



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

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.

- 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.

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