



Report to the Secretary of State for Communities and Local Government

by Phil Grainger BA(Hons) MRTPI
an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 29 January 2010

APPEAL by THE KENSINGTON PT PARTNERSHIP
re
FAILURE TO DETERMINE AN OUTLINE APPLICATION FOR PLANNING PERMISSION
for
1150 DWELLINGS, a 1.1ha SCHOOL SITE and 34ha of PARKLAND
at
LAND SOUTH OF QUEENSWAY, ST ANNES, LYTHAM ST ANNES, LANCASHIRE

TOWN and COUNTRY PLANNING ACT 1990 (as amended)

FYLDE BOROUGH COUNCIL

Inquiry held on 24-27 November and 1-4 December 2009
Site visit held on 3 December 2009

land south of Queensway, St Annes, Lytham St Annes, Lancashire

File Ref: APP/M2325/A/09/2103453

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land south of Queensway, St Annes, Lytham St Annes, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by The Kensington PT Partnership against Fylde Borough Council.
- The application ref: 5/2008/0058 is dated 22 January 2008.
- The development proposed was described as the development of 1150 dwellings, provision of a 1.1ha school site and 34ha of parkland.
- The appeal was recovered for decision by the Secretary of State (SoS) by letter dated 7 May 2009.
- The reasons given for recovery were that the appeal involves a proposal for residential development of over 150 units 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.
- The SoS advised that he particularly wished to be advised regarding the following matters:
 - the extent to which the proposal accords with development plan policy;
 - the extent to which the proposal would be consistent with government advice, especially:
 - the design principles set out in Planning Policy Statement 1 (PPS1);
 - the aims of PPS3, including provision of a sufficient quantity and proper mix of housing in suitable locations with good access to jobs and facilities and the efficient and effective use of land, including previously-developed land; and
 - the advice in PPG13, including promotion of sustainable transport options and reducing the need to travel, especially by car, as well as compliance with parking standards.
 - whether any planning permission granted should be accompanied by any planning obligations under s106 of the Act and, if so, whether the proposed obligations are acceptable; and
 - whether any permission should be subject to any conditions and, if so, the form that these should take.

Summary of Recommendation: that permission be granted subject to the conditions set out in Annex 1

Procedural Matters

1. The application was made in outline with all matters other than means of access reserved for later approval. So far as access arrangements are concerned details of a new roundabout on Queensway to serve the development form part of the appeal proposal¹. Before more than 375 dwellings are occupied a second access will need to be provided but the plans showing this are illustrative only. As its name suggests, the Illustrative Master Plan² is also illustrative but is important as it establishes the broad parameters against which the Environmental Impact Assessment (EIA) was undertaken.
2. After the appeal was made the Council resolved that, had they still been in a position to do so, they would have refused permission on the grounds that:
 - i. insufficient information had been submitted to allow an appropriate assessment of likely significant effects on the Ribble Estuary SPA and Ramsar Site and protected species resident on the site;
 - ii. the proposal had the potential to adversely affect the Lytham Mosses and Lytham Moss Copses Biological Heritage Sites resulting in a loss of wildlife habitat and an adverse impact on biodiversity;

¹ for latest details see drawing 2400/206 Rev D in IN2

² 7230:00:02C as modified by DJS 1629/01 Rev E [KPT2C-4]

- iii. the scale of development is inappropriate and given the uncertain impacts on ecology and extent of greenfield development, the proposal is premature;
 - iv. insufficient information had been submitted to assess the likely impact on the local highway network;
 - v. inadequate provision had been made for affordable housing in terms of numbers, mix, size and tenure;
 - vi. the proposal includes the construction of significant highways in the Green Belt which, in the absence of any very special circumstances, is contrary to policy;
 - vii. non-compliance with development plan policy regarding retention and enhancement of the bridleway/footpath network;
 - viii. insufficient information had been submitted to allow an assessment of the impact of the proposal on air safety; and
 - ix. a lack of connectivity between the site and the existing urban area.
3. At the Inquiry the Council accepted that sufficient information had by then been provided to demonstrate that the traffic generated by the development could be catered for on the local highway network provided the proposed improvements are implemented³ and that satisfactory links with the local footpath and bridleway network could be achieved. In addition they are now satisfied that adequate mitigation can be provided to avoid any harm to nature conservation interests, including the birds that are a feature of the nearby SPA, and that this can be achieved without either the mitigation or the development itself causing problems for the safe and efficient operation of Blackpool Airport, which is nearby. These views are shared by Natural England (NE) and the RSPB. Moreover, Blackpool Airport have withdrawn their objection to the proposal.
4. During the Inquiry agreement was also reached between the Council and the appellants on the provision to be made for affordable housing, including provision for the amount of such housing to be provided in later phases of the development to be re-appraised. On this basis the Council no longer object to the proposal in respect of this matter. These matters, and my views on them, are set out in more detail in my conclusions.
5. Also during the Inquiry it became apparent that the updated Environmental Statement (ES) contained a number of errors. [See IN22] In particular, reference is made to illustrative Master Plan drawing 7230:00:02C, which continues to show the area north of the proposed Heyhouses Lane bypass as Public Open Space. The intention, by then, was that this would be an area for ecological mitigation as is shown on drawing DJS 1629/01 Rev E [Appendix 4 in KPT2c]. However, it was agreed by all parties, including Queensway Environmental Defenders (QED), that this had not misled anyone and that it was widely understood that the land north of the road would be a habitat enhancement area. Taking that into account I am satisfied that there is no serious flaw in the updated ES sufficient to invalidate its conclusions.
6. Prior to and at the Inquiry QED did, however, express more general concerns regarding the ES, especially the extent to which it had been modified following publication of the original version. That said, the Council are satisfied with the process and consider that the changes have been satisfactorily advertised. I deal with this matter more fully in my conclusions, but in brief I consider that there is no reason why the appeal cannot be dealt with on the basis of the revised ES.

³ However, this matter remains of concern to local residents / QED (a local organization with Rule 6 status).

7. Prior to the Inquiry QED had also expressed concern that the applicants, the Kensington PT Partnership, had ceased to exist and that there was no body of sufficient standing to bring the appeal. This is a legal matter outside my area of expertise and is ultimately a matter for the SoS to decide. However, in my view, whilst it is clear that the Kensington PT Partnership has ceased to exist as an Isle of Man business, there is no evidence to refute the appellants' claim that it has simply relocated to Lancashire. [See IN15b] Moreover, this matter was not pursued by QED at the Inquiry and has never been disputed by the Council. I have therefore proceeded on the basis that the appeal was validly made.

The Site and its Surroundings

8. The appeal site is generally of a flat, open character, comprising farmland (or former farmland) divided by hedgerows, fences and drainage ditches. The dwelling that formerly stood near the western, Queensway, boundary of the site has been demolished leaving a mound of what seems to be largely demolition material. This part of the site has an unused and rather unsightly appearance that detracts from this approach to St Annes.
9. The site is on the edge of Lytham Moss, one of the few remaining areas of wet peat moss still used for arable farming in the Borough. The Moss provides a habitat that supports a variety of wildlife, particularly birds, but also some mammals and invertebrates. It has recently been designated as a potential Biological Heritage Site (BHS) of County importance. In addition, two copses adjoining the site have a long-standing designation as a BHS, having been known to support one of the largest colonies of tree sparrows in Lancashire.
10. In the vicinity of the appeal site the gap between the built-up areas of St Annes and Blackpool is relatively narrow. Much of this area, including parts of Blackpool Airport and the mossland to the east, has been designated as Green Belt forming an isolated and relatively small area of this designation. North of the housing proposed on the appeal site the Green Belt extends as far as the Borough boundary. Its southern boundary does not coincide with any existing physical feature; it appears to have been drawn to follow the anticipated line of a new road. To the west of Queensway, on the edge of the Airport, the Green Belt is about 800m wide. It widens to the east but ends in the vicinity of Wild Lane / North Houses Lane. The land beyond those roads is also open countryside but is not designated as Green Belt as the form of the urban areas means that it does not contribute to the gap between Blackpool and St Annes.
11. The site lies immediately north of the built-up area of St Annes about 2km from the town centre. Its southwestern boundary adjoins the properties along Heyhouses Lane (a continuation of Queensway, the B5261) and the short residential roads off it. Although the properties are mostly residential, they include, towards the western end of Heyhouses Lane, a scout HQ / camp site in extensive and well-treed grounds. The nature of the development and roads immediately north of Heyhouses Lane (and the trees in the area) limits the scope for vehicular access in this direction.
12. The B5261 forms an inland route between Lytham and Blackpool providing an alternative to the coast road, the A584, which passes the edge of St Annes town centre. Between these two roads there are a number of east-west links (particularly the B5233, St Annes Road), which provide further access to the town centre and the residential areas around it. To the east of the appeal site, Wild Lane / North Houses Lane, although shown on some maps as a B class road is for much of its length little more than a single track country lane. Despite this

it is used by a significant amount of traffic between the M55 motorway and the Lytham St Annes area in preference to the signed route via the B5261.

13. The no. 14 bus service from St Annes to Blackpool (and on to Fleetwood) currently passes the site along the B5261. It also passes St Annes railway station, which is nearly 2km from the nearest part of the appeal site. Another bus service runs close to the site on its way to and from Lytham.
14. Beyond the built up area of St Annes, to the southwest, is the Ribble Estuary. This is of national and European importance for birds, being part of the Ribble and Alt Estuaries SPA. Although the estuary is not less than about 2.5km from the appeal site, estuary birds, especially swans and geese, move between the SPA and Lytham Moss, including fields that are part of the appeal site. Another SPA, Martin Mere, lies south of the Ribble Estuary about 17km from the site.

Planning Policy

15. The development plan for the area comprises the North West of England Plan Regional Spatial Strategy to 2021 ("the RSS" – CD8) and the saved policies of the Fylde Borough Local Plan as altered October 2005 ("the Local Plan" – CD7). The RSS is more up to date and therefore, whilst of a much broader nature, takes precedence where it contains policies that are directly relevant to Fylde. In particular it is common ground between the main parties that the Council need to make more housing land available to satisfy the requirements of RSS Policy L4. This requires Fylde to provide for 306 new houses per year, almost twice the rate of that in the Local Plan which reflected the figures in the Lancashire Structure Plan ("the Structure Plan") that the RSS has replaced.
16. Reflecting this, Policy H1 of the Local Plan has not been saved. However, most of the other policies have, including Policy SP2 which seeks to protect countryside areas, outside settlement boundaries, from development. The SP2 designation includes the appeal site. That said, given the need to provide more housing land to meet the RSS housing figures, and the likelihood that this will involve greenfield sites, the Council (unlike QED) do not consider that Policy SP2 would, in itself, amount to a reason for resisting the appeal development.
17. To help address the housing supply before the Core Strategy and Allocations Development Plan Documents (DPDs) are produced⁴ the Council have produced and adopted an Interim Housing Policy ("the IHP") [CD10]. The IHP also seeks to address the problem of affordable housing as identified in various reports [see CDs 25 & 26]. However, despite having been the subject of consultation, the IHP does not have formal Supplementary Planning Document (SPD) status as there is no policy in the Local Plan it can be tied back to. This can only reduce the weight it carries though that need not make it insignificant, especially in respect of affordable housing where its provisions appear to be uncontested.
18. One policy that remains extant and was much referred to during the Inquiry (though some bodies including QED contest its ongoing relevance) is Policy TR13. This Policy, which replaced Policy T6 in the 1989-2001 version of the Local Plan, seeks to safeguard the route for a link road between St Annes and the M55 following, roughly, the line of Wild Lane / North Houses Lane. The Local Plan indicates that as Lytham St Annes is a main urban area in which substantial amounts of new growth need to be accommodated a new direct link to the

⁴ These documents are being produced in parallel. However, it is not now envisaged that they will be adopted until 2011/12.

motorway is required to replace the existing routes which are circuitous or otherwise unsatisfactory. A similar commitment appears in Lancashire County Council's Local Transport Plan ("the LTP"), which is a further material consideration. Both the Local Plan and the LTP make clear that construction of the new road is to be funded by developers.

19. Both parts of the development plan include policies relating to ecology, transport, housing and various other matters that are relevant or potentially relevant to this appeal. A full list of policies that the Council consider relevant, together with their views on whether the development complies with them, appears as document IN18. QED's assessment is set out in document IN19. My own views on compliance with development plan policies, and the development plan in general, are set out later in my conclusions.

Planning History

20. Although there has been no previous application relating to the whole of the appeal site, and the merits of developing it in its entirety have not therefore been considered, a proposal for the erection of 350 dwellings on the western part was the subject of an Inquiry in 2003. That earlier appeal is, in my view, a material consideration of substantial weight. The proposal was, at that time and in that form, supported by the Council who, I understand, were intending to allocate that part of the site for residential development in the then emerging Local Plan. This was in the context of the 1991-2006 version of the Structure Plan.
21. The Inspector noted that a new Structure Plan was in preparation but considered it to be at too early a stage to attach any substantial weight to it. In contrast, he attached great weight to the substantial contribution that the proposal would make towards completing the M55 link road. He also appears to have considered that the site was the most sustainable of the greenfield ones in Fylde that had been identified for housing development.⁵ He therefore recommended that permission be granted.
22. The SoS appears to have agreed with much of what the Inspector said. However, before a decision was issued the new Structure Plan had been adopted. This required much less housing land than had previously been envisaged and led to the deletion (at GONW's direction) of all the proposed housing allocations in the Local Plan. In line with the housing strategy in the new Structure Plan the SoS eventually refused permission for the 350 dwellings.

The Proposals

23. It is proposed to build 1150 dwellings on about 30ha of the site, giving a density of 38 dwellings per hectare. The proposed housing mix would be 20% flats (two-bed); 50% mews houses (two, three and four bed); and 30% detached houses (three, four and five bed). As agreed at the Inquiry at least 10% of the dwellings would be affordable (mostly for social rent) with the prospect, if market conditions and profitability improve, for the percentage to increase through reappraisals to be carried out before later stages of the development commence.
24. It is proposed that building heights would range from two to four storeys. However, I was assured that 1150 dwellings could, if necessary, be achieved without resorting to buildings higher than two storeys. I was also told that the

⁵ For the avoidance of doubt in my conclusions I have considered for myself the weight that should be attached to these matters in the light of the information currently available and have not considered myself bound by the previous Inspector's conclusions.

- line of dwellings shown on the illustrative master plan (7230:00:02C) to project east from the main housing area is not needed to achieve the 1150 figure.
25. The scheme provides for a new primary school site with associated playing fields. There would also be financial contributions towards educational provision (including secondary) through a unilateral undertaking (UU).
 26. In addition, it is proposed to build a new east-west road that would provide access to the development as well as a by-pass for Heyhouses Lane. Such a road was anticipated in the 1989-2001 Local Plan, which referred to it as T5. However, the Local Plan appears to have envisaged that the road would follow the southern boundary of the Green Belt, whereas that now proposed does so only at its western end, with most of the road lying within the Green Belt. Moreover, whilst only the roundabout on Queensway and the western section of the road are part of the access arrangements for which approval is being sought at this stage, this alignment seems crucial to the number of houses proposed. It enables open space to be provided within the Green Belt (rather than in the housing area itself) without being cut off from the dwellings by the road.
 27. Initially all vehicular access to the site would be from Queensway by way of a new roundabout (replacing an existing traffic controlled junction with Kilnhouse Lane) and the western section of 'T5'. Ultimately a second access would be provided via the eastern part of T5 and the M55 link road. This would be needed before more than 375 dwellings are occupied. Through the UU the scheme provides sufficient funding to complete the M55 link road.
 28. There would be no other vehicular access into the site. However, pedestrian, cycleway and bridleway links would be provided, both into the built-up area of St Annes to the south and to the countryside to the north and east (including the existing Wild Lane / North Houses Lane, which on completion of the M55 link would be downgraded to a bridleway). There would also be contributions towards improved bus services with the expectation that the no. 14 service would be diverted through the site on a loop.
 29. The 33ha or so of open space between the housing area and T5 would include an 11ha nature park. However, this area would not be attractive to the birds of SPA interest. To provide for them an area partly to the north of T5 and partly to the east of the M55 link would become a Farmland Conservation Area (FCA) where farm practices would give precedence to ecological interests. The proposed FCA has a total area of about 91.5ha, with about 17.75ha of this being within the appeal site boundary.

Other Agreed Matters

30. The matters noted below are all agreed between the Council and the appellants; they are not always agreed by QED or local residents. In some cases more details can be found in the Statement of Common Ground (SoCG) [IN1], the SoCG on Highways and Transport [IN2] together with its supplementary [IN16], and the SoCG on Ecology matters [IN20]. The latter has also been signed by Natural England (NE) and the RSPB.
31. Although not mentioned in the SoCG the Council accept that more housing land needs to be identified to comply with the housing figures set out in the RSS (and which are a 'floor') and that this is likely to involve the release of some greenfield sites. It is also agreed that the appeal site is in one of the most sustainable

- greenfield locations⁶ being the only apparent option on the edge of one of the largest settlements in the Borough⁷.
32. It is also agreed that the Council do not currently have a 5 year supply of housing land. At the Inquiry it was agreed that for the purposes of this appeal the supply could be taken as being about 1.5 years.
33. Subject to the provision for reappraisals now written into the UU it is agreed that the provision to be made for affordable housing complies with the IHP and the aims of RSS Policy L5. There is no outstanding dispute on any of the matters relating to valuation and viability [see IN8 – the agreed statement of facts regarding viability matters].
34. The appellants and the County Council between them own all the land needed to construct the M55 link on the alignment now proposed and it is agreed that the financial contribution included in the UU is sufficient to pay for the completion of this road. Both the Borough Council and the County Council consider that the link road would have benefits for the area generally as well as being necessary if more than 375 dwellings are to be built on the appeal site. Amongst other things it is considered necessary to facilitate the growth of Lytham St Annes and replace an existing substandard road (Wild Lane / North Houses Lane).
35. It is also agreed that 375 dwellings could be constructed and occupied on the eastern part of the site without giving rise to any immediate insuperable problems of congestion or highway safety. In the long term there would however be increased congestion over and above that caused by normal traffic growth unless the M55 link road is completed.
36. As for ecology matters, it is agreed that the ES (as updated in September 2009) [CD4] , the Management Plan for the FCA [Annex 3 to the UU – IN31] and the Queensway Bird Hazard Assessment and Control Plan (version G) [IN25] provide sufficient information to enable an Appropriate Assessment to be made of the effect of the proposed development, together with the M55 link, on the integrity of the Ribble and Alt Estuaries SPA / Ramsar site and the Martin Mere SPA / Ramsar site. Moreover, provided the mitigation measures proposed are properly guaranteed and implemented, it is agreed by all the signatories to the Ecology SoCG that there would be no adverse impact on the integrity of those SPAs.

The Case for the appellants

Introduction

37. The development would contribute significantly to addressing the shortfall in housing land as required by both PPS3 and the RSS. In addition, it would completely fund the M55 link road from Lytham / St Annes to the motorway. Mr Evans⁸ fairly accepted that this would:
- be of significant benefit to the safe and free flow of traffic;
 - secure a key objective of Local Plan and Local Transport Plan policy; and
 - play a major role in securing the construction of a highway upon which the land use strategy of the district as a whole is based.
38. In the previous appeal the Inspector recommended that the western part of the appeal site was “in the most sustainable location of all of the greenfield sites

⁶ The appellants consider it to be *the* most sustainable.

⁷ From the evidence put to the Inquiry it is not clear to me that, even ahead of the Core Strategy, the Council would seek to resist a smaller development on the appeal site that avoided the need for roads in the Green Belt.

⁸ The Council's planning witness.

identified for housing development in the emerging FDLP". There has been no suggestion that this assessment should in any way have changed. In answer to the Inspector Mr Evans advised that there were no reasons why he should attach less weight to the site than his colleague did.

39. The SoS did not demur from the previous Inspector's conclusions in respect of the benefits arising from the highway contribution. Had it not been for the housing surplus arising from the advent of RPG13 then it is almost certain that permission would have been granted in 2004.
40. There are no ecological or highway/sustainability related reasons why the site should not be developed and the scheme would represent a massive investment in the area that would not otherwise take place. It would create immediate employment and the improved road infrastructure would create confidence in the future of the area. It is significant that there was considerable support for the proposal from Fylde businesses.

Consistency with government housing policy objectives in PPS3

41. The Council argue there is a 1.8 year supply (610 dwellings). The appellants say 1.25. It was agreed that for present purposes the difference could be taken as a 1.5 years supply. The shortfall is conceded to be chronic; is in the region of 1090 dwellings and is rapidly getting worse – at an appeal in June 2009 (APP/M2325/A/08/2087698) the shortfall was about 2.5 years.
42. The Council concede that the position will continue to get worse unless planning permissions are granted and that there is a need to make additional housing land available in advance of the LDF. The present state of affairs cannot be dismissed simply as an inevitable consequence of the changed RSS housing requirement. The updated Draft RSS figures were being used to assess housing supply since the end of 2006. Some 3 years have elapsed but the Council have done nothing to properly address the ever increasing shortfall.
43. No public consultation documents have been produced in respect of the SHLAA and no weight can be attached to work of the Steering Committee. As for the Fylde Coast Strategic Housing Market Assessment (SHMA), it is intended to help understand the dynamics and drivers of the sub-regional housing market. It does not advise on the overall number of new dwellings nor their location. Moreover, the document is not binding on sponsors. No weight can be attached to it.
44. It is also agreed that there are no published Core Strategy documents and that it will be 2011 before weight can be placed on any documents that do emerge. In fact Mr Evans advised that the Core Strategy and Site Allocations DPDs will not be in place until 2012. It is also agreed that no weight can be attached to the M55 Hub Conceptual Masterplan or to the Housing Growth Point Bid. Despite the Multi-Area Agreement there are no identified sites or priorities.
45. Urgent action needs to be taken to resolve the housing land shortfall and this can only be achieved by the immediate grant of planning permission for large sites. The appeal scheme would provide one year's worth of housing within the 5 year period, but even that would leave a very considerable shortfall.
46. The Council (and indeed QED) accept that the shortfall cannot be addressed without releasing greenfield sites. This has been irrefutable since the appeal decision regarding Hollywood Nurseries (APP/M2325/A/08/2087698).
47. Mr Evans accepted that as St Annes is the borough's largest settlement it is appropriate for greenfield land to be released on its periphery. He also accepted that the appeal site is effectively the only urban expansion site at St Annes

[FBC1/1, paragraph 10.26]. Large urban expansion sites must be released and the appeal proposal fits the bill in that it would contribute 350 deliverable units in the 5 year period and a further 800 in the 6-10 year one. It will make a significant impact on addressing the shortfall.

48. In these circumstances the presumption under paragraph 71 of PPS3 applies and the Council should consider favourably applications for housing. RSS paragraph 7.19 confirms that. It states that LPAs should manage their allocation of land and grant planning permissions to maintain a minimum 5 year supply of deliverable housing land and achieve the housing requirement figures in Table 7.1. Since it is agreed that the appeal site is in a sustainable location and is immediately available there is nothing in paragraph 69 that should preclude it coming forward.
49. It is therefore submitted that the grant of permission would be consistent with government housing policy objectives in PPS3.

Does the release of greenfield land conflict with brownfield land targets?

50. The committee report [CD6] confirmed that to meet the RSS requirement it is necessary to release greenfield sites as well as brownfield ones. The only argument seemed to be that releasing the appeal site would represent almost all the likely greenfield allocation needs. This was shown to be incorrect. When the appeal proposal is added to existing greenfield sites the figure equates to some 28.67% of the RSS total - considerably less than the 35% greenfield figure.
51. Furthermore, whilst it is agreed that brownfield opportunities should not cease to be sought once the 65% target has been met, the overall housing figure is not a ceiling above which further development is unacceptable. Moreover, production from the appeal site would be spread across the remaining plan period. It would not generate a burst of housing that would quickly be exhausted.
52. In addition, there is no evidence that granting permission for the appeal site would jeopardise the bringing forward of brownfield land. Such sites continue to be promoted. Kensington are themselves pursuing brownfield developments and there are other large applications for brownfield land such as the Pontins site. It is therefore submitted that the grant of permission would not in any way detrimentally impact on the achievement of brownfield targets.

Other PPS3 related matters

53. As the application is outline and the layout plan is illustrative matters relating to high quality design and construction cannot be addressed definitively. That said the Council accept that Kensington have carried out other high quality schemes in the area. Also the Committee Report [CD6, para 72] says that the plan generally accords with established principles of good layout as there is a hierarchy of roads and the individual pockets of housing would create a sense of place.
54. In addition, the mix of tenure and housing types, including the affordable housing, has been fully agreed with the LPA and Mr Evans agreed that it would reflect the general needs of the Borough as identified in the Strategic Housing Market Analysis. It would also take account of demand and improve choice in the area. The main parties agree that the development is in a suitable location offering a good range of community facilities with good access to jobs, key services and infrastructure.
55. Accordingly it is submitted that the proposal conforms fully to the advice in PPS3.

Conformity with the Development Plan

56. In considering this matter, it must be remembered that in the present case the RSS takes precedence if there is a conflict with the Local Plan. Mr McAteer (the appellants' planning witness) was not cross-examined on conformity matters and there can be no doubt that the proposal is in general conformity.
57. As set out in the Council's Committee Report, there is a recognised need for additional housing land to be made available in advance of the publication of the LDF and that St Annes is a logical location for new residential development. Moreover, whilst there was concern that the proposal would lead to a significant loss of wildlife habitat, it is now agreed that this can be adequately mitigated. There can therefore be no logical reason why the development should not now be allowed to go ahead.
58. Looking in more detail at the RSS, the key policy is L4 which sets out a housing requirement for Fylde of 5500 with an annual housing provision of 306. This is not being met and needs to be put right urgently. The appeal proposal would help achieve this and plainly conforms with this fundamental policy requirement. Policy L4 also indicates percentages of greenfield development which would be acceptable, but the appeal proposal would not in any way fall foul of those limits.
59. Mr Evans confirmed that subject to conditions the appeal proposal would not be contrary to sustainable principles of development as set out in RSS Policies DP1, DP4, DP5, DP6, DP7 and DP9. [FBC1/1, paragraph 6.11]. He also confirmed in cross-examination that the proposal conformed with the RSS. QED do not seek to argue otherwise. In short, the proposal wholly complies with the RSS.
60. The Local Transport Plan is also part of the Development Plan and there is no doubt that the proposal conforms with that document in bringing forward the M55 link road through private funding.
61. Turning to the Local Plan, the site is outside the defined limit of development of St Annes in a countryside area to which a generally restrictive Policy SP2 applies. It is common ground however that the Council will now have to grant permissions on greenfield sites for housing outside the settlement boundaries. In this context Policy SP2 cannot be a proper reason for refusal and that was expressly conceded by Mr Evans who also accepted in questioning from the Inspector that some development on this site would be acceptable at the present time.
62. Moreover, it is agreed that the restrictive housing approach of the Local Plan was determined by now superseded national and regional guidance. Policy HL1 of the Local Plan was postulated on the basis that the strategic housing requirement for the Borough had been met and that accordingly new housing development was very strictly regulated. This Policy has not been saved reflecting beyond any doubt the change in circumstances. RSS Policy L4 now requires the Council to provide effectively twice as much housing land.
63. In conclusion, given:
- i. the magnitude of the deficit against the housing requirement in RSS L4 which must be made up;
 - ii. the Council's acceptance that greenfield housing development is required;
 - iii. the acceptance that an extension to St Annes in this location would be acceptable (and indeed that this is the only sustainable site on the periphery);
 - iv. that the proposal will deliver the M55 link road in accordance with the wishes of the Plan; and
 - v. that it is now agreed there is compliance with the ecological provisions
- the most compelling reasons exist why this proposal is in general conformity

with the Development Plan. Any strict non-conformity with Policy S2 cannot be determinative since that policy conflicts with RSS policy. No harm whatsoever would be caused and there are some most weighty material circumstances that should lead to the grant of permission.

Other documents and their relevance

64. *Core Strategy* - there are no published documents that form part of the LDF or relate to sites. No weight can therefore be attached to emerging policy.
65. *Interim Housing Policy* (IHP) – it is agreed that this is only an informal document as it has no parent policy in the Local Plan. In accordance with PPS1 and PPS12 very limited weight should therefore be attached to it as the Hollywood Nursery decision confirms. Moreover, the IHP accepts that there may be circumstances in which planning permission may be granted for housing outside settlement boundaries. This has now been accepted as necessary as it is the only way in which the housing land shortfall may be made up. By seeking to restrict housing developments under the IHP to ones within settlements the Council are effectively approaching matters as if they still have an over supply of housing - the IHP cannot be applied or else it stymies RSS policy.
66. In any event paragraph 4.2 of the IHP includes an objective to “allow sufficient housing to come forward in the interim period to meet the numerical requirements contained in RSS and to maintain a five year land supply.” The IHP cannot carry any weight whatever in circumstances where there is only a 1.5 year supply of housing land and a shortfall of land for 1090 dwellings.
67. It is submitted therefore that there are no emerging documents of any weight which support the stance that the LPA seek to take.

Prematurity

68. In referring to prematurity the Committee Report seems to have had in mind that there could be ecological reasons why permission should not be granted. However, these have now gone and the Council are left to argue that the proposal is premature relative to the LDF. Such an approach is contrary to PPS3, which provides that prematurity on its own cannot be a proper reason for refusal, and strictly it is unnecessary to say more.
69. That said, the Council’s approach is totally contrary to advice in “*The Planning System – General Principles*”. In the terms of paragraph 17, the DPD is not presently being prepared as there are no documents available to the public. On the Council’s interpretation an authority would simply be able to say it was preparing a DPD without making any progress and then hold up development for ever more. That interpretation cannot be correct. Planning applications should continue to be considered in the light of current policies.
70. The weight to be attached to emerging DPDs increases as successive stages are reached. In this case the Council have not produced any part of their Core Strategy and have, effectively, published no LDF documents. There are no policies in an emerging DPD, indeed there is no DPD at all, to attach weight to.
71. The Core Strategy is nowhere near consultation stage and the Inquiry can take no view as to what the Council may seek to include in it. It certainly cannot be assumed that this site will not be proposed for housing bearing in mind Mr Evans’ acceptance that it is the only major site on the edge of St Annes; that some development would be acceptable on it; and that greenfield permissions have to be granted prior to the LDF to satisfy RSS Policy L4. In these circumstances

prematurity cannot begin to be a justifiable argument and it cannot be argued that allowing the appeal would be prejudicial.

72. That this site is the most appropriate location for development is borne out by:
(a) the sustainability appraisal which shows it to be more sustainable than any other sites that have been agreed with the Council as possible alternatives; and
(b) the Inspector's conclusion in the 2003 appeal that it was the most sustainable location of all of the greenfield sites in the then emerging local plan.
73. Adopting the Council's approach would prevent Policy L4 ever being satisfied. There would be no reduction in the housing land shortfall until 2011/12 and by then the supply would be minimal with provision irredeemably prejudiced.

The safety and convenience of highway users

74. There are no outstanding material issues between the appellants and the Local Highway Authority (LHA)⁹, as demonstrated by the two SoCGs. [IN2 & IN16]
75. An exhaustive analysis has been carried out which ultimately satisfied the County Council that there would be no unacceptable impacts on existing roads or junctions. In the SoCG [IN2] the LHA agree that the local highway network can accommodate the appeal proposals and paragraph 5.54 records that there is no highway reason to preclude the development. Whilst QED continue to have concerns they have produced no technical highway evidence whatever.
76. The following improvements would take place:
 - i. MOVA¹⁰ to be installed at the existing traffic light junctions at St Annes Road East / St David's Road North and St Annes Road East / Church Road, and, within the Blackpool administrative area, at the School Road / B5261 junction;
 - ii. two Pelican and one toucan crossings to be funded on Heyhouses Lane;
 - iii. the Queensway roundabout to have a Pegasus crossing on the southbound approach and a toucan crossing on the northbound;
 - iv. improved right turn facility into St Annes Road East from Heyhouses Lane; and
 - v. works to the roundabout at Whitehall Road / Copper Road.All these improvements appear to be non-contentious and are covered by the UU.
77. There are therefore no highway, traffic or safety reasons why this development should be refused. On the contrary, it would fund the implementation of the remaining stretch of the M55 link road ('T6') at a cost of some £16m.
78. The link is a very costly project that will only be delivered by private funding. Whatever QED may seek to suggest the delivery of the road is adopted policy of both the Council and the LHA and has been for a very considerable period. The 2002 development would have secured a contribution to T6 and the Inspector reported that approval would:
 - a. improve the local highway system, significantly benefiting the safe and free flow of traffic;
 - b. contribute towards securing a key objective of adopted and emerging structure and local plan policy and of the adopted local transport plan (LTP) upon which the land use strategy of the district as a whole was based.Moreover, these were described as material considerations of the weightiest sort and Mr Evans has confirmed that there is no reason why the present Inspector should attach less weight to them.

⁹ ie Lancashire County Council. However, their remit does not extend to Blackpool which is a separate Highway Authority.

¹⁰ ie Microprocessor Optimised Vehicle Actuation or 'clever traffic lights'.

79. The M55 link is safeguarded by Local Plan Policy TR13. The text says that the Council consider that a new direct link road to the motorway is necessary and will be funded by private developments. Mr Evans confirmed that the Council continue to have this view. This proposal clearly is fundamental to achieving this policy and by doing so must be in conformity with this part of the plan.
80. The proposal also delivers a scheme in the Lancashire LTP [CD40] and thus accords with the road proposals in both the Local Plan and the LTP. It is clear that the road is necessary not only for the development of this site but is also of the greatest value to the area. There is every reasonable expectation that if the appeal is allowed the road will be provided. It conforms with policy. The highways SoCG [IN2] confirms that whilst permission for T6 has lapsed the LHA "remains supportive of the highway scheme in order to complete the M55 to St Annes highway link." The County Council will seek permission for T6 in 2010 and will undertake design works on T5 and T6 in 2010 as well.
81. In addition, all the necessary land is in the ownership or control of either the appellants or the LHA. Moreover, by the time that the appellants have built 300 units they will have invested more than £10m in the road infrastructure rising to some £14m by the time the 375th unit is occupied and £16m before 425 units are exceeded. These commitments effectively ensure the road will be delivered.
82. The link has very real benefits for the area as the present network is poor. At paragraphs 5.15 and 5.25 the Highways and Transport SoCG describes the problems and opportunities as follows¹¹:
- a. there is congestion especially at morning and evening peaks;
 - b. drivers use narrow country lanes with few passing points and other inappropriate roads to avoid queues. These roads are subjected to significant traffic movements between St Annes and the M55 giving rise to significant safety issues and loss of amenity to local residents;
 - c. Wild Lane is especially substandard and has an accident issue;
 - d. existing commitments will result in increasing traffic on the network and without T6 existing junctions will experience more congestion; and
 - e. with T6 a fall in traffic on existing roads would permit better management of available road space, leading to better environmental conditions and improved residential amenity. Roads may also be closed to vehicles.
83. In addition Mr Stevens of the LHA advised the Inspector that the additional network capacity provided by T6 would enable public transport to achieve greater punctuality and reliability along the Queensway corridor.
84. No evidence whatever exists to suggest that there is any way of delivering the M55 link other than through this proposal. There is no other development of a scale that would be able to pay for the road and over the last 15 years no other party has ever suggested funding it. Moreover, no other development would own the necessary land.
85. Phase 3 of Whitehills Business Park does not depend on the provision of T6. Moreover, a smaller development on the appeal site would not realise the necessary monies. The affordable housing assessment has indicated that the present scheme cannot afford the usual affordable housing provision. Even with a reduced provision, Mr Massie, for the Council, concluded in his supplementary proof [FBC/GM/4] that an 1150 dwelling development was 'probably marginal'.

¹¹ The issues are set out in greater detail at KPT/4a paragraph 8.32 onwards.

Plainly any reduction in the number of houses¹² would go to the heart of the ability of the development to fund T6.

86. Without the appeal development it is submitted that T6 will not go ahead and all its benefits would be lost. This is a matter of the highest materiality. Mr Evans confirmed that with proper funding and appropriate conditions the development accords with Development Plan policy. The benefits justify the grant of planning permission and would, if necessary, constitute very special circumstances.

Adequacy of the provision for travel by means other than the private car

87. Paragraph 5.50 of the Highways and Transport SoCG records that with the proposed bus service funding and pedestrian, cycle and equestrian linkages the development has good accessibility to non-car modes of travel and would be sustainable. Paragraphs 5.9 and 5.44 onwards agree that suitable cycle and pedestrian routes are currently available to St Annes centre and other locations.
88. Paragraph 5.40 records that, whilst Heyhouses Lane is busy during peak periods and difficult to cross, the provision of toucan facilities would facilitate movement between the site and the town centre. In addition, a combined footway/cycleway would be provided though the development to link Queensway to Wild Lane, crossing facilities would be provided on Queensway, and Wild Lane would be converted to a footway/bridlepath/cycleway. These measures would, amongst other things, provide a sustainable link to Whitehills Business Park.
89. In respect of cycling, the B5261 provides an off-road route in the vicinity of the site, whilst both Kilnhouse Lane and Blackpool Road North are signed on-road cycle routes. Mr Evans [FBC1/1, paragraph 5.18] confirms that the proposed cycleway and crossing facilities could be secured by appropriate conditions and that the proposal would accord with Local Plan Policy TR3.
90. It is submitted that no evidence was given by QED which questioned the adequacy of pedestrian or cycle provision. The Council have concerns about connectivity to the town centre, but that appears to relate to vehicles.

Public transport

91. It is agreed that there are presently good links with regular bus services between St Annes and Blackpool with links to Lytham, Southport and Preston. An improvement to service 14 would be secured by the UU and the County Council support the provision. FBC accept that development plan policy would be complied with in this respect and QED do not appear to raise any issue.
92. Funding of £1m for five years would accord with the standard period for which bus funding is sought in Lancashire and the region. It would permit improvement of the frequency of services to a very high level¹³. There would be stops within 200m of most new dwellings and no residents would be more than 400m from one. Several new stops would be provided, to quality bus route standards, along Kilnhouse Lane and within the site. The service passes local shops and links to St Annes town centre and the railway station.
93. The cost of 2 additional buses is £240,000 per year and it is submitted that the payment proposed would, over a 5 year period, be sufficient to establish a viable

¹² It appears to be accepted that if T5 were positioned further south so as to reduce impact on the Green Belt this would require open space to be provided in the body of the housing area reducing the number of dwellings that could be built to about 800 - over 30%. It is self evident that such a development could not fund the M55 link.

¹³ From 20 mins to every 15 mins between 7.00 & 18.00 and from 30 mins to 20 mins between 18.00 & midnight.

service for the development. Whilst the development would not be complete by the end of that period some 650-700 dwellings would have been built bringing some 1500-2000 people on site. This would provide a more than sufficient base of customers for the service to become established and to prosper.

94. If only 2% of residents use buses a deficit would occur when the subsidy ceased in 2016. However, Fylde's present average is 3.8% and the appeal development would have the advantage of bringing buses far closer to residents than is typical. The route will also become a quality bus corridor. Higher than average bus use should therefore be achieved and at 4% the funding would generate a surplus after five years which would be retained by the County Council to be applied to continuing services. With the travel plan the aspiration would be about 5% bus use which would further enhance the surplus at the end of the period.
95. Moreover, the figures presented by the County Council [see IN23] were based on a 6 day 48 week 'year' whereas in practice the service would operate 7 days a week for 50+ weeks, generating significant additional revenue for the same cost. It is submitted therefore that the proposal would establish a bus service that would be viable and would continue beyond the 5 year subsidy period.
96. Despite the agreement with the County Council the point has been raised that the development would not be complete when the payments ran out. Further consideration has been given and the UU payment has been increased by a further £110,000 which is to be paid in the sixth year. The County Council agree that when added to the surplus available at the end of the five year period this would ensure sufficient funding would be available to provide, in effect, the necessary monies to enable funding for 10 years.
97. As to the effect of the diversion on existing users of the service they will have the benefit of increased frequency. Moreover, the road proposals would free up capacity on the system and relieve queuing on junctions, leading to a more reliable service. These advantages would outweigh any detriment arising from lengthening of the journey time.
98. In short the bus provision is supported by the local transport authority, the Council consider that it complies with development plan policy and QED raise no issues. Proper opportunity is provided for non-car travel.
99. In addition, there will be a Travel Plan for the development. This could be the subject of a planning condition and appears in the UU. It would be entered into prior to occupation of the first home and would follow national advice and guidance. No one sought to take any issue regarding this matter.

Connectivity with the existing urban area

100. To put this in context, it should be noted that the site has been assessed on a district-wide basis for accessibility having regard to the criteria in the RSS. This provides an up to date basis and considerable weight must be attached to the outcome. The exercise, set out in Mr Easdon's proof [KPT/4a], puts the site at the higher end of the medium accessibility category. It is therefore a fully appropriate location for housing. Whilst there may be debate over one or two points of the assessment, Mr Evans conceded in cross-examination that the site is one of those with higher sustainability and accessibility and that it scores highest in the St Annes area. There is no meaningful evidence to the contrary from QED who did not apply the RSS criteria.
101. Moreover, some of the competing sites included in the analysis would, in practice, fail at the first hurdle and ought therefore to be discounted. The

Council's evidence at the Hollywood Nurseries appeal [see KPT/1c – 11] confirms that several of the sites that score the same or better than the appeal one lie in flood zone 3 and are thus unacceptable for housing. The only true comparator sites are Brook Wood, Kirkham and south of Mowbreck Lane, Wesham. The appeal site is indisputably the best one on the edge of St Annes which is the main settlement in the Borough. Accordingly it must be the best and most appropriate location for an urban extension. Mr Evans did not appear to disagree.

102. In short, the appeal site has the best accessibility and sustainability of those on the periphery of the main settlements of the Borough. It is within this context that the issue of its connectivity to St Annes should be properly considered.
103. The site lies about 2km from the town centre. However, there are shops only 500m away on Kilnhouse Lane. Furthermore, there is no substance in QED's argument that this proposal could be prejudicial to St Annes town centre. There can be no doubt that residents would shop in the centre and it is inconceivable that the proposal could damage its vitality and viability. There is no significance in the distance to Tesco and Morrisons; these are out of centre sites.
104. The two vehicular accesses would enable journeys to be made to St Annes. Indeed, when supporting the smaller scheme proposed in 2002 the Council raised no connectivity issues and the relationship of the nearby Cypress Point development to the town centre has never been a concern. The distance to the town centre is not in any way excessive and Kilnhouse Lane and St Annes Road East provide perfectly adequate routes to it. Furthermore, Mr Evans accepted that access via the T6 link would also provide an acceptable route. The reality is that all north-south routes lead to the centre.
105. The suggestion seems to be that the appellants should acquire property to facilitate another access. However, one of the main objectors has control over part of the suggested route. The appellants do not control the necessary land and in any event along Heyhouses Lane there are protected trees and a Biological Heritage Site (BHS). The suggested access is simply not achievable. Building on the periphery of St Annes will inevitably involve journeys to the town centre but this proposal does not offend any standards or plan policies.
106. In addition, the Council's case appears to be based on facilitating faster access to the town centre by car. It does not acknowledge that the improved bus service would give residents an alternative means of making this journey or that the LHA are satisfied with pedestrian and cycle access. Taking all this into account, it is submitted that issues of connectivity are not a reason to refuse this proposal.

Ecology matters

107. Part of the Council's putative reason for refusal was that insufficient information had been submitted to allow proper assessment of the likely effect on the Ribble & Alt Estuaries and Martin Mere SPAs, the Ramsar sites, protected species and the Lytham Mosses and Lytham Moss Copses BHSSs. That position is no longer advanced given the Ecology SoCG [IN20] agreed with NE, the RSPB and the County Council. Blackpool Airport have also withdrawn their objection.
108. In addition, QED do not seek to dispute the consultees' assessment. Their cross examination of Mr Hesketh¹⁴ was limited to the relevance of the BREEAM-based assessment of the site against others and an argument that residents can now see the SPA species and would not be so close in future. It is submitted that

¹⁴ The appellants' expert witness on ecology matters who gave evidence at the Inquiry.

these issues, even if they had merit, would not begin to justify a refusal on ecology grounds. The Council's position is now that if adequate mitigation is secured then the scheme would comply with Local Plan Policy EP10.

109. The mitigation that has now been agreed first began to be mooted following the original ES when NE raised concerns as to Appropriate Assessment (AA). At that stage Dr Gemmill¹⁵ mooted replacing the POS north of T5 with ecological mitigation. Even before Mr Hesketh took over, the Environmental Impact Assessment (EIA) process was therefore developing that solution. The revised ES, whilst based on drawing 7230:00:02C, made clear that the POS area north of the road would no longer be used for that purpose, but for ecological mitigation.
110. Accordingly there has not, for a very long time, been any doubt on that matter and no one has laboured under any other illusions. The discussions with statutory consultees have refined the proposals so that, with mitigation, the appeal scheme is agreed to be entirely acceptable. The ES therefore has been part of the EIA process and has led to a position whereby it is agreed that there will not be any likely significant ecological effect or adverse impact on the integrity of the SPA.
111. The agreed proposals include:
- (i) an 11ha **nature park** between the housing and T5 that would contribute to meeting POS needs whilst also providing habitats for a range of species that are currently associated with the land that is to be built on. The Habitat and Landscape Management Plan [KPT3c-9] sets out how the new habitats would be constructed and managed to satisfy this dual purpose. The appellants would set up the park and in due course transfer it, or grant a long lease, to a management company comprising residents of the development. This is an entirely standard arrangement.
 - (ii) The nature park will not however sustain use by SPA birds and therefore mitigation of this habitat is provided for by a **Farmland Conservation Area** (FCA). This comprises 91ha of existing agricultural land north and east of the proposed development. Agricultural use of the FCA would be the subject of a management plan with the chief objective being that it provides a permanent refuge and feeding area for SPA birds and other farmland priority species. There would be a wild fowl refuge, scrapes and permanent pasture which would be managed to ensure a good food supply for swans and geese. Other wildlife-friendly features would also be created including new ditches, wild bird seed planted areas, skylark plots, beetle banks and small ponds.
112. The draft FCA habitat management plan [KPT3c – 11] gives more details. It includes restrictions on the growing of crops that are not beneficial to the birds and sets out a crop rotation. The FCA cannot be used for purposes other than for agriculture and nature conservation.
113. The appellants would procure, provide and maintain the FCA in perpetuity in accordance with the Management Plan. Within one month of development commencing they would also deposit the FCA Management Endowment into a high interest bearing escrow account in favour of the Council. The endowment would provide a sum sufficient to cover the management and auditing costs of the FCA multiplied by 25. However, as the appellants have a separate obligation to manage the land, none of the endowment would be used unless they fail to fulfil that obligation in any year. Given this, and taking the compounding of

¹⁵ The appellants' original ecology advisor.

- interest into account, it is agreed that the endowment would provide sufficient monies to facilitate the default management of the FCA in perpetuity.
114. The first phase of the FCA would be completed prior to commencement of development and there would also be bonding of a sum sufficient to secure the cost of establishing the second phase.
115. The Ecology SoCG [IN20] confirms that the overall design of the nature park and FCA will create a habitat network that should sustain and/or enhance conditions for SPA birds and other features of biodiversity priority in line with national and locally adopted policy. Furthermore the habitat designs of the nature park and FCA can be secured through planning conditions and/or obligations.
116. It is agreed that the habitat management plans have identified a sustainable framework for SPA birds and other biodiversity features on Lytham Moss. Whilst the management plans require some amendments on matters of detail this can be addressed by requiring the final plans to be approved by the Council, taking advice from NE, the RSPB, the County Council and other specialist advisers.
117. As for Blackpool Airport's objection that the proposal could increase bird strike risk, this has now been withdrawn. [See IN21] Paragraphs 9 and 10 of the Ecology SoCG record that the Bird Hazard Assessment and Control Plan (BHCP) [IN25] provides a protocol that should ensure that bird control techniques required by the Airport do not compromise the capacity of the FCA to sustain populations of SPA birds and other farmland birds of biodiversity priority at least to current levels. Furthermore there are adequate provisions for monitoring and review to ensure that the BHCP should not compromise the integrity of the SPAs whilst maintaining provision for airport safeguarding. The BHCP covers the whole area of the appeal site, the nature park and the FCA. Amongst other things the appellants would pay for a Bird Control Unit to be provided for the period of the development and there is to be agreed surveillance and monitoring.
118. The BHCP pays particular attention to the central flight path and avoids putting any attractants below it. It also avoids creating any new flight lines for priority bird species across the flight path. In practice the vast majority of the FCA is south of the flight path; 500m in the case of the permanent wildfowl refuge. However, since fields D and E are under or close to the flight path the proposals have been modified to remove any substantial areas of permanent open water that might attract feral geese. Management practices have also been modified to reduce bird strike risk in those fields. In particular, crops will be harvested prior to the return of swans thus removing the attraction of the fields. In addition, some of the cut crops will be moved to a feeding area in the wildfowl refuge. These and other measures would reduce bird strike risk below current levels.
119. The development, including mitigation, would not result in any fundamental changes in bird activity that would result in a net increase in hazard. The plan allows for rapid response to unforeseen circumstances.
120. There is no evidence therefore to justify refusal on bird strike / airport issues. The BHCP is detailed but that does not mean that the development is in the wrong place. Blackpool Airport currently manages bird issues and they are common at other airports which are often near estuaries (eg Liverpool John Lennon.) There are established methods and responses and this proposal does not break new ground. Essentially the same bird control operation as provides the existing bird control will implement and manage the BHCP. It relates to the construction period and is not needed subsequently. The detail in the BHCP is to

ensure that liaison procedures and protocols are in place. It is clearly agreed by all to be eminently workable and appropriate.

121. As for any impact on the integrity of the Ribble & Alt Estuaries and Martin Mere SPAs / Ramsar sites, the Ecology SoCG confirms that the updated ES, the habitat management plan for FCA and the Queensway Bird Hazard Assessment provide sufficient information to enable an Appropriate Assessment (AA) to be made of the development including the M55 link road. It then concludes that there would be no adverse impact on their integrity arising from the combined developments. At the Inquiry NE and the RSPB orally confirmed that to be their view. The AA now falls to be made by the SoS as the competent authority. There is no evidence whatever which would justify an adverse assessment.
122. The only issue is whether mitigation is necessary to achieve no adverse impact. To a degree this is academic because the appellants have agreed mitigation which, given the UU, will come forward in any event. However, for the record, Mr Hesketh's position is that even without mitigation the impact on integrity would be slight because of the availability of habitat elsewhere on Lytham Moss. The cumulative impact of the appeal development and the link road on SPA birds would result in a 20% reduction in the population carrying capacity of Lytham Moss for wild swans in winter. This equates to 25 Whooper swans out of an average count of 123 on Lytham Moss and 7 Bewick's out of an average of 34. [KPT3a paragraphs 7.24 & 7.26] The birds would not be displaced from the area however as they would switch to other feeding grounds in south Fylde and west Lancashire. Moreover, UK populations are rising for Whooper Swan and stable for Bewick's and the reduction would comprise a small percentage of the Ribble and Martin Mere numbers.
123. With mitigation Mr Hesketh concludes that the residual effect would be positive as Lytham Moss would be a more secure site for winter feeding by SPA birds. There would be a wildfowl refuge of 35ha which would be managed so that there would always be undisturbed foraging every winter. A further 56ha would be managed to ensure that forage was available on a rotational basis each winter.
124. As for the wildlife interest of the appeal site compared to other options for housing development, as the Inspector requested at the PIM, Mr Hesketh carried out an exercise using the BREEAM and ANGS systems of scoring. [In PKT3a] QED did not use any recognised objective system in their assessment. Mr Hesketh considers that the proposal results in significant enhancement. Dr Manchester¹⁶ has confirmed that she took no issue with Mr Hesketh's assessments at table 5.3 and all consultees are satisfied with the ecological aspects of the scheme. Whatever scoring is adopted, no better site has been identified than the appeal one, whilst some of the other sites assessed have fundamental issues such as flood risk which mean that they are effectively unavailable.
125. As for any suggestion that moving T5 further south would benefit SPA birds, this would not be the case. The proposed road provides a barrier that is important to swans. It would not make any sense to allow the public to have closer access to their habitat.
126. In conclusion there are no ecological issues to prevent permission being granted and the proposal complies with policy in respect of this matter.

¹⁶ An ecologist employed by Lancashire County Council who provided expert evidence for the Council.

Other matters relating to Blackpool Airport

127. QED alone raised the issue of airport noise on new residents and even they now appear to agree that PPG24 provides the relevant guidance and that the proposed housing falls within Noise Exposure Category (NEC) A in terms of noise from aircraft movements. In this category noise is not a determining factor. In fact, the noise climate in the area is dominated by road traffic not aircraft noise.
128. QED remain concerned about future expansion of the Airport, but, even for the small area within the 50dB noise contour there would have to be a five times increase in air traffic before even the *desirable* limit in PPG24 was reached. Moreover, the Airport currently has no expansion plans. Increasing capacity would entail runway extensions and new buildings for which permission would be required and the Airport would have to justify its position. Very significantly the Airport does not object to the appeal proposals or support a noise argument as would be expected if it felt there was a real issue. In any event permission has recently been granted for housing on a site nearer the runway.
129. As for the school, it would be built to Building Regulation standards. The proposal therefore complies in all respects with national guidance in PPG24. There would be no unacceptable impact on the airport or vice versa.

Drainage issues

130. There are no outstanding issues that preclude granting permission. There are no objections on these grounds from the Council, the EA or United Utilities who are all content that any permission could be properly conditioned.
131. The residential element of the scheme is set in flood zone 1. Fluvial flooding does not therefore restrict the development even when climate change is taken into account. Tidal flooding similarly cannot be an issue. In any event buildings would be constructed at 4.6m above sea level giving additional protection over and above the inherent acceptability of building in zone 1.
132. There is flooding of existing fields along the south of the appeal site. This arises from inadequate land drainage and poor maintenance of water courses. Existing ditches and water courses will be cleaned out. In any event this surface water flooding is addressed by the new surface water system.
133. The development would be drained internally on a separate system. Surface water would be pumped as is common in this area. The water would discharge to watercourses and, as part of SUDS¹⁷, surface water flows would be attenuated to the equivalent of existing greenfield run off rates. There is nothing unusual in this and it does not use any novel methods. The appellants will set up a management company to manage and maintain all unadopted watercourses, storage lakes and ponds. This is standard procedure in this area, as neither United Utilities nor local authorities wish to adopt SUDS structures, and there is no evidence that it causes any problems. The ponds that were formerly proposed north of T5 were not intended to play any function in the drainage of the housing area.
134. Foul flow would be pumped into the public sewer network which is a combined system. The area has low water pressure but the solution is for the water to be pumped. Again this is normal in this area. Moreover, at this distance from the sea the tidal influence on ground water levels is no more than a 0.5m rise/fall. This is a wholly immaterial consideration.

¹⁷ Sustainable Urban Drainage Systems.

135. Finally much was said about peat and piling. The site does have peat but so does Cypress Point next door where some 600 houses have been built with piled foundations to the houses and services. No unusual techniques are involved in the piling and there is no reason why the foundations should not be piled. NHBC bonded the Cypress Point development and would also bond the appeal one.

136. In conclusion it is submitted that there are no valid concerns regarding drainage or ground conditions.

Green Belt matters

137. It is agreed that of those parts of the proposal that lie within the Green Belt only the roads raise questions of whether they are appropriate development or whether very special circumstances (VSCs) need to be demonstrated.

138. The Council object to the construction of "significant" highways in the Green Belt. However, PPG2 does not rule out the construction of roads nor do there have to be VSCs before any road can be built in the GB. Each case effectively turns on its merits.

139. Paragraph 3.12 of PPG2 provides that engineering and other operations are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Paragraph 3.13 provides that when large scale development occurs it should, so far as possible, contribute to achievement of the objectives for the use of land in Green Belts. In addition, Local Plan Policy SP3 states that within the Green Belt engineering operations such as the construction of roads will not be permitted unless they maintain the openness of the GB, do not conflict with the purposes of including land within it and do not injure the visual amenities of the GB.

140. Of the roads involved here, T6 continues to be a safeguarded route under the Local Plan. As for T5, it is submitted that this is appropriate development. The clearest indication that this is the case arises from the Councils' approach to the grant of planning permission for T6 in 2002.

141. The PPG2 tests applied at that time. There can be no doubt that both the County Council and FBC considered the road to be appropriate development. Neither authority sought to justify the permission on the basis of VSCs. Fylde did not object to the granting of permission. It is inconceivable that they would not have expressly said (and that the County Council would not have so reported) that they only found the development acceptable on the basis of VSCs if that was the basis for their representation. Likewise the County Council found it appropriate. No one ever challenged the decision.

142. If that road was appropriate then it is submitted that T5 must be too since it is of a considerably lesser magnitude and impact. T6 was 1.3km long and 9.3m wide (including pavement). Its embankments range from 0.75 – 1.5m high and the corridor, including verges and existing lane, was 40m wide. Moss Sluice was to be bridged by a 14m engineered structure and the road was to be lit along its entire length. In contrast T5 has a combination of urban and rural characteristics. It would be 6.5m wide and on embankments no higher than 0.6m high. Whilst the western end adjacent to the first phase of the housing would have stand up kerbs and be lit, the remainder would be a rural road without stand up kerbs and with lighting only at junctions.

143. In FBC1/1 10.52 Mr Evans confirms that with appropriate landscaping T5 would not detract from the open character of the Green Belt. Effectively therefore

- he has no argument whatever on T5. Furthermore, he gave no evidence as to any impact on the purposes of the Green Belt or on Green Belt objectives.
144. As for the roundabout at the junction of T5 and T6, the County Council's 2002 Committee Report establishes that lighting was deemed appropriate along the entire length of T6. There is no reason why the same should not apply to lighting at the roundabout, particularly as it was always envisaged that there would be a junction. Moreover, it is inconceivable that signage at the roundabout would have an unacceptable impact. The impact of the roundabout clearly has to be assessed having regard to the nature of the surrounding area. It is relatively flat with no high points in the immediate locality. Screening can therefore be achieved at low level. The County Council concluded that with landscaping T6 would not unduly compromise the openness of the GB and was appropriate and acceptable.
145. The substantial open space between the housing and T5 gives the opportunity for screen planting. Moreover, since the development is phased there is the opportunity for advanced planting to the east which would be the last area to be developed. This planting would integrate T5 into its landscaped setting.
146. In terms of openness, the existing Queensway road already passes through the Green Belt as does proposed T6. It clearly follows that in this area openness is not generally perceived to be a problem. In any event, the proposal maintains openness; a mere 0.006% of the Green Belt area of 127ha would be lost.
147. In addition, the 2005 Direction guidance says account should be taken of the extent to which the impact of a development within the Green Belt can be mitigated by careful siting, landscaping or planting. In this case, the topography means there is no overlooking. Moreover, the curvilinear nature of the road reduces its impact as only small lengths would be seen at any one time and the low embankments would not read as alien features. It is therefore relatively easy to mitigate any visual impact caused by the road or vehicles on it by fairly low native planting that is typical of the local landscape character.
148. Just as for T6 openness would therefore be satisfactorily maintained. The width of the Green Belt would remain the same with the new road being located and landscaped within it.
149. In addition, in his evidence in chief Mr Appleton (the appellants' landscape witness) confirmed that he did not consider that the road would conflict with the purposes of the Green Belt. Moreover, the Council have never sought to argue that it does. This plainly must be the case.
150. The proposal would not lead to the merger of Blackpool and St Annes or the unrestricted sprawl of the built up area. There would be a large area of public open space between the road and the residential area. Beyond the road would be the FCA land which is to be maintained undeveloped in perpetuity. The appeal proposal would therefore effectively preclude any possibility of unrestricted sprawl. Indeed, it would safeguard the countryside as the nature park and FCA would remain open and undeveloped. Moreover, the road itself cannot automatically conflict with the purposes of the Green Belt; otherwise there would never be any possibility of a road being appropriate development.
151. It is therefore submitted that T5 is appropriate development in Green Belt terms since openness is maintained and there is no conflict with the purposes of including the land within the Green Belt. No very special circumstances are therefore required and strictly the issue need not go any further.

152. In any event, Mr Evans sought to produce no evidence to demonstrate conflict with the objectives for the use of land in the Green Belt and it is submitted that the proposal satisfies three of the six objectives:
- a. *access to the countryside for the urban population* - the proposal provides large areas of informal open space and sport/recreation land, access to which would be available to both new and existing residents.
 - b. *enhancement of landscape near where people live* - there would be large scale tree and hedgerow planting with the landscape opened up for people to enjoy.
 - c. *securing of nature interest*.
153. Moreover, there is no test that requires the Council's alternative road line to be considered. That said, locating the road closer to the houses would not make it better located in Green Belt terms as:
- a. it would create a hard edge to the settlement;
 - b. it would be more difficult to integrate the road into the landscape as it would not benefit from the landscaping within the nature park;
 - c. it would prevent easy access to recreation areas that otherwise satisfy the purposes of the Green Belt (the Council's own Committee Report notes that there are clear benefits in routing the road as the appellants propose); and
 - d. a small gap between the road and development would be more at risk of future development proposals.
154. In any event the alternative displays a total lack of realism. If T5 is located to the south it follows that, to avoid the need to cross the road, large areas of open space would have to be located within the body of the housing development. This would reduce the amount of housing considerably. Mr Appleton's figure of a reduction to around 800 was not challenged and was confirmed by Mr McAteer. Given the now agreed viability appraisal it is evident that such a scheme could not be remotely viable. It goes to show why the present scheme is the only proposal that can deliver T6.
155. In these circumstances the roads are appropriate development and it is not necessary to demonstrate VSCs. However abundant VSCs exist to justify the development being permitted even if the road was inappropriate. In particular, Local Plan Policy TR13 safeguards the T6 corridor and the text says that the Council consider that a new direct link road to the motorway is necessary and will be privately funded. Mr Evans confirmed that that remains the Council's position. The Local Transport Plan also seeks delivery of the road.
156. The facts that this proposal is necessary in order to deliver the road by private funding; that the Council see the road as necessary for the future of the Borough; and that the LHA also fully support the proposal in order to secure delivery of a local transport scheme road must amount to the strongest of VSCs. This road has been sought for some 15 years. Its importance has been acknowledged by past Inspectors and the SoS.
157. T5 is an integral part of the improvements to traffic flows and highway safety benefits resulting from the construction of the M55 link. Those benefits are not restricted to this site but neither can the site be fully developed without the road. This is confirmed by the County Council's Committee Report [KPT1c – 8] which said that the objectives of the road scheme related to wider issues in the area together with general congestion relief and environmental improvement.
158. There can be no doubt that the road produces overall improvements to the highway network. Nor is there any doubt that the proposal would fund its construction. As, in addition, Kensington and the LHA own all the land required

and the latter are committed to seeking to progress the scheme there is proper and reasonable expectation that it will be provided.

159. Other sections of the road have already been secured by private funding and the appeal development represents the only opportunity to complete the scheme. There is no evidence of any other means of securing the road even without the additional costs of land acquisition that would have to be paid by any other scheme. There are no public funds available to assist the project and the Council have not sought to adduce evidence that a smaller development would be viable.
160. Additionally the shortfall of housing land is so critical that this proposal must come forward to start making inroads into it. Unless permissions are granted immediately the shortfall will continue to accelerate and the land supply will surely soon be under one year.
161. These circumstances are not commonplace; indeed those relating to the road could not be repeated anywhere else. It is therefore submitted that they amount to the most compelling VSCs. The harm by reason of inappropriateness is clearly outweighed by the benefits arising and permission should be granted.

Design Issues

162. There is nothing between the main parties on this matter. This is an outline application and Mr Evans confirmed that the Council's position remains as set out in the committee report – ie the proposal generally accords with established principles of good layout. Moreover, there is no doubt that Kensington's track record shows them fully capable of delivering high quality, well landscaped residential developments. The SoCG records that the illustrative masterplan is acceptable in principle. In addition, it is now agreed that there is no issue regarding the bridleway/footpath network as this can be conditioned.

Affordable housing

163. The Council said in its putative reasons for refusal that the affordable housing provision was inadequate in terms of numbers, mix, size and tenure. However, it is now agreed that the provision is appropriate in all respects; indeed the Council's mix, size and tenure requirements have been adopted. The reports produced for the Council establish that there is an affordable housing need in the Borough. [CD25 & CD26] The yearly need actually exceeds the annual housing requirement in RSS. Despite that only some 85 units have been built during the plan period whereas the appeal proposal would secure some 115 on its own.
164. The Interim Housing Policy advises that the Council will negotiate for 30% of housing to be affordable unless the developer can demonstrate that the development would not be viable at that percentage. This has now been done and agreed with the Council's professional advisers. The 'valuation SoCG' [IN8] is not challenged. It is agreed that the percentage provided in the UU is appropriate and allows for review if viability increases. It must be clear beyond any doubt that the infrastructure costs of this proposal including delivery of T6 could not be delivered with any greater affordable housing provision.

Agricultural land and soils

165. The Council make no issue of the loss of agricultural land and soils and accept that there must be substantial greenfield development to satisfy RSS housing requirements. Mr Evans has also accepted that since St Annes is the borough's largest settlement it is appropriate for greenfield release to be made on its periphery and that the appeal site is effectively the only option. In these circumstances release has to be made which will inevitably take agricultural land

and soils. In FBC1/1, paragraphs 5.51/54, Mr Evans accepts that the loss of agricultural land on the appeal site is not a planning constraint.

166. When this proposal was screened the issue of impact on soils and agricultural land was not raised. The original ES was then produced after discussions with LPA officers and those of other consultees. The discussions went into detail and ES paragraph 1.4 confirms that a scoping study was undertaken during the initial stages of the EIA process to define the terms of reference. Some 26 main areas of concern were identified. They were the ones likely to be significant and others that were not were accordingly scoped out. The list did not include loss of soils or agricultural land. That remains the case. Items 11 and 13 identified, respectively, the impact of ground conditions on the proposed development and the appropriate disposal of any excavated materials and the impact on the physical fabric of the landscape of the area. Those matters have been dealt with.
167. There was no need for a formal scoping letter as the discussions had identified the principal issues. At no stage have the Council sought to have further issues addressed. The loss of agricultural land and impact on soils was not therefore considered to be of likely significant impact on the environment. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations only requires description of likely significant effects. It is settled law that it is for the relevant planning authority to determine whether the information provided is what is required subject to *Wednesbury* unreasonableness rules [*R v Rochdale MBC ex p Milne (2000)* and *R (Blewett) v Derbyshire CC (2004)*]. Here there is no suggestion that the information in the ES was deficient.
168. At paragraph 8.4.2 the ES identified that approximately 10ha of Grade 3A land would be permanently lost. This level of loss was not considered significant in terms of national agricultural land resource and was assessed as 'minor adverse'. It is self-evident that soils would be lost to the same extent.
169. Mr Moor, for QED, seeks to argue that besides the 10ha of 3A land lost under the housing another 20ha would be lost under roads, woodlands, parkland and water areas. He goes on to suggest that there is a loss of a further 91ha as a consequence of the FCA. This entirely misunderstands the impact of the proposal.
170. Plainly land under the houses is irreversibly lost (albeit soils will be used for gardens and green space) as practically it is under the roads. There is however no irreversible loss of any other land, soil or soil fertility. The agricultural and soil resource can be brought back into food production if necessary in the future. The land or soil is not destroyed in any way and is conserved.
171. As for the FCA, effectively most of it is to be managed in the way that it is presently farmed because that is best for the SPA birds. There would be no damage to this land and it would still be productive in terms of food. More importantly management proposals for the FCA are based on the Environmental Stewardship Scheme administered by NE which actively encourages farmers to pursue nature conservation objectives. Indeed, some 65% of land in the country has some form of environmental stewardship actively promoted by NE.
172. As for the 10ha of Grade 3A land lost, this should be considered in the light of paragraph 28 of PPS7. This states that the presence of such land should be taken into account alongside other sustainability considerations. Most importantly it is for the LPA to decide whether best and most versatile land can be developed having weighed the options in the light of competent advice. In this case, the

Council agree that greenfield development is inevitable, will take place about St Annes and that this site is the only urban expansion site around St Annes.

173. So far as soil is concerned, Mr Moor identifies the soil series passing across the area to be developed. [QED FM03, paragraphs 87/88] A majority of that area would appear to be the Formby series which is referred to as "not an especially good growing soil." It has of course been pointed out on several occasions that this land is susceptible to flooding in its existing state. It plainly is not land that is a substantial resource. Again it should be noted that greenfield land on the edge of settlements must be taken and that this is effectively the only site.
174. The legislative documents referred to by Mr Moor can be dealt with as follows:
- a. the *Thematic Strategy for Conservation of Soils* is "an emerging directive" that is presently becalmed in inter-country arguments;
 - b. reference to *Hilary Benn's 2009 press release* is misleading since DEFRA has confirmed that food security in the UK is high with a trend towards an increase in productivity and security;
 - c. the *First Soil Action Plan 2004* predates PPS7 and refers to each case being considered on its merits having regard to most sustainable outcomes. The Council do not oppose the appeal scheme on these grounds;
 - d. *Safeguarding of our Soils - A Strategy for England 2009* accepts that action to protect soils should be responsive to local circumstances and linked to agricultural land considerations. Again the need for housing land on the edge of urban areas is a fundamental consideration. The document suggests that future guidance will be issued but its content cannot be second guessed.
175. The Council have not sought to refuse the proposal on Policy EP22 grounds having properly had regard to the housing locational needs applicable to the area and, in particular, St Annes. This is entirely right given the extent of new housing it is now necessary to find.
176. QED constantly sought to cast doubt on the ES. However, to be of weight any effects need to be likely and significant. QED seem to have limited understanding of the differences between an EIA and an ES. The appeal development is a considerable proposal that, as might be expected, required detailed ongoing discussions. As a result of this everyone knows what is proposed and how it is to be dealt with. There should be no suggestion (and none seems now to be being promoted) that any deficiency provides a basis for any argument that the documentation or process is deficient.

The unilateral undertaking (UU)

177. Although a UU, the obligation is entirely agreed with the Council as well as the County Council in its capacity as LEA, LHA and LTA and also as ecological advisor. No issue is taken against it by the statutory consultees. The terms are entirely proper and acceptable in the circumstances of this case.

Conclusions

178. The appeal development must be permitted if any inroad is to be made into the Borough's chronic housing shortage. Urban peripheral release must be made around St Annes and this is the only such site. Moreover, this proposal alone can deliver the M55 link which has been enshrined in the development plan for 15 years. The road network would be very significantly improved and the proposal would cause no harm whatever. The Inspector is therefore respectfully requested to recommend that permission be granted subject to appropriate conditions.

The Case for the Council

Introduction

179. The appellants seek outline planning permission for development comprising 1150 dwellings, provision of a 1.1 hectare school site¹⁸ and 34 hectares of parkland. They have confirmed that the only matter for detailed approval at this time relates to access arrangements, specifically a proposed roundabout junction with Queensway together with the first (approximately) 300m of the east/west link road referred to as T5.
180. Although an application for outline planning permission, the Council provided a screening opinion to the appellants confirming that the proposed development requires EIA. Consequently, the appellants have prepared an illustrative masterplan (drawing 02C) as well as a “structure plan” produced as part of Mr Appleton’s evidence. [KPT2c – 4] If the appeal is successful, any permission will need to be conditioned in order to ensure the resulting development follows (substantially) the form of development shown on those two drawings.
181. The appellants sought no formal scoping opinion from the LPA. Instead a “scoping report” was submitted by them together with the ES that accompanied the planning application.
182. The Council consider that the level of information submitted with the planning application was deficient, and did not allow a proper and full consideration of the scheme’s potential impact, especially in respect of ecological and highways interests. The appellants were made aware of those deficiencies. However, rather than make them good ahead of the LPA’s decision, they chose to pursue an appeal against non-determination.
183. Accordingly, the Council had to form a view on the decision that would have been reached had there been no appeal. The LPA resolved that it would have refused planning permission. Inevitably, amongst the reasons were objections that insufficient information had been submitted to allow a proper determination of the scheme’s impact on ecological and highways interests.
184. As the appeal has progressed, the appellants have augmented very significantly the level of information directed at those two interests. Even during the course of the Inquiry, the materials associated with the appeal have undergone a series of revisions. Ultimately, the County ecologist and highways engineer were satisfied that the information before them, and mitigation offered, dealt with their concerns. Similarly, Natural England’s and the RSPB’s objections have been overcome. In addition, the LPA are now satisfied that the objection directed at the provision of rights of way within the development may be dealt with by planning condition.
185. Finally, in terms of the objections that have been overcome is the question of affordable housing. There is no dispute that there is a pressing need for such housing in the Borough (as identified in reports by Fordham and DTZ [CD25 & CD26] and confirmed in the LPA’s Interim Housing Policy [CD10]).
186. The appellants’ proofs included a viability appraisal (the fourth that the LPA had seen) that was the subject of agreement with the LPA. It allowed for the

¹⁸ A 1.1ha site is shown on the illustrative masterplan. It is understood that Lancashire County Council as the education authority seeks a 1.5ha site, but that the additional 0.4ha comprises playing fields for the exclusive use of the school. Those playing fields would be located to the north of the school site.

provision of 9% affordable housing (10% after the mix of units had been adjusted to better reflect the Borough's need). However, if approved, this is a scheme that would be built over several years. Re-appraisal of the scheme's viability (with a view to increasing affordable housing provision if viability improves) is therefore required. However, until the third day of the Inquiry, the appellants maintained an in-principle objection to re-appraisal. Following a change of their position, the parties sought to devise a planning obligation that delivers a robust re-appraisal process as the scheme progresses. The Council are content that this aim has been met now that the UU has been executed.

187. As a consequence the Council now have 3 objections to the appeal proposal. These relate to Green Belt, Connectivity and Prematurity.

Green Belt

188. Whilst the LPA is satisfied that the (approximately) 30ha of residential development and the school site are not within the Green Belt the same cannot be said for the east/west link road (T5) that extends for a distance of almost 1km from the proposed Queensway roundabout at the north-west of the site to the proposed roundabout with the M55 link road, T6, at its north-east corner. All of that road falls within the Green Belt.
189. There is a dispute as to whether or not the road constitutes appropriate or inappropriate development. That is to be determined by reference to national policy advice in PPG2 (at paragraph 3.12). It imposes two tests (neither having priority over the other, contrary to Mr McAteer's suggestion). The first is that the development should maintain openness; the second is that it should avoid conflict with the purposes of including land in the Green Belt.
190. Until Mr Appleton's oral evidence, it was apparent that the appellants had effectively ignored the second of those hurdles. No analysis of the impact of the scheme on Green Belt purposes is to be found in any of the proofs submitted by the appellants. Moreover, reference to the ES provides no answer. Not only is there a failure to address impact on Green Belt purposes in that document, there is a failure to refer to PPG2 at all.
191. Instead, the mainstay of the appellants' case on appropriateness is a misguided analysis of the 2002 proposal to construct T6. However, the Committee Report for that scheme contains precisely the error committed by the appellants in this appeal. There is simply no reference to the requirement of PPG2 to avoid conflict with Green Belt purposes. As ultimately conceded by Mr Appleton, the analysis of that scheme by reference to the Committee Report is incomplete. In addition, as Mr Appleton eventually conceded, it is merely speculation to suggest, on the strength of that Report, that Fylde accepted that T6 constituted appropriate development. In short, the appellants' Green Belt analysis is incomplete; only half of the job has been done.
192. There is no dispute that this part of the Green Belt, a narrow wedge dividing St. Annes from Blackpool, fulfils 3 of the 5 Green Belt purposes set out at paragraph 1.5 of PPG2, including the safeguarding of the countryside from encroachment.
193. For the majority of its length, over 600m, T5 runs through the midst of this Green Belt area, which comprises countryside currently free from development. The road would be 6.5m wide and there is no doubt that it would carry significant quantities of traffic. (The daily 2 way flow associated with the appeal scheme

- alone is well over 6000 vehicles quite apart from existing traffic that is expected to divert onto the new road).
194. It can be contrasted with T6 in several important respects. T5 creates an entirely new corridor of disturbance in the Green Belt, as opposed to following an existing line of disturbance. Moreover, for most of its length T5 passes through the midst of the Green Belt whereas T6 follows its edge.
 195. Those factual points of distinction are important. This area of Green Belt is narrow, falling well short of the "several miles" referred to at paragraph 2.9 of PPG2. Whilst it is narrower further to the west (reducing to just over 0.8km), no comfort can be taken from that. At this point, the Green Belt safeguards a narrow area of countryside from encroachment. The T5 road, carrying significant daily quantities of traffic, would introduce a significant urban feature into the undeveloped countryside. The countryside would be encroached upon, and there would be conflict with an important purpose of Green Belt designation.
 196. The new road would benefit from landscaping (as would any new development in the open countryside). However, issues of visual amenity are distinct from the question of whether or not development conflicts with the purposes of including land in the Green Belt. It is no answer to a Green Belt objection to suggest that a proposal can be screened, attractively landscaped or, indeed, hidden.
 197. In any event, even if the degree of visual impact was directly relevant to the question of conflict with the Green Belt, there is no doubt that the road would be visible. In particular on its northern side public rights of way would bring recreational walkers and riders into close contact with T5. There is no doubt that those members of the public, classified as sensitive receptors in a visual analysis, would be well aware of the road and its traffic.
 198. The Council are in no doubt that if there is to be significant residential development in this location that demands an east/west link road, that road would cause less harm to Green Belt interests if it followed more closely the Green Belt boundary.
 199. Such an alignment would comply much more readily with national policy advice, which aims to create robust Green Belt boundaries expressly by reference to physical features such as roads. If moved, any such road could be landscaped so as to be acceptable to both residents to the south and walkers, riders and others to the north. Its alignment need not leave any gap that might be at risk of pressure for further development (just as intended by the appellants at the western end of the current scheme). Moreover, just as safe crossing points have been provided in the appeal scheme, there is no reason to suppose that safe crossing points could not be provided on a re-aligned T5.
 200. If it is accepted that T5 constitutes inappropriate development, then what needs to follow is a careful balancing exercise between elements of harm caused by the proposal and benefits delivered with a view to deciding whether or not very special circumstances exist that justify the development¹⁹. Within that exercise, harm caused by inappropriateness alone carries substantial weight.

Integration with the existing urban area

201. Paragraph 16 of PPS3 demands good design in all new housing development. Many factors may be relevant in assessing whether or not that requirement is

¹⁹ By contrast, the Hollywood Nurseries appeal did not involve development in the Green Belt.

met, but central government has chosen to highlight particular factors, including whether or not a proposal can be described as being well integrated with the existing urban area (eg by reference to layout and access)²⁰.

202. The scheme would have vehicular accesses at its north-eastern and north-western corners only. There would be no direct access on the southern, St Annes, side. As a result, many residents and visitors, if going to or from St. Annes, would have to use circuitous routes. Numbers are significant. As already noted, the daily 2-way flow of vehicles anticipated by the appellants is well over 6000. Moreover, this is a much larger scheme, and extends considerably further east, than that put forward in 2002.
203. This obvious lack of integration is compounded by the alternative facilities that are made more convenient by the scheme's access arrangements. From the proposed Queensway roundabout a driver could be at Squires Gate Lane in the same distance needed to travel to St. Annes town centre. In addition, from the new roundabout at T6 a driver could drive to the M55 motorway junction in 2 miles on modern, free-flowing roads. Both Squires Gate Lane and the M55 junction area contain a wide range of national multiple retailers including 2 large superstores.
204. In conclusion, the failure of this scheme to integrate well with the urban area not only means circuitous trips for the many vehicles coming in and out of the site daily, but may also encourage residents away from St. Annes as a shopping destination. In short, national policy advice at PPS3 is not met.

Prematurity

205. RSS Policy L4 requires Fylde to provide at least 5500 new dwellings between 2003 and 2021. There is also a target within the policy for at least 65% of the dwellings to be on brownfield land. Contrary to the way this policy is construed in the appellants' ES (see paragraph 2.3 of Volume I), there is no requirement to provide 1925 dwellings on greenfield sites. Instead there is an objective to build as few as possible of the 5500 units on greenfield land. If 5500 units are built, 1925 on greenfield sites is the maximum envisaged by the policy.
206. Within the RSS period to date 427 dwellings have been permitted or completed on greenfield land. At most, for the balance of the RSS period, a further 1498 units might be allowed on greenfield sites if a total of 5500 units is provided and the minimum target for brownfield development is met. This scheme would take 1150 units out of that figure leaving a balance of 348 (from which a further 96 can be deducted following the Hollywood Nurseries appeal decision).
207. As a result, once the appeal site's dwellings are taken out of the equation, the LPA is faced with a maximum "allowance" on greenfield sites for the rest of the RSS period to 2021 of about 30 units per year. In the 6 years of the RSS period to date, units on greenfield sites (whether completions or permissions) have been running at 70 per year. Furthermore, it is almost inevitable that brownfield sites will become more scarce as the RSS period passes.
208. In short, if 1150 units are allowed on a greenfield site in a single stroke²¹, the scope for meeting the objective of Policy L4, to achieve a minimum 65% housing provision on brownfield sites, suffers very significant prejudice.

²⁰ Mr McAteer's suggestion that one might have a development that is badly integrated with the existing urban area but nonetheless still achieve the requirement of good design is misplaced.

209. In those circumstances, the grant of permission for the appeal scheme would exercise the greatest influence over the LPA's production of both its Core Strategy and the Allocations DPD. There is no doubt, by reference to paragraph 17 of the "General Principles" accompanying PPS1, that this development is so substantial that it would influence development plan decisions relating to the scale and location of new housing within the Borough. Significantly, it would almost certainly affect the ability of the LPA (through its allocations in the LDF) to meet the minimum target for brownfield land development set out in the RSS.
210. There is no requirement in paragraph 17 for there to be a local policy document in existence before a prematurity objection may be raised. All that is required is that a policy document is in preparation. Here, preparation for the Core Strategy and the Allocations DPDs (to be progressed in tandem) is underway (eg formulation of the SHLAA). There can be no doubt that permitting this scheme would exert very significant influence over that process.

The planning balance

211. The Council have identified the elements of harm associated with the scheme: conflict with Green Belt policy, poor integration with the existing urban area, and prejudice to the plan-making process. Against that, the appellants advance 2 benefits (as confirmed by Mr McAteer), namely, delivery of T6 and a contribution to the Borough's housing land supply²².
212. It is agreed that delivery of the M55 link, T6, attracts considerable weight. This is a scheme that is supported by the Local Plan and Local Transport Plan. It is to be privately funded. The northern and southern sections have been constructed, and there is no dispute that there exists a need to complete the central section. However, as confirmed by the SoS's decision in 2005, delivery of T6 is not of such significance that it might over-ride any level of harm caused.
213. Moreover, there is no dispute that in weighing the benefit to attach to its delivery it is relevant to consider the possibility of the road being delivered by less harmful means. As set out above, the LPA has advanced what it considers to be less harmful means, namely, a scheme for residential development in this location that includes an east/west link road following the Green Belt boundary as opposed to driving through its midst. No consideration was given to that possibility in the appellants' analysis of alternatives in the ES.
214. In addition, there has been no analysis by the appellants of the viability of completing a residential development on this site whilst keeping T5 out of the middle of the Green Belt. Instead, and despite the Council alerting the appellants to this point, the only "evidence" of lack of viability of that alternative are vague assertions (without any analysis) by the appellants' planning and landscape witnesses (rather than the viability witness) that delivery of such a scheme would be problematic. The burden for demonstrating viability does not rest on the LPA. In circumstances where harm is caused to the Green Belt, the burden falls on the appellants to demonstrate that a less harmful route is not available. They have not discharged that burden.

²¹ That number of units represents about one third of the remaining housing provision required in Fylde to 2021 to fulfil the requirement of 5,500 units as contained in RSS Policy L4.

²² Mr McAteer did not advance as benefits the enhancement of Green Belt objectives as suggested in Mr Appleton's proof. It is submitted that Mr McAteer was right not to do so. When tested, Mr Appleton's suggestion that the scheme improved access to the countryside and enhanced landscape quality was, at best, uncertain, and at worst, wrong. [Council's comments]

215. As for the other benefit advanced by the appellants, whilst a range of figures are given in various documents for the provision of housing in the 5 years to 2014, ultimately it was the lower end of that range that was settled upon. The scheme is likely to deliver 350 units by 2014. That would add 1 year's supply to the current supply of approximately 1.5 years.
216. As for the 6-10 years period post-2014, there is a reasonable expectation that by then the Council will have in place the Core Strategy and the Allocations DPD that will make provision for housing for the balance of the RSS period.
217. In conclusion, there is no doubt that delivery of the road and contribution to housing supply are benefits. However, when given their proper weight, they do not overcome the harm caused by the proposal. Accordingly, the Council invites the Inspector to recommend refusal of, and the SoS to refuse, the scheme.

The Case for Queensway Environmental Defenders (QED)

218. QED, as a community group, sought Rule 6 status so as to be able to participate fully in the inquiry and present the views of those opposing the development. QED's mandate was public concern about the proposal, in particular its size, location and impact. The chief concern is that the harm caused by this large scheme is too great.

General planning matters

219. QED submit that the application is premature due to its scale, and in particular, the amount of greenfield land it would use. A site of this scale should not be released outside the LDF process.
220. The Planning System: General Principles states, at paragraph 17, that *"(i)t may be justified to refuse planning permission on grounds of prematurity where a DPD is being prepared or under review, but has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD."*
221. QED submit that this application passes thresholds envisaged in paragraph 17 for the following reasons. On its own the application accounts for 21% of the RSS total for the plan period up to 2021 and fully 60% of Fylde's entire greenfield target²³. The Council have been willing to grant permissions on greenfield sites and have done so at the rate of 71 houses per year in every year of the current planning period. If this appeal were allowed it would leave a balance of 252 houses on greenfield land; an average of 21 per year. However, there is clearly demand for development of other greenfield sites across the borough. Indeed, there are current applications that could use up all of this remaining amount even if Fylde were to use its maximum 35% greenfield target.
222. QED also submit that the effect of this large development on the St Annes side of Lytham Moss must be assessed in the light of the emerging plans for the Blackpool side; be they the Growth Point Scheme or the M55 Hub. It is clear that development of substantial quantities of greenfield land is anticipated over the plan period; significant amounts of which could be within Fylde. Blackpool have

²³ 35% of 5500 = 1925, of which 427 properties have already been built on greenfield land up to March 2009 leaving just 348 to be built up to 2021. A further 96 of the remaining number will be taken by the appellants' own Hollywood Nursery site granted permission in 2009.

already minuted that the M55 Hub is a preferable option for their core strategy and Fylde have signed the multi-area agreement which recognises that *'the M55 hub provides an opportunity for a structured approach to future development in Fylde Borough in securing but not exceeding its RSS obligations'*.

223. In using virtually all of Fylde's greenfield target before the Core Strategy process is complete the appeal development would remove the chance to consider all the strategic options affecting not just Fylde but, since the signing of the multi-area agreement, the wider Fylde sub-region. QED submit that this clearly satisfies the test envisaged by paragraph 19 regarding prematurity.
224. QED also submit that, whilst the Council cannot currently demonstrate a 5 year supply of land, it has a good track record of exceeding its housing targets. It is in the process of identifying how the doubled and backdated regional target should be achieved. Already a substantial number of the houses required for the period up to 2021 have been built, or have had permissions granted. The appellants themselves have sites that have not been built out. Furthermore, Mr McAteer conceded under cross examination that the appeal scheme would add only just over 1 year to the 5 year supply. QED submit that even this is an optimistic view given the current cataclysmic trading conditions described by the appellant in their letter to the Council of 30 September 2008 (see CD 67).
225. The appellants argue that no weight can be placed on the SHLAA documents. QED have participated as a stakeholder group in the production of these emerging documents and fully support the Council's position that they provide a robust and important evidence base. The developing SHLAA process has already revealed 45 large sites as potential settlement extensions as well as sites for 1931 dwellings within settlement boundaries. This includes previously developed land and still excludes some significant brownfield sites previously used for employment. The appellants' own Sustainability Appraisal of 16 of Fylde's potential development sites shows sites with a capacity for more than 7000 dwellings. This clearly demonstrates that land is available - it is simply not yet formally identified or assessed for comparative sustainability.
226. QED remain firmly of the view that a sequential approach should be followed. There are brownfield sites, and sites within the existing settlement boundaries, that should be developed in advance of a greenfield site in open countryside, especially one with demonstrably high biodiversity value, high grade agricultural land and which also involves development in the Green Belt.
227. During the Inquiry QED have seen comparisons made by the appellants regarding the biodiversity value of a limited number of sites. QED's position is that the limited selection of biodiversity comparator sites fails to take into account the many dozens of sites in the SHLAA evidence base.
228. Mr Hesketh's evidence claims improved access to nature. But this proposal moves it further away from the existing resident community and seeks to actively discourage access to the Farmland Conservation Area (FCA). QED agree with the position of RSPB, Natural England and the County Council - who all describe the mitigation proposals as adequate or satisfactory and not a significant enhancement. The judgement of this in combination with the reduced access to nature results in a less favourable position than that claimed by Mr Hesketh.
229. In accordance with the sequential process outlined in general principle (vi) of PPS9, QED maintain that alternative sites should be development first.

230. Turning to the Council's Interim Housing Policy, QED believe that the clear intent is to deliver 30% affordable housing on developments such as this. This is wholly consistent with government guidance and regional policy. In this proposal one sees the funding conflict between two local policies: affordable housing and the M55 link road. QED argue that the RSS supports affordable housing and is silent on the link road, which this application favours. Indeed the scale of the proposal appears to be in direct relationship to the cost of the road.

Ecology

231. QED have campaigned tirelessly for the past year to raise the profile of the ecology of Lytham Moss. This importance is now accepted by all parties. In particular given that this site has a functional link to the Ribble & Alt Estuary SPA, QED are pleased to see that the statement of common ground for ecology [IN20] accepts the need for Appropriate Assessment (AA).

232. The AA will need to look carefully at the conservation objectives of the Ribble & Alt Estuary SPA and formally establish whether qualifying species of bird will be able to use the SPA as freely, and in the same numbers, after the development goes ahead. If the answer is no, then site integrity is adversely affected.

233. QED also understand that the effect should be considered in combination with other plans and projects anywhere near both the Ribble & Alt and Martin Mere SPAs including for example, projects near Crosby or Ormskirk.

Green Belt

234. QED strongly support the Council's position regarding the Green Belt. Mr Hesketh argued that the T5 road would create a separation between the public open space / nature park and the FCA. However, there are many other solutions (eg a reed filled ditch) which would cause significantly less harm to biodiversity and would not require a road to be placed through the Green Belt. QED support Dr Manchester's comments to the Inspector regarding the desirability of keeping the open space adjacent to the open countryside.

Flooding

235. QED note the concerns of Mr Wells²⁴ over the risks of allowing the peat soils to dry out. These are the same as the concerns of many local residents who live close to the appeal site which has a history of subsidence. In addition, QED maintain that building right up to the edge of, and in places into, the higher flood risk zones is ill-advised.

236. QED note that the critical drainage run off issue is to be covered by conditions and that the precise details of the scheme (key parts of which are envisaged to be managed by the site management company) will only emerge later. The Inspector will have noted how wet the Moss is and will have heard how important an issue this is to local residents across a wide area.

Airport

237. QED accept the right of the airport to determine its own air safety arrangements and note the agreed position between the airport and the other statutory parties covered by the Bird Hazard Control Plan (BHCP). QED hope that some of the measures envisaged in the BHCP will not be needed.

²⁴ The appellants' expert witness on flooding and drainage.

238. QED accept that the site currently falls into Noise Exposure Category A as per PPG24 annex A. However, this is based on averaged levels and the site, including the proposed school, will continue to be exposed to loud individual noise events well in excess of these levels. As these events increase in frequency this will inevitably bring more residents into conflict with the objectives of the airport.
239. QED concede that the airport has suffered a significant fall in jet activity in the last year. However, as confirmed by the evidence of Mr Templeton²⁵, the site will be exposed to growing levels of noise disturbance once the airport resumes its growth and the noise contours will expand. The level of impact will depend on the rate of expansion of the airport and the mix of aircraft used. A tripling of the passenger numbers is envisaged up to 2015. This is substantially less than was originally envisaged in the current airport masterplan issued in 2006 which demonstrates how quickly projections can change. The tripling would likely raise the existing noise contours by a further 5db. Having regard to PPG24 annexe 3 QED maintain that the position of the school in particular should be reconsidered.

Transport and Roads

240. QED believe that the Statement of Common Ground is partially erroneous, in that there has been no public consultation on the changes since the transport section of the ES was revised and advertised in September 2009.
241. The changed route of the M55 link road would require users of Wild Lane, which is to become a bridleway, to negotiate two Pegasus crossings rather than a single crossing of the much slower T5 road. Whilst the realignment is convenient to the appellants, QED argue the change worsens road safety. On what will become the main arterial route from the motorway, two horse crossings in close succession will increase risk. Although the road will have its own planning application and ES, QED feel that had this realignment been consulted on the problem would have been identified earlier.
242. Mr Easdon's evidence assumes that that only Lytham or St Annes will expand to provide the additional housing required. This is not the case since the RSS has effectively downgraded such expectations. Moreover, Mr Easdon has ignored the potential for diversified development across Fylde evidenced in the emerging SHLAA, and the possibility of as many as 7,000 houses around the M55 Hub or the Growth Point Scheme. The link road may not be needed to bring any of these developments to fruition, but they are of a scale that could fund it.
243. As for the road's importance, it is not enough of a priority for the local Highway Authority to even pay the cost of its planning application. In evidence it was argued that one of the benefits of the link road was to complete the Fylde Coast Easterly By-pass but this is no longer a saved policy. Moreover, even if the link were needed, funding could be available from other sources, as illustrated above and by other developments in St Annes discussed during the Inquiry.
244. QED point out that the M55 link road has no extant planning permission. Indeed an application will not even be submitted unless this appeal is allowed or a future application succeeds. The appellants are therefore unable to demonstrate they have secured the access that is one of only two matters for which determination is sought at this appeal. No one can predict whether the road will receive planning permission. Moreover, it is unsatisfactory for a road and major roundabout, upon which this development depends for its very

²⁵ The appellants' expert witness on noise matters.

existence, to be within the site but not part of the application, especially as they would be in a more damaging part of the Green Belt than is necessary.

Soil assessment

245. This matter is dealt with in Mr Moor's proof (QED FM03). He maintains that it is governed by legislation. Agricultural Land is a separate consideration resulting from Government policy.
246. The connection between the two is that soil is one of the factors taken into account when assessing the value of agricultural land. However soil is no longer the primary factor in determining an Agricultural Land Classification grade. That place now goes to climate.
247. Soil was not identified as a topic in the scoping of this development, nor was it listed as a topic in the EIA. It is referred to in the Environmental Statement (ES) with a cursory description, and subsequently referred to in connection with geology for foundations.
248. The appeal site contains important peat mossland soil. This is important in its own right. The Kyoto Protocol highlights that soil, and especially wet peat, is a major carbon store that must be protected and increased where possible. Carbon sequestration in agricultural soils can contribute to mitigating climate change. In addition, the soil is the basis of the biodiversity for which the area is highly regarded as well as being one of the best and most productive for growing crops.
249. Without having made a proper assessment of the proposed development in relation to the soils of the area, it is simply not possible to identify the impact it might have on them. The appellants will be compressing the peat by pre-loading with stone, and quite possibly do not understand the impact this will have on, for example, its carbon sequestering ability or underground water flows. The house building will remove topsoil and the excavations for pipes and underground tanks will disturb and risk mixing topsoil and subsoil. The construction of roads and recreational features such as sports fields with their grading, levelling and drainage installations will again disturb, and have the potential to seriously damage, this precious resource which forms the last remaining and substantially intact wet peat moss still used for arable farming in Fylde Borough.
250. In Mr Moor's proof, the first fifteen pages, which were uncontested by anyone, and were agreed by Mr Appleton, show the importance of the soil. QED argue it is worthy of proper assessment. It is not so much the potential for physical 'loss' of soils that concern QED in this matter, it is that it is simply not possible to know what damage this development might do to the soils because the impact has not been properly assessed.

Loss of agricultural land

251. Previous policy suggested that losses of 20ha or more should be reported to DEFRA, but PPS7 removed that requirement and made it a matter for local determination. Fylde BC have not addressed this matter. They have not undertaken any mapping or surveys of agricultural land to inform their decisions. Nor have they identified local criteria or thresholds above which losses will be regarded as important. Instead, they currently rely on the former 20ha threshold.
252. QED consider that the Council do not have the information or the expertise to make informed decisions about agricultural land, and that their failure to object on this count is due to that inability. In any event, in Mr Evans' proof, the Council accept that Grade 1, 2 or 3a (ie 'Best and Most Valuable' – BMV) land would be lost in both the residential and recreational parts of the site.

253. In terms of quantity, there is no disagreement about the loss of 10ha of BMV land to the housing development or the losses under T5 and its subsidiaries. Nor is there disagreement about the loss under the M55 link road, which now snakes into the appeal site, and its large roundabout. However, there is no published or agreed measure for these areas.
254. There was a failure to agree regarding the 'parkland' area, comprising areas of woodland, sports fields (some of which will be enclosed and separated for educational use), and public open space with shelters, surfaced paths and water areas. The whole of this area will be subject to a formal 'Change of Use' from agriculture if the appeal succeeds.
255. The area of the parkland is 32ha and the part that is occupied by Grade 1, 2, or 3a land is agreed to be 20.7ha. The appellants accept only that part of this figure, ie the area occupied by the roads (for which no area of BMV grade has been calculated), would be permanently lost to agriculture. QED argue that the whole of this area should be considered permanently lost, giving a total loss of 30.7ha (10 + 20.7). This exceeds Fylde's (and the former national) trigger point for concern, and in combination with other factors augurs against allowing the appeal. So too does Fylde's sequential policy of avoiding the use of grade 1, 2 or 3a agricultural land when lower grade land is available.

Landscape, public open space and recreation

256. Before the FCA was introduced in September 2009, about 34ha of parkland / public open space (POS) was to be provided. However, the FCA removed 17ha of this for ecological purposes. The appellants argue that this is of no concern as there was an 'over provision' in the first scheme according to (former) NPFA standards. Nevertheless, the area that was previously considered appropriate for POS has been halved. In addition, half the playing fields will be dedicated to school use and the remaining POS will have to double up as a Nature Park.
257. Mr Appleton thought the nature park would be attractive to schools and might reasonably be expected to have a warden to organise activities. Educational use is envisaged, but it is not clear that sufficient provision had been shown for the infrastructure necessary to support such activity.
258. It was confirmed that the £2.5 million, proposed at paragraphs 12.5.2 and 3.2.17 of the ES, to *"mitigate any additional usage created from the development of the site"* will not now be available for *"the construction of a new swimming baths, or the refurbishment of the existing, or an alternative new leisure facility to be decided by Fylde Borough Council, with £100,000 per annum funding for a period of 15 years, to be used towards the running costs of the facility"*
259. The halving of the former POS, the removal of school-specific playing fields from community use, and the removal of the promised indoor leisure facility and revenue funding to mitigate the effects of this development seriously reduce its recreational benefit to the community.

Environmental Impact Assessment and the Environmental Statement

260. Turning to the EIA and ES, QED are concerned about the changes and additions to the ES and lack of consultation. One of the key purposes of the ES is to inform members of the public of the impact of the application. QED did not set out to find issues to raise, but fell across them en-route. Insufficient weight has been given to the contribution the community and local groups can make in achieving the best outcome during an EIA process.

261. At the point of advertisement in September 2009, the non-technical summary (a key document for the public) was out of date. For example, there was no mention of the revised ecology plans.
262. Since the September 2009 version of the ES was advertised there have been changes to:
- the ecology section
 - data supporting roads and transport
 - public open space
 - bird control, which could involve culling and increasing use of rocket scarers.²⁶
263. QED have concerns about the scoping process. It is self-evident that during the life of this large project the scope has changed resulting in continuous iterations and extension. The plethora of additions, addendums, revisions and re-issues of environmental (and indeed other) data has led to a paper chase. QED would be surprised if many members of the public, including those who made representations on the application, are aware of many of these changes.
264. In other instances QED believe there have been changes made since the update and re-advertising of the ES relating to matters of significance to which further publicity should have been given. However it is accepted that this is a matter of judgement.

Conclusions

265. The present RSS sets a housing target for Fylde Borough of 5,500 dwellings. It also says that it should be a matter for local determination where those houses are built, and that all the environmental requirements must be met.
266. QED's case, in essence, is that it is wrong to decide where such a large number of those houses should go until all the available locations have been properly considered and evaluated. QED do not believe they have.
267. QED consider the scale is too large and is dictated by the costs of the M55 link road which is to be delivered at the expense of the affordable housing that should be the clear priority. It should be noted that the original 350 house scheme on part of the site provided more affordable housing, the school and contributions to the road with less impact on the mossland.
268. A sequential approach should be applied to this site given its high biodiversity value. The appeal development would be sited on the last remaining wet peat moss still used for arable farming in Fylde Borough. This is not just a greenfield site, this is Fylde's unique mossland ecosystem. It should not be the next place to be developed, it should be the last place to be developed.
269. QED therefore ask the Inspector to recommend rejection of this appeal.

Other representations made at the Inquiry or in writing

270. The proposal has generated considerable interest in the area and, in addition to the main parties, 27 individuals addressed the Inquiry. Of these 7 supported the proposed development and 20 were opposed to it. In addition, many individuals and organisations have made written representations, either to the Council when they were considering the application (53 in support and 145 opposed), or at the appeal stage (12 for, 33 opposed, 1 neutral).

²⁶ A completely new section was only finalised and issued to Rule 6 parties in the final week of the Inquiry. In their August objection, Blackpool Airport stated their concerns about the impact of rocket scarers on the quality of life of residents.

271. The concern raised most frequently by local residents relates to flooding and associated matters including drainage and stability. Some individuals note that the site lies close to the fluvial floodplain and consider that even if the houses do not currently encroach into the floodplain (as some think) then climate change is likely to lead to flooding in the future. In any event, residents emphasise that this is a low-lying mossland area, with a high water table (that many consider is affected by the tide due to the proximity of the sea) and that after heavy rainfall parts of the site and the surrounding areas suffer from standing water.
272. Many local people consider that this makes the site inherently unsuitable for housing. Moreover, they are concerned that the combined effect of run-off from new buildings and hardsurfaces; improvements to the site's drainage to reduce standing water; and interference with ground water flows and conditions by foundations and the weight of buildings and structures, will lead to flooding of existing properties. There is also concern that changes to the water content of the underlying peat will lead to instability and subsidence that will again have a detrimental effect on existing properties (as well as proposed ones).
273. Some residents are also worried that the low lying nature of the site means that sewage will need to be pumped to the treatment works and that there would be problems if these fail. There is also concern that United Utilities (the local drainage authority) would not adopt the SUDS infrastructure that is proposed and required.
274. Another concern of many residents relates to the traffic that the development would generate. It is felt that this would exacerbate existing highway problems and there is some scepticism over whether the proposed new roads would be built. Moreover, if they are, there is concern that this would introduce HGVs onto unsuitable roads and that this could have a detrimental effect on those living along these roads (primarily those leading to St Annes town centre) and, given the ground conditions, the stability of properties along them.
275. In addition, many residents object to building houses on land that is not allocated for development in the Local Plan and the loss of greenfield, agricultural land that would result. There is also some concern about the effect on the Green Belt; the reduction in the separation of St Annes and Blackpool; and the effect that development of this scale would have on the character of the town and the appearance of this approach to it. Many residents consider that brownfield sites should be used first.
276. Concerns of a similar nature were expressed by the local branch of the CPRE and the local Civic Society. At the Inquiry itself an organisation known as Defend Lytham raised similar issues as well as, amongst other things, expressing concerns regarding flooding, prematurity and conflict with the Interim Housing Policy, especially regarding affordable housing. Furthermore, both Blackpool Council and 4NW²⁷, whilst not objecting to the proposal, emphasised the need to consider carefully whether this scale of development is justified in advance of the Council's LDF.
277. Another common concern is the effect of the development on local services and infrastructure, including schools and medical facilities (as well as roads and drainage facilities as already mentioned). In contrast many of those supporting the development point to the new facilities and infrastructure that would be

²⁷ The Regional leaders' Forum for Northwest England.

provided. Particular emphasis is given to the new link road to the M55 that would be funded by the development. This is seen by supporters as a major benefit in respect of highway safety and facilitating the revitalisation of the area.

278. Those supporting the development also emphasise the jobs that would be created during the (lengthy) construction period together with the permanent benefits for local traders that would flow from an increase in the local population. Supporters also emphasise the new dwellings, including affordable housing, that would be provided. However, several objectors query the need for more housing.

279. Proximity to the airport is a further issue raised by several residents. Concerns relate to the effect of noise on occupiers of the proposed houses and children at the proposed school as well as the consequences of a crash. There is also concern that an increase in population close to the airport could prejudice its expansion plans. Some of these points were initially shared by the Airport itself which objected to the proposal. The Airport was also concerned about the potential of the development, and the mitigation proposed, to attract birds that could increase the risk of bird strike incidents. As well as being hazardous in itself this could discourage use of the airport and frustrate its plans for expansion. However, during the Inquiry the Airport withdrew its objection. (See IN21)

280. The final matter causing widespread concern relates to wildlife and nature conservation interests. In the run up to the Inquiry this was a major issue involving Natural England, the RSPB and the County Council's ecology experts. The main concern of these bodies related to the potential effect on birds, particularly Whooper and Bewick's swans, that are a feature of the nearby Ribble and Alt Estuaries SPA. Some of the SPA birds feed on Lytham Moss including fields within the appeal site. However, discussions following the opening of the Inquiry (but outside the Inquiry itself) led to these objections being withdrawn, entirely or substantially²⁸.

281. The concerns of local residents and other bodies, including the Fylde Bird Club, the Fylde Ringing Group and the Lancashire Wildlife Trust extend beyond SPA birds. They point out that the appeal site is part of the last remaining unimproved moss farmland area in Fylde Borough. Lytham Moss is of considerable biological diversity and interest and parts of it, together with woodland adjoining the appeal site, have been or are being designated as Biological Heritage Sites (BHSs). The area supports a wide range of birds as well as mammals, including water vole, and invertebrates. It is felt that this raises serious doubts about the suitability of the site for development especially given the new roads that would also be constructed.

282. Finally, St Annes on the Sea Town Council object to the proposal. In particular, they consider that the proposal is contrary to the provisions of the existing Local Plan and would prejudice the consideration of options for the LDF. It also, in their view, fails to comply with the policy on affordable housing as set out in the Interim Housing Policy and would adversely affect nature conservation interests in conflict with policy on this matter.

²⁸ Both NE and the RSPB confirmed to the Inquiry that they would not object to the appeal being allowed subject to the SoS carrying out an Appropriate Assessment and concluding that there would be no significant effect; also that they both considered that there was sufficient information available to enable that exercise to be undertaken and that conclusion reached. Lancashire County Council unreservedly withdrew their objection.

Conditions and Unilateral Undertaking

283. A list of conditions that the Council consider should be imposed if permission is granted appears as IN30. It has not been agreed with the appellants and was the subject of discussions at the Inquiry. In considering the suggested conditions I have had regard to that discussion together with the advice in Circular 11/95. Where suggested conditions are not specifically mentioned they were not in dispute and I am satisfied that they are required for the reasons given by the Council and that they do not require modification except to reflect better the advice in Circular 11/95 and/or avoid unnecessary detail or duplication.
284. As my conclusions are based on the development being carried out in broad accordance with the Illustrative Master Plan and Illustrative Landscape and Visual Strategy, any permission should include a condition requiring the site to be developed in that way. However, it should be made clear that the M55 link, part of which is shown on those drawings but for which planning permission has not been formally sought, will need to be the subject of a further application.
285. In addition, the line of housing shown on the drawings as projecting east from the main area of housing would relate very poorly to the rest of the development (and the existing built-up area). It would stand out as incongruous and make it difficult to resist further development to its south. I totally reject the argument of the appellants' landscape advisor that it could be made satisfactory by landscaping and at the Inquiry I established that this area is not essential to achieving the number of dwellings for which permission has been sought. I therefore consider that a condition should be imposed making clear that permission is not being granted for this line of housing.
286. As discussed at the Inquiry, if a condition on the lines suggested above is imposed, any need for suggested condition 16, which seeks to avoid 'ransom strips' being created, is very much reduced. Moreover, I have doubts as to whether a condition that seeks to control the future disposal of land falls properly within the advice in Circular 11/95. I do not therefore consider that such a condition should be imposed.
287. On a large site like this I would not normally consider a condition relating to levels to be necessary. However, this is a very flat area where buildings above normal two-storey height stand out. In view of this I consider it important that the proposed buildings should be no higher than is required to overcome flooding concerns. Accordingly I conclude that such a condition is appropriate in this case.
288. As the matters dealt with by suggested condition 7 (invasive plants) appear to be covered by other legislation I do not consider it to be necessary.
289. Turning to drainage matters, the public sewers in the area are combined ones. Only foul water from the development should be drained to them, with surface water dealt with by SUDS. Conditions dealing with these matters are therefore needed, but those suggested could be simplified considerably as set out in Annex 1. That said, as the statutory undertaker (United Utilities) do not adopt SUDS networks and as the Council do not wish to take on responsibility it will be necessary for the conditions to establish a practicable means for maintaining this system. In addition, because of the ground conditions all drains will need to be piled to reduce the risk of them being damaged over time and measures also need to be taken to avoid the peat drying out. Again a condition relating to these matters is therefore necessary.
290. As for highway and transport matters, full details of the proposed access and highway improvement measures need to be submitted together with details of

how they are to be achieved. However the reference in suggested condition 18 to the signing of a s278 agreement is, in my view, inappropriate and this condition could be combined with no. 17. In addition, although a Travel Plan is required to promote sustainable modes of travel, I consider that the suggested condition (no. 24) goes into too much detail, especially as these matters are also covered in the unilateral undertaking.

291. At the Inquiry it was agreed that the Airport Obstacle Limitation Surfaces referred to in suggested condition 28 do not extend onto the appeal site. This condition is therefore unnecessary.
292. With regard to open space matters, the requirement in suggested condition 31 to make the proposed open space available to the general public goes beyond what I consider is appropriate in a condition. In my view, and having regard to the advice in Circular 11/95, only that space which is needed to meet the needs of residents of the development can properly be required, especially as I have seen no evidence that there is a deficiency of open space in the wider area. Omitting the condition may reduce the merits of the proposal but I consider that all that can reasonably be required is that the proposed open space is used for no other purpose. As for the suggested condition, no. 32, which refers to the Local Plan standards for open space, it is clear that these are known to the appellants and I have no reason to doubt that the Council would not approve details if they do not comply with them. Such a condition is therefore unnecessary.
293. In conclusion, any permission granted should be subject to the conditions set out in Annex 1.
294. Moving on to the unilateral undertaking (UU) submitted by the appellants, the Council are satisfied that it would achieve what it sets out to do and would be legally binding on all those with an interest in the site together with their successors. I see no reason to disagree. There are places where it seems to me that the UU may seek to impose obligations on parties that are not signatories to it; something that a UU cannot do. However, the appellants consider that the detailed wording of the UU avoids this problem. Moreover, even if they are wrong the only consequences appear to be that the appellants would not be able to require the return of monies given to the Councils but not spent on the specified matters. Any such deficiencies do not seem to go to the heart of the UU or make it a nullity. Certainly the Council have no such fears.
295. As for the content of the UU I consider that the measures referred to are necessary to make the development acceptable and are appropriate to its scale. The construction of the M55 link road has, in the view of the local planning and highway authorities, considerable public benefit but is also necessary if more than about 350 dwellings to be built on the appeal site without significant adverse effects on the safety and convenience of highway users.
296. The UU also secures the provision of affordable housing and the provisions for re-assessment now written into it would allow for the proportion to be increased if market conditions and viability improve. I am satisfied that with this provision the development complies with local policy on affordable housing and given the substantial shortage this matter counts in favour of the development.
297. In short I am satisfied that the UU meets the tests of government advice; that the measures it secures are necessary to enable the development to go ahead in accordance with policy; and that some of them would also confer significant benefits for the area. In other words the terms of the UU are acceptable and count in favour of the proposal.

Conclusions

References in [square brackets] are to paragraphs elsewhere in the report or core documents.

298. Having regard to the matters on which the SoS particularly wishes to be advised, together with the representations made at or before the Inquiry, the main considerations in this case are, in my view, as follows:
- the extent to which the proposal accords with development plan policy;
 - whether the proposal is consistent with the advice in PPS1 and its companion documents, having particular regard to the layout and scale of the proposed development and any effect on the character and appearance of the locality;
 - whether the proposal is consistent with the advice in PPS3, having particular regard to the housing land supply situation; the greenfield nature of the site; the mix of housing proposed, especially the provision made for affordable housing; the suitability of the location for residential development; and the quality and design of the proposed housing;
 - whether the proposal is consistent with the advice in PPG13, in particular that regarding the overall need to travel and the ability to access jobs, shops and other facilities by means other than the private car, and whether it complies with national and local parking standards;
 - the effect on the safety and convenience of users of the local highway network;
 - whether the proposed layout and access arrangements achieve satisfactory 'connectivity' with the existing urban area;
 - the effect on nature conservation interests, especially whether there would be any significant adverse impact on the integrity of the nearby Ribble and Alt Estuaries SPA / Ramsar site;
 - whether the proposal complies with Green Belt policy, and if not whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify inappropriate development;
 - whether the proposal complies with the advice in PPS25 and whether there are any over-riding flooding, drainage or related objections to it;
 - the suitability of the site for residential development having regard to its proximity to Blackpool Airport; and
 - whether taking all these matters into account it would be premature to allow a development of the scale proposed to go ahead in advance of the adoption of the Council's Local Development Framework (LDF).

The relationship to development plan policy

299. The development plan comprises the North West of England Plan Regional Spatial Strategy to 2021 (the RSS) and the Fylde Borough Local Plan (as altered), or at least the saved policies from the latter. [15] The RSS is more up to date and there is no dispute that despite its broader nature it takes precedence where there is a clear conflict between the documents.
300. The appeal proposal conflicts with the Local Plan in that the site is not allocated for development, lies outside the defined settlement boundary for St Annes and within an area shown as countryside where a policy, SP2, that severely restricts development applies. The appeal proposal does not fall into any of the categories of development that Policy SP2 allows.
301. That said, the Local Plan was not produced in the context of the RSS. On the contrary the alterations were adopted as being in general conformity with the former Joint Lancashire Structure Plan. In that Plan the annual housing needs for Fylde amounted to only 155 units and, given the number of houses that had been

built or granted permission during the lead in period, no new allocations were considered necessary. However, the RSS has almost doubled the annual housing requirement to 306 units (Policy L4).

302. There is no dispute that the requirements of RSS Policy L4 cannot be achieved without new housing allocations. Indeed, the Council's Committee Report [CD6] accepted that this would have to include greenfield sites. In the light of this, Policy HL1 of the Local Plan, which set out the circumstances in which new housing would be permitted, has not been saved. Taking all this into account, I consider that the conflict with Local Plan Policy SP2 cannot be a fatal objection to the appeal proposal. On the contrary, despite the continuing concerns of QED, I consider that this conflict is of limited importance and does not in itself mean that the proposal is materially out of conformity with development plan policy. In forming that view I have noted that the RSS does not identify Lytham St Annes, or anywhere else in Fylde Borough as a priority for growth; however, as the largest urban area within the Borough it will, logically, be expected to accommodate some of the growth envisaged in Policy L4.

303. Compliance with other policies in both the Local Plan and RSS is best considered as I deal with the particular matters to which they relate. I shall therefore return to the question of conformity with the development plan after I have dealt with the other considerations. (The views of the Council and QED on compliance with specific policies are set out in IN18 and IN19.)

Design matters and effect on the character and appearance of the area

304. The appeal site adjoins the existing built-up area of St Annes. It is part of an area of flat and low-lying marshland, known as Lytham Moss. Most of the site is in agricultural use although the western end appears to be little used and is rather unsightly. [8, 9, 11]

305. Inevitably building 1150 houses on the site would greatly change its character and appearance. However, that is inevitable when large housing developments take place on undeveloped land. Moreover, there seems little doubt that such developments will be required to meet the RSS housing targets. Taking this into account, together with the fact that the area has no special designation for its landscape quality²⁹, I do not consider that this change in character and appearance is necessarily a fatal objection to the proposal.

306. I attach little significance to the present condition of the western part of the site. It does not provide an attractive approach to St Annes. However, this could be addressed without building large numbers of houses and to conclude otherwise would send an entirely inappropriate message to landowners.

307. On the other hand, I see no reason why a development of the scale and general layout suggested should create an unattractive entrance to the town. Indeed it offers the potential for some positive measures. In particular, the master plan and landscape and visual strategy drawings (7230:00:02C and DJS 1629/01E) [Plans D & E], though illustrative, indicate that good provision can be made for landscaping next to Queensway and the proposed new roads, including the M55 link.

308. The illustrative master plan also demonstrates that it would be possible to create a hierarchy of roads with pockets of housing each having their own sense of place, thus complying with one of the principles of good design. The Council do

²⁹ Part of the site (but not the housing area) is in the Green Belt but that is not an indication of landscape quality.

not dispute this. [CD6] Moreover, whilst the latest plans show a reduction in public open space (POS) to allow for more ecological mitigation, the amount of POS still seems to satisfy the Council's standards and the density of development (38dpha) is in my view appropriate on this edge of settlement site.

309. In addition, it is now accepted that through the use of conditions and approval of reserved matters adequate connections could be ensured to the local footpath, cycleway and bridleway networks. The Council continue to have concerns regarding the connectivity to the existing urban area, but this seems to relate primarily to vehicular access. I return to this below after dealing with transportation matters. [see paragraphs 356 - 361]
310. I have concerns about the line of housing shown to project east from the main residential area. This would relate very poorly to the rest of the development, as well as the existing built-up area, and I consider that it would stand out as an incongruous intrusion of built development into the countryside. I found the suggestion that the effect could be overcome by landscaping wholly unconvincing. Be that as it may, the appellants do not consider that this line of housing is needed to achieve the 1150 dwellings for which permission is sought. This matter could therefore be dealt with by a condition and I do not consider that it need preclude the granting of permission.
311. I also have some concerns that, in this flat and generally open landscape, buildings of more than 2-storey height would stand out as intrusive vertical elements, especially if located close to the outer edge of the development. The appellants' earlier development at Cypress Point demonstrates this, as do some industrial buildings in the vicinity. However, I was again able to establish that the appellants do not consider that structures of more than two-storey height are necessary. Accordingly I consider that this matter could be left for the Council to deal with as part of any reserved matters submission.
312. In conclusion I see no reason why this proposal should be any less acceptable, in terms of its overall design and effect on the character and appearance of the locality than is normal for an urban extension. There are some matters that need to be looked at further when dealing with the other main considerations. However subject to this I conclude that the proposal is consistent with the aims of PPS1 and its companion documents as well as Local Plan Policy HL6.

Housing matters

Housing land supply

313. Several local residents, especially in the early stages of the application, queried the need for more housing in the area. However, given the housing requirements now identified in the RSS [15, CD8] there can be no doubt that the amount of housing land currently available in the Borough is much less than the 5 years that PPS3 (as well as the RSS) requires. Indeed the main parties agree that, for the purposes of this appeal, the supply can be taken as being about 1.5 years. [32] Moreover, the situation has worsened since permission was granted on appeal for a much smaller greenfield development in July 2009 (APP/M2325/A/08/2087698 - in KPT1c) when it was put at 2.5 years.
314. I am aware that the appellants or their associated companies already have planning permission for housing development on other sites, including brownfield ones. However, I have no reason to doubt that, apart from the 2009 appeal site referred to above, these are already be included in the supply figures. Moreover, I have no evidence that the appellants are simply 'banking' sites or that any delays in developing them reflect anything other than current market conditions.

Neither have I any firm evidence that allowing this appeal would materially affect the bringing forward of those other sites. Indeed, given the transportation / highway requirements and the ground conditions, the appeal site would be relatively expensive to develop. Its profitability is agreed to be marginal [IN8] and thus it is not one that might be expected to be prioritised.

315. Despite this, I have no reason to believe that the development would not go ahead if permission were granted. On the contrary the site appears to be available and there seems every likelihood that the first phase of 375 houses, which does not depend on the M55 link, would be built relatively quickly. This would therefore contribute to the 5-year supply, whilst the remainder of the site could contribute in the 6-10 year period for which the Council are also encouraged to identify specific, developable sites.
316. As QED have pointed out, allowing the appeal would, by itself, have only a limited effect on housing land supply, effectively adding about 1 year. However, in my view that confirms that the situation will not improve materially without the release of large sites. Moreover, despite recent market conditions, I consider that it makes sense to have ample land available on a variety of sites so that there is no constraint on satisfying requirements as conditions improve. The appeal site could make a useful contribution to this.
317. Taking all this into account I consider that paragraph 71 of PPS3 applies and that provided there are no technical or detailed objections (including the matters set out in paragraph 69) the appeal scheme should be considered favourably.

Matters relating to the use of greenfield land

318. The RSS expects 65% of new housing in Fylde to be on previously developed ('brownfield') land. The Council have achieved this level in recent years but are concerned that this will become more difficult, especially if large greenfield developments like the appeal one are allowed. Given existing commitments, they also consider that, if the RSS figure of 5500 dwellings is not exceeded and the 65% brownfield target complied with, allowing the appeal would greatly curtail the scope for greenfield allocations as part of the LDF process. QED and a number of local residents also consider that major greenfield releases should not be allowed until brownfield sites have been developed.
319. However, whilst the latter point may be understandable, the current housing land shortfall requires urgent action to be taken. In my view, doing so effectively is likely to require sites of a variety of types to be made available. Moreover, allowing the appeal need not preclude existing brownfield sites being developed or new ones sites coming forward. Despite some general concerns on these points there is no clear and compelling evidence that the appeal proposal would have such an effect. In my judgement, allowing the appeal would not make the brownfield target unachievable provided other greenfield releases are strictly limited. I conclude that in these circumstances it is neither necessary nor appropriate to avoid all greenfield releases until brownfield sites are exhausted.
320. Releasing this site now would however reduce the scope for greenfield allocations elsewhere when this matter comes to be considered as part of the LDF process. I return to this point below when considering whether the proposal should be regarded as being premature. [See paragraphs 426-433]

Affordable housing

321. The Interim Housing Policy (IHP) [CD10] seeks, amongst other things, to maximise the provision of affordable housing. To this end it advises that the

Council will negotiate for 30% of the dwellings on qualifying sites to be affordable unless the developer can demonstrate that the development would not be viable with that percentage. The IHP does not have the status of SPG as there is no parent policy in the Local Plan. [17] However, there is no dispute that there is a substantial need for affordable housing [see CDs 25 & 26]. Indeed the annual requirement is said to be greater than the total level of house building needed to satisfy RSS Policy L4. In these circumstances, and given that the IHP was the subject of consultation, I consider that, in respect of affordable housing at least, it is soundly based and can be accorded substantial weight.

322. In any event, given the terms of the Unilateral Undertaking (UU) that has been entered into, the Council no longer consider that there is a conflict with the affordable housing requirements of the IHP (or RSS Policy L5). [186] In particular, although the level of affordable housing guaranteed would be no more than 10%, the Council accept that this is the most that can be achieved at the present time if the development is to be viable given the development costs involved (principally the need for piling and the cost of a new road link). Although QED continue to have some concerns I am satisfied that the overall weight of expert evidence points very clearly in this direction.
323. Moreover, and this is what has satisfied the Council on this point, the UU now provides for this matter to be reassessed at various stages of the development. This would lead to the proportion of affordable housing being increased if market conditions or other changes have resulted in increased profitability that could bear this. In my view this is a sensible approach given that current conditions in the housing market are very unusual and may be expected to improve during the period over which this large development would take place. It would be consistent with the approach taken in at least one other appeal. [CD93]
324. Having regard to the provision for reappraisal I am satisfied that the development would make an appropriate contribution towards the substantial affordable housing needs of the area. Moreover, the mix of type and tenure is now acceptable to the Council and I see no reason to disagree. The same applies to the proposed mix of market housing.
325. That said, whilst it appears that the appeal scheme would, by itself, provide more affordable units than the Council have secured on all sites since 2001, this is no more than might be expected of any large greenfield development. Indeed the costs of developing this particular site could mean that a greater contribution could be achieved on some others.

Other housing related matters and overall conclusions regarding PPS3

326. The site is located on the edge of one of the largest, if not the largest, settlements in Fylde Borough and there are some local shops/services, as well as jobs, within walking distance. In principle at least this makes it one of the most sustainable locations for housing development, apart from redevelopment and other opportunities within the built-up area. This is consistent with the appellants' sustainability assessment [in KPT/4a] and whilst the Council do not accept that it is necessarily the most sustainable of potential housing sites they agree that it is in the band of most sustainable ones. [100]
327. For my part, I have some reservations about the appellants' assessment. In particular, the site is over 2km from a railway station and the train service, though relatively frequent, is otherwise of a modest branch line nature. In these circumstances, despite the linking bus service, I have doubts about giving the site the highest rating on this count. Despite this, I am satisfied that in general

terms the appeal site is sufficiently well located relative to the settlement and the jobs and facilities available in it to be, in accessibility terms at least, a suitable location for a large housing development.

328. PPS3 also seeks to ensure that new housing development is well-designed and suited to its context. I have already dealt with this in part when considering the effect on the character and appearance of the locality and have concluded that there is no reason why the development should be any less acceptable than is normal for a large urban extension.
329. As this is an outline application with all matters other than access reserved for later approval there is little in the way of detailed design evidence available. The appellants have drawn attention to some of their other developments, especially nearby Cypress Point, as evidence of their ability to deliver high quality and appropriate design and this has been supported by some local residents and other individuals. On the other hand, the Civic Society and some others have commented unfavourably on the appellants' alleged use of standard designs. Moreover, for my own part I have some reservations about the approach at Cypress Point, particularly the use of 3-storey buildings.
330. However, I see no reason why these matters cannot be dealt with satisfactorily through the reserved matters process and I am satisfied that there is no design reason for resisting the development. I therefore consider there to be no conflict with the aims of PPS3 in this respect.
331. Accordingly my conclusions regarding PPS3 are as follows. In helping to address the housing land shortfall and meet a serious need for affordable housing the proposal is consistent with and supported by PPS3. Other schemes might do the same but this is the only one currently being promoted. Moreover, allowing the appeal need not preclude achievement of national or regional targets for the use of brownfield land. I conclude that there is no conflict with the aims of PPS3 and that in some respects the advice in that document supports the proposal.

Highway and transport related matters

Public transport and other non-car modes

332. At present the no. 14 bus service, which runs from St Annes to Blackpool (and on to Fleetwood) passes the western boundary of the site. In addition, the no. 2 service, which gives access to, amongst other places, Lytham, Wesham and Poulton, runs along part of Heyhouses Lane close to the southern boundary.
333. These services put parts of the appeal site within 400m of a bus stop. However, it is accepted that this would be insufficient to achieve good public transport accessibility. It is therefore proposed that the no. 14 service would be diverted through the site and the UU provides for a financial contribution to meet the extra costs involved.
334. I have not assumed that, as the appellants suggest, the contribution would also allow a significant improvement in the frequency of the daytime service (currently about every 20 minutes). The UU merely states that the frequency will be similar to the present one and it is on that basis that I have made my assessment. Nevertheless, the proposed diversion would put almost all the new dwellings within 200m of a high quality bus stop and I am satisfied that this would provide occupiers of the development with a high quality bus service, at least whilst the service remains as proposed.
335. Initially the intention was that the diverted service would be subsidised for 5 years. Although I understand that this is the normal period in Lancashire, I was

concerned that the subsidy would have expired with a substantial number of the proposed dwellings not built. To increase the likelihood that the service would become self-supporting and continue in the long term, as is needed to maintain good public transport accessibility, I consider it desirable that the subsidy should continue at least until the development is built out. In response to my concerns the provisions in the UU have been revised and now include an additional contribution. This should provide sufficient funding to ensure that, at the expected modal split, the service would be guaranteed for 10 years. On that basis I am satisfied that satisfactory public transport provision would be made for occupiers of the scheme.

336. I have considered the effect that the diversion would have on existing bus users. Journey lengths would be increased and limitations on access points mean that buses would enter and leave the site at the same place, thus emphasising the indirect nature of the route³⁰. On the other hand, junction improvements that are also being proposed as part of the scheme should have benefits for buses as well as other road users, even though no bus priority measures are proposed. Taking this into account I consider that the effect on existing users would be modest and does not count strongly against the proposal.
337. Turning to other non-car modes of travel, the topography of the area is flat and conducive to walking and cycling. Moreover, whilst no vehicular access would be available to the south three pedestrian/cycle links to Heyhouses Lane are proposed. In addition, although the B5261 is busy and can be difficult to cross at peak periods, a number of signalised crossing points are proposed in connection with the development and this would help address this issue. [See IN2] Local shops and an industrial area are within walking distance and although, at over 2km, the town centre is too far to be a comfortable walk, this is no different to very many urban extensions.
338. The town centre is however within cycling distance. So too are various employment sites, including Whitehills Business Park access to which would be greatly improved for cyclists by the downgrading of North Houses Lane / Wild Lane following construction of the M55 link. Cyclists would also benefit from the signalised crossing points proposed along the B5261 and there are a number of signed and other possible cycle routes in the wider area. [See KPT4c] I am satisfied therefore that adequate provision can and would be made for cyclists.
339. The Council now also accept that the development need not materially interfere with the existing bridleway network and that adequate linkages to the bridleway and recreational footpath network can be achieved. I see no reason to disagree. I conclude that the appeal scheme would make adequate provision for travel by sustainable modes and would be consistent with the aims of Local Plan Policies TR1, TR2, TR3 and TR5. Moreover, the Travel Plan that is proposed, and which the UU provides for, gives a reasonable prospect of them being used.

Effect on the safety and convenience of highway users

340. The Local Highway Authority (LHA), Lancashire County Council, are satisfied that 375 houses can be built at the western end of the site with access from a new roundabout junction that would replace an existing signalised one. This

³⁰ At an early stage the County Council appear to have favoured an access for buses along Wildings Way. This is a road of uncertain status that enters the site from the south. However, it is clear that this would be opposed by the residents of that road and it is not obvious that access could be improved to bus service standards without their agreement (or compulsory purchase). This idea is no longer being pursued by the County Council and in any event it is not clear that this could materially shorten the no. 14 route without affecting residents elsewhere.

arrangement is the same in principle (though there are detailed differences in design) as was proposed in 2002. The LHA consider that this would not cause any unacceptable problems of highway safety or convenience although they accepted that highway conditions would deteriorate at a greater rate than would otherwise occur through the 'natural' growth in traffic.

341. I have taken into account that this view is not shared by many local residents who consider that traffic conditions are already a problem. However, my own observations indicate that, outside peak periods at least, conditions are not poor compared to very many urban areas. Indeed, for much of the day I found that the roads were often lightly trafficked and that traffic flowed freely.
342. At peak times there are delays at some junctions and traffic flows are hindered on some roads when children are being dropped off or collected from schools. Some of the worst conditions exist on School Lane and the junction of that road with the B5261. This is within the area of Blackpool Council, which is a separate Highway Authority. However, there appear to be no cases where roads or junctions are seriously saturated at the present time. That said, with traffic growth, such saturation could occur at some junctions as early as 2014 if no improvements are made. A development limited to the western end of the appeal site (and accessed only from Queensway) could, in general, be expected to exacerbate this although it would secure improvement of the B5261 / Kilnhouse Lane junction.
343. There would certainly be an adverse effect on the safety and convenience of highway users if as many as 1150 dwellings were to be built on the appeal site without significant improvements to the local highway network. However, such improvements are proposed.
344. The UU provides for the appellants to make a financial contribution that would enable the missing section of the proposed M55 link road to be provided and this could be constructed on land within the control of the appellants and the LHA. The link is not part of the current application, and I understand that the planning permission for it has lapsed. However, it is part of both the Local Plan and the Local Transport Plan (LTP). Moreover, whilst nature conservation interests appear to have assumed greater importance since planning permission for the link was granted in 2002, the EIA that has been carried out for the appeal development has taken the cumulative effects into account and I see no reason to doubt that a new permission would be forthcoming.
345. In addition, whilst 375 dwellings could be built without the M55 link, and the appellants could theoretically stop the development at that point, by then they would be heavily committed to the development financially, in respect of both highways matters [81] and ecological mitigation [113-114]. Given all this I consider that, despite the concerns of QED and some residents, the SoS can have a very high degree of confidence that the link road would be delivered if the appeal is allowed. Certainly neither the Council nor the Local Highway Authority have expressed any doubts over this matter.
346. The appeal scheme also includes a new road between the M55 link and the new roundabout on Queensway. It appears that such a road was once, like the M55 link itself, a Local Plan proposal. However, it is no longer so; nor does it appear in the LTP. That said, such a road seems likely to reduce traffic levels and improve the environment along Heyhouses Lane. (Indeed it is likely that it would remove some traffic from Heyhouses Lane even if the full length of the M55 link did not go ahead.) I am satisfied therefore that it would have benefits for local

residents and road users as well as being essential to the appeal proposal. It would have implications for the Green Belt through which it would pass for the majority of its length. However, that is a different issue and I return to it later. [See particularly paragraphs 376 - 391]

347. For present purposes I am satisfied that the new roads proposed would ensure that the development would not have an adverse impact on the safety or convenience of users of the existing highway network and would, in this respect, comply with Local Plan Policy HL2. Indeed I consider that there would be some benefits in terms of reduced flows and improved environmental conditions on some existing roads. Moreover, Wild Lane / North Houses Lane, which currently acts as a link to the M55 despite being little more than a single track road with a relatively high accident record [IN26], would be replaced with a high quality road. All this is in addition to any merits in terms of the future development of Lytham St Annes as noted in the Local Plan. [CD7] The M55 link would no longer form part of a Fylde Coast Easterly By-Pass as the Local Plan also envisaged³¹. Even so, I am satisfied that when all these matters are taken into account the appeal proposal would lead to a material improvement in the local highway network, something a smaller development is unlikely in itself to achieve.
348. I have taken into account that the alignment now proposed for the M55 link differs from that previously envisaged. Instead of remaining wholly to the east of North Houses Lane / Wild Lane it is now proposed that it would cross to the west of the existing road through the appeal site. This would avoid the need to acquire land not in the control of the appellants or the Highway Authority. However, I see nothing sinister in this. Rather it seems to avoid a potential ransom situation, thus increasing the likelihood of the link being built.
349. That said, such a change may necessitate two crossings of the new road if the existing one is to be converted to a bridleway on its existing line. I share some of QED's concerns on this matter; even if appropriately designed crossings could eliminate safety risks, there would be more inconvenience for both drivers and bridleway users than if crossings were avoided. However, there may be ways of providing a bridleway to the west of the new link and this could be investigated as details of the development are finalised. In any event I consider that this matter in itself would not warrant refusing the appeal development.
350. I have also had regard to the views of QED and others that the proposed roads are not desirable and would deliver traffic, especially HGVs, onto roads that were not designed for such use. Apart from traffic and environmental effects, there is concern that, given what are perceived to be unsatisfactory ground conditions, the stability of buildings adjoining these existing roads could be affected. However, QED have provided no hard evidence on these matters. Moreover, HGVs already access St Annes town centre without, to my knowledge, causing serious problems and it is not obvious that they do so only via the A584.
351. I have also noted the concerns that the link road would encourage existing and new residents to use retail facilities near the end of the M55 rather than St Annes town centre. I accept that new roads can make it easier for people to leave a town as well as access it. However, in my view some residents are likely to use those out of centre facilities in any event. Moreover, there is no firm evidence to suggest that the new roads would increase that propensity to a degree that

³¹ I understand that this scheme has been abandoned; certainly it does not appear in the LTP.

would have any significant effect, certainly when offset by the increase in population that the development would generate.

352. In any event I consider that it is not appropriate, in the limited context of an appeal relating to a specific housing development, to review a road scheme such as the M55 link which is included in both the Local Plan and LTP. Moreover, there is nothing particularly unusual in expecting such schemes to be financed through developments. I conclude that the ability of the appeal scheme to make a contribution sufficient to pay for the construction of this link, and, together with land already in the control of the Highway Authority, supply all the land needed is a weighty consideration in its favour. I note that the previous Inspector reached a similar construction even though the scheme before him would have made only a contribution to the cost of the link, not the full amount.

Other transport-related matters and overall conclusions regarding PPG13

353. Although the application is in outline the application form noted that 2300 parking spaces would be provided. Assuming none of these relate to non-residential uses this would equate to 2 spaces per dwelling.
354. Neither the Local Plan nor the RSS give any firm guidance on the level of parking to be provided on housing developments. However, in my judgement the proposed level is not unreasonable in this edge of settlement location and need not prejudice the aims of the Travel Plan. Through this and other measures, in particular the diversion and subsidisation of the no. 14 bus service, I am satisfied that the proposal includes adequate measures to promote sustainable modes of travel and minimise the need for parking. Accordingly I consider that a condition relating to parking is not necessary and whilst one could be imposed it would be necessary to refer this back to the parties for comment as it was not discussed at the Inquiry.
355. I conclude that the proposal does not conflict with national advice on transportation matters as set out in PPS3 and PPG13.

Connectivity matters

356. A related matter that continues to concern the Council is the degree to which the appeal site is connected into the existing urban area. As advanced during the Inquiry this relates essentially to concern that vehicular access would be provided only at the eastern and western extremities of the site. Although on its southern side the site has a long boundary with the existing built-up area, and St Annes town centre lies in this direction, there is no vehicular access to the south. The Council consider that this lack of integration represents poor design, would entail circuitous journeys for residents wishing to go to and from St Annes and would encourage the use of facilities elsewhere. [201–204]
357. The appellants note that this was not an issue in respect of the 2002 scheme or that for Cypress Point but in my view that misses the point. Those were smaller and less elongated developments. I have had regard to the fact that there would be 3 pedestrian/cycle links onto Heyhouses Lane. However, even with the proposed Travel Plan, and assuming that it is as successful as predicted, most journeys to and from the site are likely to be by private car. Moreover, whilst no distance standards may be breached, those vehicular journeys are likely to be longer and consume more fuel than if a more direct link were available. I conclude that it would be better design, and more in accord with national advice on integrating new housing areas, for there to be vehicular access from the southwest.

358. In forming that view I have taken into account that the no. 14 bus service would provide a link to the town centre. However, it too has a circuitous route that outside the site is even less direct than that available to private motorists. I do not therefore share the appellants' view that the circuitous nature of the road access is likely to encourage bus use.
359. That said, there appear to be serious practical difficulties in achieving a more direct vehicular access. Most of the land between the site and Heyhouses Lane is built up and whilst some dwellings fronting the Lane may have been for sale recently it is far from clear that acquiring a single frontage dwelling would have been sufficient to achieve a satisfactory access with visibility splays. The chances of two adjacent properties being for sale at the same time are obviously less, whilst attempting to acquire one that is not on the market is likely to be costly, especially if it was clear that a 'ransom' situation existed.
360. In addition, a number of important trees exist between the site and Heyhouses Lane. Taking all this into account it is not clear that, in practice, a satisfactory vehicular access could be achieved in this direction. Moreover, despite the circuitous vehicular access, it seems to me that the worst that could be said is that the development would be less beneficial to town centre businesses than it might be if a more direct access were available. However indirect the route to the centre (and however easy the access to other facilities), I consider it unrealistic to suggest, as one witness for QED did, that building 1150 houses within the natural catchment of St Annes town centre could actually be detrimental to its vitality and viability.
361. On this matter I therefore conclude that the layout proposed with its lack of direct vehicular access in the direction of the main built-up area of St Annes falls short of the highest quality of design. In my view, greater connectivity would be desirable and more in accord with national advice. However, there are very real practical difficulties in achieving greater integration. On balance I conclude that the lack of connectivity is not so serious as to be an overriding objection to the granting of permission. It does however, in my judgement, mean that the appeal site is a less satisfactory location for a major housing development than its position next to one of the main settlements in Fylde might suggest.

Nature Conservation matters

362. The appeal site is part of Lytham Moss, an area of wet and low-lying arable farmland that was once much larger. It is agreed that the Moss regularly supports wintering flocks of Whooper and Bewick's swans, pink-footed geese and black-tailed godwits in numbers that confirm that it is linked functionally to the Ribble and Alt Estuaries SPA. [IN20] The Moss is particularly important for the swan species; it sustains about 1.6% of the GB population of Whooper swans and 18% of the Ribble Estuary population of Bewick's. Moreover, there is no dispute that the swans are a significant feature of the SPA.
363. The evidence of the appellants' ecology expert, which was not disputed by any other expert witness, suggests that the swans return to the Moss each winter, though the specific fields used vary according to the crops that have been grown and ground conditions. [KPT3a] That said, in any given winter the swans tend to remain in a particular field or fields. These can include ones on the appeal site.
364. The site has also been surveyed for other fauna and flora of ecological interest. [CD4, KPT3a] In terms of protected species some of the ditches provide suitable habitat for water voles but none were found during the survey. The adequacy of this survey is not disputed by the Council's ecology expert and I consider that it

demonstrates beyond any reasonable doubt that the site was not used by water voles at that time. Nor is there any evidence to suggest that this has changed subsequently. That said, historic records held by the EA suggest that it has been used in the past. As a further precaution, to cover any possibility that water voles have returned, I therefore consider it prudent to carry out a further survey before development begins. I have recommended a condition to this effect.

365. No other protected species have been found on the site although the presence of a number of mammals and birds of some significance (including UKBAP priority species) was identified. The site appears to have no particular importance for reptiles or amphibians, but some priority butterflies and beetles were found as well as the Moss Bladder Snail. [See in particular the Updated ES (CD4) and the comments of the Fylde Bird Club (reported in CD6).]
366. The ecological interest set out above has not, to date, resulted in the appeal site or Lytham Moss generally being given any special designation for its nature conservation interest³². Moreover, such considerations appear to have played little if any part in the consideration of the 2002 application or the Council's view at that time that part of the site was suitable for a housing allocation (if such allocations were needed). However, in 2008 the Moss was proposed by the County Council as a Biological Heritage Site (BHS). In addition, NE as well as the RSPB and the County Council now consider that, without mitigation, the appeal proposal would be likely to have a significant and adverse effect on features of interest of the SPA (ie Whooper and Bewick's swans) and that an Appropriate Assessment (AA) under the Habitat Regulations is therefore required.
367. The appellants' own expert also accepts that without mitigation there would be some adverse effect, but considers this to be minor. [KPT3c] I have had regard to his argument that the appeal site is not used by SPA birds every winter and that even if it is lost the rest of the Moss would remain and that there are other feeding opportunities in the wider area. He estimates that even without mitigation the effect on the Moss's sustainable carrying capacity of SPA birds would be limited to 25 Whooper swans (out of 123) and 7 Bewick's (out of 34); and points out that the UK populations of these species are stable or rising.
368. That said, there is no doubt that the proposed housing area would result in the irreversible loss of land that provides a potential foraging area for SPA birds and habitat for other wildlife. It would reduce the sustainable carrying capacity of the Moss for swans by 20% and I do not regard this as insignificant even though not all SPA birds use the Moss. I conclude that the possibility that the proposal would have significant adverse effects cannot be ruled out without further consideration. As the competent authority it falls on the SoS to undertake an AA but to assist in that process I have set out below my assessment of the factors that need to be taken into account.
369. To an extent much of the preceding paragraphs could be regarded as academic as the appellants are now proposing substantial mitigation measures which, through the UU, would automatically come into effect if the appeal is allowed and the development goes ahead. Accordingly I have taken these measures into account in my assessment. In particular, the scheme now proposes a Farmland Conservation Area (FCA) about 91.5ha in extent. [111] This would be farmed and managed in a manner favourable to swans and would provide a secure reserve

³² Two areas of woodland adjoining the appeal site are however a longstanding BHS designated for the presence of tree sparrows although their numbers appear to have declined if indeed they remain at all.

for them. In addition a nature park would be created closer to the housing development, though it is accepted that this would not be suitable for swans. The FCA and the nature park would include a variety of features that would be of benefit to other species of nature conservation interest, including new ditches, wild bird seed planted areas, skylark plots and beetle banks.

370. Provision and design of the FCA has been complicated by the proximity of the site to Blackpool Airport and the potential for birds attracted by the FCA, and the development generally, to cause a bird strike hazard. However, this risk has been reduced by a variety of measures. Large water bodies have been omitted and the main areas for swans kept away from and south of the line of the main runway so that birds flying between them and the SPAs do not have to cross the flight path. [118] New ditches have also been orientated so that they do not encourage swans or geese to take off in a line that would conflict with the flight path.
371. A protocol for bird scaring has also been agreed. This would deal with a variety of birds many of which, such as gulls, are of no nature conservation importance and the intention is to target those birds so that there should be little if any effect on SPA ones. NE and the RSPB, along with the County Council's ecologist all consider this to be an acceptable approach. [IN20] Moreover, it has enabled Blackpool Airport to withdraw its objection. [IN21]
372. Taking all this into account the Ecology SoCG [IN20] records that NE are satisfied that sufficient information is available to enable an AA to be carried out and to conclude that with the mitigation proposed there would be no adverse effect on the integrity of either the Ribble and Alt Estuaries or the Martin Mere SPAs. Moreover, that conclusion takes into account the likely combined effect of the appeal development and the M55 link road. The RSPB and Lancashire County Council's ecology advisor share that view³³. Having regard to all this, I am satisfied that whilst without mitigation the appeal scheme would be likely to have an adverse effect, at least on the Ribble and Alt Estuaries SPA, those effects can be sufficiently reduced or overcome through the mitigation measures proposed so that there would be no harm. I am also satisfied that the necessary measures are now properly secured through the UU. I therefore conclude that, having regard to the advice of NE and the objective evidence available, the appeal scheme including mitigation would not, either alone or in combination with other projects, adversely affect the integrity of the SPAs. The Regulations do not therefore preclude the granting of planning permission.
373. That said, I do not share the appellants' view that with the mitigation proposed there would be a net improvement in nature conservation terms. I accept that the FCA would provide a guaranteed refuge for swans. However, in practice it seems that in many respects farming practices within it would not be greatly different to what presently occurs and which is already attractive to swans and other wildlife. I agree therefore with NE, the RSPB and the County Council that it would be more appropriate to regard the effect of the appeal scheme, including mitigation, on nature conservation interests as being broadly neutral.
374. Such a conclusion does not rule out the granting of planning permission for the appeal scheme and I am satisfied that, as now proposed and with the UU, it

³³ NE and the RSPB have not formally withdrawn their objections but confirm that they would do so if the SoS were to conclude that there would be no adverse effect. Moreover, they consider that that is a conclusion that he could properly reach on the evidence. I consider this to be tantamount to a withdrawal of their objections.

would not conflict with the aims of Local Plan Policies EP10, EP15, EP17, EP18 and EP19, RSS Policy EM1 or PPS9.

375. However ecological considerations do not, in my judgement, count positively in favour of allowing the appeal. Indeed, I have some sympathy for the argument advanced by QED that, given the choice, it would make sense to avoid building on sites that have nature conservation interest. I return to this matter in considering whether the proposal is premature.

Green Belt considerations

376. There is not a continuous Green Belt around Lytham St Annes. However, between St Annes and south Blackpool there is an isolated and relatively small area of Green Belt, including part of Lytham Moss and Blackpool Airport, that helps to prevent those settlements merging.
377. The southern boundary of the Green Belt is not always clearly defined by existing features³⁴. Nevertheless, despite the concerns of QED and some local residents it seems to me that none of the proposed houses would be within the Green Belt, and that the outer edge of the housing area would coincide with the Green Belt boundary. Certainly that is the Council's view. [188]
378. On the other hand there is no doubt that parts of the appeal site and some of the proposed works would be within the Green Belt. However, in Green Belt terms only the proposed east-west link road is contentious. At its western end this road follows the Green Belt boundary, as seems always to have been envisaged. However, for the majority of its length the road runs well within the Green Belt. The area between the road and the housing, which would be within the Green Belt, would be used as playing fields / open space / nature park.
379. The Council consider that the road constitutes inappropriate development that would be harmful to the purposes of including land in the Green Belt. In their view the road ought to be realigned along the boundary of the Green Belt where it would form a clear and firm edge in accordance with the advice in PPG2. [189 – 200] They point out that this option has not been tested in the ES or elsewhere.
380. The appellants do not accept that the new road is inappropriate. [138 – 151] In any event, whilst there has been no formal viability assessment, they consider that the development would not be viable with the road realigned as the Council suggest, as the number of dwellings would have to be reduced to allow for open space to be provided within the housing area. [154] They also feel that if the road were to be regarded as inappropriate it would be justified on the basis of very special circumstances; in particular delivery of the M55 link and the contribution towards addressing the housing land shortfall. [155-161]
381. In support of their argument that the road is not inappropriate, the appellants draw attention to the County Council's Committee Report regarding the planning application for the M55 link road. [In KPT1c] However, whilst that Report correctly notes that Fylde BC did not object to permission being granted, I do not consider that it follows that that was because they regarded it as being appropriate in Green Belt terms. The Report is silent on that point in respect of the views of both Fylde and the County Council and it is not clear that it was considered or, if it was, what conclusion was reached.

³⁴ It seems to have been envisaged that it would eventually be defined by the then proposed Heyhouses by-pass.

382. Moreover, there is nothing in the Report to suggest that either Council considered the full extent of the test set in PPG2. This advises, at paragraph 3.12, that engineering operations, which would include the construction of a road, are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The second part of the test is not referred to in the Report. Taking all this into account I consider that the Report is of limited assistance in reaching a conclusion on this point.
383. In any event, in my view there are significant differences between the M55 link and the east-west road that is at issue here. I accept that the M55 link would be the more substantial of the two but it would also run close to the edge of the Green Belt and in a corridor where the Green Belt is already affected by an existing road. In contrast the east-west road would be on an entirely new line well within the Green Belt.
384. I have taken into account the appeal decisions to which the parties have referred which, not surprisingly, support their own view. It seems clear from that referred to by the appellants [in KPT1c] that a major road need not be inappropriate. On the other hand, the decision submitted by the Council [IN13] indicates that even a modest track that has no material impact on openness can constitute harmful encroachment of man-made development and thus be inappropriate. It is clear therefore that much depends on the specific circumstances and I do not consider that the appellants are correct to suggest that deeming this road to be inappropriate would be inconsistent with the fact that roads are allowed within Green Belt areas.
385. Turning to matters specific to this case, much of the road has yet to be fully designed, but it seems the physical features, especially any vertical ones that are most likely to affect openness, would be relatively modest. I would expect them to be greater than that of the track referred to in IN13 and traffic on them could add to the impact. However, if openness is equated simply to an absence of visible development it may well be that any effect need not in itself require a conclusion of inappropriateness. That said, PPG2, as amplified by Local Plan Policy SP3, requires other matters to be taken into account.
386. Moving on to the second part of the test, I have noted that this particular Green Belt area is crossed by roads, in particular Queensway and Wild Lane / North Houses Lane, as well as a proposed new road, the M55 link. However, Queensway is now a well established road, whilst the M55 link would run in an area close to the point where the settlements do not directly face each other and where a Green Belt designation has not been considered necessary. When this is taken into account I consider that, despite its more substantial nature and likely greater traffic flows, the M55 link would have less impact on the integrity and coherence of the Green Belt and its ability to separate St Annes from Blackpool.
387. Moreover, this area of Green Belt is much narrower than PPG2 normally expects and already, standing in it, it is possible to see from one side to the other. I consider that having a road carrying significant levels of traffic running through this narrow and, in my view, rather fragile area would lead to its harmful fragmentation through the introduction of a clearly man-made feature. This would encroach into what is at present undeveloped countryside, contrary to the third purpose of including land in the Green Belt. Arguably it would also reduce the visual separation of Blackpool and St Annes, contrary to the second purpose. Although the area of Green Belt covered by the road would be small, the impact would in my judgement be much greater than the mere figures suggest.

388. Any lighting or signage would add to the road's impact, but is not essential to my conclusion. Furthermore, whilst I would expect the road to be suitably landscaped, this is not normally sufficient to avoid development in the Green Belt being inappropriate.
389. The Green Belt is wider at the point where the road would run than further west. However, that does not mean that the width at the western end sets an appropriate standard or that it is acceptable to introduce man made features in the eastern part that would reduce the effectiveness of the Green Belt. Having regard also to the modest effect on openness I conclude that the road would be inappropriate development and conflicts with Local Plan Policy SP3. I have had regard to the advice in Circular 11/2005 as well as the appellants' suggestion that the appeal scheme would have benefits in terms of nature conservation and increased access to this part of the Green Belt but any such benefits are insufficient to alter my conclusions. It will therefore be necessary to consider whether the substantial harm that is inevitably caused by inappropriate development, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.
390. I carry out this balancing exercise below [paragraphs 434 - 456] after I have dealt with the remaining matters that may count for or against the proposal. At this point I merely record that, having regard to the appellants' arguments it seems to me that the main positive considerations that need to be taken into account are the contribution that the proposal makes to meeting housing needs and its ability to fund completion of the M55 link. In doing so it will be necessary to consider whether a more modest development that avoided the need for a road in the Green Belt could achieve similar benefits.
391. Before moving on I shall however deal with a number of other related points raised by the parties. Notwithstanding the appellants' arguments I consider that it would not be difficult to landscape the road if it were closer to the housing; indeed that seems to be what is required at the western end of the site. As for the landscaping that is proposed, I do not regard it as a significant overall benefit when the development is considered as a whole, especially as planting that is in keeping with the character of the area (and avoids bird risks) is unlikely to screen the road completely. I found the appellants' arguments on these points no more compelling than those that a line of housing projecting into the countryside could be made acceptable by landscaping. As for the Council's contention that the proposal could facilitate further development in the Green Belt, or the appellants' that it would preclude it, I consider that they carry little weight given the very strong policy presumption against such development in any event.

Flooding and related matters

392. A major concern of local residents relates to flooding and associated matters. [271-273] Although this matter does not concern the Council, at the Pre-Inquiry Meeting (PIM) I therefore asked the appellants to produce detailed evidence addressing local residents' concerns. This took the form of a proof of evidence by a flooding and drainage expert, Mr Wells, [KPT5a] who gave evidence at the Inquiry and also submitted, at my request, a supplementary document clarifying some matters. [IN28]
393. Despite the proximity of the coast the site is not at risk from the sea or tidal waters. However, QED and some local residents suggest that parts of the proposed housing area may encroach into fluvial flood zone 3 as shown on the maps produced by the Environment Agency (EA). The EA have confirmed that

they consider the site to be within zone 1. [Reported in CD6] That said, the scale of the maps I have seen does not enable me to rule out the possibility that some of the housing north of the main spine road and east of the school might encroach into other zones.

394. However, even if that is the case, minor adjustments could, if necessary, be accommodated as part of the reserved matters process. Moreover, whilst the maps do not appear to include an allowance for climate change, this matter was considered in the ES and the appellants propose to set ground floor levels 600mm above predicted flood levels. I note that the EA have not objected on floodplain grounds and, taking all the above matters into account, I see no reason to disagree.
395. However, the EA's maps do not deal with flooding from sources such as groundwater, direct runoff from fields or overflowing sewers. In this case, the water table is relatively high and becomes higher at high tide. This rise is only about 0.5m and does not appear to be in any way exceptional. Nevertheless, it is clear that after heavy rain water stands on parts of the appeal site and can remain there for some time. This was referred to by several local residents and is consistent with my own observations. Moreover, such flooding is not limited to the southern parts of the site and indeed affects other parts of Lytham Moss.
396. In these circumstances it is not surprising that many local people regard the site as inherently unsuited to housing development and are concerned that if measures are taken to prevent this flooding the water will go elsewhere and affect those living nearby. However, this has not prevented development taking place on other parts of the Moss and adjoining areas. Most significantly, in my view, this includes the recent development by the appellants or one of their associated companies, at nearby Cypress Point.
397. I have no reason to believe that ground conditions at that location are materially different from those at the appeal site. Moreover whilst some residents have suggested that the Cypress Point development has resulted in increased flooding in its vicinity, this has not led any of the organisations with responsibility for flood related matters to object to the appeal scheme. The EA have requested that a condition be imposed, in line with the advice in PPS25, to ensure that peak water run off flows do not increase from their present levels. This would involve the use of SUDS techniques. However, subject to this and other appropriate conditions I consider that there is no reason why these matters should give rise to problems sufficient to warrant dismissing this appeal.
398. In forming that view, I have taken into account the concerns of local residents that the weight of houses, roads and other structures imposed on the ground forming the appeal site would force out the water underneath thus raising ground water levels elsewhere. In addition, I have noted concerns that foundations and other works could affect the water table as well as the natural flow of ground water. That said, whilst these may all be possible effects, I would expect them to be common across the area, including Cypress Point, rather than unique to the appeal site, and to be known to those with responsibility for drainage matters. However, none of those bodies has objected on these grounds.
399. The appellants acknowledge the need to use piled foundations for structures (including drains) on the site, but I understand that to have been required at Cypress Point as well. I consider that it will also be necessary, as Mr Wells suggested, to carry out the works in a way that avoids the underlying peat drying out. However, subject to conditions dealing with these matters I see no reason

why the proposed development should affect ground water conditions, or the ground conditions generally, to the extent that it would be at risk of flooding or subsidence itself, or create serious risks for nearby properties.

400. In forming this view I have taken into account the incident in the Blackpool area referred to by some local residents where several houses had to be demolished because of subsidence effects. However, that occurred a good number of years ago and since then understanding of ground conditions seems to have improved. Certainly there appears to have been no repetition of that event although many houses must have been built in the intervening period.
401. I have also taken into account the concerns that the drainage authority, United Utilities, will not adopt SUDS infrastructure and that the Council would not wish to take on responsibility for this. However, my understanding is that this is normal throughout the area and has not prevented SUDS being used. The appellants propose to establish a management company to look after the SUDS (and other matters) and I see no reason why that should not be a satisfactory solution.
402. Concerns have also been expressed that it would be necessary to pump foul sewage to reach the nearest treatment works and that problems could arise if the pumps fail. However, again I understand that pumping is a common practice in this area. It seems likely to apply to most if not all developments in the St Annes locality and is not, in my judgement, a sufficient reason to resist development of the appeal site.
403. Taking all these matters into account I am satisfied that there are no issues concerning drainage and related matters that cannot be dealt with satisfactorily by conditions and therefore no overriding conflict with those development plan policies that deal with these matters, including Local Plan Policy EP25 and RSS Policy EM5. Despite the understandable concerns of local residents there is therefore no basis on these grounds for resisting the development.

Airport related matters

404. Blackpool Airport is located close to the northwest corner of the appeal site and the flightpath for the main runway crosses or passes very close to northern parts of the FCA. This relationship has been the cause of some concern and prior to the Inquiry the appeal proposal had been the subject of objections from the Airport itself which were supported by QED and some local residents. However, during the Inquiry the Airport withdrew their objection [IN21].
405. The Airport's concern had related largely to the fear that the development, and the ecological mitigation measures proposed, would attract birds thus increasing the bird strike risk. [See folder in appeal file.] As well as increasing the risk of accidents, this would be undesirable as it would lead to increased costs (and noise) in scaring off birds whilst the greater risks could discourage some airlines from using the airport, all to the detriment of its viability.
406. However, changes to the proposal, in particular the avoidance of large open water bodies, have reduced the potential to attract gulls. Moreover, the design of ditches and the location of these and the proposed swan feeding areas has minimised the likelihood of SPA birds flying across the flightpath. [118] In addition, a Bird Hazard Control Plan (BHCP) has now been agreed between the appellants, the Airport, and the relevant wildlife bodies. [IN25] This is based on the existing measures, and its implementation is provided for by the UU.

407. These and related measures have led to the Airport withdrawing its objection. [IN21] The Airport is the body best placed to make a judgement on these matters and, although some local residents have noted that the current owners of the airport have development interests, I have no reason to doubt that they have taken their responsibilities seriously. Their original objection appears to confirm that and I consider that there is no reason to disagree with their conclusion that the development as now proposed contains the risk of bird strikes within acceptable levels.
408. Taking this into account, whilst the proposal would increase the number of people living near the airport, and places a school close to the flightpath, I consider that this does not conflict with the aims of Local Plan Policy TR14 or justify withholding permission. At most it might suggest that the site should rank lower than an otherwise comparable one that did not raise such issues.
409. Indeed, the only arguments regarding the Airport that were seriously advanced at the Inquiry were QED's concerns regarding noise. Moreover, by the end of the Inquiry QED appeared to accept that the evidence given in KPT9 demonstrates that at the present time none of the site experiences unacceptable noise levels. That said, they continue to be concerned that growth in Airport traffic could extend higher noise levels across the site.
410. I have noted the appellants' argument that, even for the small part of the site currently falling within the 50dB contour, it would take a 5 times growth in air traffic before noise levels exceeded the *desirable* maximum level specified in PPG24. That said, the draft Airport Noise Action Plan [CD85] envisages a substantial increase in passenger numbers. Moreover, the Local Transport Plan [CD40] records that a new terminal building was under construction giving a capacity of 2 million passengers per year (compared to about 555,000 actual passengers in 2006). Nevertheless, passenger numbers cannot be directly translated to aircraft movements or noise levels. Furthermore, past predictions of growth seem to have been overoptimistic and anecdotal evidence from QED suggests that aircraft movements have actually fallen in the recent past.
411. I have taken all this into account, together with the lack of objection on these counts from the Airport itself. Having done so, I consider that the mere possibility that air traffic may grow at some stage to the point where noise levels over part of the site exceed what is regarded as the desirable maximum is not a sufficient reason to withhold permission for the appeal development. Again I consider that at most it would count modestly against this site in any comparison with others where such an issue did not arise.
412. The relationship of the school site to the flightpath is insufficient to alter my conclusion although I have taken into account that the Building Regulations deal primarily with conditions within buildings. I conclude that none of the Airport related matters raised is a serious objection to the appeal scheme.

Other non-prematurity considerations

413. Other matters raised include QED's concern that the appeal scheme would result in the loss of valuable agricultural land and soil resources and that these considerations have not been looked at properly in the ES. I have taken into account that, as the appellants have pointed out, there are references in the ES to soil and related matters. However, these are limited and often in the context of the implications for other considerations. The effect on soils has not, it seems to me, been looked at as a serious consideration in its own right.

414. That said, an ES does not have to look in detail at all possible matters, only those that appear likely to be significant. Moreover, whilst the Council may not have given a formal scoping opinion, my understanding is that the ES was prepared in the light of discussions with Council officers and representatives of other bodies interested in environmental matters. The Council did not request additional information regarding soil matters as they could have done; nor as far as I am aware did any of the other bodies. On the contrary, Mr Evans' response to QED's queries [IN10] indicates that the Council consider that all likely impacts were assessed. That may be reviewed when, as here, an application goes to appeal. Even so, and despite QED's view that the Council may lack expertise in soil related matters, I am not convinced that it would be appropriate to interfere with that considered view unless there is compelling evidence that a significant issue has not been dealt with.
415. In this case, none of the bodies charged with environmental responsibilities appear to consider that further information on soil-related matters is necessary. Moreover, it seems inevitable that any development on greenfield land (and the Council appear to accept that there must be some if the RSS housing figures are to be met) will involve some effect on soil and agricultural land (even if the soil is reused elsewhere). In addition, there is nothing before the Inquiry that clearly indicates that, in respect of these matters, the effects of developing the appeal site would be materially greater than might be expected in most cases³⁵.
416. Despite QED's arguments it seems to me that for the most part the playing fields, nature park and, especially, the FCA would not involve an irreversible loss of agricultural land or clearly impair the soil's carbon sequestration potential. As for the land lost to housing it is agreed that about 10ha would be in the best and most versatile category. The roads would add to this figure, but even so the amount of good quality agricultural land lost seems most unlikely to materially exceed the 20ha threshold formerly regarded as potentially significant in national advice. In any event this is now left to local discretion and the Council have not objected to the proposal in terms of Local Plan Policy EP22 which seeks to protect agricultural land.
417. In addition, the documents to which QED have drawn attention [CDs 43, 51, 54 & 65] have not, to date at least, been translated into formal planning policy at national level. This is despite at least one of them being produced at the same time as if not before the publication of PPS7. *Safeguarding our Soils* does suggest that such guidance will be issued but I consider that it would be inappropriate to try to second guess what this might be.
418. Taking all this into account I consider that there is no sound basis to overrule the Council and conclude either that the loss of soil and agricultural land is unacceptable or that more work needs to be conducted to determine this matter. The most that it seems to me could be said is that until such an exercise has been carried out, covering the appeal site and other potential housing sites, it is not possible to rank them in this respect. That said, I have seen nothing to suggest that the appeal site is unusually harmful.
419. I have also taken into account QED's general reservations about the ES. [260-264] In particular, they draw attention to the ongoing changes, which have continued even after the ES was updated in September 2009. They are

³⁵ For the avoidance of doubt this is not intended to be critical of the efforts of QED who made considerable efforts to inform the Inquiry about this matter.

concerned that the various additions, addendums, revisions and re-issues have made it difficult for people to understand what is being proposed. However, in my experience it is not particularly uncommon for matters to evolve as discussions take place and I consider that it would be wrong to regard the ES as 'frozen' at the point of its submission.

420. In this case the revised chapters on ecology and transportation were publicised and the Council confirmed at the Inquiry that they were satisfied that proper procedures had been followed. I see no reason to disagree. In addition, although in respect of ecological mitigation in particular matters continued to evolve up to and during the Inquiry itself, I am satisfied that these were within the broad parameters that had already been established and that no one should be taken by surprise at what is now being proposed. I note that at the Inquiry QED accepted that no one had been misled by the errors in the revised ES. [IN22]
421. Taking all this into account I consider that there are no serious failings in the ES or the process by which it was produced that render it inadequate. In my judgement it enables a proper assessment of the effects of the proposed development to be made.
422. I have also taken into account QED's concerns regarding the effect on the town centre. I accept that the M55 link road (which though not part of the appeal proposal is essential to its full implementation) would make it easier for local residents to access other shopping facilities. However, the link road is a long-established element of the Local Plan (and Local Transport Plan). In my view it would be wrong to conclude on the evidence available in the context of this specific appeal that this road scheme, which has been adopted following the full rigour of public consultation and examination, is no longer appropriate or desirable. As for the proposed housing development itself I fail to see how it could harm the town centre, especially as no shopping or similar facilities are proposed in it, even if the detailed access arrangements may mean that it is not as beneficial as town centre traders would like.
423. On the contrary, I have some sympathy for the views of those local business people who consider that the development would boost the local economy both during construction and in the longer term through an increase in the population base. That said, much the same would apply to any housing development wherever it took place. Moreover, even if there are no alternative sites around St Annes it is not clear that the St Annes economy is in any greater need of a boost than other settlements in the borough.
424. I am aware that the proposal would not, as was once suggested, provide for a contribution towards a replacement swimming pool for St Annes and that the on-site open space would not be guaranteed to be available for non-residents (and has been reduced in extent to allow for increased ecological mitigation). However, whilst that may reduce its merits in the view of QED and local people, the critical test is whether adequate provision would be made for the recreational needs of the occupiers of the development. The Council have not suggested that it does not and I see no reason to disagree. In my view it complies in this respect with Local Plan Policy HL2.
425. None of the other matters raised by QED, local residents or other bodies are in my judgement of such substance as to count significantly either for or against the proposal. That includes any potential impact on immediately adjoining dwellings, which could be dealt with through the reserved matters process. In my view neither this nor any of the other matters raised are sufficient, either individually

or cumulatively, to add materially to the balance of the arguments. I therefore turn to the question of whether, in the light of the considerations I have already dealt with, the proposal is premature at this stage in the LDF process.

Prematurity matters

426. *'The Planning System: General Principles'* (the General Principles) advises that refusal of planning permission on grounds of prematurity will not usually be justified especially where the emerging DPD³⁶ has no early prospect of submission for examination. That said, the General Principles clearly accept that there may be circumstances where, for example, a proposed development is so substantial that refusal on prematurity grounds is justifiable. Moreover, I do not rule out the possibility that, exceptionally, that could apply even at a very early stage when no document has been published, at least if, as here, there is a clear requirement for the document to be produced in the near future. However, in such circumstances a prematurity argument would carry very little weight unless the planning authority could demonstrate clearly that the grant of permission would cause real prejudice to the outcome of the DPD process. It would not, in my view, suffice to show that some theoretical options might be closed off.
427. In this case, the Council will, in the near future, have to consider where new housing allocations are to be made to comply with RSS Policy L4. The appeal development is a large one that would on its own provide over 20% of the L4 housing figure for Fylde. Moreover, the RSS expects at least 65% of new housing to be on brownfield sites. If the RSS figure of 5500 units is not exceeded, the 1150 dwellings proposed on the appeal site would amount to nearly 60% of the permissible greenfield-land housing.
428. The RSS figure is a floor, not a ceiling. There is no policy reason why it could not be exceeded. However, if the brownfield proportion is to be maintained, increasing greenfield numbers above 1925 would involve finding sites for almost twice as many dwellings on brownfield land. How practicable that might be will not be clear until a thorough analysis of opportunities in the urban areas has been undertaken and at the present time I consider that a cautious approach is called for. I conclude that, when existing commitments on greenfield land are taken into account, the scope for greenfield allocations is likely to be reduced very considerably if this appeal is allowed.
429. That said, it is necessary to consider whether this would be likely to prejudice the outcome of the DPD process. In doing so, I have noted that there is no evidence to suggest that any other settlement would be deprived of an opportunity to expand that is being actively sought by the Council or that community. In addition, St Annes is one of the largest settlements in Fylde Borough where a substantial amount of the new housing required might be expected to be located. Moreover, no one has to date suggested that there is any preferable *greenfield* site around St Annes. On the contrary the Council seemed to accept that some development on part of the appeal site was likely to be acceptable. That would certainly be consistent with their stance in 2002 and the Inspector's conclusions in respect of the previous appeal.
430. Matters have moved on since then and I could not have dealt with ecology matters, for example, in a single sentence as the previous Inspector did. I am satisfied that the mitigation proposed would avoid any ecological harm.

³⁶ In this case the Core Strategy which was due to be submitted for examination in 2009 but which seems to have slipped considerably and is not now expected to be adopted before 2011/12.

Nevertheless, extensive measures are required and if alternative sites existed that did not give rise to such requirements there could, in my view, be merit in prioritising them. Indeed I note that the appellants' own assessment [in KPT3a] rates some other sites more highly on this count (though not all of them may in practice be suitable for housing). Connectivity, flooding, soil, agricultural land quality and proximity to Blackpool Airport are other matters that do not preclude the appeal development but might count against it in a comparison with other sites, or could, at least, be usefully evaluated through the LDF process.

431. However, despite all this the Council's position at the Inquiry remained that whilst they would not necessarily regard the appeal site as the most sustainable in the Borough, they consider it to be a highly sustainable one. They also attach great importance to the M55 link road. I have been given no reason to doubt that this road scheme will be carried through to the core strategy (if not previously achieved) or that the expectation would be for it to be funded by development, and the appeal site (or part of it) is the only obvious potential contributor.
432. In short, on the evidence currently available, it is far from clear that housing development on the appeal site would be seriously at odds with any development strategy likely to merge through the DPD process. On the contrary there seems a very strong likelihood that at least part of it would eventually emerge as a housing allocation. Moreover, whilst releasing the site now is likely to preclude any large greenfield allocations elsewhere, I have seen nothing to suggest that that would be to the serious detriment of any other settlement. It may be necessary to reduce the granting of permissions on other greenfield sites to a lower rate than in the recent past, but this could be addressed in DPDs and does not seem intrinsically harmful. Subject to this, allowing the appeal need not prejudice achieving RSS aims in respect of brownfield-land housing. I conclude that no clear and significant harm to the DPD process has been demonstrated. Accordingly I see no justification for giving the prematurity argument more than the very limited weight that it would normally have at this stage of the DPD process. It does not justify a refusal.
433. In forming this view I have had regard to the M55 hub / growth point concepts. [See especially CD73] However, these are not designed solely to meet the needs of Fylde Borough even though it seems likely that they would ultimately include land within the Borough. Moreover, it is not clear to me that the hub / growth point, which may take many years to complete, are incompatible with development on the appeal site. In any event, they are not adopted policy and I agree with the Council that they have not reached the stage where any substantial weight can be attached to them.

Overall balancing and whether very special circumstances exist to justify building roads in the Green Belt

434. As occurs quite often in cases involving a variety of issues, not all the matters point in the same direction and it is necessary to carry out a balancing exercise. I therefore set out below my conclusions regarding individual considerations and where I consider the overall balance lies.
435. Looking first at the development plan, the proposal does not comply with the Local Plan in that it is outside the defined settlement limits in an area of countryside where Policy SP2 advises that development will be severely restricted. However, the significance of this is greatly reduced as the boundaries were drawn when no new housing allocations were needed, whereas the Council now accept that new housing sites, probably including greenfield sites, need to

- be found if the housing figures in RSS Policy L4 are to be achieved. Releasing the appeal site would help towards meeting that requirement.
436. In addition, the proposal would facilitate achievement of the M55 link road in accordance with the aims of Policy TR13 of the Local Plan and the provisions of the Local Transport Plan.
437. In general I consider that the proposal complies with most other relevant development plan policies. However, whilst that does not rule out the development it does not count strongly in its favour either.
438. The one exception relates to the Green Belt, which is dealt with in Policy SP3 of the Local Plan and Policy RDF4 of the RSS. The latter merely confirms that the general extent of the Green Belt will be maintained. However, the former generally follows the thrust of national advice in PPG2. It concludes that forms of development other than those that are specifically referred to (which are not relevant to this appeal) will not be permitted unless they maintain the openness of the Green Belt, do not conflict with the purposes of including land in it and do not injure the visual amenities of the Green Belt.
439. The main east-west road linking Queensway to the M55 link, which forms an essential part of the appeal scheme, would for most of its length run through the Green Belt. As set out in more detail earlier, I consider that this road would conflict with the purposes of including land in the Green Belt. The road and the traffic on it would also, in my judgement, injure the visual amenities of this part of the Green Belt. Unless the harm caused to the Green Belt, which by definition is substantial, and any other harm can be shown to be outweighed by other considerations the proposal would thus be contrary to Policy SP3 as well as PPG2.
440. Looking at what other harm, if any, might be caused, my conclusions are as follows. There is no reason why the proposal should have a serious effect on the character and appearance of the area over and above that which a large development on a greenfield site would inevitably have. In addition, there should be no material harm to the safety or convenience of highway users. (Indeed, there should be some benefits.)
441. The development would not be connected to the existing urban area as directly as might be desirable. However, I consider that this is not a sufficient reason to resist the proposal, though it may make it a less appropriate site to develop than its location next to one of the Borough's major settlements might suggest.
442. As for nature conservation, again I am satisfied that with appropriate mitigation there would be no adverse effect on the integrity of the nearby SPAs and that there is no reason to resist the development on these or other ecology grounds. That said, I do not share the appellants' view that the measures would constitute a material improvement.
443. The proposal would also result in more people living close to Blackpool Airport. However, the proximity is not such that any seriously harmful noise or other effects are likely to arise. Again any harm in this respect is modest.
444. Similarly although there would be some loss of agricultural land and soils this is inevitable with any greenfield development. As it seems to be accepted that such developments will be necessary to achieve the housing figures in the RSS and I have no firm evidence to suggest that the losses here would be unusually significant I again conclude that any harm in respect of this issue is modest.

445. Neither do I consider that there is any reason to resist the development on drainage/flooding ground or to expect the development, if properly carried out, to result in a material increase in flooding elsewhere. Nor do I see any real basis to expect the development to harm the town centre.
446. That leaves, principally, the prematurity objection. Despite the early stage that the Council's LDF remains at, I consider that allowing the appeal would be likely to reduce considerably the options for greenfield housing allocations. That said, I have seen no clear and compelling evidence that this would have any serious implications for the spatial strategy for the borough or prejudice any firm policy aim. Significantly, in my view, allowing the appeal need not prevent the Council allocating a substantial amount of brownfield land even if the RSS figure of 5500 new dwellings is not exceeded.
447. Moreover, the Council accept that the appeal site is a sustainable location for new greenfield housing development. Indeed, the overall thrust of their evidence suggests that, on the information presently available, it is likely that the LDF process would lead to some housing development being proposed on the appeal site. Certainly that would be consistent with the Council's conclusions when they were last faced with the need to identify additional housing land. Whilst there have been some changes since that question was last considered, when all these matters are taken into account I consider that any prejudice to the Council's consideration of LDF options is modest.
448. In short, despite the many and varied objections that have been put forward against the scheme, I am satisfied that none of these matters counts significantly against it. In my judgement, they do not, either individually or in combination, add materially to the harm to the Green Belt that needs to be overcome.
449. Turning to those benefits, there is currently a very significant shortfall in the housing land supply, which currently stands at only about 1.5 years. Despite the recent state of the housing market, I consider that if this situation is to be remedied more housing land needs to be identified quickly and cannot be left to emerge through the LDF process. Moreover, apart from the Hollywood Nurseries site, I am not aware of any others that are not already included in the housing land supply figures and which have reached a stage where they can confidently be relied on to deliver houses in the near future. Taking into account the advice in paragraph 71 of PPS3 I consider that this matter counts strongly in favour of the appeal proposal.
450. I have taken into account that many of the 1150 dwellings proposed would not be provided within the 5 year period which is most crucial to the housing supply. It could be argued that it would therefore make sense to allow, at the present time, development of only that part of the site that can be accessed off existing roads. This would address the housing supply situation as far as this site can, whilst allowing the merits of the rest of the site to be considered in the LDF. Moreover, such a scheme would not have to finance the M55 link and might thus be able to achieve a similar amount of affordable housing to the appeal one.
451. However, that is not the proposal before the Inquiry and no such arguments were in fact put forward other than QED's generalised concern that the M55 link is being prioritised at the expense of affordable housing, when it is only the latter that is referred to in the RSS. Moreover, it is not clear how a reduced scheme would affect other considerations (although highway conditions are likely to worsen) and it seems to me that a completely new ES would be required. All this

would inevitably result in considerable delay in addressing a pressing need for both housing land and affordable housing.

452. In any event, I am aware of no other firm proposal that is of the scale or has reached a stage where it could be relied on to deliver the M55 link or, indeed, make a substantial contribution to it, especially as without the appellants' cooperation land acquisition costs are likely to be greater. The M55 link road is a long-held aim of the Council and is a feature of both the Local Plan and the Local Transport Plan. It is supported by a number of local businesses and residents and despite the views of QED and some others I consider that the ability to deliver the funding needed for the link is a very weighty and unusual factor in favour of the appeal development.
453. I have also considered whether a development of the appeal site that avoided the need for roads (other than the M55 link) within the Green Belt could achieve similar benefits. However, it seems inevitable that a scheme with the east-west road realigned along the Green Belt boundary would require more open space to be provided within the housing area itself, to avoid the need for crossing the road. The Council's committee report [CD6] acknowledges the benefits of the proposed arrangement and their apparent suggestion in closing that this could be overcome by appropriate crossing points is, in my judgement, unrealistic. Moreover, the likelihood is that relocating the open space in this way would necessitate a substantial reduction in the number of dwellings that could be built, especially given my concerns regarding buildings of more than two-storeys.
454. No detailed assessment has been made of such a scheme, and I have taken into account the Council's view that it is for the appellants to demonstrate that it would not be viable. That said, the valuation surveyor appointed by the Council considers that even the appeal proposal is 'probably marginal' in terms of its viability, despite the proportion of affordable housing being only 10%. [FBC/GM/4] If that is the case it seems to me that it is sufficiently clear that a substantial reduction in the number of dwellings would make the development unviable and that a detailed assessment is unnecessary.
455. I therefore conclude as follows. The appeal development would contribute not less than 115 much needed affordable housing units and make a significant contribution towards meeting the severe shortfall in housing land supply. Whilst it may not be the only site that could theoretically achieve this there are no others that to my knowledge are at such an advanced stage that they can be relied on in the immediate future. In any event, even if the view were taken that other opportunities exist for addressing the housing land and affordable housing situation, there is no other development (or combination of developments) that I am aware of that could reasonably be expected to secure delivery of the M55 link road in the foreseeable future.
456. These matters are very weighty considerations in favour of the appeal development. In my judgement they are clearly sufficient to outweigh the harm, substantial though it is, of inappropriate development (ie the construction of the east-west link road and its branches) in the Green Belt, together with the limited additional harm that the development would cause (particularly in reducing options for the Council's LDF). Moreover, the funding of the M55 link is an unusual, if not unique, consideration. I conclude therefore that very special circumstances exist and that the appeal development could properly be allowed.

RECOMMENDATION

457. I recommend that the appeal be allowed and that permission be granted for the appeal development subject to the conditions set out in Annex 1.

P Grainger

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Ponter of Counsel

He called

Mr M D Evans BA(Hons) MRTPI	Assistant Director of Planning Services, Fylde BC
Mr N J Stevens BEng(Hons) MSc	Team Manager, Transport and Development, Lancashire County Council
Dr S Manchester BSc MSc DPhil	Ecologist, Lancashire County Council
Mr A G Massie BSc(Hons) MRICS IRRV MCI Arb	Partner, Keppie Massie, Chartered Surveyors and Property Consultants

FOR THE APPELLANT:

Mr R Lancaster of Counsel

He called

Mr A McAteer DipTP DMS MRTPI	Director & Head of Planning Department, Lambert Smith Hampton, Agents
Mr D Appleton NDH MA MLI	Director, The Appleton Group
Mr F Hesketh BSc(Hons) CMLI MICFor MIEEM	Partner, TEP (environmental consults)
Mr J A Easdon BSc CEng FICE MIHT JP	Director, Cole Easdon Consultants
Mr M Wells MICE	drainage advisor
Mr J W Pillinger BSc FRICS FCIOB MCI Arb	Regional Director, Faithful+Gould
Mr F D Graham BSc FRICS	of Butson Blofeld, Chartered Surveyors & Estate Agents
Mr P Jarman	bird control consultant
Mr D W Templeton B Arch MSc RIBA FIA	Director, BDP Acoustics

FOR QUEENSWAY ENVIRONMENTAL DEFENDERS (QED):

Mr F Moor & Mr A Fielding

They called

Mr A Fielding BA	Local resident & member of QED
Mr F Moor	retired, former Director of Tourism & Leisure, FBC
Mr P Simone	Chair of a Fylde coast ecological partnership
Mr A Sumner	Co-ordinator, St Annes Chamber of Trade & Commerce

INTERESTED PERSONS:

Speaking for the development

Mr M Goode	Director, Croft Goode Ltd
Mr P Edwards	Local businessman
Mr A Woodman	Local resident and businessman
Mr S Rhodes	Managing Director, Dreem Kitchens Ltd
Mr J Ardern	Local estate agent
Mr J Ashworth	Retired local housebuilder
Mr P Marquis	of a waste management company

Opposing the development

Cllr A Jacques	Borough councillor
Mr C Howard	Chartered surveyor and local resident
Ms J Lees	Local resident
Ms B Stanyard	Local resident
Ms P Stafford	Local resident
Ms C Marshall	Local resident
Mr P Bullock	Local resident
Mr W Whitehead	Local resident
Mr D Meldrum MAPHI MRSH MBIM(rtd)	Local resident
Mr E Cook	Local resident
Ms A Jack	of Defend Lytham
Ms S Cornah	(read statement of Mr D Woodhead)
Ms M Coupe	of Lytham St Annes Civic Society
Ms B Barton	Local resident
Mr A Ford	Local resident (also town & borough councillor)
Mr M Turner C Eng	Secretary, Fylde Liberal Democrats
Mr R Dagnall	Local resident
Ms C Lanyon	Local resident
Mr R Fielding	Town Councillor (member of its planning committee)
Cllr B Mackenzie	Town Councillor

PLANS

- A Location Plan (LP/1)
- B Proposed roundabout junction on Queensway (2400/205) – replaced by Rev D in KPT4D
- C (1) Various illustrative master plans, apparently submitted with the application but all eventually superseded by Plan D
- D Illustrative master plan as considered at the Inquiry (7230:00:02C) [to be read in conjunction with Plan E]
- E Illustrative Landscape and Visual Strategy (DJS 1629/01 Rev E) found in KPT2C (4)
- F Illustrative streetscenes
- G Illustrative views

Other plans can be found in the various appendices and other documents

DOCUMENTS

The Kensington PT Partnership

KPT1a	Proof of Mr A McAteer (General Planning)
KPT1b	Summary of Proof of Mr McAteer
KPT1c	Appendices to Proof of Mr McAteer
KPT2a	Proof of Mr D Appleton (Landscape)
KPT2b	Summary of Proof of Mr Appleton
KPT2c	Appendices to Proof of Mr Appleton
KPT2d	Rebuttal proof of Mr Appleton (regarding soils)
KPT3a	Proof of Mr F Hesketh (Ecology)
KPT3b	Summary of Proof of Mr Hesketh
KPT3c	Appendices to proof of Mr Hesketh
KPT4a	Proof of Mr J A Easdon (Highways)
KPT4b	no document
KPT4c	Appendices 1, 2 & 3 to Mr Easdon's Proof
KPT4d	Transport Assessment Addendum Report (Issue 2)
KPT4e	Appendix 4 to Mr Easdon's Proof
KPT5a	Proof (including summary) of Mr M Wells (Drainage)
KPT6a	Proof of Mr J W Pillinger
KPT6b	no document
KPT6c	Appendices to Mr Pillinger's Proof
KPT7a	Proof of Mr F D Graham (Valuation) – with appendices
KPT7b	no document
KPT7c	Cypress Point comparables
KPT7d	Lytham Quay comparables
KPT8a	Proof of Mr P Jarman (Airport bird risk matters)
KPT9	Proof of Mr D W Templeton (Noise)

Fylde Borough Council (FBC)

FBC1/1	Proof of Mr M D Evans
FBC1/2	Appendices to Mr Evans' proof
FBC1/3	Summary of Mr Evans' proof
FBC2/1	'Proof' of Dr S Manchester
FBC2/2	Appendices to Dr Manchester's Proof
FBC3/1	Proof of Mr N J Stevens
FBC3/2	Appendices to Mr Stevens' Proof
FBC3/3	Summary of Mr Stevens' Proof
FBC/GM/1	Expert Report of Mr A G Massie
FBC/GM/2	Appendices to Mr Massie's Expert Report
FBC/GM/3	Summary of Mr Massie's Expert Report
FBC/GM/4	Mr Massie's further report (submitted at the Inquiry)

Queensway Environmental Defenders (QED)

QED AF01	Adrian Fielding – Proof re General Planning matters
QED AF02	Adrian Fielding – Proof re Blackpool Airport
QED AF03	Adrian Fielding – Summary re General Planning matters
QED AF04	Adrian Fielding – Summary re Blackpool Airport
QED COT01	Proof of Arnold Sumner (Impact on St Annes Town Centre)
QED FM01	Fred Moor – Proof re 'Other' Planning Policies
QED FM02	Fred Moor – Summary re 'Other' Planning Policies

QED FM03	Fred Moor – Proof re Soils and Agricultural Land
QED FM04	Fred Moor – Summary re Soils and Agricultural Land
QED FM05	Fred Moor – Proof re Transport
QED FM06	Fred Moor – Summary re Transport
QED FM07	Supporting Information to Mr Moor's Proofs
QED PS01	Mr P Simone – Proof (Ecology and EIA)
QED PS02	Mr P Simone – Summary (Ecology and EIA)

Core Documents

Documents relating to the application

CD1	The planning application
CD2	Environmental Assessment (May 2008)
CD3	Traffic Assessment (May 2008)
CD4	Environmental Assessment (September 2009)
CD5	Traffic Assessment (September 2009)
CD6	Fylde BC Development Control Committee Agenda, 17 August 2009

Local Policy

CD7	Fylde Borough Local Plan, as altered October 2005
CD8	Regional Spatial Strategy for the North West of England to 2021
CD9	Fylde Sustainable Communities Strategy 2008-2018
CD10	Fylde Borough Council Interim Housing Policy

National Planning Policy and related documents

CD11	PPS1: Delivering Sustainable Development
CD12	Accompanying Guidance to PPS1- The Planning System: General Principles
CD13	PPG2: Green Belts
CD14	PPS3: Housing
CD15	PPS9: Biodiversity and Geological Conservation
CD16	PPS25: Development and Flood Risk
CD17	PPG13: Transport
CD18	PPG17: Planning for Open Space, Sport and Recreation
CD19	PPG24: Planning and Noise
CD20	By Design – Urban Design in the Planning System
CD21	Better Places to Live by Design – companion guide to PPS3
CD22	ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System
CD23	Town and Country Planning (Green Belt) Direction 2005

Technical documents

CD24	Fylde Borough Council: Housing Land Availability Schedule (31/03/09)
CD25	Strategic Housing Market Assessment for the Blackpool, Fylde and Wyre Boroughs housing market area
CD26	FBC Housing Needs and Demand Study (Fordham Research)
CD27	FBC Strategic Flood Risk Assessment
CD28	Planning Obligations in Lancashire Policy (Lancashire County Council – adopted November 2006; updated September 2008)

Ecology

CD29	Lancashire County Council Biological Heritage Sites Database
CD30	(as CD22)
CD31	Biological Heritage Sites: Guidelines for Site Selection

- CD32 Ribble Estuary SPA/Ramsar designation and associated Natural England guidance
- CD33 Natural Environment and Rural Communities Act 2006
- CD34 Ramsar Convention
- CD35 The Conservation (Natural Habitats &c) Regulations 1994
- CD36 Wildlife & Countryside Act 1981
- CD37 EC Directive on Conservation of Wild Birds (79/409/EEC)
- CD38 DEFRA Guidance on the Improved Local Biodiversity Indicator

Highways

- CD39 Manual for Streets
- CD40 Lancashire Local Transport Plan 2006/7 – 2010/11
- CD41 Design Manual for Roads and Bridges, Department for Transport (DfT)
- CD42 Guidance on Transport Assessment, DfT, March 07)

QED documents

- CD43 Thematic Strategy for Soil Protection (EEC)
- CD44 Environmental Assessment Directive (85/337/EEC)
- CD45 PPS7: Sustainable Development in Rural Areas
- CD46 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- CD47 Circular 02/99: Environmental impact assessment
- CD48 The Town and Country Planning (General Development Procedure) Order 1995
- CD49 Soil Survey of England and Wales – Southport map
- CD50 Extract from Evening Gazette, 2 December 1994
- CD51 The First Soil Action Plan for England: 2004-2006 (DEFRA)
- CD52 Soils Site Report, land off Queensway, St Annes (National Soil Resources Institute)
- CD53 Consultation on the draft Soil Strategy for England (DEFRA)
- CD54 Safeguarding our Soils – A Strategy for England (DEFRA)
- CD55 Agricultural Land Classification – Technical Report 11 (MAFF, 1966)
- CD56 Agricultural Land Classification – Technical Report 11/1 (MAFF, 1976)
- CD57 Revised guidelines and criteria for grading the quality of agricultural land (MAFF, 1988)
- CD58 Agricultural Land Classification – NW Strategic Overview map from Co-ordinated Actions for Rural Lancashire report
- CD59 Agricultural Land Classification map of Queensway area, MAFF 1997
- CD60 Plan showing sampling points used to produce CD59
- CD61 Report accompanying CD59 & CD60
- CD62 Agricultural Land Classification map of Queensway area, 1981
- CD63 Note accompanying CD62
- CD64 Map combining the results of the 1997 and 1981 surveys
- CD65 DEFRA news release, 6 January 2009
- CD66 Letter dated 22 October 2009 from GONW to QED
- CD67 Letter dated 30 September 2009 from the appellants to the LPA
- CD68 Inspector's Report on the Fylde Borough Local Plan Alterations Review, and committee report regarding this
- CD69 Details of planning application 08/0825
- CD70 Details of planning application 08/0667
- CD71 Lancashire County Council's Statement on Transportation, made to the Local Plan Inquiry 1992
- CD72 PPS 12, Local Spatial Planning

- CD73 The M55 Hub – A Prospectus for Development,
Blackpool Council & Fylde Borough Council
- CD74 Report (15 July 2009) to Fylde Cabinet regarding the M55 Hub
- CD75 Minutes of the 15 July 2009 Cabinet meeting
- CD76 Minutes of meeting between NE, RSPB, TEP & ERAP (9 July 2009)
- CD77 Planning Officers Society – Practice Guidance Note 6 –
Environmental Impact Assessment: Screening & Scoping Opinions
- CD78 Report to Blackpool Council Executive re Marton Moss & the M55 Hub
- CD79 Minutes relating to CD78
- CD80 World Health Organization Guidelines for Community Noise
- CD81 Attitudes to Noise from Aviation Sources in England
study commissioned by DfT
- CD82 ODPM Circular 01/2003: The Town and Country Planning (Safeguarded
Aerodromes, Technical Sites and Military Explosives Storage Areas)
Direction 2002
- CD83 Article from Lancet (June 2005) re Aircraft and road traffic noise and
children's cognition and health
- CD84 Extract from Environmental Health Perspectives, March 2008
re Hypertension and Exposure to Noise Near Airports
- CD85 Draft Blackpool Airport Noise Action Plan, August 2009
- CD86 Safeguarding of Aerodromes, Advice Note 3
- CD87 Safeguarding of Aerodromes, Advice Note 6
- CD88 SI 2004 No, 1633 - The Environmental Assessment of Plans and
Programmes Regulations
- CD89 PPG14: Development on Unstable Land
- CD90 OPDM - A Practical Guide to the Strategic Environmental Assessment
Directive

Affordable housing appraisal

- CD91 Investment and planning obligations – responding to the downturn,
Good Practice Note produced by the Homes and Communities Agency
- CD92 Appeal decision (APP/R3650/A/08/2063055) - Godalming
- CD93 Appeal decision (APP/E2001/V/08/1203215) - Beverley
- CD94 Appeal decision (APP/P1615/A/08/2082407) - Lydney

Inquiry Documents

- IN1 Statement of Common Ground (general)
- IN2 Statement of Common Ground – Highways and Transport
- IN3 Letters of notification and circulation list
- IN4 The Council's opening submissions
- IN5 QED's opening submissions
- IN6 Bundle of documents containing the statements read out by local
residents and others together with supporting documents
- IN7 Correspondence from local residents received during the Inquiry
- IN8 Agreed statement of facts regarding viability matters,
submitted by the appellants
- IN9 List of questions QED wished to put to the Council's witnesses
- IN10 Mr Evans' written responses to QED's questions
- IN11 Mr Stevens' written responses to QED's questions
- IN12 Letter dated 23/11/09 from NE (supplied by the appellants)
- IN13 Appeal decision (APP/B2355/C/07/2036423) regarding 'road' in the
Green Belt, submitted by the Council

IN14	List linking Core Documents to references in QED's proofs, supplied by QED
IN15	Correspondence with QED and related documents
IN16	Supplementary Statement of Common Ground on Highways and Transport matters
IN17	FBC Council Meeting Agenda 13/07/09 – p21 submitted by QED; full document supplied by the Council
IN18	FBC's assessment of compliance with Development Plan Policies
IN19	QED's assessment of compliance with Development Plan Policies
IN20	Statement of Common Ground regarding Ecology matters (signed by NE and the RSPB as well as the appellants and LCC)
IN21	Letter (27/11/09) from Blackpool Airport withdrawing their objection
IN22	Environmental Statement errata sheet, submitted by the appellants
IN23	The County Council's response to Inspector's request for additional information regarding bus service and the proposed subsidy
IN24	Information regarding location of retail sites referred to in Mr Sumner's Proof, supplied by QED
IN25	Bird Hazard Assessment and Control Plan, submitted by the appellants
IN26	Assessment of accident records for Queensway and Wild Lane, submitted by the appellants (& understood to be agreed by LCC) at the Inspector's request
IN27	Directive 97/11/EC, submitted by QED
IN28	Additional Information on Drainage matters, submitted by the appellants in response to Inspector's request
IN29	Development brief relating to that part of the site formerly proposed as a housing allocation, supplied by the appellants
IN30	Conditions suggested by the Council
IN31	Unilateral Undertaking supplied by the appellants
IN32	QED's closing submissions
IN33	The Council's closing submissions
IN34	The appellants' closing submissions (with attachment)

ANNEX 1

- list of suggested conditions in the event of permission being granted

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
3. Except as provided for by other conditions the development hereby permitted shall be carried out in substantial accordance with the layout shown on Illustrative Master Plan drawing 7230:00:02C as modified by the Illustrative Landscape and Visual Strategy drawing DJS 1629/01 Rev E.
4. Notwithstanding what is shown on the plans accompanying the application and appeal, no permission is granted for the construction of the M55 – Heyhouses link road or the line of residential development east of the line of bridleway BW15.
5. The details submitted in accordance with condition 1 above shall include details of existing and proposed levels across the site and finished ground floor levels of all buildings. The development shall be carried out in accordance with the approved details.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), details of the location, type and height of any gates, walls and fences to be provided shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in and retained in accordance with the approved details.
7. No removal, relaying or other works to existing hedgerows shall be carried out between March and July inclusive.
8. Prior to the commencement of development, fully detailed habitat creation and management plans including details of mitigation and compensation measures and monitoring regimes (as outlined in the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
9. Prior to the commencement of any development or site clearance works a construction methodology, including a timetable of works, and identifying measures to minimise disturbance to features of biodiversity value shall be submitted to and approved in writing by the local planning authority. All construction works shall be carried out in accordance with the approved scheme.
10. Prior to the commencement of development or site clearance works a further water vole survey shall be carried out in accordance with a methodology that has been approved in writing by the local planning authority. If water voles are found to be present on the site, details of appropriate measures for mitigation and compensation, including appropriate timetables for implementation, shall

be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable.

11. The development hereby permitted shall be drained on a separate system, with only foul drainage connected into the existing public sewer.
12. No development hereby permitted shall be commenced until a surface water drainage strategy for the development has been submitted to and approved in writing by the local planning authority. The strategy shall include: measures to attenuate surface water discharges to existing 'greenfield rates' by means of a Sustainable Urban Drainage System (SUDS); a timetable for implementation of the SUDS and any other proposed drainage measures; and details of how these are to be maintained. The strategy shall be implemented and commissioned in accordance with the approved details (including the timetable) and shall thereafter be retained in the approved form.
13. Prior to the commencement of development, details of the piling of the proposed pipe work and measures to be incorporated to prevent the drying out of the underlying peat shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No development hereby permitted shall commence until a scheme for the implementation of all site access measures and off-site highway works / improvements have been submitted to and approved in writing by the local planning authority. The measures, works and improvements shall include the following: details of the Queensway Roundabout junction (including pedestrian, cycling and equestrian provision); all other pedestrian, cycling and equestrian provision on the B5261; the proposed east-west access road (formerly known as TR5) and its junctions; details of the proposed M55 link road with supporting pedestrian, cycling and equestrian infrastructure; signalisation measures at the St Annes Road East / St Davids Road North and St Annes Road East / Church Road junctions; and improvements to the St Annes Road East / Heyhouses Lane junction.
15. No development shall commence until a site preparation and construction phasing/timing plan has been submitted by the developer and approved in writing by the local planning authority.
16. Before the development hereby permitted commences a movement strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include details of the road hierarchy within the site, emergency access (and its management/enforcement), and the footway, cycleway and bridleway networks together with their linkages to the existing networks. The development thereafter shall be carried out in accordance with the approved strategy.
17. No other development hereby permitted, or any site preparation, shall commence until the new Queensway Roundabout junction (including all pedestrian, cycling and equestrian provision), all other pedestrian cycling and equestrian provision on the B5261, the western section of the east-west access road (formerly known as TR5) up to and including the second (development) access and the bridleway to the south of the access road together with all supporting infrastructure required to link into existing routes at either end have been completed in accordance with the approved scheme.

18. No more than 375 dwellings shall be occupied on the site until improvement schemes/works at the signalised junctions of St Annes Road East / St Davids Road North and St Annes Road East / Church Road and the priority junction of St Annes Road East / Heyhouses Lane have been completed and made operational in accordance with the approved schemes.
19. No more than 375 dwellings shall be occupied on the site until the east-west road including bridleway (formerly known as T5) and the section of the M55 link road (formerly known as T6) from, and including, the Moss Sluice Roundabout to the modified Cropper Road/Lytham St. Annes Way Roundabout is completed and open to traffic in accordance with details that have been approved in writing by the local planning authority.
20. Prior to any dwelling hereby permitted being occupied, a Travel Plan shall be submitted for the written approval of the local planning authority. The Plan shall include objectives and targets and shall make provision for monitoring as well as promotion, marketing, and provision of a travel coordinator for at least an initial 5 year period. The approved Travel Plan shall be implemented, audited and updated at intervals as approved.
21. No dwelling hereby permitted shall be occupied until vehicular and other access has been provided to it in accordance with the approved details.
22. No site clearance or demolition shall commence until a site preparation plan has been submitted to and approved in writing by the local planning authority. The site preparation plan shall include method and details of clearance, vehicle routing to the site, wheel cleaning and any proposed temporary traffic management measures. The site preparation plan shall be implemented as approved and adhered to throughout site preparation.
23. No construction works shall commence on the site until a construction plan has been submitted to and approved in writing by the local planning authority. The construction plan shall include vehicle routing to the site; parking for construction vehicles; any temporary traffic management measures; and times of access. The construction plan shall be implemented as approved and adhered to throughout construction of the development.
24. All street lighting within the development shall be in accordance with details, including details of post heights, design, construction, lighting head form and light emissions, that have been approved in writing by the local planning authority.
25. Details of any cranes to be operated on the site during construction works, including their height and area of operation, shall be submitted for the written approval of the local planning authority at least 28 days prior to any crane being brought onto the site. All crane operations shall be carried out in accordance with the approved details.
26. All areas of public open space indicated on the approved drawings shall not be used for any other purpose.
27. Prior to the commencement of development, details of a scheme of on-site renewable energy production, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
28. Prior to the commencement of development or site clearance works, details of measures to prevent air pollution or pollution of local ground and surface water

during construction shall be submitted to and approved in writing by the local planning authority. All construction works shall be carried out in accordance with the approved details.

29. Prior to the commencement of development, details of a scheme setting out the use of secondary and recycled aggregates shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.