

PUBLIC INQUIRY IN RELATION TO PLANNING APPLICATION (ref 1/05/1584) FOR CONSTRUCTION OF NEW HIGHWAY (COMPLETION OF HEYSHAM TO M6 LINK) AND IMPROVEMENTS TO EXISTING HIGHWAYS.

LAND TO THE NORTH OF LANCASTER BEGINNING AT THE END OF THE A683 HEYSHAM TO M6 LINK PHASE 1 AND RUNNING IN AN EASTERLY DIRECTION TO CONNECT WITH THE M6 AT JUNCTION 34 OF THE M6.

PLANNING INSPECTORATE REFERENCE APP/Q2371/V/07/1200928 AND APP/Q2371/V/07/1200929

STATEMENT OF CASE OF LANCASHIRE COUNTY COUNCIL

APRIL 2007

Public Local Inquiry resulting from a Call - In Direction by the Secretary of State for Local Government and Communities on a planning application for the completion of the Heysham to M6 Link Road, Lancaster, Lancashire

The following is the statement of case which Lancashire County Council proposes to put forward at the Public Local Inquiry

A copy of this statement, any document referred to in it and any document sent to the County Council under Rule 6 of the Town and Country Planning (Inquiries Procedure) Rules 2000 can, on request be inspected and, where practicable, copies at the offices of Lancashire County Council Environment Directorate, Winckley House, Cross Street, Preston during normal office hours

1 Description and Location of the Proposed Development

- 1.1 This statement sets out the case that Lancashire County Council intends to present at a public local inquiry into a planning application for the construction of a new highway for the completion of the Heysham to M6 Link on land to the north of Lancaster, Lancashire.
- 1.2 The planning application (ref 1/05/1584) was registered on 19th December 2005. The application provides for the construction of a new dual carriageway road, 4.8 km in length, starting at junction 34 of the M6 motorway and ending at the eastern end of the phase 1 Heysham to M6 link at the A683 / A589 Morecambe Road roundabout. The new road would include a combined footway / cycleway alongside the westbound carriageway.
- 1.3 The new road would provide for a remodelling of junction 34 of the M6 and for the creation of a new bridge across the River Lune adjacent to the existing M6 bridge. The main part of the highway would commence from a new roundabout to be created on land to the north of the River Lune and would then run westwards firstly in deep cutting and then on embankment and then shallow cutting to cross the existing A6 Lancaster to Carnforth road to which a link would be made via a new roundabout. The road would then run mainly on embankment towards Torrisholme via crossings over the canal, the west coast main railway line and Torrisholme Road. The road would then progressively fall to join with the existing A683 / A589 roundabout which would be remodelled to a fully signalised junction. Some improvements would also be undertaken to the A683 Northgate at the eastern end of phase 1 of the Heysham to M6 link.
- 1.4 The proposed development is located on land to the north and north west of Lancaster. A plan showing the alignment of the proposed development is enclosed with this statement and is described in detail in the Planning Application and Environmental Statement.

2. The Relevant Policy Context

- 2.1 The Development Plan for this area comprises of the following documents:-
 - The Regional Spatial Strategy (published March 2003)
 - The Joint Lancashire Structure Plan
 - The Lancaster City Local Plan

3. The Decision

3.1 The application was reported to the County Council's Development Control Committee on 1st November 2006. The report to the Committee included a summary of the responses from all statutory and non statutory consultees and details of the representations that had been received. It was also reported that the Secretary of State had served a Direction on the County Council not to grant planning permission for the development until such time as the County Council has provided opportunity for the Secretary of State to decide whether or not to call - in the application for determination.

3.2 The County Council's Development Control Committee was minded to grant planning permission subject to the completion of a unilateral undertaking regarding ecological mitigation and a number of planning conditions.

3.3 The application was referred to the Secretary of State on 3rd November 2006. By way of letter dated 8th February 2007, the Secretary of State served Direction on the County Council to refer the application to her for determination.

4.0 The County Council's response on the matters on which the Secretary of State wishes to be informed

4.1 The Secretary of State has set out the matters on which she wishes to be informed in the letter from Government Office North West dated 8th February 2007. The County Council will address each of these issues in the following way

- a) Whether the proposed development accords with the development plan for the area (in this instance the emerging draft replacement RSS for the North West, the Joint Lancashire Structure Plan and the Lancaster Local Plan) having regard to the provisions of the Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The County Council will refer to policies DP1, DP3, SD3, SD9, EC6, ER2, ER5, T1, T3, and T10 of the Regional Spatial Strategy, (Jonathan - These are not the policies referred to in the Committee Report) Policies 1, 2, 7, 8, 20, 21, 22 and 24 of the Joint Lancashire Structure Plan and policies T1, T8, T24, T27, E29, R1, S14, E2, E4, E7, E11, E12 AND E17 of the Lancaster City Local Plan.

The County Council will demonstrate that the development would provide improved links to the strategic road network, is of regional significance and is supported by, and is fully consistent with the policies of the development plan. The County Council will present evidence to demonstrate that whilst the road is a

long standing objective of the County Council, the need for the road has been tested through the recent development plan process and the road remains a commitment in the adopted development plan for the area.

The Examination in Public on the Replacement Regional Spatial Strategy was completed in January 2007 and the Report of the Panel is expected in May 2007. The County Council will present evidence to demonstrate that the development is entirely consistent with the policies contained in the emerging Regional Spatial Strategy.

- b) Whether the road alignment as proposed, is, in principle, the most appropriate and sustainable route.

The County Council will present evidence to demonstrate that the proposed alignment is the most appropriate and sustainable route.

The County Council will explain the history of the development of the scheme and the conclusions of the environmental impact studies that have been undertaken into the various options that exist for the completion of the Heysham to M6 link. Reference will be made to the Inspectors conclusions following the Examination in Public of the Deposit version of the Lancashire Structure Plan 1991 – 2006 and the Public Inquiry into the Deposit version of the Lancaster City Local Plan at which the environmental merits of the various options were discussed.

The County Council will use this information as part of the means to demonstrate that the proposed route of the road is the only acceptable means to secure the needed economic and environmental benefits derived from it. At the same time the proposed route minimises disturbance to the landscape and protected ecological interests.

Other information relied upon to demonstrate that the route chosen is the most appropriate and sustainable is within the Environmental Statement and under all the other matters upon which the Secretary of State wishes to be advised.

- c) The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1 : Delivering Sustainable Development and its emphasis on the importance of sustainable development as the core principle underpinning the planning system. In particular, the requirement to reduce the need to travel and encourage accessible public transport provision, to secure more sustainable patterns of transport development, should be considered, together with the Government's commitment to promote a strong, stable and

productive economy that aims to bring jobs and prosperity for all.

The County Council will demonstrate that the proposed development is consistent with the principles of sustainable development having regard to the Government's stated aims for sustainable development which include the need to protect the environment, make prudent use of natural resources and to maintain high levels of economic growth and employment

Specifically the County Council will demonstrate the effects of the development in relation to:-

- climate change issues through reduction in congestion and allowing the implementation of traffic reduction and public transport initiatives, and the impacts in terms of noise and light pollution. It will also be demonstrated that the route of the proposed development is the most acceptable having regard to the protection of the countryside, wildlife habitats and the need to improve the built environment.
- The fact that the shorter length of the northern route allows the proposed development to be constructed using less natural resources than would be required for the other link road options.
- The fact that the development would bring about a more productive and stable economy by leading to a reduction in journey times between Morecambe / Heysham and the motorway network therefore making these areas more attractive for inward investment thereby generating employment and improving the economy in these areas. The improvement in transport links would lead to an increase in the utilisation of vacant and derelict land and would also assist in sustaining the regeneration of Morecambe town centre.

The County Council will also demonstrate that the proposed development would release road space which can be used to implement a variety of traffic reduction and public transport initiatives aimed at bringing about modal shift such as park and ride and improved bus services that would be difficult to achieve without the proposed development. The development would therefore allow a move towards more sustainable patterns of transport particularly in terms of commuter traffic into Lancaster City Centre.

d) Whether the development proposed accords with the provisions of Planning Policy Guidance Note 2 Green Belts and in

particular whether very special circumstances can be demonstrated to justify planning permission being granted.

Most of the route of the proposed development is located within the Green Belt as shown in the Lancaster City Local Plan. The County Council acknowledges that highway construction proposals are normally considered to be inappropriate development within the Green Belt but are of the view that very special circumstances can be demonstrated to justify the location of the development within the Green Belt. The County Council will demonstrate that very special circumstances exist having regard to the existing traffic problems, the need for the link road and the environmental impacts of the other possible routes to the west of Lancaster and with regard to the extent of the Green Belt to the north of Lancaster. The County Council will demonstrate that the economic regeneration effects that would arise from the construction of the road also amount to very special circumstances to justify the proposed development within the Green Belt.

Many objectors consider that the proposed development would encourage development within the Green Belt. The County Council will present evidence to demonstrate that the present Green Belt boundaries will remain and that the existing constraints on development within the Green Belt would continue to apply following construction of the road so that there is no need for the objectors to be concerned..

- e) Whether the development proposed accords with Planning Policy Guidance Statement 7 : Sustainable Development in Rural Areas particularly in respect of the need to protect the character of the countryside and the diversity of its landscape.

With the exception of on line improvements, the completion of the Heysham to M6 link, by any route, will have an impact on the landscape. However, the proposed route does not affect any landscapes covered by national designations. The County Council will demonstrate that the landscape impacts of the proposed development have been minimised so far as possible by careful choice of route and detailed mitigation measures having regard to the design constraints that exist along the route of the proposed development. The County Council is of the view that any unresolved landscape impacts can be adequately addressed by planning conditions. .

- f) The extent to which the proposed development would be consistent with Government policies in Planning Policy Statement 9 : Biodiversity and Geological Conservation, with particular regard to its aims of conserving biological and geological diversity and natural habitats.

The proposed development does not affect any areas covered by European or UK nature conservation designations. The only designations that are affected are 4 areas of local interest that are designated as Biological Heritage Sites. However, neither Natural England or the Environment Agency have raised objection to the impact of the development on these areas.

The route of the proposed development has been subject to Environmental Impact Assessment including ecological surveys to identify the presence of European protected species and other ecological interests. The only species benefiting from European level protection that have been identified are bats and the route of the proposed development has been aligned so as to prevent any direct impacts on bats. Mitigation measures are proposed to replace any foraging habitats. Some other areas of ecological interest, most notably for fungi, would be directly affected by the proposed development. However, specific mitigation measures have been proposed for these areas which are the subject of planning conditions and obligations to ensure that the ecological impact of the scheme is minimised to an acceptable level.

The proposed route has no effect on geological diversity.

- g) The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 13 :Transport, in particular on the need to promote more sustainable transport choices and reduce the need to travel especially by car.

Although this development has evolved over a lengthy timescale, it has been re evaluated through the development plan process to ensure that it is consistent with current Government Transportation policy.

The County Council will demonstrate that the development would bring about relief to congestion in Lancaster and that it presents opportunities that would not otherwise arise to develop public transport improvements and other transport initiatives such as park and ride to promote modal shift.

The County Council will also demonstrate that the development would result in reduced journey times to the port of Heysham and would also increase the reliability of journey times for all road users.

The shorter route length of the proposed route allows construction with less natural resources than any of the alternatives.

- h) How the proposed development relates to Government Policy advice on open space, sport and recreation as set out in PPG17 (Planning for Sport and Recreation) and in particular how it accords with the PPG's requirement for local authorities to avoid any erosion of recreational function and maintain and enhance the character of open spaces.

The proposed development affects an area of land used by Lancaster and Morecambe College as playing fields. An area of car parking together with some under-utilised land would also be affected. The proposed development includes proposals for reorientation and improvement of the playing pitches belonging to the College. As a result there will be sufficient compensatory works to ensure that there is no loss of formal playing pitches .

The County Council will demonstrate that the development includes sufficient mitigation measures to ensure that there would be no loss of usable playing pitch provision at the College in accordance with the guidance in PPG 17 and the policies of the development plan and that the existing open nature of the playing fields would not be compromised to an unacceptable degree. Sport England did not raise objection to the proposed development.

- i) Whether any permission which may be granted should be subject to any conditions and if so what form they should take.

A list of the conditions approved by the County Council's Development Control Committee is attached as an appendix to this Statement of Case. The County Council will demonstrate that these planning conditions conform with the tests set out in DoE Circular 11/95 and that they are capable of controlling the environmental impacts arising from the construction and operation of the development. The County Council will also refer to a unilateral undertaking entered into by the applicant under section 106 of the Town and Country Planning Act 1990 in order to mitigate the impacts of the development on ecology and the landscape.

- j) Any other relevant matters.

The County Council will present evidence on a number of other matters relevant to the consideration of this proposal which are as follows:-

- a) Evidence will be presented to demonstrate that the new road would not give rise to unacceptable levels of noise disturbance and that any noise impacts are capable of being

reduced using mitigation measures which can be the subject of planning conditions. Evidence will also be presented to demonstrate the decreases in road noise that would result on other routes which will have a reduction in traffic volumes following construction of the road.

- b) Evidence will be presented to demonstrate that the new road would not give rise to unacceptable air quality at residential properties or other sensitive locations and to demonstrate the improvement in air quality along the other roads that would experience a reduction in traffic volumes following construction of the proposed development.
- c) Evidence will be presented to demonstrate that the development would not have any unacceptable impacts on water courses including flooding on the River Lune and any other water quality or ecological issues on other water courses that are affected by the proposed development.
- d) Evidence will be presented to demonstrate that the impacts of the proposed development on any individual properties or locations are acceptable or can be made so through the imposition of planning conditions.

Documents

Reference will be made to the documents contained in the attached list. It may be necessary to include further documents, which may be referred to during the preparation of evidence as part of the Inquiry proceedings.