

LANCASHIRE COUNTY COUNCIL

**CALLED IN PLANNING APPLICATION FOR
PROPOSED HEYSHAM TO M6 LINK ROAD**

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/N/07/1200928 and
APP/Q2371/N/07/1200929

LPA reference:
01/05/1584

**PROOF OF EVIDENCE
OF**

JONATHAN HAINE

Deputy Group Head (Development Control)

on

Planning Policy and Development Control Issues

June 2007

PERSONAL DETAILS

Jonathan Michael Haine will say:-

I am Jonathan Michael Haine. I hold the position of Deputy Group Head in the Development Control Group in the Environment Directorate of Lancashire County Council.

I hold a BA(Hons) in Town and Country Planning and a BTP in Town Planning. Since graduating in 1992 I have held posts with Shropshire County Council and Lancashire County Council where I have undertaken development control duties relating to major development proposals, mainly in relation to minerals and waste development but also in relation to the County Council's own development proposals including new highway developments. I am therefore familiar with the planning policy issues and environmental impacts that are generated by major development proposals such as the construction of new highways.

I am a corporate member of the Royal Town Planning Institute.

1. Background Information and Scope and Structure of Evidence
 - 1.1 This evidence concerns a planning application submitted by Lancashire County Council for the construction of a new highway to complete the Heysham to M6 link.
 - 1.2 The application provides for the construction of a new dual carriageway road, 4.8 km in length running between the eastern end of phase 1 of the Heysham to M6 link and junction 34 of the M6 motorway. The development includes the construction of an improved road layout at junction 34 of the M6, a new bridge over the River Lune, a roundabout at the intersection with the A6 and the construction of a new signalised junction at the intersection with the A683 / A589. The development also incorporates measures to mitigate the environmental impacts of the highway such as mounding, landscaping and noise attenuation
 - 1.3 The planning application (reference 1/05/1584) which is the subject of this public inquiry was submitted on 19th December 2005 under Regulation 3 of the Town and Country Planning (General Regulations) 1992. Consequently the County Council was the determining authority.
 - 1.4 The development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The planning application was accompanied by an Environmental Statement. The submitted Environmental Statement examined the impact of the development on ecology, landscape, noise and vibration, air quality, water resources, cultural heritage, agricultural land, impacts on local residents and implications for public and private transport.
 - 1.5 Additional environmental information and amended application details were submitted on 27th June 2006 and 12th September 2006 and are contained in the documents entitled 'Response to objections and comments' (CD LCC17) and 'Revised Planning Application Report' (CD LCC21).
 - 1.6 On 8th March 2006 the County Council received a letter from Government Office North West, directing the County Council not to grant planning permission for the development until such time as the Secretary of State had decided whether or not to call in the application for determination.
 - 1.7 The planning application was reported to the County Council's Development Control Committee on 1st November 2006. The report included a description of the site and the development, a summary of the responses received from statutory and other consultees, details of representations and a full consideration of all planning issues raised by the development. The recommendation to the

Committee included the need for the applicant to enter into a planning obligation for the management of all landscaping and ecological mitigation for a period of 20 years, and a number of planning conditions to address and mitigate the environmental impacts of the development. The report to the Development Control Committee is Core Document LCC27.

- 1.8 The Committee resolved to grant planning permission for the proposed development subject to the application not being called in by the the Secretary of State, to the applicant entering into a unilateral undertaking regarding management of landscaping and ecological mitigation and also a number of planning conditions. A copy of the minute to the meeting is included in Core Document LCC 45.
- 1.9 The planning application was referred to the Secretary of State on 3rd November 2006. By way of letter dated 8th February 2007 Government Office North West that the planning application was one that should be determined by the Secretary of State following public inquiry.
- 1.10 In her letter of 8th February 2007, the Secretary of State set out the issues on which she wishes to be informed for the purposes of her consideration of the application. These are:-
 - 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.
 - b) Whether the road alignment as proposed, is, in principle, the most appropriate and sustainable route.
 - 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.
 - 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.

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

1.11 My evidence is concerned primarily with planning policy and development control issues and therefore concentrates on issues a), d) and i) of the Secretary of State's letter. In relation to the other issues listed in the letter from the Secretary of State, the evidence will be presented by others.

1.12 Accordingly, to address these issues, my evidence will:-

- Describe how the development has evolved through the Development Plan process and conforms with the adopted and emerging strategic development plan policies for the area as set out in the Regional Spatial Strategy for the North West, the Joint Lancashire Structure Plan and the emerging Regional Spatial Strategy for the North West.
- Describe the relationship of the development proposal to Government policy on Green Belts set out in PPG2 including setting out the very special circumstances that exist in this case to justify inappropriate development within the Green Belt.

- Set out the planning conditions and obligations that are proposed to be attached to any planning permission and demonstrate that they comply with the tests in Circular 11/95 and are capable of controlling and mitigating the environmental impact of the development.

2. Issue a) - Strategic Development Plan Policy
- 2.1 The Development Plan for the application site is comprised of the Regional Spatial Strategy (RSS) for the North West (RPG13) (Core Document LCC01), the Joint Lancashire Structure Plan (CDLCC03) and the Lancaster City Local Plan (CDLCC 04). The RSS is currently being reviewed and a draft replacement RSS for the North West was subject to examination in public which concluded in January 2007. The report of the panel was published in May 2007. A copy of the deposit version of the replacement RSS and the report of the panel form Core Documents LCC02 and LCC59 respectively.
- 2.2 My evidence on planning policy is restricted to policies at a strategic level. The relationship of the development proposal to the policies of the Lancaster City Local Plan will be presented by Mr Andrew Dobson – Head of Planning at Lancaster City Council.
- 2.3 The supporting text to policy T3 of the RSS includes an explanation of the routes that comprise the Regional Highway Network which are:
- Long distance strategic routes including those forming part of the Trans European Network
 - Strategic Access Routes which link the main centres of population to the Long Distance Strategic Routes
 - Other routes of Regional Significance which provide access to gateways (such as ports) and serve important traffic movements between the north west and adjoining regions
- 2.4 Appendix 3 of the RSS lists the actual routes within the north west that comprise the Regional Highway Network. The A683 west from Junction 34 of the M6 to the port of Heysham is included within the Regional Highway Network as an ‘other route of regional significance’ and is therefore considered to be a route of regional significance given its function in linking a gateway port to a Long Distance Strategic Route (the M6 motorway). Given that the proposed development would effectively replace the A683 for these traffic movements, it too is considered to be a proposal of regional significance.
- 2.5 Policy T3 of the RSS states that local authorities should give a high priority to investment in the maintenance, management and selective improvement of the regionally significant routes. The supporting text to the policy recognises that further investment is required on some sections of the network to bring it up to standard and to provide relief to communities affected by heavy traffic flows and that in some locations, the provision of a bypass may be the only way to resolve such problems. The proposed development is therefore considered to be entirely consistent with the policies of the RSS in seeking to

ensure that the Regional Highway Network can operate in a safe, efficient and effective manner.

- 2.6 The adopted RSS is currently under review and a draft replacement RSS has recently been subject to examination in public. The Panel to the EIP reported in May 2007. The Panel have not challenged the policies that relate to the status of the A683 within the Regional Highway Network and therefore considerable weight can be placed on these particular policies in the Deposit plan. It should also be recognised that the Panel have not recommended any changes to the policies concerning the Green Belt or the status of Lancaster, Morecambe or Heysham in the settlement hierarchy.
- 2.7 Within policy RT2 of the draft RSS, the A683 between the junction 34 of the M6 and the port of Heysham remains as part of the Regional Highway Network and therefore the status of the existing route and the regional significance of the proposed development has been maintained when compared to its status in the adopted RSS.
- 2.8 Policy RT8 sets out the regional priorities for transport investment and management and includes a list of schemes that have funding through the regional allocation programme based upon assessment against the eight objectives of the Regional Transport Strategy. The Heysham to M6 link is listed within policy RT8 of the RSS as it has been considered that it meets criteria 3, 6 and 8 of the Regional Transport Strategy.
- 2.9 In terms of the review of the policies of the RSS, it is considered that the Heysham to M6 link now has assumed greater priority than in the adopted RSS given that it now appears as a specific listed scheme within Policy RT8.
- 2.10 The adopted Joint Lancashire Structure Plan sets out strategic policies and proposals for the development, use and conservation of land in Lancashire and for the management of traffic. It establishes the amount and general location of development.
- 2.11 Policy 8 of the JLSP establishes the strategic road network and lists a number of improvements to the strategic highway network. The completion of the Heysham to M6 link is listed as one such improvement. The supporting text to the policy explains that the scheme is seen as playing a key role in improving links between Heysham / Morecambe (including the port) and the M6, and removing a significant volume of traffic from the Lune bridges thereby creating opportunities to enhance provision for transport modes other than the private car. The principal of the completion of the Heysham to M6 Link is therefore a commitment within the Development Plan at Structure Plan level.
- 2.12 It is also useful to look at previous editions of the Lancashire Structure Plan. Policy 34 of the LSP 1991 – 2006 (Core Document

LCC 58) listed the completion of the Heysham to M6 link as a proposed road improvement scheme. The fact that the completion of the Heysham to M6 Link remains in the current edition of the Structure Plan, despite it being tested against a changing policy climate, illustrates that the development, despite its long standing nature, still has objectives which remain well founded.

3. Issue d) - Green Belt
 - 3.1 Government policy on Green Belts is set out in PPG2. There is a general presumption against inappropriate development within the Green Belt which should not be approved unless very special circumstances can be demonstrated.
 - 3.2 Engineering operations, which would include the construction of new highways, are considered to be inappropriate development within the Green Belt unless they maintain openness and do not conflict with the purposes of including land within the Green Belt.
 - 3.3 Given that most of the proposed route is located within the Green Belt and the scale of the development is such that there must be some loss of openness, it is considered that proposal must be considered to be inappropriate development in terms of Green Belt policy. Very special circumstances must therefore be demonstrated to show how harm by reason of inappropriateness is clearly outweighed by other considerations.
 - 3.4 In seeking to demonstrate that very special circumstances exist, it is useful to refer to the proposals map forming part of the Lancaster City Local Plan. It can be seen that all of the undeveloped land between Lancaster and Carnforth lies within the Green Belt and therefore by definition, any road alignment to the north of Lancaster would lie within the Green Belt. There are other road alignments which would be possible, particularly to the west of Lancaster, that would not lie within the Green Belt. However, these routes would have ecological impacts which make them fundamentally unacceptable the reasons for which are addressed in other evidence. The proposed route to the north of Lancaster was considered to be the only means of realising the Development Plan presumption that is given to the completion of the Heysham to M6 link.
 - 3.5 The road, in the alignment proposed, would also reduce traffic levels on existing highways to a level to facilitate the implementation of a number of measures designed to improve the effectiveness of the public transport system and reduce reliance on the private car for journeys into the city centre. It would also improve accessibility to the motorway network thereby assisting in economic regeneration. Detailed evidence on these matters will be presented by other witnesses.

- 3.6 In conclusion, it is considered that the completion of the Heysham to M6 Link would have important environmental and economic benefits. In the absence of any realistic alternative alignment to the proposed northern route and with regard to the extent of the Green Belt to the north of Lancaster, it is considered that very special circumstances exist to justify the location of the development within the Green Belt.
- 3.7 Many objectors are concerned that the construction of the proposed northern route would give rise to development within the Green Belt between the current urban boundary and the alignment of the proposed highway. However, this land would continue to lie within the Green Belt even after the road was completed and therefore the same restrictions would exist on development within this area that exist currently. The long term status of that land would be a matter for the City Council as part of the development of their Development Plan Framework.
- 3.8 Policy RDF5 of the Draft RSS states that there is no need for any change to Green Belt boundaries in Lancashire before 2011 and even after this time the need for change would be investigated by strategic studies. Whilst eventual review of the Green Belt boundaries may therefore be considered, this would only be undertaken through future reviews of the RSS and Local Development Frameworks which would not be undertaken for many years.
4. Issue i) - Conditions and Planning Obligations to be attached to any permission.
- 4.1 Core document LCC25 is a list of the planning conditions that have been approved by the County Council's Development Control Committee. It is considered that these planning conditions comply with the tests in Circular 11/95 in that they are:
- Necessary
 - Relevant to planning
 - Relevant to the development being permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects.
- 4.2 A planning obligation (Core Document LCC 26) has also been prepared with regard to ecological mitigation in the area of the Howgill Brook valley to ensure the mitigation areas are managed in a manner, and over a suitable timescale, to ensure adequate compensation for the features of value that would be lost during the construction of the road. The obligation also includes a commitment to the management of all landscaping works over a period of 20 years to ensure that all planting and other landscaping works reach a condition where they

provide adequate compensation for any landscape features that are lost during the development of the road.

5. Conclusions

- 5.1 The A683 between the M6 and the Port of Heysham is considered to be a route of regional significance. Policies in the RSS give priority to the selective improvement of such routes and the completion of the Heysham to M6 link is identified as a specific scheme within the replacement RSS. The completion of the Heysham to M6 link is also identified in the Joint Lancashire Structure plan as a road scheme that will meet a number of economic and environmental objectives. The proposed development is therefore considered to fully accord with the policies of the Development Plan at Regional and County level.
- 5.2 Whilst the building of the new highway would be inappropriate development within the Green Belt, it is considered that very special circumstances can be demonstrated in this case to justify the location of the road within the Green Belt. The very special circumstances include the lack of any acceptable alternative route that would not affect the Green Belt and the economic and environmental benefits that would be derived from the construction of the road.
- 5.3 It is acknowledged that the construction of the road would have a number of environmental impacts. However, it is considered that these impacts can be mitigated to an acceptable level through planning conditions, whether through conditions or planning obligations.