



Report to the Secretary of State for Communities and Local Government

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY LANCASHIRE COUNTY COUNCIL

THE PROPOSED HEYSHAM TO M6 LINK ROAD

Inquiry opened: 10 July 2007

File Refs: APP/Q2371/V/07/1200928 and /1200929

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PRINCIPAL ABBREVIATIONS USED IN THIS REPORT

A683/A589 junction:	The junction between the Morecambe Road and Phase 1 of the Heysham to M6 link road
AADT:	Annual Average Daily Traffic
AQMA:	Air Quality Management Area
cSAC:	candidate Special Area of Conservation
BCR:	Benefit Cost Ratio
CD:	Core Document
CEMP:	Construction Environmental Management Plan
DfT:	Department for Transport
DMRB:	Design Manual for Roads and Bridges
Do-Minimum:	In the absence of the proposed road
Do-Something:	With the proposed road in place
EA:	Environment Agency
EIA:	Environmental Impact Assessment
EiP:	Examination in Public
EIR:	Economic Impact Report
ES:	Environmental Statement

ESTA:	The Environmental and Sustainable Transport Alliance
GONW:	Government Office for the North West
INQ/:	Inquiry document
km(s):	kilometre(s)
JLSP:	Joint Lancashire Structure Plan 2005
LCC:	Lancashire County Council
LDLP:	Lancaster District Local Plan 2004
LMC:	Lancaster and Morecambe College
LSC:	Learning and Skills Council
LTP:	Local Transport Plan
MSBC:	Major Scheme Business Case
NE:	Natural England
The 1990 Act:	The Town and Country Planning Act 1990
The 1994 Regulations:	The Conservation (Natural Habitats etc.) Regulations 1994
NPV:	Net Present Value
NWRDA:	Northwest Regional Development Agency
OLASS:	Offender Learning and Skills Service
P&R:	Park and Ride
PPG:	Planning Policy Guidance
PPS:	Planning Policy Statement
RES:	Regional Economic Strategy
RPG:	Regional Planning Guidance
RSS:	Regional Spatial Strategy
SACTRA:	Standing Advisory Committee on Trunk Road Appraisal
SoS:	Secretary of State
SPA:	Special Protection Area
SSSI:	Site of Special Scientific Interest
TAG:	Transport Analysis Guidance
TSLM:	Transport Solutions for Lancaster and Morecambe
The 2000 Rules:	The Town and Country Planning (Inquiries Procedure) (England) Rules 2000
The 2004 Act:	The Planning and Compulsory Purchase Act 2004
WCML:	West Coast Main Line
WHO:	World Health Organisation

CASE DETAILS

File Refs: APP/Q2371/V/07/1200928 and /1200929

Land north of Lancaster between the eastern end of phase 1 of the A683 Heysham to M6 link and Junction 34 of the M6

- The application was called in for decision by the Secretary of State for Communities and Local Government by a direction made on 8 February 2007 under section 77 of the Town and Country Planning Act 1990 ("the 1990 Act").
- The application was made by Lancashire County Council ("LCC") on 14 December 2005, and was amended on 27 June and 12 August 2006. Details of the amendments and of the related substitute plans are set out in paragraph 4.8.18.
- The matters on which the Secretary of State particularly wished to be informed for the purposes of her consideration of the application were set out in her section 77 direction dated 8 February 2007 and are repeated in the headings to sections 8.2 to 8.11 of this report.
- The development proposed is the construction of new highway (completion of Heysham to M6 link) and improvements to existing highways.

Summary of Recommendation: I recommend that planning permission be granted subject to the conditions set out in Schedule 1 to this report.

1. PREAMBLE

- 1.1 I have been appointed to hold a public inquiry into the above application, which has been called in for determination by the Secretary of State for Communities and Local Government ("SoS") under section 77 of the 1990 Act, and to report to the SoS.
- 1.2 The inquiry was held at the Holiday Inn, Caton Road, Lancaster on 10 to 13, 17 to 20, 24 to 28 and 31 July 2007, and on 1 to 3 and 7, 8 and 10 August 2007. I held a pre-inquiry meeting on 8 May 2007 at the same venue.
- 1.3 I made unaccompanied inspections of the sites affected by the proposals on 7 May and 9 July 2007. I made a formal site inspection, accompanied by the parties, on 9 August 2007.
- 1.4 There were 3 objectors to the scheme under Rule 6 of the relevant procedure rules (see paragraph 1.7) all of whom appeared at the inquiry. There were several hundred letters from third parties who support the scheme, and 23 third party supporters appeared or were represented at the inquiry. There were also several hundred letters of objection from third parties and 11 third party objectors appeared or were represented at the inquiry. There are no subsisting objections from statutory undertakers or, with the exception of the objection of Sport England which remained formally outstanding when the inquiry closed (see paragraphs 6.3.14 and 7.3.14), from any statutory body.

- 1.5 The main grounds of objection relate to the impact of the proposals on local residents and businesses, including that on Lancaster and Morecambe College ("LMC"). Some objectors, including the Environmental and Sustainable Transport Alliance ("ESTA") and Transport Solutions for Lancaster and Morecambe ("TSLM"), consider that an alternative package of sustainable traffic measures could better achieve the scheme's objectives without its adverse impacts. Some objectors accept that a new road link is required but express a preference for an alternative route to the south and west of Lancaster. Local residents object to the scheme in the main because of concerns as to its adverse noise, air quality and visual impacts on them, and because they fear that it would increase the risk of flooding.
- 1.6 **Lancaster City Council:** Until shortly before the inquiry opened, the City Council was a supporter of the application to which this report relates. On 20 June 2007, however, it resolved to withdraw its support for the scheme, voting by a narrow majority in favour of a resolution supporting a link road but rejecting the promoted scheme, while also expressing itself in favour of an alternative package of measures. The full terms of the resolution of 20 June 2007 are set out in paragraph 4.10.1. Individual City Councillors appeared at the inquiry both in support of and opposition to the scheme.
- 1.7 At the inquiry, it was confirmed on behalf of LCC that all statutory formalities had been complied with (see also LCC/INQ/6). The inquiry was conducted under the Town and Country Planning (Inquiries Procedure)(England) Rules 2000 (SI No. 1624 of 2000). There were no procedural issues.
- 1.8 I am reporting separately the applications made by ESTA/TSLM and LMC for orders that their costs be paid by LCC.
- 1.9 The remaining sections of this report contain a brief description of the area, a report of legal submissions, the gist of the cases presented, and my conclusions and recommendation. The conditions which it is proposed should be attached to the planning permission (if granted) form Schedule 1 to the report, and the written legal submissions, summarised in section 3, form Schedule 2. Lists of appearances and documents are annexed. Proofs of evidence are included in the list. It should be noted that LCC/P6 has been superseded by a revised proof LCC/P6REV.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The City of Lancaster is located on the River Lune in the northern part of Lancashire some 4.5 kilometres ("km(s)") from the north-west coast of England at its nearest point. The M6 Motorway runs north-south close to its eastern environs, with Junction 33 of the Motorway lying some 7 kms south of Lancaster City Centre and Junction 34 some 3 kms to its north. The West Coast Main Line ("WCML") runs north-south through Lancaster immediately to the west of the City Centre. The Lancaster Canal also passes through Lancaster in a generally north-south direction.
- 2.2 For the purposes of the inquiry and this report, the Heysham peninsula is defined as the area between Lancaster and the sea, south and west of the WCML between the railway bridge over the River Lune and the point west of

Hest Bank where the WCML runs adjacent to the sea. The Port of Heysham lies on the peninsula some 10 kms west-south-west of Lancaster. Morecambe lies on the coast about 5 kms to the north of the Port of Heysham. The town of Carnforth is located on the A6 about 10 kms north of Lancaster, and M6 Junction 35 lies to the east of Carnforth.

2.3 The principal road links in the area are as follows:

The M6 Motorway, described above;

The A6, which runs north from Preston to Lancaster, providing a link to Junction 33 of the M6. It continues north through the centre of Lancaster and to Carnforth via Slyne, Hest Bank and Bolton-le-Sands;

The A683 passes through Lancaster in a generally south-westerly direction, linking the M6 and Heysham. As Caton Road, it runs south-west from Junction 34 of the M6 into Lancaster. North of the City Centre, it crosses the River Lune and, now known as Morecambe Road, runs north-west for some 3 kms to the roundabout ("the A683/A589 junction") at the north-eastern end of the existing section of the Heysham to M6 link. North-west from this junction, Morecambe Road is numbered A589, while the link road running south-west from the junction towards the Port of Heysham is numbered A683; and

The A5105 Coast Road runs from a junction with the A6 south of Bolton-le-Sands to a junction with the A589 Morecambe Road north of Morecambe. The A589 then runs south through Morecambe to a junction with the existing section of the Heysham to M6 link road at the latter's south-western end, from which it continues west into the Port of Heysham.

2.4 Access by road to the Heysham peninsula is restricted to five crossings of the WCML. These include the A683 Morecambe Road and the A5105 Coast Road described above, and three more minor routes, namely, the B5321 Lancaster/Torrisholme Road which runs broadly parallel to and north of Morecambe Road, and two unclassified roads known as Barley Cop Lane and Bare Lane which cross the WCML between Torrisholme Road and the A5105 Coast Road. The B5321 is known as Lancaster Road west of its junction with Barley Cop Lane and as Torrisholme Road to its east.

2.5 The downstream course taken by the River Lune through the area varies between south and west. For the avoidance of doubt, the convention has been adopted in this report that the River flows from north to south. Locations on the downstream right bank of the River are therefore described as to its west, and those on the downstream left bank as to its east.

2.6 Morecambe and the Port of Heysham are also served by a branch railway line. This runs from a junction on the WCML some 4 kms north of Lancaster Station in a generally south-westerly direction to the Port of Heysham, by way of intermediate stations at Bare Lane and Morecambe.

2.7 There are a number of industrial estates located on the Heysham peninsula. These include the White Lund Estate to the west of the existing link road section, and the Heysham Industrial Estate and the Middleton Business Park located to

the south of the south-western end of the existing link road. The area known as Salt Ayre, which accommodates sports and leisure facilities as well as a waste disposal site, lies to the south-west of the A683 Morecambe Road about midway between Lancaster and the A683/A589 junction.

3. LEGAL SUBMISSIONS

- 3.1 Legal submissions with regard to the Environmental Statement ("ES") were made in parallel terms by ESTA/TSLM and LMC during the closing stages of the inquiry. They are set out in the Annex to ESTA/INQ/12 and in LMC/INQ/5, which are contained, together with copies of the case law referred to, in the bundle of legal submissions which form Schedule 2 to this report.
- 3.2 The gist of the submissions is as follows: This is an application which requires an Environmental Impact Assessment ("EIA") under Regulation 3 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. The Regulations provide that the SoS shall not grant planning permission in respect of such an application without first taking the environmental information into account. The environmental information means the ES, any further information, and representations made. "Further information" is defined as the responses to a notification either from the SoS or the inquiry inspector that she/he considers that the ES should contain additional information.
- 3.3 It follows that unless the SoS has before her an ES which is fit for purpose, any grant of planning permission would be unlawful (see **Berkeley v Secretary of State for the Environment [2001] 2 AC 603**). The ES is required to include such information as is reasonably required to assess the environmental effects of the scheme; the minimum extent of the information required is defined in Part II of Schedule 4 to the Regulations.
- 3.4 Among the respects in which the ES in this case is deficient are the following:
- The information on which LCC now relies in relation to the impact on LMC, including data showing the present and predicted noise levels and the noise mitigation measures proposed, is not contained in the ES;
 - The impacts of the proposal on the setting of the historic city of Lancaster, and on the Green Belt generally are not addressed in the ES;
 - Landscape mitigation is admitted to be necessary, but no scheme for this purpose or any information as to the maximum extent of the adverse landscape impact is included in the ES;
 - Similar considerations apply to the ecological information, where the magnitude of the ecological impacts described in the ES differs from that in other sources. At the inquiry, a further account was given of this magnitude with reference to proposed mitigation measures which had not been previously published. The criticisms made of the scheme in 2006 by the LCC's ecological advisor have not been addressed; and
 - The Park and Ride ("P&R") site now proposed is an integral part of the road

scheme and was not considered at all in the ES. In the light of the decision in **R v Swale BC ex parte RSPB (1991) PLR 6** and the guidance in Circular 2/1999, the failure to assess an integral element of the scheme renders the ES in breach of the Regulations.

- 3.5 LCC's response is set out in the closing submissions made on its behalf (LCC/INQ/35), and the relevant extracts (pages 37 to 42 and 51 to 54) are also included in the bundle of legal submissions which forms Schedule 2 to this report. It is not accepted that the ES is not fit for purpose or that a grant of planning permission would therefore be unlawful. As Carnwath LJ said in **Jones v Mansfield DC [2003] EWCA 1408**, the environmental assessment process is not intended to be an obstacle course that a developer has to overcome. The purpose of the Regulations is to allow the opportunity to debate the environmental impacts of a proposal so that, when the decision is made, full account of the impacts and proposed mitigation can be taken. To this end, the ES should identify the likely significant environmental effects. Final details of mitigation can properly be left for approval after the debate has taken place, and be imposed by condition attached to any grant of planning permission or by obligation under section 106 of the 1990 Act.
- 3.6 The detailed criticisms of the ES are in any event not accepted. The impacts on LMC are considered in the ES. It has always been accepted that there would be adverse impacts and that the College is a sensitive receptor. It is listed as a receptor likely to be disrupted by construction in section 8 of the ES and as a location affected by landscape impacts in section 10. The noise impacts are assessed in the noise assessment tables (in Part D of ES Volume 1 – CD 1.13), and the tables are incorporated in section 12 of the ES. That it was necessary to carry out additional work to respond to the case made on the College's behalf at the inquiry and further to investigate the impacts previously acknowledged and as far as possible to agree the necessary mitigation is neither unusual nor improper.
- 3.7 The impact of the road on the historic setting of Lancaster was not and is not considered likely to be significant. That the issue was nevertheless addressed appears from the worksheets in the Environmental Impact Tables (CD 1.13). The impact on the Green Belt is a policy consideration rather than an environmental impact, but was nevertheless considered in the same worksheets. Landscape mitigation is addressed in principle in the relevant report in ES Volume 1 (CD1.10). The ecological mitigation scheme was submitted in the relevant Technical Assessment Report (CD 1.16). Amendments to it were proposed at the time of submission of the revised planning application report (CD1.21); both the Environment Agency and Natural England then withdrew their objections to the scheme. The criticisms of the ecological advisor were addressed to her satisfaction in September 2006 (see LCC/INQ/29), and the issues are now to be addressed in the proposed draft planning conditions.
- 3.8 In the view of LCC, it is a normal concomitant of the preparation of a scheme that detailed environmental information should continue to be forthcoming as the scheme proceeds. It is also normal and natural that mitigation should be developed as the scheme proceeds, including at the detailed design stage, and that details of mitigation should be left to be approved in accordance with planning conditions or section 106 obligations. To do otherwise would be to

place promoters and local authorities in a strait-jacket fitted at a time when less than full information is available. This would be of little service in reaching a fully-informed judgment of the likely environmental impacts of a scheme and the selecting of the most effective methods of detailed mitigation.

- 3.9 As to the P&R site application, the interpretation which objectors seek to place on the **Swale BC** decision is wrong, in the view of LCC. That case was concerned with preventing the use of piecemeal applications or a series of applications for smaller developments as a means of defeating the object of the EIA Regulations. The relationship between the link road and the P&R application is the opposite. The application for planning permission for the P&R site, which is independent of the application the subject of this report, would in due course be subject to a full EIA.
- 3.10 As I said at the inquiry, matters of law fall not to me but to the SoS to determine. My own view, however, is that the ES and its accompanying Tables, taken with the further environmental information supplied prior to and in the course of the inquiry, adequately address the main potential environmental impacts of the scheme. The further detailed work carried out by LCC and other parties in preparation for the inquiry is in my experience both a normal and a necessary element in the inquiry process, being part of a debate intended to lead to the narrowing of areas of dispute and to the agreement as far as possible of the best means of mitigation.
- 3.11 Under the Regulations, account can be taken of any further environmental information supplied in response to a request from the SoS or from me. I have not found it necessary to call for any significant further information for the purposes of reaching conclusions and making a recommendation. It remains open to the SoS to request such information should she find this necessary.
- 3.12 The proposed P&R site does not form part of this application. It has been included only in the Major Scheme Business Case ("MSBC") at the request of the Department for Transport ("DfT")(see paragraph 4.6.4). It seems to me that any environmental impact assessment necessary for consideration of the separate application now registered in respect of the P&R site properly forms part of the decision-making process in relation to that application.
- 3.13 It is accordingly my own view that the ES is fit for purpose and that the SoS is therefore not lawfully precluded from considering and if so advised granting planning permission in respect of the application to which this report relates. This is, as I say above, a matter for the SoS to determine.

4. THE CASE OF THE COUNTY COUNCIL

The material points are:

4.1 Scheme description

- 4.1.1 The development for which planning permission is sought consists of the completion of the Heysham to M6 link road by connecting the eastern end of the existing western section of the link road (see following paragraph) to Junction 34 of the M6 by means of a new all-purpose dual carriageway road some 4.8 kms

in length. A detailed description of the scheme is contained in section 2.2 of Proof of Evidence LCC/P2, and this is summarised in the ensuing paragraphs. The route is shown on the revised planning application plans of August 2006, drawing number 11063/301, sheets 1B, 2B and 3B (CDs 1.22 to 1.24). A more detailed route description is to be found in the landscape assessment at paragraphs 4.9.26 to 4.9.35.

- 4.1.2 The western section of the Heysham to M6 link road was completed and opened to traffic in 1994. It runs eastward and then north-eastward for some 5.7 kms from a roundabout about 1 km east of the Port of Heysham on the A589 Middleton Road, to the A683/A589 junction near Torrisholme.
- 4.1.3 The scheme would necessitate some reconfiguration of the eastern end of the existing western link section, including work to the A683/A589 junction. This would be replaced by a high capacity multi-lane signal-controlled crossroads, with a new access/egress to/from the McDonalds Restaurant (located in the south-west quadrant of the junction) and to/from properties in Hadrian Road. Work would also be required to the A683/Northgate crossroads, located on the existing link road section some 450 metres south-west of the A683/A589 junction.
- 4.1.4 The new section of road would commence at existing ground level on the north-eastern side of the reconfigured A683/A589 junction. It would initially run north-eastwards on a shallowly rising embankment across the playing field which forms part of the campus of the LMC and crossing the eastern edge of the grounds of the Thorpe View Day Centre. North-east of the LMC land, the road would curve to the east, continuing on embankment across land owned by LCC and currently occupied by Broadoak Leisure Buildings, before crossing the B5321 Torrisholme Road on a new bridge. Noise attenuation barriers 2.5 metres in height would be installed along the back of the verges on both sides of the embankment extending from the A683/A589 junction to a point some 100 metres north-east of the proposed bridge over Torrisholme Road.
- 4.1.5 From the Torrisholme Road bridge, the road would continue to curve eastwards, falling to within about 3 metres of existing ground level, before climbing on embankment to cross the WCML on a new bridge. The WCML bridge would also span the diverted routes of two unclassified roads (Folly Lane and Powder House Lane), one on each side of the railway. Continuing eastwards on embankment, the road would cross the Lancaster Canal on a new bridge.
- 4.1.6 Some 150 metres east of the Canal, the ground levels rise to meet the level of the proposed road, and it would enter into a cutting with a maximum depth of 12 metres. The proposed road would be connected to the A6 between Carnforth and Lancaster. The A6 would be shallowly diverted and would cross the proposed road on a new bridge. A link to the A6 would be provided from a roundabout on the link road west of the A6, located below ground level and about 400 metres east of the Canal bridge. The roundabout would be connected to the A6 via a spur road (also largely in cutting) and a T-junction on the western side of the A6.
- 4.1.7 East of the A6 the new road would climb for a distance of 850 metres to its summit. For the first 350 metres of this distance the road would be in cutting
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with a maximum depth of 13 metres. A section of it in the vicinity of Howgill Brook would then be carried on a shallow embankment screened by false cutting before once more going into cutting. The road would continue in cutting as it begins its descent to a new roundabout at Shefferlands, also located in cutting.

- 4.1.8 The proposals include a remodelling of Junction 34 of the M6. For the reasons set out in paragraph 4.4.13, the existing configuration of Junction 34, particularly of its northbound slip roads, is severely sub-standard. The northern arm of the roundabout at Shefferlands would provide a new two-lane northbound on-slip road climbing generally in cutting parallel to the M6 for about 1 km before merging with it. The new link road would run south from the Shefferlands roundabout, crossing the River Lune on a new lower level bridge immediately to the west of the existing high-level M6 bridge over the River. Access would be maintained from the Shefferlands roundabout to the unclassified Halton Road which runs between the village of Halton, east of the M6, westwards under the M6 to Lancaster along the northern bank of the River Lune.
- 4.1.9 The link road would terminate at Croskells, at a new traffic-signal-controlled junction with the A683 Caton Road some 200 metres west of the M6. The eastern arm of this junction would provide access to the eastbound A683 and thereby to and from the M6 southbound. The A683/M6 southbound junction would be improved to comply with modern design standards. The western arm of the junction at Croskells would be formed by the A683 Caton Road which runs south-west towards Lancaster City Centre. The southern arm would be the M6 one-way northbound off-slip road.
- 4.1.10 The area between Croskells junction and the M6 has been identified as a potential 630-space P&R site. The P&R site does not form part of the current application. However, a separate application for planning permission was submitted and registered in the course of the inquiry (LCC/INQ/30). At the suggestion of the DfT, the estimated cost of the P&R site has been included in the MSBC claim for the funding of this scheme, and an amended economic appraisal of the proposed road has been carried out, taking the additional cost of the P&R site into account.
- 4.1.11 The scheme includes a combined cycle- and foot-way along the full length of the proposed new road, with connections to the existing rights of way network, including in some cases additional connecting sections of path or bridleway. Provision is made for all existing minor roads to remain open, though limited diversions of some of these would be necessary.
- 4.1.12 It is proposed to light the full length of the road. The junctions must be lit on safety grounds, and because of the limited distance between junctions, it is also necessary on safety grounds to light the sections of road between the junctions. The detailed lighting requirements are set out in LCC/INQ/26. The presence of the combined cycle- and foot-way also predicates lighting of the road on safety grounds. Modern full cut-off lanterns 12 metres in height would be used to restrict light spillage. Proposed planning condition 12 provides for a scheme of lighting to be approved by the local planning authority before the development commences.

4.1.13 The road scheme would include a full range of landscaping and planting to reduce its impact on landscape and on local residents and other sensitive receptors. The planting would also provide substantial ecological mitigation in the form of replacement and additional habitats. Other proposed mitigation is addressed in the context of the assessment of the environmental impacts of the scheme in later paragraphs of this section and in section 7 of this report.

4.2 The objectives of the scheme

4.2.1 The scheme objectives are to:

- Improve communications between Morecambe and Heysham and the M6;
- Remove a significant volume of traffic from the River Lune bridges in Lancaster;
- Create opportunities for the implementation of complementary measures for the improvement of existing traffic conditions; and
- Facilitate industrial and commercial regeneration.

4.3 Policy context

4.3.1 The scheme is fully consonant with national policy and local development plan policy. The development plan consists of RPG 13 – The Regional Spatial Strategy (“RSS”) for the North West (2003 - CD1.1), the Joint Lancashire Structure Plan 2005 (“JLSP”)(CD1.3), and the Lancaster District Local Plan 2004 (“LDLP”)(CD1.4).

4.3.2 The supporting text to Policy T3 of the RSS explains the criteria for selecting the routes which form the Regional Highways Network. These routes are listed in Appendix 3 to the RSS, and include the A683 between Junction 34 of the M6 and Heysham, including the existing western section of the Heysham-M6 link. This is defined in the RSS as an “other route of regional significance”. A similar status therefore attaches to the proposed link road, which effectively replaces the A683. Policy T3 states that local authorities should give a high priority to the maintenance, management and selective improvement of the regionally significant routes. The scheme the subject of this report is listed in Table 10.2 of the RSS as a Regionally Significant Transport Proposal to be delivered by local authorities.

4.3.3 The adopted RSS is currently under review and a draft replacement RSS has recently undergone an Examination in Public (“EiP”). The EiP Panel Report was published in May 2007 (Appendix C to LCC/P2) and recommended improvements to surface access and interchange arrangements at the key national and regional gateways, and listed the Port of Heysham as a regional gateway. It noted that road access into the Port from the M6 is by means of an unsatisfactory route that passes through the urban area of Lancaster with adverse effects on congestion and amenity. The RSS lists the completion of the Heysham to M6 link as a scheme within the Regional Funding Allocation Programme. The emerging RSS is a material planning consideration to which, in view of the relatively advanced stage reached in the review process, substantial

weight should be attached.

4.3.4 In the JLSP, the scheme is included in Policy 8 as part of the strategic road network and proposed improvements thereto. The scheme is LCC's number one priority scheme in the Local Transport Plan (CDs1.38 and 1.39). The LDLP supports as a matter of priority a new road link from Heysham to the M6. In the Core Strategy for Lancaster District (CD1.61), the scheme retains the support of the City Council and the promoted northern route is there expressly identified in paragraph 6.61.

4.3.5 Other policy support for the scheme includes:

- The Northwest Regional Economic Strategy (LCC/INQ/7), objective 76 of which is "to grow the Port of Heysham"; the supporting text refers to the delivery of transport links, including the Heysham to M6 link; and
- The Eddington Transport Study (CD1.55), in which Heysham is described as a major port. The Study states that the economic priority of transport policy should be to maintain and improve gateway ports, with roll-on/roll-off facilities being specifically mentioned.

4.4 The need for the scheme

4.4.1 The primary objective of the scheme is the improvement of communications between the M6 and the Port of Heysham and the Heysham peninsula. Meeting this objective alone would substantially fulfil the purposes of the scheme. The main route to the Heysham peninsula from both Junction 33 and Junction 34 of the M6 lies through the centre of Lancaster, and across the Lune Bridges. The traffic configuration of central Lancaster consists of three interlocking, one-way gyratories. The "unsatisfactory route" to Heysham from the M6 and the resulting congestion and loss of amenity recorded in the draft RSS EiP Report are locally notorious. The second objective is therefore the removal of significant amounts of congestion-forming traffic from the City Centre.

4.4.2 The Lune Bridges in Lancaster are the furthest downstream and the only crossings in the area suitable for use by heavy traffic. Skerton Bridge is a listed structure dating from 1782 and carries eastbound traffic. Greyhound Bridge carries westbound traffic, was originally built as a railway bridge, and was converted in 1972 to carry road traffic. It is now in urgent need of structural repair. The repairs are expected to take 3 months and the traffic chaos that is anticipated to result from the necessary closure of two out of three lanes across the Bridge is such that the work has been put on hold until the link road is in place, only essential short-term remedial work being carried out.

4.4.3 Modelled peak hour flows on routes through the Lancaster City Centre gyratories and across the bridges show many sections of these routes already close to or beyond capacity (see the tables in section 3 of LCC/P6REV). On Skerton Bridge, for example, modelled am peak flows are 120% of capacity. DfT forecasts are that between 2000 and 2015 the volume of HGVs in urban areas will increase by 54% and between 2000 and 2025 by 74%. In the vicinity of an industrial area and a major and growing port such as Heysham still higher growth in HGV traffic is predicted.

- 4.4.4 It is not only in the City Centre that severe congestion currently prevails. The impact of delays on the City Centre gyratories is to cause long queues to build up on roads leading to the City Centre, such as the A683 Morecambe and Caton Roads, where there is often standing traffic for many hours of the day. On the A6 southbound into Lancaster, traffic queues at least 1 km in length are regularly encountered.
- 4.4.5 These congestion problems are exacerbated by the pattern of access to the Port. The growing importance of the Port and its traffic are described in paragraph 5.2. There are currently some 4,000 sailings per year from the Port, with up to 12 sailings per day. Surveys establish that its operations give rise to about 2,000 vehicle journeys per day to and from the Port of which over 70% are from or to the M6. The timings of ferry sailings are largely governed by market forces, and broadly coincide with am and pm traffic peak periods. The Port is expanding with new and larger ships on order, some of which will operate in addition to rather than as replacements for existing vessels. The Port owners have recently invested £5 million on improvements to the Port's freight handling facilities.
- 4.4.6 Apart from the route through Lancaster and via the A683 Morecambe Road, access by road into the Heysham peninsula is limited to four routes by the need to cross the WCML. These are, from south to north, the B5321 Torrisholme Road, Barley Cop Lane, Hasty Brow Road, and the A5105 Coast Road (paragraph 2.4).
- 4.4.7 To avoid the severe congestion in Lancaster City Centre, traffic diverts on to these other routes, involving detours and the use of unsuitable roads. For example, traffic, including HGVs bound for the Port or for destinations elsewhere on the Heysham peninsula, avoids the City Centre by using a route from M6 Junction 35, south on the A6 through Carnforth and then via the A5105 Coast Road. Local residential roads are inappropriately used as "rat-runs". An example is the use of the single-track bridge at Denny Beck Lane, Halton, (the next vehicular bridge across the River Lune upstream from the Greyhound and Skerton Bridges). The width of this bridge has been further constrained by the installation of vertical posts but it is still used as a peak hour detour, with a "tidal" flow of vehicles avoiding the am inbound and pm outbound queues on the A683 Caton Road. Any driver seeking to cross against this tidal flow across Denny Beck Bridge either faces a long wait or causes gridlock.
- 4.4.8 LCC's modelling of the traffic impacts of the scheme predicts substantial reductions on routes in the vicinity. The predictions are shown both for the assumed scheme Opening Year, 2010, and for the Design Year, 2025 (15 years after the assumed opening), in the Tables in section 5 of LCC/P6REV. Compared with the Do-Minimum scenario (that is, if the Heysham to M6 link were not built), for example, the new road is predicted to reduce traffic flows on the A5105 Coast Road by 60% in 2010 and 58% in 2025. The equivalent figures on the A683 Morecambe Road are 21% and 19%, these lower figures in part reflecting the transfer back to the principal routes of traffic which in the Do-Minimum scenario would continue to use inappropriate avoiding routes. In the Opening Year of the scheme, HGV flows across the Lune Bridges and on Morecambe Road are predicted to decrease by some 50%.

- 4.4.9 Examples of traffic reductions on these inappropriate routes include a reduction of 47% on the B5321 in Torrisholme Road in both 2010 and 2025 compared with the Do-Minimum scenario, and reductions of 93% in 2010 and 92% in 2025 on Hasty Brow Road. The total Annual Average Daily Traffic ("AADT") reduction in 2025 for the five roads which currently serve the peninsula, compared with the Do-Minimum scenario in the same year, is predicted to be 32,600 vehicles, an overall reduction of about 41%.
- 4.4.10 With the link in place, significant journey-time savings would be available in both the Opening and the Design Years compared with the Do-Minimum scenario. In the morning peak in 2010, for example, the journey time from Heysham to the M6 is predicted to be reduced by nearly 11 minutes, representing an increase in average speed from 21 kph in the Do-Minimum scenario to 77 kph with the link road completed. The relative journey time saving continues to 2025, by when it is predicted to have increased to 12.6 minutes. Smaller but still significant savings are predicted for both 2010 and 2025 for roads on the existing network, including the A683 Caton and Morecambe Roads.
- 4.4.11 Significant reductions of congestion on the Lune Bridges are also predicted. These include a reduction by 52% of HGVs in the Opening Year, even in the absence of other complementary measures to reduce HGV use of City Centre routes. These are addressed in section 6 of LCC/P6REV. Predicted reductions vary between the various routes to, from and through the City Centre gyratories. An overall reduction in congestion of 33% is predicted in 2010 and of 44% in 2025, in each case compared with the Do-Minimum scenario.
- 4.4.12 The Port of Heysham and the industrial areas sites on the Heysham peninsula are sited in accordance with advice in PPG13 that such developments should be located away from congested central and residential areas. However, PPG13 also advises that adequate access should be provided from such sites to trunk roads, guidance that cannot be met without the link road.
- 4.4.13 Junction 34 of the M6 was originally designed as an emergency access only. Submissions from local people as to the long intervening distance, absent a junction between what are now M6 Junctions 33 and 35 at Lancaster South and Carnforth, led to a concession that Junction 34 should be adopted as a full junction, albeit its substandard design. Assessment of the Junction against modern design standards shows in particular that the north-bound on and off slip roads are significantly too short for safe use. The Junction is therefore known locally as "the M6 T-junction". The Junction has a poor accident record. Those who are aware of the Junction's failings avoid using it especially to join the M6 north-bound, instead either making a lengthy detour to join it via Junction 33, or using the A6 through Carnforth to join it at Junction 35.
- 4.4.14 As described above, reconfiguration of the Junction is included in the scheme, bringing the Junction up to modern design and safety standards. While, in principle, separate proposals to achieve this could be brought forward by the Highways Agency, no such scheme has been promoted in the period of some 40 years since the Junction was opened to traffic. The implementation of improvements as part of the link road scheme would ensure that the Junction

would be upgraded in early course with concomitant accident savings.

4.4.15 The construction of the link road is forecast to reduce the number of road casualties by an average of 15 per year. Over the applicable 60-year appraisal period, there are forecast to be 691 fewer road traffic accidents, equating to 22 fewer fatalities, 190 fewer serious injuries and 703 fewer slight injuries.

4.5 Other scheme objectives

Complementary traffic measures

4.5.1 LCC continues to promote a range of sustainable transport measures for Lancaster. An account of such measures undertaken by LCC, generally in conjunction with Lancaster City Council, is set out in LCC/P8. They include bus lanes, bus priority measures, and Quality Bus Schemes. In 2001, a partnership of the County, City and District Councils provided a new bus station in Lancaster. There is strong growth in bus passenger numbers. Bus services to railway stations have been improved to encourage fuller use of rail services, while journeys to/from Lancaster by rail increased by over 20% in the 4 years to 2006.

4.5.2 The Councils have implemented extensive programmes of travel planning to encourage modal shift away from the private car, especially for short local journeys and journeys into Lancaster City Centre. These include school and business travel plans. An extensive programme of personalised travel planning has provided relevant travel information to 25,000 Lancaster and Morecambe households. Car parking provision and charges are being set at levels actively to discourage car commuting in favour of alternative modes.

4.5.3 The TravelSmart project to encourage local residents to try out alternative travel modes is to be extended from Torrisholme, where it has been in operation since 2006, to Lancaster, Morecambe and Heysham by Autumn 2007. An interim evaluation conducted in June 2007 of the impact of the project at Torrisholme forms LCC/INQ/4. This shows a degree of success in the promotion of walking and the use of public transport, and in the reduction of private car use.

4.5.4 There are currently no P&R sites serving Lancaster. However, LCC has in the course of the last 10 years provided two highly successful sites serving Preston. A separate application for planning permission for a P&R site at Croskells Junction at the eastern end of the proposed link road has now been made.

4.5.5 Lancaster has been nominated as one of only six Cycling Demonstration Towns. The total length of off-road cycle paths doubled between 2001 and 2005, and in 2007/8 a further 15 kms will be added when Morecambe promenade is opened to cycling. Lancaster has a Sustrans "Bike It" officer to promote cycling to school. In 2006, consultants were commissioned by the City Council to provide a cycle strategy for Lancaster City Centre. Completion of the Heysham to M6 road link would promote cycling and walking by virtue of the cycle/footway proposed to be provided along the southern side of the new road and the connections and improvements proposed to the existing rights of way network.

- 4.5.6 The primary objectives of the scheme are to improve the strategic access to the Port of Heysham and the Heysham peninsula generally and to remove significant volumes of traffic from the City Centre. The removal of traffic from existing roads would create further opportunities to enhance alternative travel modes. Without the significant traffic reductions which are predicted to result from the scheme, the extent to which further measures could be introduced would in the near future become subject to diminishing returns by reason of a lack of re-assignable road space.
- 4.5.7 It is, for example, currently not feasible to provide an inbound bus lane on Caton Road. An inbound bus lane is an essential concomitant of the proposed P&R site at Croskells Junction, and, absent the traffic reductions on Caton Road resulting from the opening of the link road, is precluded by lack of re-allocable road space. While the proposed P&R site has yet fully to be assessed, it is LCC's view, as set out in the Statement which accompanied the application for planning permission for the site (in LCC/INQ/30), that the site is at an optimal location to intercept traffic between the M6 and other major routes and Lancaster City Centre. Given its proximity to the River Lune cycle path, it is anticipated that the site would also provide Park and Cycle facilities, allowing motorists to park and use cycles to ride into town, and cyclists inbound from elsewhere to leave their machines in lockers and take the bus.
- 4.5.8 Similar road space considerations apply on other primary bus routes, where the ability to introduce further bus lanes and other priority measures is limited because the bus routes share strategic through routes, use of which includes a high proportion of HGVs. An inbound bus lane has been introduced along part of Morecambe Road, but there is inadequate scope for road space reallocation to meet the aspiration to provide one outbound. The link road is also likely to permit reallocation of road space to buses on Greyhound Bridge further to improve the journey time and reliability of Lancaster-Morecambe services.
- 4.5.9 The link road is thus part only of a package of measures aimed at addressing congestion and delays. In May 2007, a study ("the Vision Board Study") of further potential complementary traffic measures, which would be implemented if the link road is constructed, was commissioned by the Lancaster and Morecambe Vision Board from the traffic consultants Faber Maunsell. The report is expected to be published in December 2007. A requirement to implement the measures proposed in the Study would be imposed by proposed planning condition 17.
- 4.5.10 The link road is thus part of a wider transport policy which is entirely consonant with PPG13. The on-going programme of complementary measures applies the latest techniques in transport management to provide a sustainable balance of environmental, social and economic benefits.

Regeneration

- 4.5.11 LCC commissioned an Economic Impact Report ("EIR" – CD1.65) to assess the wider economic impacts of the proposed road and its potential effects on the local regeneration areas. The EIR was prepared in accordance with DfT guidance, and has been accepted by the DfT as part of the MSBC bid for funding. The local regeneration areas are shown on Figure 1 in Appendix H in

LCC/P7A, and include Lancaster, Carnforth, Heysham and Morecambe. Within the regeneration areas, unemployment in 2001 stood at 7.1% compared with 3.2% in Lancaster district outside the areas. Some wards within the areas had unemployment in excess of 10%.

4.5.12 The most recent Index of Multiple Deprivation dates from 2004, and is based on 7 factors, namely income, employment, health, education, housing, living environment and crime. Large areas of Lancaster, Morecambe and Heysham fall within the bottom 20% of the Super Output Areas designated as a result of the Index. Some wards on the Heysham peninsula lie within the bottom 3% nationally.

4.5.13 A business survey was conducted in which, in relation to business location, congestion and poor road access were the most commonly identified disadvantages, and the most commonly sought improvement was better access to the M6. Interviews were conducted in April 2005 with six major local stakeholders, including the University of Lancaster, and the two local Chambers of Commerce. These interviews demonstrated strong support for the scheme. Morecambe Chamber of Commerce, for example, considered that tourism represented the only realistic means of improving local prosperity. The impact of traffic congestion in Lancaster is in the view of the Chamber a major factor in visitors failing to return to the area.

4.5.14 A key aspect of an EIR is to show how a scheme affects patterns of accessibility. From the point of view of employers, this includes access to a suitable workforce, access by customers and access to suppliers. The scheme delivers in all of these respects.

4.5.15 Improvements in travel conditions include journey time, costs, quality and reliability. Not only would the scheme reduce journey times between Heysham and Morecambe and the M6 by some 50%, but journey time reliability would also be significantly enhanced. Transport costs would also be reduced, as examination of the operations of a number of businesses located in Heysham or Morecambe has confirmed.

4.5.16 It is therefore likely that the regeneration areas would be made more attractive as a business location, encouraging existing businesses to expand and others to locate there. The interviews with employers confirm that there is good reason to believe that this would be translated into additional jobs.

4.5.17 There is, however, a shortage of currently accessible industrial development land in the regeneration areas, as is acknowledged by the City Council and corroborated by the Lancaster District Economic Baseline report of Regeneris Consulting, published in 2005 (Appendix B in LCC/P7A). The report confirms that the key constraint is the crossing of the River Lune, especially at peak times. This cuts the district's labour market in two, and is especially significant as the majority of areas requiring regeneration and the majority of residents who are unemployed are west of the River. Again, the removal of this constraint is seen as key to transformational growth.

4.5.18 A further study by Regeneris in conjunction with King Sturge in 2006 (Appendix G in LCC/P7A) investigated the availability of employment land. It reported the

views of developers and agents alike that there is a shortage of genuinely accessible employment land. It is the availability and take-up of such land which would underlie the creation of additional jobs.

4.5.19 Amended predictions of new jobs were provided to the inquiry in the form of LCC/INQ/14. A conservative best estimate is between 950 and 1,100 new jobs. Of these new jobs, it is predicted that about 600 would be taken up by residents of the regeneration areas. This would amount to some 20% of those recorded as unemployed at the last Census in 2001, and would constitute a significant boost to the local economy. Moreover, these estimates are regarded as conservative for two reasons: first, they are based on a modelling assumption as to density of employment: if the actual employment density figure for the White Lund Estate is instead applied (70 jobs per hectare), the number of new jobs predicted increases to 2,582; and secondly, if the 17% estimated increase in the additional workforce made accessible as a result of the road were all taken into employment, this would equate to 7,358 new jobs.

4.5.20 While regeneration is not a leading objective of the link road, it is likely that putting the road in place would have a significant beneficial impact on the areas of low economic activity and deprivation in the district.

4.6 Economic Appraisal

4.6.1 An economic appraisal has been carried out in accordance with government guidance. This compares the total cost of constructing the scheme with the benefits accruing over an appraisal period of 60 years following the completion of the road. The proposal has been appraised using the relevant DfT methodologies and in consultation with the DfT and its consultants. Details of the assessment are set out in the Cost Benefit and Accident Evaluation technical notes (CDs 1.48 and 1.49). The appraisal is summarised in section 8 of LCC/P6REV.

4.6.2 The costs and benefits of the scheme have been estimated and discounted to 2002 prices. The total cost of constructing the scheme (excluding the P&R site) calculated in this way is £118 million and the total benefits are £867 million. The difference between the costs and the benefits of a scheme is known as its Net Present Value ("NPV"). A positive NPV shows that a scheme's benefits outweigh its costs. In this instance, the NPV is calculated as £749 million. The relationship between the costs and benefits of a scheme is also calculated proportionally using the Benefits to Costs Ratio ("BCR") where the total benefits are divided by the total costs. A BCR greater than 1 accordingly shows that a scheme's benefits outweigh its costs. In this case, the BCR is calculated at 7.3.

4.6.3. Of the benefits of the scheme, £448 million are attributable to business use, £390 million to consumer use and £31 million to accident savings. The outturn of the economic appraisal is robustly positive. The size of both the BCR and the NPV show that the scheme provides very high value for money.

4.6.4 Although it does not form part of this application, LCC has, at the invitation of the DfT, included the costs of the proposed P&R site at Croskells in the MSBC funding bid. The NPV and the BCR have been recalculated to take account of the impact on the economic appraisal of these additional costs. The result, taken

with an appropriate adjustment for optimism bias, is to reduce the BCR to 6.24. Even following these adjustments, the outturn remains robustly positive.

4.7 Funding and construction

4.7.1 The scheme would be funded by the DfT, subject to being granted Programme Entry status. The estimated outturn cost at then current prices is some £140 million. The cost of the reconfiguration of M6 Junction 34 would be borne by the Highways Agency. LCC has submitted a bid for funding in the form of its MSBC. This was first reviewed by independent consultants acting on LCC's instructions and has recently also been independently reviewed by consultants acting on behalf of the DfT. The traffic and economic modelling has been judged acceptable for Programme Entry stage. A decision on the Programme Entry application is expected by the end of 2007. Although 2010 is assumed to be the scheme Opening Year for the purposes of appraisal, 2013 now appears a more realistic completion date.

4.7.2 A draft construction programme forms CD1.75. Construction would be governed by a number of proposed planning conditions, for example limiting working hours to 0730 to 1800 on Mondays to Fridays and 0730 to 1300 on Saturdays. A Construction Environmental Management Plan ("CEMP") would be developed in consultation and agreement with the relevant authorities, in accordance with the proposed planning conditions, and would be carried forward into the construction contract.

4.7.3 The construction would involve the movement of substantial quantities of material from the cuttings which characterise the eastern section of the proposed link road to form the embankments at the western end. To reduce the impact of the movement of this material on public roads it is proposed to transport this and most of the other construction material along haul roads constructed on the alignment of the proposed road.

4.8 Scheme preparation and alternatives considered

4.8.1 It is accepted that no single measure could alone address the problems of traffic congestion in the area and that a range of inter-related measures would be required, including a new road to link the Heysham peninsula with the M6. The scheme has been tested and revised over the last 20 years or so, through the processes associated with the Structure and Local Plans. A number of studies have been carried out in conjunction with Lancaster City Council, stakeholders and other interested parties, including the owners of the Port of Heysham. These are reviewed in section 4 of LCC/P2, with relevant report extracts contained in the Appendices in LCC/P2A. Among the studies are the following.

4.8.2 The **Lancaster Transport Study 1992** (Appendix F): The Study concluded that no single measure could resolve or even contain traffic congestion in the City Centre. Light rapid transit was considered but the Study concluded that public transport in Lancaster was likely for the foreseeable future to remain based on buses. A further study of rapid transit systems in 1993 (LCC/P2A, Appendix G) also found that further work was justified only in relation to buses. The 1992 Report concluded that there was limited scope for improvement to the heavy rail

system such as would have any significant impact on traffic flows in the City Centre.

- 4.8.3 **The Piggyback Consortium 1994** (Appendix H): The Report examined the potential for carriage of freight to Heysham on articulated lorry trailers loaded on "piggyback" rail wagons. The constraints of the rail branch line between the WCML and Heysham include the need for trains to reverse at Morecambe and for their locomotives to run round. The length of track at Morecambe available for the reversing process also restricts train lengths. These problems might be alleviated by the construction of a rail chord avoiding Morecambe Station. This would require some property acquisition and demolition. The more challenging problems, however, lie with the WCML which would require extensive alteration, including substantial gauge clearance works, to permit its use by piggyback trains.
- 4.8.4 **The Lancaster Transportation Strategy Report 1998** (Appendix I): This study was carried out jointly with the City Council and concluded that a package of measures would be required to resolve traffic congestion. It recommended many of the complementary measures which have since been implemented, including improvements to local railway stations and to bus travel, and measures to control parking and encourage cycling and walking.
- 4.8.5 **The Lancashire Integrated Freight Transit Study 2000** (Appendix J): The report sought to identify actions and strategies that would allow the movement of freight to contribute to the economy of Lancashire in a sustainable way. It again concluded that there was only limited scope for improving rail freight access to Heysham, and that such improvements did not in any event appear on the rail industry's agenda. The Study noted that, given the rapid growth of the Port of Heysham, improvement of the road link to the Port was important, especially with respect to its route through Lancaster. Similar conclusions are reached in the report: **Heysham Port – Development of Rail Freight Link 2003** (Appendix K). This was a government-funded study to identify categories of freight which might be transferred to rail. The report set out in more detail the operational difficulties relating to the Heysham branch line, and considered means by which these might be overcome. Government funding was then withdrawn and the matter was carried no further.
- 4.8.6 **Lancaster and Morecambe Vision – Access and Transport Strategy 2007**: This, the Vision Board Study (see paragraph 4.5.9), funded by the City Council, the Vision Board, the NWRDA and LCC has been commissioned from Faber Maunsell and is intended to provide the basis for an integrated transport solution for the district. The study brief is at Appendix L of LCC/P2A, and Faber Maunsell's report is expected to be published in December 2007. Although the brief assumes that the link road is in place, it also states: "It is .. accepted that although there will be a reduction in local congestion on the gyratory system following the opening of the .. link road, this could return to current levels .. unless other complementary measures are implemented. Interim measures that improves (*sic*) traffic flow in Lancaster City Centre should be implemented prior to the construction of the link."
- 4.8.7 The objective of the Study is to identify a strategy to improve the success and attractiveness of Lancaster and Morecambe, addressing the severance between
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them caused by long journey times, to alleviate congestion in Lancaster City Centre and other "hot-spots", to improve the quality of life of local residents, to restore confidence in public transport, and to support the regeneration of the district.

- 4.8.8 These and other studies establish that the development of the scheme has taken place in the context of a full consideration of the availability of alternatives and with a general understanding that other measures in addition to the proposed link road would need to be put in place to meet the traffic and transport needs of the area.
- 4.8.9 A connection between Morecambe Road and what was then the proposed Lancaster bypass was proposed more than 50 years ago. The Lancaster bypass opened in 1966 and is now part of the M6. The alignment for the link road then proposed was essentially the northern route proposed today, namely running from Morecambe Road in an overall east-north-easterly direction to the M6 near Halton.
- 4.8.10 The Lancashire Structure Plan 1986-1996 included Phase 1 of the Heysham to M6 link as an improvement to the inter-urban road network to be carried out after 1990; the link was duly constructed and opened to traffic in 1994. In 1985, however, the possibility of a western route for the link began to be examined, and this was subsequently selected as the alignment to be carried forward. A public consultation into the western route was held in 1993; the scheme was modified in the light of comments received and then approved by LCC in January 1994. It was included in the draft Lancashire Structure Plan 1991-2006.
- 4.8.11 In its report following the EiP of the draft Plan in 1995, however, the Panel recommended that the western route scheme should be deleted from the draft, and that the potential for a northern route to a new or improved M6 junction should be investigated. The Panel arrived at its recommendation in the light of the clear negative environmental impacts of a western route. The County Council resolved to accept the Panel's recommendation in 1996.
- 4.8.12 The further public consultation carried out in 1997 nevertheless sought views about three proposed routes for the link, including two to the west of Lancaster (the Green and Blue routes, described in paragraph 6.1.2), in addition to the northern alignment (the Orange route) now promoted. The report of this consultation forms Appendix N in LCC/P2A, and records that, of some 3,000 responses received, 78% were in favour of a new road link, of which 38% supported the northern route, with 62% supporting one or both of the two western routes.
- 4.8.13 The western routes remained part of the draft Lancaster District Local Plan. However, in his Report (Appendix O) following the Plan Inquiry held in 1998 and 1999, the Inspector recommended the deletion of the two western routes, concluding that there was no reasonable prospect, on environmental and cost grounds, of a road on either of these alignments being constructed. Moreover, the Government Office for the North West made a formal objection to the selection of a western route. The City Council initially resolved not to accept the Inspector's recommendation, because it considered that changes which had been subsequently proposed to the route and the road specification and the

need for consistency between the Local Plan and other development plan policies, outweighed the other views expressed.

- 4.8.14 LCC subsequently proposed changes to the Green route for the purposes of the Local Transport Plan, and undertook a further public consultation regarding the Green and Orange routes in 2001. A MORI Poll was also undertaken to underpin this consultation, and an extract from the Poll report forms Appendix P in LCC/P2A. Over 15,000 responses were received, with 93% in favour of a new road link. About 16% of respondents supported both route options, and of the remainder 45% favoured the Green route and 32% the Orange route.
- 4.8.15 LCC resolved to pursue the Heysham to M6 link as its top priority Local Transport Plan ("LTP") road construction scheme and to undertake environmental impact studies of both route options. These studies confirmed that constructing the road on the Green route would have impacts on ecological protection sites of European designation, namely the Morecambe Bay candidate Special Area of Conservation ("cSAC") and Special Protection Area ("SPA"), and the Ramsar Site (relating to the protection of wetland birds) which includes the Lune Estuary Site of Special Scientific Interest ("SSSI"). The potential impacts on the ecology of these sites were assessed by consultants acting on LCC's behalf, and in the light of their conclusions, an Advice was obtained from Leading Counsel. Her conclusions are set out more fully in paragraphs 7.1.3 to 7.1.5. In summary, they are that to choose the western route would be not only extraordinary but perverse; it would be a choice which no reasonable planning authority properly directing itself could make. The prospects for construction of a link road on the northern alignment were, in Leading Counsel's view, radically better.
- 4.8.16 On 2 September 2004, LCC accordingly decided to pursue the northern (Orange) route option and to carry out the detailed work necessary to prepare an application for planning permission for the scheme. Public exhibitions were held in May and October 2005, as a result of which refinements were made to the scheme. In particular, a rising vertical alignment was proposed for the south-western section of the route across the LMC campus which would allow the new road to cross the B5321 Torrisholme Road on a bridge. Residents had shown a clear preference for this arrangement over alternative proposals involving an underpass or a junction between the new road and Torrisholme Road. Changes were also made to the junction of the link road with the A6 for the better protection of the residents of nearby redundant farm buildings recently converted to dwellings. An alignment adjustment was also made to minimise acquisition of MoD land at Halton Training Camp.
- 4.8.17 The scheme was approved by LCC's Cabinet in December 2005. The MSBC at Programme Entry was submitted to the DfT in July 2005, and DfT officials visited Lancaster in June 2006 for discussions and a site visit. It was agreed that a bid for funding of the proposed P&R site should be included in the MSBC. In June 2007, the DfT confirmed that the traffic modelling and appraisal were acceptable for Programme Entry. Ongoing discussions with the DfT about other aspects of the scheme are anticipated to be completed and Programme Entry to be achieved by the end of 2007. Progress thereafter would depend on the outcome of this application for planning permission and, subject to that, a decision on the necessary road orders.

- 4.8.18 The application for planning permission was submitted in December 2005, and amended on 27 June and 12 August 2006, reflecting comments on and objections to the scheme as originally proposed. The detailed amendments proposed are set out in the Revised Planning Application Report dated September 2006 (CD1.21) and include route alignment adjustments to mitigate the impact of the road on wax cap fungi, provision for detailed investigation of the design of the River Lune bridge piers and of any potential for scour, and further detailed provision for watercourses. The relevant application plans are now Drawing No. 11063/301, Sheets 1B, 2B and 3B (CDs1.22 to 1.24).
- 4.8.19 The application as amended was reported to LCC's Development Control Committee on 1 November 2006, which expressed itself minded to grant permission subject to appropriate ecological mitigation and the imposition of planning conditions. The application was referred to the SoS on 3 November 2006, and, by letter dated 8 February 2007, she called the application in for determination under section 77 of the 1990 Act.

4.9 Environmental Assessment

- 4.9.1 Preparation of the Environmental Statement ("ES" – CDs1.10 to 1.13, 1.15 and 1.16) was preceded by a Scoping Opinion which was sent to a wide range of consultees. The ES is accompanied by a Non-Technical Summary (CD1.14). The principal environmental impacts of the scheme are assessed under the following headings.

Air quality

- 4.9.2 The UK Air Quality Strategy has been developed under the provisions of the Environment Act 1995. The Air Quality Regulations 2007 set objectives for the seven air pollutants (of which five are traffic-related) that have the potential to cause harm to human health by reason of adverse impacts on local air quality. If reviews show that any of these objectives are exceeded, the local authority is required to declare an Air Quality Management Area ("AQMA") to address the exceedences. Following an assessment of air quality, the results of which were published in September 2006 (extract at Appendix B in P10A), Lancaster City Council has declared an AQMA for the nitrogen dioxide ("NO₂") objective in Lancaster City Centre. The assessment shows that Heavy Duty Vehicles are responsible for between 50% and 72% of emissions of oxides of nitrogen at roadside receptors in the City Centre.
- 4.9.3 As a result of a further assessment by the City Council in March 2006 (Appendix C of LCC/P10A), which showed that the NO₂ objective was exceeded, an AQMA was also declared along a section of the A6 in the centre of Carnforth.
- 4.9.4 With the link road in place, significant volumes of traffic are predicted to transfer from existing routes, including those through Lancaster and the A6 through Carnforth. This transfer results in a changed pattern of exposure to the five traffic-related pollutants. This has been assessed using the methodology set out in the DMRB. In accordance with this guidance, there have been three assessments: localised, generalised and regional. In each

case, the assessments were carried out for the Base Year, 2001, the Opening Year, assumed to be 2010, and the Design Year, 2025. For the latter two Years, assessments were carried out in both the Do-Something and the Do-Minimum scenarios. The results of these assessments are set out in section 6.2 of the ES (CD1.10) which is reproduced as Appendix D in LCC/P10A.

- 4.9.5 The localised assessment unsurprisingly shows that in the Do-Something scenario, pollutant concentrations decrease at some receptors and increase at others. The receptors are identified in the Figures forming Appendix A in LCC/P10A. Pollutant concentrations are predicted to decrease at the 6 receptors in the Lancaster City Centre AQMA, 6 of the receptors near the proposed link, and 10 of the receptors in the wider network; and to increase at 12 of the receptors near the proposed link and 4 of the receptors in the wider network. The main adverse air quality impacts would be at receptors near the proposed road in the vicinity of Torrisholme.
- 4.9.6 The generalised assessment shows that local air quality would improve at 17,756 properties and worsen at 3,545 properties. No exceedence of air quality objectives is predicted at any receptor as a result of the new road. The regional assessment concludes that total emissions with the road in place would increase in the Opening Year by between 2% and 6%. These increases are the result of additional traffic using the link road and an increase in total vehicle kilometres travelled.
- 4.9.7 Having regard to the large number of properties which would enjoy an improvement in local air quality, and the reductions in emissions and pollutant concentrations in the Lancaster City Centre and Carnforth AQMAs, the net impact on air quality is assessed overall as beneficial.

Ecology

- 4.9.8 A range of surveys have been carried out to identify the ecological resources likely to be impacted upon by the scheme, including habitats and individual receptor species. The majority of the route traverses agriculturally improved grassland of low wildlife value. The main impacts identified are those on uncommon wax cap fungi, mosses, watercourses and ponds, and grassland containing wild orchids. There would be a loss of veteran trees, and loss and severance of hedgerows.
- 4.9.9 Rare wax cap fungi, and in particular the pink wax cap, have been identified in a location over which the new road would run in the vicinity of Howgill Brook. The species is ephemeral and was observed in the location affected only in 2003; surveys in 2002 and 2006 found no evidence of the species, which may re-emerge anywhere in the meadow in question. Discussions have taken place with Natural England ("NE") and mitigation is proposed by purchasing some 10 hectares of land in the area, and managing it in a manner favourable to wax cap species. It is also proposed to translocate the turf of the last observed habitat of the pink wax cap which would be lost to the road. The proposed opening up of the culverted Howgill Brook is also anticipated to create favourable conditions. This would amount to an enhancement of protection for the species, since there can be no assurance that, with the continuance of current farming practices, its habitat would survive.

- 4.9.10 The predicted loss of some 9.3 kms of hedgerow would be compensated for by the planting or replanting of 19.4 kms of new or translocated hedgerows; translocation would be undertaken in respect of sections of hedgerow which are rich in shrubs and woodland ground flora. Hedgerows would be managed and cut in accordance with environmental stewardship guidelines.
- 4.9.11 As a result of the scheme, a number of ditches and streams would be diverted or culverted. However, the opening up of currently diverted watercourses would result in a net gain of over 600 metres in open water courses.
- 4.9.12 The general policy with regard to trees is to plant 4 new trees for every tree lost. A number of veteran trees have been identified within the footprint of the proposed road. Minor re-alignments have reduced the number predicted to be lost to between 5 and 9. With regard to the habitats provided by veteran trees, following discussion with NE, it is proposed to re-erect a section of the trunk of each tree lost in a suitable position nearby to encourage the conservation in particular of three scarce moss species associated with the trees.
- 4.9.13 Orchids have colonised the former M6 construction site between the Holiday Inn and M6 Junction 34 which would form part of the footprint of the road at Croskells. The orchids are generally of common species, save for the Bee Orchid, which is locally regarded as sensitive. Plants would be translocated and seed gathered and deployed elsewhere as part of the proposed landscaping.
- 4.9.14 Surveys revealed no active bat roosts which would be lost, and no other protected species have been identified which would be significantly affected by the scheme. Further surveys to identify the presence of any protected species, including bats, would be conducted before construction commenced, and any necessary licences would be obtained and a programme of ecological mitigation put in place as necessary in accordance with proposed planning condition 6.
- 4.9.15 In addition to the above mitigation and compensation measures, additional habitat creation areas would be provided, extending in total to some 50 hectares. Two of these would accommodate new ponds, and a mixture of grassland plants, trees and shrubs would be planted to form wildlife refuges. The proposed intensive planting on the slopes of cuttings and embankments would also increase the available areas of ecological habitat.
- 4.9.16 Proposed ecological mitigation also contributes to reducing visual and landscape impacts. It is to be noted that there is no subsisting objection to the scheme from NE or the EA. The normal aftercare provision period in such cases is 5 years; in this case, proposed planning condition 38 would impose a 20-year landscape and ecological management period.
- 4.9.17 LCC/P9SUP2 clarifies apparent discrepancies between the scale of the residual ecological impacts as recorded in the main ES and in the Non-Technical Summary. There is predicted to be no impact worse than neutral,

and mitigation measures result in enhancement in most cases, resulting in a number of minor or moderate positive impacts.

Flood Risk

- 4.9.18 A full flood risk assessment, following the guidance set out in PPG25: Development and Flood Risk has been conducted by the Halcrow Group Limited. Technical notes have also been prepared by Halcrow regarding scour at the proposed new bridge and flood risk at Torrisholme. The assessment and notes form Appendices B, D and E in LCC/P5A. The work was carried out in consultation with and has subsequently been approved by the EA. It addresses the following two areas of potential flood risk:
- 4.9.19 **Halton:** The village of Halton lies on the northern bank of the River Lune upstream of the M6 bridge. The new bridge proposed immediately downstream of the existing M6 bridge has the potential to raise river levels upstream at Halton, though to a lesser extent than at the new bridge itself. Supports for the new bridge would stand in the River close to each bank as shown on Figure 3 in Appendix A of LCC/P5A. The flood risk assessment covers the impact of the new bridge both during construction and thereafter.
- 4.9.20 During construction, a temporary coffer dam for each pier would be constructed from sheet piles some 4 metres from the final bridge support location. The impact of the coffer dams would be temporarily to raise water levels by a maximum of 124 millimetres at the bridge, and 62 millimetres at Halton. The detailed design of the bridge supports remains to be decided, and may be piers or plinths or a combination of the two. The range of impacts at Halton from these three alternative designs is permanently to increase water levels by between 12 and 34 millimetres. All of these predicted increases are minimal and within the acceptable inaccuracies of the model.
- 4.9.21 Scour at the new bridge has been assessed and found to be within reasonable limits. Measures to prevent scour would nevertheless be investigated and are expected to be incorporated in the scheme during the detailed design stage. Plots of the flooding in the event of a 1 in 100 year flood event show a minimal enlargement of the flooded area and a minimal loss of floodplain storage.
- 4.9.22 **Torrisholme:** The levels of the new road at its south-western end are determined by the tie-in with the existing western section of the Heysham to M6 link road. Because the new road would rise on embankment from this point, it would be less susceptible to flooding than the existing road. The lowest section of the new road is predicted to be flooded over a length of about 40 metres in a 1 in 10 years flood event. About 200 metres of the new road lies below the 1 in 200 years flood level and the remainder lies above that level.

Geology

- 4.9.23 The geological context of the scheme and details of surveys carried out are set out in section 16 of the ES (CD1.10). Sections of the scheme, especially the central and eastern cuttings, would alter the local geology. No significant

geological impacts are envisaged outside the immediate route corridor. The base of the deepest cutting would lie in the Roeburndale Formation, a feature of considerable geological interest, of which there is currently no other exposure in the area. No designated geological features, important mineral resources or major aquifers would be affected by the scheme.

- 4.9.24 The local geology would not be a constraint on construction of the road. The nature of the geology has been studied with a view to using material excavated from the cuttings at the eastern end of the route for the construction of embankments at its western end to reduce the need for imported material. No major adverse impacts on local geology are predicted; some intermediate adverse impacts, such as the disturbance of superficial glacial deposits along the eastern route section, where 1.9 million cubic metres of material would be excavated, would be at least partly offset by intermediate beneficial impacts such as the exposure for study of the Roeburndale Formation referred to above.

Landscape and visual amenity

- 4.9.25 The impact of the proposed road has been assessed using the methodologies set out in the landscape character guidance issued by NE and the DfT's Transport Analysis Guidance for major road schemes. The visual impacts of the proposed road have been assessed using a visual envelope which defines the boundary of the visual impact of the scheme. With the exception of its south-western section, the promoted route lies within the North Lancashire Green Belt, which lies to the west of the M6 and extends from the northern edge of Lancaster north to the environs of Carnforth. LCC's case with regard to Green Belt issues is set out later in this report commencing at paragraph 7.2.16.

- 4.9.26 Though located in the Green Belt, the area through which the road would pass has no national landscape designation. The assessment has nevertheless been carried out in accordance with PPS7: Sustainable Development in Rural Areas. The methodology is set out in section 5 of LCC/P11. The assessment takes into account the mitigation proposed to be provided. In assessing the impact of the road and formulating mitigation, regard has been had to development plan policy, including the JLSP, and specifically Policies 20 and 21 of Supplementary Planning Guidance "Landscape and Heritage", and the indicators and targets contained within it. Targets in Policy 20 are met by the extent of proposed woodland planting (50 hectares), the replacement planting and translocation of hedgerows (19.4 kilometres to replace 9.3 kilometres lost), and the creation of 3 new ponds. The proposed provision of 8 Habitat Creation Areas complies with Policy 21.

- 4.9.27 For the purposes of the assessment, the route has been divided into nine Local Character Areas numbered from south-west to north-east. The Areas are defined and described in sections 6.4 to 6.11 and shown on Figure 10.1.4 at page A4 of LCC/P11A. The impacts of the proposed road and proposed mitigation measures are set out in section 8 of LCC/P11.

- 4.9.28 Area 1 consists of the north-eastern end of the existing Heysham to M6 link road, reconfiguration of which would not adversely affect landscape. Some

additional roadside planting would afford more screening for residential properties to the south-east of the A683, so that the impact would be neutral or slightly beneficial.

- 4.9.29 Area 2 comprises the route section between Morecambe Road and the B5321. The road would rise on embankment across LMC's playing field before crossing Torrisholme Road on a new bridge. The bridge has been designed on the lowest possible vertical alignment to minimise its visual impact. The road would be screened by noise attenuation barriers and by dense planting on the embankment. The road structures would be constructed of materials compatible with the nearby buildings of LMC. Despite the mitigation, however, the overall impact in this Area both during construction and on completion is assessed as moderate to large adverse.
- 4.9.30 Area 3a extends from Torrisholme Road to the bridge over the WCML. Throughout much of this section, the road would be on embankment, rising to about 13 metres above field level at the proposed railway bridge. Because of the relatively flat, open landscape, the adverse impact of the road would be substantial. To the north-west of the route lies a drumlin feature known as Torrisholme Barrow which affords 360^o views. From the Barrow the road would appear in the middle distance. Properties at Endsleigh Grove, located on another drumlin feature, would have a view of the road across a small field, as would properties on the eastern side of Russell Drive. Extensive planting would in the medium term reduce the visual impact of the scheme. The overall impact in this Area would nevertheless be large adverse.
- 4.9.31 From the railway bridge, the route continues east through Area 3b to the Lancaster Canal, which it would cross on a new bridge at a height of about 5.5 metres above towpath level. Between the WCML and the Canal, substantial earthworks on both sides of the road would provide screening, including protection for properties located south of Hammerton Hall Lane and along Folly Lane. Sympathetic design of, and the use of appropriate materials for the Canal bridge would reduce its impact on the canalside environment and the rural character of the area. The overall impact on this Area would be moderate adverse.
- 4.9.32 East of the Canal in Area 4, the route meets the rising ground and the low drumlins which are characteristic of the locality. This allows the existing landform to be used to provide screening. The A6 roundabout and access road would be in cutting below the ridgeline of a drumlin, and further screening of views of the road from nearby properties would be provided by mounding and planting. The overall impact of the scheme on Area 4 is assessed as moderate adverse.
- 4.9.33 The route continues eastward through Area 5, which is predominantly agricultural in character. The route would emerge from deep cutting and cross the Howgill Brook Valley on a shallow embankment with screening by way of false cutting. Thereafter, it would continue to climb, though in shallow cutting by reason of the continuing rise in ground levels. The loss of hedgerows in this Area would be more than compensated for by extensive translocation and replacement. The impact on Area 5 is again assessed as moderate adverse.
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- 4.9.34 Area 6: East from Green Lane, the route continues in shallow cutting through mainly agricultural land. The screening provided by the cutting would be reinforced by the formation of earth mounding on both sides of the road, graded out so as to marry into the existing landscape. Extensive planting of the mounding would create a substantial area of woodland. As the route continues eastward towards Shefferlands Junction, the cutting deepens. The impact on Area 6 is assessed as moderate to large adverse.
- 4.9.35 From Shefferlands Junction, the route runs south through Area 7, crossing the River Lune and continuing southward on embankment to the proposed junction with the A683 at Croskells. Mounding and planting would help to screen the road from the Holiday Inn complex and from the strategic cycle/foot-way on the south bank of the river. The impact on Area 7 would be slight adverse.
- 4.9.36 The junction at Croskells in Area 8 would include the construction of new slip roads and the expansion of the existing Caton Road junction. The construction would, however, provide the opportunity for extensive new woodland planting, and the impact is therefore assessed as neutral.
- 4.9.37 Visual impacts on individual receptors are addressed in section 9 of LCC/P11. In LCC/P11A, the receptors are identified on the three Sheets which form Figure 10.1.3, and the predicted residual impacts in the Design Year are shown on Figure 10.1.5. Among the residual impacts identified as substantial are those on properties in Russell Drive in Torrisholme, and on properties on the A6 Lancaster Road near its proposed junction with the new road. The road may also have substantial visual impacts when viewed from other public highways or rights of way.
- 4.9.38 LCC's mitigation proposals are contained in the proposed planning conditions. Of the 39 conditions of general application now proposed, 13 relate expressly to landscape and visual impacts. As mentioned above, LCC's unilateral undertaking requires it to manage all landscaping mitigation for a period of 20 years, providing significant reassurance that the measures would have lasting long-term effects.
- 4.9.39 While the proposed alignment of the route is constrained by its western origin at the eastern end of the existing link section and its eastern destination at Junction 34 of the M6, it has been designed to follow as closely as possible the northern edge of the urban area of Lancaster thus reducing to a minimum its impacts on the Green Belt, landscape and the countryside generally. It is acknowledged that a scheme on this scale cannot but have a significant adverse impact on landscape. The detailed alignment of the road would make the best use of the natural topography and LCC's mitigation proposals ensure that any adverse impact is reduced to and maintained at a minimum.

Noise

- 4.9.40 The impact of the proposed road has been modelled and assessed using DMRB guidance and having regard to "The Calculation of Road Traffic Noise" (Department of Transport 1968 – CD1.62). LCC commissioned an ambient noise survey as part of the EIA. Road traffic is currently a significant generator

of noise in parts of the area through which the road would run. For properties fronting the main routes through the area, including residential roads used as "rat runs", traffic currently provides the dominant noise source.

- 4.9.41 The opening of the proposed link road would result in a significant shift in traffic flows from the existing network to the new road. Among the beneficiaries in noise terms of this shift are those who live and work in the centre of Lancaster, and along the A5105 Coast Road, the A6 south of the link road junction, the B5321 Torrisholme/Lancaster Road, and the A683 both in Caton Road north-east and Morecambe Road west of Lancaster. Other roads, including the A6 immediately north of the link road, the B5273 Mellishaw Lane, the existing section of the Heysham to M6 link, and the A589 Morecambe Road would see significant increases in traffic flows.
- 4.9.42 The noise assessment predictions show that, in 2025 with the road in place, 3,633 properties would suffer an increase in noise levels, but 14,885 would benefit from lower noise levels. The results of the noise assessment are set out in Tables 12.4.2 to 12.4.5 in the ES.
- 4.9.43 Where significant increases in noise levels are predicted, LCC proposes mitigation measures wherever practicable. These would take the form of earth mounds and false cuttings. Noise attenuation barriers would be installed from the A683 north-eastwards to link to the false cutting which commences some 100 metres north-east of the proposed bridge over Torrisholme Road. The intensive planting proposed as part of the landscaping mitigation would have a small additional attenuating effect, as recognised in DMRB guidance. The proposed planning conditions provide for the prior approval of a scheme of measures to reduce noise at residential properties.
- 4.9.44 Properties near the alignment of the link road, including some in Torrisholme and Skerton, would nevertheless experience significant increases in noise levels. Of the 3,633 properties predicted to experience an increase in noise levels if the road is built, a noise increase of between 5 and 10dB(A) is anticipated at 741, and an increase of between 10 and 15dB(A) is anticipated at 107 properties; noise increases at the remaining properties are predicted to be less than 5dB(A).
- 4.9.45 The noise assessments conducted to date have addressed general noise levels with a façade correction. Following construction of the road, every property within 300 metres of the scheme would be re-assessed for eligibility for noise insulation under the Noise Insulation Regulations 1975. To be eligible, a property must lie within 300 metres of the road, experience a noise level in excess of 68dB(A), which level must be at least 1dB(A) higher than pre-existing levels, and of which increase at least 1dB(A) must be attributable to the new road.
- 4.9.46 In the Do-Minimum scenario, traffic volumes and therefore traffic noise are predicted to continue to grow. It is to be noted that the Noise Insulation Regulations apply only to the impacts of new or altered roads, and would therefore provide no protection for those properties where significant road traffic noise increases are anticipated if the new road is not built. 820 residential properties are predicted to experience noise levels in excess of

70dB(A) by 2010 in this Do-Minimum scenario.

- 4.9.47 The application of low noise surfacing as proposed would typically reduce noise levels by between 2 and 4 dB(A) in dry weather, though LCC recognises that this measure is less effective in reducing noise emissions at low speeds or at junctions where tyre noise is not the predominant noise source.
- 4.9.48 While significant noise impacts from the new road would remain, the mitigation proposed, taken with the availability of noise insulation, would reduce such impacts to acceptable levels. The impact of the new road on Lancaster and Morecambe College, including that arising from traffic noise, is addressed in section 7 of this report.

Other environmental issues

- 4.9.49 Among the other environmental issues addressed by LCC are the following:

Cultural heritage

- 4.9.50 A study area up to 2 kilometres wide and some 5 kilometres long was established along the proposed road alignment. A number of sites were already listed in the Lancashire Scheduled Monument Register and others were identified in the course of the desk-top study carried out as part of the EIA, bringing the total to 218. Three Scheduled Monuments, Torrisholme Barrow, Halton motte and bailey and Halton Cross, are within the study area but not directly impacted upon by the scheme. The date of origin of the majority of the sites, 156 in number, is post-medieval or unknown.
- 4.9.51 The three sites likely to be most affected are a milestone on Slyne Road, Beaumont Grange and Croskells Farm. The milestone could readily be removed and repositioned. Beaumont Grange is on high ground overlooking the route, and Croskells Farm is already close to the M6. Mitigation in both of these cases may prove difficult. The position regarding Croskells Farm would be the subject of further investigation in the context of the application for the proposed P&R site.
- 4.9.52 General mitigation measures are proposed to reduce the impact of the road on cultural heritage. A proposed planning condition provides for a scheme of archaeological investigation and mitigation to be agreed prior to the commencement of construction. In the event of the finding of further archaeological features, provision is made in the proposed conditions for construction activities to be delayed pending investigation and the agreement of any necessary mitigation. With mitigation in place, the impact of the scheme on cultural heritage is assessed as minor negative.

Water quality, drainage and contamination

- 4.9.53 The route of the link runs generally east-west, across the grain of the natural drainage of the area which is generally north-south. Some interference with existing watercourses by way of culverting and/or diversions is therefore inevitable. There is proposed, however, a net addition to open watercourses extending to some 600 metres.

4.9.54 New outfalls, in every case equipped with interceptors, would be provided, and it would be for the EA to approve these at detailed design stage. There is no subsisting objection from the EA. Provision is made in the draft planning conditions for the protection of watercourses.

4.9.55 No sites have been identified which would require contaminated land to be dealt with. Provision is again made in the draft planning conditions, however, for a methodology to be put in place for addressing any contaminated land within the road corridor. This would be kept under review during construction, and if necessary addressed through the proposed CEMP.

4.10 Lancaster City Council

4.10.1 On 20 June 2007, the City Council passed a resolution in the following terms:

"The Council confirms that the District needs an M6 link, but is opposed to the Northern route. (It) feels that it is imperative that a comprehensive alternative package of measures to deal with the District's traffic problems needs to be identified and implemented as a matter of urgency."

The resolution continued with instructions to the Chief Executive to promulgate the resolution and inform the Heysham to M6 link inquiry programme officer that the City Council would take no further part in the proceedings.

4.10.2 In accordance with this resolution, the City Council did not appear at the inquiry, though individual City Councillors appeared, some to support and some to object to the scheme. The evidence to the inquiry (LCC/P3) which would have been given by Mr A Dobson, the City Council's Head of Planning, was reviewed by Mr S Abbott, an independent planning consultant instructed by LCC, who discussed its contents with Mr Dobson, and adopted and was cross-examined on Mr Dobson's evidence at the inquiry, save in respect of those aspects of it which turned on matters solely within Mr Dobson's personal knowledge, such as meetings with various parties.

4.10.3 Prior to the passing of the resolution, the City Council was a supporter of the link road. On 31 August 2004, it resolved to support the selection of the northern route, subject to two provisos: that the scheme should include a new bridge into the Luneside area; and that the extra road capacity created within Lancaster City Centre should be used to facilitate significant complementary transport measures. The City Council later accepted that the Luneside bridge proposal should be removed from the scheme and pursued through the Local Development Framework procedures.

4.10.4 The application for planning permission was referred to the City Council as a statutory consultee and on 20 February 2006, it resolved to support the application, and, when amendments to the application were referred to it on 21 August 2006, it determined to raise no objection, subject to a number of recommendations, including the delivery of a full range of traffic initiatives to avoid the road space in Lancaster City Centre released by the scheme being

taken up by private vehicular traffic, to a ban on through heavy goods traffic once the link road was open, and to investigation of the potential for a P&R site to the north of Lancaster.

- 4.10.5 As far as the policy context is concerned, the City Council's policies which support the scheme remain in place, including its Core Strategy (CD1.61) which clearly identifies the northern route now promoted.

5. THE CASE OF THE SUPPORTERS

The material points are:

Heysham Port Limited

- 5.1 The company owns and operates the Port of Heysham. It is a constituent company of Peel Ports Limited, which also owns and operates Mersey Docks and Harbour, Clydeport, the Manchester Ship Canal, and other facilities elsewhere in the United Kingdom. The total value of the assets of Peel Ports Limited is about £5.5 billion, of which assets to the value of £3.5 billion are located in the North West region. The Port of Heysham serves a growing number of daily ferry services for passengers and freight to Dublin, Belfast and Warrenpoint, and to Douglas, Isle of Man. Heysham is defined by the DfT as a major port. The provisional results show that it handled 4.01 million tonnes of freight in 2006, an increase of some 9% on the previous year. It is a strategic 24-hour nationally important gateway for trade between Britain and Ireland. Significant proportions of freight through Heysham consist of time-sensitive goods for which reliable delivery is essential.
- 5.2 The majority of freight through Heysham is carried on roll-on/roll-off ("ro-ro") trailers which are embarked and disembarked using port-based tractors and which make the sea crossing unaccompanied by motive power. New and larger vessels are on order for the Warrenpoint crossing. The Port sits close to the M6 trade route and is well-placed to service the Irish ro-ro trade taking advantage of the "peace dividend". The Port is also home to one of Europe's largest offshore gas field supply bases. The Port directly employs 160 staff, with significant additional employment provided by Port users, including hauliers. The Port is a major generator of economic activity in the area.
- 5.3 Expansion of the Port is a regional and development plan policy objective. This policy support includes the Northwest Regional Economic Strategy (LCC/INQ/7). While the Port has continued to expand in recent years, there remains a limit on what can be achieved while all Port-bound traffic must either pass through the congestion of central Lancaster or travel via M6 Junction 35, the congestion of Carnforth and the unsuitable A5105 coast road.
- 5.4 Freight loads are diverse and often mixed. Most are not conducive to transfer to rail. The use of "piggy-back" rail wagons to carry lorry trailers is prevented mainly by gauge limitations on the WCML, and access by rail to the Port is in any event limited by restrictions on train length and the need for trains to reverse at Morecambe, with the locomotive "running round". Peel Ports Limited has experience of promoting improvements to rail access at Seaforth Container Terminal; in its view, significant transfer of freight from road to rail is not a

realistic or viable proposition for Heysham.

- 5.5 Completion of the Heysham to M6 link would reduce journey times for Port users. Perhaps as significantly, it would greatly increase the reliability of journey times, an important consideration for Port-bound traffic constrained as to arrival time in Heysham by the need to catch a specific ferry.

**Lancaster District Chamber of Commerce, Trade and Industry
Lancaster & Morecambe Vision Board
Urban Splash**

- 5.6 These three supporters of the link road scheme were represented at the inquiry by Mr D W B Taylor, who is transport spokesman for the Chamber of Commerce. In common with others, the Chamber was initially split as to choice between a northern and a western route. Following adoption of the northern route, however, the Board of the Chamber, which represents more than 500 businesses throughout the district, voted to support construction of the link, and Mr Taylor was mandated by the Chamber to appear at the inquiry to express its full support for the application and to stress the importance of the contribution which the Chamber believes the link road would make to the future economic and environmental prosperity of the area.
- 5.7 The Vision Board was established in 2004 at the behest of the NWRDA and Lancaster City Council, with a view to determining a clear economic vision for Lancaster and Morecambe, in which the private sector was to take a pivotal role. The Board produced a draft economic strategy which was then the subject of a two-month consultation with stakeholder groups and the general public. The strategy was adopted by the Lancaster City Council and forms the Economic Vision of June 2006 (DT/P1A).
- 5.8 Among the Vision's aims are the implementation of the Heysham to M6 link, and the design and implementation of a combined and integrated transport solution to congestion and other local traffic problems. The Board strongly supports the construction of the link as part of its "number one transformational project" which focuses on finding an integrated solution to traffic congestion in Lancaster and Morecambe, that is, on Morecambe Road, the Lune Bridges, in Lancaster City Centre and between the regional/national transport networks and the major employment areas in White Lund and Heysham.
- 5.9 The Board recognises that the link road could not alone provide such a solution. In March 2007, in conjunction with both the County and City Councils, it commissioned transport consultants, Faber Maunsell, to carry out a study of a range of complementary measures which, with the link road in place, could be employed to address the area's traffic problems. Faber Maunsell is expected to submit the report in December 2007.
- 5.10 The developer, Urban Splash, has acquired and refurbished the iconic 1930s Midland Hotel on Morecambe seafront, and is the City Council's preferred developer for the adjoining 4.6-hectare Central Promenade Site. Urban Splash has failed to identify an operator for the Hotel, and considers that a principal reason for this failure is the poor and unreliable access to Morecambe from the M6. In a letter to Mr Taylor dated 6 July 2007 and appended to Mr Taylor's proof

of evidence (DT/P1), the Managing Director of Urban Splash Liverpool expresses strong support for the link road, stating that the economic regeneration of Morecambe is dependent on its construction.

- 5.11 Mr Taylor has been a local resident for over 30 years. He currently lives in Barley Cop Lane. He practises as a Chartered Surveyor in central Lancaster. In addition to the above evidence and submissions, he describes from his own experience the travel and other problems to which the current level of traffic congestion in the area gives rise. He produced a statement in support of the scheme published by the Chamber of Commerce in the Lancaster Guardian on 13 July 2007, with the support of 53 named local businesses and commercial organisations.

Morecambe Neighbourhood Council

- 5.12 The Council has long taken the view that a link road is essential to reverse the declining fortunes of Morecambe over the last three decades or more and that a northern route as promoted would serve the area best. The Crime and Safety Partnership Audit of 2001 showed that certain areas of Morecambe, and especially Poulton and West End, are among the worst in the United Kingdom in terms of unemployment, multiple deprivation including child poverty, and health. Work to address these problems is on-going and a new, more optimistic attitude is detectable in the area. However, sustaining this requires the construction of the proposed link road to encourage new investment and new sources of employment in Morecambe.

Mr Ben Wallace MP

- 5.13 Mr Wallace is the Member of Parliament for Lancaster and Wyre. His constituency includes the City of Lancaster and the area to its south. He supports the Heysham to M6 link now proposed by LCC, believing that a new road is essential for the solution of Lancaster's traffic problems. The northern alignment represents the only route option now available. His view that a western route is not buildable is informed by personal contacts with officials of the European Commission responsible for policing the Morecambe Bay SPA. He has studied the decisions in cases where the EU has taken legal action to enforce the protection of environmentally designated sites.
- 5.14 A western route would also be more than twice the length of the scheme route and require the expensive construction of a new bridge across the River Lune. It is unlikely to offer value for money compared with the northern route. Parties who continue to pursue a western route are deluding themselves and those whose support they seek.
- 5.15 The area is in desperate need of sustained economic growth. There are industrial estates and business parks in the area with significant growth potential, but all are constrained by poor access to the motorway network. A disproportionate number of residents of Lancaster and Morecambe, and especially young people, are economically inactive. Completion of the Heysham-M6 link along the application route is urgently required.

County and City Councillors

- 5.16 A number of County Councillors appeared at the inquiry to support the case for the link road presented by LCC. These included Councillors Susie Charles, Sarah Fishwick, Janice Hanson, Tony Martin, Niki Penney, and Jean Yates. They represent a range of wards within the area, and have a variety of County Council and other local responsibilities. They regard the current application as the last opportunity to address the district's appalling congestion and the economic deprivation which is in part a result of poor transport links.
- 5.17 Morecambe has an unemployment rate which, at 7.1%, is close to double that of Lancaster. Councillor Yates is the County Council cabinet member for highways and transport. While she and the other Councillors strongly support measures to promote sustainable modes of travel, they do not believe that these would render the proposed road link unnecessary or that there is any alternative which could meet the main objectives of the link road scheme. The expansion of the Port of Heysham is essential; the Manchester University NETA study (Appendix B to JY/P1) concluded that, while better access to the Port of Fleetwood could be provided by rail, Heysham would need a road link. The east-west access enhancement envisaged in the Northern Way Business Plan 2005-2008 (Appendix C to JY/P1) and improved access to Northern seaports would be advanced by construction of the link.
- 5.18 Those who continue to promote alternative routes to the south and west of Lancaster delude not only themselves but also those they purport to represent. The letter dated 26 June 2007 from the Leader of LCC to the Chair of the Planning Committee of Lancaster City Council (appended to TM/P1) makes it clear that LCC has no proposal for any route save the promoted scheme and that, if the current application is refused, there will be pressure on LCC to concentrate its efforts and resources on urgently needed relief roads elsewhere in the County.
- 5.19 Ms Charles and Ms Fishwick are also City Councillors and appeared, together with City Councillor Eileen Blamire, Chair of the City Council's Planning Committee and its cabinet member with responsibility for planning policy, to support the application for planning permission, notwithstanding the position taken by Lancaster City Council following the vote of 20 June 2007.
- 5.20 Councillor Fishwick is also the Deputy Chairman of the Lancaster Federation of Small Businesses. Many businesses on the Heysham peninsula are delaying implementing plans for the future pending the outcome of this application. The present situation impacts severely on Carnforth where exceedences of NO₂ have led to the declaration of an AQMA. A great deal of public money has already been spent on the regeneration of the most deprived areas on the peninsula including the Poulton and West End districts of Morecambe. This would be wasted if the further improvements which the proposed road would provide are lost.
- 5.21 Mr I Barker, a former City Councillor, takes the view that, following the resolution passed on 20 June 2007, the City Council no longer has an intellectually coherent position. The withdrawal of the City Council's support for the application results from an arbitrary alliance of two groups of

Councillors whose views in reality conflict, reflecting the two main strands of opposition to the scheme, namely those who continue to promote a western route for the link road and those who are opposed to a new road on any alignment. Mr Barker strongly supports the scheme, while acknowledging that LCC needs urgently to particularise the complementary traffic measures it proposes.

5.22 Professor S Henig is a former Lancaster MP and Councillor. He was a strong supporter of a western option, the merits of which he promoted at regional, national and European level. He left the Council in 1999, by which time it was already clear that a western route could not be built. He now regards the northern route as the only available option, and believes that its construction is urgently required.

Other supporters

Mr A Biddulph

5.23 Mr Biddulph is a resident of Heysham, and co-ordinator of the "Love the Link" campaign, formed as a counterbalance to the negative press received by the scheme. The campaign petition submitted to the inquiry has over 3,000 signatures. A road link to relieve congestion in Lancaster and to improve access to Heysham and Morecambe is essential, and the northern route is the best on offer. Travel between Morecambe and Lancaster, a distance of only some 7 km, can often take 45 minutes or more. The use of the route through Lancaster by lorries creates severe traffic hazards; in a recent accident on Skerton bridge a private car was pushed by an HGV through the bridge parapet into the River Lune.

Mr D Clifford

5.24 Mr Clifford has set up and, despite the ongoing economic problems of the area, maintained a restaurant and catering business in Morecambe. Many of his competitors, cafés in particular, have been forced to reduce trading days; some have been driven out of business. Such businesses, typically employing part-time staff often on the national minimum wage, are an important indicator of the economic well-being of the area.

5.25 Morecambe has already made significant progress towards improving its image, examples being the refurbishment of the Midland Hotel, transformation of the sea front and beaches, and the return of multi-occupation housing to family use. The promotion to the League of Morecambe Football Club is likely further to raise the town's profile and generate more visitors, including fans. Some years ago, Morecambe had the dubious privilege of ranking first in a book entitled "Britain's C**p Towns". In recent editions of this book, Morecambe no longer figures in the top ten.

5.26 The proposed link road is not a "one stop solution". A range of complementary measures, for which the road is an essential catalyst, will also be required, including Park & Ride sites, such as that now proposed at Junction 34 of the M6, extended cycling and walking routes, dedicated school bus services and other improvements to public transport, green transport plans for major local

employers, and a ban on heavy goods traffic through Lancaster.

Mr P Gardner

5.27 Mr Gardner is a resident of Carnforth and a Town Councillor, who appeared at the inquiry in a personal capacity. Carnforth is a busy market town, currently severely affected by congestion, especially at the A6/Market Street junction in the centre of the town. To avoid congestion in central Lancaster, Heysham/Morecambe-bound traffic, including high volumes of HGVs, diverts via Junction 35 of the M6, the town centre of Carnforth and the A5105 Coast Road through Bolton-le-Sands and Hest Bank. Traffic queues often in excess of 1.5 kms in length build up on either side of the central traffic-signal-controlled crossroads. The volume of traffic and the length of queues result in major adverse impacts on local people, including poor air quality. An AQMA has now been declared along part of the A6 through Carnforth.

5.28 The opening of the link road would provide major relief to Carnforth and other settlements in the north of the area. LCC's traffic modelling predicts reductions in traffic flows through Carnforth of more than 50% and reductions of some 69% through Hest Bank.

Mr C Martin

5.29 Mr Martin is a resident of Morecambe and a member of the Morecambe Neighbourhood Council, though he appeared at the inquiry in his own right and not as a representative of the Council. There is an urgent need to improve road access to Morecambe, which is currently akin to squeezing through a turnstile.

5.30 The claims of Ms Geraldine Smith MP (see section 6.6) as to support for a western route and opposition to the northern route are exaggerated and unreal, partly as a result of the partisan nature of her approach to constituents. Omitted from Ms Smith's covering letter and questionnaire was the essential question: "If a western route is unbuildable, would you support the construction of a northern route?". The questionnaire was accompanied by a letter from Ms Smith in which she describes herself as a strong supporter of a western route, and which fails to set out any comparative basis on which respondents could make a reasoned choice. Moreover, Ms Smith admitted in the course of cross-examination that questionnaires had not been sent to residents in the north of her constituency, including Carnforth, from whom support for a northern route is most to be expected, stating that this failure was on grounds of additional expense.

5.31 Ms Smith has made public the results of her purported survey of opinion. The Press has seized upon a headline figure of more than 90% support for a western route. Accepting only for the purposes of the calculation that the questionnaire responses should be accepted at their face value, the 14,000 expressions of support for a western route represent only some 13% of the total electorate of the Lancaster area. Earlier independent surveys of opinion, notwithstanding that they were taken at a time when a western route was still thought to be a viable alternative, showed a broadly even level of support for the two competing routes. Little weight should be afforded to the submissions

of Ms Smith and others as to support for a western route and opposition to a northern route.

Mr D Needham

5.32 As the owner of a caravan park in Morecambe, Mr Needham speaks from personal experience of complaints from customers that an otherwise easy journey had been ruined by congestion once the Lancaster area was reached. The existing western section of the link road starts conveniently close to the sea but leads only to gridlock on the A683 Morecambe Road at its eastern end. There has been a significant increase in the housing stock in Morecambe and Heysham in the last 20 years with no concomitant improvement in the road network.

Mr G Webb

5.33 There are exciting redevelopment prospects for the centre of Lancaster, including the City Council's canal corridor development proposals. These would be placed at risk by a failure to improve access and ambiance by reduction of traffic flows through the city centre, especially of HGVs. Only the link road can effect the necessary traffic reductions, and open up opportunities for the proposed programme of complementary traffic measures.

Written representations in support

5.34 The scheme has the strong support of the North West Regional Development Agency ("NWRDA") (see CD5.7). The NWRDA considers that the link road would bring significant economic benefits in terms of access to sub-regional development sites north and west of the River Lune. The Northwest Regional Economic Strategy (LCC/INQ/7) places emphasis on the full development of the growth areas around Lancaster and the full utilisation of key growth areas, including ports.

5.35 **Local residents:** Representations in support of the scheme were received from a large number of local residents. These are contained within Document MIS/INQ/5.

6. THE CASE OF THE OBJECTORS

The material points are:

6.1 General points

6.1.1 Most objections to the application fall into one of two broad categories: (1) Those from objectors, principally but not solely ESTA/TSLM, who reject any new road link, instead advocating the formulation and implementation of a package of alternative traffic management and other measures to address the area's traffic problems; and (2) those from objectors who accept that a new link is required, perhaps urgently, but consider that a more acceptable and sustainable route ("a western route") for the road is to be found between the M6 south of Lancaster and a new roundabout to be provided on the already-constructed western section of the Heysham to M6 link road.

6.1.2 There has been consideration of two western routes, referred to as the Green route and the Blue route (the promoted northern route being known as the Orange route). The Green route would run generally north-west from a reconfigured M6 Junction 33 and across the coastal plain, crossing the estuary of the River Lune on a new bridge and connecting to a new roundabout on the existing Heysham link. The Blue route would run west from an additional motorway junction to be constructed some 3.5 kms to the north of Junction 33 in the vicinity of the University of Lancaster to the same point on the existing link section.

6.1.3 There are many objections to the scheme from local residents (in MIS/INQ/5). Many local people, including those represented by TSLM, believe that the adverse impacts of the proposed road could be obviated by abandoning the scheme in favour of a package of alternative traffic measures. Others take the view that constructing the new road on a western route would have fewer adverse impacts on residents and other sensitive receptors.

6.2 The Environmental and Sustainable Transport Alliance Transport Solutions for Lancaster and Morecambe

6.2.1 ESTA is a consortium of local and regional organisations committed to promoting sustainable transport solutions. Its members are: The Lancashire Branch and the North West Regional Group of the Campaign to Protect Rural England, Friends of the Earth North West, the North West Transport Activists' Roundtable, Sustrans and Transport 2000. TSLM is a residents' group with widespread local support, similarly committed to promoting sustainable solutions to the local transport problems of Lancaster and Morecambe. The two organisations lodged separate objections, but at the inquiry they presented complementary cases concurrently, and instructed the same Counsel, and their cases are therefore reported concurrently here.

6.2.2 ESTA and TSLM object to the scheme on the basis that it runs counter to adopted and emerging development plan and other policy, would not provide a long-term solution to the traffic problems of the area, and would be severely damaging to local communities in a variety of ways, including by reason of noise, air pollution, increased flood risk, loss of visual amenity, and severance. It would have significant adverse impacts on the Green Belt, on the local landscape and the setting of Lancaster, and on biodiversity. The scheme would not provide the economic and regeneration benefits claimed for it.

6.2.3 In its assessment of the scheme, LCC has followed DfT Transport Analysis Guidance ("TAG") only in certain respects, relying on DMRB guidance for much of its environmental assessment. The extent to which that TAG Guidance has (not) been followed is relevant to the SoS's decision whether to grant planning permission. It is not sufficient for LCC to claim that TAG is relevant only to its MSBC. Following TAG guidance throughout would significantly increase the adverse impacts of the scheme.

6.2.4 LCC relies on a claim that the scheme is included as a priority project in the Regional Funding Allocation, but the evidence contained in ESTA/P8 calls this prioritisation into question, especially given cost escalation and the downward

recalculation of regeneration benefits.

6.2.5 The proposed road faces widespread opposition from local people and is no longer supported by Lancaster City Council. While prepared to contribute to the discussion of proposed planning conditions in the course of the inquiry, ESTA/TSLM does not accept that the imposition of conditions on the grant of planning permission or LCC's entering into section 106 obligations can adequately address the scheme's manifest shortcomings and adverse impacts.

6.2.6 Planning permission should not be granted for the scheme. Instead, LCC should carry out a holistic study of the transport needs of the area, and propose and implement an alternative package of sustainable measures. It is for LCC and not for ESTA/TSLM to propose these measures. As urged by Counsel in his closing submissions on ESTA/TSLM's behalf: "policies *exist* to reduce traffic and *can* be applied" (Counsel's emphases).

Compliance with policy

6.2.7 The proposal fails to comply with national policy and development plan policy in a large number of respects. Some of these failings, for example in respect of Green Belt and flooding issues, are separately addressed below. While it is acknowledged that there are express references in development plan policy to the Heysham to M6 link, construction of a new road, whether on the promoted northern route or on an alternative alignment, is not expressly endorsed in any policy document. The weight of development plan policy militates against the scheme. Any short-term benefits of the scheme will be at the expense of compromising longer-term policy aspirations.

6.2.8 The evidence presented by ESTA/TSLM casts doubt on the ability of the proposed road to meet its stated objectives. Contrary to development plan policy, there has been no holistic multi-modal examination of a package of sustainable alternative measures which would meet the objectives of the scheme without the construction of additional highway capacity which, as government guidance states, is to be regarded as a last resort.

6.2.9 Policy T1 of the LDLP provides that the City Council will work with LCC to manage the demand for car travel, make the most efficient use of the existing transport infrastructure and maximise opportunities to use means of transport other than the car. The EiP Panel Report into the emerging RSS is strongly supportive of a move away from schemes that increase highway capacity in favour of schemes securing increased use of sustainable modes.

6.2.10 Development plan policy encourages as much necessary travel as possible to be undertaken by sustainable means, including modal shift from the private car to public transport, cycling and walking, and shifting freight from road to rail and water. The LDLP records the City Council as being strongly supportive of sustainable measures which would increase the proportion of freight carried by rail, including making greater use of the branch railway line to Heysham and Morecambe. There is a similar aspiration in the EiP Panel Report into the emerging RSS.

6.2.11 It is acknowledged that there are currently no plans to carry out the

improvements to the rail infrastructure which would be needed to permit the transfer to rail of significant volumes of the freight carried to/from the Port of Heysham and the Heysham peninsula. There are, however, occasions where radical changes in rail industry thinking have taken place with little warning. For example, it has long been a local aspiration in the Dumfries area of Scotland to improve the capacity of a section of railway by dualling it. The rail authorities had long refused to carry out this work, but have now changed their view and have decided to carry out the dualling. There could be a similar change of heart with regard to the Morecambe and Heysham branch line.

6.2.12 The scheme runs counter to development plan policy in the many other respects recorded in ESTA/P6. These include:

- The loss of open space and the impact on sport and recreation at the LMC, contrary to the statement in the LDLP that the College grounds are an important urban green space. The road would have adverse impacts on green infrastructure and tranquil zones especially in the vicinity of the Lancaster Canal crossing. The emerging RSS contains a general aspiration to maintain green infrastructure (EiP recommendation 8.3); and
- The proposal to light the new road along its full length would run counter to RPG13, Policy UR10 of which encourages patterns of development which minimise the impact of light pollution.

6.2.13 The resolution of the City Council to withdraw its support for the promoted northern route is a material consideration to be taken into account against the scheme.

Options and alternatives

6.2.14 The proposal does not conform with PPG13, because it fails to establish, as a minimum requirement, that it would unlock opportunities to promote sustainable transport modes which, absent the new road, could not be achieved. LCC's evidence shows that there would be no modal shift away from the car as a result of the road. It is essentially an old-fashioned scheme. It is not in dispute that the scheme would increase car use; ESTA/TSLM believe that the extent of additional use would be far greater than that predicted by LCC. It is clear from this impact alone that the scheme does not comply with PPS1 or with PPG13.

6.2.15 Among the other indicators of non-compliance with PPG13 are the strong reliance in the economic assessment on increased accessibility for car users as a benefit of the road, and, resulting from the predicted traffic growth, the emission of an additional 23,000 tonnes of carbon dioxide ("CO₂") in 2010, and increasing annual emissions subsequently.

6.2.16 LCC accepts that there would be induced traffic (additional traffic currently suppressed by congestion that would find its way on to the network, were current levels of congestion eased) as a result of the scheme, predicting this at 15%, a level which ESTA/TSLM consider an underestimate. If the second of the matters which, in her call-in letter of 8 February 2007, the SoS asks to be addressed (see section 8.3) is taken in its widest sense, LCC has failed to demonstrate that a new road is the most appropriate and sustainable solution,

quite apart from the issue of whether the promoted scheme represents the most appropriate and sustainable route.

- 6.2.17 There has been no or no proper assessment of alternatives. In its assessment of alternatives, LCC failed to follow TAG guidance even in the preparation of the scheme's MSBC. This provides that the assessment of alternatives should start from an initially wide base of possible options. The guidance states that the bid for funding should not start with the assertion of a preferred modal solution, and that the testing of alternatives is not an add-on to the appraisal but an integral part of the process of determining the preferred option. It also advises that any major scheme for which the appraisal of alternative options is considered inadequate will not be accepted for funding. It should be noted that LCC's bid for funding in respect of this scheme is still pending.
- 6.2.18 Contrary to this guidance, LCC's assessment is based on a preferred modal option, a new link road, which has been pursued for some 50 years or more, as LCC's evidence of the history of the scheme confirms. The only other option considered at all was an alternative western route for the link, an option choice which LCC's own case states would be perverse and unbuildable. This conclusion was reached at latest by 2004, yet LCC subsequently modelled the western route as the next best option for the purposes of the MSBC.
- 6.2.19 LCC has chosen to promote a northern route, eschewing a western route mainly because it considers that its ecological impacts would infringe the 1994 Regulations. Any such infringement could, however, be justified by considerations of overriding public interest, pursuant to Regulation 49. There appears, further, to have been no proper assessment of possible alternative northern alignments for the link road.
- 6.2.20 LCC claims to have carried out assessments of alternatives in 1992 and 1998. These are deficient in a number of respects, and are also long out-of-date. The process of applying for planning permission for the link road should have begun with a root-and-branch re-evaluation of all the options.
- 6.2.21 In accordance with TAG, the MSBC contains a lower cost alternative. That offered by LCC, however, is an unsatisfactory collection of disconnected and minor works to Junction 34 of the M6 and to the A683. It is thus clearly an "add-on", contrary to guidance. As to the package of complementary traffic measures now proposed by LCC by way of the Vision Board Study, these have not been particularised at all, and are not presented as or claimed to be alternatives to a new road option. It is the view of ESTA/TSLM, in any event, that all such measures could be carried out in the absence of the new road. Benefits for the pedestrian, cyclist and bus passenger from the measures would be at best marginal.
- 6.2.22 LCC's assessment of alternatives has failed to take account of the potential referred to above for rapid progress in the railway infrastructure. An example of this is set out in paragraph 6.2.11. As noted at paragraph 6.23 of the Eddington Report, the number of available train paths on the WCML is likely to be significantly enhanced during the coming 20 years by the introduction of new signalling. There should be further study of the scope for carrying more freight by rail.

- 6.2.23 In principle, road space reallocation in favour of more sustainable modes can only take place where there is enough road space to reallocate or where traffic volumes decline to the point where entire roads can be reallocated. ESTA/TSLM place no confidence in LCC's claims as to the complementary measures which the new road would permit or facilitate. It is not in dispute that the road traffic reduction effects of the scheme (if any) would be eroded over time. Thus the traffic flows in 2025 on the A683 Caton Road are almost the same as those in the baseline year, 2001.
- 6.2.24 No specific traffic measures have been put forward, save for the very belated P&R proposal. As to this, ESTA/TSLM take detailed issue with its feasibility and impact, setting out in ESTA/INQ/14 ten reasons for opposing it, including the potential compromising of a listed building and the failure to take account of evidence that perverse traffic movements and the other adverse impacts of poorly positioned P&R sites (especially those that can only be accessed by car and which are not part of well-planned multi-modal exchanges for which there is a proven need). The P&R proposal is contrary to the development plan which makes no provision for it. Little if any weight should be afforded to it as an alleged benefit of the scheme.
- 6.2.25 The Faber Maunsell report on possible complementary measures will not be available at least until December 2007, and the grant of planning permission before its recommendations (if any) are published and considered would be at best premature. The proposed planning condition 17 provides no comfort that complementary measures of any value would ever be carried out.

Landscape and the Green Belt

- 6.2.26 Although separate issues in their objection, the cases presented by ESTA/TSLM on these two issues are largely in parallel terms. The proposed road would be located in the North Lancashire Green Belt throughout most of its length. It is not in dispute that the road would amount to inappropriate development in the Green Belt contrary to PPG2. PPG2 requires that very exceptional circumstances must be shown to exist if planning permission is to be granted for inappropriate development in the Green Belt. The very exceptional circumstances must clearly outweigh the damage done to the Green Belt. LCC claims that the benefits of the scheme and the lack of any viable alternative route for the proposed link road together amount to the very special circumstances required.
- 6.2.27 In the view of ESTA/TSLM, the benefits claimed for the link road by LCC are at best ephemeral and exaggerated, and at worst non-existent. The worsening congestion and the lengthening of journey times would be at best briefly interrupted by the scheme. LCC's own estimates of the regeneration benefits of the link have been radically adjusted downwards, but nevertheless remain unrealistic and unproven.
- 6.2.28 Moreover, LCC's approach to alternative routes has been flawed by a predisposition in favour of the northern route. ESTA/TSLM do not support the western route or indeed a new road on any alignment. However, for LCC to claim that a western route cannot be contemplated on environmental grounds,

having regard to the legal constraints established by the 1994 Regulations, while simultaneously proposing to construct a road effectively blighting the Green Belt contrary to national policy, is perverse and unacceptable.

- 6.2.29 The adverse impact of the scheme on the Green Belt would be particularly severe. The link road would effectively destroy the Green Belt north of Lancaster because it would in practical terms occupy it completely. There is the additional risk that constructing the road would lead to pressure for other development in the Green Belt, contrary to one of the purposes for the Green Belt set out in PPG2, namely to check the unrestricted sprawl of large built-up areas.
- 6.2.30 Another of the five objectives of the Green Belt set out in PPG2 is "to preserve the setting and special character of historic towns". The link road would impact severely on the setting of Lancaster, an historic city. This is demonstrated by the photographs which form Appendix ESTA/P5A. The impact would be particularly severe where the route of the proposed road emerges from cutting in the vicinity of Howgill Brook to cross the higher area of open countryside east of the Lancaster Canal. There are open views of this section of countryside, particularly from Castle Hill and from viewpoints on high ground in the eastern part of the City, including Williamson Park and the Ashton Memorial located within it, and from above the Ridge Estate in the vicinity of the Central High School.
- 6.2.31 This attractive area of managed agricultural land is thus of some prominence in views from and across the City, and the road would here impact severely on the City's setting and on landscape. This section of the road would have a marked visual impact during construction, and during operation, especially as it would be lit at night. The mitigation proposed by way of a false cutting would be an uncomfortable landform in a valley of this kind. Damage on this scale to the City's setting, contrary to PPG2, could be offset only by very special circumstances of considerable weight, which are absent from the case for the road presented by LCC. Moreover, the impact of the road on views from these receptors in Lancaster should have formed part of the visual impact assessment, and been addressed as part of the assessment of its impact on the Green Belt. This is a flaw in the landscape assessment and in the ES.
- 6.2.32 LCC's initial section by section assessment led it to characterise the landscape impact of the scheme as moderate to large adverse, representing the range of outcomes for each section. LCC now appears to accept that the guidance requires the most adverse category to be adopted so as to prevent dilution of the overall appraisal. The impacts on landscape would accordingly be large adverse and therefore unacceptable.
- 6.2.33 Although the area through which the road would run carries no national landscape designations and is probably not to be characterised as highly vulnerable, this rural hinterland on a quiet urban edge is an important aspect of the quality of life for local residents and, as mentioned above, is a valuable component of several spectacular views from well-visited public areas in the vicinity of the proposed road and in the historical centre of Lancaster. There are more distant views of the limestone ridges beyond Morecambe Bay and of the Lake District from the same points.
- 6.2.34 Most of the road would run east-west though the countryside north of
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Lancaster. This conflicts with the natural north-south grain of the landscape. This conflict is probably at its most severe in landscape area 3a where the road would rise on an embankment up to 13 metres in height to cross the WCML and the Lancaster Canal, filling the low ground between two drumlins. The road would be visible and intrusive from a large number of receptors. These include the residents of properties in Torrisholme and elsewhere, visitors to Torrisholme Barrow, and users of minor roads and rights of way, including the Lancaster Canal and its towpath.

6.2.35 While east of the road's proposed summit at the Lancaster Canal, the rise in ground levels and the presence of drumlins would allow sections of the road to be concealed in cutting, a significant section of the road would remain visible and intrusive in the Howgill Brook area, a matter of considerable concern as described above.

6.2.36 The scale of the adverse impact on the landscape is attested by the extent of the earthworks necessary to make the route work at all in landscape terms. The whole area of countryside west of the M6, defined by Slyne, Torrisholme and Skerton, would be fully occupied by the road. This and other areas crossed by the road have a sense of rural tranquillity which would be lost. The crossing of the Lancaster Canal would impact on the historic and highly-valued canal-side landscape.

6.2.37 LCC makes the assumption that the link road would have no visual impact east of the M6. This is not the case. From Halton Bridge there is currently a fine downstream view of the River Lune framed by the arch of the high level M6 bridge. This view would be obstructed by the low level bridge proposed to carry the link road between Shefferlands and Croskells junctions.

6.2.38 It is proposed to light the road throughout its length. This would add significantly to its intrusive impact, with lighting standards, including those protruding from the shallower cuttings, visible during the day, and light pollution at night. Views at night from the points in north-east Lancaster described above would be impaired, again affecting adversely the setting of the historic city.

Air quality and climate change

6.2.39 LCC's evidence with regard to air quality is inconsistent with national planning policy in PPS23 in the following respects:

- It breaches the precautionary principle;
- It takes insufficient account of the damaging impacts of the proposed road on human health; and
- It takes insufficient account of objective perceptions.

LCC fails to have regard to the growing scientific understanding of thresholds and air quality standards, and to the evidence that the spread of air pollutants does not cease 200 metres from the centre line of a proposed road.

6.2.40 The "headline" approach of LCC as to winning and losing properties with the

road in place fails to take account of the numbers of people, as distinct from receptor properties, affected. It is the health of people, not of geographical locations, which is affected by air pollution. The clearest example of this is LCC's failure to give adequate weight to the impact on more than 5,000 young students at LMC who would be severely adversely affected by additional air pollution if the road were built across the campus. Similar considerations apply to the Thorpe View Day Centre and Torrisholme Methodist Church, both located close to the line of the proposed road, where again no information has been supplied as to the numbers of people potentially affected.

- 6.2.41 Even adopting LCC's approach, however, a decision to expose the occupiers of 3,545 properties to any additional pollutants would be unacceptable as amounting to a serious deprivation of the basic right to health. LCC's case regarding alleged net local improvements in air quality as a result of the road is also exaggerated by a failure to take adequate account in the Do-Minimum scenario of air quality improvements resulting from the recently declared Lancaster City Centre AQMA and other interventions which might be successfully deployed here as elsewhere.
- 6.2.42 It is wholly arbitrary to adopt 200 metres as an assumed limit beyond which pollutants do not spread. While an assessment on this basis may comply with DMRB guidance, public bodies have a duty of care and, given the recent scientific evidence that pollutants may be detectable and health-damaging up to 500 metres from source, there should, on a precautionary basis, have been an extended assessment. Letters of support to TSLM clearly establish that residents of Torrisholme living both within and outside the 200-metre limit are worried about its impacts on their health, and this constitutes a reasonable objective perception within the meaning of PPS23.
- 6.2.43 LCC has based its assessment solely on National Air Quality objectives. It is clear from recent research that, in the case of some pollutants, notably benzene and 1,3 butadiene, there are no safe thresholds. Butadiene is a carcinogen, emissions of which are predicted to increase significantly with the road in place compared with the Do-Minimum scenario. Recent research again establishes the risk arising from air pollution to the health of young people in particular, yet this proposal would place at risk the health of 5,000 vulnerable young students at LMC. The classroom air-conditioning now proposed by LCC at the College as part of the noise mitigation would merely be another source of carbon emissions.
- 6.2.44 As to climate change, the link road continues to be promoted as if the climate change debate had not taken place, the draft addendum to PPS1 not thought of, and the Climate Change Bill not drafted. PPS1 provides that local planning authorities should ensure that development plans contribute to global sustainability, addressing the potential impacts of climate change by encouraging patterns of development that reduce the need to travel by car or reduce the impact of moving freight. Clear policy support for this approach is to be found in the EiP Panel Report into the emerging RSS which contains guidance on the need to reduce carbon emissions and tackle climate change, requiring proposals to contribute to the regional target of reducing carbon emissions.
- 6.2.45 By contrast, this proposal would add to energy consumption and greenhouse gas emissions. It is clear, for example, from Table 6.2.2 of the ES that total

emissions would be greater with the scheme in place than in its absence. That this proposal does not meet government standards and policy with regard to climate change is to be seen in the extent of additional CO₂ emissions to which it is predicted to give rise (see paragraph 6.2.15). While the predicted additional emissions may be small in percentage terms, they are significant in absolute terms and, because of LCC's under-predictions of traffic growth, are likely in any event to be under-estimates. The proposal flies in the face of the almost universal effort being made nationally and internationally towards radical reductions of carbon emissions. The predicted additional emissions from the proposed road are greater than the total additional emissions predicted for all other current local authority road schemes.

Noise

- 6.2.46 LCC's approach to the assessment of noise is similarly deficient in that it is based on properties and not people. Noise is a serious health hazard, disproportionately affecting vulnerable groups such as the elderly and the very young. Because TAG guidance regarding the assessment of noise impacts has not been followed by LCC, it is likely that there is a significant under-estimate of the number of people exposed to levels of noise in excess of the limits recommended by the World Health Organisation ("WHO"). Given the use proposed to be made of the road by HGVs accessing the Port of Heysham, it is clear that there would be significant additional adverse noise impacts at night.
- 6.2.47 Among the failings of LCC's noise assessment is the arbitrary adoption of a limit of 300 metres from the proposed road. Latest TAG advice recommends a 600-metre limit. This causes an underestimate of the number of properties affected by significant noise impacts. Further, there has been a failure to carry out a person-by-person assessment of the numbers of vulnerable people present in the receptors which have been identified by LCC, and in the further receptors which would be identified if the 600-metre criterion were applied.
- 6.2.48 TAG was introduced in 2003 and should be used to appraise all local authority schemes. It requires that DMRB output be transformed into TAG format. A transformation table is set out at page 13 of ESTA/P2 and shows that application of TAG guidance would require modification of DMRB data. ESTA has extracted information on changes in noise levels in different noise bands from the ES. This shows that 710 residential properties which are already in the 60-70dB(A) band and 122 residential properties already experiencing noise levels in excess of 70dB(A) would be subjected to further increases.
- 6.2.49 The WHO has set 55dB(A) as the appropriate daytime and early evening limit for outside living areas, that is noise levels measured on balconies and terraces, and in other outdoor living areas. Since it is not possible to disaggregate the properties contained in the 50-60dB(A) band set out in the ES Tables, receptors where noise levels are currently in the range 55-60dB(A) have been omitted when calculating the number of properties where noise levels already exceed the 55dB(A) limit and would experience further noise impacts with the road in place.
- 6.2.50 The WHO also sets 45dB(A) as the "outside" bedroom level above which sleep disturbance is likely. Night-time noise is not addressed in the ES and there has been no proper assessment of its impact. Actual noise levels experienced by

residents in Torrisholme would depend on a number of factors which are as yet undetermined, such as changes in anticipated traffic levels on other parts of the road network as a result of the scheme. While technological improvements have permitted some reduction in their noise emissions, lorries remain noisy and a significant element in the overall noise structure.

- 6.2.51 Increases in noise levels are also predicted at 18 community facilities in the 60-70dB(A) band and at 12 facilities in the greater than 70dB(A) band. A project which imposes increased noise levels on sensitive receptors in the knowledge that such increases contribute to health damage is in direct contradiction to the policy objectives set out in PPS1, and especially the promotion of personal well-being and the delivery of safe, healthy and attractive places to live. It is unacceptable that certainly hundreds and perhaps thousands of individuals should be exposed to noise levels that damage health.
- 6.2.52 There is currently emerging a new policy framework for the assessment of noise impacts. This is based on the European Environmental Noise Directive which, when adopted, will require the drawing up of noise maps and of action plans to reduce noise levels. To embark now on the reckless adventure of constructing the proposed link road would fly in the face of the emerging policy and would make it more difficult subsequently to apply the new policy effectively.

Flood risk

- 6.2.53 The village of Halton lies on the west bank of the River Lune, east of the M6. Residents have grave concerns as to the enhanced flood risk which would arise from the low level bridge proposed to carry the new road across the River Lune west of the motorway. These concerns are fuelled by experience during the exceptional floods of 1995 and 2005. In both years some dozen properties in Halton experienced severe flooding. The extent and impact of these floods are shown in photographs, witness statements and press reports appended to TSLM/P5. Following the flood of 2005, residents commissioned a hydrological and hydraulic assessment of the River Lune at Halton, the executive summary of which forms Appendix 2 to TSLM/P5.
- 6.2.54 LCC's flood risk assessment has failed to take full account, contrary to Appendix F2 of PPG25, of local knowledge of flooding in the community. Halcrow's report concedes that the construction of the new bridge would add slightly to mean water levels, but concludes that the rises predicted are within the margins of error in the flood model. There has been no analysis of the impact of high tides on the levels of floodwater, LCC claiming that Skerton Weir downstream of Halton inhibits tidal impacts on flood levels. In extreme conditions, however, with the Weir flooded out by rising tidal levels, some further adverse impact on flood levels by high tides is inevitable. Fortunately, neither the 1995 nor the 2005 flood peak coincided with high tides.
- 6.2.55 Local observations also do not bear out Halcrow's claim that falling riverbed levels between Halton and the proposed bridge would lower maximum predicted flood levels at the bridge. Any reduction in levels would also be counteracted by the narrowing width of the river downstream of Halton and by the additional width constraints which would be created by the piers of the proposed bridge.

Local observations of debris downstream of Halton during the 1995 and 2005 floods also run counter to LCC's claim that Halton Bridge would act as a debris filter upstream of the proposed bridge.

- 6.2.56 Halcrow's report predicts a one-in-one-hundred flood water level of 10.1 metres AOD. This has already been exceeded at Halton, where, during the 1995 flood, a water level of 10.25 metres was recorded. On Halcrow's own evidence, a 6% margin for error should be added to this prediction, increasing the potential maximum water level to 10.7 metres. The height of the proposed bridge at the piers is 11.5 metres. This reduces the gap between the possible maximum water level and the bridge to only 0.8 metres. Given the evidence that, during the 1995 and 2005 floods, caravans, trees and other debris were trapped against the Halton Bridge creating a dam which further increased flood levels, the proposed new bridge would add significantly to flood risk at Halton.
- 6.2.57 Constructing the new bridge in the teeth of evidence as to increased flood risk runs counter to advice in PPG25. It also conflicts with development plan policy; Policy ER8 of RPG13 recognises the Lune Valley as an area of high flood risk where built development is to be regarded as "wholly exceptional and limited to essential transport ... infrastructure". Similar requirements are to be found in Policy E11 of the LDLP and in Policy EM5 of the emerging RSS.

Accidents and road safety

- 6.2.58 The positive outturn of the BCR calculation for the link road in part relies on accident savings. These claimed benefits are unlikely to eventuate. The WHO attributes impaired road safety and increases in accidents primarily to increased traffic and increased speed. An increase in speed of 1kph is related to a 3% increase in injury crashes and to a 4-5% increase in fatalities.
- 6.2.59 This scheme is predicted to increase traffic flows overall and, by removing congestion, to permit greater road speeds. A new dual carriageway road leading to and from a motorway, with good sight lines and lacking slower traffic, would inevitably encourage high speeds and more accidents. Accidents would also be the inevitable result of drivers struggling to adapt to lower speeds at intersections with the local road network.
- 6.2.60 LCC also fails to take into account local specific factors such as the increased risk of accidents on the vicinity of LMC, and there has been no consideration of the needs of the vulnerable, especially the elderly and children.
- 6.2.61 In any event, the safety improvements claimed for the link road can be delivered earlier, more cheaply, more effectively and with a higher BCR by measures other than adopting the road building option. A blanket 20mph speed limit on all residential roads throughout the area (as in Portsmouth) and the installation of multiple traffic-calmed areas (as in Hull) would meet the case. 20mph speed limits are likely to be increasingly imposed on A-roads.

Local economic impacts

- 6.2.62 LCC and its supporters claim, as a significant objective of the road, regenerative benefits for the Morecambe peninsula. These benefits are illusory.

They include fulfilment of the NW Regional Economic Strategy objective to grow the Port of Heysham. Yet freight at the Port grew by some 36% in the 10 years to 2005 compared with a UK average of less than 7%, and LCC's evidence is that new ferries operational from June 2007 will increase freight capacity by mid-2008 by over 60%. It is clear that the prosperity and growth of the Port are not dependent on the construction of the link road.

6.2.63 Moreover, as recorded in the Eddington Report at Figure 1.13, Heysham is not among the largest 20 ports in the United Kingdom as measured by tonnage handled. It is therefore wrong to claim any national, let alone international strategic importance for the Port. As paragraph 5.21 of the Report advises, its analysis should not in any event be used to justify individual projects.

6.2.64 LCC claims that the link would have a significant role in the revival of tourism in Morecambe, and places great weight on the improved access between the Morecambe peninsula and the M6 which the link would allegedly provide. Yet a survey of local businesses shows that a majority regard their location as an advantage rather than a disadvantage. Even accepting LCC's evidence, journey time savings are put at only about 10 minutes for access to/from the M6. The view of ESTA/TSLM is that even this limited advantage would quickly be eroded by induced traffic. Sites on the White Lund Estate and elsewhere on the peninsula have continued to be developed in the absence of the link and there is no reason to suppose that such development would not continue if the link is not completed.

6.2.65 While Morecambe has a higher rate of unemployment than the local average and it is accepted that there are pockets of serious multiple deprivation, the Regeneris report viewed as a whole paints a picture of a generally prosperous area. In any event, there is no reason why similar economic benefits could not flow from more limited improvements to the local transport system not involving the construction of a new road. The report concludes that congestion in Lancaster is typical of a successful local economy and not such as significantly to restrain growth.

6.2.66 LCC's claims of additional jobs in Morecambe and Heysham as a result of the link road have been repeatedly adjusted downwards as more realistic assumptions have been applied. The latest estimates are of some 1,000 new jobs overall, of which only about 600 would be taken up by residents of the regeneration area. To propose to spend over £140 million to secure so small an increase in employment is absurd. The repeated downward revisions of the estimates wholly undermine the veracity of LCC's claims in this regard. No account has been taken of the so-called two-way road effect, in accordance with which economic benefits could occur at either or neither end or at both ends of the proposed road.

6.2.67 Notwithstanding the more realistic predictions of new jobs, there is still no logical basis for LCC's assumptions about the extent of take-up of development land in the peninsula, and this fatally weakens any derived employment forecasts. If it is true that faster travel generates jobs then it must also be true that the net effect of the overall slowing of traffic in absolute terms between 2001 and 2025 with the scheme in place would suppress employment.

6.2.68 The 1999 Standing Advisory Committee on Trunk Road Appraisal (“SACTRA”) Report (CD3.5) concluded that, while there is a strong theoretical basis for the potential for economic benefits from road schemes, there is no certainty in any given case that the benefits will materialise, and that they must therefore be proven to a higher standard than mere theoretical potential. LCC does not suggest that there would be a downturn in the local economy if the road does not go ahead.

6.2.69 LCC’s claim that a 10-minute journey time saving for would-be visitors to Morecambe would make the difference in terms of tourist destination choice is similarly implausible. As studies carried out in respect of the A30 Goss Moor improvement in Cornwall show, if the image and attraction of a tourist destination is strong, then problems of access do not figure significantly in visitors’ decisions.

Local opinion

6.2.70 TSLM is an organisation formed to oppose the link road on behalf of local residents. It has a wide range of local support. In addition to the evidence regarding the flooding at Halton, two local residents from areas potentially affected by the road gave evidence as to the predicted adverse impacts of the proposals. The road would have unacceptably severe adverse impacts on local residents particularly by reason of noise, air pollution and visual intrusion.

Biodiversity

6.2.71 In respect of this issue, ESTA/TSLM rely on a written statement from Mr M Porter, who was not made available for cross-examination at the inquiry. He is a local resident with a degree in ecology. The critical comments of LCC’s own ecological consultant set out in the report annexed to ESTA/P7 have in many cases not been addressed.

6.2.72 The scheme would have severe adverse impacts on ecology, including those resulting from the loss of 21 veteran trees, and from the loss of extensive species-rich hedgerows, contrary to Target 20.1 of the JLSP. There would be potential impacts on protected species, including bats, otters, salmon and crayfish. The proposals also entail a loss of open water channels, contrary to the requirements of the emerging RSS. Construction of the new Lune Bridge is likely to impact on holding ponds for salmon.

6.2.73 Important though not statutorily protected bryophyte species would be placed at risk. If construction work were carried out during the nesting season, there would be a risk of adverse impacts on bird species, all of which have some degree of protection and some of which are protected by national or European legislation. The EA’s concerns as to the impact on ecology of the proposed lighting of the road have not been met by LCC’s response.

6.2.74 The Pink Wax Cap is a fungi species listed as of principal importance in the Provisional European Red Data List. It has been identified in the path of the proposed road in the vicinity of Howgill Brook. PPG9 places an obligation on local authorities to conserve and enhance such species. Conservation by translocation and habitat replacement as proposed by LCC is unlikely to prove successful.

6.2.75 LCC's proposals to address these impacts by way of a CEMP and imposition of planning conditions are inadequate.

Traffic modelling

6.2.76 As a result of continuing discussion and exchange of data during the inquiry between Professor Goodwin who appeared for ESTA/TSLM and Mr Cleave, LCC's traffic witness, general agreement was reached as to the traffic modelling and its outputs. Despite earlier submissions, ESTA/TSLM therefore present no evidence to suggest that LCC's traffic forecasts are underestimates. Professor Goodwin, however, takes issue with the conclusions drawn from the modelling by LCC in the following main respects.

6.2.77 The effect of the scheme would at best be to create an interruption in the absolute increase in traffic flows. With regard to the totality of the modelled area, traffic congestion with the scheme in place as measured by average speeds would be worse in 2025 than in the base year 2001. In the longer term it cannot therefore be said that the scheme meets the objective of reducing traffic congestion in the area, including in the City Centre of Lancaster.

6.2.78 In her call-in letter of 8 February 2007, the Secretary of State set out those matters about which she wished to be informed for the purposes of her decision. Included in these are the following:

"(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.

(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."

It is well understood that the SoS is highly selective when deciding whether to call in planning applications for her own decision; the call-in letter itself reiterates this. Having regard to this, and whether or not it had previously regarded the proposed road as having any direct impact on other travel modes, LCC should have interpreted the matters set out above as expressly calling for further work to be carried out to address the SoS's concerns.

6.2.79 LCC's assessment of the traffic modelling omits a consideration of potential targeted local demand measures, which are likely to inhibit future traffic growth and therefore reduce or undermine the benefits of the scheme. These measures are: The use of smart measures; road space reallocation; and road pricing.

6.2.80 The BCR calculations are therefore far from robust. The increases in project cost, including that attributable to the proposed P&R site, have already had the effect of reducing the BCR. A zero traffic growth scenario post-2010 would separately decrease it from 7.65 to 5.45. These impacts taken together would alone reduce the BCR to about 4.2. Modelling the impact on the BCR of applying the three targeted local demand measures set out above to reduce congestion applied in tandem with these other impacts might be such as to reduce the BCR to between 1 and 2, so that the proposed road would no longer represent value for money. The forecast benefits also assume the maintenance of continuing high levels of congestion between 2025 and 2069, a period which has not been modelled.

Summary

6.2.81 It is not in dispute that, contrary to the aspirations of policy, the scheme would increase travel by car. Policies exist which could be applied to reduce traffic. LCC has carried out no recent holistic study to assess how far the congestion problems of Lancaster could be addressed by a package of sustainable measures which do not involve any new road building. LCC's case that the Heysham to M6 road link is the only option has not been made out. The failure to go back to first principles in this way runs counter to guidance. The construction and operation of the road would have unacceptable adverse environmental impacts.

6.3 Lancaster and Morecambe College

6.3.1 LMC is a General Further Education College which became incorporated as a self-governing business in 1993. It is the major further education provider in the area. There is no other provider of such a wide range of vocational courses, training and apprenticeships within 20 miles. Its principal function is the provision of education and training for about 1,900 14 to 19-year-olds. In addition, it has some 5,000 adult students who are in the main following part-time courses, and about 300 employers on short courses. It has a budget in excess of £20 million. About 85% of funding is supplied by the Learning and Skills Council ("LSC").

6.3.2 The College is among the largest employers in the area, with some 660 full- and part-time staff on the main campus. LMC also has about 290 staff employed under a contract with the Offender Learning and Skills Service ("OLASS") in Lancashire's six prisons, providing education and vocational training to over 4,000 offenders each year. Among the important needs met by the College are those of students who have left school disappointed with their achievements and are seeking a second chance in education. Meeting this need is an aspiration of the Northwest Regional Economic Strategy (LCC/INQ/7) which states that economic inclusion is a priority for regeneration.

6.3.3 The College has a thriving Sports Academy which is the fastest growing area of its activities. This enables students to combine academic studies with ten hours per week of professional sports training. In addition to the outdoor facilities referred to below, the College has a modern sports hall and gymnasium, heavily used both during the day and in the evening. Hire of College facilities to community groups generates income amounting to some

£85,000 per year. A list of such groups and of the activities carried on during an average week of full use is at Appendix 10 of LMC/DW/2A. The College provides a range of other personal services such as a travel shop and a pet-grooming parlour. The sports facilities and the personal services together attract over 48,000 users each year.

- 6.3.4 LMC's campus is located north of the A683 Morecambe Road and south of the B5321 Torrisholme Road, with accesses from both Roads. The site accommodates a number of buildings which may best be seen on the diagram which forms Appendix 3 in LMC/P2A. The use of each of the College's buildings is described in section 4 of LMC/P2. The buildings closest to the line of the proposed road are Block A, which is used for vocational workshops and classrooms for health- and social-care tuition, Block E, used for tuition in IT and AS and A level courses, and Block F, used for brickwork, carpentry and joinery tuition. Blocks A and F are single storey, and Block E has two storeys. The other buildings of the campus are located further to the east and include the multi-storey teaching Blocks B and D, the Lecture Theatre, the Assembly Hall and the indoor Sports Centre.
- 6.3.5 Bus services passing the College are frequent during the day but infrequent after 6pm. Students on low incomes are provided with free passes for local bus services and free bus services are provided by the College for students from more distant parts of South Lancashire, Cumbria and North Yorkshire. A recent survey revealed that 70% of staff rely on the private car to access the College.
- 6.3.6 From its south-western end at the proposed reconfigured A589/A683 junction, the proposed route of the link road would lead north-east across LMC land for a distance of some 250 metres. The road would be rising on an embankment commencing at current ground level at the junction and rising to a height of 6 metres at the northern boundary of the College's site. It would sever the campus, isolating the sports pitches located at the western end of the site.
- 6.3.7 The proposed road would damage LMC in three main ways:
- The construction of the section of the road through the campus would be very disruptive;
 - The presence of the road on College land and its operation would damage and inhibit the College's activities; and
 - The perception of the College as against other local education providers would be adversely affected to a critical degree, putting at risk its ability to attract students and thereby threatening its financial viability.
- 6.3.8 The College competes with other course providers in the area. As far as academic courses are concerned, there are 6 secondary schools within a three-mile radius of the College. This competition will in any event become more acute, because the 16-year-old population cohort is predicted to decline by 20% by 2015. While the government's proposals to extend compulsory education to the age of 18 should in principle allow the College to attract more students, this would depend on its being able to provide facilities and an environment to match those of other providers.
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Construction impacts

- 6.3.9 The adverse impacts of construction activity by reason of noise, air pollution, mud, dust, construction traffic and general disruption are expected to be severe. LCC states that the construction period would be some 32 months in length, and that it would be followed by a period of intensive maintenance activity. LMC notes that a detailed construction management plan is not yet available. LCC states that construction activity in the vicinity of the College would be intermittent, but this would merely extend the period during which there would be adverse impacts.
- 6.3.10 While the College recognises that there are methods accepted in the construction industry for restricting the dissemination of dust and mud from construction sites, it is unlikely that the application of such methods, even if contained in the construction contract, would adequately protect the College. Mud is also likely to spread on to adjoining pavements during both the embankment construction and the reconfiguration works to the A589/A683 junction. Prospective parents visit the College with their children during the summer months in particular and would be more likely to enrol their children at other educational establishments if dust and mud are to be found in the vicinity of LMC.
- 6.3.11 LCC has very belatedly recognised the impacts on the College of the construction process, but there can be no guarantee that the works would be carried out in accordance with the timetable which LCC has now submitted (CD1.75) or that obligations to the College in the section 106 undertaking now executed would be honoured.
- 6.3.12 There would be severe noise and vibration impacts on the College during construction of the scheme, and especially during the building of the embankment across College land. The College has been advised that the Blocks located closest to the line of the road would be unusable during the construction period. Both during construction and when operational, the scheme would generate noise levels significantly in excess of those recommended by the WHO for classroom environments.
- 6.3.13 LMC's access to sports pitches would be radically reduced during the construction period, adversely affecting its ability to provide the facilities necessary for its important sporting curriculum. The noise from the works (and subsequently from high traffic volumes using the new road) would make it difficult for instruction on football techniques to be imparted to students using the pitches.

Operational impacts

- 6.3.14 **Loss of land:** The construction of the link road would lead to the loss of some 2.2 hectares of land amounting to about 18% of the site currently occupied by the College. While this does not necessitate the demolition of any College building either in part or as a whole, the loss of part of the site would impact adversely on the College's activities in three main ways:

- Car parking: The College campus currently accommodates a total of 474 parking spaces, including 26 disabled spaces. Even this current provision is inadequate, and leads to parking by staff and students in nearby residential roads, already a source of local friction. The scheme would lead to the loss of some 180 of these spaces. The remaining provision would be wholly inadequate, and the loss of parking would cause the College irreparable damage. While there are conflicting policies as to parking standards, the remaining 294 places would represent only 84% of the appropriate provision under policies in the RSS, which currently set the least generous standard. Under the more generous policies in PPG13 the College would be left with less than 50% of the appropriate provision.
- Sports pitches: The College currently has three soccer pitches at the western end of the site, a senior pitch, a junior pitch and a training grid. These are essential to the College's ability to provide sports courses and are in constant use. Even as matters currently stand, the College is forced to hire an additional pitch for Wednesday afternoon matches. There is a long-standing shortage of recreational provision in the area. Loss of part of the site to the link road would severely reduce the size of the playing field. Moreover, the road would sever the pitches from the remainder of the site, requiring players to use the proposed underpass to reach the pitches, disrupting class times and curtailing training periods. The severed pitches would be more difficult to police. In a letter dated 23 May 2007, Sport England confirmed its objection to the scheme on the basis of the adverse impact on the College's sports facilities.
- Loss of open space and amenity: The construction of a road across the full extent of the campus and rising on an embankment to some 6 metres would impact severely on the feeling of openness which the College grounds currently afford. This loss would run counter to LDLP Policy E29, which seeks to protect urban green space, and Policy R1, which provides protection for outdoor playing space. The loss would also be contrary to PPG17: Planning for open space, sport and recreation. The campus includes a small but valued wildlife study area, which would be lost to the road. The open spaces are part of the College's public face and afford an attractive first impression to prospective students and their parents. The road running on its embankment through the campus would be highly intrusive visually. The College would lose its pleasant green environment.

6.3.15 The noise impacts of the road would affect the College's ability to provide satisfactory academic courses. Learning requires peace and tranquillity, which would be severely impacted upon by noise from the adjacent new road. Traffic noise would cause noise levels in the College's teaching blocks to be above the levels recommended for the purpose by the WHO, especially in good weather when windows need to be open. As is not disputed by LCC, in the absence of effective remedial action, this would involve a substantial deterioration in many of the College's teaching areas.

6.3.16 With the exception of the southern-most area of the playing field, where noise attenuation fences proposed by LCC would reduce the traffic noise levels currently experienced from Morecambe Road, there would also be a material worsening of the noise environment on the western sports pitches; these are

to be regarded as sports skills teaching environments and the increased noise levels would impact adversely on the College's sports-training activities.

- 6.3.17 Immediate access to the College from Morecambe Road would be made more difficult by the proposed reconfigured and busier A589/A683 junction immediately to the west of the campus.
- 6.3.18 The land taken for the new road would also severely constrain the College's ability to expand. It is acknowledged that significant parts of the campus are in need of refurbishment or redevelopment. Any redevelopment would have to be squeezed into the smaller footprint remaining after construction of the road. The road would also sterilise the parts of the campus closest to it by reason of visual and noise intrusion. The presence of the road would also restrict the ability of the College to provide temporary buildings on site during any redevelopment of the campus.

Student perception

- 6.3.19 The College has weathered a period of instability and achieved a sound financial footing. It is currently perceived as a success. The severely adverse impacts of the construction and operation of the road would undermine the positive perception of the College of potential students and their parents.
- 6.3.20 There would inevitably be a falling-off in student numbers as a result both of the construction and the operation of the road. Student numbers have in any event been falling off since 2004. Moreover, the OLASS contract falls to be renegotiated in 2008/9 and there can be no guarantee that this work would be retained by the College. There is strong competition for the contract, and a successful bidder other than the College would merely take on the LMC personnel currently working in the prisons, rendering a transfer of the contract relatively simple to achieve.
- 6.3.21 The College's current financial surplus amounts to only 3% of its income. The previous financial storm was weathered only by selling the College's off-site property and with the help of a one-off grant from the LSC. The College has nothing further to sell and there can be no expectation of a further grant from the LSC. In the professional opinion of the College's Principal, the impacts of the road would lead to a failure to recruit new students, and therefore seriously to undermine LMC's financial position, to cause a number of staff to be made redundant, and to weaken its curriculum offer in future years. This would be likely to create an irreversible negative spiral of increasing financial instability and reducing market competitiveness, the end result of which would be closure.
- 6.3.22 The failure of LCC to engage with the College in meaningful consultation runs counter to the principles set out in PPS1 regarding early engagement in the process of plan making. The absence from the ES of any meaningful mention of LMC makes it abundantly clear that LCC had no understanding of the potentially fatal adverse impacts that that the road would have on the College. Legal submissions on behalf of LMC as to the (in)adequacy of the ES are set out in section 3 of this report. While development plan policies contain references to the proposed road, they essentially relate to land use, and

inclusion of such references should not be taken as implying that there has been any prior consideration of the road's undoubted severe adverse impacts on the College.

6.3.23 LMC is a highly valued institution. In cross-examination its Principal described it as "unique and incredibly important to local people". Its future viability is likely to be undermined if the link road is constructed. Given its importance to the community, the adverse impact on the College is a sufficient reason in itself for refusing planning permission for the road. LCC seeks to belittle the College by referring to it as a local facility, comparing it unfavourably with the regional significance and alleged benefits of the proposed road. However, the training of young people, adults and employers is of major significance to the sub-regional economy which it is claimed that the road would serve, and the College is therefore to be regarded as having a central role in the achievement of regional objectives.

6.4 The Lancaster & District Green Party Councillor C Coates

6.4.1 Mr Coates is a City and County Councillor. He is the leader of the 12-strong Green Party group on Lancaster City Council and also represents the Lancaster and District Green Party. He and those he represents oppose the scheme on the same grounds relied on by ESTA/TSLM.

6.4.2 Maintaining the expansion of the Port of Heysham is given as a reason for promoting the scheme. However, the Port appears to have no long-term viability because of the predicted rise in sea levels. Mr Coates bases this concern on a number of documents, including: "Everybody has an impact", a report into climate change in the North West published in 1998. This suggests that a 24-hour port such as Heysham is particularly vulnerable to sea level rises and high tides associated with south-westerly winds.

6.4.3 The City Council vote of 20 June 2007 was not an accident or the result of a misunderstanding. The local elections of May 2007 changed the political complexion of the Council, and a majority of the members of the newly-constituted Council, including the Green Party Councillors, took the view that an opportunity should be created for the Council to review its position with regard to the link. This change of view reflects the clear shift in public opinion recorded by such tests as the poll conducted by Ms Geraldine Smith MP.

6.4.4 Professor Whitelegg, who appeared at the inquiry as a witness on behalf of ESTA/TSLM, is also a Green Party City Councillor.

6.5 Morecambe Bay Independents

6.5.1 The Morecambe Bay Independents are a group of City Councillors established in 1987. They are led by Councillor Eileen Archer. They object to the proposal on the general grounds set out above. The cost of the proposed road and its adverse impacts on residents far outweigh any benefits claimed for it.

6.5.2 Councillor Roger Dennison is a resident of Torrisholme who was recently elected to the City Council as an Independent. He regards his election as in no

small part based on his objection to the link road, and therefore as a reflection of the degree of public opposition to the scheme. He supports the provision of a western route.

- 6.5.3 The elevated section of the proposed road through Torrisholme would impact adversely on his constituents to a degree beyond that admitted by LCC. LCC's noise predictions take inadequate account of the engine noise impact of heavy goods vehicles climbing northwards away from the A589/A683 junction on the embankment. The noise impact would be exacerbated by the need to accelerate from a slow speed through or a standing start at the junction.
- 6.5.4 Predicted noise impacts appear to have been drawn up on the basis of outdated regulations, at a time when new EU standards are being formulated to replace them. Potential vibration impacts have not been fully assessed. There would be heavy port-bound traffic throughout the night, when visual intrusion from the proposed lighting would also be particularly severe. The reconfigured A589/A683 junction is unlikely to be able to accommodate the total traffic flows of the link road and Morecambe Road.

6.6 Ms Geraldine Smith MP

- 6.6.1 Ms Smith is the Member of Parliament for Morecambe and Lunesdale. Her constituency includes Morecambe and Heysham, and extends north beyond Carnforth. It excludes the City of Lancaster which lies to its south in the constituency of Lancaster and Wyre (see paragraph 5.13).
- 6.6.2 Ms Smith accepts that traffic congestion in the Lancaster/Morecambe area is severe and that a solution must be found. She is strongly opposed to the scheme route, however, believing that a western route, and in particular the Blue route (see paragraph 6.1.2), is greatly to be preferred.
- 6.6.3 By contrast, the scheme route is manifestly unsatisfactory. While it may provide some reduction in journey times for through traffic and relieve congestion on the Lune Bridges, this would merely move the traffic bottleneck closer to Morecambe. It would perpetuate the gyratory traffic system in Lancaster City Centre. It would be of little value to traffic approaching from the south which would continue to use a route through Lancaster rather than travel the extra motorway miles to access the proposed link road at Junction 34. There has been a failure on the part of LCC to carry out a full evaluation of the western routes or of complementary measures which, with a western route in place, might be applied to improve traffic conditions in the area. Instead, LCC is proposing to fob constituents off with an unsatisfactory link.
- 6.6.4 The western link is the strongly preferred route of a large majority of local residents. That this is the case is established by the survey of constituents' views conducted by Ms Smith. A questionnaire was sent to 31,000 households in the constituency under cover of a letter from Ms Smith. The questionnaire invited constituents' views in the form of tick-box answers, but also providing the opportunity for individual comment. Including responses from second members of households, over 15,000 responses were received from individual constituents and are contained in Document GS/P1A. Of the responses received, over 14,000 support a western route for the link, while more than 10,000

oppose the promoted northern route.

6.6.5 In her covering letter to constituents, Ms Smith reaffirms her determination to continue to press at every opportunity for a viable western route for the link road. She accepts that there are environmental obstacles to the construction of a western route, but believes that, if the northern route is rejected, LCC would have no alternative but to promote a western route. Objections to such a route on environmental grounds, including a potential EU prohibition, could then readily be overcome. It is lack of will on the part of the LCC which has led to the abandonment of a western route in favour of the promoted scheme. The choice of route has been unfairly influenced by the Government Office for the North West, which has repeatedly promoted the northern route as its preferred scheme.

6.6.6 The northern route would impact much more severely on local residents, while a western route would affect only a "witches' cookbook" of newts, toads and bats. The health and welfare of people should be put first.

6.6.7 The belief of some supporters of the scheme, including those who subscribed to the recent newspaper advertisement placed by the Chamber of Commerce, that the new road would form part of an integrated package of measures to address the area's traffic problems is misplaced. No such package exists or is advanced by the LCC as part of the scheme. This serious omission is a further reason why the application should be refused.

6.6.8 LCC has indicated through a communication from the Leader of the Council that the present scheme represents the only viable alternative, and that its rejection would lead to a decision by the Council to abandon attempts to solve the area's traffic problems in favour of other much-needed schemes in Lancashire. Ms Smith is among a number of objectors who regard the explicit threat in such a statement as akin to blackmail.

6.7 The Ramblers' Association ("RA")

6.7.1 The RA is generally opposed to the construction of a major road close to the built-up area of Lancaster and within the Green Belt. However, it leaves the detailed presentation of these objections to others. The Association's concerns at the inquiry related to specific rights of way issues. Following discussion with LCC, the remaining issues now relate solely to obtaining LCC's agreement to providing the six additional rights of way links described in the proof of evidence of Mr B Jones, Chairman of the Lancaster Group of the RA (BJ/P1).

6.8 Torrisholme Cricket Club

6.8.1 The Club's ground is located on the south side of Barley Cop Lane to the south of the proposed line of the link road. There is concern over the intended provision at this point of rain-water attenuation ponds. These are likely to raise the water table and cause drainage problems at the ground.

6.9 Mr D Sumner and Mr E Crook, T/A Broadoak Leisure Buildings

6.9.1 Messrs Sumner and Crook are the owners of Broadoak Leisure Buildings,

which is located on Torrisholme Road to the north-east of the LMC campus. The business is conducted from land required for the scheme, and would therefore be forced to relocate or close down, if the new road is constructed. It has been built up from nothing, redundancy money paid to its proprietors initially being used to fund it. The site was effectively derelict. The business now employs 26 staff, and subcontracts work to many local tradesmen, with stock being acquired locally as far as possible. It is a significant generator of direct and indirect tax payments.

6.9.2 It has not proved possible to identify a site to which the business might relocate. This is mainly due to the high cost of land in the area. Neither LCC nor Lancaster City Council has been able to help, and it appears that no compensation would be payable. The loss of this valuable and productive business could be avoided if a western route for the proposed link road were adopted.

6.10 Mr T Hamilton-Cox

6.10.1 His experience as the former owner of a skip-hire company has led Mr Hamilton-Cox to conclude that rationing of road space through congestion drives innovation and greater efficiency, and he accordingly considers that no new road should be constructed. He further opposes the scheme on the ground of uncertainty over the future supply of oil. In his evidence (THC/P1), he reviews the conflicting expert opinions as to when the supply of oil will peak and go into decline. Against that uncertainty, building a new road would be superfluous in the "pessimistic" scenario where oil supplies dry up in the short term, or would "hardwire" the economy even more firmly into a strategy which will undermine prosperity in the longer term.

6.11 Mr J Walden

6.11.1 Mr Walden is a member of the Vision Board but appeared at the inquiry in a personal capacity. He is a supporter of the Blue route, pointing out in a power-point presentation (a hard copy forms JW/P1) the advantages that he believes such a route would have over the promoted Orange route. He considers that the environmental impact of the Blue route could be reduced by repositioning the bridge over the River Lune or by constructing a tunnel instead. In the case of some roads on the local network, the Blue route would provide shorter journey times; it would be likely to reduce traffic on Caton Road to a greater extent than the Orange route.

6.12 Written objections

6.12.1 The large number of written objections referred to above (paragraph 1.4) is contained in MIS/INQ/5. Many are from local people resident near the line of the road, who repeat the concerns as to the adverse noise, air quality, visual and other impacts set out above in the objections of ESTA/TSLM and others. The very numerous responses to the letter sent by Ms Geraldine Smith MP to her constituents are addressed in paragraph 6.6.4 and contained in GS/P1A.

7. THE RESPONSE OF THE COUNTY COUNCIL

The material points, in addition to those set out in section 4 are:

7.1 A western route

- 7.1.1 Those who continue to promote a western route for the road link ignore the realities. The history of the two western routes is set out in section 4.8, and led to a decision by LCC on 2 September 2004 to promote the northern route. Any western route would have a significant impact on the SPA, the cSAC and the Ramsar site to the south of Lancaster on the Lune estuary, and on the Lune Estuary SSSI. It is apparent that such a route would contravene the Conservation (Natural Habitats etc.) Regulations 1994 (CD6.2). Given that there is an alternative in the form of the promoted northern route, neither of the western routes could lawfully be selected.
- 7.1.2 This clear conclusion is reflected in the objection to the LDLP submitted by the GONW, and in the report (CD1.33) of the LDLP inspector who concluded that a western route was inferior to the northern alignment on grounds of length of road, cost, and environmental impact. He noted that the northern route would better serve through traffic at a lower financial and environmental cost. The objection of GONW is not based on prejudice, as asserted by Ms Smith, but on the clear evidence of the adverse environmental impacts which render such a route unacceptable.
- 7.1.3 The legal position is set out in Leading Counsel's Advice dated 14 August 2004 (Appendix Q in LCC/P2A). Regulations 48 and 49 of the 1994 Regulations protect sites of European importance. They provide that a project that affects such sites may only proceed where the relevant authorities have ascertained that it would not affect the sites' integrity, unless there is no satisfactory alternative and the project must be carried out for imperative reasons of overriding public interest. The manner in which the integrity of the SPA and cSAC would be affected by construction of a western route is considered in the adverse environmental report summarised in Leading Counsel's Advice.
- 7.1.4 Even if there were no alternative, moreover, LCC would be required to take into account the adverse response of English Nature (as it then was) to the consultation of 2001 and the adverse findings of the environmental report. LCC would be required to notify the SoS of this negative assessment and she would be likely to give directions prohibiting LCC from agreeing to the project. To proceed with a western route in breach of EU legislation would render the United Kingdom liable to legal enforcement action by the EU.
- 7.1.5 In the present case, there is a clearly viable alternative route in the form of the promoted scheme. Given the "array of conflict" with EU legislation, it would in Leading Counsel's opinion be extraordinary and perverse to select and promote a western route. To do so would invite a call-in inquiry at which the prospects of success would be minimal.
- 7.1.6 ESTA/TSLM claim that the Green Belt status of the location of the northern route precludes its construction for reasons similar to those which apply to the western routes by reason of the 1994 Regulations and the impact of the western

routes on the SPA/cSAC/Ramsar site/SSSI. Such a comparison is inappropriate: PPG2 sets out national policy on the Green Belt and the circumstances in which development will be permitted there; the 1994 Regulations render unlawful projects which affect the integrity of sites of European protection save in wholly exceptional circumstances which do not apply in this case.

7.1.7 Since the northern route was selected, further refinements have been made in the vicinity of Torrisholme road, the WCML and the A6 junction so as to ensure that the current proposals represent the most appropriate and sustainable route choice. There is no suggestion by any party that there is any alternative northern alignment which would better meet the objectives of the new road at a lower financial or environmental cost.

7.2 The Environmental and Sustainable Transport Alliance Transport Solutions for Lancaster and Morecambe

7.2.1 In addition to the matters set out below, LCC relies on relevant sections of its case as set out in section 4 of this report for its response to the objection of ESTA/TSLM.

7.2.2 It is claimed on behalf of ESTA/TSLM that all LCC's assessments should have been based on TAG. However, TAG itself (at Unit 3.3.2 – section 2) recognises that DMRB is the appropriate guidance for environmental assessment. TAG is relevant to the application by way of the MSBC to the SoS for Transport for funding which is not a primary issue in the context of the current application.

Policy compliance

7.2.3 For the reasons set out in section 4.3, LCC remains of the view that the proposal is fully compliant with policy. The scheme is expressly referred to in the development plan, and the history of the choice of route establishes that it is to the promoted northern route that the development plan refers. There are also express references to the northern route, including that in the City Council's Core Strategy. Notwithstanding the City Council's resolution of 20 June 2007, the road remains adopted policy in the LDLP. The City Council's position following the resolution can best be characterised as confused, matching the description of the meeting at which the resolution was passed given by some of the City Councillors who appeared at the inquiry.

7.2.4 Given the wide scope of policies of general application in the development plan, it is inevitable that there are aspects of the development plan with which, if they are taken in isolation, the scheme will appear non-compliant. In deciding to adopt the development plan, of which the scheme is an express element, the relevant authorities struck a balance between the need for the road and the implications of these other policies. The express development plan policies relating to the scheme must be deemed to prevail over policies of general application.

7.2.5 As far as the claim of objectors that the new road would compromise policies promoting sustainable transport choices is concerned, the scheme actively promotes such choices by making possible the P&R site and the range

of complementary measures which LCC proposes to put in place, and which would be thwarted by reason of lack of available road space if the link road is not built. The development plan is to be taken as confirming that sustainable transport choices are compatible with the road proposal.

7.2.6 For similar reasons, the scheme is consistent with PPS1. It would improve public transport provision through the initiatives flowing from the Vision Board Study which is to be implemented pursuant to proposed planning condition 17. The new road would release the growing stranglehold which the current lack of road space available for reallocation imposes on the introduction of further complementary measures. PPS1 also promotes a strong and stable economy for all, to which aim the proposed road would make a significant contribution; the economic benefits of the scheme are described in section 4.5. Government policy contains no absolute bar on new road construction.

7.2.7 It is acknowledged that the Port of Heysham has continued to grow in the absence of the link. There must, however, be a limit to growth in the absence of a reliable direct link between the trunk road network and the Port. The additional freight traffic generated by such growth has no route choice save that between routes through the centre of Lancaster and across the Lune Bridges or a route through Carnforth and along the A5105 Coast Road, adding in either case to the loss of amenity recognised in the emerging RSS. The need for the link is underscored by the widespread support for it among the business community in Lancaster and on the Heysham peninsula as described in section 5 of this report.

Options and alternatives

7.2.8 There has been a full consideration of options and alternatives in an iterative process extending back for at least 15 years. The scheme is the result of an assessment of as wide a base of practical options as is available. The County Council has experience of putting alternative traffic measures in place, and, based on that experience, it is LCC's view that such measures cannot alone meet the objectives of the scheme. There is nothing of substance in the case of ESTA/TSLM to gainsay this.

7.2.9 It is a main plank of the case of ESTA/TSLM that the benefits of the scheme in terms of the relief of congestion are illusory and at best temporary. This is incorrect: There remain significant improvements in 2025 compared with the Do-Minimum situation, even on the strategic through routes. Higher traffic reductions remain on more minor routes, reflecting the transfer of traffic back to the main routes from these less appropriate routes. The detailed description of traffic reductions on these routes and the supporting tables are to be found in sections 5 to 7 of LCC/P6REV. Examples include:

- Significant and maintained journey time savings in 2025 on the Heysham to M6 link itself, compared with the existing A683 route (Table 5.2);
- Significant continuing traffic reductions in 2025 with the scheme in place on the five existing routes serving the Heysham peninsula (see paragraph 2.4). These range between 19% and 92% (Table 5.4);

- Reduction in 2025 of morning and evening peak hour congestion on the A6 and the A683 with the scheme in place compared with the Do-Minimum scenario by between 27% and 68% (Tables 6.5 and 6.6); and
- Significant continuing reductions in traffic flows on other important routes in the Lancaster built-up area, ranging between 13% and 50% (Table 7.2).

Despite the assertions initially made on behalf of ESTA/TSLM that LCC's traffic predictions were significantly understated, the figures were not in the event materially challenged by their own expert traffic witness, Professor Goodwin. The traffic forecasting has twice been independently audited, by consultants instructed by LCC and by consultants acting on behalf of the DfT, It was approved and signed off by the DfT in May 2007. It was clearly open to either the consultants or the DfT to require further work to be carried out, but no such requirement has been imposed.

7.2.10 Moreover, accepting for the purposes of the argument only that the traffic reductions are, as asserted by ESTA/TSLM, only an interruption before worse conditions return, that interruption would itself provide the opportunity to introduce the complementary measures which the Vision Board report will propose. Introduction of the measures would assist with the control of future traffic growth.

7.2.11 ESTA/TSLM believe that the congestion problems of the area can be solved without new road-building. In answer to questions from Professor Goodwin, LCC's traffic witness, Mr Cleave, described the progress made with other measures, including those described in section 4.5. In Mr Cleave's professional opinion, LCC is now close to the threshold where, in the absence of the scheme, the lack of scope to reallocate road space would thwart further measures to limit traffic growth. ESTA/TSLM put forward no proposals as to a detailed programme of measures which they claim would provide an alternative means of resolving the congestion problems of the area without the construction of the road. They merely suggest that identifying such measures is a matter for LCC, notwithstanding the clear evidence from earlier studies that no viable alternative solution exists.

7.2.12 ESTA/TSLM also appear not to recognise the importance not only of achieving journey time reductions but also of improving journey time reliability. As noted on behalf of Heysham Port Limited, additional importance attaches to journey time reliability improvements in the context of the operations of the Port of Heysham and its users, with fixed ferry departure times and significant volumes of time-sensitive freight passing through the Port.

7.2.13 It is significant that no evidence was adduced by ESTA/TSLM to support the claims earlier made on their behalf that traffic flows, including induced traffic resulting from the reduction of congestion on other roads, would be significantly higher than those predicted by LCC, so creating greater adverse impacts by reason, for example, of noise and air quality. Professor Goodwin in evidence on behalf of ESTA/TSLM expressly accepted LCC's figures, stating that he differed from LCC's witness, Mr Cleave, only in the conclusions to be drawn from the information.

7.2.14 Professor Goodwin's evidence-in-chief at the inquiry was essentially limited to the following matters:

The Benefit Cost Ratio: Professor Goodwin put forward a number of scenarios which he thought might in combination suffice to reduce the BCR to less than 2, such that the scheme would no longer represent good value for money. These are set out in paragraph 6.2.80. In cross-examination, he readily conceded that he had no idea whether the three scenarios he postulated could be combined; he had merely assumed that they could. He also conceded that his BCR outturn of less than 2 was "a complete guess". No weight should therefore be placed on these purported revisions. The BCR calculations have been considered and approved by the DfT, following two independent reviews by consultants, and have been found to be robust.

Further modelling: It is Professor Goodwin's contention that the reference by the Secretary of State to PPG13 in paragraphs (c) and (g) of her call-in letter amounted to an express request that further modelling should be undertaken. There is no evidence to support this contention, which again runs counter to the view of the DfT and its consultants that the scheme appraisal, including the traffic modelling, is complete and has been properly conducted.

Scheme benefits: Professor Goodwin claims that the benefits of the scheme have been exaggerated, especially when compared with the Do-Minimum scenario. His claim is based on the alleged failure to take into account the following three matters: the use of smart measures to manage demand, reallocation of road space, and road pricing. Some smart measures have been put in place and a preliminary assessment has been made available (paragraph 4.5.3); it is the professional view of LCC's traffic engineers that no further significant reallocation of road space can take place without the reduction in traffic flows which the road would bring; and no scheme of road pricing is currently or in the medium term likely to be proposed. General road pricing does not form part of government policy. TAG Unit 3.9.2 makes clear that traffic assessments should usually take into account only such measures of this type as are already committed schemes. It is therefore wrong for Professor Goodwin to claim that regard should be had to these matters. Again, neither the DfT nor its consultants has required additional work to be carried out in these regards.

7.2.15 LCC's traffic and economic modelling and the conclusions drawn from it are correct and robust.

Landscape and the Green Belt

7.2.16 Accepting that the road would constitute inappropriate development in the Green Belt, LCC considers that the following very special circumstances clearly outweigh the harm to the Green Belt and permit a recommendation in favour of the grant of planning permission:

- There is no viable alternative route for the road which would avoid the Green Belt. For the reasons set out in section 7.1, the western routes are not buildable. Any northern alignment would cross the Green Belt;

- There is an overriding need admitted almost universally to do something to relieve the current severely congested traffic conditions. This assumes particular importance where, as here, it is the alleviation of congestion within an historic city, with heavy traffic use of a listed structure, Skerton Bridge, which is aspired to;
- The scheme includes a badly-needed and long-delayed improvement to a dangerous motorway junction;
- The scheme would facilitate other measures to promote a shift to more sustainable modes of travel, allowing environmental improvements in the City of Lancaster and elsewhere; and
- The road would facilitate economic regeneration in areas of recognised severe multiple deprivation.

7.2.17 It is not accepted that there would be any significant impact on the setting of Lancaster. It is equally not the case, as asserted by ESTA/TSLM, that the road would occupy the Green Belt in its entirety. The road is a linear feature which has been designed to run as close to the northern edge of the urban area as is consonant with other route constraints, and which would therefore pass through the southern part of the Green Belt. No change is proposed to the extent of the Green Belt, and future applications relating to developments would be subject to the considerations set out in PPG2 and in that context would continue to stand or fall on their own merits.

7.2.18 LCC admits that, although the impact of the road on the landscape character areas is in most cases assessed as moderate adverse, application of the relevant guidance results in an overall landscape assessment of large adverse impact. Landscape mitigation measures are well-tried and -tested and are described in the ES and in the evidence of LCC's landscape witness at the inquiry. The use of the existing natural landscape, including drumlin features, as well as earth mounds, cuttings, false cuttings and extensive new planting would help to reduce the road's intrusive impact. In the Howgill Brook area, for example, a false cutting is proposed, reducing the impact of the section of road which there emerges from cutting. The likely impact of the road on the landscape in this area can be judged from the photograph which forms LCC/INQ/34.

Air quality and climate change

7.2.19 LCC's case as to the net benefits in air quality that the scheme would provide is set out in paragraphs 4.9.2 to 4.9.7. The current impact of emissions from stationary or slow-moving traffic whether in central Lancaster or in other congested local areas is well-attested. For ESTA/TSLM to claim that the scheme would result in a serious deprivation of the basic right to health flies in the face of the evidence that no exceedences of national air quality objectives are predicted anywhere along the proposed alignment of the road. British air quality standards are internationally recognised as comparatively stringent.

7.2.20 There is no evidence that AQMAs or other interventions could result in improvements even of an order similar to the net improvements provided by the scheme. No allowance for reductions in emissions from such interventions has been made in either the Do-Something scenario or the Do-Minimum scenario; LCC's comparison of the two scenarios is thus constructed on the same base and is therefore appropriate and fair.

7.2.21 While the scheme would cause an increase in overall emissions of CO₂, the addition amounts to only 0.004% of total national CO₂ emissions. The additional emissions are an admitted adverse impact of the scheme which the SoS will need to balance against the manifest benefits that LCC believes it would provide.

Noise

7.2.22 As in respect of some other aspects of its evidence, it is alleged by ESTA/TSLM that the correct WebTAG guidance has not been followed. The use of WebTAG guidance is appropriate for the preparation of the MSBC as the bid to the DfT for funding, and it has been applied in LCC's preparation of the bid. Otherwise, the guidance to be followed, as here, is the DMRB. DMRB provides for the noise assessment to be based on a 300-metre band round the projected road, and that guidance has been duly followed.

7.2.23 It is not accepted that there has been any under-estimate of the likely numbers affected by noise levels in excess of WHO recommendations. Noise mitigation measures are described in paragraphs 4.9.40 to 4.9.48, as is the basis on which noise insulation would be available. Without the road, the adverse noise impact on those affected by existing congested routes would continue to increase, and, under the regime established by the Noise Insulation Regulations, there could be no provision for insulation, because no new road building would have taken place.

Flood risk

7.2.24 LCC acknowledges that, when the Halcrow model was developed, the information relating to the 1995 and 2005 floods was not available. A sensitivity test applying the data has now been carried out, however, and this has validated the results previously obtained from Halcrow's model. The risk of debris obstructing the channel is less than that asserted, because ESTA/TSLM has taken no account of the gradient in the river between Halton Bridge and the proposed new bridge. Water levels at the proposed bridge would typically be 1.1 metres lower than those predicted by ESTA/TSLM. The bridge soffit level would be at a minimum height of 11.5 metres Altitude above Ordnance Datum ("AOD") at the pier locations, rising to 13.6 metres AOD in mid-span. Even in the extrapolated worst-worst-case scenario postulated by ESTA/TSLM, where water levels rose to 10.7 metres at Halton, this would equate to 9.6 metres at the piers of the new bridge, leaving a minimum gap of nearly 2 metres, which, even in these extreme circumstances is unlikely to result in entrapment of debris. The clearance in mid-stream would be greater than that at the piers by more than 2 metres.

7.2.25 Moreover, Halton Bridge is an ancient structure with low and narrow arches,

against which waterborne debris is more likely to become trapped than at the single open span proposed for the new bridge. Halton Bridge and the other unspecified locations where it is claimed on behalf of ESTA/TSLM that debris currently becomes trapped would effectively act as a debris filter for the new bridge. Debris not trapped by Halton Bridge or elsewhere is unlikely to be trapped at the new bridge. It is also to be noted, having regard to the limitations on new development provided by Policy ER8 of RPG13, that the development proposed in this case is "essential transport infrastructure".

Local economic impacts

7.2.26 LCC considers its case as to economic regeneration to be conservative and robust. It is supported by the NWRDA and by local business. The RES emphasises the growth opportunities which exist in the Lancaster area, and the improved access which the road would provide to a number of sub-regional employment development sites west of the River Lune. The shortage is not of development land in general but of accessible development land.

Biodiversity

7.2.27 A wide range of ecological surveys have been undertaken. While a scheme on this scale cannot be constructed without some loss of habitat and damage to ecological receptors, especially in the short term, LCC's aim through mitigation is to create a medium- to long-term net improvement over the existing habitat which is, in any event, largely improved and intensively managed agricultural grassland of low ecological interest.

7.2.28 The extent of loss of veteran trees has been much reduced by a minor route re-alignment, and a methodology for mitigating this loss is set out in paragraph 4.9.12. The planting of 4 trees for each tree lost to the scheme would also provide veteran tree replacements in the longer term. New hedgerows would provide significant mitigation in less than 15 years, and navigation aids for bats within 2 or 3 years. Surveys have shown that bat numbers and activity are low in the area affected, and there would be no disturbance of roosts or other unlawful interference. Extensive surveys have found no presence of great crested newts or of the protected species about which ESTA/TSLM expresses concerns which are unsupported by any evidence. It would be illegal to carry out the construction works during the bird nesting season, as is apparently feared by ESTA/TSLM, and the construction contractor would be legally required to comply with this as with all other relevant environmental controls. The comments of LCC's advisor have been met by proposed planning conditions as is shown by a comparison of her letter of September 2006 with the draft conditions.

7.2.29 No long-term impact on the ecology of the River Lune is anticipated. The positioning and design of the piers for the new bridge minimise its footprint and, if necessary, local scour protection can be incorporated at final design stage. There is no evidence that existing bridges over the River, though built without modern environmental safeguards, have had any significant impact on its ecology. The EA's objection has been withdrawn.

7.3 Lancaster and Morecambe College

- 7.3.1 The College's objection appears to be based on the following two premises: first, that the adverse impacts of the link road would be such as to render the College's continued viability doubtful; and, secondly, that, as the hub of local education (as its Principal described it in cross-examination), its loss to the community as a result of the impacts of the road would be unacceptable.
- 7.3.2 The College's objection appears to be maintained in full, notwithstanding the extensive mitigation which LCC has agreed to provide. The terms of the unilateral undertaking executed on 9 August 2007 (LCC/INQ/36), of the side letter to the undertaking dated 10 August 2007 (LCC/INQ/37), and of those of the planning conditions proposed by LCC which are specific to the College were all agreed with those representing the College before the inquiry closed. The side letter is acknowledged and signed on the College's behalf. The College's objection appears to be maintained in full notwithstanding the acceptance by the Principal in cross-examination that the proposed mitigation would give comfort.
- 7.3.3 LCC accepts that the College is an important local facility. It provides education and training courses for a wide range of local people, including giving a second chance to young people for whom earlier formal education has failed. Its outreach into the local prison community through the OLASS scheme is valuable, as is its assistance in "up-skilling" workers in local firms.
- 7.3.4 In his natural eagerness to emphasise the College's importance, however, its Principal was in cross-examination not prepared to consider whether the proposed road would provide benefits, including benefits at a regional level. His was an outright objection that the road should not be built because of its adverse impacts on the College; yet, however important, the College remains a local facility. Indeed, part of the Principal's concern is that the College might cease to be viable because, with the road in place, other local competing education providers would be preferred to the College by would-be students and their parents; nor is the College's stance softened by any alternative proposal which might address the widespread loss of amenity currently suffered by many local people as a result of the congestion and other traffic problems acknowledged by almost all parties at the inquiry.
- 7.3.5 LCC accepts that the link road would have significant adverse impacts on the College and proposes mitigation in the following respects:

Noise

- 7.3.6 During construction, the worst impact on the College would be during the construction of the embankment from the A683/A589 junction north-east across College land. The College's concerns as to noise impacts during this phase are exaggerated because they are based on unrealistic assumptions, including plant that operates continuously and remains stationary throughout the construction operations at the point on the line of the road closest to the College. LCC nevertheless accepts that there would be a significant noise impact during this phase of construction of the road.

- 7.3.7 The outline programme of works indicates that construction of the embankment would take some five to six weeks to complete (CD1.75). LCC would seek to agree the optimum timing for this work so as to coincide with the slackest period in the College's programme, probably in July/August, also an auspicious season for construction works of this kind. Once the embankment earthworks are in place, the proposed noise attenuation barriers would be installed on the embankment before any further works were carried out. Other controls, including over the routing of construction vehicles, would be put in place through the Construction Environmental Management Plan to be approved in writing before works commence under proposed planning condition 39, and in relation to which LCC undertakes to consult with the College pursuant to paragraph 6 of the side letter.
- 7.3.8 Following the exchange of noise evidence between the parties and extra-inquiry meetings between their respective expert witnesses, the existing and predicted noise levels at the College are largely agreed, and are set out in LCC/INQ/27. These levels are worst-case, in that they do not take account of attenuation from lower noise road surfacing and from the acoustic barriers now proposed along the Morecambe Road frontage. It is accepted by the noise expert instructed by LMC that, with windows closed, noise levels within classrooms would generally remain below WHO recommendations. The agreed figures compare the Do-Minimum 2007 levels with the 2025 levels with the road in place, and with only one exception, the increase in levels is 2dB(A) or less.
- 7.3.9 LCC has undertaken to fund and install in consultation with LMC mechanical ventilation/air conditioning which would allow classroom windows to be kept closed in warmer weather. This would ensure that traffic noise within classrooms would be maintained at levels at or below WHO recommended levels at all seasons of the year.
- 7.3.10 The College remains concerned about traffic noise levels on the sports pitches to the west of the proposed road. At some locations on the pitches, 2025 noise levels with the road in place would remain up to 3dB(A) above the levels recommended by the guidance. It is proposed to install noise attenuation barriers along the Morecambe Road frontage as shown on Drawing WD325, attached to LCC/INQ/27. These would have some impact in reducing noise levels at the southern end of the playing field. While LCC accepts that the pitches are used for football instruction as well as for the playing of matches, this training typically takes place in a relatively noisy ambience, and does not require the degree of calm necessary for study of academic subjects. It is not accepted that this would be a significant adverse impact.

Sports pitches

- 7.3.11 LCC accepts that the road would reduce the interim availability of the sports pitches at the western end of LMC's campus. LCC's proposals in this respect would limit this impact to a maximum period of only three years. The western pitches currently consist of one senior and one junior pitch and a training grid.
- 7.3.12 What is proposed is as follows: To maintain access to the western pitches at

all times, the proposed underpass maintaining the link between the main campus and the playing field would be constructed before any other work to the embankment is carried out. The use of the underpass would not add materially to the time needed to reach the pitches from the campus buildings east of the proposed road. As to policing, it is to be noted that the pitches are at present separated from the rest of the campus by a ditch and hedge.

7.3.13 It is clear from the evidence of LMC that it is most important to avoid loss of availability of the senior pitch, since alternatives are in short supply locally. LCC's mitigation proposals would therefore ensure that the temporary impacts would be limited to the loss of the training grid for a period of 18 months and of a junior pitch for a period of 3 years. A junior pitch can be rented as necessary at the nearby Salt Ayre Sports Centre (see paragraph 2.7) and appropriate compensation in that respect would be paid by LCC, including the cost of transportation. Details of the improvement works and compensation proposed are set out in the Third Schedule to LCC's executed deed of unilateral undertaking and in the side letter.

7.3.14 LCC's proposals include the carrying out at its expense of drainage and other works of improvement to the pitches, as again set out in the undertaking. At the end of the three-year period with the mitigation in place, the College would therefore have the benefit of pitches equivalent in number to those now available, but improved so as to permit more intensive use. On the basis of LCC's proposals, Sport England has indicated by letter dated 23 July 2007 (CD5.8) that it is now satisfied with the mitigation proposed and is prepared to withdraw its objection.

7.3.15 Concerns of the College as to other adverse impacts include:

Air quality, mud and dust

7.3.16 The closing submissions made on the College's behalf made no reference to air quality impacts. It is not in dispute that no national air quality objective is predicted to be exceeded either in the vicinity of the College or anywhere else as a result of implementation of the scheme. Measures to control the escape of dust and mud during construction would be put in place by means of the CEMP and the construction contract. Such measures are tried and tested, and are in any event normal obligations imposed for the construction phase of a scheme of this kind.

Car parking

7.3.17 The College would lose some of its car parking provision, but, with an appropriately designed layout, the loss would amount to 139 rather than 180 spaces. The remainder would represent more than three times the appropriate provision for a further education college under current parking standards set out in the JLSP (extract in LCC/P4REBA), namely 1 space per 2 full-time members of staff. LCC has 211 full-time staff, predicating only 106 spaces. In the event that the College proceeds with the redevelopment of its campus, as proposed, it is these standards which would apply. Moreover, LSC funding is likely to be more generous if the College's travel proposals are sustainable. With better access to the College available with the road in place, the College

could benefit both itself and the community by reducing its reliance on travel by car.

7.3.18 The College's recently-published Travel Plan (LCC/INQ/17) recognises the benefits of using alternative modes of transport. As recorded in LCC/INQ/20, there are only some 80 College staff on duty during evening hours, when buses serving Morecambe Road are less frequent. As to local on-street parking, there is no evidence to support the Principal's assertion at the inquiry that this is a significant problem. In any event, it would fall to be managed by a Traffic Regulation Order; it is not a ground on which planning permission for the road should be refused.

Benefits of the scheme

7.3.19 LMC's maintained objection fails to take account of positive benefits which the road would provide, including benefits to the College itself. Along the College's Morecambe Road frontage there is currently standing traffic, often for many hours of the day. With the scheme in place, there would be immediately improved access to the College by virtue of substantial reductions in traffic levels on the roads serving both the front and rear entrances to the College, by respectively 30% and 20% in the scheme Opening Year. Congestion outside the College is recorded as a problem in the Travel Plan, as is the lack of pedestrian access and cycle links. The A683/A589 junction is currently a roundabout without controlled pedestrian/cycle crossings, and these would be incorporated in the reconfigured junction. The existence of the link road and the other complementary measures to be provided would improve access to the College, including access by public transport, potentially extending its catchment area.

7.3.20 It is in the light of all these considerations that the College's claim that its viability would be undermined if the road is constructed should be addressed. LMC's Principal said in evidence that the College is the sole provider within 20 miles of a range of vocational courses, training and apprenticeships. From September 2007, it appears that the College will also be the sole education provider in the locality to offer courses leading to the International Baccalaureate.

7.3.21 The College would need in the ordinary course of events to tender for renewal of the OLASS contract, representing some £7 million per year or over one third of the College's income. Provision of services to prisons is wholly off-site and unaffected by the road scheme. The existence of the link road would also not significantly inhibit LMC's ability to provide services and facilities for the use of the local community or to continue to earn fees from such provision.

7.3.22 Against this background it is difficult to afford much weight to the Principal's strongly expressed concern that the perception of the College on the part of prospective students and their parents would be changed so radically by the road scheme as to prejudice the College's financial viability. The College has been financially successful over recent years, when the total number of students enrolled has been falling, with a particular decline in part-time day students as shown in student attendance records produced as LCC/INQ/20.

This is because the College has been adept at attracting students to those courses that command the greatest remuneration from the LSC, and at providing courses which are not available elsewhere in the area. The College's financial viability and future clearly do not depend purely on student perceptions and numbers, as claimed by its Principal.

7.3.23 The credence to be attached to the College's claimed concerns as to student/parent perception is further reduced by its plans for redevelopment of its site. The redevelopment would allow the College to replace its old buildings and benefit from a modern purpose-built campus likely to attract students. The redevelopment would, however, involve a sequence of on-site building projects, lasting longer (probably 3 to 5 years) and likely to be more intrusive than construction of the road, by which the College would primarily be affected only for about 5 or 6 weeks. There is no reasonable basis, particularly with all the proposed mitigation in place, for the concerns expressed by the Principal as to the adverse impact on the College's viability of student/parent perception.

7.3.24 It is to be noted that the minutes of a recent meeting of College Governors record a welcome given to the prospect of receipt of compensation from compulsory acquisition of College land for the proposed road as a contribution to redevelopment funds. As to any claim by the College that its redevelopment plans would be prejudiced by the compulsory acquisition of land for the road, Policy R14 of the LDLP expressly limits any redevelopment of the campus to the area shaded brown on the Proposals Map (CD1.4), which continues an exclusion of the land required for the road which has been in place for over 40 years.

7.4 The Lancaster & District Green Party Councillor C Coates

7.4.1 The fears expressed as to the lack of viability of the Port of Heysham by reason of rises in sea levels are misplaced. As the Morecambe Bay Shoreline Management Plan (annexed to CC/P1) shows, the shoreline in this vicinity is regarded as fixed and could only be altered in the event that the Port or the nearby nuclear power station were decommissioned, a process which would in any event take more than 100 years. The need to protect the on-going operations of the Port and power station are recorded in the Plan as factors to be taken into account in appraising intervention options in response to rises in sea level.

7.5 Morecambe Bay Independents

7.5.1 It is acknowledged that traffic heading from the A683/A589 junction north-east along the proposed road would initially be climbing. However, the gradient would be no more than about 2% and the additional noise impact would therefore be small. Modelled traffic flows at the junction show that it has sufficient capacity to accommodate all predicted traffic flows.

7.6 Ms Geraldine Smith MP

7.6.1 Notwithstanding their reasoned rejection on a number of occasions, Ms

Smith continues to support and promote the western routes, the Blue route in particular. She describes her determination to press for a viable western route in the teeth of clear evidence that no such route is available or buildable. It is indicative of her mindset that her letter to constituents does not even mention the EU Directive and the other environmental controls which render the western routes unacceptable. A significant number of respondents nevertheless noted that only a northern route appeared to be buildable and that a new relieving road on any alignment was urgently required.

- 7.6.2 Her purported survey of her constituents' opinions is defective in at least two respects (in addition to those noted by Mr Martin): the reported results rely on the responses of individuals rather than households; and the letter and questionnaire were not sent to those households in the constituency which are the most likely to benefit from completion of the link road along the northern alignment, as proposed. For the reasons set out in section 7.1, the promoted northern route is the only option.

7.7 The Ramblers' Association

- 7.7.1 LCC has no objection to providing the six remaining rights of way links sought by the RA. Three of them, however, lie outside the boundary of the planning application and therefore outside the current remit. Provision of these links would have to be agreed with the landowner, which, in the case of two of the links sought, is the Ministry of Defence.

7.8 Torrisholme Cricket Club

- 7.8.1 LCC wrote to the Club in August 2006 explaining that the proposed balancing ponds would be lined and would therefore have no impact on the water table. The area of the Club's ground near the line of the link road is currently poorly drained and the impact of the installation of the ponds would be to improve the drainage of the ground.

7.9 Mr D Sumner and Mr E Crook T/A Broadoak Leisure Buildings

- 7.9.1 Although the business has been long-established, it has always traded on short-term leases with a six-month break clause, and its proprietors have always been aware that the land would be required in due time for the proposed link road. LCC Councillors have sought to assist in the search for alternative premises, but to date without success. There is no provision for compensation in such a case, and LCC is precluded from making an *ex gratia* payment by audit rules.

7.10 Conditions and section 106 obligations

- 7.10.1 The conditions which LCC invites the SoS to attach to the planning permission, if granted, are set out in Schedule 1 to this report, and are further addressed in section 8.10. The 39 proposed conditions in Part A of the Schedule are of general application, and include provision for the mitigation of potential environmental impacts. Condition 17 provides for implementation of the complementary measures to be proposed pursuant to the Vision Board Study. Part B contains draft conditions which address concerns of LMC.

7.10.2 On 9 August 2007, LCC executed a Deed of Unilateral Undertaking (LCC/INQ/36). Its provisions include details of the management of the proposed general landscape and ecological mitigation measures for a period of 20 years, and of the mitigation measures proposed in respect of LMC (see section 7.3). In a side letter to the Undertaking signed on 10 August 2007, more detail as to the scope of the Undertaking are supplied.

8. CONCLUSIONS

8.1 Introduction

8.1.1 Having regard to the foregoing, I have reached the following conclusions, references being given in square brackets to earlier paragraphs and sections of this report where appropriate.

8.1.2 By letter dated 8 February 2007, the Secretary of State caused the application to which this report relates to be called in under section 77 of the 1990 Act. In her letter, she set out those matters about which she particularly wished to be informed for the purposes of considering the application. I address each of these matters (the last of which provides an opportunity to address any other relevant considerations) in the ensuing sub-sections, before setting out a summary of my conclusions and reaching an overall conclusion.

8.1.3 The Secretary of State's consideration of my conclusions and recommendation is subject to her preliminary decision with regard to the legal submissions concerning the adequacy of the ES which are summarised in section 3 of and contained in Schedule 2 to this report.

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

8.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.2.2 The development plan includes RPG13, the Joint Lancashire Structure Plan, adopted in 2005, and the Lancaster District Local Plan, adopted in 2004. The report of the Examination in Public of the emerging Regional Spatial Strategy for the North West was published in May 2007. The RSS is a material consideration, and, given the relatively advanced stage reached in its preparation, considerable weight can in my view be afforded to it.

8.2.3 The scheme is included in RPG13 as a Regionally Significant Transport Proposal [4.3.2]. In the emerging RSS, it is listed as a scheme within the Regional Funding Allocation [4.3.3]. I have noted the claim of ESTA/TSLM which seeks to call this listing into question [6.2.4] but the fact is that, as matters currently stand, the scheme remains listed within the Allocation in the emerging RSS. The EIP Panel Report noted the congestion and loss of amenity arising from current routes through Lancaster [4.3.2]. The provision of a link road between Heysham and the M6 is an express policy of the JLSP and of the LDLP [4.3.4].

8.2.4 I have had regard to the arguments of ESTA/TSLM in particular that the references to the link road in the development plan could and should be

interpreted as referring to measures improving the connection between Heysham and the M6 which fall short of the construction of a new road [6.2.7 to 6.2.10]. There seems to me, however, to be little scope for construing the clear terms of these policies in this way or otherwise than with their plain meaning that a new link road should be constructed. I am reinforced in this view by a consideration of other supporting documentation which provides a context within which the development plan policies fall to be considered [4.3.5].

- 8.2.5 The promoted route would link Junction 34 of the M6 with the eastern end of the existing Heysham link road, opened in 1994. I recognise that, as pointed out by some objectors [6.2.7], there is no express reference to the promoted route, the northern or Orange route, within development plan policy. However, the detailed history of the selection of the route in section 4.8 to my mind makes it clear that it is to a northern route that the policies refer. The JLSP, for example, was adopted in 2005, that is, after the decision of LCC in September 2004 to promote the Orange route [4.8.16]. I am reinforced in this view by the specific reference to the northern route in contextual documents such as the City Council's Core Strategy [7.2.3].
- 8.2.6 Even if this conclusion were wrong, however, the building of a link road between Heysham and the M6 is a clear development plan policy and to choose a northern (rather than, say, a western) alignment for the link would therefore be fully compliant with the terms of that policy. The selection of the most appropriate and sustainable route is a separate matter in the Secretary of State's call-in letter, which I address in section 8.3.
- 8.2.7 Objectors point to a number of inconsistencies between the scheme and other development plan policies of general application. An example is the claim that the impact on the playing fields at LMC is contrary to development plan policies which provide protection for recreational land [6.2.12]. Some of these concerns relate to the compatibility of the scheme with national policies, such as those relating to the Green Belt, countryside and sustainable transport, and these are addressed under the headings below.
- 8.2.8 The objection of ESTA/TSLM relies in part on development plan policies which promote sustainable transport measures, including reducing the need to travel by car [6.2.10]. This reliance sits uneasily with their strong opposition to the proposed P&R site on a wide range of grounds which include the absence of an express mention of the P&R site in the development plan [6.2.24]. I recognise that the proposed P&R site remains to be fully appraised, but I find it difficult to understand why, even before a full assessment of the proposal has taken place, ESTA/TSLM should be opposed to what is on its face a management measure of the kind advocated by ESTA/TSLM, intended to create some modal shift away from the private car.
- 8.2.9 That there are apparent conflicts between the scheme and other general development plan policies is to my mind unsurprising, given its scale as LCC's principal LTP-promoted road scheme [4.3.4]. When resolving to adopt the development plan, which, as I have said, contains express references to the scheme, the relevant authorities must be deemed to have balanced these potential conflicts and to have concluded that the proposal to complete the

Heysham to M6 road link should nevertheless form an express part of the adopted development plan.

8.2.10 I conclude that the scheme accords with the development plan for the area.

8.3 Whether the road alignment as proposed is, in principle, the most appropriate and sustainable route

8.3.1 There are two main strands of objection to the proposal, namely opposition to the northern alignment in favour of a western route, and outright opposition to a new road on any alignment [6.1]. I address these two issues later in this section of the report. First, however, I consider whether there is any apparent scope for an alternative, more appropriate and sustainable northern route.

A northern route

8.3.2 In the closing submissions made on behalf of ESTA/TSLM it is suggested that LCC should have carried out investigations into alternative alignments for a northern route [6.2.19]. ESTA/TSLM make no suggestion as to where such an alignment might be found. Notwithstanding the grave concerns expressed by LMC as to the impact of the proposed section of new road across its campus [section 6.3], the College also has no alternative northern route to propose.

8.3.3 It seems to me clear that a northern route should be so aligned as to link readily with the western section of the Heysham link which is already in place [4.1.2]. Failing this, use of a section of the heavily congested A683/A589 Morecambe Road would be required as a connection between the eastern end of the existing link road section and the western end of the link road now proposed. Nor is the eastern end of a northern link road alignment open to significant variation; no party suggests that a northern alignment could sensibly terminate anywhere other than at Junction 34 of the M6. The evidence of LCC is that between these two fixed points, the route has been chosen so as to impact on the open countryside and the Green Belt as little as possible [4.9.39] and, despite the strong objections of ESTA/TSLM and others on these grounds, there is no suggestion by them or any other party that any alternative route alignment to the north of Lancaster would or could reduce the adverse impacts of the link road.

8.3.4 I therefore conclude that, if a new road completing the Heysham to M6 link is to be built on a northern alignment, it must essentially follow the route currently promoted by LCC.

A western route

8.3.5 I turn next to the issue of alternative routes to the south and west of Lancaster, referred to as the western routes. A history of the consideration of two routes, the Blue and Green, which are urged on the SoS by some objectors [6.1 to 6.3, sections 6.6 and 6.11], is set out in sections 4.8 and 7.1.

- 8.3.6 There is no application before me for a new road on a western alignment. It seems to me clear that the western routes which continue to be promoted by some objectors would not, due to their adverse environmental impact on sites protected by European designation, satisfy the requirements of EU law. I do not believe that either route would be buildable. Leading Counsel's advice on this matter is quite clear and is supported by the opinions and earlier decisions of others. The matter has previously been considered more than once [7.1], and the same conclusion has repeatedly been reached. Both LCC and the City Council concluded that the western route should not be pursued [4.8.16 and 4.10.3].
- 8.3.7 Although, as I conclude below, a new road along the northern route would have a number of residual adverse impacts, some of them substantial, I also reach a conclusion below that these impacts do not either severally or cumulatively render the promoted scheme unacceptable. The promoted northern route would not be in breach of the 1994 Regulations and remains a clear alternative to the western routes. Constructing either of the western routes would therefore be unlawful.
- 8.3.8 I have had careful regard to the letter circulated to her constituents by Ms Geraldine Smith MP, and I have studied the large number of completed questionnaires [6.6]. In my view, the letter cannot be characterised as an opinion poll, which implies an impartial approach, but is rather an invitation to constituents to express their support for Ms Smith's intention to continue to "*seek a viable western route*" (Ms Smith's emphasising italics). It is also unfortunate that Ms Smith for reasons of expense should have excluded from the circulation of her letter those constituents who might be expected to give most support for a northern route [5.30].
- 8.3.9 To my mind, it is noteworthy that a significant number of respondents to Ms Smith's letter nevertheless commented that only a northern link appeared to be viable and/or that a new road link on any buildable route was imperative and urgent and that there should be no further delay [7.6.1]. This is also some confirmation of the view expressed by all parties at the inquiry and in most written representations that action to resolve the congestion problems of Lancaster City Centre and the area generally is urgently to be desired.
- 8.3.10 Moreover, this inquiry and report do not form part of a public referendum. Even if the headline claim that over 90% of local people are opposed to the promoted scheme and in support of an alternative western route [5.31] were correct (which I do not accept), that would not of itself mean that planning permission should be refused for the LCC's promoted scheme; nor would strong public support for the Green and/or Blue route alter the to my mind clear reality that neither of the two proposed western routes would be lawful or viable, and that, despite Ms Smith's continuing search, no buildable western route has been put forward.
- 8.3.11 It follows that, if the admitted congestion problems of Lancaster and the Morecambe/Heysham peninsula are to be addressed by building a new road to link Heysham directly with the M6, the only viable and therefore by definition the most appropriate and sustainable alignment is that promoted by LCC.

A package of alternative measures

- 8.3.12 I turn therefore to the issue canvassed at the inquiry principally by ESTA/TSLM, namely, whether the traffic problems of the area could be adequately or indeed more effectively addressed through a programme of measures which does not involve any significant new road building. It is clear to my mind that such a claim does not fall within the plain wording of the SoS's matter set out above. The SoS seeks information relating to the choice of route for a new road. It seems likely to me, however, that the SoS will wish to be informed, having regard to PPS1 and PPG13 (addressed in sections 8.4 and 8.8 below), whether ESTA/TSLM have made out their claim that no new road alignment is appropriate and sustainable, because the adoption of a programme of other measures would render a new road unnecessary and obviate its acknowledged adverse impacts [6.2.6].
- 8.3.13 The case of ESTA/TSLM turns in part on its submission that the scheme falls foul of a number of planning and other policy prerogatives. These issues are the subject of other matters on which the SoS seeks information, and are addressed elsewhere in these conclusions.
- 8.3.14 There is general recognition both by LCC and supporters of the scheme [5.9] that the new road would not and could not alone resolve the traffic problems of the area. ESTA/TSLM believe that alternative measures could alone effect a resolution. I accept that ESTA/TSLM do not have the necessary financial or other resources to carry out the modelling and the other full assessments necessary to put together a detailed alternative package of measures. Nevertheless, the burden of establishing the truth of a proposition rests with its propounder. It seems to me that if I am to recommend that planning permission be refused (contrary, as I have concluded above, to the clear terms of the development plan), there must at the least be some basis for believing that there is available a package of alternative measures which is likely to meet the case. In these circumstances, it is not enough to my mind for ESTA/TSLM to submit, as Counsel did in his closing submissions on their behalf, that "policies *exist* and *can* be applied" [6.2.6].
- 8.3.15 In my view, there is one particularly telling gap in the case of ESTA/TSLM in this respect. The two main objectives of the scheme are "to improve communications between ... Heysham and the M6" and "to remove a significant volume of traffic from the River Lune bridges ..." [4.2.1]. LCC's evidence that a substantial proportion of the traffic travelling to Heysham by way of the River Lune bridges consists of heavy freight vehicles is not disputed; nor is there any apparent dispute over LCC's evidence as to the significant predicted growth in such traffic in urban areas and in the vicinity of ports [4.4.3]. LCC's case is that, even without additional measures to control the use of the Lune bridges by HGVs, the opening of the link road would reduce HGV traffic through Lancaster by over 50% [4.4.11].
- 8.3.16 I do not see how it is or can be maintained that the volume of freight traffic could be reduced by demand management measures, without prejudicing the economy of the Port and peninsula of Heysham. As freight traffic grows, the limitations of the existing routes would, in the absence of a new bypassing

road, exert a tightening stranglehold on access (the turnstile effect referred to by a supporter of the scheme [5.29]), with a potentially severe economic impact on the Port of Heysham and the Heysham peninsula generally, and generating an increase in the use of inappropriate diversionary routes, including that through the centre of Carnforth, adding to the lack of amenity already recorded [4.4.7].

- 8.3.17 I can find nothing of any cogency in the case presented by ESTA/TSLM to address this. It was claimed in evidence that a shift of freight on to rail might meet the case, and in support of this assertion there was cited a recent and sudden change of heart on the part of the rail industry over the dualling of a section of railway near Dumfries [6.2.11]. However, previous studies, including the study by the Piggyback Consortium itself, establish that there is no reasonable prospect that the necessary improvements will be made to the WCML to accommodate piggyback wagons [4.8.3]. The major WCML upgrade is on-going, but there is no evidence before me to suggest that, even after these very significant improvements, a significant modal shift to rail carriage of freight to Heysham and elsewhere on the peninsula via the WCML would be possible.
- 8.3.18 Even if, as suggested by ESTA/TSLM [6.2.22], there will in the medium term be scope to increase train paths on the WCML, there is no evidence to suggest that any increased capacity would be dedicated to freight traffic to Heysham. Improvements to the poor configuration of the Morecambe/Heysham branch line may be simpler to achieve [4.8.3], but there is again no evidence that any such improvement works are to be carried out either imminently or at all, nor in any event would they resolve the problems of access to the branch line by way of the WCML.
- 8.3.19 ESTA/TSLM consider that the issue of rail capacity should be revisited [6.2.22]. I recognise that some of the modal studies relied on by LCC were carried out some years ago. No cogent evidence has been adduced by any party to suggest that the outcome of further investigation might now be materially different. It was open to ESTA/TSLM to canvas the current opinion of the rail authorities and rail industry on these matters, but they do not appear to have done so. In the absence of evidence which might lead me to believe that rail industry views have changed from those earlier recorded, I can see no purpose in the further studies advocated by ESTA/TSLM; purposeless iteration would be cost-ineffective and cause unnecessary further delay.
- 8.3.20 If there is no means of carrying to and from the Port of Heysham most of the freight handled there except by road, then any demand management measure applied would merely operate to restrict freight volumes, contrary to regional development policy [4.3.5]. I accept that the Port has been growing strongly in recent years, notwithstanding the absence of a link road [6.2.62]. That growth is in the view of LCC and supporters of the scheme, including the owners and operators of the Port of Heysham [5.3], not sustainable unless road access is improved. Moreover, continuing growth of the Port in the absence of the proposed road or of any practicable alternative means of freight transport could only be at the expense of a deepening of the adverse impacts on amenity noted in the emerging RSS EiP Panel Report [4.3.3].

- 8.3.21 Successful demand management measures which reduce general traffic flows in Lancaster City Centre, but which do not at the same time provide any new means of access for freight vehicles to the peninsula, carry with them the daunting prospect of a growing number of HGVs travelling through Lancaster at greater speed (given less congestion), causing further loss of amenity including, on the analysis of ESTA/TSLM [6.2.58], an increase in accidents involving HGVs.
- 8.3.22 Reduction in traffic flows, even if only temporary as ESTA/TSLM believe [6.2.77], nevertheless provide what seems to me likely to be the only opportunity in the foreseeable future to introduce other traffic management measures [7.2.10], thus effecting a double reduction in congestion and improvement in amenity, especially in Lancaster City Centre. Again, it is the view of ESTA/TSLM that these measures could be introduced in any event. As stated above, there is no evidence before me from which I could conclude that they could result in radical reductions in the number of HGVs without simultaneously causing economic damage. LCC's position, based on the professional experience of its road engineers, including experience of the introduction of the measures described in section 4.5, is that putting further measures in place is likely in the near future to prove impossible because of lack of re-allocable road space [4.5.6].
- 8.3.23 It seems to me therefore that the step-by-step approach advocated by LCC is more likely to achieve the two main scheme objectives set out above. In summary, the completion of the link would immediately remove significant volumes of HGVs and other traffic from strategic routes in the area, providing an opportunity for the introduction of complementary measures further to reduce congestion and to promote sustainable modes of transport. Professor Goodwin who provided traffic modelling evidence on behalf of ESTA/TSLM, though doubtful as to the long-term traffic-reducing effects of the scheme, accepted that there would at least be significant traffic reductions at scheme opening [6.2.77]. It is not suggested by any party that LCC's predictions, namely that a majority of existing through HGV traffic would, on the opening of the link road, transfer to it from the route through Lancaster City Centre and from the other unsuitable routes currently used, are likely to prove incorrect [4.4.11].
- 8.3.24 Publication of the report commissioned by the Vision Board is not expected until December 2007 [4.5.9], and it might be said with some justice that the work should have been commissioned earlier. However, the question of whether there are real prospects for the introduction of effective complementary measures can in my view be in part assessed in the context of LCC's achievements in this respect to date. Measures already introduced are set out in paragraphs 4.5.1 to 4.5.10.
- 8.3.25 It is not for me to seek to predict what further complementary measures will be proposed in the Faber Maunsell report. However, it appears likely, given its expected publication in December 2007, that, if she so wishes, the report could be made available to the SoS and that, if so advised, she would be able to take it into account before she reaches her decision.
- 8.3.26 I conclude that the objectives of the scheme cannot be met by alternative

measures and that a new road is accordingly required.

The scheme's impacts

8.3.27 If, as I have concluded above, the promoted route is the most appropriate and sustainable, and measures not involving the construction of a new road could not, in its absence, reasonably be expected to resolve the local traffic problems, then the remaining consideration under this matter heading is whether the adverse impacts of the link road would be so severely adverse as to be unacceptable and to predicate acceptance of the on-going and increasing congestion in parts of Lancaster and the Heysham peninsula and in Carnforth, rather than proceeding with the new road.

8.3.28 In the opening statement made on behalf of ESTA/TSLM [6.2.14], it was asserted that LCC's traffic forecasts in respect of the new road were implausibly low, and that the adverse impacts of the road, mainly dependent as they would be on traffic volumes, were therefore materially understated. ESTA/TSLM did not in the event present evidence to support their claim [6.2.76]. Assessment of the impacts of the road therefore remains based on the traffic forecasts contained in LCC/P6REV [7.2.9].

8.3.29 A number of the potential adverse impacts of the scheme, including those on landscape, the Green Belt and biodiversity, fall to be addressed under other matters raised by the SoS and set out in later headings in this section of the report. I consider the other potential adverse impacts of the road in the ensuing paragraphs.

Air quality and climate change

8.3.30 ESTA/TSLM challenge LCC's case that there would be an immediate net benefit in air quality resulting from the removal of significant volumes of traffic from heavily populated areas [4.9.6]. They claim that a more precautionary approach should have been adopted, effectively investigating impacts on a person-by-person basis rather than merely counting numbers of properties [6.2.40]. It is also claimed that the 200-metre limit adopted for the purposes of the assessment is arbitrary and ought to have been extended. I can find no basis for either of these claims in current government policy, which, as I explained at the inquiry, is not a matter for debate at inquiries into individual schemes.

8.3.31 Moreover, I am not persuaded that to apply different criteria as urged on the SoS by ESTA/TSLM would, in a case where adverse air quality impacts in some locations are to be balanced against improvements in others, make any significant difference to the outcome. I accept, for example, that pollutants may spread beyond the 200-metre limit; government guidance merely reflects a recognition that the heavier concentrations of pollutants will generally be found at points closer to their source. Extending the limit as suggested by ESTA/TSLM would no doubt to some extent increase the number of affected receptors on either side of the proposed road. However, if no exceedences of air quality objectives are predicted within 200 metres of the road (and ESTA/TSLM do not present evidence to dispute this), it is difficult to believe that exceedences are likely to occur at a greater distance.

- 8.3.32 Extending the 200-metre limit as suggested by ESTA/TSLM would clearly also increase the number of receptors in the more heavily populated areas (including those where AQMAs have been declared) where air quality would continue to deteriorate if the road is not built. It is these latter receptors where large reductions in traffic volumes are predicted to afford significant relief from existing and future high levels of pollutants.
- 8.3.33 A particular point is made by ESTA/TSLM with regard to the impact of the road on air quality at LMC [6.2.40], although this does not appear to be an issue still relied on by the College itself [7.3.16]. I note in passing that ESTA/TSLM's claim as to the numbers of vulnerable young people potentially suffering adverse air quality impacts is in any event overstated; LMC's evidence is that there are some 1,900 students under the age of 19, rather than 5,000 [6.3.1]. I observed in the course of my site visits [1.3] that there are educational establishments in Lancaster City Centre, including two schools, one within and another alongside the Lune Bridges gyratory. These are among the receptors where air quality benefits would accrue from the predicted reductions in traffic in the city centre.
- 8.3.34 With regard to the three pollutants where it is claimed by ESTA/TSLM that no safe threshold exists [6.2.43], current government policy relies on the application of national air quality objectives. None of these objectives, including those relating to the three pollutants in question, is predicted to be anywhere exceeded as a result of the scheme. Furthermore, if it is the case as claimed on behalf of ESTA/TSLM that there are no safe limits for these pollutants, then the net result would be a further enhancement of the air quality benefit, including reductions in the three pollutants in question, which would result from the removal of traffic from more heavily populated areas. The purpose of government policy in this respect is to provide an objective basis for evaluating air quality, including assessing the net impacts of a scheme such as the proposed road.
- 8.3.35 I recognise that residents of Torrisholme have concerns about the impacts of the proposed road, including those on air quality [6.2.42]. No exceedence of any air quality objective is, however, predicted, and the concerns of these residents fall to be balanced against the aspiration for relief from pollutant emissions of residents of areas where there is currently poor air quality from heavy traffic and congestion, including those where assessments have shown that air quality objectives are currently breached, resulting in the declaration of AQMAs [4.9.2 and 4.9.3].
- 8.3.36 I can also find no support in government policy for the thesis that it is in some way unacceptable or unlawful to increase levels of pollutants at all [6.2.41]. Any adverse impact of developments on air quality is to be assessed using the guidance and put into the balance in determining whether planning permission and/or other consents should be granted.
- 8.3.37 I accept that the increase in greenhouse gases resulting from the scheme, including an increase in CO₂ emissions, is a significant adverse impact, and I have had regard to current and as far as appropriate, to emerging government policy on these issues [6.2.45]. The increase in CO₂ emissions,

though very small in percentage terms [7.2.21], is nevertheless significant in absolute terms. As I have concluded above, however, there is no cogent case before me for any alternative means of meeting the scheme's main objectives, which almost all parties regard as essential and urgent. This significant adverse impact has to be set against the benefits of the scheme, which in my view include the significant net improvements in local air quality referred to above.

Noise

8.3.38 Similar considerations to my mind apply to noise impacts. LCC's evidence suggests that there would be a significant net noise benefit [4.9.42]. As with air quality, there is no evidence to suggest that the balance between noise benefits and disbenefits would be reversed or even significantly altered if, as again suggested by ESTA/TSLM [6.2.46], noise assessments were carried out within a corridor extended to a width of 600 metres rather than 300 metres as applied by LCC.

8.3.39 ESTA/TSLM again urge me to apply what they consider to be emerging EU policy [6.2.52]. However, it is my task to assess this scheme against current government policy, not to debate what policy should or may in the future apply.

8.3.40 I recognise that at a number of properties there would be a significant increase in noise levels [4.9.44 and 6.2.48]. These would be to some extent mitigated by the application of low noise surfacing [4.9.47], earth mounding, attenuation barriers and extensive planting [4.9.43]. A scheme of noise mitigation measures is required to be submitted and approved pursuant to a proposed planning condition before the commencement of construction works.

8.3.41 Help with the cost of sound insulation under the Noise Insulation Regulations is available only in the case of new or altered roads [4.9.45 and 4.9.46]. Thus, in the Do-Minimum scenario, increases in noise levels from a continuing growth in traffic, including HGVs, through the heavily-populated areas in Lancaster and elsewhere in the district would not attract assistance with noise insulation, or any other form of mitigation. ESTA/TSLM make no suggestion as to how such negative impacts would be addressed, given this regime. It is for these reasons that I conclude that, with the mitigation measures proposed by LCC and help with insulation available, the noise impacts of the road are to be regarded as acceptable.

Accidents and road safety

8.3.42 I accept that, as submitted by ESTA/TSLM [6.2.58], other factors remaining constant, the principal factors giving rise to accidents are traffic volumes and speed. Speed as a causative factor underlies the imposition and enforcement of varying speed limits appropriate to the standard of road and its location. What the case put forward by ESTA/TSLM appears to me to overlook is that the provision of a purpose-built, segregated two-lane dual carriageway constructed to modern standards, is likely to reduce accidents, compared with the continuing and increasing use by through traffic, including a substantial proportion of HGVs, of inappropriate urban and residential routes. Evidence

relating to a recent serious accident involving an HGV on Skerton Bridge was given by a supporter of the scheme [5.23].

8.3.43 There is no evidence before me from which I could conclude that the configuration of the proposed road and its junctions, fully compliant with modern design standards, would pose any particular hazard or place the vulnerable at any significant additional risk [6.2.59 and 6.2.60]. Removal of the grave risks associated with the current design of M6 Junction 34 appears to me to offer a clear road safety bonus [4.4.14].

8.3.44 I recognise that among the benefits claimed for the new road is the removal of congestion from the existing urban routes, allowing higher average speeds. It may well be that some targeted additional speed limits may prove necessary. I do not accept, however, that the deliberate retention and/or extension of congestion represents an efficient method of controlling traffic speed (or, as suggested by one objector, of enhancing entrepreneurial skills [6.10]), or that such arrangements form part of government policy.

Flood risk

8.3.45 I have had careful regard to the concerns expressed by residents of Halton as to the increase in flood risk which they fear would arise from the construction of the bridge proposed to carry the link road over the River Lune [6.2.53], and I have considered the summary of the report commissioned by the residents. I have also borne in mind the evidence of residents as to events during earlier flood peaks.

8.3.46 I also have before me the expert evidence presented on behalf of LCC as to the minimal impact which the bridge piers would have on water levels [7.2.24]. This evidence has been reassessed by Halcrow in the light of the evidence presented by the Halton residents about the 1995 and 2005 flood events, and Halcrow's earlier predictions remain valid. I accept on the basis of this evidence that, even in the "worst-worst-case" circumstances postulated by residents [6.2.56], the presence of the bridge would not materially increase water levels. While residents claim that the existing Halton Bridge does not effectively operate as a debris filter, it seems to me to be self-evident that an ancient stone bridge with several low arches must have a more radical impact in damming debris than one with a single span which would remain clear of the water by a margin of some 2 metres even in the most severe flood event so far experienced [7.2.25].

Lancaster and Morecambe College

8.3.47 It is not in dispute that Lancaster and Morecambe College is an important local institution [7.3.3]. It provides a wide range of educational services, including academic and sports courses. Some of these courses are generally available in other schools and colleges in the area, but LMC is in a number of respects a specialist [6.3.2]. It provides education for offenders in Lancashire's prisons under its OLASS contract and a second chance for those for whom traditional school-based education has failed. The range of other community services which the College provides is referred to in paragraphs 6.3.3. The College's activities accordingly afford it a wide "client" base.

- 8.3.48 It is also not in dispute that the construction and operation of the link road across part of LMC's campus would have significant adverse impacts on it [7.3.5]. The process of constructing a road on embankment across the site cannot but be visible and unsightly, and noise would be an inevitable concomitant. LCC's mitigation proposals in respect of construction noise are set out in paragraph 7.3.7. The noisiest part of the construction process in the vicinity of the College would be carried out within a period of five or six weeks chosen in consultation with the College so as to timetable it for the College's least busy time. Noise attenuation barriers would be put in place at the earliest possible opportunity and these would assist to mitigate further construction noise. Visual intrusion during the construction period would also be mitigated to some extent once the noise barriers are in place.
- 8.3.49 Traffic noise with the road in operation would be in part mitigated by the noise attenuation barriers along the full length of the section of road across the campus. In addition, LCC proposes to fund and install in consultation with the College and its acoustic advisors noise insulation and air conditioning of a standard necessary to ensure that the classroom noise environment at the College complies with WHO guidelines [7.3.9]. Provisions to protect the College are contained in the draft planning conditions and in the section 106 undertaking and side letter [7.3.2].
- 8.3.50 The College already has heavily-trafficked roads to its front and rear, especially Morecambe Road along its south-western boundary. Significant reductions in traffic are predicted on both of these roads, and LCC's mitigation proposals also include noise barriers along the Morecambe Road frontage [7.3.10].
- 8.3.51 It seems to me that, as to noise, the mitigation agreed between the experts instructed by the parties and to be implemented at LCC's expense, suffices to reduce any additional impact to an acceptable level. I share the view of LCC that some additional traffic noise on football pitches is unlikely to interfere unacceptably with matches or training [7.3.10]. I return to the other impacts on the College's sports facilities in section 8.9. My conclusions as to air quality impacts at the College are set out in paragraph 8.3.33.
- 8.3.52 As to car parking, I recognise that the loss of places may cause inconvenience [6.3.14]. Even after this loss, however, the parking provision at the College would still be substantially in excess of the standard which would now be applied in the case of new developments [7.3.17]. As evidence at the inquiry showed, the College is well-served during the day by public transport [6.3.5], and there would be improved and safer access for walkers and cyclists with the scheme in place [7.3.19]. There is evidence that, in the evenings when bus services are less frequent, there would remain ample parking for the more limited numbers of staff on duty [7.3.18]. I have noted the concerns expressed by the Principal as to parking on nearby residential roads [6.3.14], but, if this is or becomes a significant problem, I agree with LCC that it would fall to be controlled by other means [7.3.18].
- 8.3.53 Notwithstanding the extensive mitigation now proposed, it is the College's case that the adverse impacts of the road would remain so severe as to call

into question its continued existence [6.3.21]. The College's claim in this respect, however, seems to me implausible. The very range and variety of the services provided by the College and its undisputed importance to the local community to my mind militate strongly in favour of strong continuing local support for it. This is in my view likely to be sufficient to offset the residual short-term impacts of construction and the mitigated long-term impacts of operation of the road.

8.3.54 I turn with this in mind to the fears expressed by the Principal about student and parent perception of the College [6.3.20]. The College prides itself on being perhaps the most important local education establishment in the area [6.3.23 and 7.3.1]. It is successful and wide-ranging, and, as I saw for myself in the course of the formal site visit [1.3], has excellent facilities, both academic and sporting. At the same time, it is claimed on behalf of LMC that its existence is so marginal that a relatively brief construction period, the timing of the worst phase of which would be agreed with the College, and the remaining adverse impacts on it, would render it financially non-viable.

8.3.55 Again implausibly, in my view, it is claimed that the College's plans for redevelopment of the main buildings of its campus, likely to be a longer and more intrusive process, could in contrast to the road construction, be carried out without adversely affecting student and parental perceptions to a critical degree [6.3.18 and 7.3.23]. The existence of the new road, if the necessary consents for its construction are forthcoming, could be taken into account in designing the layout for the redeveloped campus.

8.3.56 There are aspects of the College's activities where it is also difficult to accept that the construction or presence of the road would have any significant impact on its economic vitality. These include aspects as diverse as its OLASS contract, where the work is carried out off-site in Lancashire's prisons, and the hire to third parties of its sports facilities. As I noted in the course of my formal site inspection [1.3], many of the College's buildings, including those housing its main academic classrooms are set back and partly shielded by other buildings where, generally, less academic training takes place [6.3.4].

8.3.57 As I have concluded in paragraphs 8.3.4 and 8.3.11, there is no viable alternative road alignment that would avoid the College's land; no alternative route is proposed on its behalf [7.3.4]. In recognition of this, the section of the route across the campus has been protected in successive development plans [7.3.24]. I recognise that there would remain residual adverse impacts on the College even with the agreed mitigation in place. I do not consider these unacceptable, nor do I believe that they are likely to affect the College's future viability.

8.3.58 As to the Principal's judgment that the road would fatally undermine the College's viability, I am sure this view is sincerely held, and I accept that he is an experienced Principal. Having regard to the Principal's own evidence as to the College's unique status and pivotal role both locally and sub-regionally [6.3.23], I do not consider it probable that the impact of a relatively brief period of construction activity followed by a generally mitigated operational impact would suffice to deter would-be students to the extent feared or so as

to outweigh the clear edge which, as the Principal avers, the College has over competing educational providers.

8.3.59 I have considered all the above adverse impacts, also taking into account where appropriate the benefits the scheme would bring to other receptors. The net impacts, whether taken separately or cumulatively, are not in my view so adverse as to warrant rejecting the scheme.

8.4 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

8.4.1 This matter essentially concerns the balance to be struck between the needs of a strong, stable and productive economy and the requirement to secure more sustainable patterns of transport. It is said by objectors [6.2.14] that the scheme, given its reliance on new road building and its effect of increasing travel by road including by private car, is an old-fashioned proposal; government policy, it is pointed out, now regards the building of new roads as a last resort. Government policy however also strongly supports the maintenance and expansion of ports in the interests of the economic vitality of the United Kingdom as a trading nation [4.3.5].

8.4.2 Nevertheless, as I have concluded above, no party has put forward any alternative proposal which has the potential to meet the objectives of the scheme and particularly the two primary objectives summarised in paragraph 8.3.15. I accept that alternative measures could have an impact in reducing general traffic in Lancaster city centre and other congested areas in the district. It is difficult to form any precise view as to the extent that such measures would be effective. The Faber Maunsell study commissioned by the Vision Board is not yet available [4.8.6]. LCC has introduced a number of such measures with a degree of success [4.5.1 to 4.5.5].

8.4.3 There is before me no credible alternative for the conveyance of freight between the Port of Heysham and the peninsula generally and the M6 and the wider distribution network. The only alternative postulated even in outline terms by objectors is the wider use of rail for the carriage of freight, a submission which, for reasons set out in paragraph 8.3.17, I have not found persuasive.

8.4.4 The significance of the Port of Heysham is described in paragraphs 4.4.5 and 5.1 to 5.3. It has been growing at a rate significantly higher than the national rate even in the absence of the road [6.2.62]. It is a major generator of economic activity in the area [5.2]

8.4.5 I do not accept that the Port could continue to grow indefinitely in the absence of improved access, either at all or in any event without severe adverse impacts on local traffic conditions and amenity. None of the evidence given on behalf of Heysham Port Limited, including that on this point, was challenged. I

have referred above to the effect that growth would have on congestion and amenity in the absence of the road link or an alternative means of carrying freight between the distributor network and the Port. In my view, only the link road offers the opportunity to divert existing and predicted increasing volumes of HGVs from the centre of Lancaster and its environs.

- 8.4.6 The link road would in my view provide a context in which other measures to promote sustainable transport modes could be introduced, a matter to which I have referred above, and to which I return in the context of PPG13 in section 8.8.
- 8.4.7 I have found somewhat more difficulty in reaching a conclusion about the regenerative effects which it is claimed by LCC and supporters that the link road would bring to the peninsula. There are within the district significant areas of general economic and social deprivation, as is not in dispute [4.5.11, 4.5.12 and 6.2.65]. ESTA/TSLM comment that spending £140 million to procure only some 600 jobs for residents of the regeneration areas would be a poor investment [6.2.66]. They say that, given the downward adjustments made to it by LCC, even the prediction of 600 jobs appears far from robust. LCC's case is presented on the basis that achievement of the first two objectives of the scheme would justify the grant of planning permission. Its case as to the potential regenerative effects of the road has been deliberately put on a conservative basis [4.5.19]. I note, however, that even 600 jobs would represent about 20% of those recorded as unemployed at the time of the last national census.
- 8.4.8 In such circumstances, it would be enough to conclude that the presence of the road is likely to induce some additional inward investment, facilitate the creation of some additional employment opportunities and therefore have some impact in reducing economic deprivation. I have had regard to the SACTRA Report relied on by objectors [6.2.68]. Notwithstanding the concerns about the "two-way road" expressed by ESTA/TSLM [6.2.66], it seems likely to me that the presence of the road would have some regenerative impact on the area. Shorter and, importantly in my view, more reliable journey times would, for example, benefit the entrepreneur and the visitor to Morecambe alike. While I also note the evidence of ESTA/TSLM regarding the Goss Moor survey [6.2.69], there would seem to be doubt whether Morecambe does indeed, without ongoing regeneration, have a strong and attractive image as a tourist destination [5.25].
- 8.4.9 Having regard to the extensive work carried out on LCC's behalf in this respect [4.5.11 to 4.5.20] and to the support for the proposition from the business community in the area, to whose views considerable weight should to my mind attach [section 5], it is likely that the road would bring regenerative benefits to the area. This benefit, even if small, is to be taken into account in striking the balance required by PPS1, and I conclude that this balance should be struck in favour of the grant of planning permission for the road.

8.5 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.

8.5.1 It is not in dispute that construction of the link road would constitute inappropriate development in the Green Belt [6.2.26 and 7.2.16]. Objectors point out that, as national Green Belt policies are enshrined in Structure and Local Plan policies, the link road would also run counter to development plan policy in this respect.

8.5.2 PPG2 contains no general prohibition of development in the Green Belt, providing rather that the grant of planning permission for inappropriate development may be justified only by very special circumstances which clearly outweigh any harm done to the Green Belt. LCC's case as to the very special circumstances which apply in this instance is set out in paragraph 7.2.16. In summary, they are that the benefits which would flow from achievement of the objectives of the scheme are such as to outweigh the harm to the Green Belt. The benefits cannot be provided without construction of a new road, and there is no alternative alignment available which would avoid the Green Belt.

8.5.3 ESTA/TSLM say that the scheme benefits are illusory or at best ephemeral and could in any event be provided by means other than significant new road building [6.2.27]. I do not accept that the benefits can be provided by alternative measures alone. I have concluded above that there is no other viable route which would not impinge on the Green Belt. Achievement of the objectives of the scheme would in my view afford substantial environmental and economic benefits, and, given the scope this would provide for the introduction of other measures, these benefits are likely to be lasting.

8.5.4 I have had regard to the concerns expressed by objectors regarding the adverse impact of the road on the setting of the historic city of Lancaster, contrary to a purpose of the Green Belt set out in paragraph 1.5 of PPG2 [6.2.30]. A particular concern of objectors relates to the section of the road where it emerges from cutting in the vicinity of Howgill Beck. With the assistance of the parties, I was able to observe this aspect of the scheme in the course of the accompanied site inspection on 9 August 2007 [1.3] when I visited a number of viewpoints especially in the north and east of Lancaster.

8.5.5 From the Ashton Memorial, for example, this section of the proposed road would be intermittently visible below the ridge-line in the middle distance (some 4 kilometres away). From this viewpoint, the eye is first drawn to the more distant views of Morecambe Bay and the hills of the Lake District. In the near and middle distance, including on the line (almost due north) towards the Howgill Brook area where the road would briefly emerge from cutting [4.9.33], the setting of Lancaster is already impacted on by urban development, industrial, commercial and residential. This can be seen on the panoramic photograph LCC/INQ/34 [7.2.18].

8.5.6 Similar considerations to my mind apply to the other viewpoints I visited, including Torrisholme Barrow [4.9.30] which affords a view towards rather than from Lancaster. These matters are inevitably subjective to a degree. I do

not believe, however, that there would be any substantial adverse impact on the setting of Lancaster.

8.5.7 It is also claimed by objectors that the grant of permission for the road might lead to the release of a spate of other applications for planning permission for developments in the Green Belt, contrary to another of the purposes set out in PPG2, namely, to check the unrestricted sprawl of large built-up areas [6.2.29]. There is however no evidence before me to suggest any intention on the part of the relevant authorities to alter the boundaries of the Green Belt [7.2.17]. Any future applications for development would fall to be determined on their merits, but subject to the control of inappropriate development in the Green Belt set out in paragraph 3.1 of PPG2.

8.5.8 For the reasons advanced by LCC [7.1.6] I do not accept the comparison sought to be made on behalf of ESTA/TSLM [6.2.28] between the legal prohibition of development in designated ecological sites imposed by the EU Directive and the 1994 Regulations and the position regarding national policy to control development in the Green Belt. I also do not believe that, as claimed by the same objectors, that the road would effectively blight or destroy the Green Belt [6.2.29]. While it would be a significant linear feature through the southern part of the Green Belt, it would leave materially unaffected substantial parts of the designated area which stretches north from Lancaster to the area round Carnforth, a distance of about 10 kilometres [2.2].

8.5.9 I therefore do not accept that the construction of the road would cause unacceptable harm to the Green Belt. I conclude that the proposal would accord with PPG2 in that, although it would constitute inappropriate development, there are very special circumstances which outweigh the harm done to the Green Belt and the other harm that I have identified above and below, and which justify the grant of planning permission.

8.6 Whether the development proposed accords with Planning Policy Statement 7: Sustainable Development in Rural Areas, particularly in respect of the need to protect the character of the countryside and the diversity of the landscape

8.6.1 Although located throughout its length close to the northern edge of the urban area of Lancaster, between a point north of the bridge over Torrisholme Road and the proposed Shefferlands roundabout the route proposed for the road is largely located in open countryside. Though in the Green Belt, the area does not carry any national landscape designation, nor is it recognised as particularly vulnerable [6.2.33]. Some of the evidence relevant to the Green Belt issue (which I have addressed in the preceding paragraphs) is also relevant to landscape and countryside issues.

8.6.2 It is not in dispute that the road would here have a substantial adverse impact, not only on the landscape, but also in terms of a noise and visual impact on the tranquillity of the rural area. Existing features, including the WCML, the Canal, the A6 and power lines already have an adverse impact on the landscape and, as far as the WCML is concerned, on tranquillity, though these features largely run north-south while the road would here run generally

east-west [6.2.34].

- 8.6.3 The western part of this section of the route would be on embankment rising to 13 metres in height over the WCML and would remain on embankment to cross the Canal before going into cutting for much of the eastern part of the section. The road would emerge from cutting in the vicinity of Howgill Brook, though its impact would here be in part mitigated by the provision of a false cutting [7.2.18]. There would be a further impact on landscape by reason of the proposed lighting of the whole length of the road [4.1.11 and 6.2.38], though light spillage would be minimised through the use of modern cut-off lanterns and other measures for which prior approval would be required pursuant to a proposed planning condition.
- 8.6.4 While steps are proposed to mitigate the impact of the road on landscape and to reduce the impact of lighting, the residual adverse impact would remain substantial. I was able to observe the pleasant character of this rural area in the course of my site visits. It is also well represented in photographs adduced by ESTA/TSLM [6.2.30], and in the panoramic photograph which forms LCC/INQ/34. I accept, as is indeed not disputed, that the impact of the road on the character of the countryside and the diversity of the landscape would be a significant disbenefit of the scheme.
- 8.6.5 It is claimed by ESTA/TSLM that, because the landscape mitigation has not yet been fully particularised, it is impossible to reach a conclusion as to the scale of the residual adverse impact [3.3]. The landscape mitigation measures proposed include the use of the natural landscape, earth mounding including false cuttings, and substantial planting. These are well-trying and -tested, and it seems to me that, in common with most schemes of this kind, it is appropriate to finalise the detailed landscape mitigation when the detailed design of the scheme is being finally determined, so as to achieve the best match possible. That is likely in my view to achieve more effective mitigation than could be achieved now when detailed aspects of the scheme remain to be designed. Provision for this is made by way of the substantial number of landscape-related planning conditions [4.9.38]. I have taken into account the proposal for a 20-year maintenance period for the landscape mitigation measures, which is significantly in excess of the norm.
- 8.6.6 ESTA/TSLM submit that "large adverse" must translate as "unacceptable" [6.2.32]. I do not accept that such a translation is automatically to be made. A large adverse impact is one to which appropriate weight needs to be given when striking a balance as to the desirability of the scheme.
- 8.6.7 I have reached a conclusion above as to the benefits that the road would provide, also concluding that the new road is the sole means of reducing HGV traffic on strategic routes through congested and heavily populated area, and also providing the catalyst to introducing other sustainable traffic measures. This, it should be noted, has a potential beneficial landscape and tranquillity impact on Lancaster City Centre [5.33]. There is no alternative route that would not impinge on open countryside [8.3.11].
- 8.6.8 It is therefore my view that the considerable benefits generated by the scheme outweigh its acknowledged adverse impacts on the character of the

countryside and the diversity of its landscape.

8.7 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

8.7.1 As to biodiversity, it is LCC's case that the route of the proposed road would lie mainly through improved grassland of generally low ecological value [7.2.27]. Its evidence as to the limited adverse impacts of the scheme are set out in paragraphs 4.9.8 to 4.9.17. Surveys have established that there would be little impact on protected species. No active bat roosts have been identified or any breeding ponds for great crested newts. With few exceptions, satisfactory mitigation would be provided for loss of habitats, including a significant net increase in the number of trees, the length of hedgerows and of open water channels. The number of veteran trees lost to the scheme has been significantly reduced by a minor realignment of the route with mitigation proposed by way of trunk re-erection for those lost [7.2.28].

8.7.2 I accept that doubt remains concerning the effectiveness of the mitigation proposed for the pink wax cap fungi. It is also clear that doubt remains as to the survival of this species in the relevant location even in the absence of the scheme, given the ephemeral nature of this species (it having been identified there only in one year) and given its vulnerability to farming practices [4.9.9]. The mitigation, though experimental, has been designed in consultation with the relevant authorities. It would at the least provide a significantly larger habitat for the species. There is no subsisting objection on this matter or on any other from either NE or the EA.

8.7.3 It is asserted on behalf of ESTA/TSLM that there would be adverse impacts on other river species, for example salmon and crayfish, but there is no cogent supporting evidence as to this [6.2.72 and 7.2.29]. Anecdotal evidence of the presence of otters in the area is not evidence that there would be any adverse impact on them. Avoidance of construction impacts during the bird-nesting season would be provided for in the proposed CEMP.

8.7.4 My conclusion is that for a scheme of this scale, the adverse impacts on biodiversity are notably small, and could and would, with the possible exception of the pink wax cap fungi for which the proposed mitigation is admitted to be experimental, be adequately mitigated.

8.7.5 I have had regard to LCC's evidence as to geology presented in the ES [4.9.23 and 4.9.24], noting that there are no adverse impacts of greater than intermediate importance and that there are also some beneficial impacts of a similar significance. No party to the inquiry has taken issue with this evidence in either oral or written submissions. I conclude that there would be no unacceptable net adverse impact from the scheme on the geology of the area.

8.7.6 For these reasons, I conclude that the proposals would be broadly consistent with PPS9.

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

8.8.1 The implementation of the scheme is predicted to lead to an increase in the total number of kilometres travelled, including journeys by private car. This is reflected in the additional resulting CO₂ emissions [6.2.15] which I recognise as an adverse impact of the scheme. Induced traffic is also predicted, though the early assertions by ESTA/TSLM [6.2.16] that induced traffic levels have been under-estimated by LCC were subsequently not supported by the submission of evidence [6.2.76].

8.8.2 To this extent therefore, the scheme is not consistent with the aspiration in PPG13 to reduce the need to travel by car. However, I have concluded above that, first, there is no credible alternative means of meeting the objectives of the scheme, and, secondly, that the completion of the link is likely to provide a unique opportunity for the introduction of further measures to promote sustainable transport modes in Lancaster City Centre and elsewhere in the area.

8.8.3 I have considered carefully Professor Goodwin's view [6.2.78] that the SoS's requests for information under this matter and under the matter set out in the heading to section 8.4 of this report are to be interpreted as an instruction to LCC to carry out further modelling. I am unable to interpret the plain wording of these two matters in this way. If, contrary to the clear view of independent consultants and the DfT [7.2.9], the SoS required further traffic modelling to be carried out, it seems likely to me that she would have made this expressly clear in her call-in letter. If I am wrong in my conclusion, it is of course open to the SoS to make overt her requirements in this respect.

8.8.4 It is for these reasons that I find, on balance, that the scheme would be consistent with PPG13.

8.9 How the proposed development relates to Government policy advice on open space, sport and recreation as set out in PPG17 (Planning for Open Space, 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

8.9.1 The issue relevant to this matter is the impact of the proposed link road on the recreational facilities of Lancaster and Morecambe College. A section of the new road near its south-western end would be built across College land, separating sports pitches from the main campus [6.3.6]. The construction programme would also temporarily disrupt the College's ability to use its existing pitches.

8.9.2 The mitigation methodology in respect of these impacts is set out in paragraphs 7.3.11 to 7.3.14. Access to the western pitches would be maintained at all times by the provision of the proposed underpass connection before other construction works affecting the College begin. I do not accept

that the need to use the underpass would add materially to the journey time from the main campus to the pitches [6.3.14, second bullet point].

8.9.3 The College would throughout retain access to and use of its senior football pitch. I accept that there would be a loss to the College of the use of one junior pitch and/or the training grid in the interim. The proposal by LCC to compensate for this by paying the College to hire a junior pitch at the nearby Salt Ayre Sports Centre and for the additional cost of transportation seems to me adequate compensation. It is not suggested by the College, with which the proposed mitigation was agreed before the inquiry closed [7.3.2], that this arrangement would create any difficulty beyond mild inconvenience.

8.9.4 At the end of a three-year period, the College would benefit from sports pitches broadly equivalent in number and size to those it currently has, with the pitches themselves improved and rendered more usable, at LCC's expense. This permanent improvement seems to me to provide appropriate compensation for the inconvenience of the temporary alternative arrangements proposed. The proposals have the express approval of Sport England which has agreed to withdraw its earlier objection [7.3.14].

8.9.5 I recognise that the presence of the road across the campus in the vicinity of the pitches would inevitably have some adverse noise impact. I do not accept that the pitches are in the normal sense of the expression a teaching environment, or that a noise level at worst only some 3dB(A) above WHO guidance [7.3.10] would amount to a significant adverse impact. I have concluded above that there would be no unacceptable additional adverse air quality impact on those using the pitches.

8.9.6 There would be some loss of open space on the College campus. In addition to being contrary to the aspirations of PPG17, this would also run counter to development plan policy [6.2.12]. To my mind, however, this is a minor adverse impact of the road which is acceptable in the context of the wider economic and environmental benefits which I have above concluded would flow from its implementation.

8.10 Whether any permission which may be granted should be subject to any conditions and, if so, the form they should take.

8.10.1 With its Statement of Case, LCC put forward 38 planning conditions which it invited the Secretary of State to impose on any planning permission for the road she was minded to grant. These are set out in CD1.25. In the course of the inquiry, LCC proposed further conditions to address the concerns of LMC in particular, and these are contained in LCC/INQ/31. The final draft conditions from both these sources are set out in Schedule 1. The conditions were considered during a session of the inquiry on Wednesday, 8 August 2007. I have taken note of the view of ESTA/TSLM that imposition of conditions and/or the entering into section 106 obligations cannot adequately meet the adverse impacts of the scheme. I have made some minor drafting amendments.

8.10.2 In addition to the proposed conditions, LCC on 9 August 2007 sealed a Deed of Unilateral Undertaking (LCC/INQ/36), the terms of which are

summarised in paragraph 7.10.2. Insofar as the draft conditions and the Undertaking affect LMC, their terms were agreed between the parties in the course of the inquiry.

8.10.3 I have considered all of the proposed conditions against the criteria set out in Circular 11/95. Many of them require schemes of mitigation to be drawn up and approved prior to the commencement of construction works; among these are schemes relating to the programme of and methodology for construction works, including the CEMP, ecology, noise, contaminated land, watercourses, archaeology and landscaping. All of these appear to me necessary in the interest of reducing to a minimum the adverse impacts of the scheme. In condition 1, a period of 5 rather than 3 years is proposed, having regard to the need to obtain further consents if planning permission is granted.

8.10.4 Proposed condition 17 contains provision for implementation of the complementary measures to be proposed in the Vision Board Study. The report is not expected to be published until December 2007. The proposal to deal with this by way of the drawing up of an Action Plan based on the report therefore seems to me the appropriate way to proceed.

8.10.5 I propose to recommend that the proposed draft conditions be attached to the planning permission, if granted.

8.11 Any other relevant matters

8.11.1 I have had regard to all other matters raised at the inquiry and in written representations, including the following:

8.11.2 It is claimed on behalf of the Green Party that the Port of Heysham will become non-viable by reason of rises in sea levels [6.4.2]. However, it is clear that, for reasons which include the need for long-term protection of the nearby nuclear power station, this concern is likely to prove misplaced [7.4.1].

8.11.3 It also seems to me likely that the impact of the scheme on drainage at the ground of Torrisholme Cricket Club would be beneficial [6.8 and 7.8]. If no affordable replacement location can be found for Broadoak Leisure Buildings, then its loss would be a matter for regret, but not to my mind a reason for refusing planning permission for the scheme [6.9 and 7.9].

8.11.4 The residual six matters of detailed concern to the Ramblers' Association would be met as far as possible, bearing in mind that three of the remaining rights of way connections sought by the RA lie outside the remit of this application and would require landowner consent. The scheme would provide significant rights of way improvements, including the foot-/cycle-way alongside the new road, and I do not therefore consider that this objection is of a weight sufficient to warrant my recommending that planning permission be refused.

8.12 Summary of Conclusions

8.12.1 I have concluded above that the scheme is an express element of development plan policy. I also take the view, having regard to the history of

the matter and such contextual documents as the City Council's Core Strategy, that it is to the promoted northern route that the development plan refers. In any event, however, the promoted route would fall within the terms of a policy to construct a new road linking Heysham and the M6. A western route would also fall within the terms of the development plan, but I have concluded above that on legal and other grounds such a route is unlikely to prove viable.

- 8.12.2 In these circumstances, and having regard to section 38(6) of the 2004 Act, this application falls to be determined in accordance with the development plan unless material considerations indicate otherwise. I have considered the main thrust of the case presented by ESTA/TSLM, namely that no new road is necessary as the traffic problems of the area could be resolved by a package of other measures. My conclusion is that this proposition has not been made out, not least because no credible means has been identified of carrying existing and expanding volumes of freight to Heysham except by road.
- 8.12.3 I recognise that the construction and operation of the proposed road would bring with it a number of adverse impacts, some of them substantial. These are material considerations which might lead me to recommend that the application should be refused even though it represents development plan policy. My conclusion on each of the main impacts is set out above.
- 8.12.4 In respect of a number of impacts, including noise and air quality, the adverse impact on some receptors near the proposed route would be offset or more than offset by benefits for others. Having regard to proposed mitigation and assistance with noise insulation for qualifying properties, I do not accept that the additional noise impacts experienced by some local residents would anywhere be unacceptable. No air quality objective is predicted to be exceeded.
- 8.12.5 The mitigation proposed for LMC seems to me to render acceptable the adverse impacts on the College and not to cause its future to be significantly more precarious.
- 8.12.6 Few significant adverse ecological impacts would remain after mitigation. The impact on geology is predicted to be broadly neutral. I do not believe that the new lower level bridge proposed across the River Lune would have any significant effect on flood risk.
- 8.12.7 The scheme would have an adverse landscape impact and amount to inappropriate development in the Green Belt. I do not accept that its impact would be as extreme as that suggested by some objectors. Nevertheless, there would clearly be harm, including that arising from inappropriate development, to which significant weight must be afforded. To my mind, however, this harm would be clearly outweighed by the very special circumstances relied on by LCC, including the benefits that the road would bring by meeting the scheme's two main objectives, notwithstanding the other identified harm in relation to generation of traffic and CO₂ emissions. I have concluded above that there is no viable alternative route which would avoid the Green Belt. After mitigation, there would be a significant residual impact on landscape, but for similar reasons I do not consider that this would be

unacceptable.

8.12.8 The scheme would generate additional traffic and CO₂ emissions. These are adverse impacts, mitigated at least in part by the ability of the proposed road to act as a catalyst for the introduction of further complementary measures, though I recognise that these will not be particularised until the report of the Vision Board Study is published. I have taken into account the sceptical views of objectors as to the regeneration benefits claimed for the road; these may be less (or indeed greater) than LCC predicts. Nevertheless, it is my view that faster and more reliable access to Heysham and the peninsula is likely to induce some additional economic activity and employment.

8.12.9 Whether taken individually or cumulatively, I do not find the residual impacts of the scheme of sufficient weight to overturn the presumption in section 38(6) of the 2004 Act that the determination of planning applications should be made in accordance with the development plan. I have therefore decided to recommend that conditional planning permission be granted.

9. RECOMMENDATION

9.1 I recommend that planning permission be granted for completion of the Heysham to M6 link and improvements to existing highways in accordance with the application dated 14 December 2005 and amended on 27 June and 12 August 2006, and with the amended Drawing No. 11063/301, Sheets 1B, 2B and 3B, and subject to the conditions set out in Schedule 1.

C J Tipping

Inspector

Annex A

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Annex B**DOCUMENTS****A. CORE DOCUMENTS****1. LANCASHIRE COUNTY COUNCIL DOCUMENTS**

- 1.1 Regional Spatial Strategy
- 1.2 Submitted Draft Regional Spatial Strategy for the North West of England
- 1.3 Joint Lancashire Structure Plan
- 1.4 Lancaster City Local Plan
- 1.5 Planning Application December 2005
- 1.6 Statement to Accompany Planning Application
- 1.7 Application Plan Drawing No. 11063/301 Sheet 1 of 3
- 1.8 Application Plan Drawing No. 11063/301 Sheet 2 of 3
- 1.9 Application Plan Drawing No. 11063/301 Sheet 3 of 3
- 1.10 Environmental Statement Volume 1 – Part A Report
- 1.11 Environmental Statement Volume 1 – Part B Figures
- 1.12 Environmental Statement Volume 1 – Part C Environmental Impact Tables
- 1.13 Environmental Statement Volume 1 – Part D Environmental Impact Tables
- 1.14 Environmental Statement Volume 2 - Non-Technical Summary
- 1.15 Environmental Statement Volume 3 – Technical Assessment Reports - Part A: General Reports
- 1.16 Environmental Statement Volume 3 – Technical Assessment Reports - Part B: Ecology and Nature Species Reports
- 1.17 Response to Objections and Comments
- 1.18 Revised Application Plan Drawing No. 11063/301 Sheet 1A of 3
- 1.19 Revised Application Plan Drawing No. 11063/301 Sheet 2A of 3
- 1.20 Revised Application Plan Drawing No. 11063/301 Sheet 3A of 3
- 1.21 Revised Application Report - September 2006
- 1.22 Revised Application Plan Drawing No. 11063/301 Sheet 1B of 3

- 1.23 Revised Application Plan Drawing No. 11063/301 Sheet 2B of 3
- 1.24 Revised Application Plan Drawing No. 11063/301 Sheet 3B of 3
- 1.25 Draft Planning Conditions
- 1.26 Not used
- 1.27 Report to County Council's Development Control Committee - 1st November 2006.
- 1.28 Representations received in response to Planning Application
- 1.29 Consultations received in response to Planning Application
- 1.30 Report of Lancaster Transportation Study (1992)
- 1.31 Lancaster Transport Strategy Report (1998)
- 1.32 Lancashire Structure Plan 1991–2006: Report of the Panel into Examination in Public (September 1995)
- 1.33 Lancaster City Local Plan: Public Local Inquiry Report
- 1.34 Design Manual for Roads and Bridges
- 1.35 Local Transport Plan 2006/07–2010/11: Completion of Heysham to M6 Link Major Scheme Business Case at Programme Entry July 2005
- 1.36 Local Transport Plan 2006/07–2010/11 Completion of Heysham to M6 Link Major Scheme Business Case at Programme Entry: Annex A, Appraisal Summary Table, Worksheets and Supporting Documentation
- 1.37 Local Transport Plan 2006/07–2010/11 Completion of Heysham to M6 Link Major Scheme Business Case at Programme Entry: Annex C, Local Model Validation Report and Forecasting Report
- 1.38 Local Transport Plan 2006–2010 Volume 1: Our Plans
- 1.39 Local Transport Plan 2006–2010 Volume 2: Our Strategy
- 1.40 Lancashire County Council Cabinet - Report of the Environment Director: Determination of Route
- 1.41 Lancashire County Council Cabinet - Report of the Environment Director: Appendix A Comparison of Schemes
- 1.42 Lancashire County Council Cabinet - Report of the Environment Director: Decision
- 1.43 Government Office for the North West - Letter to Lancaster City Council
- 1.44 Lancashire County Council Reply to Lancaster City Council's Response to Planning Application December 2005

- 1.45 Lancashire County Council Development Control Committee Extract of Minutes of Meeting November 2006
- 1.46 Network Rail - Letter concerning Track Possessions
- 1.47 Economic Impact Report December 2006
- 1.48 Cost Benefit Analysis Technical Note November 2005
- 1.49 Accident Evaluation Technical Note November 2005
- 1.50 Accident Analysis File Note December 2005
- 1.51 VISSIM Junction Modelling Report November 2005
- 1.52 Technical Note 11 'Forecast Matrix Development' December 2005
- 1.53 Technical Note 12 'Model Convergence' December 2005
- 1.54 Technical Note 13 'Calculation of Generalised Cost Elasticities' January 2006
- 1.55 The Eddington Transport Study
- 1.56 Access and Transport Strategy Development & Appraisal Brief for Technical Assistance
- 1.57 Technical Note Link Road and Park & Ride - Economic Appraisal
- 1.58 North West Regional Freight Strategy
- 1.59 Public Attitudes to the Heysham to M6 Link Road: Summary Report
- 1.60 North West Draft Regional Spatial Strategy Examination in Public: Panel Report May 2007 (Extracts)
- 1.61 Lancaster City Council Core Strategy
- 1.62 Calculation of Road Traffic Noise
- 1.63 British Plant Communities Volume 1 Woodlands and Scrubs (extract)
- 1.64 Guidelines for Ecological Impact Assessment Amended Pilot
- 1.65 Economic Impact Report – June 2007
- 1.66 Joint Lancashire Structure Plan – Supplementary Planning Guidance Landscape and Heritage
- 1.67 North West Ports Economic Trends and Land Use Study
- 1.68 Port of Heysham Rail Freight Study
- 1.69 Heysham Port Development of Rail Freight Link
- 1.70 Lancaster and Morecambe Vision

- 1.71 Independent Review of the Major Scheme Business Case (by consultants KPMG for Lancashire County Council and Atkins for the Department of Transport)
- 1.72 Lancashire Structure Plan 1991 – 2006 Explanatory Memorandum (Policy 34)
- 1.73 Letter from J.R.Mace (Leader of Lancaster City Council) to Graham Harding (LCC) dated 30th June 2007
- 1.74 Second Letter from J.R.Mace to Graham Harding (LCC) dated 30th June 2007
- 1.75 Lancaster and Morecambe College – Draft Construction Programme

2. ENVIRONMENTAL AND SUSTAINABLE TRANSPORT ALLIANCE DOCUMENTS

- 2.1 Executive Summary, A34 Newbury Bypass, Five years After Evaluation 1998-2003
- 2.2 National Audit Office (1988) Road Planning
- 2.3 Do Road Planners Produce More ‘Honest Numbers’ Than Rail Planners? An Analysis of Accuracy in Road Traffic Forecasts in Cities versus Peripheral Regions, Transport Reviews Vol. 26, No. 5, pp 537-555 2006
- 2.4 WHO Health Evidence Network Member’s Report 2006
- 2.5 The Urban Environment, RCEP 2007
- 2.6 The health effects of air pollution on children, MT Kleinman (2000)
- 2.7 The Effects of Air Pollution on Hospitalizations for Cardiovascular Disease in Elderly People in Australian and New Zealand Cities, Barnett et al, (2006)
- 2.8 European Environment Agency (2007) Transport and the Environment, EEA Report No 1/2007
- 2.9 BBC news report,
- 2.10 Air Pollution in the UK 2005, Netcen (for DEFRA),
- 2.11 Modal comparisons (extracted from Transport Statistics Great Britain),
- 2.12 Ambient Noise Strategy, Mayor of London
- 2.13 Executive Summary of the Guidelines for Community Noise, World Health Organisation 1999
- 2.14 WebTAG Unit 3.3.2
- 2.15 Sustainable Communities Guide, DEFRA 2006
- 2.16 Thames Gateway Bridge: Health Impact Review, 2005, M McCarthy

- 2.17 European Environmental Noise Directive (2002/49/EC), European Commission,
- 2.18 Securing The Future Executive Summary, DEFRA 2005
- 2.19 Executive Summary of the Stern Review, HM Treasury 2006
- 2.20 Planning and Climate Change: Supplement to Planning Policy Statement 1 (Consultation draft), DCLG 2007
- 2.21 Climate Change Bill Summary, DEFRA 2007
- 2.22 Climate Change Strategic Framework, DEFRA 2007
- 2.23 Report to the NWRDA Regional Planning Group (Appendix 2) 2007
- 2.24 Lancaster City Council Webpage: Air Quality Review and Assessment 2004
- 2.25 NWRDA: Rising to the Challenge 2006
- 2.26 Transport 2000: CO₂ Assessments of Schemes Approved for Funding Through the LTP Process (from DfT) 2007
- 2.27 European Federation for Transport & Environment: T & E Bulletin October (extract) 2006
- 2.28 WHO: World Report on Road Traffic Injury Prevention (extract: chapter 3 – risk factors) 2004
- 2.29 WHO: World Report on Road Traffic Injury Prevention (extract: chapter 4 – interventions) 2004
- 2.30 Withdrawn Replaced by 2.40
- 2.31 Department for Transport: WebTAG Unit 3.3.7 – The landscape sub-objective 2006
- 2.32 NWRDA: RSS EiP Briefing Paper 20 2006
- 2.33 North West Draft Regional Spatial Strategy EiP Panel Report 2007
- 2.34 Lancashire Red Data List of Vascular Plants
- 2.35 Lancashire Biological Heritage Sites Guidelines
- 2.36 English Nature: Great Crested Newts Mitigation Guidelines 2001
- 2.37 Department for Transport: WebTAG Unit 1.1 – Introduction to Transport Analysis 2005
- 2.38 Department for Transport: WebTAG Unit 2.11 – Strategic Environmental Assessment for Transport Plans and Programmes 2004
- 2.39 Department for Transport: WebTAG Unit 3.3.1 – The Environment Objective 2004
- 2.40 Department for Transport: WebTAG Unit 3.4.1 – The Accident Sub-Objective & Unit 3.4.2 The Security Sub Objective

2.41 Department for Transport: WebTAG Unit 3.5.1 – The Public Accounts Sub-Objective 2004

2.42 Department for Transport: WebTAG Unit 3.6.1 – The Option Values Sub-Objective 2003

2.43 Department for Transport: WebTAG Unit 3.7.1 – The Transport Interchange Sub Objective 2003

3. TRANSPORT SOLUTIONS FOR LANCASTER AND MORECAMBE

3.1 Cairns S, Hass-Klau C, & Goodwin P, Traffic Impact of Highway Capacity Reductions, Landor Publishing, London 1998

3.2 Cairns S, et al, Smarter Choices: Changing the Way we Travel, Department for Transport, London 2004

3.3 Goodwin P, Empirical Evidence on Induced Traffic Transportation Vol 231996

3.4 Standing Advisory Committee on Trunk Road Appraisal (SACTRA) Trunk Roads and the Generation of Traffic, TSO, London 1994

3.5 Standing Advisory Committee on Trunk Road Appraisal (SACTRA) Transport and the Economy, Department for Transport, London 1999

3.6 The Atlantic Consultants Report in 2000 on the A30

3.7 Withdrawn

3.8 Presentation by Andy Nash, former Executive Director of San Francisco County Transportation Authority, Transform Scotland Conference 22/4/02 – “Freeway Demolition and Economic Regeneration in San Francisco”

3.9 Department for Transport: WebTAG Unit 1.4 – Major Schemes in Local Transport Plans

3.10 Department for Transport: WebTAG Unit 3.2 – Appraisal

3.11 Department for Transport: Guidance to Local Authorities Seeking DfT Funding for Major Transport Schemes 04/05

3.12 Transport Solutions for Lancaster & Morecambe: Response to Major Scheme Business Case: Appraisal of Scheme Justification 03/06

3.13 Completion of Heysham to M6 Link: Directional Traffic Flows 03/06

3.14 Parliamentary Questions: Supplementary Evidence on the Cost of the HM6L (northern route) and the Relationship of Programme Entry to Planning Inquiry Matters

4. NATIONAL PLANNING GUIDANCE

4.1 Planning Policy Statement 1

4.2 Planning Policy Guidance 2

4.3 Planning Policy Statement 7

4.4 Planning Policy Statement 9

4.5 Planning Policy Guidance 11

4.6 Planning Policy Guidance 13

4.7 Planning Policy Guidance 17

4.8 Planning Policy Statement 23 (inc Appendix A)

4.9 Planning Policy Statement 25

5. RULE 6 & OTHER STATEMENTS

5.1 Statement on behalf of Lancashire County Council

5.2 Statement on behalf of Lancaster and Morecambe College

5.3 Withdrawn (Duplicates 5.4)

5.4 Joint Statement on behalf of Transport Solutions for Lancaster and Morecambe (TSLM) & Environmental and Sustainable Transport Alliance (ESTA)

5.5 Rule 6 Statement on Behalf of Lancaster City Council

5.6 Initial Letter Containing Rule 6 Statement on Behalf of Secretary of State

5.7 Northwest Regional Development Agency – Includes Documents – “Strategy Agreement for Morecambe” & “A New Vision for Northwest Coastal Resorts, Summary Report March 2003”

5.8 Letter from Sport England dated 23rd July 2007

5.9 Lancaster City Council – Extract from Council Minutes 20th June 2007

6. LEGISLATION ETC.

6.1 The Bern Convention 1979, Appendices 1 & 2

6.2 The Conservation (Natural Habitats etc) Regulations 1994

6.3 The Wildlife and Countryside Act 1981 (as amended) Schedules 1, 5 & 9

6.4 Withdrawn (duplicates 6.2)

6.5 The Countryside and Rights of Way Act 2000

6.6 The Hedgerow Regulations 1997

6.7 Withdrawn (duplicates 6.5)

6.8 EU Birds Directive 1979 (79/409/EEC) 1979

6.9 EU Habitats Directive 1992 (92/43/EEC) Annex II & Annex IV

B INQUIRY DOCUMENTS & PROOFS

LANCASHIRE COUNTY COUNCIL

Documents

LCC/INQ/1	Opening Statement
LCC/INQ/2	CPRE Tranquil Areas Map – Lancashire
LCC/INQ/3	Travel Behaviour Research Baseline Survey – October 2006
LCC/INQ/4	Lancashire: Torrisholme – Interim Evaluation of Travelsmart Programme (Stage 2.1)
LCC/INQ/5	Planning Policy Guidance 25
LCC/INQ/6	Statement of Regulatory Conformity
LCC/INQ/7	Northwest Regional Economic Strategy 2006
LCC/INQ/8	Tables of Comparison of Minimum Scheme Journey Times
LCC/INQ/9	Department for Transport: TAG Unit 2.8, Wider Economic Impacts – August 2003
LCC/INQ/10	Table 2007 Jobseekers Allowance Claimant Count with Rates and Proportions
LCC/INQ/11	Development Control Committee Report – 29.11.05
LCC/INQ/12	Lancaster City Council Press Release 13th July 22007 “Lancaster City Council Declares on Air Quality Management Area in Carnforth”
LCC/INQ/13	Bus Timetables
LCC/INQ/14	Addendum to Economic Impact Report
LCC/INQ/15	Statement to Accompany Planning Application – Final Draft
LCC/INQ/16	Notes on Measured Indoor Ambient Noise Levels at Lancaster and Morecambe College
LCC/INQ/17	Lancaster and Morecambe College Travel Plan July 2007
LCC/INQ/18	Flow Chart for the Prediction of Site Noise
LCC/INQ/19	Lancaster and Morecambe College – Development Plan 2007/08

LCC/INQ/20	Lancaster and Morecambe College – Table of Student Attendance 2004/05 – 2006/07
LCC/INQ/21	Lancaster and Morecambe College – Recovery Plan 2003/04 to 2006/07 (Version 6)
LCC/INQ/22	Lancaster and Morecambe College – Sports Centre Commercial Pitch Bookings July 06 – June 07, Pitches Nearest Proposed M6 Road Link
LCC/INQ/23	Comments on ESTA/INQ/9 (Morecambe and Heysham Peninsula)
LCC/INQ/24	Draft Unilateral Undertaking by LCC
LCC/INQ/25	Transport and the Economy: Government Response to SACTRA
LCC/INQ/26	Notes on Proposed Lighting Provision by LCC – 1st August 2007
LCC/INQ/27	Tables Showing Noise Levels agreed between David Leversedge (LMC) and Clive Loffler-Thompson (LCC) on 25th July 2007
LCC/INQ/28	Response to KPMG LLP's 'Major Scheme Bid Reviews – Initial Feedback
LCC/INQ29	Ecological Comments on the Revised Planning Application Report (September 2006)
LCC/INQ/30	Park & Ride Site– Application for Planning Permission
LCC/INQ/31	Additional Planning Conditions offered in respect of Lancaster and Morecambe College
LCC/INQ/32	Unilateral Undertaking (Second Draft)
LCC/INQ/33	Amended Planning Condition 17
LCC/INQ/34	Panoramic View from Ashton Memorial
LCC/INQ/35	LCC Closing Submissions
LCC/INQ/36	Executed Deed of Unilateral Undertaking
LCC/INQ/37	Side Letter to Unilateral Undertaking
LCC/INQ/38	Response to Costs Applications

Proofs

LCC/P1	Jonathan Haine Proof
LCC/P1S	Summary
LCC/P1/REB	Rebuttal (ESTA/P9)
LCC/P2	Steven McCreesh Proof
LCC/P2A	Appendices
LCC/P2S	Summary
LCC/P2REB	Rebuttal (David Wood – LMC)

LCC/P2REBA	Appendices
LCC/P2REB1	Rebuttal (Ken Leighton – LMC)
LCC/P2REB2	Rebuttal (TSLM/P1)
LCC/P2REB3	Rebuttal (ESTA/P6)
LCC/P3	Steven Abbott Proof
LCC/P3A1	Appendix 1 (Andrew Dobson’s Proof)
LCC/P3A2	Appendix 2 (Andrew Dobson’s Appendix)
LCC/P3S	Summary (Andrew Dobson’s Summary)
LCC/P4	Clive Loffler–Thompson Proof
LCC/P4REB	Rebuttal (Tim Jones – LMC)
LCC/P4REBA	Appendices
LCC/P4REB1	Rebuttal (David Leversedge – LMC)
LCC/P4REB1A	Appendices
LCC/P4REB2	Rebuttal (ESTA/P2)
LCC/P5	Nicholas Pettitt Proof
LCC/P5A	Appendices
LCC/P5REB	Rebuttal (TSLM/P5)
LCC/P6REV	Nigel James Cleave Revised Proof
LCC/P6A	Appendices
LCC/P6S	Summary
LCC/P6REB	Rebuttal (ESTA/P4)
LCC/P6REB1	Rebuttal (TSLM/P6)
LCC/P6REB1A	Appendices
LCC/P6REB2	Second Rebuttal (TSLM/P6)
LCC/P6REB2A	Appendices
LCC/P6REB3	Third Rebuttal (TSLM/P7)
LCC/P7	Proof
LCC/P7A	Appendices
LCC/P7S	Summary
LCC/P7REB	Rebuttal (TSLM/P2, TSLM/P2REB & TSLM/P2SUP)
LCC/P8	Adrian Worthington Proof
LCC/P8S	Summary
LCC/P9	Barry Wright Proof
LCC/P9A	Appendices
LCC/P9S	Summary
LCC/P9SUP	Supplementary
LCC/P9SUP2	Supplementary (2)
LCC/P9REB	Rebuttal (ESTA/P7)
LCC/P10	James Richer Proof
LCC/P10A	Appendices
LCC/P10REB	Rebuttal (ESTA/P3)
LCC/P10REB2	Rebuttal (ESTA/P1 & ESTA/P1SUP)
LCC/P11	Elaine Demming Proof

LCC/P11A Appendices
 LCC/P11S Summary
 LCC/P11REB Rebuttal Proof (ESTA/P5 & ESTA/P5SUP)

ENVIRONMENTAL AND SUSTAINABLE TRANSPORT ALLIANCE

Documents

ESTA/INQ/1 Opening Statement

ESTA/INQ/2 Appearances for ESTA & TSLM

ESTA/INQ/3 Written Statement on Lancaster City Council's Position

ESTA/INQ/4 Air Quality Guidelines – Global Update 2005 (part 1 of 3)

ESTA/INQ/5 Air Quality Guidelines – Global Update 2005 (part 2 of 3)

ESTA/INQ/6 Air Quality Guidelines – Global Update 2005 (part 3 of 3)

ESTA/INQ/7 Lancet Article: Effect of Exposure to Traffic on Lung Development from 10 to 18 Years of Age: A Cohort Study

ESTA/INQ/8 Atmospheric Environment, Volume 36, Issue 25 – Traffic Density as a Surrogate Measure of Environmental Exposures in Studies of Air Pollution Health Effects: Long Term Mortality in a Cohort of US Veterans

ESTA/INQ/9 Definition of the 'peninsula' of Morecambe and Heysham & Proportion of Port Traffic on the Local Road Network

ESTA/INQ/10 Comments on Landscape and Green Belt Rebuttal

ESTA/INQ/11 Outline Legal Submissions on Behalf of ESTA/TSLM

ESTA/INQ/12 Closing Submissions on Behalf of ESTA/TSLM

ESTA/INQ/13 Email Response from NWRDA re regional funding allocation

ESTA/INQ/14 Transport Activists' Round Table North West Comments on LCC Planning Application 01/05/1584 for an M6 J34 Park and Ride Facility

ESTA/INQ/15 Application for Costs

Proofs

ESTA/P1 Professor John Whitelegg Proof (Air Quality)
 ESTA/P1SUP Professor John Whitelegg Supplementary Proof (Air Quality)

ESTA/P2 Professor John Whitelegg Proof (Noise)
 ESTA/P2SUP Professor John Whitelegg Supplementary Proof (Noise)

ESTA/P3	Professor John Whitelegg Proof (Climate Change)
ESTA/P3SUP	Professor John Whitelegg (Climate Change) Supplementary Proof
ESTA/P4	Professor John Whitelegg Proof (Accidents and Safety)
ESTA/P4SUP	Professor John Whitelegg Supplementary Proof (Accidents and Safety)
ESTA/P5	Alan James Proof (landscape and Green Belt)
ESTA/P5SUP	Alan James Supplementary Proof (Landscape and Green Belt)
ESTA/P5A	Alan James (Landscape and Green Belt) Appendix – Photographs
ESTA/P6	Andy Yuille Proof
ESTA/P7	Michael Porter Proof
ESTA/P8	Lillian Burns Proof
ESTA/P8A	Lillian Burns Appendices
ESTA/P9	Andy Yuille Proof (Conditions)

TRANSPORT SOLUTIONS FOR LANCASTER AND MORECAMBE

Documents

TSLM/INQ/1	Opening Statement
TSLM/INQ/2	Faber Maunsell Technical Note – Zero Growth Post 2010: Economic Appraisal
TSLM/INQ/3	DfT – TAG Unit 2.3: Policy Instruments, June 2003
TSLM/INQ/4	Department for Transport – Transport Analysis Guidance, MSA: Cost Benefit Analysis TAG Unit 3.9.2 April 2004
TSLM/INQ/5	Sustrans' Comments on the Proposed Heysham to M6 link
TSLM/INQ/6	Canal Corridor North Transport Assessment Extract: Chapter 8 Traffic Attraction and Modelling – 11th May 2007
TSLM/INQ/7	Castle View / Centros Miller
TSLM/INQ/8	Comments on Options and Alternatives Rebuttal
TSLM/INQ/9	Comments on Local Economic Impact Rebuttal
TSLM/INQ/10	Options and Alternatives, Extracts from TAG Units 1.2.1, 1.3 and 2.6
TSLM/INQ/11	“DfT Delivers More Funding to Support Freight”
TSLM/INQ/12	Letter from DfT to TSLM re: Request for Information dated 26th September 2006
TSLM/INQ/13	Extracts from the Eddington Study and Rail White Paper (Delivering a Sustainable Railway) July 2007

Proofs

TSLM/P1	Alan James Proof (Options and Alternatives)
TSLM/P2	Alan James Proof (Local Economic Impact)
TSLM/P2SUP	Alan James Proof (Local Economic Impact) Supplementary
TSLM/P2REB	Alan James (Local Economic Impact) Rebuttal
TSLM/P3	John Gow Proof
TSLM/P4	Jane Boland Proof
TSLM/P5	Michael Jacob Proof
TSLM/P5A	Michael Jacob Appendices
TSLM/P5SUP	Michael Jacob Supplementary
TSLM/P6	Professor Phil Goodwin Proof
TSLM/P6S	Professor Phil Goodwin Summary
TSLM/P6SUP	Professor Phil Goodwin Supplementary Proof
TSLM/P7	Michael Porter & Professor Phil Goodwin Joint Proof

LANCASTER AND MORECAMBE COLLEGE**Documents**

LMC/INQ/1	Opening Statement
LMC/INQ/2	Summary of Exams 2006/2007
LMC/INQ/3	Construction Traffic Considered Likely To Be Required For The Construction of the College Underpass, The First Phase Stream Diversion
LMC/INQ/4	Tables of Agreed Noise Levels LCC/LMC Noise
LMC/INQ/5	Lancaster and Morecambe College Legal Submissions
LMC/INQ/6	Lancaster and Morecambe College Closing Submissions
LMC/INQ/7	Application for Costs

Proofs

LMC/P1	Ken Leighton Proof
LMC/P1A	Ken Leighton Appendices
LMC/P2	David Wood Proof
LMC/P2A	David Wood Appendices
LMC/P2S	David Wood Summary
LMC/P2SUP	David Wood Supplementary Proof
LMC/P3	David Leversedge Proof

LMC/P3A David Leversedge Appendices

LMC/P4 Tim Jones Proof
LMC/P4S Tim Jones Summary

THIRD PARTY PROOFS

Supporters

HPL/P1 Peter Nears obo Heysham Port Limited
HPL/P1 Appendices

BW/P1 Ben Wallace MP

IB/P1 Ian Barker

JB/P1 John Bates

AB/P1 Alan Biddulph
AB/P1A Appendices

EB/P1 Eileen Blamire

SC/P1 Cllr Susie Charles

DC/P1 Darren Clifford
DC/P1SUP Supplementary

SF/P1 Cllr Sarah Fishwick

PG/P1 Mr Paul Gardner

JH/P1 Janice Hanson

SH/P1 Professor Stanley Henig

CM/P1 Chris Martin
CM/P1SUP Supplementary

TM/P1 Cllr. Tony Martin

DN/P1 David Needham

NP/P1 Cllr. Nikki Penney

BS/P1 Beryl Spelling

DT/P1 David Taylor
DT/P1A Appendices

GW/P1 Mr Gareth Webb

JY/P1 Cllr. Jean Yates

PY/P1 Mr Peter Yates

Objectors

EA/P1 Evelyn Archer
EA/P1A Appendix

CC/P1 Cllr. Chris Coates
CC/P1S Summary

RD/P1 Cllr. Roger Dennison

THC/P1 Tim Hamilton-Cox

BJ/P1 Brian Jones

GS/P1 Geraldine Smith MP
GS/P1S Summary
GS/P1SUP Supplementary
GS/P1A Completed questionnaires

DS/P1 Philip McDade obo Derek Sumner and another

JW/P1 Mr John Walden

MISCELLANEOUS INQUIRY DOCUMENTS

MIS/INQ/1 Draft Site Visit Itinerary

MIS/INQ/2 ESTA/TSLM Comments on Site Visit Itinerary

MIS/INQ/3 Notes of the Pre Inquiry Meeting

MIS/INQ/4 Final Site Visit Itinerary

MIS/INQ/5 Third Party Letters of Support and Objection

Schedule 1**PROPOSED PLANNING CONDITIONS*****Interpretation***

In these conditions, unless the context otherwise requires:

“CPA” means Lancashire County Council in its capacity as County Planning Authority;

“the development” means the development permitted by this planning permission;

“JLSP” means the Joint Lancashire Structure Plan 2005;

“LDLP” means the Lancaster District Local Plan 2004;

“the link road” means the completion of the Heysham to M6 link road;

“planting season”: The inclusive period between 1 October in any year and 31 March in the following year;

“soil” means topsoil and/or subsoil;

“the Vision Board Study” means the study commissioned from Faber Maunsell by the Lancaster and Morecambe Vision Board

A. *General Conditions***Time limits**

1. The development shall commence not later than 5 years from the date of this permission.

Reason: Imposed pursuant to section 91(1) of the Town and Country Planning Act 1990.

2. Written notification of the date of commencement of the development shall be sent to the CPA within 7 days of such commencement.

Reason: To enable the CPA to monitor the development to ensure compliance with this permission.

Implementation

3. The development shall be carried out, except where modified by these conditions, in accordance with the following documents:

- (a) The planning application submitted on 14 December 2005, as amended by the memorandum from the Director of Highways and Environmental Management dated 27 June 2006 and the Response to Objections and Comments and memorandum from the Director of Highways and Environmental Management dated 12 September

2006 and the revised planning application report dated September 2006.

(b) Submitted Plans:

Drawing ref 11063/301 1B of 3 Northern Route Planning Boundary
Drawing ref 11063/301 2B of 3 Northern Route Planning Boundary
Drawing ref 11063/301 3B of 3 Northern Route Planning Boundary
Drawing numbers 11063WD322, 11063WD323 and 11063WD325

(c) All schemes approved in accordance with this permission.

Reason: For the avoidance of doubt and to minimise the impacts of the development on the amenities of the local area and to comply with policies 7, 20, 21 and 22 of the JLSP and Policies S14, T1, T8, E4, E12, E17 and E18 of the LDLP.

4. The development shall not commence until a detailed scheme for the landscaping of the route of the link road has been submitted to and approved in writing by the CPA. The scheme shall include details of the following:
- (a) The exact line and elevation of the route;
 - (b) The vegetation to be removed and/or retained including a method statement for the translocation of any hedgerows and for the protection of any vegetation which is to be retained within the site boundary;
 - (c) The formation of embankments, cuttings and mounds, including gradients and heights;
 - (d) Seeding of cutting slopes, embankments and landscape mound areas, including ground preparation, seed mixes to be used, and methods to ensure establishment;
 - (e) Tree and shrub planting including areas to be planted, ground preparation works, methods of planting, species, types and sizes of plants and protection measures;
 - (f) The timing of landscaping works, including the areas of planting proposed on the playing field of Lancaster and Morecambe College which are to be undertaken before the commencement of the development, and the areas of planting between the link road and Russell Drive, Torrisholme; and
 - (g) The timing of the remaining landscaping works to ensure that all other tree and shrub planting is undertaken in the first planting season following the opening of road.

The scheme shall be carried out in its entirety.

Reason: In the interests of visual and local amenity and the local environment and to comply with Policy 20 of the JLSP.

Ecology

5. The development shall not commence until a scheme of ecological mitigation has been submitted to and approved in writing by the CPA. The scheme shall include details of the following:
- (a) The results of further ecological surveys of the main ecological

- habitats to be affected by the development including the Powder House Lane Fields and the Howgill Valley;
- (b) The translocation of vegetation identified as being of ecological interest in the surveys required by (a) above, where these areas are to be directly affected by road construction works. The details shall include identification of receptor sites and of the proposed methods of translocation and works to ensure establishment; and
 - (c) The precise areas proposed to be used for habitat creation, as indicated on drawings 11063 1B, 2B and 3B, and for the habitat creation works to be undertaken within these areas, including tree and shrub planting and seeding works and other works proposed to enhance the ecological value of these areas.

The scheme shall be carried out in its entirety.

Reason: In the interests of ecology and to comply with Policy 21 of the JLSP and policy E12 of the LDLP.

6. The development shall not commence until a detailed scheme of mitigation works for protected species has been submitted to and approved in writing by the CPA. The scheme shall include the following:
- (a) The results of an updated survey to identify the presence of European Protected Species along the line of the route including the location of any active bat roosts affected by the development;
 - (b) Details of the measures proposed to mitigate the effects of the development on protected species; and
 - (c) A method statement and timescale for the implementation of each of the measures proposed under b) above.

The approved scheme and programme shall be carried out in its entirety.

Reason: To secure the conservation status of protected species and to comply with Policy 21 of the JLSP and Policy E18 of the LDLP.

Contaminated Land

7. The development shall not commence until a scheme for dealing with any contaminated land within the road corridor has been submitted to and approved in writing by the CPA. The scheme shall include the following: -
- (a) A desktop study to identify previous uses of land along the line of route and the possible contaminants that might be expected from those previous uses;
 - (b) A methodology for the undertaking of site investigations undertaken for any sites of possible contamination identified under a) above;
 - (c) A method statement and remediation strategy for any areas of contamination identified under b); and
 - (d) The procedure to be adopted if any areas of contamination are discovered during road construction operations, which have not been identified during the desk top or site investigation works required under (a) and (b) above.

The scheme shall be carried out in its entirety.

Reason: In the interests of the prevention of pollution and to comply with Policy 22 of the JLSP and Policy E10 of the LDLP.

Noise

8. The development shall not commence until a scheme of measures to be adopted to reduce road noise at residential properties and other adjacent development has been submitted to and approved in writing by the CPA. The scheme shall include the following:
- (a) A plan showing the locations where noise attenuation measures are to be installed.
 - (b) Details of the noise attenuation measures that are to be installed at each location including heights and design and materials to be used for the noise attenuation measures

The approved noise attenuation measures shall be erected prior to the opening of the road to traffic and shall be retained in position throughout the life of the road.

With the exception of the construction of the drainage outfall to the east of Torrisholme Road, no works shall take place within 300 metres of any building or part of the playing field of Lancaster and Morecambe College until all noise attenuation works to the College buildings have been completed pursuant to these conditions.

Reason: In the interests of the amenity of local residents and of staff and students at Lancaster and Morecambe College and to comply with Policy E4 of the LDLP.

Protection of Watercourses

9. The development shall not commence until details of the mitigation measures proposed to be undertaken for impacts on water courses have been submitted to and approved in writing by the CPA. The measures shall include details of the following:
- (a) The sections of rivers, water courses and drainage ditches to be culverted, lost or otherwise affected by the development;
 - (b) The measures to compensate for the loss of or culverting of watercourses or loss of bankside habitat, including lengths of new watercourses to be created or opened;
 - (c) The design of the new or opened watercourses, including alignments, stream sections, bed and bank materials, methods to reduce erosion and landscaping; and
 - (d) The creation of drainage ponds, including location of ponds, gradients, control of outfall and water levels to be maintained, and ancillary landscaping measures.

The approved scheme shall be carried out in its entirety.

Reason: In the interests of ecology and the protection of surface water courses and to comply with Policy 21 of the JLSP and Policy E7 of the LDLP.

10. No soil stripping works shall take place until details of the measures to be employed to maintain existing water flows in the downstream section of the unnamed watercourse to the east of Kellett Lane have been submitted to and approved in writing by the CPA. The details shall include information on the existing flows in the watercourse, the capacity of the pumping system to be installed to maintain those flows and the procedures to be adopted should the pumping system fail to operate.

The approved pumping system shall be installed prior to any excavation works commencing and used and maintained in full working order throughout the full life of the road.

Reason: In the interests of ecology and the protection of surface water courses and to comply with Policy 21 of the JLSL and Policy E7 of the LDLP.

Building and Construction Materials

11. The development shall not commence until details of the materials to be used for the surfacing of the new highway and the adjacent cycle/footway have been submitted to and approved in writing by the CPA. The details shall include provision for the use of low noise road surfacing materials on the highway. The development shall be carried out using the materials so approved.

Reason: In the interests of the amenity of local residents and to comply with Policy E4 of the LDLP.

12. No development shall commence until a scheme of the lighting to be erected along the route has been submitted to and approved in writing by the CPA. The scheme shall include details of the following:
- (a) The areas of the road to be lit;
 - (b) The position of the lighting columns and their heights and designs, including any shielding that is to be incorporated into the lighting columns; and
 - (c) The extent of the light spread from each column.

Reason: In the interests of the visual amenity of the area and to comply with Policy 21 of the JSLP and Policy E4 of the LDLP.

13. The development shall not commence until details of the building materials to be used for the external facings of all structures including bridges, retaining walls and culvert sides and headwalls have been submitted to and approved in writing by the CPA. The development shall be carried out using the materials so approved.

Reason: In the interests of the visual amenities of the area and to comply with Policy 20 of the JLSL.

Traffic Issues and Environmental Improvements

14. The development shall not commence until details of the proposed improvements to Junction 34 of the M6 Motorway, as shown in outline in the

drawings indicated on Drawing 11063/302 Sheet 1B of 1 revision B, have been submitted to and approved in writing by the Secretary of State for Transport. The details to be submitted shall include:

- a) The interface of the link road with the existing highway alignment, details of the carriageway markings and lane destinations;
- b) Full details of drainage, maintenance access, visibility zone requirements, service ducts, signage and lighting;
- c) Confirmation of compliance with the current DMRB and all other Department for Transport standards and/or of approved relaxations/departures from such standards;
- d) Independent Stages One and Two Road Safety Audits (Stage Two to take into account any recommendations of the Stage One Road Safety Audit), carried out in accordance with current DMRB Standards and Advice Notes; and
- e) A Project Appraisal Report pursuant to the New Approach to Appraisal guidance.

Reason: To ensure that the M6 Motorway shall continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980, and for the safety of traffic on the roads.

15. No part of the link road shall be opened to traffic until the highway works approved in accordance with Condition 14, have been constructed.

Reason: To ensure that the M6 Motorway shall continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980, and for the safety of traffic on the roads.

16. Within six months of the link road being opened for traffic, a scheme of environmental improvements within Torrisholme village centre shall be submitted to the CPA for approval in writing. The scheme and programme shall include proposals for traffic calming on the B5321, the widening and improvement of pavements and general environmental improvements to the retail frontage, together with a timescale for the implementation of the works so approved.

The approved scheme shall be carried out in its entirety

Reason: To secure environmental improvements in Torrisholme village and to comply with Policy S14 of the LDLP.

17. No development shall commence until the Lancaster and Morecambe Vision Board Study has been published. An action plan of complementary traffic measures based upon the findings of the Study shall be submitted to the CPA, and shall include details of the following:

- (a) A programme for the investigation into the feasibility of establishing park and ride at locations other than at junction 34 of the M6 to the north of Lancaster.
- (b) Proposals for the enhancement of bus services in the north Lancaster area including new bus lanes, bus priority at traffic lights and other measures designed to increased use of bus services.
- (c) Proposals for the enhancement of cycling including new cycle

- paths/lanes and other measures designed to improve cycle safety and increase the use of bicycles as a means of travel.
- (d) A timescale for each of the measures identified in the report.
 - (e) A programme of measures for the enhancement of travel by modes other than the car.

Such measures as are approved by the CPA shall be carried out in their entirety.

Reason: In the interests of highway safety and encouraging the use of non car transport modes and to comply with Policy 7 of the JLSP and Policy T8 of the LDLP.

18. The new highway shall not be opened to traffic until gateway markings (rumble strips) have been marked out on the surface of the A6 to the south of Slyne with Hest village in a position to be first approved by the CPA.

Reason: In the interests of highway safety and to comply with Policy T1 of the LDLP.

Soil

19. No soil stripping shall take place until a scheme and programme for the storage of soil has been submitted to and approved in writing by the CPA. The details shall include a plan showing the location of soil stockpiles, their heights and dimensions and proposals for their grading and grassing during the period of soil storage.

Reason: In the interests of visual amenity and amenity of local residents and to comply with Policy 20 of the JLSP.

20. All affected soil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All soil shall be stored on the site for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soil to ensure satisfactory landscaping and restoration and to comply with Policy 20 of the JLSP.

21. No movement of soil shall occur during the inclusive period between 1 October in any year and 30 April in the following year without the prior written consent of the CPA. At other times, the stripping, movement and redistribution of soil shall be restricted to times when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soil.

Reason: To ensure the proper removal, storage and replacement of soil to ensure satisfactory restoration and to comply with Policy 20 of the JLSP.

22. No soil shall be sold or otherwise removed from the site without the prior written consent of the CPA.

Reason: To ensure the satisfactory landscaping of the link road and in the interests of highway safety and amenity and to comply with Policy 20 of the JLSP.

Hours of Working

23. No construction works shall take place outside the hours of: -

0730 to 1800 hours on Mondays to Fridays and 0730 to 1300 hours on Saturdays

No works shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate outside these hours so as to prevent the use of pumping equipment or the carrying out of essential on-site repairs to plant and machinery.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy E4 of the LDLP.

Dust, mud and noise during construction

24. The development shall not commence until wheel cleaning facilities, the design, specification and locations of which shall first be approved in writing by the CPA, have been installed at each of the site access points to be identified pursuant to Condition 26. These facilities shall remain in position and be maintained in working order throughout the construction works.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy E4 of the LDLP.

25. The facilities required under condition 24 shall be used by all heavy goods vehicles leaving the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy E4 of the LDLP.

26. The development shall not commence until the locations of the access points from the public highway into the road construction site have been approved in writing by the CPA.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to comply with Policy E4 of the LDLP.

27. All plant, equipment and other machinery used in connection with the construction of the road shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy E4 of the LDLP.

28. Measures shall be taken during road construction operations to ensure that no dust or wind blown material is carried on to adjacent property and in particular

shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy E4 of the LDLP.

Safeguarding of watercourses and drainage

29. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during highway construction operations to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourses or groundwater resource or adjacent land and to comply with Policy 22 of the JLSP.

30. All foul drainage shall be discharged to a public sewer or else to a sealed tank the contents of which shall be removed from the site in their entirety.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy 22 of the JLSP.

31. Any chemical, oil or fuel storage container on the site shall be sited on an impervious surface with bund walls; the volume of the bunded area shall be the equivalent of 110% of the volume of the container and shall contain within its curtilage all fill and draw pipes, vents, gauges and sight glasses.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy 22 of the JLSP.

32. Repair, maintenance and fuelling of plant and machinery shall take place only on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site in their entirety.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourses or groundwater resource or adjacent land and to comply with Policy 22 of the JLSP.

Archaeology

33. The development shall not commence until a scheme, including a timetable of archaeological investigation and mitigation, has been submitted to and approved in writing by the CPA.

Reason: In the interests of archaeology and to comply with Policy 21 of the JLSP.

34. In the event that an archaeological feature is discovered, other than those features identified in the Environmental Statement, the CPA shall be informed in writing within three days of its discovery, and no construction operations

shall take place within 10 metres of the feature for a period of 14 days from the date of such notification, unless otherwise agreed in writing by the CPA. If the CPA is of the view that the feature warrants further investigation, no construction operations shall take place within 10 metres of the feature until a scheme for investigation and recording of the feature has been submitted to and approved in writing by the CPA. Thereafter, the scheme shall be implemented in full unless otherwise agreed in writing by the CPA.

Reason: In the interests of archaeology and to comply with Policy 21 of the JLSP.

Landscaping and Management of Tree and Hedge Planting and Ecological Mitigation Works

35. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawings 10650/48, 10650/58 and 10650/59 shall be protected from any damage and maintained throughout the development in accordance with the Lancashire County Council Environment Directorate specification entitled "Tree and Shrub Planting with Grass Seeding and Protective Fencing".

Reason: In the interests of visual and local amenity and the local Environment and to comply with Policy 20 of the JLSP.

36. All areas of the site left undisturbed, and all soil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development as defined in this permission.

Reason: In the interests of visual and local amenity and the local Environment and to comply with Policy 20 of the JLSP.

37. All landscaping including tree and hedge planting and grass seeding undertaken in accordance with the scheme approved under condition 4 above shall be protected from any damage and maintained for a period of five years in accordance with the Lancashire County Council Environment Directorate specification entitled "Tree and Shrub Planting with Grass Seeding and Protective Fencing".

Reason: In the interests of visual amenity and the local environment and to comply with Policy 20 of the JLSP.

38. Within one month of each anniversary of the date of this permission until the expiration of a 20 year period beginning from the date when the new highway is opened to traffic, a monitoring report shall be submitted to the CPA for approval in writing. The monitoring report shall provide annual updates of the Environmental Management Plan included within the Environmental Statement, and shall set out the details of the design, mitigation and environmental management works that have been undertaken in the previous 12 months and the works that are proposed in the next 12 months.

Reason: To ensure the implementation of the Environmental Management Plan and to comply with Policy 20 and 21 of the JLSP.

Construction Environmental Management Plan

39. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the CPA. The Plan shall include measures to address:
- a) Generation of dust arising during the construction period;
 - b) Monitoring of PM10 particulates and if they exceed or are predicted to exceed the National Air Quality Strategy objectives to take appropriate mitigation measures;
 - c) Routing of construction vehicles during the construction phase; and
 - d) Vibration.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan.

B. Additional Conditions relating to Lancaster and Morecambe College

1. Until the underpass shown on Drawing WD323 has been constructed and is available for use the existing access to Lancaster and Morecambe College pitches marked "Proposed Main Pitch" and "Proposed Training Ground" on Plan 11063/WD322 shall remain open.
2. The development shall not commence until a programme for the construction works to be undertaken within 300 metres of the campus of Lancaster and Morecambe College has been submitted to and approved in writing by the CPA.
3. With the exception of drainage works, there shall be no laying out of services or construction of the surface of the carriageway of the link road within 300 metres of the campus of Lancaster and Morecambe College until the acoustic barriers alongside the link road shown on Plan 11063/WD323 have been installed.
4. The development shall not be opened to traffic until the acoustic barriers shown between points X, A, B, C and D on Drawing WD 325 have been constructed on Morecambe Road.

Reason: In the interests of the amenity of staff and students at Lancaster and Morecambe College.