

7 February 2008

Mr Ian Blinkho
Lancashire County Council
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston PR1 8XJ

Our Ref: APP/Q2371/V/07/1200928/
1200929

Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY LANCASHIRE COUNTY COUNCIL
PROPOSED HEYSHAM TO M6 LINK ROAD**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C J Tipping, MA (CanTab), who held a public local inquiry between 10 July and 10 August 2007 into Lancashire County Council's application for the construction of a new highway (completion of Heysham to M6 link) and improvements to existing highways, on land north of Lancaster between the eastern end of phase 1 of the A683 Heysham to M6 link and Junction 34 of the M6, in accordance with application number 01/05/1584, dated 14 December 2005, as amended on 27 June and 12 August 2006, and the amended Drawing No. 11063/301, Sheets 1B, 2B and 3B.
2. It was directed on 8 February 2007, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State for decision instead of being dealt with by Lancashire County Council (LCC).

Inspector's recommendation and summary of the decision

3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except in relation to the weight to be attached to the emerging Regional Spatial Strategy (paragraph 13), and agrees with his recommendation. All references to paragraph numbers, unless otherwise stated, are to the Inspector's report (IR).

Procedural Matters

4. The Secretary of State has, like the Inspector, considered the application on the basis of the planning application dated 14 December 2005 (ref. number 01/05/1584), as amended on 27 June and 12 August 2006, and the amended Drawing No. 11063/301, Sheets 1B, 2B and 3B.
5. In reaching her decision the Secretary of State has taken into account the Environmental Statement, which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. She has also taken into account the legal submissions on the Environmental Statement which were made in parallel terms by The Environmental and Sustainable Transport Alliance/Transport Solutions for Lancaster and Morecambe, and Lancaster and Morecambe College, during the closing stages of the inquiry; and LCC's response (IR3.1-3.9). These legal submissions form Schedule 2 to the Inspector's report.
6. The Secretary of State has had regard to the objectors' case that the Environmental Statement is deficient, and specifically to the detailed criticisms summarised in IR3.4 concerning the impact of the proposal on: Lancaster and Morecambe College; landscape; ecology; the setting of the historic city of Lancaster and the Green Belt; and the fact that the park and ride site is not considered in the Environmental Statement at all.
7. The Secretary of State has also had regard to LCC's rebuttal that the impacts on Lancaster and Morecambe College are considered in the Environmental Statement; that it is listed as a receptor likely to be disrupted by construction (in section 8) and as a location affected by landscape impacts (section 10); and that the noise impacts are assessed in the noise assessment tables (section 12). She has also had regard to LCC's view that it was necessary to carry out additional work to respond to the case made on the College's behalf at the inquiry, and as far as possible to agree the necessary mitigation (IR3.6). She has also taken into account LCC's case that impact of the road on the historic setting of Lancaster, and on the Green Belt was addressed in the worksheets in the Environmental Impact Tables; that landscape mitigation is addressed in principle in the relevant report in Volume 1 of the Environmental Statement; that the ecological mitigation scheme was submitted in the relevant Technical Assessment Report, amendments to which were proposed at the time of submission of the revised planning application report (IR3.7).
8. The Secretary of State agrees with the Inspector that, for the reasons set out in IR3.12, any environmental impact assessment necessary for consideration of the park and ride site should form part of the decision-making process in relation to that application (IR3.12).
9. The Secretary of State concludes that the Environmental Statement 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. She agrees with the Inspector that the further detailed work carried out by LCC and other parties in preparation for the inquiry is a normal and a necessary element in the inquiry process (IR3.10).

10. The Secretary of State is content that the Environmental Statement complies with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and that sufficient information has been provided for her to determine the application (IR3.13).

Policy considerations

11. In determining the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
12. In this case, the development plan comprises the RPG13 - the Regional Spatial Strategy (RSS) for the North West (2003), the Joint Lancashire Structure Plan 2005 (JLSP), and the Lancaster District Local Plan 2004 (LDLP).
13. As the report of the Examination in Public of the emerging RSS has been published, the Secretary of State considers that the emerging RSS is a material planning consideration to which some weight should be attached. In this respect, she disagrees with the Inspector's view at IR8.2.2 that substantial weight should be attached to the emerging RSS.
14. In determining this application, the Secretary of State has also had regard to the Northwest Regional Economic Strategy; and the Eddington Transport Study (IR4.3.5).
15. Other material considerations which the Secretary of State has taken into account include: *Planning Policy Statement (PPS)1: Delivering Sustainable Development; Planning Policy Guidance (PPG) note 2: Green Belts; PPS7: Sustainable Development in Rural Areas; PPS9: Biodiversity and Geological Conservation; PPG13: Transport; PPG17: Planning for Open Space, Sport and Recreation; PPS23: Planning and Pollution Control; PPG24: Planning and noise; and PPS25: Development and Flood Risk.*
16. A further material consideration which the Secretary of State has taken into account is the *Planning Policy Statement: Planning and Climate Change (Supplement to PPS1)*, a draft of which was before the inquiry, and which was published on 17 December 2007. In the circumstances of the case, the Secretary of State does not consider that this document raises any new issues which would either affect her decision on this application, or require her to refer back to parties for further representations prior to reaching her decision.

Main Issues

17. The Secretary of State considers that the main issues in this case are:-
- whether the road alignment proposed is, in principle, the most appropriate and sustainable route;
 - the extent to which the proposal is consistent with Government policies in PPS1;
 - whether the proposal accords with PPS7: Sustainable Development in Rural Areas;

- the extent to which the proposal would be consistent with PPS9: Biodiversity and Geological Conservation;
- the extent to which the proposal is consistent with the advice in PPG13: Transport, in particular on the need to promote more sustainable transport choices and reduce the need to travel by car;
- how the proposed development relates to Government policy advice set out in PPG17: Planning for Open Space, Sport and Recreation;
- other impacts of the scheme;
- whether the proposal accords with the provisions of PPG2: Green Belts; and
- whether the proposal accords with the development plan.

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

Northern route

18. For the reasons in IR8.3.2-8.3.3, the Secretary of State agrees with the Inspector 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 (IR8.3.4).

Western route

19. The Secretary of State agrees with the Inspector that the western routes promoted by some objectors would not, due to their adverse environmental impact on sites protected by European designation, satisfy the requirements of EU law (IR8.3.6). The Secretary of State considers that the western routes would not therefore be feasible. For the reasons in IR8.3.6-8.3.10, she agrees with the Inspector that, if the 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 (IR8.3.11).

Alternative measures

20. For the reasons in IR8.3.12-8.3.23, the Secretary of State agrees with the Inspector that, no credible means has been identified of carrying existing and expanding volumes of freight to Heysham except by road (IR8.12.2); that the objectives of the scheme cannot be met by alternative measures; and that a new road is accordingly required (IR8.3.26).

The extent to which the proposal is consistent with Government policies in PPS1

21. For the reasons in IR8.4.2-8.4.5, the Secretary of State agrees with the Inspector that the Port of Heysham could not continue to grow indefinitely in the absence of improved access, either at all, or without severe adverse impacts on local traffic conditions and amenity (IR8.4.5). She agrees with the Inspector that only the link road offers the opportunity to divert existing, and predicted increasing, volumes of HGVs from the centre of Lancaster and its environs (IR8.4.5). She also agrees that the road would provide a context in which other measures to promote sustainable transport modes could be introduced (IR8.4.6).

22. The Secretary of State agrees with the Inspector that faster and more reliable access to Heysham and the peninsula is likely to induce some additional economic activity and employment. She has taken into account the views of objectors as to the regeneration benefits claimed for the road; and she agrees with the Inspector that these may be less, or indeed greater, than LCC predicts (IR8.12.8). For the reasons in IR8.4.7-8.4.8, she agrees with the Inspector that it is likely that the road would bring regenerative benefits to the area, and that this benefit, even if small, is to be taken into account in striking the balance required by PPS1 (IR8.4.9).

PPS7: Sustainable Development in Rural Areas

23. For the reasons in IR8.6.5, the Secretary of State agrees with the Inspector that it is appropriate to finalise the detailed landscape mitigation when the detailed design of the scheme is finally being determined (IR8.3.65).

24. For the reasons in IR8.6.1-8.6.4, the Secretary of State agrees with the Inspector 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 (IR8.6.4). However, for the reasons in IR8.6.7, she also agrees with the Inspector that the considerable benefits generated by the scheme outweigh these adverse impacts (IR8.6.8).

PPS9: Biodiversity and Geological Conservation

25. For the reasons in IR8.7.1-8.7.3, the Secretary of State agrees with the Inspector that, for a scheme of this scale, the adverse impacts on biodiversity are notably small, and would be adequately mitigated, with the possible exception of the pink wax cap fungi, for which the proposed mitigation is admitted to be experimental, and whose survival remains in doubt even in the absence of the road scheme (IR8.7.2 and 8.7.4).

26. The Secretary of State also agrees with the Inspector that there would be no unacceptable net adverse impact from the scheme on the geology of the area (IR8.7.5).

PPG13: Transport

27. For the reasons in IR8.8.1-8.8.3, the Secretary of State agrees with the Inspector that, on balance, the scheme would be consistent with PPG13 (IR8.8.4).

PPG17: Planning for Open Space, Sport and Recreation

28. The Secretary of State agrees with the Inspector that at the end of a three-year period, the Lancaster and Morecambe 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 (IR8.9.4); and that this permanent improvement would provide appropriate compensation for the inconvenience of the temporary alternative arrangements proposed (IR8.9.1-8.9.4).

29. The Secretary of State agrees with the Inspector that, whilst the presence of the road across the campus in the vicinity of the pitches would inevitably have some adverse noise impact, the pitches are not in the normal sense of the expression a teaching environment, and a noise level at worst only some 3dB(A) above WHO guidance would not amount to a significant adverse impact (IR8.9.5).
30. The Secretary of State agrees with the Inspector that there would be some loss of open space on the College campus, and that, in addition to being contrary to the aspirations of PPG17, this would also run counter to development plan policy. However, she also agrees with the Inspector that this is a minor adverse impact of the road which is acceptable in the context of the wider economic and environmental benefits which would flow from its implementation (IR8.9.6).

Other Impacts

Air quality and climate change

31. The Secretary of State agrees with the Inspector that the increase in greenhouse gases resulting from the scheme, including an increase in CO₂ emissions, is a significant adverse impact of the road scheme (IR8.3.37). However, she agrees with the Inspector that there is no cogent case before her for any alternative means of meeting the scheme's main objectives, which almost all parties regard as essential and urgent.
32. For the reasons in IR8.3.30-8.3.37, the Secretary of State agrees with the Inspector that the significant adverse impact of the scheme, in terms of an increase in greenhouse gases, has to be set against the benefits, which include significant net improvements in local air quality resulting from the removal of significant volumes of traffic from heavily populated areas (IR8.3.37); and, at least in part, by the ability of the proposed road to act as a catalyst for the introduction of further complementary measures (IR8.12.8). The Secretary of State recognises that these further complementary measures will not be particularised until the report of the Vision Board Study is published (IR8.12.8).

Noise

33. For the reasons in IR8.3.38-8.3.41, the Secretary of State agrees with the Inspector that, with the mitigation measures proposed by LCC, and help with insulation available, the noise impacts of the road are acceptable (IR8.3.41).

Accidents and road safety

34. The Secretary of State agrees with the Inspector 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 (IR8.3.42). She also agrees with the Inspector that removal of the grave risks associated with the current design of M6 Junction 34 appears to offer a clear road safety benefit (IR8.3.43).

Flood Risk

35. For the reasons in IR8.3.45-8.3.46, the Secretary of State agrees with the Inspector that the new lower level bridge proposed to carry the link road over the River Lune would not have any significant effect on flood risk (IR8.3.46 and 8.12.6).

Lancaster and Morecambe College

36. For the reasons in IR8.3.48-8.3.58, the Secretary of State agrees with the Inspector that, whilst there would remain residual adverse impacts on the College as a result of the road scheme, even with the agreed mitigation in place, these would not be unacceptable, nor would they be likely to affect the College's future viability (IR8.3.57).

Any other relevant matters

37. The Secretary of State agrees with the Inspector's assessment of the other relevant matters, raised by the Green Party, Torrisholme Cricket Club, and the Ramblers Association, in IR8.11.1-8.11.4.

Green Belt

38. There is a general presumption in PPG2 (and the development plan) against inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development the Secretary of State attaches substantial weight to the harm to the Green Belt when considering any planning applications or appeals concerning such development.
39. The Secretary of State agrees with the Inspector and all parties that the proposed development constitutes inappropriate development in the Green Belt (IR8.5.1), and she attaches substantial weight to the harm arising by virtue of inappropriateness. She finds the development would also cause harm to the openness of the Green Belt. She considers that the road scheme would also cause harm in relation to generation of traffic and CO₂ emissions, and in relation to its impact on the character of the countryside, and the diversity of the landscape, although she has, like the Inspector, concluded that there is no evidence put forward that an alternative northern route alignment could reduce these landscape impacts. The Secretary of State agrees with the Inspector that, for the reasons in IR8.5.5 and 8.5.6, there would not be any substantial adverse impact on the setting of Lancaster. For the reasons in IR8.5.7 and 8.5.8, she also agrees with the Inspector that the grant of permission for the road would not lead to the release of a spate of other applications for planning permission in the Green Belt, or effectively blight or destroy the Green Belt (IR8.5.7 and IR8.5.8). She agrees with the Inspector that there is no viable alternative route which would avoid the Green Belt. (IR8.5.3 and 8.12.7).

40. Having found harm, the Secretary of State has gone on to consider if the harm to the Green Belt, and other harm identified, is clearly outweighed by other considerations that amount to very special circumstances. She agrees with the Inspector that there are benefits of the scheme, which include significant net improvements in local air quality resulting from the removal of significant volumes of traffic from heavily populated areas (IR8.3.37). She also agrees with the Inspector's conclusion that the road is the sole means of reducing HGV traffic on strategic routes through a congested and heavily populated area, and this would also provide the catalyst to introducing other sustainable traffic measures, which would have a potential beneficial impact on the landscape and tranquillity of Lancaster City Centre (IR8.6.7).

Very special circumstances – balancing exercise

41. The Secretary of State gives considerable weight to the factors in favour of the development, namely the substantial environmental and economic benefits (IR8.5.3), including the benefits that the road would bring by meeting the scheme's two main objectives (i.e. to improve communications between Morecambe and Heysham and the M6; and to remove a significant volume of traffic from the River Lune bridges in Lancaster) (IR8.12.7), and the benefits that would be brought about by the removal of the grave risks associated with the current design of M6 Junction 34. The Secretary of State is satisfied that the harm to the Green Belt arising by virtue of inappropriateness and the other identified harm set out above is clearly outweighed by the benefits of the scheme and that cumulatively these amount to very special circumstances.

Development Plan

42. The scheme is included in the current and emerging RSS, and the provision of a link road is an express policy of the Structure Plan. For the reasons in IR8.2.4, the Secretary of State agrees with the Inspector that the policies in the development plan relating to the link road should be construed as meaning that a new link road should be constructed.

43. The Secretary of State also agrees with the Inspector that, for the reasons set out in IR8.12.1, the development plan is referring to the promoted northern route. For the reasons in IR8.2.6, she agrees with the Inspector that the building of a link road between Heysham and the M6 is a clear development plan policy, and that to choose a northern (rather than, say, a western) alignment for the link would therefore be fully compliant with the terms of that policy. For the reasons in paragraph 19 of this letter, she agrees with the Inspector that, whilst a western route would also fall within the terms of the development plan, such a route is unlikely to prove feasible on legal and other grounds (IR8.12.1).

44. The Secretary of State agrees with the Inspector that the existence of apparent conflicts (IR8.2.7 and 8.2.8) between the link road scheme and other general development plan policies is unsurprising, for the reasons in IR8.2.9. She agrees with the Inspector that when resolving to adopt the development plan, which 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 (IR8.2.9).

45. In respect of Green Belt, LDLP Policies E1 and E2 contain no provision for very special circumstances. However, on 18 September 2007, the Secretary of State's Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 did not "save" policy E2 which accordingly carries no weight. The Secretary of State notes that the supporting text in paragraph 5.1.4 of the LDLP states that "new development will only be allowed in exceptional circumstances", and that this must therefore allow for the possibility of permitting inappropriate development in the Green Belt.
46. The Secretary of State agrees with the Inspector's conclusion that the scheme accords with the development plan when taken as a whole (IR8.2.10). She also agrees with him that, whether taken individually or cumulatively, the residual impacts of the scheme are not of sufficient weight to overturn the presumption in section 38(6) of the Planning and Compulsory Planning Act 2004 that the determination of planning applications should be made in accordance with the development plan (IR8.12.9).

Conditions and Planning Obligation

47. The Secretary of State agrees with the Inspector's assessment of the proposed planning conditions (IR8.10.1 and 8.103-8.10.5). She considers that the proposed conditions and the Deed of Unilateral Undertaking (IR7.10.2 and 8.10.2) comply with the requirements of Circulars 11/95 *Use of Conditions in Planning Permission* and 05/2005 *Planning Obligations* respectively.

Overall Conclusions

48. The Secretary of State concludes that the proposed road scheme is in accordance with the development plan. However, she considers this cannot overcome the conflict with national policy in PPG2 as the proposal is inappropriate development in the Green Belt for which very special circumstances must be demonstrated. Having balanced the benefits of the proposed road scheme against the harm to the Green Belt, and the other harm identified above, the Secretary of State concludes that the benefits, taken together, do clearly outweigh the harm to the Green Belt, and other harm identified, and that they do constitute very special circumstances. She also concludes that there are no material considerations of sufficient weight to cause her to determine the appeal other than in accordance with the development plan.

Formal Decision

49. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission 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 following conditions set out in Annex A.
50. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted

conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

51. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

52. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

53. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

54. A copy of this letter has been sent to parties who appeared at the inquiry.

Yours faithfully

Andrew Lynch

Authorised by Secretary of State to sign in that behalf

ANNEX A

A. General Conditions

Time limits

1. The development shall commence not later than 5 years from the date of this permission.
2. Written notification of the date of commencement of the development shall be sent to the CPA within 7 days of such commencement.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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".

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.

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".

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.

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) Routeing 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.

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