identified in policy terms in the RS, households in the Council's area are forming at a similar rate of 1,140 per annum. The RS requirement is therefore still realistic, and the Council is seeking growth in the Northwich area. The proposals would therefore not be sufficiently large in their policy context to trigger prematurity issues or to prejudice the outcome of the emerging Local Plan process, a matter agreed between the two main parties. Moreover, there is nothing in the Localism Act to suggest that Councils do not need to provide at least five years housing land supply, as expressly re-affirmed in the Framework, based on credible evidence. 7.2, 7.5, 7.6, 7.9, 7.10 & 8.21
- 14.25 It has also been suggested that housing demand could still be accommodated on previously developed land. Sites on such land have been included in the Council's SHLAA process that provides the basis for the housing land supply figure, and the Council agrees that there is now an urgent need to consider a wider range of sites. Furthermore, the Council also agrees that there is now a shortage of previously developed sites within its area. 7.5, 7.7, 10.5, 11.4, 11.21 & 11.66
- 14.26 In summary, the Council's poor housing land supply situation renders the related LP policies out of date. The appeal proposals, either in combination or

individually, are necessary now to meet immediate housing need, and the presumption in favour of sustainable development in the Framework applies. I therefore conclude that the proposals would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply. I further conclude that they would thus accord with the National Planning Policy Framework in this regard.

High Quality Communities

14.27 The Council has identified the Northwich area as a growth point, and indeed the LP seeks to concentrate new housing within and on the edge of the town of Northwich itself. Although it attracts limited weight, the emerging Local Plan has similar aims. 7.7, 7.9 & 8.53

14.28 A principal element of the LP is the regeneration of Northwich Town Centre. There is no evidence however that the proposals would have any detrimental impact on the regeneration process. Indeed there is a shortfall of previously developed sites, and none have been developed in Northwich to date. 7.7, 10.2, 11.7 & 11.24

14.29 Hartford is a sustainable location and a main focus for development. Both appeal sites adjoin the Hartford settlement. A wide range of day to day facilities and services are available in the village of Hartford within an acceptable walking distance of the furthest points of both sites when assessed against the Council's SPD. There is also an extraordinary range of educational facilities within the statutory school walking distances of the furthest points of both sites. Primary schools are also within an acceptable walking distance when assessed against the Council's SPD. The appeal sites are therefore in sustainable locations in relation to local services. 7.7, 7.13, 7.14, 7.28, 7.44, 8.20, 8.52, 10.9 & 10.32

14.30 Hartford is served by a 30 min frequency weekday bus service between Chester and Northwich Whilst this service frequency is only available during daytime, the service would be generally satisfactory for commuting purposes The majority of the Grange Farm site is within the Council's suggested acceptable recommended walking distance to the nearest bus stops on this service 7.15, 7.29, 8.14 & 10.29

14.31 Whilst the majority of the School Lane site is further than this recommended distance from the bus stops, the Council agrees that it is highly accessible and in close proximity to public transport. The furthest parts of the site however lie well within the Institution of Highways and Transportation (IHT) 2000 Guidelines for the preferred maximum commuting walking distance from the bus stops. Both sites are therefore highly accessible in terms of the bus network, as agreed by the two main parties. Moreover, Northwich, which is on this bus network, has an important sub-regional employment role. 7.15, 7.16, 7.29, 7.44, 8.14, 10.22, 10.30 & 10.31

14.32 The two main parties also agree that Hartford's two railway stations, which offer a variety of destinations, are within comfortable walking distance of the Grange Farm site and within easy walking distance of the School Lane site. Hartford station is well within the IHT preferred maximum from the furthest parts of the Grange Farm site and within this maximum from all of the School Lane site. Greenbank station is within the IHT preferred maximum from the furthest parts of the Grange Farm site, although a small part of the School

Lane site lies outside this maximum. Notwithstanding this last point, both sites are highly accessible by rail. 7.15, 7.28, 7.30, 8.19 & 10.32

- 14.33 There is a shortage of evidence on access from the sites to existing employment opportunities. There is no doubt however that a reasonable proportion of residents of the proposed developments would have to commute by car, particularly to the Warrington area. Sustainable options would though exist in other directions along transport corridors. Whilst these options may not be attractive at the present time, they may become more so in the future, as the improvement in such transportation corridors over time is a reasonable expectation. Car commuting for employment therefore does not weigh heavily against the sustainability of the appeal sites. 10.24, 10.7, 10.8, 11.11, 11.16, 11.26, 11.27, 11.48 & 11.51
- 14.34 Whilst residents of the eastern part of the School Lane site would face a lengthy walk to access public transport for rail commuting along transport corridors, this would not be the case for buses, schools and village services. The distances to the railway stations, which are not unusual and are exceeded in many other developments, do not therefore weigh heavily against sustainability.
- 14.35 The locations of both sites and the proposals for them would therefore be compatible with the creation of sustainable communities, and this would be a substantial benefit in favour of the proposals. A recent appeal decision at nearby Cuddington also supports this view, notwithstanding the smaller scale of the proposal and the need for more use of the car. 7.12, 8.11, 8.12, 8.13, 8.43, 8.44, 8.45, 8.52, 10.1, 10.13 & 10.14
- 14.36 The proposals would also contribute to the creation of mixed and inclusive communities by providing affordable housing and social benefits. The social benefits would include the availability of day to day services within walking distance, a variety of education facilities within the community and the proximity of sustainable commuting opportunities. These benefits would accord with both the social and economic roles of sustainable development as set out in the Framework. 7.6, 7.34, 8.18 & 8.33
- 14.37 I therefore conclude that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities. I further conclude that they would thus accord with the National Planning Policy Framework in this regard.

Highways

- 14.38 The two main parties agree that, setting aside the traffic generation element which is out of date, the proposals are compliant with all other elements of LP Saved Policy T1, and there is no convincing evidence to the contrary. 8.6 & 8.7
- 14.39 Hartford currently suffers from congestion at its central junctions, which are situated around a triangle of roads comprising Chester Road, School Lane and The Green. Within this triangle of roads, Chester Road carries two-way traffic in east/west directions, School Lane is one-way southbound and The Green is one-way northbound. Traffic using the Chester Road junction with The Green and the Chester Road junction with School Lane, which includes Bradburns Lane as a northern leg, is controlled by signals. 9.1 & 9.4

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- 14.40 Congestion is evident in three peaks: am; school pm, which only occurs in school term time and where the green phase of the signals generally clears any queues; and commuter evening, where some of the junctions are saturated or at capacity at some times in terms of traffic during term time but queues are generally less than 20 vehicles. From the queue counts agreed between the Council and the appellants, in the am peak during term time, the junctions are generally saturated between 08.00 and 09.15. 7.17, 7.18, 8.16 & 11.75
- 14.41 Significant queues of between 90 and 120 vehicles have been recorded on The Green and between 50 and 70 vehicles on Chester Road, in an eastbound direction. Outside term time, any queues have been recorded generally to clear between phases of the signals, indicating that the traffic which results in the saturation is related to education uses. Chester Road, in a westbound direction, and Bradburns Lane exhibit much lower levels of queuing. 7.18, 8.23, 11.50, 11.58 & 11.59
- 14.42 The throughput of vehicles at the junctions has maintained zero growth over a number of years. This has been the case, despite general and development related traffic growth over time. It is likely to be the consequence of the inconvenience resulting from the congestion and is indicative of a suppressed demand for car trips. 7.20, 8.23 & 10.18
- 14.43 The base case peak hour demand flows agreed between the two main parties include an allowance for committed development which includes for development at the Winnington Urban Village. There is no convincing evidence that they are deeply flawed. Daily flows could however vary by as much as 15% from these figures. 7.19, 11.19 & 11.68
- 14.44 Trip generation rates for both proposals are agreed between the two main parties. These rates lead to undisputed flows into the triangle or cordon of junctions previously described. In the am peak, which is the only period where the junctions can be said to be fully saturated, 182 additional vehicle movements would enter the cordon as a result of the agreed trip generation rates for both proposals. This would represent an increase of 9.1% over the existing flows into the cordon, and this increase would lie within the daily variation that could be expected of the base case demand flows. 8.26, 9.10, 9.11, 9.12, 9.18, 10.19 & 11.14
- 14.45 These movements would lengthen the queues on The Green and eastbound on Chester Road, which are by far the longest queues in the cordon over the am peak. The base case demand flow on The Green is 518 vehicles over the am peak. The additional movements would add 66 vehicles to this figure, an increase of 13%. They would also add an average of over 1min to the typical 6min am peak delay at the signals where The Green joins Chester Road. Any additional delay however carries less weight as it is not the aim of policy to protect the convenience of commuting car drivers. That is also the Council's approach in the recent prioritising of pedestrians over car users at the junction of Chester Road, Bradburns Lane and The Green. 7.19, 7.21, 8.36, 8.37, 8.38, 8.40, 9.11, 9.12 & 9.25
- 14.46 The signals however have been recorded to clear their queues on a single green phase up to about 08.00 and after about 09.15. Between these times, the queue reaches recorded maximum lengths of some 90 and 120 vehicles, in relatively sharp peaks. The maximum queue lengths therefore exist for a very

short period of time, and indeed the 66 vehicle increase over the hour would not greatly add to these queue lengths. 7.18 & 8.23

- 14.47 The distribution of dwellings in Hartford is such that the vast majority of the base case vehicles on The Green are likely to be from outside the village. From the traffic counts taken outside term time they are likely to be related to education, but not the catchment primary sector in view of the locations of the two catchment schools in respect of The Green.
- 14.48 The base case demand flow on Chester Road is 573 vehicles over the am peak. The additional movements would add 73 vehicles to this figure, an increase again of 13%. They would also similarly add an average of over 1min to the typical 6min am peak delay at the signals where The Green joins Chester Road. 7.19, 8.38, 8.40, 9.11 & 9.12
- 14.49 The signals however have been recorded to clear their queues on a single green phase up to about 08.15 and after about 09.15. Between these times, the queue reaches recorded maximum lengths of some 50 and 70 vehicles in a sharp peak. The maximum queue lengths therefore exist for a very short period of time, and indeed the 73 vehicle increase over the hour would not greatly add to these queue lengths. Vehicles in the queue are likely to include some catchment primary school trips from the east. 7.18, 8.23, 9.5 & 9.6
- 14.50 Using the agreed trip generation rates and base case flows, the proposals would have an adverse and noticeable impact on queue lengths on The Green and eastbound on Chester Road in the am peak from the School Lane and Grange Farm sites respectively. This impact however could not be characterised as severe due to the number of additional vehicles and queue lengthening compared to the existing situation, the fact that existing queues are very short lived and the small average increase in journey time across the cordon. 10.45, 10.46, 11.67 & 11.70
- 14.51 The appeal sites are well located in relation to the catchment primary and secondary schools. It is therefore likely, particularly in view of the am peak congestion in Hartford, that trips from the proposed dwellings to the schools in the village would tend to switch from car to non-car use. This would be the case; even accepting that cycling to school on Hartford's congested roads would be seen by some as being unsafe. 8.34, 8.35, 11.35, 11.62 & 11.63
- 14.52 Such a switch would be more likely to be the case with the School Lane site, as the proposed route crossing the Marshall's Arm Reserve would be far shorter than the route by road. There is nothing to suggest that concerns in relation to the physical pedestrian crossing of the Marshall's Arm valley and school security could not be overcome. The likelihood of the switch is generally supported by the appellants' data from Leeds. 8.15, 10.25, 10.26 & 11.9
- 14.53 It has been shown that, on average, 20% of am peak time traffic in the Council's area comprises school related trips. This would therefore be a reasonable judgement in respect of the agreed trip generation rates and flows from the appeal sites. For the Grange Farm site, school related am peak traffic would be unlikely to turn right out of Walnut Lane onto the westbound lane of Chester Road. This would be the case because to turn right would result in travel away from the catchment schools, and indeed the full range of Hartford's educational facilities. 9.19

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- 14.54 It is therefore correct that any reduction in school traffic from Grange Farm, due to its location, is applied to Chester Road in an eastbound direction, even if for only a short distance in the case of Hartford Primary School. Any reduction would therefore reduce: the 73 vehicles that the agreed trip generation rates would add to the eastbound queue on Chester Road over the am peak; the additional queue length; and the average 1min additional delay. 8.27, 9.14, 9.15, 9.16 & 9.17
- 14.55 A similar situation would occur at the exit of the School Lane site onto School Lane, where school related trips would be likely to turn right, thereby directly adding to flows on The Green. Any such reduction in school traffic from School Lane should therefore be applied to The Green. Any reduction would thus reduce: the 66 vehicles that the agreed trip generation rates would add to the queue on The Green over the am peak; the additional queue length; and the average 1min additional delay.
- 14.56 There are limited surplus places available at the two catchment primary schools, and many pupils at the schools are from outside of the catchment areas. The 55 and 63 potential pupils from the Grange Farm and School Lane sites would take priority over those from outside of the catchments, and this would reduce the number of trips made to the primary schools from outside Hartford. 7.39, 7.50, 8.16 & 8.17
- 14.57 Part of the am peak flow eastbound on Chester Road is likely to contain primary school trips to the catchment schools. Potential pupils from the proposed developments would be able to walk to school and, any that did, would therefore be likely to reduce the 573 base case flow and thus the effect of the proposal on queue lengths and delays. The reduction in the base case flow would take place notwithstanding the suppressed demand because the additional traffic from the proposed developments would maintain the actual flow above the base case, thereby not encouraging the release of the suppressed demand. Flows on The Green would be unlikely to include trips to the schools from outside Hartford due to the locations of the schools in relation to The Green, and any reduction here would be unlikely.
- 14.58 The proposed developments would take place over time, and therefore the effect of sibling priority would reduce, as catchment pupils became available to compete with potential pupils that did not have siblings at the school. 9.23 & 9.24
- 14.59 On the evidence submitted, it is not possible to quantify the reductions in school related traffic that would be likely to occur as a result of the travel choices that pupils from the proposed development would make. It is also not possible to quantify the additional effect that primary school choices would have on incoming school traffic to Hartford. It is however likely, from the above evidence, that future traffic flows would be materially less than those that would follow from the trip rates without any adjustment for the particular circumstances of Hartford. It is also possible that highway congestion around the two primary schools could reduce. 10.10, 11.36, 11.39 & 11.41
- 14.60 In addition to this, there is the evidence that there has been zero growth and therefore suppressed demand in recent years. Whilst the appellants 5% reduction in non-school traffic seeks to continue the existence of suppressed demand into the new developments, there is no justification for the 5% figure used. The continuation of some suppressed demand into the new

developments would however be likely. Any car trip reduction in this regard would also reduce the additional congestion that would result from the proposals, but the quantification of the effect of this suppression is not possible. 8.25 & 8.32

- 14.61 The traffic demand growth from the addition of some 650 dwellings to Hartford would be different to the growth in demand that has taken place over the past 10 years. The capacity at the saturated signalised junctions cannot increase, and zero growth in vehicle throughput at these times would continue. This is not to say however that demand growth would not lengthen queues at the junctions. The fact that zero growth has been recorded at the saturated signalised junctions therefore does not mean that all traffic demand growth would be taken out of the highway network as suppressed demand. 9.22, 10.16, 10.17 & 11.69
- 14.62 The draft Interim Travel Plans, which the Council and the appellants have agreed are acceptable and appropriate, and the arrangements for their implementation would assist in achieving the kinds of reductions described above. This would be the case, even allowing for the concerns that have been raised. The Travel Plans would therefore be a useful tool, would be likely to have a positive impact but could not, in the absence of any reasoned evidence, be relied upon to produce a quantifiable impact. 7.19, 8.27, 8.29, 8.30, 8.31, 9.20, 9.21, 10.23, 10.27, 10.34 - 10.44, 10.47, 11.60, 11.64 & 11.73
- 14.63 To summarise, it has been found that the flows generated by the agreed trip rates would not have a severe effect on the traffic conditions in Hartford. Moreover, the Council agrees that the impact of the proposals would not be severe. The proposals would however have an adverse effect on traffic conditions, but this would lie within the daily variation of flows, be of a very short duration and cause minimal additional average delay. Furthermore, on the basis of the evidence presented, the flows generated by the agreed trip rates would be reduced due to: the proximity of education facilities; a reduction in primary school pupils travelling into Hartford by car; the likelihood of suppressed demand occurring among new residents; and the implementation of Travel Plans. In view of all of these points, the adverse effect on traffic conditions would be limited. 8.22, 8.39, 8.41, 9.26, 10.20 & 10.21
- 14.64 The appellants' original proposals included Microprocessor Optimised Vehicle Actuation (MOVA) improvements at the signal controlled junctions within the cordon. The junctions operate at capacity at times and, at these times, MOVA would not increase the capacity of the junctions. There is therefore no evidence that it would improve the situations described above. 9.7, 9.8, 9.9, 10.15, 10.28 & 10.33
- 14.65 It has been suggested that the signal timings in the Transport Assessments were incorrect. Whilst this may well be the case, it would not affect the conclusions identified, as they are primarily based on base case and demand traffic flows together with observed queue lengths. This point therefore carries little weight in the appeals. 9.8
- 14.66 The arrangements for the junction between Walnut Lane and Chester Road have been agreed with the Council as Highway Authority. There is no reasoned evidence that its use as the access to the Grange Farm site would be unacceptable. The use of an access through Douglas Close for a modest

number of dwellings also has the agreement of the Highway Authority. The number could be controlled by condition and construction impact could be controlled by the implementation of a Construction Management Plan. There is thus no convincing argument against its use. 7.41, 7.51, 11.20, 11.15, 11.22 & 11.47

- 14.67 Notwithstanding the proximity of the sites to local services, the proposals would be likely to result in some additional parking in the centre of the village and at the railway stations. Any such parking however is likely to be limited due to the proximity of the sites; the Grange Farm proposal would include some off-highway public parking; the Council has not objected to the proposals on this basis; the village however is not particularly cramped; and it would be possible for the Highway Authority to implement parking restrictions at any critical locations. Additional parking would therefore be no reason to recommend dismissal of the appeals. 11.37 11.38
- 14.68 The proposals could increase right turning traffic from the A559 into School Lane. Queues may in the future exceed the filter lane provided for this movement, and further work may be required to maintain a satisfactory level of highway safety. The Highway Authority has not however objected to the proposals in this regard, and there is no reason to suggest that improvements could not be undertaken in the future if required. The capacity of the right turning lane would therefore be no reason to recommend dismissal of the appeals. 11.71
- 14.69 The accident records for the area around the appeal sites show no greater than the usual level of road safety concern, and the Council has not identified Hartford as requiring accident reduction measures. In terms of routes to avoid the congested junctions, the Council, as Highway Authority, is content that they would be able to accommodate any additional traffic. In any event, if this was found not to be the case, the Council could implement restrictions to avoid these routes being used. There is therefore no convincing evidence that the proposals would have any material effect on highway safety. 7.22, 7.42, 7.51, 11.12, 11.13, 11.42, 11.43 & 11.44
- 14.70 I therefore conclude that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford and that this conclusion would be appropriate for each of the proposals in isolation. I further conclude that they thus would not conflict with the National Planning Policy Framework in this regard or any element of Local Plan Saved Policy T1 which is not to be regarded as out of date. The proposals would however have an adverse but limited impact on the network in relation to morning peak queuing on The Green and on Chester Road in an eastbound direction. If considered in isolation, the Grange Farm proposal would have the limited impact in terms of Chester Road and the School Lane proposal in relation to The Green.

Other Considerations

- 14.71 Part of the Grange Farm site is situated within, and part is adjacent to, the Hartford CA. The CA Appraisal identifies these parts of the site as being an important open space in relation to the most significant space in the CA, the Chester Road linear spine. These parts of the site are however only one of four important spaces that relate to the spine, and only limited views of the CA

- are available across these parts of the site. The appellant has undertaken a Heritage Assessment which considers the effect of the proposal on the CA. 7.32
- 14.72 The submitted masterplan includes the retention of an area of open space adjacent to the Chester Road spine and the provision of a linear park extending from this to give views of open playing fields beyond the site. Both of these aspects of the masterplan would retain much of the significance of the open space in this part of the CA, and the proposal would thus preserve the character and appearance of the CA in this regard. 7.32 & 11.57
- 14.73 There would though be some loss of the open nature of this part of the CA which contributes to the significance of the CA. In view of the aspects of the masterplan noted above however, the harm from this loss would be less than substantial but would still weigh against the proposal. The proposal would also include the re-use of the derelict Grange farmhouse, a locally listed building of significance as a non-designated heritage asset. 7.33
- 14.74 The proposal would result in less than substantial harm to the open nature of the Grange Farm site that contributes to the significance of the CA. This harm however would not outweigh the following matters: the public benefit that would result from the provision of housing on the site which, should the appeal be allowed, would be likely to take place; and the positive contribution to the significance of the CA which would result from the potential re-use and future conservation of the Grange farmhouse.
- 14.75 The phase of the Grange Farm proposal that would lie nearest Chester Road and the CA would reflect the character of the CA in terms of building design and plot sizes. There was also no objection from the Council at the time of the planning application for the proposal. The built form of the proposal would therefore preserve the character and appearance of the CA. 7.32, 7.33, 11.39, 11.54 & 11.57
- 14.76 The proposals would generate a demand for primary school places that could not be satisfied by surplus places in the catchment schools. The Unilateral Planning Obligations provide contributions towards the construction of additional classrooms at Hartford Manor Community Primary School, and the Council, as Education Authority, has not objected to the proposals. The proposals therefore would not have a harmful effect on the provision of education services in the surrounding area. 7.14 & 11.2
- 14.77 The Council accepts that the displacement of pupils from outside the catchments with pupils from the appeal developments would take place. The Council would however have to decide whether to extend the school or not, given that an extension may result in the continuation of the congestion resulting from out of catchment primary school pupils travelling into Hartford by car. 9.23, 10.11 & 10.12
- 14.78 Should the proposed development at the School Lane site proceed, the significant landscape feature of the well vegetated Weaver Valley would remain. The proposal would also include a landscape buffer zone alongside the river corridor. The site lies within a Council designated ASLEV under LP Saved Policy NE12. The Council considers that the proposal would not have any unacceptably harmful impact on the landscape, and the evidence is that this would be the case. Furthermore, the site is not designated as protected open

space. The School Lane proposal would not therefore have a harmful effect on the surrounding landscape. 7.47, 7.48, 11.5, 11.30 - 11.33

14.79 The Grange Farm site has no landscape or open space designation and, whilst the proposal would significantly change the appearance of the main body of the site, the proposal would not result in any landscape harm. 7.26, 11.45 & 11.61

14.80 It has been suggested that part of the site at Grange Farm should be developed as a village centre, despite there being a good range of facilities already in the village. Whilst a planning application for 350 dwellings on the site in 2000 included a medical centre and a community hall, the subsequent 2001 Local Plan just included a village green, car parking for the local shops and the re-use of the Grange farmhouse. The appeal proposal follows these latter uses. Any development of a new village centre on the site would take place outside the settlement boundary, for which there would be no local or national policy support. The possibility of such a scheme coming forward would therefore be no reason to recommend dismissal of the appeal. 7.23, 7.24, 7.28, 11.52 & 11.53

14.81 The appeal sites comprise improved agricultural land, and neither the Council nor Natural England (NE) have objected to the proposals on ecological grounds. Indeed, the Council believes that the proposals would generally enhance the biodiversity of the sites. At School Lane, the landscape buffer between the housing and the River Weaver corridor would protect the ecology of the river route. At Grange Farm, the site has a moderate ecological value. The proposal however complies with the provisions of the Conservation of Habitats and Species Regulations 2010 and Article 16 of the Habitats Directive, and these conclusions are supported by NE. 7.35

14.82 Both sites are included in historical recorded event records, and the appellants have carried out archaeological assessments. There has been no objection from the Council's archaeologist to the proposals, and there would be no justification to recommend dismissing the appeals on this basis. 7.37, 11.17 & 11.18

14.83 Various issues have been raised in relation to drainage. There is no reason however to believe that any of the site drainage issues could not be overcome during the detailed design of the proposals. Furthermore, the EA have not objected to the proposals. 7.38 & 11.55

14.84 The Grange Farm proposal would result in the loss of some Grade 2 and 3a agricultural land. This loss would not however be sufficient reason to recommend dismissal of the appeal, a conclusion supported by NE. 7.37 & 11.74

Section 106 Unilateral Planning Obligations

14.85 The level of affordable housing to be provided under the obligations would accord with that required by the LP Saved Policy H14. In view of the shortfall in the provision of such housing in the surrounding area, this level of affordable housing would satisfy the tests of the Framework. The Council has no objection to the terms of the obligations. The provision of unilateral obligations instead of agreements between the owners of the sites and the Council, as suggested in the Council's SPD1, does not therefore count against the appeals. The scheme for the provision and management of public open space would accord with LP Saved Policy BE1, and the relevant obligation requirement would also satisfy the tests of the Framework. 7.6

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- 14.86 The financial contributions towards cycle and scooter parking and towards public transport facilities would accord with the interests of sustainable travel and with LP Saved Policies T9 and T3. Off site playing pitch provision or improvement would be required due to additional pressure from new residents and the contributions would accord with LP Saved Policy BE1.
- 14.87 There are limited surplus places available in the catchment primary schools. The Council would however have to decide whether to extend the schools or not, given that extensions could result in the continuation of the congestion resulting from out of catchment primary school pupils travelling into Hartford by car. The contributions towards additional classrooms would however strictly be necessary, and they would therefore accord with LP Saved Policy BE4.
- 14.88 Whilst the traffic level generated by the proposals, without any reductions for location and behavioural change, would not be severe, it would be greater than 10% and significant. Travel Plans, and their implementation, would therefore be required in accordance with LP Saved Policy T20. All of these sums secured, would directly relate fairly and reasonably to the proposal in scale and kind, and they would meet the tests set out in Regulation 122 of the CIL Regulations 2010 as amended.

Conditions

- 14.89 Lists of agreed conditions were submitted during the course of the Inquiry. The Council's suggested condition requiring further house type details for the Grange Farm site refers to dwellings within the CA. The approved plans do not show the level of detail necessary to regulate the development in this prominent area and thereby preserve the character and appearance of the CA. The suggested condition would therefore be both reasonable and necessary.
- 14.90 The suggested condition removing permitted development rights on certain of the plots on Phase 1 refers to plots which would lie outside of the CA. The condition is required to preserve the character and appearance of the CA, and the plots referred to in the condition should therefore relate to the prominent area already identified.
- 14.91 I have also incorporated some minor amendments to the various conditions in the interests of precision and enforceability. The conditions would be appropriate, and satisfy the tests of Circular 11/95 and are attached at Appendices A and B.
- 14.92 The condition requiring the Grange Farm site Phase 1 landscaping to be undertaken in accordance with and approved implementation programme would ensure that the community green adjacent to Chester Road was completed in a timely manner. Both sites are sufficiently large to accommodate onsite parking related to construction activities, and site operatives' commuting patterns would be unlikely to impact on the identified peak am period. Conditions requiring workers to be bussed to the sites would therefore be unnecessary. The condition to require the approval of any construction related boundary treatment on the Grange Farm site would allow the Council to regulate the provision on any hoardings in relation to the CA.

15. Summary of Conclusions

- 15.1 In reaching my conclusions, I have taken into account the various development plan and national policies. The Council's poor housing land supply situation renders the related LP policies out of date, and the appeals should therefore be considered in the context of the presumption in favour of sustainable development.
- 15.2 In this regard, I have found that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply and to secure the creation of high quality, sustainable, mixed and inclusive communities.
- 15.3 I have also found that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford. They would however have an adverse but limited impact on the network in relation to morning peak period. This impact however, in combination or individually, would not significantly and demonstrably outweigh the above benefits such as to justify dismissing the appeals. I have also taken into account all other matters raised, but none carry sufficient weight to alter my conclusions.
- 15.4 I further conclude that the proposals would thus accord with the relevant up to date policies of the Development Plan and the Government's policies as set out in the National Planning Policy Framework.
- 15.5 Should the Secretary of State agree with my recommendations, lists of conditions which would be appropriate and would satisfy the tests of Circular 11/95 are attached at Appendices A and B.

16. Recommendations

- 16.1 I therefore recommend that Appeals A and B, in relation to Land at Grange Farm and Land to the East of School Lane, be allowed subject to the conditions at Appendices A and B.

Stephen Roscoe

INSPECTOR

APPEARANCES

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Mr M Kitching BSc MSc CMILT Director, SK Transport Planning Limited

Mrs R Hollens Chair, Joint Action Group

Interested Persons:

Mr Graham Evans MP Member of Parliament for Weaver Vale

Cllr P Dolan Member, Cheshire West and Chester Council and
Northwich Town Council, representing Northwich
Town Council

Cllr R Haffenden Member, Hartford Parish Council, speaking as a
resident

Cllr H Manley	Member, Cheshire West and Chester Council, representing constituents of Hartford and Greenbank
Ms M Morron	Local Resident
Sir Peter Fahy	Local Resident
Cllr P Herbert	Member, Hartford Parish Council, speaking as a resident
Mr Gardiner	Speaking on behalf of Mr V Lakeland, local resident
Mr J Szostek	Local Resident
Cllr Mrs E Bowden	Member, Hartford Parish Council, speaking as a resident
Mr D Bowden	Local Resident
Ms H Clegg	Local Resident
Mrs J Pritchett	Local Resident
Mr B Slaney	Local Resident
Mr B Ursell	Local Resident
J Krause	Local Resident
Dr J Swaffield	Chair of Governors, Cloughwood School
Mrs C O'Brien	Local Resident
Mr K Sexton BSc MSc DHS CEnv FIEMA	Local Resident

DOCUMENTS

General

- G1 Lists of persons attending the Inquiry
- G2 Letter of notification of the Inquiry
- G3 Representations from interested persons
- G4 Appeal Submission: Land at Grange Farm: 10 July 2012
- G5 Appeal Submission: Land to the East of School Lane: 10 July 2012
- G6 Letter recovering the appeals dated 27 July 2012
- G7 Statement of Common Ground: Land at Grange Farm: 26 September 2012

- G8 Statement of Common Ground: Land East of School Lane: 26 September 2012
- G9 Transportation Statement of Common Ground: Land at Grange Farm: September 2012
- G10 Transportation Statement of Common Ground: Land at Grange Farm: Appendix GGC7: September 2012
- G11 Transportation Statement of Common Ground: Land to the East of School Lane: October 2012
- G12 Transportation Statement of Common Ground: Land to the East of School Lane: Appendix HGC7: September 2012
- G13 Council letter to the appellant dated 30 August 2012 withdrawing refusal reason 2: Land at Grange Farm
- G14 Council letter to the appellant dated 30 August 2012 withdrawing refusal reason 2: Land East of School Lane
- G15 Written Representations Submitted during the Planning Applications Stages
- G16 Hartford Joint Action Group Rule 6(6) Status Letter
- G17 EIA Screening Opinion response from the Council: Land at Grange Farm
- G18 EIA Screening Opinion response from the Council: Land East of School Lane

Core Documents

Land at Grange Farm

- CD1 Application documents comprising:
- Application forms and certificates
 - Materials Board
 - Planning Statement by Turley Associates
 - Design and Access Statement by Planit ie
 - Transport Assessment (TA) by CBO Transport Ltd
 - Transport Assessment Figures and Appendices by CBO Transport Ltd
 - Technical Note 1: Cumulative Traffic Impacts by CBO Transport Ltd
 - Travel Plan Framework by CBO Transport Ltd
 - Consultation Statement by Lexington Communications
 - Archaeology Desktop Assessment by LP Archaeology
 - Flood Risk Assessment by BWB Consulting
 - Energy Statement by Harrow Estates plc
 - Acoustic Assessment Report by Azymuth Acoustics
 - Extended Phase 1 Habitat Survey by Marishal Thomson Group
 - Up-date Phase 1 and Phase 2 Habitat Survey by Ecosulis Ltd
 - Tree Survey by Arbtech Environmental Services
 - Heritage Assessment by Turley Associates
 - Phase 1 Desk Top Report by Betts Associates
 - Bundle of correspondence with the Planning Authority including pre-application screening opinion.
 - Bat Survey by Ecosulis
 - Application drawings

- Amended drawings
 - Technical Note: Impact on Delay based on Sensitivity Traffic Generations & Distributions
 - Technical Note: Cumulative Impact on Delay based on Sensitivity Traffic Generations & Distributions
 - Review of Transport Assessment (by URS)
- CD2 Report to Strategic Planning Committee including late information up-date, (31 May 2012)
- CD3 LPA decision notice (31 May 2012)
- CD4 Grange Farm Development Brief (2000)

Land to the East of School Lane

- CD5 Application documents comprising:
- Planning application forms and certificates of ownership
 - Site location plan @ 1:10,000
 - Topographical survey 0618/Sheet/1250 Rev A
 - Concept masterplan ref: 11-008-PUD-P002 Rev B
 - Planning Statement
 - Design and Access Statement, and the following associated plans:
 - 11-008-PUD-P003 Rev A – Building Heights;
 - 11-008-PUD-P004 – Longitudinal Section;
 - 11-008-PUD-P005 Rev B – Green Infrastructure Network;
 - 11-008-PUD-P006 RevA – Indicative Phasing; and
 - 11-008-PUD-P007 – Concept Landscape Structure Plan.
 - Illustrative Plans in relation to the proposed access:
 - 11-008-S001 – Indicative Access Design – Plan/Layout;
 - 11-008-S002 – Indicative Access Design – Axonometric Projection; and
 - 11-008-S003 – Indicative Access Design Street Scene Section.
 - Addendum to the Design and Access Statement and the following associated plans:
 - 011-008-P008 – Sample Indicative Layout; and
 - 011-008-P009 – Landscape Sections.
 - Landscape and Visual Impact Assessment, together with Appendix A – figures and the following plans:
 - Figure 10 Rev A – Visual Receptors 1 & 2; and
 - Figure 11 Rev A – Visual Receptors 3 & 4.
 - Transport Documents:
 - Transport Assessment and associated Figures and Appendices (TA);
 - Travel Plan Framework;
 - Technical Note 1 – Cumulative Traffic Impact; and
 - Bundle of highway related correspondence.

- Sustainability Assessment
 - Agricultural Land Assessment
 - Ecological Impact Assessment, and the following related reports:
 - Badger Bait Marking Study; and
 - Report on Bat Activity Surveys.
 - Archaeological Desk Based Assessment, and the following report:
 - Archaeological Monitoring of Metal Detecting Survey.
 - Tree Survey Report, and the following associated plans:
 - Tree Survey Sheets 1-4.
 - Desk Study Report (Geo-Environmental)
 - Flood Risk Assessment
 - Energy Statement
 - Consultation Statement
 - Site Waste Management Plan
 - Bundle of correspondence with the Planning Authority including pre-application screening opinion
 - Review of Transport Assessment (by URS)
- CD6 Report to Strategic Planning Committee including late information up-date, (31 May 2012)
- CD7 LPA decision notice (31 May 2012)

Policy Documents

- CD8 National Planning Policy Framework (March 2012)
- CD9 Relevant extracts of Regional Spatial Strategy (RS) (2008)
- CD10 Relevant extracts of Vale Royal Borough Local Plan First Review Alteration (2006)
- CD11 Relevant extracts of Cheshire 2016: Structure Plan Alteration
- CD12 Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007
- CD13 Hartford Village Design Statement (2005)
- CD14 Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

Other Documents

- CD15 Planning for Growth (Ministerial Statement 23 March 2011)
- CD16 The Plan for Growth (HM Treasury) (March 2011)
- CD17 Relevant Extracts of Strategic Housing Land Availability Assessment: 2010 – 2011
- CD18 Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update
- CD19 Extracts of the Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

- CD20 Forest Road, Cuddington appeal decision (reference APP/A0665/A/11/2159006)
- CD21 The Community Infrastructure Levy (Amendment) Regulations 2011
- CD22 CWaC School Capacity Data
- CD23 Cheshire West and Chester Council: Local Transport Plan: Integrated Transport Strategy: 2011-2026
- CD24 Winnington Urban Village – Committee Report (submitted during the course of the Inquiry and also listed as HE3)
- CD25 Extracts of Chester District Council Sustainable Development SPD (July 2008) (submitted during the course of the Inquiry)
- CD26 Walking and Cycling: Local Measures to Promote Walking and Cycling as Forms of Travel and Recreation (National Institute for Health and Clinical Excellence) (November 2012) (submitted during the course of the Inquiry)

Documents Submitted by the Appellants

- MAV1 Proof of Evidence of Mr M Axon
- MAV2 Appendices to Proof of Evidence of Mr M Axon
- MAV3 Summary Proof of Evidence of Mr M Axon
- MAV4 Rebuttal Proof of Evidence of Mr M Axon

- SR1 Proof of Evidence of Ms S Ryan
- SR2 Summary Proof of Evidence of Ms S Ryan

- MG1 Proof of Evidence of Mr M Gilbert
- MG2 Summary Proof of Evidence of Mr M Gilbert

Submitted During Inquiry

- HE1 List of Appearances
- HE2 Opening Statement
- HE3 Winnington Urban Village Planning Committee Report Ref 06-0740-OUM (Also listed as CD24)
- HE4 Extracts of Chester District Council Sustainable Development SPD (July 2008) (Also listed as CD25)
- HE5 Walking and Cycling: Local Measures to Promote Walking and Cycling as Forms of Travel and Recreation (National Institute for Health and Clinical Excellence) (November 2012) (Also listed as CD26)
- HE6 Replacement Transport Statement of Common Ground Walk to School Tables for both sites and Local Facilities for Land East of School Lane
- HE7 School Travel Distance Note for both sites
- HE8 Axon Appendix MA10
- HE9 Revised Axon Appendix MA7
- HE10 Axon Appendix MA7 Explanatory Note
- HE11 Letter, dated 6 December 2012, from the appellant to the Council advising of a costs application

HE12	Unilateral Planning Obligation by Harrow Estates PLC in relation to Land at Grange Farm
HE13	Unilateral Planning Obligation by Bridgemere Land PLC and The Trustees of the Linson Construction Pension Fund and Redrow Homes and Bridgemere JV Limited
HE14	Letter, dated 6 December 2012, from Redrow to the Planning Inspectorate regarding planning agreement obligations
HE15	The Council's Determined Admission Arrangements for Community and Voluntary Controlled Schools 2013-14
HE16	Land at Grange Farm: Revised Ryan Appendix 5: Green Belt Boundary Plan
HE17	Closing Submissions
HE18	Applications for Costs Against the Council

Documents Submitted by the Council

CP1	Proof of Evidence of Mr C Posford
CP2	Summary Proof of Evidence of Mr C Posford
JG1	Proof of Evidence of Mrs J Gordon: Land at Grange Farm
JG2	Appendices to Proof of Evidence of Mrs J Gordon: Land at Grange Farm
JG3	Proof of Evidence of Mrs J Gordon: Land East of School Lane
JG4	Appendices to Proof of Evidence of Mrs J Gordon: Land East of School Lane

Submitted During Inquiry

CWC1	List of Appearances
CWC2	Opening Statement
CWC3	Rebuttal Proof of Evidence of Mr C Posford (including deletions)
CWC4	Draft Conditions: Land at Grange Farm
CWC5	Draft Conditions: Land East of School Lane
CWC6	Draft Conditions 30 and 32
CWC7	Closing Submissions
CWC8	Response to appellants' costs applications
CWC9	Letter, dated 13 July 2012, from Turley Associates to the Council regarding the second reason for refusal.
CWC10	Letter, dated 13 July 2012, from The Planning Consultancy to the Council regarding the second reason for refusal.

Documents Submitted by the Hartford Joint Action Group

MK1	Proof of Evidence of Mr M Kitching: Land at Grange Farm
MK2	Appendices to Proof of Evidence of Mr M Kitching: Land at Grange Farm
MK3	Proof of Evidence of Mr M Kitching: Land to the East of School Lane
MK4	Appendices to Proof of Evidence of Mr M Kitching: Land to the East of School Lane

RH1 Proof of Evidence of Mrs R Hollens: Land at Grange Farm
RH2 Proof of Evidence of Mrs R Hollens: Land East of School Lane

Submitted During Inquiry

JAG1 Traffic Photos
JAG2 Mr M Kitching: Opening Statement
JAG3 Mrs R Hollens: Opening Statement
JAG4 JAG Membership details
JAG5 Replacement Kitching Proof paras 4.16 - 4.20 with colour photographs
JAG6 Annotated Land East of School Lane Unilateral Planning Obligation Plan
D
JAG7 Mr M Kitching: Closing Submissions
JAG8 Mrs R Hollens: Closing Submissions

Other Documents Submitted During Inquiry

O1 Written Representations from Interested Persons

APPENDIX A

LIST OF RECOMMENDED PLANNING CONDITIONS FOR LAND AT GRANGE FARM

- 1) Details of the landscaping for Phase 1 and the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") in respect of each other phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of Phase 1 and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) Phase 1 of the development hereby permitted and applications for the approval of reserved matters shall be in accordance with the parameters set out in the Design and Access Statement (received 12/12/11) and the approved plans and documents listed in Schedule 1.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the site until the appellant, or their agents or successors in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours;
 - ii) means of enclosure and boundary treatments;
 - iii) car parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - vii) bird nesting-box details;
 - viii) street furniture;
 - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);

- x) retained historic landscape features and proposals for restoration, where relevant;
 - xi) trees, hedgerows and woodland areas to be retained;
 - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
 - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of the proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) Development in any phase shall not begin until a scheme, setting out a precautionary method of working with regard to bats and birds, for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall include methods of working to Grange farmhouse and for the clearance of trees, shrubs and hedgerows. Development shall be carried out in accordance with the approved scheme. No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 11) Development in any phase shall not begin until an up to date badger survey in relation to that phase has been undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 12) No development shall take place until a planting plan and programme for the replanting of fruit trees, to compensate for those lost through redevelopment of the site, have been submitted, to and approved in writing by, the local planning authority. Planting shall be carried out in accordance with the approved plan and programme and be thereafter retained.
- 13) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (setting out long-term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The habitat and landscape management plan shall be implemented as approved.

- 14) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 15) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing with the local planning authority.
- 16) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 18) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size and design of luminaires and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.
- 19) Development in any phase shall not begin until a tree pruning and felling specification in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved specification.
- 20) Development in any phase shall not begin until a plan and details identifying tree Root Protection Areas (RPAs) in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Where

it is found that there is conflict between identified tree RPAs and the proposed development, the details shall include a construction specification and method statement relating to those areas. Development shall be carried out in accordance with the approved plan and details.

- 21) Notwithstanding Condition 4, no development shall take place until details, and a programme for the installation, of a removable bollard to prevent unauthorised vehicular access on Footpath 5 - Hartford have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. Notwithstanding Condition 4, the existing surface of Footpath 5 - Hartford, shall be retained with its grass verges.
- 22) Notwithstanding Condition 4, no development shall take place until house type details relating to Plots 1-3 and 52-56 have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 23) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
 - i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
 - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAm_{ax}; and
 - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 24) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 25) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
 - (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;

- (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
- (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 26) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 27) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 28) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
 - i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
 - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.

- 29) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) details of construction traffic phasing;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) the storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
 - viii) a scheme for the recycling or disposal of waste resulting from construction works;
 - ix) hours of construction;
 - x) details of any piling; and
 - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 30) Development shall not begin until details of the proposed access, including all associated works within the public highway, as set out on drawing no CBO-0018-002 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until that access has been constructed in accordance with the approved details.
- 31) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycle ways within that phase of the development, as indicated on the approved plans, have been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.
- 32) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 33) The development shall not be occupied until a controlled crossing facility has been provided on Chester Road in accordance with the details shown on drawing no CBO-0018-002 Rev A.

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- 34) Development shall not begin until details of a car parking area, between Grange farmhouse and Chester Road shown illustratively on drawing no. PL1111 M101 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the car parking area has been constructed in accordance with the approved details and made available for public use, including the approved number of spaces for disabled persons. The car parking area shall be retained for public use, unless otherwise approved in writing by the local planning authority.
 - 35) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby permitted. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
 - 36) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
 - 37) No development shall take place until a scheme for the management of overland flow, from surcharging of the site's surface water drainage system, during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels and details of measures to prevent blockage of the railway culvert flowing from the site, together with any compensatory flood storage required to accommodate a 1 in 100 year flood event. Development shall be carried out in accordance with the approved scheme.
 - 38) No development shall take place until a scheme, showing how foul water will be dealt with, has been submitted to, and approved in writing by, the local planning authority. Only foul drainage shall be connected into the public sewerage system, and the scheme shall provide for all tree protection requirements on the development site. No part of the development shall be brought into use until all drainage, relating to that part of the development, has been completed in accordance with the approved scheme.
 - 39) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
 - 40) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that

phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.

- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building, extension or structure, and no wall, fence or other means of enclosure shall be erected on Plots 1-3 and Plots 52-56 of Phase 1, other than those expressly authorised by this permission.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alteration or enlargement shall be made to the dwellings on Plots 1-3 and Plots 52-56 of Phase 1, other than that expressly authorised by this permission.
- 44) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

REASONS FOR CONDITIONS

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| 1, 2, 3 & 5 | To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990, as amended by S51(2) of the Planning and Compulsory Purchase Act 2004. |
| 4 | For the avoidance of doubt and in the interests of proper planning. |
| 36 & 37 | In the interests of flood protection. |
| 15,21,23,25,26,
27,28,38,39 & 40 | To protect the living conditions of future residents. |
| 24 & 29 | To protect the living conditions of nearby residents. |
| 10, 11 & 13 | In the interests of nature conservation. |
| 6 | To protect the historic environment. |
| 30, 31, 33
& 34 | In the interests of highway safety. |
| 7,8,9,12,14,16,
17,18,19,20,22,
42 & 43 | To protect the character and appearance of the surrounding area. |
| 32, 35, 41 & 44 | In the interests of sustainable development. |

APPENDIX B

LIST OF RECOMMENDED PLANNING CONDITIONS FOR LAND TO THE EAST OF SCHOOL LANE

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") in respect of each phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of the first phase and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) The applications for the approval of the reserved matters shall be in accordance with the parameters described and identified in the Design and Access Statement and the Design and Access Statement Addendum for a maximum of 350 dwellings. The development hereby permitted shall also be carried out in accordance with the approved plans listed in Schedule 2.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details, unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the areas of archaeological interest 078/079, 211/219 and 355/359 as identified on the 'Finds' plan appended to the Archaeological Monitoring of Metal Detecting Survey, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours;
 - ii) means of enclosure and boundary treatments;
 - iii) car parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - vii) bird nesting-box details;

- viii) street furniture;
 - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);
 - x) retained historic landscape features and proposals for restoration, where relevant;
 - xi) trees, hedgerows and woodland areas to be retained;
 - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
 - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) No development shall take place until a badger protection strategy, providing for protection to badgers on and adjoining the site, has been submitted to, and approved in writing by, the local planning authority. The strategy shall include a survey and details of phased mitigation measures, which shall be updated and informed by up to date badger surveys prior to the commencement of development on each phase, and shall be implemented as approved.
- 11) No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 12) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (including the replacement of inappropriate species planting on the valley floor, long term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be implemented as approved.
- 13) No development shall take place until details to secure a minimum 15 m Buffer Zone along the edge of the Marshall's Arm Nature Reserve have been submitted to, and approved in writing by, the local planning authority. If private gardens are proposed to be incorporated into the Buffer Zone, then the details shall include a tree management scheme for existing and new tree

- planting within the Buffer Zone. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place until a scheme to secure the retention and protection of the tree T29, identified in the Tree Survey Report submitted with the planning application, has been submitted to, and approved in writing by, the local planning authority. The scheme shall ensure that the tree will be located in an open or garden area. Development shall be carried out in accordance with the approved scheme.
 - 15) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
 - 16) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing by the local planning authority.
 - 17) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
 - 18) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 19) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size, design of luminaries and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public

areas shall then be used within the development, other than as approved by the local planning authority.

- 20) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
- i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)L_{Aeq},8hrs;
 - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)L_{Aeq},8hrs and 45dB(A)L_{Amax}; and
 - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)L_{Aeq}

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 21) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 22) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
 - (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
 - (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
 - (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved, unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 23) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 24) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 25) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
 - i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
 - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) details of construction traffic phasing;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) the storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust, dirt noise, vibration and light during construction;

-
- viii) a scheme for the recycling or disposal of waste resulting from construction works;
 - ix) hours of construction;
 - x) details of any piling; and
 - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 27) No construction in relation to the causeway access route shall take place until a wildlife protection plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include:
- i) a plan showing wildlife protection zones where construction activities will be restricted and where protective measures will be installed or implemented;
 - ii) details of protective measures, both physical measures and sensitive working practices, to avoid impacts during construction;
 - iii) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (birds/badgers); and
 - iv) details of replacement planting (trees and shrubs).

All construction activities shall be implemented in accordance with the approved plan and timetable, unless otherwise approved in writing by the local planning authority.

- 28) No dwelling accessed from School Lane shall be occupied until the access from School Lane has been constructed in accordance with the approved drawing nos. HEY/09 001 P7 and CBO-0019-001 Rev B.
- 29) No dwelling accessed from Douglas Close shall be occupied until the access from Douglas Close has been constructed in accordance with the approved drawing no CBO-0019-002.
- 30) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycleways within that phase of the development, as indicated on the approved plans, has been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.
- 31) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 32) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing

- by, the local planning authority prior to the marketing of dwellings within any part of the development hereby approved. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 33) The site access, from Douglas Close, shall serve only as an access for motor vehicles to no more than 50 dwellings.
- 34) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
- 35) No development shall take place until a scheme to ensure that no ground levels would be raised within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 36) No development shall take place until a scheme for the management of surface water from surcharging of the site's surface water drainage system during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels. Development shall be carried out in accordance with the approved scheme.
- 37) No development shall take place until a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 38) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
- 39) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.
- 40) No building hereby permitted shall be occupied until a scheme for the eradication of Japanese Knotweed has been submitted to, and approved in writing by, the local planning authority. The eradication scheme shall include: surveying and the identification of the extent of the Japanese Knotweed on a plan; a programme for implementation; and arrangements and a programme for the submission and approval in writing, by the local planning authority, of a validation report confirming the nature of the treatment and eradication.

Should a delay of 12 months or more elapse between the submission of the scheme and the commencement of development, a further survey shall be carried out and a revised scheme submitted to, and approved in writing by, the local planning authority before the buildings hereby permitted are occupied.

- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

REASONS FOR CONDITIONS

- 1, 2, 3 & 5 To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990, as amended by S51(2) of the Planning and Compulsory Purchase Act 2004.
- 4 For the avoidance of doubt and in the interests of proper planning.
- 34, 35 & 36 In the interests of flood protection.
- 16,20,22,23, 24,25,37,38 & 39 To protect the living conditions of future residents.
- 21 & 26 To protect the living conditions of nearby residents.
- 10,11,13,27 & 40 In the interests of nature conservation.
- 6 To protect the historic environment.
- 28,29,30 & 33 In the interests of highway safety.
- 7,8,9,12,14, 15,17,18 & 19 To protect the character and appearance of the surrounding area.
- 31,32,41 & 42 In the interests of sustainable development.

SCHEDULE 1

APPROVED PLANS AND DOCUMENTS: LAND AT GRANGE FARM

Flood Risk Assessment

Site Location Plan (received 12/12/11)

Proposed Site Access Arrangements– drawing no. CBO-0018-002-A
(received 25/04/12)

Proposed pedestrian, cycle and emergency access CBO-0018-003

First Phase Layout – drawing no. GF-01 Rev B received 16.05.12

Double Garage Type 1 details – drawing no. C-DG01/1/001 Rev E
(received 12/12/11)

Double Garage Type 2 details – drawing no. C-DG02/1/001 Rev D
(received 12/12/11)

Single Garage Details – drawing no. C-SG01/1/001/E (received 12/12/11)

Typical horizontal railing fence details – drawing no. C-SD0926
(received 12/12/11)

Gate with Close Boarded Fence details – drawing no. C-SD0910
(received 12/12/11)

Close Boarded Fencing details – drawing no. C-SD0907 (received 12/12/11)

Free Standing Brick Wall detail – drawing no. C-SD0809 (received 12/12/11)

The Balmoral proposed floorplans & elevations – drawing no. D4H180
(received 26/3/12)

The Blenheim proposed floorplans & elevations - drawing no. D5H223
(received 12/12/11)

The Buckingham proposed floorplans & elevations – drawing no. D5H261
(received 12/12/11)

The Cambridge proposed floorplans & elevations – drawing no. D4H133
(received 12/12/11)

The Highgrove proposed floorplans & elevations – drawing no. D5H276
(received 12/12/11)

The Oxford proposed floorplans & elevations – drawing no. D4H126
(received 12/12/11)

The Richmond proposed floorplans & elevations – drawing no. DH4202
(received 26/3/12)

The Salisbury proposed floorplans & elevations – drawing no. D4H153
(received 12/12/11)

The Sandringham proposed floorplans & elevations – drawing no. D5H248
(received 12/12/11)

The Worcester proposed floorplans & elevations – drawing no. D3H111
(received 12/12/11)

The Broadway Evesham proposed floorplans & elevations – drawing no. D3H081/
D2H068/ D3H078 (received 26/3/12)

The Letchworth proposed floorplans & elevations – drawing no. D3H095
(received 12/12/11)

The Stratford proposed floorplans & elevations – drawing no. D4H114
(received 26/3/12)

The Warwick proposed floorplans & elevations – drawing no. D3H102
(received 26/3/12)

Feature garage floor plans and elevations rev A (26/3/12)

SCHEDULE 2

APPROVED PLANS AND DOCUMENTS: LAND TO THE EAST OF SCHOOL LANE

Flood Risk Assessment (received 13/12/11)

Site Location Plan (received 13/12/11)

Concept Masterplan – drawing no. 11-008-PUD-P002 Rev B (received 13/12/11)

School Lane access – drawing nos. HEY/09 001 P7 & CBO-0019-002



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

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

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

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

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

SECTION 3: INSPECTION OF DOCUMENTS

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

APPENDIX 4 Network Rail Letter dated 23 October 2023



David Baker
Partner
Baker Rose Consulting LLP
53 Davies Street
LONDON
W1K 5JH

East Midlands Control Centre
Bateman Street
Derby
DE23 8JQ
T: [REDACTED]
E: [REDACTED]@networkrail.co.uk

Date: 23rd October 2023

Dear David

Re: HNRFI: Level Crossing Barrier Down Time Impacts

Further to our recent discussions and with particular reference to barrier down times at town centre level crossings I can confirm that there is no standard definition in Network Rail's Company Standards and Railway Group Standards for *Barrier Down Time*.

However, the rail industry generally, including H.M. Railway Inspectorate at the Office of Rail & Road (O.R.R), considers that (as with most safety issues pertaining to risk management) at locations where there is potential for the *Barrier Down Time* to exceed 45 minutes per hour, then the level crossing in question should be subject to site assessment, with the outcome documented in the Narrative Risk Assessment (or Suitable and Sufficient Risk Assessment/Impact Assessment Report).

Factors which would be taken into consideration in such a risk assessment are the impact of additional train services increasing the amount of *Barrier Down Time*, and the likelihood of an increase in user error or deliberate misuse as a consequence.

The O.R.R. has also indicated that Enforcement Action would be considered where reasonable action were not taken to mitigate an identified risk.

Barrier Down Time is usually expressed as a number of minutes in any, one-hour period that may impact on the railway and other users.

I hope this response is of assistance. However, should you require anything further please don't hesitate to let me know.

Yours faithfully

A black rectangular box redacting the signature of Samuel Afolabi.

Samuel Afolabi
Sponsor

APPENDIX 5 Narborough Social, Health and Wellbeing Impact Report

Appendix 4

Narborough Social, Health & Wellbeing Impact Report (Iceni)



AUGUST 2023

Socio-Economic and Health Impacts of Narborough level crossing

In relation to the Hinckley NRFI

Iceni Projects Limited on behalf of
Blaby District Council

August 2023

Iceni Projects

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ICENI PROJECTS LIMITED
ON BEHALF OF BLABY
DISTRICT COUNCIL

**Socio-Economic and Health Impacts of
Narborough level crossing**
IN RELATION TO THE HINCKLEY NRFI

CONTENTS

1. INTRODUCTION	1
2. BASELINE CONTEXT	8
3. ASSESSMENT	22
4. RECOMMENDATIONS	29
5. CONCLUSION	30

APPENDICES

A1. HEALTH PROFILE FOR THE STUDY AREA

1. INTRODUCTION

1.1 Icen Projects ('Iceni') have been commissioned by Blaby District Council ('Blaby DC'), to conduct an assessment into the potential socio-economic and health impacts of the additional downtime of the level crossing at Narborough Station as a result of the submitted Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange ('HNRFI').

1.2 The proposed development for the HNRFI is detailed by Tritax Symmetry (Hinckley) Limited (April 2023) publication 'Environmental Statement (ES) – Chapter 3'. In summary, and of relevance to this study, the development of the main HNRFI Site will include:

- new rail infrastructure including points from the existing Leicester to Hinckley railway providing access to a series of parallel sidings at the HNRFI, in which trains would be unloaded, marshalled and loaded.
- an intermodal freight terminal or 'rail port' capable of accommodating up to 16 trains up to 775m in length per day, with hard-surfaced areas for container storage and HGV parking and cranes for the loading and unloading of shipping containers from trains and lorries.
- up to 850,000 square metres (gross internal area or GIA) of warehousing and ancillary buildings with a total footprint of up to 650,000 square metres and up to 200,000 square metres of mezzanine floorspace, including the potential for some buildings to be directly rail connected if required by occupiers. These buildings might incorporate ancillary data centres to support the requirements of HNRFI occupiers and operators. They will also incorporate roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts (MW), providing a direct electricity supply to the building or exporting power to battery storage in the energy centre.

1.3 As detailed in Chapter 8 of the ES 'Transport and Traffic', the proposal is for the HNRFI site to accept up to 16 rail freight services per day, comprising 16 inbound and 16 outbound trains per day. In doing so, increasing the downtime of level crossings as the rail freight travels across the country to be offloaded at the Proposed Development.

1.4 The Narborough level crossing is located approximately 10km to the east-north-east of the Proposed Development Site. As a result of the Proposed Development, the barrier at the crossing that separates the road connection between the villages of Narborough and Littlethorpe is expected to be down for additional time than at present.

-
- 1.5 The ES states that the impact will be an additional one train in peak morning hours (7 am – 10am) and two trains in the afternoon (4 pm and 7 pm). Each train would cause a maximum barrier downtime of 2 minutes and 30 seconds.
 - 1.6 This assessment also considers additional information provided by Arup 'Hinckley National Rail Freight Interchange – Narborough Level Crossing Downtime' (published in July 2023). This is an independent assessment of crossing downtime which may result in delays beyond that identified in the ES.
 - 1.7 As part of the proposals, no improvements are planned for the Narborough Level Crossing, approaching roads or footways.
 - 1.8 This assessment aims to understand the likely socio-economic and health impacts of the additional downtime of the barrier at Narborough level crossing on the immediate locality and communities.

Context of the Assessment

- 1.9 The applicant of the Proposed Development ('Tritax Symmetry') submitted the EIA Scoping Report request to the Secretary of State in November 2020. Within the Scoping Report, the impact of Narborough Crossing was not scoped into any of the technical chapters.
- 1.10 The Scoping Opinion, published in December 2020 by the Planning Inspectorate, responded to the proposed methodology to assess the environmental impacts. Within the report, the Inspectorate raised that the Transport and Traffic Chapter had not considered the impacts of freight trains on the Narborough level crossing (Ref. 7.23 and 7.44).
- 1.11 The need to include an analysis of the impact of the crossing was also raised by the statutory consultees of Sharnford Parish Council, Stoney Station Parish Council, Blaby District Council and Leicestershire County Council. Table 1.1 below provides a summary of the consultee responses concerning the lack of assessment of the impacts on Narborough level crossing and the response provided by each technical chapter.

Table 1.1 EIA Scoping Opinion, 2020, References to Narborough Crossing

Consultee	Consultee Comment
Planning Inspectorate	In response to a comment in the previous 2018 Scoping Opinion, the Scoping Report stresses that rail freight movements have been factored into the Trip Generation, and this will be explicit in the TA and ES (para 7.23). Paragraph 7.44 confirms that rail freight has been forecast and that resultant Heavy Goods Vehicle (HGV) trips have been included within the strategic modelling process. However, the description of baseline conditions within the report does not mention rail freight, and the methodology refers to highway links and thresholds

Consultee	Consultee Comment
	relating solely to changes in road vehicle flows. The ES should consider the impacts of the Proposed Development on the capacity and operation of the rail network, and the potential impacts of an increase in rail freight movements on environmental matters, for example, accidents and safety, and any potential indirect effects on passenger rail transport operations and the growth, where significant effects are likely. The Inspectorate highlights Solihull Metropolitan Borough Council's proposal for mitigation in the form of a contribution towards wider industry initiatives (such as an east-west rail link at Nuneaton) for consideration. The impact of freight trains on the Narborough level crossing is also highlighted (see consultation response from Sharnford Parish Council).
Sharnford Parish Council	Trains will be up to 775 metres in length. The ES needs to consider the disruption at the Narborough level crossing, and the effect on rail disruption when the bridge on the A5 between M69 and Dodwell's Island is hit. The bridge has been hit by high-sided HGVs 25 times in 2020.
Stoney Stanton Parish Council	Section 3.14 mentions the 2 per-hour passenger trains but does not reference the proposals for the need for this to increase for better links with other local policy and plans. It also does not mention the road crossings at Narborough that would be detrimentally affected by this proposal or how this has been taken into account.
Leicestershire County Council	The assessment of the impact of the rail freight element of the proposals should not be limited to resultant HGV trips (para 7.44). For the avoidance of doubt the assessment should also include assessments of the impacts on rail capacity and of any increased duration and/or frequency of level crossing closures. These assessments should take account of Midlands Engine Rail proposals and other relevant priority rail projects been promoted by Midlands Connect and are critical to understanding the feasibility and capacity of the proposal to perform as a rail freight interchange in this location.
Blaby DC	A full Health Impact Assessment is required that also considers other areas of impact, for example, that of increased Narborough level crossing barrier down time.

Source: Scoping Opinion, 2023

- 1.12 The Hinckley NRFI Consultation Report indicates that consultees are concerned that the applicant has not completed sufficient analysis of the impact on downtime at Narborough level crossing.
- 1.13 The applicant stated within the Consultation Report that the downtime is 'far less than a stopping passenger train coming from Leicester, which is 4 – 5 minutes' and therefore stated that is 'within Network Rails acceptable barrier down time at a level crossing'¹. This is derived from work undertaken by Network Rail through an analysis of Narborough Station and the barrier downtime.

¹ Reference is from paragraph 11.2.52 within the Consultation Report (part 1 of 17).

-
- 1.14 Specifically, the ES notes that based on the pre-pandemic timetable, in the morning peak hours 7 – 10 am, there is one possible time an additional intermodal freight train could run. In the afternoon, between 4 – 7 pm, two trains could run. Each train would cause a maximum barrier downtime of 2.5 minutes. Therefore, with development implemented, in each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open.
- 1.15 Notwithstanding the applicant’s response to concerns raised, Blaby has commissioned this work in order to review the downtime in more detail and to understand any socio-economic and health impacts of additional barrier downtime on the villages of Narborough and Littlethorpe. Without such analysis, the appropriate mitigation measures to take account of the impacts from increased barrier downtime at the Narborough level crossing cannot be identified.

Methodology

- 1.16 The methodology for the assessment draws on the Design Manual for Roads and Bridges (DMRB) LA 112 Population and Human Health² (Highways England, 2020), which provides information relating to the definition of study areas, development of a baseline, assessing the sensitivity of communities and describing the socio-economic and health outcomes.

Assessment

- 1.17 Receptors scoped into this assessment are listed below and are based on best practice and proportionality to the objective of this assessment:
- Impact on additional downtime of Narborough level crossing affecting the accessibility of social infrastructure for residents. Social infrastructure is defined as: early years facilities, primary schools, secondary schools, GP facilities, hospitals, retail facilities, employment, open space, play space and sports facilities.
 - Impact on additional downtime of Narborough level crossing affecting the health and well-being of residents – recognising that separate technical work may be required to understand this in full.
- 1.18 DMRB LA 112 requires that once the health profiles of communities have been established, the sensitivity of a community /population to change is identified. For this assessment the following, sensitive population groups have been determined:
- Residents of Narborough Village

² Highways England (2020) LA 112 Population and Human Health Revision 1

- Residents of Littlethorpe Village
- Residents of the Surrounding Village (including Enderby, Cosby, and Whetstone)

1.19 The magnitude of potential impacts has been identified as high, medium, and low based on professional judgement as below.

Table 1.2 Magnitude impacts

High	Where there would be a substantial change in the access to social infrastructure or health and wellbeing of residents.
Medium	Where there would be a partial change in the access to social infrastructure or health and wellbeing of residents.
Low	Where there would be a limited but noticeable change in the access to social infrastructure or health and wellbeing of residents.
Negligible	Where there would be no change in the access to social infrastructure or health and wellbeing of residents.

1.20 From completing the baseline analysis key priority groups of the sensitive population will be drawn out of the analysis. For this assessment, a priority group refers to a specific subset of the population such as

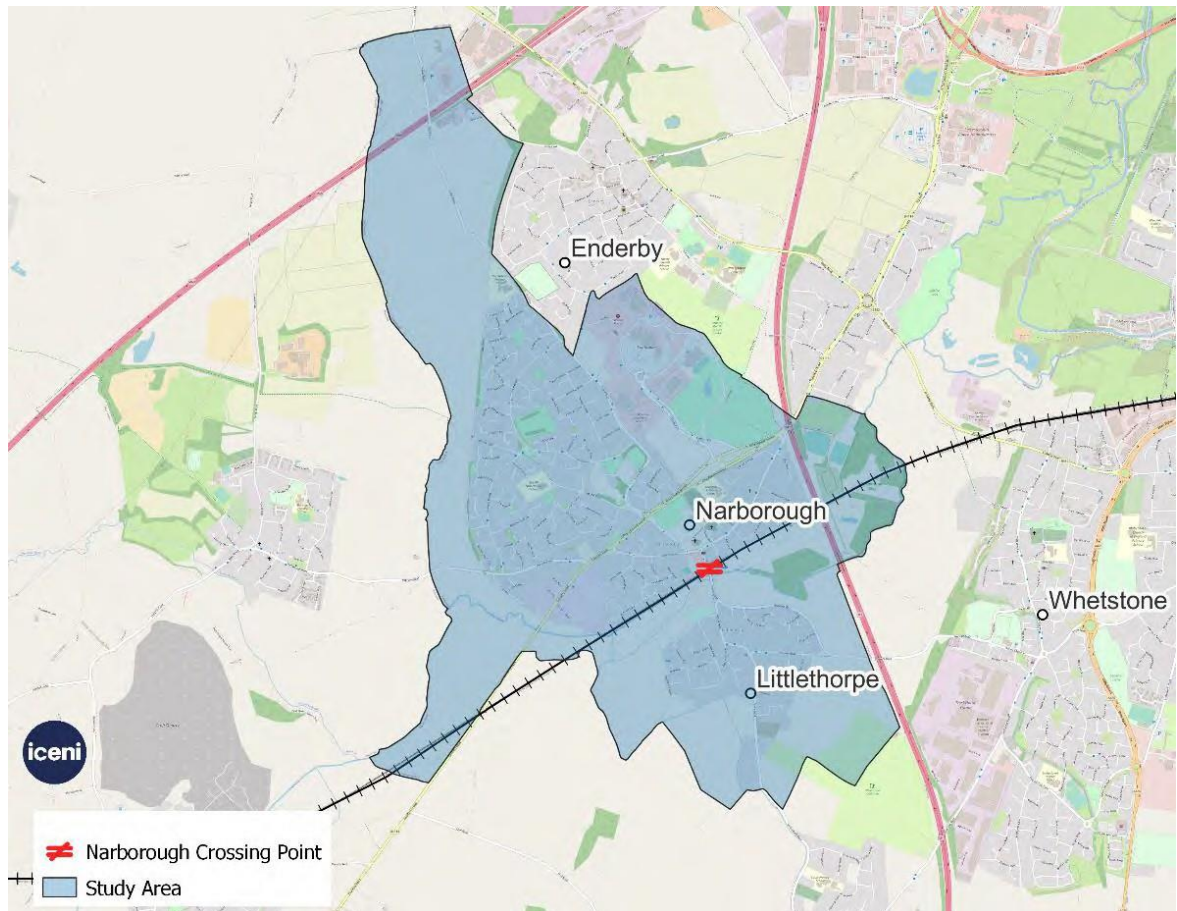
- Children and younger people
- Older people
- Pedestrians and cyclists (or people without access to private transport)
- People with disabilities and/or long-term health conditions
- Parents with young children /pushchairs

1.21 The above may be impacted disproportionately by the additional downtime of Narborough Crossing than the overall sensitive population groups.

Study Area

1.22 A study area is established based on the guidance of the DMRB LA 112 Population and Human Health Guidance. The immediate study area of focus for this assessment is Blaby 007 Middle Super Output Area. This MSOA includes the villages of Narborough and Littlethorpe which are anticipated to have the most likely socio-economic and health effects as a result of the additional downtime.

Figure 1.1 Study Area Map



Limitations and Assumptions

- 1.23 In the social infrastructure baseline, distances have been provided from a Narborough level crossing. This has been reported as walking distances (in km). Where possible a consistent central point to a central point of the social infrastructure has been used, but distance may vary.
- 1.24 Unless otherwise stated, this assessment has been informed by information submitted by the applicant to the planning inspectorate.
- 1.25 Ascertaining the level of effects is primarily based on professional judgement, taking into account the fact that there are inherent uncertainties in identifying and predicting human behaviours i.e how and where people may access services and spend their time.

Report Structure

- 1.26 To understand the socio-economic and health effects of the increased barrier downtime the following steps will be taken:

-
- **Section 2: Baseline Context**
 - **Section 3: Assessment of Effects**
 - **Section 4: Recommended Mitigation**
 - **Section 4: Conclusions**

2. BASELINE CONTEXT

Narborough Crossing Baseline Context

- 2.1 The level crossing is at Narborough Station and is located on Station Road. The crossing is located to the south of the village of Narborough and to the north of the village of Littlethorpe.
- 2.2 When the barriers are down, the level crossing itself can be accessed by pedestrians by stairs on either side of the footbridge. There is no ramp or wheelchair access over the crossing.

Figure 2.1 Narborough level crossing



Source: Icen Analysis, taken from Google Images (July 2023)

- 2.3 The immediate surroundings of Narborough level crossing are two car parks, with the Station Road car park located to the south and the Railway Car park located to the north. There are also several retail units to the north of the crossing including a Coop Food Shop, an Estate Agent, a Deli Store, the Narborough Arms Pub, a Clothing Alterations, and a Card Store.

2.4 The barrier downtime data is based on data provided by BWB and Network Rail³. Currently, the barrier downtime at Narborough Crossing varies throughout the day with the following downtime recorded:

- AM Peak Hours (08:00 to 09:00): 22 minutes and 59 seconds.
- PM Peak Hours (17:00 to 18:00): 17 minutes and 50 seconds.
- Interpeak: 8 to 10 minutes per hour.

Narborough Village Context

2.5 Narborough village is located to the north of the crossing and based on the 2021 census data has an estimated population of 8,687 residents.

2.6 The village of Narborough is predominately residential and is well served in terms of social infrastructure. Within the village, there are two pre-schools, two primary schools, a secondary school, a GP surgery, and leisure facilities including playgrounds, parks and sports facilities including a David Lloyd. There is also a range of amenities including shops, pubs, and hairdressers. There are also industrial areas located nearby (Oaks Industrial Estate and Regent Street Industrial Estate) as well as a Business Park (Carlton Park), contributing to local employment opportunities.

2.7 The village of Narborough is well-connected to the surrounding areas through various transportation routes. The B4114 road runs through the village. This road provides a link between Leicester and Hinckley, enabling the movement of local traffic and commuters.

2.8 Cycle routes from Leicester terminate in Narborough. Leicester city centre can be accessed either via off-road National Cycle Network (NCN) route 6 or via a local cycle route 3 along Narborough Road. To get from Leicester City to Narborough cyclists can utilise the A47 and go via Enderby to Narborough and or the B4114 to the south or go via local cycle routes to the northwest.

2.9 The village is bound by the M1 to the east and the railway line to the south. Whistles Way and Meadows borders the village to the west which is a walkway along a disused railway line. To the north of Narborough is the village of Enderby which is also well served with local amenities for residents.

³ Appendix 8.1 Transport Assessment (part 7 of 20) PRTM 2.2. Base Model review and Addenda

Littlethorpe Village Context

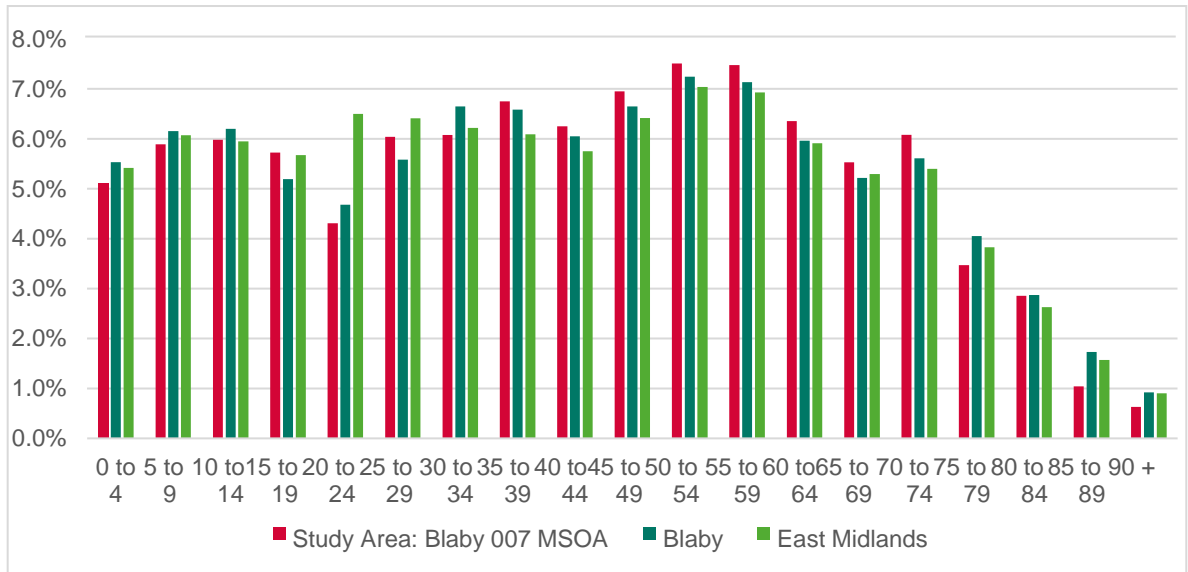
- 2.10 Littlethorpe is located to the south of the crossing and is a predominately a residential village. There are a limited number of amenities such as a village hall, a scout hut, a pub, and a playground. To the south-eastern boundary edge of Littlethorpe is Whetstone Golf Course.
- 2.11 There are no bus stops in Littlethorpe. The proximity to Narborough provides residents with easier access to a wider range of transportation options. Narborough, with its railway station and better road and bus connectivity, serves as a more significant transportation hub for the area.
- 2.12 Littlethorpe is surrounded by countryside characterised by agricultural fields, small woodlands, and rural landscapes. Located approximately 2km to the south of Littlethorpe is the larger village of Cosby. Cosby has a primary school, a library, convenience stores as well as a variety of recreational grounds.

Demographic Baseline

- 2.13 Based on the ONS 2020 Mid-Year Population Estimates (published in 2021)⁴, it is estimated that there are 8,592 residents in the Study Area. This equates to 8.4% of the total residents of Blaby.
- 2.14 Figure 2.2 provides an overview of 5-year age bands of the proportional split of the population for the Study Area, Blaby DC, and East Midlands. The Study Area can be summarised as having a comparatively higher proportion of its residents aged between 35 and 74 at 52.9% when compared to the District (50.4%) and the region (48.8%).
- 2.15 Conversely, the Study Area has a marginally lower proportion of children (aged 0 to 20) and a significantly lower proportion of 20- to 24-year-olds in the Study Area (4.3%) compared to the region (6.5%). The Study Area also has a lower proportion of 75 to 90+ year olds at 8.0% compared to the District (9.6%) and the Region (8.9%).

⁴ ONS (2021) Middle Super Output Area Population Estimates

Figure 2.2 5-Year Age Bands Breakdown of Study Area, District and Regional Population Breakdown



Source: ONS, 2020 Mid-Year Population Estimates (2021)

Social Infrastructure Baseline

- 2.16 As acknowledged within the National Planning Policy Framework (2021)⁵, access to social infrastructure including education, health care, community facilities, open space and play space and sports facilities can have a significant impact on the health and well-being of a population.
- 2.17 From the high-level review of social infrastructure within the villages of Littlethorpe and Narborough, it is evident that there is a limited provision in the village of Littlethorpe. Therefore, a social infrastructure audit has been undertaken to establish where the nearest social infrastructure provision is to both Narborough and Littlethorpe residents, to understand if the additional barrier downtime will affect the ability of residents to access local services such as education, health, or retail.

Early Years Facilities

- 2.18 Leicestershire County Council Childcare Sufficiency Assessment 2018 – 2020⁶ shows that in Narborough and Littlethorpe there is a combined total of 382 early years places with demand for 383 places, therefore there is effectively a childcare sufficiency model of 1.0, meaning that there is 1 child

⁵ Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework

⁶ Leicestershire County Council (2018) Early Learning and Childcare Service Childcare Sufficiency Assessment 2018-2020

to every place available. This is in line with the County Council sufficiency score of 1.03 childcare places for 0- to 4-year-olds.

2.19 Typically, early years facilities do not operate catchment areas. When choosing to send a child to early years care, a parent or guardian may choose to send their child to a facility closest to their home. Therefore, the nearest three early-years facilities located in Narborough level crossing of:

- St George's Nursery (Narborough) located 500m to the north-east of the crossing.
- The Old Barn Day Nursery and Pre-School is located 1.2km to the north-west of the crossing.
- Busy Bees Carton Park located 1.2km to the north of the crossing.

2.20 The report states that sufficient childcare means that families can find childcare that meets their child's learning needs and enables parents to make a real choice about work and training. Therefore, while the residents of Narborough have access to childcare facilities there is no provision within Littlethorpe and sending their child to one of these facilities would access these facilities via Narborough Crossing.

Primary School

2.21 Based on the guidance provided by the Leicestershire County Council⁷, it is advised that three primary schools should be applied to ensure the best opportunity of securing a place at a preferred school. Based on the County Council's 'Find a School Website'⁸ it is evident that residents in Narborough and Littlethorpe (based on a central postcode of LE19 postcode), would apply for the following primary schools:

- Greystoke Primary School - located 450 to the north of the Narborough level crossing.
- Red Hill Field Primary School located 1km to the northwest of Narborough level crossing.

2.22 For the final primary school option residents of Narborough would be within the catchment area for

- The Pasture Primary School is located 2.1km to the north of Narborough level crossing.

2.23 Whereas residents of Littlethorpe would also be in the catchment for:

- Cosby Primary School is located 2.2km to the south of Narborough level crossing.

⁷ Leicestershire County Council (2023) Apply for a primary school place

⁸ Leicestershire County Council (2023) Find a School

2.24 Therefore, residents of Littlethorpe would have to access the two nearest primary schools by crossing Narborough.

Secondary Schools

2.25 In terms of secondary schools, Leicestershire County Council⁹ also advise applying for three schools. With distance being a criterion for the admission process, the three nearest secondary schools to residents of Narborough and Littlethorpe have been established as:

- Brockington College is located 2.4km to the north of Narborough level crossing.
- Countesthrope Academy is located 4.9km to the southeast of the Narborough level crossing.
- Thomas Estley Community College is located 6.3km to the southwest of Narborough level crossing.

2.26 As the catchment area for secondary school is typically wider, we would expect some pupils to travel to Brockington College via Station Road and therefore be impacted by the additional downtime of Narborough level crossing.

GP facilities

2.27 To ensure that GP Practices do not take on too many patients, each GP practice is assigned a geographical area called a catchment area¹⁰. Based on NHS 'Find a GP' website¹¹, it is understood there are four GP practices are within the catchment area for most residents of Narborough and Littlethorpe. These practices are:

- Limes Medical Centre is located 450m to the northeast of Narborough level crossing.
- Enderby Medical Centre is located 2.3km to the north of Narborough level crossing.
- Hazelmere Medical Centre is located 3.3km to the east of Narborough level crossing.
- Northfield Medical Centre is located 3.7km to the east of Narborough level crossing.

2.28 Therefore, there are no medical facilities within Littlethorpe, with residents having the closest facility just a short walk from the crossing.

⁹ Leicestershire County Council (2023) Apply for Secondary School Places

¹⁰ NHS (2023) Registering with a GP Surgery outside of your local area

¹¹ NHS (2023) Find a GP

Hospital

- 2.29 Leicester has two main hospitals of Leicester Royal Infirmary and Leicester General Hospital.
- 2.30 To access the Royal Infirmary via the most direct route from Narborough it would be a 16-minute car journey via the B4114 and Narborough Road. For Littlethorpe residents, to access the hospital in the most direct route, the same route would be used, therefore, requiring residents to cross the Narborough Crossing.
- 2.31 To access Leicester General Hospital, via the most direct route, residents of Narborough would travel along the A563 road which is to the north of the village. For residents of Littlethorpe the most direct route is to end south out of Littlethorpe and therefore, not crossing Narborough Crossing.

Retail Provision

- 2.32 As already acknowledged, the village of Narborough is well served in terms of a convenience retail offer. The village has a variety of convenience retailers including food stores of Co-op and Tesco Express as well as a pharmacy, cash points, post office and hardware stores. Conversely, Littlethorpe, does not have a local centre and has no convenience stores.
- 2.33 Therefore, residents of Littlethorpe would rely on the retail offer at Narborough to access everyday goods and services.

Employment

- 2.34 Based on data from the Business Register and Employment Survey (BRES) (2021)¹², it is understood that 85 employees work in Littlethorpe in comparison to 3,570 employees in Narborough. Within Littlethorpe, the sectors of employment are construction (35%), professional, scientific, and technical (29%), accommodation and food services (24%) and business administration (12%). In Narborough, there is a greater variety of sectors of employment, however, employment is mainly dominated by the financial services sector having 42% of jobs in Narborough. Other sectors include manufacturing (10%), public administrative (85) and health (7%).
- 2.35 There are several areas of employment in Narborough which are summarised below:

Employment Site	Distance from Narborough Crossing	Notable Employers
Blaby District Council	280m to the north of the crossing	Councils head office
Regent Street Industrial Estate	700m to the east of the crossing	Industrial estate consisting of furniture manufacturer, metal workers and engineers.

¹² ONS (2021) Business Register and Employment Survey

Oaks Industrial Estate, Coventry Road	850m to the northwest of the crossing	Industrial estate consisting of medium to larger units which go across the B4114 road. Employers include courier services, manufactures, engineers and bathroom suppliers.
Carlton Park	1.7km to the north of the crossing	Purpose built business park with occupiers including Santander, Honeywell (manufacturing), Modus (construction company), Busy Bees Nursery School, David Lloyd gym

2.36 Of note is the B4114 road which cuts through Narborough which links Leicester and Hinckley, and therefore enables commuters to these larger centres of employment.

Open Space, Play Space and Sports Facilities

2.37 Based on the Blaby Open Space Assessment (December 2015)¹³, it is understood that there are the following recreation area in Narborough and Littlethorpe:

Table 2.1 Open Space Audit of Narborough and Littlethorpe

Type of Open Space or Sports Facility	Location in Narborough	Location in Littlethorpe
Natural Greenspace	9.24ha at Narborough Bog Nature Reserve	1.09ha at Riverside Way, Littlethorpe
	6.39ha at Whistle Way	
Recreational Ground	Narborough Recreation Ground, Desford Road	Littlethorpe Recreation Ground (scored 3/5 for quality)
	Hardwick Road Play Area	
Allotments	1.53ha at Narborough Allotments	n/a
Cricket Pitch and Football Pitch	Narborough and Littlethorpe Cricket Club at Leicester Road Recreational Ground	n/a
	Greystoke Primary School and Red Hill Primary School provide 2 football pitches	
Bowls	Narborough and District Bowls Club at Coventry Road	n/a
Tennis Court	David Lloyd Club	n/a

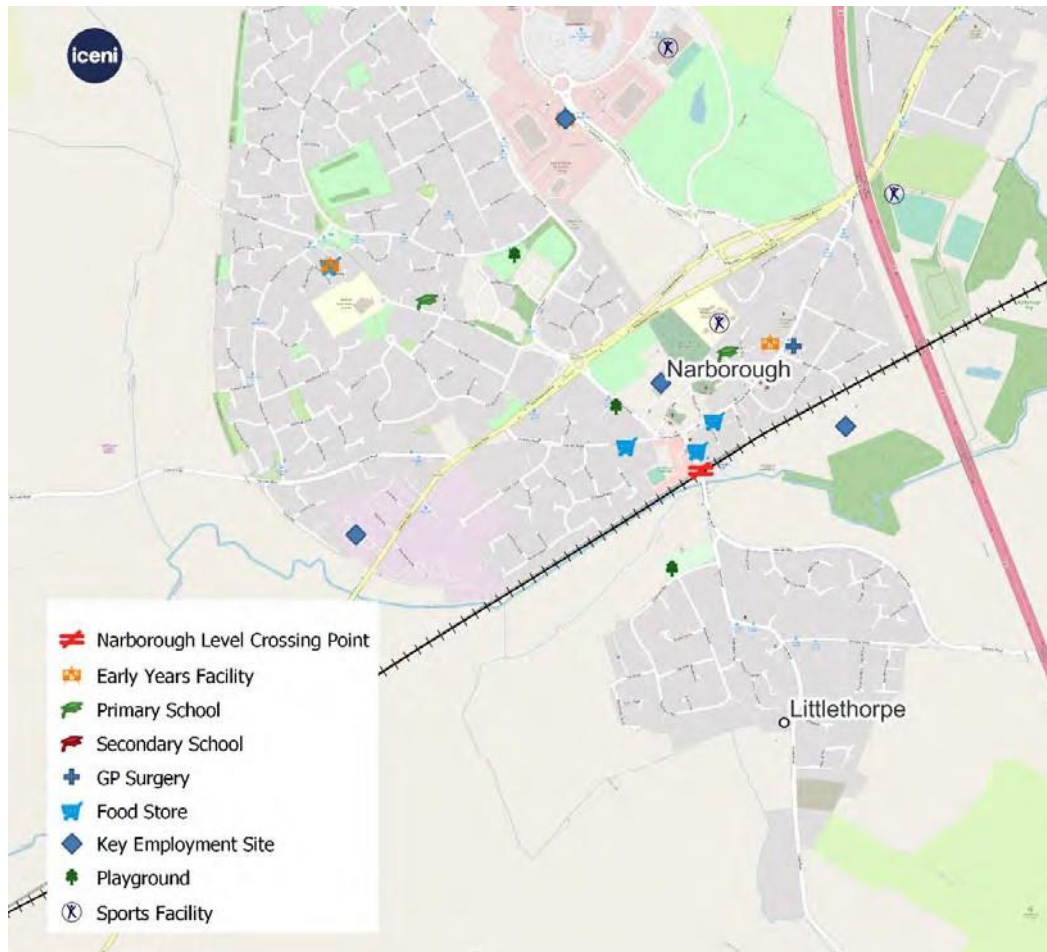
Source: Iceni Analysis of Blaby Open Space Assessment, 2015

2.38 Both Littlethorpe and Narborough are well served by greenspace and have access to play areas. However, there is a deficiency of sports facilities in Littlethorpe whereas Narborough is served if a variety.

2.39 Figure 2.2 provides a high-level overview of the location of the social infrastructure in relation to Narborough Crossing.

¹³ Blaby District Council (December 2015) Open Space Audit

Figure 2.2 Map of Social Infrastructure in Narborough and Littlethorpe



Health Baseline

Joint Strategic Health and Wellbeing Strategy

2.40 The Leicestershire's Joint Health and Wellbeing Strategy 2022-2032¹⁴ is a plan to improve the health and wellbeing of children and adults in the county and to reduce health inequalities. It provides a useful reference point to understand the county's health priorities which the key points are summarised below:

- Health and wellbeing are generally good in Leicestershire compared with England overall, however, there are significant inequalities and challenges in certain communities.
- According to the Leicestershire County Council Community Insight Survey (2017-2021), 82.7% of respondents reported being in good/very good health, whilst 3.5% reported being in bad/very bad health.

¹⁴ Leicestershire Health and Wellbeing Board (2022) Leicestershire Joint Health and Wellbeing Strategy 2022-2032

-
- The overall vision is “Giving everyone in Leicestershire the opportunity to thrive and live happy, healthy lives’.
 - A life course approach has been used to identify high level strategic, multi-organisational priorities for the next 10 years and provide clear accountability to the Leicestershire health and wellbeing board which include:
 - Best Start for Life
 - Staying Healthy, Safe and Well
 - Living and Supported Well
 - Dying Well

Health Profile

2.41 Every local area in England has a health score for each year produced by the ONS¹⁵. The score is made up of measures in different categories, called domains and subdomains. These measures include mental and physical health, local unemployment, road safety and behaviours like healthy eating. Blaby DC (the local planning authority where the Narborough level crossing is located), has an overall Health Index score of 116.6 where a score of 100 represents the average level of health in England from 2015 to 2021. Therefore, Blaby DC is ranked in the top 20% of local authorities in England for Health.

2.42 Based on 2021 Census Data¹⁶, it is understood that 49% of residents of Blaby have ‘very good health’ with 1% of residents stating, ‘very bad health’. ‘Good health’ of residents represents 34.5% of residents whereas ‘bad health’ is 3.2% of residents.

2.43 The Office for Health Improvement and Disparities provide data on factors that influence health and wellbeing¹⁷. Analysis has been completed to compare the health profile of the Study Area against Blaby and the National performance. This is summarised below, and a full health profile is set out in Appendix A1.

- In the Study Area, the average life expectancy is 80.2 years for men and 85.7 for women, which is in line with the Blaby district. In comparison to England, the average life expectancy in the Study Area is higher for both men and women.

¹⁵ ONS (2023) ONS website, methodology, Health Index methods and development: 2015:2021

¹⁶ ONS (2021) Census 2021

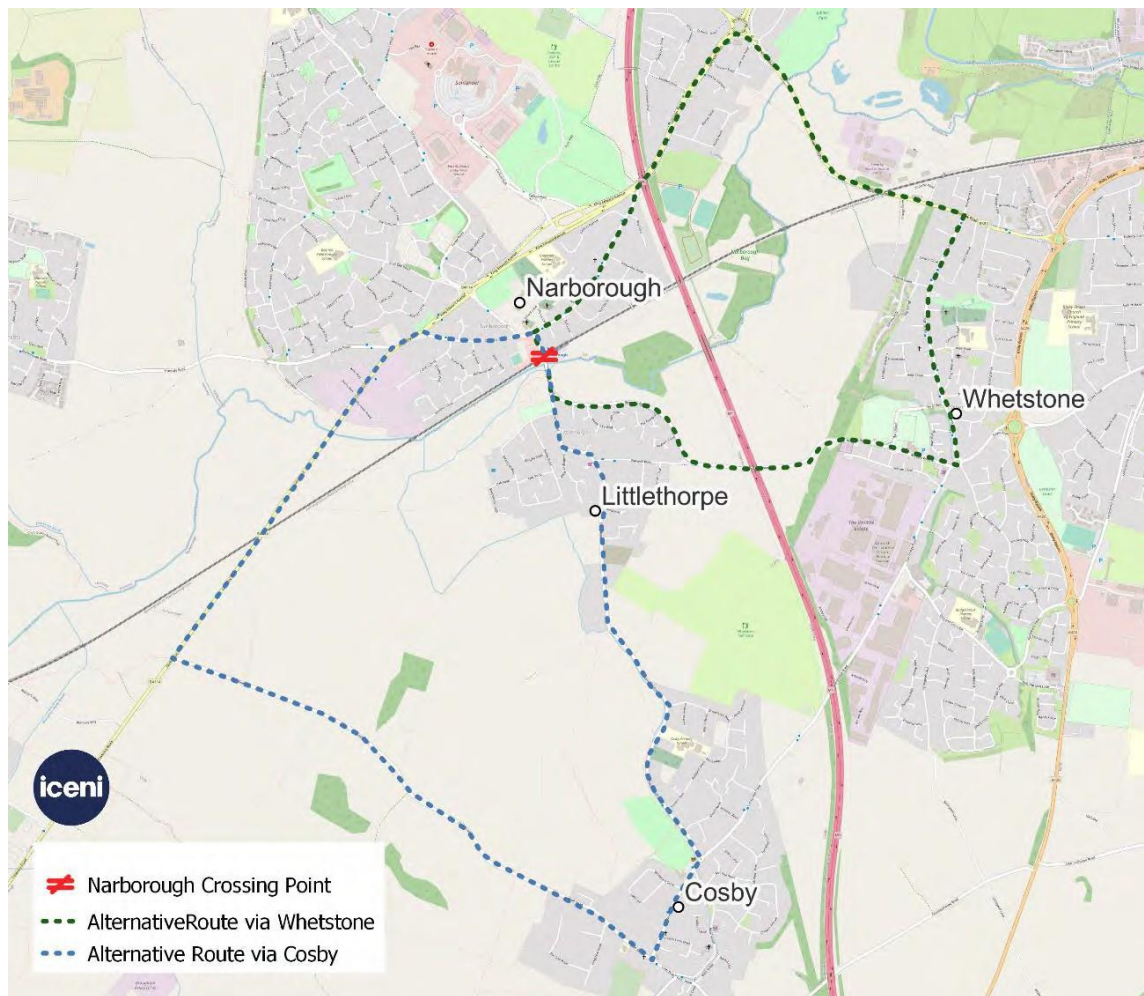
¹⁷ Office for Health Improvement and Disparities (2023) Local Health – Small Area Public Health Data

-
- In the Study Area, 7.0% of reception students are obese, this increases to 12.5% of students by Year 6. There is a lower prevalence of obesity for children in the Study Area when compared to England where 9.9% of children at reception are obese increasing to 21.6% of student by Year 6.
 - Smoking prevalence for regularly smoking is 5% of residents aged 15 and over which is higher than the Blaby average of 4.5% but in line with England's average of 5.4%.
 - When standardised against England (100), the Study Area has a lower proportion of emergency hospital admission for all causes, across all ages at a value of 83.8. There is also a lower proportion of emergency hospital admission for heart disease, stroke and heart attacks in the Study Area compared to England.
 - For hospital admission for harm, injury and long-term conditions, the study area has higher rates of hospital admission for alcohol-attributable conditions (at a value of 115.3 when standardised against England at 100) and emergency hospital admission for hip fractures in persons over 65 years and over (at a value of 121.7 against England standardised value of 100).

Alternative Routes to the Narborough Level Crossing

- 2.44 There are two obvious alternative routes should people be deterred from using the Narborough Level Crossing.
- 2.45 The first is via the village of Whetstone located to the east of the crossing. From Littlethorpe this route would follow Warwick Road which goes under the M1 and head north up to Brook Street. Following this the route heads west back adjoining the B4114 road onto the Leicester Road back into Narborough. This route is approximately 6km and is estimated (via google maps) to take 10 minutes to drive or 1 hour 15 minutes to walk.
- 2.46 This route has pavement, however, some parts of the route such as Warwick Road are quite rural which could deter residents to walk this route not in daylight. Alternatively, the route would take 19 minutes to cycle where there are designated cycles and pedestrians' ways along the B roads.
- 2.47 A second alternative route would be to travel through the village of Cosby located to the south of Littlethorpe and use the Croft and Coventry Road to travel between Littlethorpe and Narborough without using the crossing point. This route is estimated to take 10 minutes to drive or 1 hour and 30 minutes to walk, with this route being 7.5km.
- 2.48 As shown in Figure 3.1, the alternative route via Cosby is mostly rural. There is limited to no pavement provided along Croft Road making it a less desirable route for pedestrians. An alternative could be to cycle this route and it is estimated to take 23 minutes to cycle.

Figure 3.1 Alternative Routes to avoid the Narborough Crossing



Source: Iceni Analysis, 2023

Baseline Summary

- 2.49 Narborough level crossing is located to the south of the village of Narborough and north of the village of Littlethorpe.
- 2.50 During peak times in the morning (AM) and evening (PM), the crossing remains down for approximately 20 minutes per hour, and this is reduced to about 10 minutes per hour during non-peak hours. When the barrier is down, there is a pedestrian footbridge to go over the track.
- 2.51 As shown in the summary map Figure 2.2, the village of Narborough to the north is well served in terms of social infrastructure whereas there are deficiencies in Littlethorpe. For residents of Littlethorpe they are within the catchment for schools and healthcare facilities that are located within Narborough, therefore, to access these services via the most direct route Narborough Crossing would be relied upon.

2.52 Based on publicly available health data, the Study Area of Narborough and Littlethorpe generally performs better than the UK average in terms of health outcomes. However, of relevance to this report is the higher-than-average emergency hospital admission, which because of the increased barrier downtime could affect how quickly patients receive emergency medical care.

2.53 No mitigation or alternative routes are proposed to mitigate this extra down time.

2.54 Based on the above information, the magnitude of the receptors is established as below. Because Littlethorpe residents rely on many services in Narborough they are more sensitive to change in access time.

Table 2.2 Receptors and Sensitivity of Population Groups

	Narborough Residents	Littlethorpe Residents	Surrounding Villages Residents
Access to early years facilities	Low	Medium	Low
Access to primary schools	Low	Medium	Low
Access to secondary schools	Low	Medium	Low
Access to GP facilities	Low	Medium	Low
Access to Hospitals	Low	Medium	Low
Access to Retail Facilities	Low	Medium	Low
Access to Employment	Low	Medium	Low
Access to Open Space, Play Space and Sport	Low	Medium	Low

Source: Icen Analysis

2.55 Furthermore, from completing the baseline analysis the following priority groups can be drawn out who could be disproportionately impacted by the increased level crossing barrier downtime arising from the Proposed Development.

Priority Group	Justification
Children and younger people	22.7% of residents are aged between 0 and 20 in the Study Area. Many of these residents will be attending a local pre-school, primary or secondary school. Ensuring they have sufficient time to cross the level crossing during additional downtime can help prevent disruptions to their education and daily routines.
Older people	19.6% of residents are aged over 65. Older individuals may have mobility challenges, which could make it difficult for them to cross the level crossing quickly and indirectly impact their mental health or well-being.
Pedestrians and cyclists (or people without access to private transport)	The alternative routes show that additional that not using Narborough Crossing is indirect and time-consuming. Enhancing safety and convenience for pedestrians and cyclists contributes to a sense of community well-being. People are more likely to engage in walking and cycling when they feel safe doing so.
People with disabilities and/or long-term health conditions	4.2% of residents of Blaby have 'bad to very bad' health. Disabilities and health conditions vary widely, and different individuals may require different amounts of time to cross Narborough Crossing safely.
Parents with young children /pushchairs	Parents with young children and pushchairs require more time to navigate the level crossing safely. With the increased downtime parents might feel

Priority Group	Justification
	rushed and this could indirectly impact the mental health of parents and children. Secondly, providing parents with an adequate crossing encourages them to choose active transportation methods, like walking with their children in pushchairs, contributing to a healthier lifestyle and reduced traffic congestion.

3. IMPACT ASSESSMENT

3.1 The assessment draws on the Design Manual for Roads and Bridges (DMRB) LA 112 Population and Human Health (Highways England, 2020) to understand the impact on additional downtime of Narborough level crossing affecting the accessibility of social infrastructure for residents and the health of residents.

Scenario Overview

3.2 There are two scenarios considered for impact assessment being:

- **Scenario 1:** as set out in Transportation documents submitted as part of the ES Chapter 8 dated November 2022.
- **Scenario 2:** as assessed separately by Arup 'Hinckley National Rail Freight Interchange - Narborough Level Crossing Downtime' report published July 2023.

Scenario 1

3.3 The evidence presented in the Environmental Statement¹⁸ indicates that the Proposed Development would result in the following periods of barrier downtime.

Table 3.1 Narborough Level Crossing Barrier Downtimes

Scenario	Year	Barrier Downtime (Minutes: Seconds)		
		AM Peak Hour	Interpeak Hour	PM Peak Hour
Current Baseline	2014	22: 59	09:00	17:50
Without Development	2026& 2036	22: 59	15:00	17:50
Without the Development of Infrastructure	2026& 2036	22: 59	15:00	17:50
With Development	2026& 2036	22: 59	17:00	20:21
With Development (Sensitivity Test)	2036	22: 59	17:00	20:21

Source: BWB Assessment of the impact on the downtime of Narborough Crossing

3.6 From the assessment, it is understood that the greatest difference between the current baseline and with development scenario is the additional 8 minutes expected during the interpeak hours and the additional 3 minutes and 31 seconds in the PM peak hours. The AM Peak remains unchanged.

¹⁸ The data as presented by BWB in ES Appendix 8.1 Transport Assessment (part 11 of 20).

Scenario 2

- 3.7 Additional work into the downtime of Narborough Crossing was completed by Arup in July 2023. This independent assessment has shown that there is potential for the length of the downtime in each day to become greater than the nominal 20-minute value assigned (by Network Rail in 'Consultation Report – Appendix 9.1 – 9.10).
- 3.8 The high-level conclusions of the Arup (2023) assessment state that “as the new freight services are introduced there will be longer crossing downtimes throughout the day. This is going to impact on the community and the flows of road vehicles, pedestrians and others when travelling between Narborough and Littlethorpe.” (page 2)
- 3.9 The independent assessment estimates results are set out below.

Table 3.2 Arup Assessment Crossing Downtown with Development

Start	Finish	Difference in downtime per hour
06:00	08:59	No Change
09:00	09:59	+2.30 mins
10:00	12:59	+5.00 mins
13:00	13:59	No Change
14:00	15:59	+5.00 mins
16:00	17:59	+2.30 mins
18:00	18:59	No Change
19:00	20:59	+5.00 mins
21:00	21:59	+2.30 mins
22:00	22:59	+5.00 mins

Source: Arup, 2023

Summary of the Scenarios

- 3.10 The timings reported by the two scenarios are summarised in Table 3.2 below.

Table 3.3 Alternative Scenarios to the Additional Barrier Down Time

Scenario	Barrier Downtime (Minutes: Seconds)		
	AM Peak Hour 8:00 – 8:59	Interpeak Hours	PM Peak Hour 17:00 – 17:59
Baseline @ 2026	22.59	15.00	17.50
With Development (Scenario 1)	22.59	17.00	20.21
Additional downtime (Scenario 1)	00.00	+02.00	+02.31
With Development (Scenario 2)	22.59	17.30-20.00	20.21
Additional downtime (Scenario 2)	00.00	+02.30 - +5.00	+02.30
Difference between S1 and S2	00.00	+00.30 - +3.00	-00.01

Source: Arup, 2023

- 3.12 Overall, the greatest additional time is added to the interpeak hours. The Arup assessment indicates an additional 30 seconds up to an additional 3 minutes compared to the ES position during interpeak

hours. These hours include +5.00 mins between 14:00 and 15:59 (which would be normally school finishing / collection time).

- 3.13 For this assessment, assesses the worst-case scenario and therefore has assumed Scenario 2. This is because it will help to identify the potential effects that could occur because of the additional barrier downtime and therefore appropriate mitigation strategies can be produced if deemed suitable.

The impacts of additional downtime of Narborough level crossing affecting the accessibility of social infrastructure of residents

- 3.14 This section describes how accessibility by car, public transport, and active travel may change because of the additional downtime of the crossing during the operational phase of the Proposed Development.
- 3.15 Accessibility relates to the ease of reaching different destinations. Accessibility has a direct impact on where people live, work, how they access services and leisure activities and consequently on their health and wellbeing.
- 3.16 The baseline analysis has shown Littlethorpe is deficient in social infrastructure and for residents to access day-to-day services it would require them to travel to Narborough. The most direct route from Littlethorpe would be to go up from Station Road cross the railway line and access Narborough.
- 3.17 Based on the additional downtime it would be expected that the direct impact on residents would be:
- No change in AM peak hour 8.00-8.59 (maintain 23-minute downtime as baseline)
 - Increase of 2mins 30 seconds in PM peak hour 17:00-17.59 (increase downtime from 17 minutes 50 seconds to 20 minutes and 20 seconds)
 - Increase of between 2mins 30 seconds and 5 minutes in other hours (increase downtime from baseline 15 minutes to between 17 minutes 30 seconds and 20 minutes)
- 3.18 Each downtime lasts around 2 minutes 30 seconds.
- 3.19 The probability of experiencing increased delays to completing journeys increases when accessing services in the PM peak and non-peak hours. A return journey could be impacted up to an additional 5 minutes total (2 mins 30 seconds each way). This could rise of additional local congestion is generated. It is reasonable to expect that more than one return journey may be required by some residents on any individual day, compounding the effect of additional barrier downtime.

- 3.20 It is acknowledged that the maximum delay on any specific one-directional journey would be 2 minutes 30 seconds. This is unlikely to significantly impact on any single event - however there will be an ongoing daily inconvenience which will have a bearing on individuals experience and perceptions of accessibility. Any additional downtime adds to the existing probability of meeting the barrier which is already 38% in the AM peak, 30% in the PM peak and 25% during other hours.
- 3.21 The additional waiting time may have an impact, even if limited, on accessing a wide range of community and social infrastructure. This may then influence the health and well-being of residents. These potential effects are set out in Table 3.1

Table 3.4 Potential effect of the increased delays of Narborough Crossing on Social Infrastructure

Social Infrastructure	The potential indirect effect of increased delay in accessing these services
Early Years	<ul style="list-style-type: none"> • The prolonged waiting time at the level crossing to access early years facilities can pose challenges for parents or guardians, potentially causing disruptions to daily routines. • Delays in drop-off and pick-up schedules. • Hindered access to important early childhood education and care services. • Perception of safety fears, reducing the likelihood to travel via active travel means.
Primary School	<ul style="list-style-type: none"> • Disrupt the punctuality of students, parents, and school staff, leading to potential lateness. • Potential for reduced instructional time. • Increased challenges in maintaining a consistent and efficient learning environment. • Perception of safety fears, reducing the likelihood to travel via active travel means. This could influence the number of obese children in the Study area currently estimated to be 7.0% of reception students.
Secondary School	<ul style="list-style-type: none"> • Students arriving late, potentially cause missed classes and ultimately reducing the overall learning time • Added stress for both students and school staff. • Perception of safety fears, reducing the likelihood to travel via active travel means. This could influence the number of obese children in the study area which is currently estimated to be 22% at Year 6 (secondary school starts in Year 7),
GP Facility	<ul style="list-style-type: none"> • Impact patients' healthcare access. • Potentially leading to delays in medical appointments • Increased frustration among individuals seeking timely medical care. • Increase cost to the NHS due to potential missed appointments. • Perception of safety fears, reducing the likelihood to travel via active travel means.
Hospital	<ul style="list-style-type: none"> • Potentially causing delays in emergency response. • Hindering timely medical interventions, and potentially jeopardizing patient outcomes.

Social Infrastructure	The potential indirect effect of increased delay in accessing these services
Retail	<ul style="list-style-type: none"> • Potential inconvenience to collecting day to goods. • Reduced shopping options. • Limited availability of essential goods and services in the local area • Perception of safety fears, reducing the likelihood to travel via active travel means.
Employment	<ul style="list-style-type: none"> • Potential delays in reaching the workplace. • Potential challenges in maintaining regular employment schedules. • Difficultly planning daily schedules • Potential negative impact on work productivity • Perception of safety fears, reducing the likelihood to travel via active travel means
Open Space, Play Space and Sports Facilities	<ul style="list-style-type: none"> • Potentially limiting opportunities for physical activity • Reduced community engagement through physical activity • Overall reduced well-being in the local area • Perception of safety fears, reducing the likelihood to travel via active travel means

Impact on additional downtime of Narborough level crossing affecting the accessibility of residents' health and well-being of residents.

3.22 The World Health Organization defines health as a 'state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity'¹⁹. The range of personal, social, economic and environmental factors that influence health status are known as health determinants and include the physical environment, income levels, employment, education, social support and housing.

3.23 As this health is a far-ranging topic, the LA 112 guidance has been referenced for understanding the relevant environmental conditions relating to human health including²⁰:

- The ambient air quality and Air Quality Management Areas (AQMA)
- Ambient noise and areas sensitive to noise (e.g. noise important areas (NIA), noise management areas (NMA))
- Sources of pollution (e.g. light, odour, contamination etc)

¹⁹ World Health Organisation (1984) Constitution

²⁰ This study focuses is on the impact on air quality and noise. Landscape amenity and severance have been assessed within the previous section of social infrastructure.

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- Landscape amenity
 - Severance/accessibility and the ability of communities to access community land, assets, and employment.

3.24 The latter bullet point is relevant under the terms of this assessment, recognising that increased severance or weakened accessibility has a detrimental effect on health.

3.25 Other topics above require separate technical assessment.

Air Quality Impact

3.26 As the air quality chapter of the ES, did not include an assessment of the impact of Narborough Crossing it is difficult to understand in quantitative terms the impacts the increased idling time could have on air quality²¹. A separate technical assessment is required to understand the air impacts of any additional idling time.

Noise Impact

3.27 As with air quality, the technical chapter in the ES did not assess the impact the increased noise would have on residents because of increased downtime at Narborough Crossing.

3.28 A separate technical assessment is required to understand the noise impacts of any additional train time.

Summary

3.29 Based on the additional downtime related to the proposed development it would be expected that the direct impact on residents would be:

- No change in AM peak hour 8.00-8.59 (maintain 23-minute downtime as baseline)
- Increase of 2mins 30 seconds in PM peak hour 17:00-17.59 (increase downtime from 17 minutes 50 seconds to 20 minutes and 20 seconds)
- Increase of between 2mins 30 seconds and 5 minutes in other hours (increase downtime from baseline 15 minutes to between 17mins 30 seconds and 20 minutes)

3.30 Each downtime lasts around 2 minutes 30 seconds.

²¹ Air Quality has been assessed in a subsequent report commissioned by the Council.

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- 3.31 The probability of experiencing increased delays to completing journeys increases when accessing services in the PM peak and non-peak hours. A return journey could be impacted up to an additional 5 minutes total (2 mins 30 seconds each way). This could rise if additional local congestion is generated. It is reasonable to expect that more than one return journey may be required by some residents on any individual day, compounding the effect of additional barrier downtime.
- 3.32 It is acknowledged that the maximum delay on any specific one directional journey would be 2 minutes 30 seconds. This is unlikely to significantly impact on any single journey or event - however there will be an ongoing daily inconvenience which will have a bearing on individuals experience and perceptions of accessibility.
- 3.33 Overall the magnitude of impacts is considered **negligible / low** as in most instances there would be *a no change or limited but noticeable change in the access to social infrastructure or health and wellbeing of residents*. However it should be acknowledged for those who require frequent return journeys from Littlethorpe to Narborough of say 3 times a day, the magnitude could be **medium** as the worst case would be up to 15 minutes additional delay to increased probability of additional barrier downtime.
- 3.34 The impacts are likely only to be noticed by Littlethorpe residents who are considered a '**medium**' sensitivity population group. Within this population group, there are priority subgroups that may be disproportionately affected, being:
- Children and younger people
 - Older people
 - Pedestrians and cyclists (or people without access to private transport)
 - People with disabilities and/or long-term health conditions
 - Parents with young children /pushchairs
- 3.35 Overall, this assessment finds that the impact of the additional barrier downtime at Narborough in the majority of instances will be negligible / low and are not considered to have an overall material impact on quality of life. However, there will be instances where the impacts will be noticeable and will in all probability impact on daily activities and some priority groups will experience delays and adverse impacts.

4. RECOMMENDATIONS

- 4.1 The HRFI Proposed Development will increase the number of trains running through the Narborough level crossing throughout the day. In doing so there will be increased downtime of the barrier level crossing.
- 4.2 This report has identified that the impacts will be limited however they will be instances where the impacts will be noticeable and will impact on daily activities, some priority groups will experience delays and adverse impacts.
- 4.3 No mitigation will reduce the adverse effects of additional downtime. There are however related mitigation measures which could be implemented to reduce some of the impacts, particularly for priority groups. These are listed below.

Potential Mitigation

DDA Compliant Travel Railway Bridge Crossing

- Narborough level crossing bridge does not provide step-free access, therefore, making it inaccessible to people with disabilities. With the additional added delay time to cross from Narborough to Littlethorpe (or visa-versa), ramps or lift access would be beneficial to help improve the accessibility for disabled users and those that require step-free access.

Improved Lighting and Safety Features

- A potential indirect impact of the increased rail freight use is an increased perception of reduced safety.
- To make the Narborough level Crossing as appealing as possible to residents, design improvements to the footbridge and surrounding areas could be implemented. This could include improved lighting or the potential to include CCTV cameras to ensure that the footbridge crossing remains as welcoming as possible.

5. CONCLUSION

5.1 The purpose of this report has been to assess the impact in socio-economic terms of the additional downtime of the level crossing at Narborough Station because of the submitted Development Consent Order (DCO) application for the Hinckley National Rail Freight Interchange.

5.2 The need to assess the socio-economic and health impacts of the additional downtime was raised by the Planning Inspectorate and several statutory consultees through the Scoping Opinion of the EIA in 2020. However, the applicant did not complete the analysis as the impact of the additional downtime was believed to be below the nominal '20 minutes in the hour' assigned value.

Baseline Analysis Summary

5.3 Currently, during peak times in the morning and the evening, the crossing remains down for approximately 20 minutes per hour, and this is reduced to about 10 minutes per hour during non-peak hours. When the barrier is down, there is a pedestrian footbridge to cross the railway track.

5.4 The baseline analysis has shown that the village of Narborough to the north of the crossing is well served with social infrastructure facilities including two pre-schools, two primary schools, a secondary school, a GP surgery, and leisure facilities including playgrounds, parks and sports facilities. There is also a range of amenities including shops, pubs, and hairdressers. There are also industrial areas located nearby, contributing to local employment opportunities. Whereas the village of Littlethorpe to the south of the crossing, has a limited number of amenities including a village hall, a scout hut, a pub, and a playground.

5.5 Alternative routes to get to and from Narborough and Littlethorpe without using the Narborough level crossing have been assessed and these would be approximately 6k and 7.5km to complete. Adding, 10 minutes to drive time to access Narborough and Littlethorpe.

Impact Assessment Summary

5.6 The HNRFI is proposed to accept 16 rail freight services per day, in doing so increasing the additional downtime. Based on the assessment completed by Arup it would be expected that the direct impact on residents would be:

- No change in AM peak hour 8.00-8.59 (maintain 23-minute downtime as baseline)
- Increase of 2 mins 30 seconds in PM peak hour 17:00-17.59 (increase downtime from 17 minutes 50 seconds to 20 minutes and 20 seconds)
- Increase of between 2mins 30 seconds and 5 minutes in other hours (increase downtime from baseline 15 minutes to between 17mins 30 seconds and 20 minutes)

5.7 Overall, the magnitude of impact on accessing social infrastructure has been assessed to be 'negligible / low' as in most instances there would be either no change or limited but noticeable change in the access to social infrastructure or health and wellbeing of residents. However, if frequent return journeys from Littlethorpe to Narborough are undertaken (3 or more times a day), the magnitude could be 'medium' as the worst case would be up to 15 minutes additional delay if residents are continually met by a closed crossing.

5.8 The impacts are likely only to be noticed by Littlethorpe residents who are considered a '**medium**' sensitivity population group. Within this population group there are priority subgroups that may be disproportionately affected, being:

- Children and younger people
- Older people
- Pedestrians and cyclists (or people without access to private transport)
- People with disabilities and/or long-term health conditions
- Parents with young children /pushchairs

Mitigation

5.9 There is no mitigation measure capable of eliminating the socio-economic stemming from increased downtime of the crossing. However, potential mitigation strategies such as providing ramps or lifts to improve accessibility or improved lighting have been suggested to help mitigate the impact on the community.

Conclusion

5.10 This assessment concludes that the increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents. Nevertheless, there will be occasions when the effects will be noticeable and would likely to influence daily routines causing delays.

A1. HEALTH PROFILE FOR THE STUDY AREA




















A1.1 Sourced for the Office for Health Improvement and Disparities, Local Health – Small Area Public Health Data

Indicator	Period	007 Narborough Districts England & UAs (2021/22-2022/23)			England		
		Count	Value	Value	Value	Worst	Range
Life Expectancy							
Life expectancy at birth, (upper age band 90 and over) (Male)	2016 - 20	-	80.2	81.0	79.5	66.6	
Life expectancy at birth, (upper age band 90 and over) (Female)	2016 - 20	-	85.7	84.9	83.2	72.0	
Mortality							
Deaths from all causes, all ages, standardised mortality ratio	2016 - 20	310	87.1	89.3	100.0	251.0	
Deaths from all causes, under 75 years, standardised mortality ratio	2016 - 20	125	89.8	80.1	100.0	309.2	
Deaths from all cancer, all ages, standardised mortality ratio	2016 - 20	120	115.1	98.2	100.0	200.8	
Deaths from all cancer, under 75 years, standardised mortality ratio (SMR)	2016 - 20	67	123.7	93.6	100.0	231.0	
Deaths from circulatory disease, all ages, standardised mortality ratio	2016 - 20	72	84.9	85.2	100.0	244.7	
Deaths from circulatory disease, under 75 years, standardised mortality ratio	2016 - 20	20	66.9	71.3	100.0	374.4	
Deaths from coronary heart disease, all ages, standardised mortality ratio	2016 - 20	30	79.8	88.8	100.0	307.5	
Deaths from stroke, all ages, standardised mortality ratio	2016 - 20	21	109.2	71.6	100.0	415.7	
Deaths from respiratory diseases, all ages, standardised mortality ratio	2016 - 20	41	91.2	85.0	100.0	335.4	
Deaths from causes considered preventable, under 75 years, standardised mortality ratio	2016 - 20	48	76.5	75.2	100.0	378.4	

Indicator	Period	007 Narborough Districts England & UAs (2021/22-2022/23)				Worst/ Lowest	England	
		Count	Value	Value	Value		Range	Best/ Highest
Population								
Percentage of the total resident population who are 0 to 4 years of age (0-4 yrs)	2020	439	5.1%	5.5%	5.7%	0.7%		
Percentage of the total resident population who are 0 to 15 years of age	2020	1,569	18.3%	19.0%	19.2%	1.5%		
Percentage of the total resident population who are 5 to 15 years of age (5-15 yrs)	2020	1,130	13.2%	13.5%	13.5%	0.5%		
Percentage of the total resident population who are 16 to 24 years of age	2020	752	8.8%	8.7%	10.5%	4.0%		
Percentage of the total resident population who are 25 to 64 years of age	2020	4,588	53.4%	51.8%	51.8%	14.4%		
Percentage of the total resident population who are 50 to 64 years of age (50-64 yrs)	2020	1,833	21.3%	20.3%	19.2%	1.4%		
Percentage of the total resident population who are 65 and over	2020	1,683	19.6%	20.4%	18.5%	0.4%		
Percentage of the total resident population aged 85 and over	2020	143	1.7%	2.7%	2.5%	0.1%		
Population density, people per square kilometre	2020	8,592	1,501	781	434	6		
Ethnicity & Language								
Percentage of population whose ethnic group is not 'white'	2011	343	4.1%	9.0%	14.6%	0.4%		
Percentage of population whose ethnicity is not 'White UK'	2011	478	5.7%	11.5%	20.2%	1.1%		
The percentage of people that cannot speak English well or at all, 2011	2011	12	0.1%	0.7%	1.7%	0.0%		
Deprivation, Housing, and living environment								
Index of Multiple Deprivation (IMD) Score	2019	-	6.2	10.6	21.7	2.2		
Income deprivation, English Indices of Deprivation	2019	439	5.1%	6.9%	12.9%	48.8%		
Child Poverty, Income deprivation affecting children index (IDACI)	2019	110	6.7%	8.8%	17.1%	64.7%		
Older people in poverty: Income deprivation affecting older people Index (IDAOP)	2019	146	7.1%	8.9%	14.2%	76.0%		
Modelled estimates of the proportion of households in fuel poverty (%)	2020	261	6.9%	9.6%	13.2%	54.1%		
Households with overcrowding based on overall room occupancy levels	2011	87	2.5%	3.0%	8.7%	60.9%		
Older people living alone, % of people aged 65 and over who are living alone	2011	356	28.3%	28.1%	31.5%	87.2%		
Percentage of households in Poverty	2013/14	-	12.3%	-	21.1%	63.7%		
Employment								
Unemployment (Percentage of the working age population claiming out of work benefit)	2021/22	116	2.2%*	2.8%*	5.0%*	20.8%		
Long-Term Unemployment- rate per 1,000 working age population	2021/22	3	0.5*	0.3*	1.9*	15.1		

Indicator	Period	007 Narborough Districts England & UAs (2021/22-2022/23)				England		
		Count	Value	Value	Value	Worst/ Lowest	Range	Best/ Highest
Behavioural risk factors								
Smoking prevalence at age 15 - regular smokers (modelled estimates)	2014	5	5.0%*	4.5%*	5.4%*	17.9%		0.0%
Smoking prevalence at age 15 - regular or occasional smokers (modelled estimates)	2014	7	7.5%*	7.0%*	8.2%*	19.3%		0.0%
Reception: Prevalence of obesity (including severe obesity), 3-years data combined	2019/20 - 21/22	-	7.0%	7.8%	9.9%	22.7%		2.9%
Reception: Prevalence of overweight (including obesity), 3-years data combined	2019/20 - 21/22	-	17.5%	19.9%	22.6%	41.7%		7%
Year 6: Prevalence of obesity (including severe obesity), 3-years data combined	2019/20 - 21/22	-	12.5%	15.9%	21.6%	40.0%		
Year 6: Prevalence of overweight (including obesity), 3-years data combined	2019/20 - 21/22	-	26.8%	30.1%	35.8%	55.8%		
Child and Maternal Health								
Deliveries to teenage mothers	2016/17 - 20/21	-	*	0.5%	0.7%	-	Insufficient number of values for a spine chart	
General fertility rate: live births per 1,000 women aged 15-44 years, five year pooled	2016 - 20	428	54.2	60.7	59.2	2.1		
Children and Young people: Health care use								
Emergency hospital admissions in under 5 years old, crude rate	2016/17 - 20/21	115	84.5	90.0	140.7	352.2		24.8
Emergency hospital admissions for injuries in under 5 years old, crude rate	2016/17 - 20/21	15	62.9	72.7	119.3	363.7		0.0
Emergency hospital admissions for injuries in under 15 years old, crude rate	2016/17 - 20/21	50	65.4	65.2	92.0	251.2		18.7
Emergency hospital admissions for injuries in 15 to 24 years old, crude rate	2016/17 - 20/21	30	68.0	98.1	127.9	733.3		14.4

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Indicator	Period	007 Narborough Districts England & UAs (2021/22-2022/23)				England		
		Count	Value	Value	Value	Worst	Range	Best
Emergency Hospital Admissions: Adults								
Emergency hospital admissions for all causes, all ages, standardised admission ratio 	2016/17 - 20/21	-	83.8	90.8	100.0	215.6		31.5
Emergency hospital admissions for coronary heart disease, standardised admission ratio 	2016/17 - 20/21	-	109.7	82.5	100.0	396.1		23.0
Emergency hospital admissions for stroke, standardised admission ratio 	2016/17 - 20/21	-	107.4	95.9	100.0	260.9		28.4
Emergency hospital admissions for Myocardial Infarction (heart attack), standardised admission ratio 	2016/17 - 20/21	-	96.5	87.6	100.0	318.7		21.4
Emergency hospital admissions for Chronic Obstructive Pulmonary Disease (COPD), standardised admission ratio 	2016/17 - 20/21	-	64.6	80.8	100.0	554.5		9.3
Hospital admissions, harm and injury and Long Term Conditions								
Emergency hospital admissions for intentional self harm, standardised admission ratio 	2016/17 - 20/21	-	63.7	69.1	100.0	541.4		10.2
Emergency hospital admissions for hip fracture in persons 65 years and over, standardised admission ratio 	2016/17 - 20/21	-	121.7	119.6	100.0	527.4		29.3
Hospital admissions for alcohol attributable conditions, (Broad definition) 	2016/17 - 20/21	654	91.2	84.9	100.0	391.1		35.9
Hospital admissions for alcohol attributable conditions, (Narrow definition) 	2016/17 - 20/21	246	115.3	91.6	100.0	471.9		22.6
Percentage of people who reported having a limiting long term illness or disability	2011	1,050	12.4%	15.8%	17.6%	38.9%		3.6%