



Ministry of Housing,  
Communities &  
Local Government

Kathryn Jump  
Shoosmiths  
The XYZ Building  
2 Hardman Boulevard  
Spinningfields  
Manchester  
M3 3AZ

Our refs: APP/U4230/W/13/2209607  
and APP/U4230/W/17/3180726

Your ref: KJ.JF.M-00624199

12 November 2018

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEALS MADE BY PEEL INVESTMENTS (NORTH) LTD  
(i) LAND TO THE NORTH AND SOUTH OF WORSLEY ROAD AND LAND AT AVIARY  
FIELD, BROADOAK, WORSLEY, SALFORD, GREATER MANCHESTER -  
APPLICATION REF: 13/63157/OUTEIA (as amended); AND  
(ii) LAND TO THE SOUTH OF WORSLEY ROAD, WORSLEY - APPLICATION REF:  
17/69773/OUTEIA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Michael Boniface MSc MRTPI, who held a public local inquiry on 20–23 February, 27 February – 2 March, 13–16 March and 20 March 2018 into your client's appeals against the decision of Salford City Council to refuse your client's two applications for planning permission for:-
  - (i) **Appeal A:** construction of up to 600 dwellings, marina facilities and basin, Class A1 (retail) and Class A3 (cafe) uses, associated formal and informal green space and recreation provision, landscaping and drainage works, vehicular access, car parking, diversion and realignment of public rights of way (PRoWs W51, W71 and W163), the creation of new footpaths and connections to adjoining footpath network, the creation of an ecological mitigation area at Aviary Field including the formation of a pond and the creation of a recreation area at Aviary Field in accordance with application ref: 13/63157/OUTEIA, dated 9 April 2013 (as amended);
  - (ii) **Appeal B:** a residential scheme with associated road and utilities infrastructure, open space and other green infrastructure, hard and soft landscaping and drainage infrastructure in accordance with application ref: 17/69773/OUTEIA, dated 3 April 2017
2. On 30 December 2013 Appeal A was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the

Town and Country Planning Act 1990. The Secretary of State initially issued his decision in respect of Appeal A by way of his letter dated 26 March 2015. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 28 July 2016. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 26 March 2015 decision letter.

3. Prior to the re-opened inquiry commencing the appellant submitted a further planning application on a smaller part of the same appeal site, comprising up to 165 dwellings. This was refused planning permission by the Council and a further appeal was submitted (Appeal B). Given the common issues between the two appeals, the Secretary of State determined that it was expedient to consider them together. As such, Appeal B was also recovered using powers under S79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990 (IR4).

### **Inspector's recommendation and summary of the decision**

4. The Inspector recommended that both appeals be dismissed.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendations. He has decided to dismiss both appeals and refused planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Statement**

6. In reaching this position, the Secretary of State has taken into account the Environmental Statements which, for both applications, was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry/hearing opened. In terms of Appeal B, the Secretary of State notes that an ES Addendum (August 2017) was provided to update the ES. Having taken account of the Inspector's comments at IR 45-48, the Secretary of State is satisfied that the Environmental Statements and other additional information provided complies with the above Regulations for both appeals and that sufficient information has been provided for him to assess the environmental impact of the proposals.

### **Procedural matters**

7. During the course of the inquiry, the appellant withdrew Appeal A as originally submitted and considered at the previous inquiry, in favour of an amended scheme (IR10). The Secretary of State notes that the appeal proceeded on this basis and he is, like the Inspector and the parties, satisfied that no interests have thereby been prejudiced (IR39-40).

### **Matters arising since the close of the inquiry**

8. On 1 August 2018, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the new National Planning Policy Framework published on 24 July 2018 which may be material to the appeals. A list of representations received in response to this letter is at Annex A. These representations were circulated to the main

parties on 30 August 2018. The Secretary of State has had regard to these representations, and his conclusions on the points they raised are set out below.

9. Copies of these letters, and other correspondence listed at Annex A, may be obtained on written request to the address at the foot of the first page of this letter.

### **Policy and statutory considerations**

10. In reaching his decision, 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.
11. In this case the development plan consists of the saved policies of the City of Salford Unitary Development Plan 2004-2016. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR29-32.
12. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'). The revised National Planning Policy Framework was published on 24 July 2018, and unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

### *Emerging plan*

13. The emerging plan comprises the Draft Greater Manchester Spatial Framework (GMSF) and the Draft Salford Local Plan. The Secretary of State considers that the emerging policies of most relevance to this case include those set out by the Inspector at IR34-36.
14. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State has had regard to the representations of the parties regarding progress on these plans. The Secretary of State notes that the plans will not be published until after his consultation on the standard method to determine housing need. While he has had regard to the Council's representation of 18 October 2018, that it intends to publish its revised Draft Salford Local plan and have consulted on it by March 2019, he concludes that even were that timetable met, the plan would still be at a fairly early stage. He further notes that while the Draft plans are intended to be policy compliant, there remain outstanding objections to both of them. He therefore affords the emerging plans little weight.

### **Main issues**

#### *Development plan*

15. The Secretary of State has gone on to consider whether Policy EN 2 of the SUDP is out of date. For the reasons given at IR366-367, the Secretary of State agrees that the policy remains part of the development plan, and is not inconsistent with the Framework. For the reasons given by the Inspector at IR368-369, he concludes that the recognition of the need to release greenfield land and/or Green Belt to meet future housing needs attracts little weight in the context of these proposals.

16. For the reasons given at IR371-372, the Secretary of State agrees that even in the absence of policies for the need and distribution of housing, there remains a plan in place, and a policy for the land in question which is sufficient to establish that the developments are unacceptable in principle, and so the plan is in line the paragraph 11(d) of the Framework. He concludes, in agreement with the Inspector at IR370, that Policy EN 2 is not out of date.
17. He has then gone on to consider the impact of the proposals on the Greenway. For the reasons given at IR345-IR350, the Secretary of State agrees that the developments would detract from the openness of the Greenway and that there would therefore be a breach of Policy EN2. He further agrees, for the reasons given at IR351-IR352, that the proposal would fragment and detract from the continuity of the Greenway. For the reasons set out by the Inspector at IR353-IR359, he agrees that the proposals would impact negatively on the character and appearance of the Greenway.
18. The Secretary of State agrees, for the reasons given at IR360-IR361, that in spite of the potential benefits which would provide some mitigation, there would be a small but unacceptable harm to the recreation and amenity value of the Greenway, in conflict with Policy EN 2. However, he agrees with the Inspector and the parties [IR362] that there would be no harm to the Greenway as a wildlife or agricultural resource, and in that respect it does not conflict with Policy EN 2 or Policy EN 9 of the SUDP.
19. However, overall he finds for the reasons above that the developments would fragment and detract from the openness and continuity of the Greenway and would cause unacceptable harm to its character and its value as an amenity and open recreational resource, and as such that there would be a clear and fundamental conflict with Policy EN 2 of the SUDP, in agreement with the Inspector at IR363. For the reasons set out by the Inspector at IR364-365, the Secretary of State also agrees that that the proposals conflict with the first two criteria of SUDP Policy R 4. As such, and given his findings above, he affords the fundamental conflict with the policy substantial weight.

#### *Housing land supply*

20. The Secretary of State has had regard to the Inspector's analysis at IR373-376, and the representations by the parties on housing land supply. He has also gone on to calculate housing land supply in line with the requirements of paragraph 73 of the Framework.
21. The Secretary of State has had regard to the representations by Shoosmiths on behalf of the appellant that the housing land supply figures are a 'work in progress', given the upcoming consultation by the Secretary of State on calculating housing need, and considered the decision by his Inspector in Appeal Reference APP/F2360/W/18/3198822 (land of Brindle Road, Preston) and the possibility that the method may change. The Secretary of State notes that on 26 October 2018, the Government published "Technical consultation on updates to national planning policy and guidance", dealing with the calculation of Local Housing Need and other matters, including the People Over Wind and Sweetman v Coillte Teoranta issue. While a number of the issues dealt with in that document are relevant to this case, given these remain the subject of consultation and may not be the final position, the Secretary of State has made his decision here based on existing policy. The Secretary of State considers that the circumstances in which local housing need should be used are clearly set out in paragraph 73 of the Framework, and the standard method is set out in guidance.

22. As such, the Secretary of State has gone on to calculate housing land supply. Using the methodology set out in the Guidance, the Secretary of State concludes that Local Housing Need is 1,084. As that is not 40% more than recent annual housing requirement of 785 dpa, he does not apply a cap to this figure. He has gone on to consider paragraph 73 of the Framework. While he has had regard to the Council's representations at IR 233-238 as regards mitigation, he concludes that there has been significant underdelivery in two of the three preceding years. As such he applies a 20% buffer, thus finding a five year housing land supply of 6,504.
23. Against this he sets the Council's deliverable housing supply of 17,788 dwellings. As such he finds that the council can demonstrate a housing land supply of over 13 years.
24. However, the Secretary of State further notes that even were he to make use of a housing land supply figure based on a method predating the Framework, as the Inspector did at IR376, or calculated using the standard method but reflecting the 2014 household growth figures, the Council would be able to demonstrate comfortably a five year housing land supply, so it would not make a difference to his overall conclusion.
25. As such he concludes, in agreement with the Inspector [IR377], that Policy EN 2 is not impeding delivery, nor the development plan as a whole failing to deliver the necessary number of houses needed.
26. However, for the reasons set out at IR375 and IR378-IR380, the Secretary of State agrees that the Council is not meeting the needs of the housing market as a whole, and that there are significant deficiencies in the number of larger/aspirational family homes, and wider issues with homelessness and affordability. While the Council is seeking to address this through the local plan process, the Secretary of State agrees [IR381] that at present individual schemes are the only way in which to begin to address such needs.
27. As such, for the reasons given at IR382, he gives significant weight in favour of the appeals to their contribution towards meeting the needs for family/aspirational housing and affordable housing. For the reasons given at IR383, he agrees that the additional provision of affordable housing does not meet the tests for planning obligations and as such he affords no additional weight to the proposed provision beyond a 20% contribution.

#### *Air quality*

28. For the reasons set out at IR385-390, the Secretary of State agrees that the proposals would add to existing unacceptable levels of air pollution, and that this would be against the Framework's core planning principle of reducing pollution. However, given the negligible increases anticipated, he affords this only limited weight.

#### *Highways and Transportation*

29. The Secretary of State agrees, for the reasons given at IR391-394, that the residual cumulative traffic impacts of the proposal after mitigation would not be severe. He further notes [IR396] that the Council and the appellant agree that the appeal sites are in an accessible location with access to services and facilities by sustainable means. The Secretary of State has then gone on to consider the transport improvements offered by the proposals. For the reasons set out at IR395-396, the Secretary of State agrees that these add very limited weight in favour of the appeal proposals.

### *Shuttle Bus (Appeal A only)*

30. For the reasons given at IR397-398, the Secretary of State considers that the provision of a Shuttle Bus in regards to the proposal at Appeal A would have wider benefits for the local population. He affords this benefit moderate weight. He agrees, for the reasons set out by the Inspector, that the financial contribution towards funding the shuttle post would comply with CIL Regulation 122.

### *Education*

31. For the reasons given at IR399-401, the Secretary of State agrees that there is no justification to dismiss these appeals for educational reasons. The provision of land for a 1 FE school in relation to Appeal B would provide benefits in terms of capacity beyond necessary mitigation, and the Secretary of State affords these limited weight in favour of the proposal in Appeal B. He further agrees, in agreement with the Inspector at IR 402, that this provision would comply with the requirements of CIL Regulation 122.

32. However, in regards of the provision of land for a 2FE primary school in respect of Appeal A, the Secretary of State agrees, for the reasons given at IR402, that this level of provision does not accord with the requirements of CIL Regulation 122, and as such attaches no additional positive weight to the provision over and above the land necessary for a 1FE school.

### *Flooding and drainage*

33. For the reasons set out at IR403-405, the Secretary of State agrees that the benefits in reduced risk of flooding for properties at Alder Forest weigh in favour of the proposals and, given the limited number of properties affected, attaches moderate weight to this benefit.

### *Marina (Appeal A only)*

34. The Secretary of State has given consideration to the Inspector's analysis at IR 406-408. For the reasons given he agrees that it has not been demonstrated that a marina is necessary to make the proposed development acceptable in planning terms and it would not be reasonable to require its delivery by obligation. As such he concludes that it does not accord with CIL Regulation 122 and that this cannot be a reason for granting planning permission.

### *Open Space*

35. The Secretary of State agrees with the Inspector, for the reasons given at IR409, that the local community would be worse and not better off as a consequence of the development in respect of open space. For the reasons set out at IR410-411 the Secretary of State agrees that while there would be benefits for the wider population from the provision of open space including sports pitches and play areas, but they would be no more than a minor benefit. He thus affords them minimal weight.

## *Health*

36. For the reasons give at IR412, the Secretary of State concludes that the overall health of the population would not be significantly affected by the proposals, and thus this is neutral in the planning balance.

## *Socio economics*

37. The Secretary of State agrees that the benefits to the local economy, including through the provision of investment and job creation, attract limited weight, for the reasons given at IR413.

## **Planning conditions**

38. The Secretary of State has given consideration to the Inspector's analysis at IR332-337 the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing these appeals and refusing planning permission.

## **Planning obligations**

39. Having had regard to the Inspector's analysis at IR338-341, the planning obligations dated 29 August 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR340 that the obligations, except where noted above comply with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligations overcome his reasons for dismissing these appeals and refusing planning permission.

## **Planning balance and overall conclusion**

40. For the reasons given above, the Secretary of State considers that the appeal schemes are not in accordance with Policies EN 2 and R 4 of the development plan, and are not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposals should be determined other than in accordance with the development plan.

41. In favour of the appeals, the Secretary of State weighs the provision of affordable and aspirational housing, which attract significant weight. He also takes into account the transport improvements offered by the proposals, which he affords very limited weight. He affords moderate weight to the improvements in relation to flood risk. He attaches minimal weight to the benefits in terms of sports pitches and play areas. Further limited weight accrues to the socioeconomic benefits of the proposals. As regards Appeal A, he adds moderate weight to the provision of a shuttle bus. As regards Appeal B, he also gives further limited weight to the education provision provided by the scheme.

42. Against the proposals he weighs the impact on the character and appearance, and openness and continuity, of the Greenway. He affords these harms, and the resulting conflict with development plan policy, substantial weight. He also gives limited weight to the harm by way of increased air pollution.

43. As such the Secretary of State concludes that there are no material considerations sufficient to justify determining the appeals other than in line with the Development Plan.
44. The Secretary of State therefore concludes that the appeals should be dismissed and planning permission refused.

**Formal decision**

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeals and refuses planning permission.

**Right to challenge the decision**

46. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
47. A copy of this letter has been sent to Salford City Council and Residents Against Inappropriate Development and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by the Secretary of State to sign in that behalf

## Annex A

### POST – INQUIRY REPRESENTATIONS

Party	Date of letter
Kathryn Jump, Shoosmiths	18 July 2018
Cllr Karen Garrido (obo RAID)	25 July 2018

### REPRESENTATIONS RECEIVED IN RESPONSE TO THE SECRETARY OF STATE'S LETTER OF 1 AUGUST 2018

Party	Date of letter
Barbara Keeley MP	2 August 2018
Residents Against Inappropriate Developments (RAID)	29 August 2018
Stephanie Hall (senior solicitor) Salford City Council	29 August 2018
Kathryn Jump, Partner, Shoosmiths LLP	29 August 2018

### REPRESENTATIONS RECEIVED IN RESPONSE TO THE SECRETARY OF STATE'S E-MAIL OF 30 AUGUST 2018

Stephanie Hall (senior solicitor) Salford City Council	13 September 2018
Kathryn Jump, Partner, Shoosmiths LLP	14 September 2018

### FURTHER LETTERS/REPRESENTATIONS RECEIVED

Stephanie Hall (senior solicitor) Salford City Council	21 September 2018
Kathryn Jump, Partner, Shoosmiths LLP	5 October 2018
Stephanie Hall (senior solicitor) Salford City Council	18 October 2018
Kathryn Jump, Partner, Shoosmiths LLP	22 October 2018





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# Report to the Secretary of State for Housing, Communities and Local Government

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Date: 11 July 2018

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## Town and Country Planning Act 1990

### Salford City Council

**Appeal A: Land to the North and South of Worsley Road and land at Aviary  
Field, Broadoak, Worsley, Salford, Greater Manchester**

**Appeal B: Land to the South of Worsley Road, Worsley**

**Appeals by Peel Investments (North) Ltd**

Reopened Inquiry Held on 20–23 February, 27 February – 2 March, 13–16 March and 20 March 2018  
Accompanied site visit held on 21 March 2018

Appeal A: Land to the North and South of Worsley Road and land at Aviary Field, Broadoak, Worsley,  
Salford, Greater Manchester

Appeal B: Land to the South of Worsley Road, Worsley

File Refs: APP/U4230/W/13/2209607 and APP/U4230/W/17/3180726

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## Abbreviations Used in this Report

AQMA	Air Quality Management Area
BAP	Biodiversity Action Plan
BCCM	Bridgewater Canal Corridor Masterplan
CD	Core Document
CS	Salford Publication Core Strategy (2012)
DP	Development Plan
dpa	dwellings per annum
EIA	Environmental Impact Assessment
ES	Environmental Statement
eic	Examination in chief
FE	Form Entry
Framework	National Planning Policy Framework
GB	Green Belt
GM	Greater Manchester
GMEU	Greater Manchester Ecological Unit
GMSF	Greater Manchester Spatial Framework (Draft)
GM SHMA	Greater Manchester Strategic Housing Market Assessment
HE	Highways England
HELAA	Housing and Economic Land Availability Assessment (2017)
ID	Inquiry Document
IQ	Inspector's questions
LCA	Landscape Character Assessment (2007)
LEAP	Local Equipped Area for Play
LNR	Local Nature Reserve
LP	Local Plan
LSM	Leigh-Salford-Manchester
LVIA	Landscape and Visual Impact Assessment
MCC	Manchester City Centre
NEAP	Neighbourhood Equipped Area of Play
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PRoW	Public Right of Way
RPG13	Regional Planning Guidance for the North West (2003)
RS	North West Regional Strategy (2008)
r/ex	Re-examination
SBI	Site of Biological Importance
SCC	Salford City Council
SHMA	Strategic Housing Market Assessment (2016)
SLP	Salford Local Plan (Draft)
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
STA	Supplementary Transport Assessment
SUDP	City of Salford Unitary Development Plan 2004-16
SUDS	Sustainable Urban Drainage System
TA	Transport Assessment
TfGM	Transport for Greater Manchester
uLVIA	Updated Landscape and Visual Impact Assessment
WLL	Worsley Loop Line
xx	Cross examination

## **Witness Abbreviations**

AC	Andrew Cheetham
AG	Anne Goodall
AP	Antony Pollard
BP	Ben Pycroft
CP	Chris Patmore
DT	David Trimmingham
JC	Jillian Collinson
JS	James Stacey
MD	Matt Doherty
MH	Mike Hibbert
MHo	Michael Howard
NG	Noel Gaskell
PC	Pete Coe
PR	Pauline Randall
SW	Simon Wood

## **APPEAL A**

**File Ref: APP/U4230/W/13/2209607**

### **Land to the North and South of Worsley Road and land at Aviary Field, Broadoak, Worsley, Salford, Greater Manchester**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Peel Investments (North) Ltd against the decision of Salford City Council.
- The application Ref 13/63157/OUTEIA, dated 9 April 2013, was refused by notice dated 14 November 2013.
- The development proposed is the construction of up to 600 dwellings, marina facilities and basin, Class A1 (retail) and Class A3 (cafe) uses, associated formal and informal green space and recreation provision, landscaping and drainage works, vehicular access, car parking, diversion and realignment of public rights of way (PRoWs W51, W71 and W163), the creation of new footpaths and connections to adjoining footpath network, the creation of an ecological mitigation area at Aviary Field including the formation of a pond and the creation of a recreation area at Aviary Field.
- This report supersedes that issued on 17 October 2014. The corresponding decision on the appeal was quashed by order of the High Court.

**Summary of Recommendation: the appeal be dismissed.**

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## **APPEAL B**

**File Ref: APP/U4230/W/17/3180726**

### **Land to the South of Worsley Road, Worsley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Peel Investments (North) Ltd against the decision of Salford City Council.
- The application Ref 17/69773/OUTEIA, dated 3 April 2017, was refused by notice dated 20 July 2017.
- The development proposed is a residential scheme with associated road and utilities infrastructure, open space and other green infrastructure, hard and soft landscaping and drainage infrastructure.

**Summary of Recommendation: the appeal be dismissed.**

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## **Procedural Matters**

1. As set out above there are two appeals on this site, Appeal B comprising a smaller part of the Appeal A site. They differ in their scale and extent but are both primarily residential schemes. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
2. Appeal A was recovered by the Secretary of State (SoS) following a direction made under S79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, on 30 December 2013. The appeal was recovered for determination by the SoS as it raised policy issues relating to residential development of over 150 units on sites of more than 5 hectares (ha). At that time, it was considered that the proposal would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.

3. The SoS subsequently issued a decision on 26 March 2015 but this was quashed by order of the High Court<sup>1</sup> and the SoS confirmed on 29 November 2016 that the inquiry would be reopened. The previous Inspector's Report to the SoS<sup>2</sup> remains a material consideration in this case but, as set out above, it is superseded by this report. Naturally, my conclusions and recommendations do not accord entirely with the previous report given the length of time that has passed, changed circumstances and the extensive amount of new evidence submitted in respect of the reopened inquiry. The summary of various representations to the previous inquiry remain relevant and should be read alongside those summarised in this report.
4. Prior to the reopened inquiry commencing the appellant submitted a further planning application on a smaller part of the same appeal site, comprising up to 165 dwellings. This was refused planning permission by the Council and a further appeal was submitted (Appeal B). Given the common issues between the two appeals, the SoS determined that it was expedient to consider them together. As such, the appeal was recovered using powers under S79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, under the criterion that there are on occasions other cases which merit recovery because of the particular circumstances.
5. Both applications are submitted in outline form with all detailed matters, except the means of access, reserved for subsequent approval. The site boundary for Appeal A, made up of three individual parts, is shown on drawing number 400G-59 Rev E<sup>3</sup>. Appeal B involves a single site boundary shown on drawing number 400M.27 Rev A<sup>4</sup>. Plans were submitted indicating the detailed design and configuration of the proposed highway junctions that would provide access to the sites<sup>5</sup>. Salford City Council (SCC), as Local Highway Authority, raised no objection to these aspects of the proposals and they were not discussed in any detail during the inquiry.
6. Although the applications are submitted in outline, a great deal of information is submitted about the likely form of the eventual development. This includes details of anticipated tree removal, the location of greenspace, landscape, drainage and ecological improvements, along with the proposed development areas, vehicular circulation routes and building heights. This information is presented in a range of supporting documents and the main parties have agreed that any development granted planning permission should be carried out in accordance with the principles and design philosophy envisaged in the culminating plans<sup>6</sup>, secured through the imposition of a condition. On this basis, I have attached significant weight to this detailed information. A Design and Access Statement also accompanied the applications<sup>7</sup>.
7. As in the previous inquiry, a local community group known as the Residents Against Inappropriate Development (RAID) appeared and gave evidence at the

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<sup>1</sup> See Consent Order dated 28 July 2016, CD14(j)

<sup>2</sup> CD37

<sup>3</sup> CD39(f)

<sup>4</sup> CD40(b)

<sup>5</sup> Drawing 400L-12B, CD39(f) for Appeal A and M17007-A-001C Rev C, CD40(l) for Appeal B

<sup>6</sup> See CD39(f) for Appeal A and CD40(b) for Appeal B

<sup>7</sup> CD39(d) for Appeal A and CD15(e) for Appeal B

- reopened inquiry, having been granted Rule 6 status. Other community groups also attended, as well as numerous local Councillors and the local MP. The inquiry was well attended by local people throughout, particularly on the opening morning and during one of the evening sessions, when around 100 people were present.
8. In addition to the written submissions made in respect of Appeal A during the course of the planning application and those made in connection with the appeal and original inquiry, a great deal of submissions were made in response to the notification that the inquiry was to be reopened. A large response was also received in relation to the Appeal B scheme, both at application and appeal stage. The vast majority of the representations from local people opposed the proposals<sup>8</sup>.
  9. On 2 May 2014 the Council wrote to the Planning Inspectorate confirming that it did not intend to pursue its case in respect of the second reason for refusal listed in the decision pursuant to Appeal A, which related to prematurity. This position was maintained at the re-opened inquiry and no evidence was offered in this respect.
  10. In addition to the extensive accompanied visit to the site and surrounding area carried out on 21 March 2018<sup>9</sup>, I visited the site and surrounding area on a number of occasions on an unaccompanied basis.
  11. During the course of the inquiry the appellant withdrew Appeal A, as originally submitted and considered at the previous inquiry, in favour of an amended scheme<sup>10</sup>. I have considered the appeal on that basis and return to this matter in 'The Proposals' section of this report.
  12. A pre-inquiry meeting took place on 13 July 2017 which was attended by the main parties and some members of the public.
  13. On 5 March 2018, during the inquiry, the Government published the consultation draft of the revised National Planning Policy Framework (NPPF). However, the parties agreed that the document could attract little weight at that time, being a consultation and subject to change, and so no comments were made on the potential implications for the appeals.

### **The Site and Surroundings**

14. Appeal A relates to three separate sites situated to the east of Worsley village, which are divided by Worsley Road (A572). Land to the north of Worsley Road extends to approximately 5 ha (Broadoak North), whilst land to the south of Worsley Road occupies an area of 27.2 ha (Broadoak South), both of which are proposed to accommodate residential development. The appeal site also includes land more remote from these sites, to the north east and close to the M60 motorway. This is known as Aviary Field, which occupies an area of 2.2 ha and would accommodate playing fields and an ecological area.

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<sup>8</sup> See the material accompanying the Council's appeal questionnaires and bundle submitted directly to PINS

<sup>9</sup> See Inquiry Document P35 for route agreed between the Council and appellant

<sup>10</sup> See Inquiry Document P42 (Addendum to SoCG 2)

### *Broadoak North*

15. This site is roughly triangular in shape and comprises privately owned semi-improved pasture, a playing field associated with Bridgewater School, a small area of broadleaved woodland, rough grassland and a marshy pond, which is a local Biodiversity Action Plan (BAP) habitat. A public footpath crosses the site connecting the south western part of Worsley Woods with the Worsley Loop Line (WLL), a footpath and cycleway forming part of the national cycle network.
16. The site is bounded by a hedgerow, beyond which is Worsley Woods to the north west; a disused railway in a cutting, which is now the WLL; Worsley Road, some residential properties and Broadoak South to the south east and by Bridgewater School to the south west.

### *Broadoak South*

17. The southern site is roughly rectangular in shape and comprises a privately owned semi-improved pasture, small area of mixed woodland, Sindsley Brook (which flows north to south across the site), marshy grassland (listed as a Biodiversity Action Plan (BAP) habitat) and an angling pond (also a BAP habitat).
18. The site is bounded by Worsley Road, separated by a belt of tree screening, with Bridgewater School and Broadoak North beyond to the north west; a disused railway, partly on an embankment, which is now part of the WLL to the north east; Dukes Drive Country Park to the south east and by mixed woodland, the Bridgewater Canal and residential properties to the south west.
19. A number of public footpaths run through the site connecting the Bridgewater Canal towpath with the WLL and Worsley Woods.

### *Aviary Field*

20. Aviary Field is located adjacent to the M60 motorway. The wider Aviary Field area is located within Worsley Woods Local Nature Reserve (LNR) and Worsley Wood Site of Biological Importance (SBI). Only the northern part of the field, identified for ecological compensation, is located within the Worsley Woods LNR. The site consists of an area of water-logged grazing land surrounded by adjacent woodland areas including wet woodland. There is a public footpath around the eastern and southern edges of Aviary Field but no permitted public access to the site itself.

### *Appeal B*

21. Appeal B relates to part of the site described as Broadoak South above, covering a much smaller area of around 9.45 ha. It comprises land to the south of Worsley Road adjacent to housing on Drywood Avenue and the Bridgewater Canal. In contrast to Appeal A, agricultural land within the Greenway would be retained to the north east and south east of the development.

### *The surroundings*

22. The appeal sites are located within the urban part of Salford, although Aviary Field is more isolated from existing built development and largely surrounded by woodland. Worsley Village is located immediately to the west of the Broadoak sites and Hazelhurst is situated to their east. Across the Bridgewater Canal is a residential area known as Alder Forest, to the south of which is Westwood Park.

Further to the south and beyond Dukes Drive Country Park lies Monton. All of these are suburbs of Salford, largely developed at various periods during the last century. Beyond the WLL, adjacent to the southern part of Broadoak South and to the south of Hazlehurst, is a golf course. Its visibility from this appeal site is obscured by the WLL's high embankment.

23. The appeal sites are located within the Worsley Greenway, which is an area of open land extending from the golf course and country park to the east and south of Broadoak South to more extensive open countryside to the west of the M60, which is within the Greater Manchester Green Belt (GB).
24. Worsley Road (A572) connects with Junction 13 of the M60, located approximately 0.9km to the west and with the East Lancashire Road (A580), about 2km to the east.
25. Local shopping facilities are limited in Worsley, although there is a public library and a number of restaurants and public houses, as well as estate agents. These facilities are located at least 0.5 km to the east of the proposed western vehicular access into Broadoak South. At Hazlehurst, nearly 1 km to the east of the vehicular access into Broadoak North, there is a small cooperative store but other convenience shops and services are limited within the residential areas close to the appeal sites. More extensive local shopping facilities are to be found in Monton, nearly a 1 km walk from the southern edge of Broadoak South via Dukes Drive Country Park or along the WLL. This centre is about 3 km from the site at Worsley Road by road or illuminated footpath. The larger centre of Swinton is only marginally further to the east of this point.
26. Major employment opportunities are to be found in Manchester City Centre and at Media City, each about 7km to the south east and at Trafford Park a slightly shorter distance to the south, as well as at locations close to the M60. Extensive comparison shopping facilities are also to be found in Manchester City Centre as well as at the Trafford Centre, some 4km to the south via the M60.
27. Existing local bus services and facilities are shown at Appendix 1 of the Statement of Common Ground (1 of 2).

### **Planning Policy**

28. The statutory development plan, so far as it is relevant to the appeal proposals, comprises the saved policies of the City of Salford Unitary Development Plan 2004-2016 (2006) (SUDP)<sup>11</sup>. The sites form part of the Worsley Greenway (Policy EN 2) and the Worsley Woods and Greenway Key Recreation Area (Policy R 4). They are also within a Wildlife Corridor Key Area of Search (Policy EN 9).
29. Policy EN 2 restricts development that would fragment or detract from the openness and continuity of the Greenway, or would cause unacceptable harm to its character or its value as an amenity, wildlife, agricultural or open recreation resource. The reasoned justification for the policy explains that the Worsley Greenway (the Greenway) is a strategically important 'green wedge' within the Worsley area. It covers an area of some 195 ha, and is of great value to the city and local area providing amongst other things amenity open space, recreational land and facilities, public access, strategic recreation routes and relief within an

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<sup>11</sup> CD09 and Inquiry Document (ID) P18

- urban area. The protection and enhancement of Worsley Greenway, in its entirety, is said to be of great strategic and local importance.
30. Policy R 4 sets out seven objectives that development within, adjoining or directly affecting a key recreation area is expected to be consistent with. The reasoned justification to the policy explains that key recreation areas are of city-wide importance and are linked by the network of strategic recreation routes. They are identified as having great potential to help meet the demand for recreational uses, in a sustainable way, by providing formal and informal recreational opportunities close to where a large number of residents live.
31. Policy EN 9 restricts development that would unacceptably impair the movement of flora and fauna on land that functions as a wildlife corridor, or that provides an important link or stepping stone between habitats.
32. The appellant and the Council agree that the following SUDP policies are also relevant to the appeals:
- ST1: Sustainable Urban Neighbourhoods
  - ST4: Key Tourism Areas
  - ST5: Transport Networks
  - ST9: Retail, Leisure, Social and Community Provision
  - ST10: Recreation Provision
  - ST12: Development Density
  - ST13: Natural Environmental Assets
  - ST14: Global Environment
  - ST15: Historic Environment
  - DES1: Respecting Context
  - DES2: Circulation and Movement
  - DES3: Design of Public Space
  - DES4: Relationship of Development to Public Space
  - DEV5: Planning Conditions and Obligations
  - DES6: Waterside Development
  - DES7: Amenity of Users and Neighbours
  - DES9: Landscaping
  - DES10: Design and Crime
  - H1: Provision of New Housing Development
  - H4: Affordable Housing
  - H8: Open Space Provision Associated with New Housing Development
  - A2: Cyclists, Pedestrians and the Disabled
  - A8: Impact of Development on the Highway Network
  - A10: Provision of Car, Cycle and Motorcycle Parking in New Developments
  - A15: Safeguarding Potential Transport Routes
  - EN2: Worsley Greenway
  - EN8: Nature Conservation Sites of Local Importance
  - EN9: Wildlife Corridors
  - EN12: Important Landscape Features
  - EN13: Protected Trees
  - EN17: Pollution Control
  - EN18: Protection of Water Resources
  - EN19: Flood Risk and Surface Water
  - EN22: Resource Conservation
  - EN23: Environmental Improvement Corridors
  - R4: Key Recreation Area

- R5: Countryside Access Network
- CH2: Development Affecting the Setting of a Listed Building
- CH5: Archaeology and Ancient Monuments
- CH8: Local List of Buildings, Structures and Features of Architectural, Archaeology or Historic Interest

*Emerging policy*

33. Since the previous inquiry, the 10 constituent Local Planning Authorities of Greater Manchester have progressed the Draft Greater Manchester Spatial Framework<sup>12</sup> (GMSF) which will set out the approach to housing and employment land across Greater Manchester to 2035. The Council is also working on its own Draft Salford Local Plan<sup>13</sup> (SLP) which is expected to cover the same plan period, up to 2035. Both of these documents have been the subject of public consultation which ended on 16 January 2017. Submission to the Secretary of State had been expected during 2017 but this did not occur and it is currently unclear when the plans will reach this stage.
34. The appellant and the Council agree that the following draft GMSF policies are relevant to the appeals:
- GM1: Delivering a successful Greater Manchester
  - GM4: Retail, leisure and tourism
  - GM5: Housing
  - GM7: Green Infrastructure
  - GM8: Nature Conservation
  - GM13: Green Belt
  - GM15: Carbon emissions
  - GM16: Resilience
  - GM17: Air Quality
  - GM18: Flood risk and water quality
  - GM19: Design
  - GM20: Heritage
  - GM21: Education, skill and knowledge
  - GM22: Health
  - GM25: Allocations
- Proposed Allocations:
- OA18: East Boothstown (Salford)
  - OA19: Hazelhurst Farm (Salford)
35. The appellant and the Council agree that the following draft SLP policies are relevant to the appeals:
- PH1: Pollution Control
  - DP1: Efficient Use of Land
  - DP3: Planning Obligations and Conditions
  - H1: Housing Strategy
  - H2: Housing requirement and supply
  - H3/16: Land North of Lumber Lane, Worsley
  - H5: Size of dwellings
  - H6: Housing Design

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<sup>12</sup> CD50c

<sup>13</sup> CD51

H7:	Affordable Housing
ED2:	Residential Development and School Places
A1:	Sustainable Transport Strategy
A2:	Transport Hierarchy
A3:	Walking & Cycling
A6:	Highway Network
A7:	Parking provision and drop-off facilities within new development
WA1:	Water Strategy
WA5:	Development and Flood Risk
WA6:	Surface Water and sustainable drainage
D1:	Design Principles
D2:	Local character and distinctiveness
D3:	Layout
D4:	Views
D5:	Spaces
D11:	Design and Crime
HE1:	Heritage Spatial Strategy
GI1:	Green Infrastructure spatial strategy
GI2:	Green Infrastructure requirements for development
GB1:	Green Belt
BG2:	Development and Biodiversity
R2:	Recreation Standards

36. Other relevant policy and guidance has been published by the Council as follows:

- Salford Greenspace Strategy SPD (2006)[CD20]
- Nature Conservation and Biodiversity SPD (2006) [CD21]
- Design & Crime SPD (2006) [CD22]
- Trees and Development SPD (2006) [CD23]
- Planning Obligations SPD (2015) [CD49]
- Sustainable Design and Construction SPD (2008) [CD24]
- Shaping Salford Design SPD (2008) [CD25]
- Planning Guidance, Housing (2006) [CD17]
- Salford West Regeneration Framework (2008) [CD28]
- Bridgewater Canal Corridor Masterplan (2011) (BCCM) [CD27]
- Flood Risk and Development Guidance (2008) [CD18]

## Planning History

37. An outline planning application for the "Development of land for residential purposes and construction of new vehicular and pedestrian accesses at land south of Worsley Road, Worsley"<sup>14</sup> was refused on 16 March 1983 for the following reasons:

- 1. The proposed development would be contrary to the provisions of the Worsley and Boothstown LP wherein the land is intended to remain in agricultural use.*
- 2. The proposed development would result in the loss of valuable agricultural land (Grade 3a).*
- 3. The proposed development would result in the loss of a substantial area of open land which contributes greatly to the amenity and character of the area.*

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<sup>14</sup> Ref.E11870/Outline

38. A full planning application for the “Erection of tennis and fitness centre together with associated car parking and landscaping and new vehicular access”<sup>15</sup> on land south of the nursing home at Worsley Road was refused on 21 June 1996. The sole reason for refusal was that:

*1. The proposed development would be contrary to Policies EN 18 and EN 25 of the Unitary DP, which seek to preserve the open character of the Worsley Greenway.*

## **The Proposals**

### *Appeal A*

39. The description of development has not changed since the previous inquiry but a number of amendments have been made to the scheme, primarily to accommodate potential land for a new primary school at Broadoak South. This reflects a change in circumstances since that time meaning that no capacity now exists at existing schools to accommodate the future residents of the proposed development. Changes have also been made to the landscaped corridors proposed within the site and to the likely height and organisation of buildings, amongst other things<sup>16</sup>.

40. Although the school itself does not form part of the appeal proposals, the appellant prepared an ‘Updated Principles and Parameters – with School Site’ document (August 2017)<sup>17</sup> and a non-statutory Environmental Appraisal (August 2017)<sup>18</sup> to demonstrate that the site was capable of accommodating a school in principle. Consultation was undertaken with the main parties to the appeal and all consultees and the proposals were discussed at length during the inquiry. All parties agreed during the inquiry that the amendments could be considered without prejudice to any party. The appeal proceeded on this basis and, as set out previously, the appellant opted to withdraw the scheme in its previous form.

41. As a consequence, the development would provide up to 600 dwellings, 510 of which would be at Broadoak South and the remaining 90 at Broadoak North. However, if land within the site is needed for a school at the time that the development was to come forward the total number of dwellings would reduce to a maximum of 550, with 460 at Broadoak South and 90 at Broadoak North. The balance of the land would be obtained by the Council for the provision of a school on site, subject to the grant of planning permission.

42. Along with the proposed housing, the scheme proposes a 130-berth marina, an extended playing field at Bridgewater School, a new formal playing field (either at the on-site school or at Aviary Field), improved parking facilities at Bridgewater School, a local shop, a community orchard, designated play spaces and publically accessible green spaces. A footbridge would be constructed over the Bridgewater Canal, close to the proposed marina. An ecological mitigation area would be provided at Aviary Field.

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<sup>15</sup> Ref. 95/34516/FUL

<sup>16</sup> See CD39b for full details

<sup>17</sup> CD39b

<sup>18</sup> CD39h

43. It is expected that buildings would be a mixture of detached, semi-detached, terraces and apartments ranging between 1 - 3 storeys at heights between 7 – 12 metres. Many of these are proposed to be larger family homes seeking to meet the identified need in the area. 30% of the dwellings would be secured as affordable housing.

*Appeal B*

44. The proposal involves up to 165 dwellings which would be located entirely within the Broadoak South site. It is expected that the development would comprise a mixture of house types, including mews, semi-detached and detached dwellings ranging between 2 – 3 storeys at heights between 8.5 – 13 metres. Many of these are proposed to be larger family homes seeking to meet the identified need in the area. 30% of the dwellings would be secured as affordable housing. Formal play spaces and publically accessible green spaces would be provided within the site.

**Environmental Impact Assessment**

*Appeal A*

45. The application was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (the 2011 EIA Regulations), including technical appendices and a non-technical summary<sup>19</sup>. It covers all the normal matters that a large scale housing development would be expected to give rise to, including additional site-specific matters, and sets out mitigation proposals.
46. Given the length of time that has passed since the ES was produced, an ES Addendum (August 2017)<sup>20</sup> has also been provided to update the ES. This has been assessed in line with the transitional arrangements contained in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the 2017 EIA Regulations), meaning that the 2011 EIA Regulations continue to apply. I am satisfied that the totality of the information provided is sufficient to meet the requirement of Schedule 4, Part 2 of the 2011 EIA Regulations and I have taken this information into account in making my recommendations.

*Appeal B*

47. The application was accompanied by an ES prepared in accordance with the 2011 EIA Regulations, including technical appendices and a non-technical summary<sup>21</sup>. It covers all the normal matters that a large scale housing development would be expected to give rise to, including additional site-specific matters, and sets out mitigation proposals.
48. This has been assessed in line with the transitional arrangements contained in the 2017 EIA Regulations, meaning that the 2011 EIA Regulations continue to apply. I am satisfied that the totality of the information provided is sufficient to

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<sup>19</sup> CDs 01n & o

<sup>20</sup> CD39a

<sup>21</sup> CD40f

meet the requirement of Schedule 4, Part 2 of the 2011 EIA Regulations and I have taken this information into account in making my recommendations.

### **Other Agreed Facts**

49. An Agreed Statement of Common Ground (SoCG) (22 January 2018), made up of two parts, was prepared in advance of the inquiry between the appellant and the Council. This was supplemented during the inquiry with an Addendum to SoCG1<sup>22</sup> and an Addendum to SoCG2<sup>23</sup>. RAID was not party to the SoCG and presented a distinct case on a number of individual topics, apparently with little common ground with the appellant. The following are pertinent points of agreement between the appellant and the Council:

#### *Policy*

50. The proposals comply with all relevant saved policies of the SUDP except Policies EN 2 and R 4. The proposals accord with the parts of Policy EN 2 that relate to wildlife and agricultural resources<sup>24</sup>. The proposals accord with criteria iii) to vii) of Policy R 4<sup>25</sup>.

51. It is agreed that Policy EN 2, relating to the designation of the Worsley Greenway, was formulated in the context of a development plan housing requirement of 530 dwellings per annum as set out in Policy ST 2 of the SUDP. This is less than one third of the most recently adopted housing requirement for Salford<sup>26</sup>. The housing requirement in Policy ST 2 originated from Policy UR7 of the North West Regional Planning Guidance (RPG13) published in March 2003. This housing requirement was itself informed by 1996-based Government Household Projections. It was intended to cover the period 2002 to 2006<sup>27</sup>.

52. Policy ST 2 of the SUDP was intended to cover the period April 2004 to March 2016. The policy was not saved beyond 21 June 2009 and has not formed part of the development plan for over eight years.

53. Salford does not have an up-to-date development plan policy regarding housing need. The SUDP does not contain any saved policies directly relating to a housing requirement or distribution<sup>28</sup>. Policies in relation to housing mix, type, affordability and design are saved.

54. Part of the Greenway subject of SUDP Policy EN 2 is included in the draft SLP as an allocation for 60 dwellings<sup>29</sup>.

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<sup>22</sup> ID P9

<sup>23</sup> ID P42

<sup>24</sup> Para. 11.4 of SoCG1

<sup>25</sup> Para. 11.7 of SoCG1

<sup>26</sup> The RSS for the North West which was adopted in 2008 and revoked in 2013 included a housing requirement of 1,600 homes per annum.

<sup>27</sup> RPG stated that where development plans extended beyond 2006 the housing requirements would continue to apply after that period, pending a review of the RPG.

<sup>28</sup> Two housing allocations of the SUDP remain unimplemented - Flax Street, Broughton (Irwell Riverside Ward, ref: H9/1, 150 apartments) and Former Hanover Court, Bury New Road (Kersal Ward, ref: H9/5, 84 apartments).

<sup>29</sup> Proposed allocation H3/16 – Lumber Lane, Worsley

55. The draft SLP states at paragraph 1.10 that its policies can be afforded “very limited weight”.

*Housing need and supply*

56. It is agreed that the last tested assessment of housing need in Salford was conducted through the Salford Core Strategy Examination in 2012. The Local Plan Examination Inspector within his letter which presents his draft preliminary conclusions to the Council (26 September 2012) confirmed that there was a requirement for at least 1,600 homes per annum<sup>30</sup>.
57. The latest published evidence of housing need in Salford is contained in the 2016 Greater Manchester Strategic Housing Market Assessment (GM SHMA)<sup>31</sup>. This indicates an Objectively Assessed Need (OAN) of 1,502 dwellings per annum in Salford for the period of 2015 to 2035.
58. The OAN represents an uplift from the level of need directly implied by the 2014 Sub-National Household Projections (the ‘starting point’ in accordance with the Planning Practice Guidance (PPG)) which project an increase of 27,099 households or 1,290 households per annum over the period 2014 to 2035.
59. The draft SLP and draft GMSF identify an annual average housing requirement for Salford of 1,745 dwellings between 2015 and 2035.
60. Applying the methodology contained in the Government consultation paper, “Planning for the right homes in the right places: consultation proposals” (September 2017), a need of 1,385 dwellings per annum is derived for Salford during the period of 2016 to 2026.
61. There is a need to identify the future quantity of housing need, including a breakdown by type, tenure and size. The needs for different types of housing and for different groups should be considered, including needs for family housing.
62. The Council recognised through its submitted evidence to the Core Strategy Examination that a need to provide higher value housing across Greater Manchester is relevant and that Salford West has an important role to play.
63. There is a need for higher quality/higher value family housing within Salford and increasing the supply of such housing can attract and retain economically active households. Worsley is an area of the City capable of accommodating higher quality and aspirational family housing due to the strength of the prevailing housing market and the popularity of the area.
64. The development would provide higher quality/higher value housing and would help to diversify the type of housing that is available in the City and Greater Manchester. It would help to ensure that land is available in locations that are attractive to the market and would be in accordance with the Salford West Strategic Regeneration Framework (SWSRF)<sup>32</sup> and SUDP Policy H 1 (in terms of providing a balanced mix of dwellings).

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<sup>30</sup> Letter from Core Strategy Inspector to Salford City Council, 26 September 2012 (see Appendix 2 to the SoCG).

<sup>31</sup> CD56

<sup>32</sup> CD28

65. Between 1 April 2003 and 31 March 2017 there were 14,108 net dwelling completions in Salford. 6,658 (35.1%) of these were houses and 12,291 (64.9%) were apartments.
66. The appropriate base date for calculating the Council's five year housing land supply is 1 April 2017, covering the period up to 31 March 2022.
67. 'Salford's five-year housing land supply position' (November 2017)<sup>33</sup> (5YHLS Report) sets out various approaches to calculating the current five year housing land supply position. All of the scenarios considered demonstrate a five year housing land supply. For the purposes of the inquiry, the appellant accepts that a numerical five year housing land supply exists.
68. The Council's housing land supply currently comprises 268 sites which will deliver 17,688 net additional dwellings during the relevant five year period. Of these, 14,960 (85%) are apartments and 2,728 (15%) are houses. The majority (82%) of these dwellings are located on 70 sites in the two wards of Ordsall and Irwell Riverside, which cover the City Centre, Salford Quays and Ordsall Waterfront.
69. There is a demonstrable need for affordable housing across Salford, including Worsley. The 2016 GM SHMA identifies a net additional need for 760 affordable homes per annum, based on addressing the current backlog of need over a five-year period. The parties agree that this represents the most up-to-date calculated need for affordable housing in Salford.
70. Between April 2007 and March 2017, 2,802 affordable homes (gross) were completed across Salford. This is an average of around 280 per annum. Of the 17,688 dwellings in the Council's five year housing land supply, 634 are anticipated to be affordable.
71. There has been no delivery of affordable homes in Worsley between 2000/01 and 2016/17. There are 38 net additional homes identified in the five year supply between 2017 and 2022 in Worsley, none of which would be affordable.

#### *Access and Transport*

72. Worsley is, in principle, a sustainable and suitable location for new housing which has the potential to encourage future residents to travel by sustainable modes of travel. The appeal site is within the urban area of Salford, well related to existing amenities and services.
73. The appeal sites are sustainably located and there is a reasonable range of facilities in close proximity that will be available to serve the future residents of the proposed development when it is completed.
74. The parties agree the extent of development impact on the highway network, and that the proposed mitigation measures provide an appropriate solution and adequate mitigation. The trip generation and distribution methodology for the site uses industry-standard methods of calculation and is reasonable, a higher number of residential units has been tested and no lower trip rate has been used for the affordable housing element. SCC, Transport for Greater Manchester

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<sup>33</sup> CD68

(TfGM) and Highways England (HE) have undertaken their own independent reviews of these and have all concluded that the assessment is reasonable.

75. In respect of existing traffic volumes at Junction 13 of the M60 new count data became available after submission of the original Transport Assessment (March 2013) (TA)<sup>34</sup> including Highways Agency MIDAS data for Junction 13 slip roads and full new turning movement counts were undertaken by TfGM in July 2013, and adopted in the modelling. Comparison of these counts with those adopted in the TA confirmed that there had been no real change in traffic volume.
76. Irrespective of any slight differences between data inputs, the same conclusion has been drawn by the Council as Local Highway Authority, TfGM and HE that the proposed mitigation measures provide an appropriate solution and adequate mitigation. As a consequence, it is agreed that the development will not have a severe impact on both the local and strategic highway network.
77. The parties acknowledge that the development would have an impact on the highway network, but it is agreed that, subject to the agreement of detailed design, the proposed mitigation measures are suitable and appropriate. The parties agree that the proposed development would not result in a severe impact on the highway network. The development therefore accords with SUDP Policies ST 5, DES 2, A 2, A 8, A 10 & A 15.
78. The previous assessment work has been updated for the reopened inquiry by the Supplementary Transport Assessment (July 2017) (STA)<sup>35</sup>, the Environmental Statement Addendum (July 2017) and the additional information provided to the Council by email on 3 January 2018<sup>36</sup>. This has resulted in there being no outstanding issues between the parties in respect of: traffic data and background growth; committed development traffic; proposed trip generation; and distribution and the operational assessment of the highway network, subject to the provision of suitable transport and highway related improvements.

#### *Hydrology and Flood Risk*

79. The site does not present any insurmountable flood risk constraints subject to appropriate mitigation measures being taken as set out in the respective submitted Flood Risk Assessments. The parties agree that these can be secured by suitably worded conditions. The developments therefore accords with SUDP Policies EN 18 & EN 19.

#### *Built Heritage and Archaeology*

80. The developments would not have a detrimental impact upon any historic and cultural assets that contribute to the character of the city. The developments therefore accord with SUDP Policy ST 15.
81. With the imposition of an appropriate condition the proposals would not have any significant adverse impact upon any special archaeological features or scheduled ancient monuments. The proposals are in accordance with Policy ST 15, CH 2 and CH 5 of the SUDP.

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<sup>34</sup> CD01i

<sup>35</sup> Appendix 5.1 of the ES Addendum

<sup>36</sup> CD66v

### *Noise and Vibration*

82. The developments will not give rise to any unacceptable impacts relating to noise and vibration and the site is not located where the amenity of future residents may be affected by surrounding noise, subject to mitigation measures. The parties agree that these can be secured by appropriately worded conditions. The developments therefore accord with SUDP Policy EN 17.

### *Air Quality and Climate*

83. Subject to appropriate mitigation measures, the developments will not give rise to any unacceptable impacts on air quality or climate. The parties agree that these can be secured by appropriate conditions. The developments therefore accord with SUDP Policy EN 17.

### *Ecology and Nature Conservation*

84. Subject to appropriate mitigation measures, the developments will not give rise to any unacceptable impacts on existing features of particular ecology or nature conservation value. The parties agree that suitable mitigation can be secured by appropriate conditions. The developments therefore accords with SUDP Policy EN 9 and the part of Policy EN 2 that relates to wildlife resources.

### *Agricultural Land*

85. The loss of agricultural land at the appeal sites is not disputed. It does not render the appeal proposals in conflict with the relevant part of SUDP Policy EN 2 and does not constitute a reason for preventing the grant of planning permission.

### *Education*

86. There is currently no capacity at existing primary schools to accommodate potential pupils from the appeal developments. The appellant has confirmed that it is prepared to make land available for the development of a primary school and/or to make an appropriate financial contribution to meet any need arising from the developments (calculated in accordance with the Council's Planning Obligations SPD). The Council has agreed this is the only currently deliverable solution. These arrangements will be secured by way of a Planning Obligation. Land would be made available within the appeal site for Appeal A or adjacent land owned by the appellant for Appeal B.

87. The potential for up to 143 additional pupils calculated to arise from the Appeal A development represents approximately 70% of a 1 form entry (FE) school of 210 pupils. It is approximately 35% of a 2FE school.

88. The potential for up to 47 additional pupils calculated to arise from the Appeal B development represents approximately 22% of a 1 form entry school of 210 pupils.

### *Land Contamination and Ground Conditions*

89. There are no known issues relating to contamination and ground conditions that cannot be dealt with using standard mitigation measures. These can be secured through appropriate conditions and the developments therefore comply with SUDP Policy EN 17.

### *Waste*

90. The effect of construction and operation waste generated by the development can be dealt with through appropriate waste management techniques secured by condition. The proposals are in accordance with the Joint Waste Development Plan for Greater Manchester Document (2012), Salford City Council's Supplementary Planning Document (Sustainable Design and Construction) and national guidance set out in the Framework.

### *Socio-economics*

91. For Appeal A, the social and economic benefits generated through construction will include: £53 million construction expenditure and 108 net Full Time Equivalent (FTE) jobs. The benefits generated and sustained once the development is completed and operational will include: 16 net FTE jobs arising from the marina and retail uses proposed; accommodation for 1,440 people, of which 1,000 could be of working age; provision of large family sized homes which will contribute to a choice of homes being provided for households in Salford; up to 180 affordable homes helping to address the need for affordable housing in Salford; £7.4 million annual gross household expenditure on convenience and comparison shopping; 5,000 visits to the proposed marina and associated visitor expenditure benefits; £1.27 million additional Council Tax revenue per annum and New Homes Bonus payments of £7.2 million over 6 years (£1.2 million per annum).
92. For Appeal B, the economic benefits generated would be £23.3 million construction expenditure and 52 net FTE jobs.

### *Recreation*

93. For Appeal A, a new managed sports pitch will be delivered as part of the scheme in accordance with Salford City Council's 'Supplementary Planning Document: Planning Obligations' adopted in June 2015 i.e. 0.92ha per 1000 population. A Neighbourhood Equipped Area for Play (NEAP) (0.1 ha) would be provided at Broadoak South.
94. For Appeal B, a Local Equipped Area for Play (LEAP) (0.1 ha) would be provided.
95. The proposed developments would also provide informal open recreation and amenity resources. The proposed developments will meet the requirements of SUDP policies H 8, R 1, R 2, and R 5 and the Planning Obligations SPD in respect of recreation provision, amenity open space and informal greenspace.

### *Marina*

96. The provision of a marina on the Bridgewater Canal accords with the provisions of the Bridgewater Canal Corridor Masterplan (BCCM) and will help to facilitate the Council's aspirations for Worsley to become a significant visitor destination. The economic and social benefits of the development must be afforded weight in the overall planning balance. The development accords with SUDP Policies ST 4 & R 7.

## **The Case for Peel Investments (North) Ltd**

### *Policy Considerations*

97. The appellant accepts that there is a degree of conflict with Policy EN 2 of the SUDP because the developments would reduce the openness of the Greenway [DT 2.18 and 10.77]. The proposals are said to accord with Policy R 4 of the SUDP because the developments would protect and enhance the existing and potential recreational use of the area and the amenity of the area [DT 11.49].
98. The SUDP is considered to be out of date because it reached the end of the plan period in 2016 (the previous inquiry was prior to this date); does not contain an up to date housing requirement, a part of the development plan that has been absent since 2013; it was conceived in a different national policy context; and was based on long superseded evidence of Salford's economic, demographic and development needs.
99. The policies of the SUDP that determined the number and distribution of dwellings are out of date. These are required to enable consideration of this proposal. Without the housing policies the development plan does not contain a body of policy sufficient to enable the development to be judged acceptable in principle<sup>37</sup>. Thus, the development plan is silent on the matter. It cannot be the intention of the Framework that a Local Authority can evade the presumption in favour of sustainable development by allowing its policies in respect of housing to expire and neglecting to promptly replace them.
100. Under these circumstances, it is said that the tilted balance of paragraph 14 of the Framework applies and that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. Planning permission should be granted [DT 2.32].
101. The tilted balance is also said to apply because, whilst it is accepted that the Council can demonstrate a numerical five year housing land supply, the supply identified will not deliver a wide choice of high quality homes in accordance with part 6 of the Framework [BP 7.1]. Therefore, the Council cannot demonstrate a five year housing land supply in accordance with the Framework [BP EIC], specifically paragraph 47 read in its entirety [BP xx] or paragraph 50.

### *Policy EN 2*

102. Openness means an absence of built development. The proposals would introduce built development on parts of the appeal sites which are currently open and so physical openness would be reduced. However, the loss would be modest in the context of the Greenway as a whole, amounting to around 10% of the overall area for Appeal A and 3% for Appeal B. The effect on the Greenway would be similarly small, even if part of the Greenway is allocated for housing in accordance with the draft SLP (3.45ha of land at Lumber Lane) [Policy H3/16, CD51]. The perceived impacts of this physical reduction in openness can be mitigated by design, ensuring integration with the surroundings. The proposals would result in a modest but not unacceptable loss of openness of the Greenway which should be weighed in the planning balance.

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<sup>37</sup> As per *Bloor Homes East Midlands Ltd v SSCLG* [2014] EWHC 754 (Admin)

103. The SUDP mentions the Greenway providing “relief within an urban area”. This appears in the reasoned justification to the policy (paragraph 12.7 of the SUDP [CD09a]). It is not to be confused with, or indeed treated as, the policy itself. The reasoned justification for a policy cannot be used to extend the scope of the policy beyond the terms of the policy itself. In this case, the supporting text is brief and does not evidence how the Greenway fulfils the roles identified.
104. The communities that border the Greenway are interconnected suburbs which include areas of relatively dense development and areas of open land. The surrounding area is characteristic of much of GM. None of these communities is physically separate from other parts of the conurbation. The proposed development would continue this pattern. It would reduce the undeveloped area between communities such as Winton and Hazelhurst and between Worsley and Monton. The reduction of these gaps would not however result in a loss of the identity of these communities or be uncharacteristic of the wider pattern of development in the area. This matter does not add to the loss of physical openness identified.
105. The proposals would reduce the current open land extent of the appeal sites but fragmentation would not occur and no part of the Greenway would be separated from the remainder. It would be possible to walk and cycle between all parts of the Greenway and by providing a connection between Broadoak North and South, where none currently exists, the proposals would enhance connectivity. The design ensures a loose and informal layout which is characteristic of adjacent parts of Worsley and would enable easy and direct connections – physical and visual within and around the housing.
106. The form and appearance of parts of the Greenway would change to a modest degree and its openness would be reduced as a result of the introduction of built development. However, the physical continuity of the Greenway as an interconnected space of varying characters and uses would be retained. Public access to the space would be improved through the introduction of significant new areas of publicly accessible green space, open recreation areas and pedestrian and cycle routes.
107. The proposals would alter the character of the appeal sites but that does not equate to unacceptable harm to the Greenway in accordance with Policy EN 2. The housing would be of high quality in terms of layout and design and of similar character to much of the area that surrounds the Greenway and the appeal sites.
108. The proposals would have net positive impacts on the amount and quality of amenity and open recreation resources within the Greenway. For Appeal A, these include a variety of new provision including formal sports provision, equipped play facilities, and amenity areas for informal and passive pursuits. This more than compensates for the change in the experience of users of the footpaths which cross and pass the sites. Less provision would be made in respect of Appeal B, but the change in the experience of footpath users would also be less given the reduced scale of development, retained open space and proximity from many of the footpaths. Appeal B would provide new areas of publically accessible greenspace including a new LEAP and other areas for informal play, passive recreation and amenity.
109. It is common ground that the development would not unacceptably harm the Greenway as an ecological or agricultural resource [para 11.4 of SoCG1].

110. Overall, whilst the proposals would reduce the openness of the Greenway to a modest degree and alter its character, they would not detract from its overall continuity, result in its fragmentation or cause unacceptable harm to its character or value as an amenity, wildlife, agricultural or open recreation resource. Any conflict with Policy EN 2 of the SUDP or harm to the Greenway is minor. The harm from such conflict must be weighed in the planning balance.
111. When Policy EN 2 was formulated and subsequently adopted, no evidence justifying the designation or its boundaries was provided. The policy was not underpinned by an evidence base or analysis of the reasons for the policy or justification for its provisions. Neither was there any systematic assessment of green infrastructure which demonstrated the need for the Greenway protection. It was simply considered that the housing needs of Salford could, at that time, be met without the need to allocate it. It is clear that EN 2 is effectively a counterpart policy to those that addressed the development requirements at the time it was conceived.
112. Policy EN 2 is out of date because it was conceived in a different policy context, when far fewer houses were needed in the area and at a time when needs could be met through urban regeneration, favouring brownfield sites first. Its rigid application is preventing Salford's full housing needs being met. The Council now accepts that housing needs can no longer be met through brownfield sites alone and proposes the allocation of greenfield land, including in the Worsley area and on part of the Greenway. The policy allows no balancing of any adverse impacts with positive benefits of development and is drafted in a form which is inconsistent with the Framework and the presumption in favour of sustainable development.
113. Policy EN 2 is out of date and very little weight can be placed on its provisions in the determination of these appeals.

#### *Policy R 4*

114. The appeal sites are in private ownership and in agricultural use. Their existing recreational use is only through the use of the public rights of way that cross them.
115. In respect of Appeal A, the proposal would directly deliver 13.44 ha of new publicly accessible open land. This would include areas for sport, formal play, informal recreation and general amenity use. This provision would directly address identified shortfalls in informal recreation and equipped play provision [CD75, paras. 5.7 and 5.16 and Figures 5.1 and 5.2] and in sports pitch provision [CD75, table 2.2] within the Worsley area. The proposed marina and improvements to Dukes Drive, including a new bridge crossing, would also enhance the existing and potential recreational use of the Bridgewater Canal in accordance with the Bridgewater Canal Corridor Masterplan (BCCM) [CD27].
116. In respect of Appeal B, the proposal would directly deliver an additional 4.15 ha of new publicly accessible open land. This represents an 8% increase over current levels of publicly accessible land in the Greenway. This would include areas for formal play, informal recreation and general amenity use. This provision would directly address an identified shortfall in equipped play provision within the Worsley area, as above.

117. Whilst the proposals would change the experience of users of the footpaths in and around the site, the routes would retain a high standard of amenity and would be improved to facilitate greater use. The appeal proposals are fully in accordance with Policy R 4. However, if conflict is found with Policy EN 2 in respect of the Greenway's value as an amenity and open recreation resource, it follows that there will also be conflict with Policy R 4 [PR xx].

#### *Emerging Policy*

118. The GMSF is at an early stage of preparation. It has been subject to a very large number of representations (over 27,000), many of which were objections which remain unresolved. The Mayor has indicated the need for a radical rewrite of the plan [CD50d]. A publication draft of the GMSF was expected in autumn 2017 but this did not occur and further consultation is now expected in June 2018, resulting in a significant delay. The GMSF is now unlikely to be adopted before 2020. The current version of the draft GMSF should be attached no weight in the determination of these appeals.

119. The SLP is subservient and reliant upon the GMSF. It is not likely to progress before the GMSF. A significant number of objections were submitted in response to consultation and these remain unresolved. For the same reasons as above, the SLP should be afforded no weight in determining these appeals.

120. The Framework identifies that Local Plans and Neighbourhood Plans can identify and protect Local Green Space subject to certain criteria. The Greenway is not currently designated as such and, despite proposals in the SLP, would be unsuitable because it is an extensive tract of land covering 195 ha. The Council previously accepted this [Panel Report, CD05, P.47], as did the previous Inspector [CD37, para.399]. The SLP also proposes to include the Greenway within Green Belt but this is also inappropriate as it does not fulfil green belt purposes. In fact, the draft GMSF and SLP both suggest a need to release green belt land in order to meet housing needs.

#### *Housing Land*

121. Historically, the Council has failed to deliver against its housing requirements, only exceeding the Regional Spatial Strategy (2008) (RSS) requirement of 1,600dpa twice since the plan's base date of 2003<sup>38</sup>. This is partly due to a number of losses, 5,693 dwellings having been demolished and a further 504 lost to other uses, and partly because a number of apartment schemes have only recently begun to deliver despite having had planning permission for some time. This led to a very significant backlog in delivery against the RSS requirement. The base date has now been reset and sites are starting to deliver but it is evident that apartment schemes are vulnerable to unstable market conditions [BP 4.3-4.6].

122. The base date of the GM SHMA is 1 April 2014. Since this time, 4,555 net completions have taken place up until 31 March 2017. The majority of these were apartments (2,422, 53%) with the remainder being houses (2,133, 47%) [BP Errata, ID P2]. 43% of the completions occurred in Ordsall ward, with only 3 net dwellings having been completed in Worsley. Against the GM SHMA identified

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<sup>38</sup> The RSS had been revoked by the second time this figure was achieved in 2016/17.

- need for at least 745 houses per annum, there has been a shortfall of at least 102 houses.
123. The Council's five year supply is heavily dominated by apartments. Of the 17,688 dwellings in the Council's five year supply, 14,960 (85%) are apartments. These include sites that have had planning permission for up to 13 years [BP 5.21].
124. The majority of all dwellings (14,559 dwellings, 82%) in the five year supply are located on 70 sites in the two wards of Ordsall and Irwell Riverside. In the ward where the appeal site is located (Worsley), only 38 net dwellings are expected to be delivered in the five year period on 19 sites (32 houses and 6 apartments) [BP 5.21].
125. Only 2,728 houses will be delivered in Salford in the next five years. Against the identified need of at least 745 houses per annum, there is a shortfall of 997 in the five year supply [BP 5.21].
126. Only 634 affordable homes will be delivered in the five year period. This would not even address one year of need, which has been identified as 760 affordable homes per annum. Against the identified need of 760 affordable homes per annum, there is a shortfall of 3,166 affordable homes in the five year supply [BP 5.21].
127. The Council's Housing and Economic Land Availability Assessment (HELAA) concludes that 33,967 dwellings could be delivered in Salford between 1 April 2017 and 31 March 2035. However, of these 27,390 (81%) would be apartments and only 6,577 (19%) would be houses. Against the dwelling type mixes identified, this would result in a shortfall of between 6,833 and 10,793 houses in the period 2017-35. As is the case with the five year housing land supply position, the majority of the supply to 2035 (77%) would be located in the two wards of Ordsall and Irwell Riverside. Just 0.1% of the supply to 2035 would be located in Worsley. Therefore, the supply beyond the current five year period will remain dominated by sites in one geographical area of the Borough which will continue to deliver apartment-only schemes. There remains a shortfall in suitable sites for new houses [BP 6.2-6.6].
128. The Council accepts, through various iterations of the emerging draft SLP that simply delivering the number of homes needed will not be sufficient to support its planned economic growth or meet its communities' needs. This will require that the new dwellings are of the right type and in the right location. The identified supply of housing is not meeting Salford's full objectively assessed needs for market and affordable housing and will not adequately deliver a wide choice of high quality homes [AP 1.7].
129. There is a need for a range of types of housing, particularly new houses and including family houses. This need is not being met and will not be fully met by the identified housing supply. This will have significant adverse social and economic implications for Salford.
130. The Government has stressed that meeting housing needs is not just about the identification of overall numbers, but to ensure that more of the right homes are built in the right places. In order to deliver against this objective the Framework and the PPG require the plan-maker to make an assessment not only of the

overall quantum of housing needed but the future need for different types of housing. This is required in order to ensure that in planning for housing needs local housing demand is met in full [AP 2.2-2.3].

131. The planning and housing strategy framework for Salford has consistently recognised the particular importance of planning for a mix of housing which meets the specific needs of its communities and will support the City's economic objectives. The Council has consistently recognised, through its adopted and emerging development plan policy, that simply seeking to meet an overall numerical target will not be sufficient to ensure that needs are met in full. The Council recognises that in order to meet the specific needs of Salford in full, new dwellings will need to be provided which are of a suitable type and value in the context of the existing housing stock of Salford. The Council has confirmed that this specifically includes the need to increase its provision of family housing including increasing the amount of high value housing in locations where highly skilled workers want to live. This is important in support of its wider economic objectives [AP 2.9-2.13].
132. Salford's stock profile is strongly skewed towards flats and smaller houses. In contrast the authority has a low proportion of larger family houses. Looking at Council Tax Band information this stock profile is reflected in a high proportion of stock in the lowest Tax Band A, with over double the national proportion in this classification. This is contrasted with a significant under-representation from Tax Band D and above. Recent development has served to reinforce this profile rather than re-profiling it to respond to the Council's own policy and strategy objectives [AP 3.9-3.11].
133. Across all property types vacancy levels have fallen and remain in line with national averages for family housing. Households' occupancy trends within Salford largely reflect the national position, albeit they are influenced by the stock profile and in particular the greater representation of smaller properties and flats. It is evident, however, within the authority that there is a higher propensity of younger households to occupy apartments/flats, with those aged 35 and above considerably more likely to occupy a house. Looking specifically at the occupancy of property, over 10% of households with dependent children in Salford are classified as living in overcrowded conditions [AP 3.12-3.14].
134. The GM SHMA uses a series of modelled assumptions which suggest a need for 50% of additional dwellings in Salford to be houses to arrive at an 'indicative mix' requirement. The need for houses is likely to exceed this proportion and accord more closely with the upper end of the range presented within the GM SHMA. The GM SHMA's upper estimate is that 65% of dwellings in Salford should be houses and 35% apartments. This establishes a need for 20,257 houses, or 965 houses per annum, and 10,753 apartments based upon the SHMA's concluded OAN for Salford. It is appropriate to use the range of need for houses (between 745-965pa) identified by the GM SHMA for the purposes of the appeals. However, the lower end of this range is likely to underestimate the full need for houses in Salford and there is little evidence to support the indicative need of 745pa. Against the higher evidenced need of 965 houses per annum the shortfall in delivery is 762 houses, which has arisen since 2014 [AP Errata].

135. In the absence of a housing requirement within the development plan, it is appropriate to use the GM SHMA to calculate housing supply, as the most recent and comprehensive requirement figure [BP xx].
136. The Council's policy including its draft Local Plan has consistently recognised over a number of years the need to provide higher quality/higher value family housing within the authority. This recognises both the relative deficiency of such stock historically and an increasing need and demand for such stock associated with the City's growing economy; this need is ongoing. Worsley has been specifically identified by the Council as one of a limited number of areas which will be capable of delivering housing of this nature. Despite this, recent completions in Worsley (and adjoining Boothstown & Ellenbrook) have been very low, there is very little future supply and the Council has not released the land necessary to boost supply. The proposed development will make a significant contribution towards meeting the qualitative needs for additional higher quality/higher value family housing in the City. This role is vital in achieving the economic objectives of Salford and Greater Manchester [AP 5.58-5.61].
137. The continued failure to provide a balanced profile of new housing that meets the full needs of the City will lead to a continuation of unsustainable demographic trends including the out-migration of family-age households. A failure to provide housing which is available to attract and retain labour will place increasing pressures on businesses which across Greater Manchester are already identifying the availability of labour as a barrier to growth. This will impact upon business investment decisions undermining the City's economic objectives and the full benefits associated with its continued economic growth. At a more local level and within Worsley itself low levels of development and increasing house prices in the context of incomes have led to a changing age profile which reflects the challenges faced by younger households and emerging families in being able to move into or indeed stay within the area. Failing to address this through a positive response of new housing of a mix of types will lead to an increasingly unsustainable profile of residents [AP 6.25-6.27].

#### *Affordable Housing*

138. The Ward of Worsley has not seen any affordable housing units delivered in the last nine years with none in the five year pipeline. For Worsley this is a period where the affordable housing needs have simply not been fulfilled. There has been no net increase in affordable homes within Worsley in the 17 year period between 2000/01 and 2016/17 [JS Appendix JS1].
139. The Planning Obligations SPD was adopted in June 2015 and sets out the affordable housing requirements that the Council intends to apply to new residential development. Worsley falls within the High Value Area defined in the SPD which attracts a 20% affordable housing requirement for houses and low density apartments.
140. The schemes provide for 30% affordable housing provision, an enhanced affordable housing offer above the policy requirement, resulting in the delivery of up to 180 (Appeal A) or up to 50 (Appeal B) affordable homes in an area of acute affordable housing need [JS 1.7, 9.13].
141. There are a number of corporate documents which all support the delivery of much needed affordable housing, including the Salford City Plan (2013-2016)

- [CD65], Salford 2025 – A Modern Global City – Action Plan [CD46]; Salford's Housing Strategy "Shaping Housing in Salford 2020" (2014) [CD48]; Homelessness Strategy (2013-2018) [CD47]; Salford West Strategic Regeneration Framework and Action Plan 2008-2028 (2006) [CD42]; and the Worsley Ward Profile (March 2016) [CD55].
142. As at 2015, Worsley had the city's second highest affordability ratio with mean dwelling prices 5.6 times higher than the mean household income – compared with Salford (4.9 times higher) and Greater Manchester (5.1 times higher).
143. Despite acknowledgment of the need for affordable housing as far back as 2007, there has continued to be a severe lack of affordable housing delivery in the Salford City region and the ongoing need is chronic.
144. The most recent SHMA underpins the GMSF and provides the most up-to-date evidence on the housing market. It finds a need for 760 net affordable homes per annum in Salford. Delivery of affordable housing in Salford City Council between 2003/04 and 2016/17 has seen an annual average net loss of -80 affordable homes every year in Salford.
145. When affordable housing completions are compared with the most recent GM SHMA (2016) a shortfall of 1,074 affordable homes has developed in the space of just two years, equivalent to a 71% shortfall in delivery as a percentage of assessed needs.
146. In the five year period between 2017 and 2022 set out in the Council's five year housing land supply, of the 17,688 dwellings identified in the supply, just 634 are anticipated to be affordable homes, equivalent to just 3.5% of supply. Against the most recent assessment of affordable housing need (760 homes pa) this represents just 0.8 years' supply.
147. In the six year period between 2010/11 and 2016/17 there was a 39% increase in homelessness in Salford, which exceeds the 34% increase nationally over the same period. This demonstrates worsening levels of affordability across Salford which has forced many households to present as homeless.
148. The Government attaches weight to achieving a turnaround in affordability to help meet affordable housing needs. The Framework is clear that the Government seeks to boost significantly the supply of housing and local authorities should seek to meet their full objectively assessed needs for market and affordable housing.
149. Salford faces increasing homelessness (compared to the national average), increasing lower quartile house price to income ratios (between 2012 and 2016), and increasing private rents (compared to the North West and Greater Manchester), against a backdrop where rates of development have fallen below planned levels and in the past the 14 years there has actually been an overall net loss of -1,114 affordable homes in Salford. This demonstrates an acute need for affordable housing in Salford and one which the Council and decision-makers need to do as much as possible to seek to urgently address. Insufficient weight has been attached to the important benefit of affordable housing in the determination of the applications.
150. The importance of affordable housing as a material consideration has been reflected in a number of SoS and appeal decisions. The decisions identified [JS

Appendix JS5] emphasise the great weight which the Secretary of State and Inspectors have, on various occasions, attached to the provision of affordable housing in the consideration of planning appeals. The contribution to affordable housing made by these appeals should be afforded nothing less than very substantial weight in the determination of these appeals.

### *Landscape*

151. 'Open land' or 'openness' is a separate concept to open landscape. It means land which is undeveloped rather than a landscape which is defined by being visually open. This distinction is important in the context of this appeal, the Greenway being open land rather than being a visually open landscape.
152. The requirement to consider the consequences for the achievement of "planning policies and strategies" as part of the assessment of susceptibility to change is not explained in GLVIA3<sup>39</sup>, however it is logical that the planning policies and strategies relevant to LVIA will be those which seek to protect or enhance landscape for its landscape qualities. The consideration of policies such as Green Belt policy or the Worsley Greenway Policy EN 2 which seek to preserve areas of land as undeveloped for reasons other than simply their landscape qualities, confuses and conflates both landscape and planning assessments. It is appropriate to consider the consequences only for any stated landscape objectives of broadly-based policies such as EN 2, rather than the policy as a whole. The susceptibility to change of the landscape has not been assessed more highly simply because there is a policy to keep the land open.
153. The Updated Landscape and Visual Impact Assessment (uLVIA) [JR Appendix 1] considers all views across the sites to be of medium value.
154. Visual impact assessments which do not consider the pleasantness of a replacement view but rely purely on the extent of change to a view will inappropriately assess visual impacts as more significantly adverse than those where the nature of the change and pleasantness of a resultant view is given due consideration. This must be taken into account in the final stage of an assessment when considering the significance of any changes to a view.
155. The sites are not designated for their landscape quality and are not valued landscape in the terms of the Framework.
156. For Appeal A, the uLVIA confirms that the scheme will result in no unacceptable harm to landscape character. The significance of the changes to landscape character within the local setting is identified in the uLVIA as moderate at the construction stage, slight at the year of opening, and negligible after 10 years as landscape matures. The appeal sites are embedded in a leafy suburban area and are substantially concealed from view. Their conversion into a suburban residential area which is penetrated by green corridors and parkland will not introduce an unusual form of development into the landscape, will complement the adjoining areas, and will enable the scheme to fit well into its setting.

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<sup>39</sup> Guidelines for Landscape and Visual Impact Assessment, Third Edition, Landscape Institute and Institute of Environmental Management & Assessment (2013)

157. For Appeal A, the uLVIA considers the effects on views and the pleasantness of views which will result from the scheme. The magnitude of change to views from the footpaths will be substantial and the change in the visual character of the views would result in an adverse effect for users of PRowS W70, W71, W163 and Worsley Road of high significance at the construction stage. However, on completion of the housing and the laying out of the greenspaces the general pleasantness of views from the footpaths will be re-instated and although the views would be different, the significance of the change will reduce to be moderate at the year of opening, reducing further to moderate-slight or slight-negligible over the subsequent years as landscape treatments mature. This is not a high level of significance and does not indicate an unacceptable residual impact on visual amenity of footpaths within the site or within the Greenway generally.
158. For Appeal B, the LVIA found the site to be of medium landscape value, with an urban fringe character. The magnitude of change to the landscape resulting from the scheme is judged to be moderate adverse during construction, and minor adverse on completion, with no introduction of features which are not already present in the local area. The significance of this adverse effect is assessed as minor at the year of opening reducing to neutral and of no significance after 10 years.
159. For Appeal B, in relation to views the LVIA concludes that, although the magnitude of change to views will be major for those lengths of footpath close to or within the development area, the significance of the change will be reduced due to the pleasant green corridor settings for the routes and the forward views to undeveloped open areas at either end of the routes which will deliver a high level of visual amenity. The assessment concludes that the residual effects on views and visual amenity from the most affected footpaths will be slight adverse to negligible. This conclusion is further reinforced by the footpath survey [JR Appendix 3] which confirms the relatively low number of movements on the footpaths which cross the site, albeit there is local usage. The WLL and footpath W70 are much more used and are a greater local amenity.
160. The Council's decision in respect of Appeal A does not identify any specific harm to the Greenway other than the 'fragmentation of openness and continuity' of the open land. This is a spatial planning matter, not a landscape consideration.
161. The scheme will change the character of the site, but this does not automatically equate to unacceptable harm to Greenway character and its value as an amenity and open recreation resource.
162. It is not possible to define the character of the Greenway as being a single landscape type or character area, nor is it a coherent land management area.
163. Because of the physical and visual containment of the appeal sites no harm to landscape character would arise from a change of land use within either of the appeal sites. The only element of Greenway character which would be affected might be the openness within the sites.
164. The potential extent of amenity that could be derived from the attractiveness of the landscape is medium to low commensurate with the landscape quality and

value, whilst that derived from the trees and woodland is high. Only the Broadoak South part of the appeal site has public access with open views.

165. The extent of amenity which is currently derived from there being open land around the footpaths and an open aspect to the views from the paths will be reflected in the level of use of the paths. The use of footpaths within Broadoak South is low in comparison with other parts of the Greenway [see footpath survey at JR Appendix 3] and so the amenity derived from there being open space around the footpaths is low. The extent of amenity which might be derived from any of the existing views across the sites from either within or adjacent to the site is medium to low. There is no evidence that the appeal sites have high amenity value in any sense other than in relation to the visual amenity of the trees and woodland. These features will be retained and added to within the scheme proposals.

#### *Open space, sport and recreation*

166. Robust assessments of open space needs and surpluses are required in order to determine what open space, sports and recreation provision is required and this has been provided by the Council in the Infrastructure Delivery Plan – Open Space Chapter (June 2017) [CD 75]. A range of new greenspaces and recreational facilities would be created by the developments [Appeal A quantum set out at JR Appendix 4].

167. The amount of greenspace currently available to residents in Worsley and Boothstown is 126% of the average for the City, and is an amount equivalent to 310% of the Greenspace SPD [CD20] desirable standard for residential areas per thousand residents [JR Table 2]. On the basis of quantitative provision of open space, there is no evidence to suggest that there is any value in the appeal sites as amenity open space.

168. The appeal sites are not publicly accessible open land. There is a private sports use at Bridgewater School and a privately managed fishing pond within a fenced enclosure on Broadoak South, but otherwise the only contribution the sites make towards recreation results from the Public Right of Way (PRoW) network and its use. The Council does not consider the sites to be open recreational land.

169. A NEAP (Neighbourhood Equipped Area of Play) has been provided in Worsley Woods, close to the site, since the previous inquiry.

170. There is no evidence of a deficit of provision for sports in the area but Appeal A would make appropriate sports provision which has been agreed with Sport England.

171. Opportunities for informal recreational activities such as walking, dog walking, cycling and birdwatching are provided by the PRoWs which cross the Broadoak sites, however, these activities are well provided for throughout the Greenway on some 20.7km of trails and are not dependent upon an open setting or any other characteristics of the sites. The PRoWs within Broadoak South represent around 10% of the total available network in the Greenway but are in a poor condition and are poorly used in comparison with other footpaths in the Greenway such as the WLL. The Greenway paths are used primarily by residents from the Worsley and Swinton neighbourhoods with low numbers of visitors from Eccles indicating

- that the Bridgewater Canal acts as a barrier to movement into the Greenway from the south [see footpath survey at JR Appendix 3]. Overall, the evidence demonstrates that the existing recreational value of the appeal sites is low.
172. The appeal sites currently have very limited functionality as green infrastructure and are not pivotal to the existing green infrastructure network. Their capability to contribute to the multifunctional green infrastructure networks within the Greenway does however have potential to be significantly improved as an integral part of the proposed development.
173. The protection of the setting of Worsley or the Bridgewater Canal is not a policy objective of Policy EN 2 and although the matter was raised at the first inquiry, there is no evidence that the appeal sites make any significant contribution to the setting of Worsley village. There is no adopted policy to suggest that the appeal sites should be protected for their contribution to urban form or separation of urban areas.
174. The loss of open land from the Greenway would be small relative to the size of the Greenway. This loss is of low significance to the Greenway, and is insignificant in the context of the amount of existing accessible and restricted access open space within and around the Greenway in the Worsley area. The Greenway is not the best and not the last remnant field in the area.
175. In respect of Appeal A, either with or without a school, the proposed network of landscaped green corridors and parkland with well surfaced paths through them will be pleasant, and this will contribute to the mitigation of the loss in visual openness across the appeal sites. There will be no loss of important landscape features as a result of the scheme but there will be a gain in trees and woodland and added habitat diversity. The framework for the development expressed in the parameter plans will enable a landscaped scheme of good design and visual quality to be delivered which will ensure no unacceptable visual amenity harm arises. The scheme will deliver an increase in recreational facilities which will ensure that there is no unacceptable harm to recreation and instead there will be tangible benefits. There will be no fragmentation or loss of continuity of green infrastructure within the Greenway, instead the functionality of the green infrastructure will be increased.
176. The Appeal B site was identified having regard to comments made by Mr Coe at the previous inquiry and comments made by the previous Inspector that some development might be considered acceptable in this part of the site. The application boundary is defined with reference to existing features in the site.
177. Appeal B includes significant areas of new accessible open space included in the application boundary, amounting to 4.15ha or 44% of the site [see Table 13.1 of SoCG2].
178. Neither appeal scheme would cause any unacceptable harm to landscape character in the Greenway or the amenity resources of the Greenway, but would provide new amenity resources; or cause unacceptable harm to the recreational resources of the Greenway, but would instead be beneficial in this respect.

### *Ecology*

179. It is common ground with the Council that the development will not harm ecological interests and the Greater Manchester Ecological Unit (GMEU) supports

the proposed biodiversity enhancements. The scheme is fully in accordance with national and local planning policy, including paragraph 109 of the Framework and SUDP Policies EN 2 and EN 9. Objections from RAID are based on misunderstanding and are not supported by evidence; the submissions made do not alter the clear conclusions of Ms Goodall's professional evidence.

180. A suite of ecological surveys [see AG 3.1.2], discussed and agreed with the GMEU and carried out in compliance with national guidance and professional best practice, was first undertaken between October 2011 and August 2012. This process was repeated during 2016, to ensure that the information is fully up to date. The surveys covered both the proposed development area for each application, together with a wider area, to provide context for the results.
181. The sites currently provide poor habitat potential and, far from causing harm to existing ecological interests, both schemes would provide important biodiversity gain by: creating new working wildlife corridors to link all parts of the site; creating new grassland, including the areas of and adjacent the SUDS swales and channels as important wet areas; protecting trees and extending scrub to attract more flying invertebrates, thus both improving commuting links for bats, and providing improved feeding areas for them; improving the management of the existing woodland areas on the site, aiming to open them up, reduce shading, and thus diversify the ground flora and invertebrate community; promoting new forms of interest, enjoyment and an educational resource for local people through bringing new and attractive habitats closer to them; and providing a Habitat Creation and Management Plan which would ensure that these benefits continue into the future.

#### *Flooding and drainage*

182. The sites are located primarily within flood zone 1, as defined by the Environment Agency, with around 24% of the Broadoak South site falling within flood zones 2 and 3 for Appeal A. This is a reduction since the previous inquiry, following updated modelling by the Environment Agency [CP 3.4.4-3.4.11]. The latest climate change allowances have also been considered and applied to the proposals. A small area of the Appeal B site falls in flood zone 2 but no residential development is proposed in this area.
183. The baseline flood and drainage conditions are the same for both appeals and in particular the parts of each development within the Broadoak South area. Sindsley Brook is currently subject to flooding in extreme weather events exacerbated by a restricted flow through the culverted section of the brook beneath the Bridgewater Canal. The canal also acts as a dam holding back both fluvial and surface water flows within the Broadoak South site.
184. The appeal proposals take this into account and offer mitigation in line with that required by the Framework, as well as SUDP Policy EN 19. For Appeal A, this involves a realignment of the Sindsley Brook and the ability to channel water to the Bridgewater Canal during extreme events, lowering the flow from Sindsley Brook into Worsley Brook. Mitigation has been developed in consultation with the Environment Agency and the Council to provide betterment to the existing situation, mitigating the existing likelihood of flooding downstream at Alder Forest, a problem that will otherwise only increase with climate change allowances [CP 4.9.4].

185. The lesser effects of Appeal B can readily be mitigated using means such as sustainable urban drainage techniques within the site, which will still provide benefits through a reduced risk of flooding downstream compared with the current situation.
186. As agreed with the Council and the Environment Agency, the schemes do not present any insurmountable issues in respect of flooding or drainage subject to appropriate conditions being imposed on any planning permission granted. Concerns raised by RAID and others are not supported by evidence that would change these conclusions.

#### *Highways and Transport*

187. It is agreed with the Council, Transport for Greater Manchester and Highways England (HE) that the developments would not result in a severe impact on the highway network, following independent assessment by each body.
188. With respect to Appeal A, the planning application was accompanied by a TA which examined the accessibility of the site, and considered the worst case traffic implications of the development. This was subsequently updated by the Supplementary Transport Assessment (STA). Testing had been based on a total of up to 630 residential units (rather than the maximum of 600 units), no lower trip rate is used for the affordable housing element and regard was had to the potential school. A Framework Travel Plan was also provided.
189. The development proposals include significant transport and highway related improvements [MH 2.18 and 15.5]. The Junction 13 improvements would provide suitable mitigation of the development proposals which would also help to ensure that key components of the roundabouts would conform to modern day standards of design and safety, an improvement over the existing situation.
190. The site is already accessible by a range of non-car modes and the existing and committed transport links give the site a high level of connectivity to local and regional destinations, which will be further enhanced through the provision of the proposed shuttle bus and footpath improvements, as well as a bridge over the Bridgewater Canal.
191. The shuttle bus would link residents of the site with local destinations including Worsley and Swinton and provide interchange with other routes including to Leigh, Manchester, Walkden, Atherton and Eccles. The route of the shuttle bus has been agreed with TfGM and would include stops at Swinton station, shops and Civic Centre. It would also make stops at the Interchange busway and travel along Worsley Road into the proposed development site. This would not only ensure that the proposed homes have good access to public transport, it would also help to connect the site and wider area with Swinton and provide a sustainable route to the facilities and services on offer, encouraged through a Travel Plan. This service would be funded for five years by which time it is expected to be self-funding and commercially viable.
192. The Bridgewater School is located on Worsley Road. It has limited off-road parking provision and on-street parking and pick-up/drop-off takes place on the carriageway of Worsley Road. This reduces the effective width of the road and interrupts the free flow of traffic. In doing so it presents a heightened risk of accidents. The proposals include the delivery of a new dedicated on-site parking

and pick-up/drop-off area. Providing this facility would avoid the need for on-road parking. Together with proposed pedestrian crossing points over Worsley Road this would improve current arrangements and is a benefit of the development to which material weight should be attached.

193. With respect to Appeal B, the planning application was accompanied by a TA [CD15I] which assessed the proposals on the same 'worst case scenario' basis as for Appeal A. A Framework Travel Plan was also provided. Mitigation would be provided to mitigate the impacts of the development, including improvements to the eastern roundabout at Junction 13 [MH 12.11-12.16]. The accessibility of the site would be further enhanced by improvements to local footpaths.
194. For both appeals, the Statement of Common Ground confirms that the latest assessment work has resulted in there being no outstanding issues between the parties in respect of traffic data and background growth, committed development traffic, proposed trip generation and distribution and the operational assessment of the highway network, subject to the provision of the proposed improvements.
195. Subject to the implementation of the agreed mitigation, the Council and appellant agree that any traffic impact of the development is less than severe and therefore complies with paragraph 32 of the Framework and that it accords with Policies ST 5, DES 2, A 2, A 5, A 8, A 10, A 15 and R 4 of the SUDP. As such, there are no transport or highway related reasons which should prevent planning permission from being granted for either appeal and the overall package of highway and transport measures represent a benefit to the local area that should be attached significant weight. The concerns raised by RAID are unfounded and are fully addressed in the evidence provided by Mr Hibbert. The appellant disagrees with the results of the RAID surveys as there are known difficulties in measuring queue lengths and defining what constitutes a queue [MH EIC].

*Marina (Appeal A only)*

196. The proposal includes the provision of a new marina on the Bridgewater Canal. As the first commercial canal in the UK the Bridgewater Canal played a formative role in the Industrial Revolution. It is of significant heritage and cultural interest, is a valuable leisure and recreation resource and an important potential economic asset for Salford. Its conservation, improvement and recreational use are strongly supported in local policy (SUDP Policies R 7 and ST 4; and emerging SLP Policies CT1, HE1 and R1) and have attracted investment from the public and private sectors, including being supported by the Heritage Lottery Fund.
197. The Bridgewater Canal Corridor Masterplan [CD27] identifies the marina as a very significant proposal with significant economic benefits flowing from it, capable of transforming the canal and surrounding area. The operator of the canal, the Bridgewater Canal Company Ltd provides support for the proposals [DT Appendix 8] and explains that no alternative funding is currently available for the project and that the marina requires capital subsidy from the proposed housing development.
198. The marina would include capacity for 130 boats along with a chandlery, and facilities for a café/bar restaurant for canal users and visitors. It is estimated it will attract around 113,000 visitors per year. It would support increased use of

the canal, attract visitors and is likely to generate 16 jobs [CD01(n) paragraph 14.100 and 14.101] and boost the local economy.

199. The proposal would therefore meet an identified need for a new marina on the Bridgewater Canal in this location including providing funding to enable its delivery. In doing so it would support the achievement of the Council's objectives to encourage visitors and tourism to the City and promote the canal as an important heritage, recreation and economic asset. This is a benefit which should be afforded significant weight in the determination of Appeal A.

#### *Education*

200. There is currently insufficient capacity within existing schools in the area around the appeal sites to accommodate the pupils likely to be generated by the development and no suitable sites have been identified to meet this need [SOCG2 10.13]. It has been agreed with the Council that the development would make provision of land for a new 2FE primary school on land within Broadoak South for Appeal A (including a new sports pitch), or land for a 1FE primary school on land at Broadoak North for Appeal B.
201. This proposal would help to meet an urgent need to accommodate children within the relevant part of the City including but not restricted to children from the development. A new 2FE primary school would have capacity for c. 420 pupils. This is in excess of the 143 places that the Appeal A proposal is estimated to generate a need for. A new 1FE primary school would have capacity for c. 210 pupils, in excess of the 47 places that the Appeal B development is expected to generate a need for.
202. No other suitable site is available to meet this need. The land would be made available to the Council for the construction of a school if needed at the time the development came forward. A contribution towards the delivery of the school places would be made in accordance with the Council's Planning Obligations SPD.
203. The Framework notes that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. It requires them to give great weight to the need to create, expand or alter schools and to work with promoters of schools to resolve key planning issues. The provision of additional school capacity to both meet existing needs and mitigate the need for school places for residents of the development is a very significant benefit of the development and should be attached great weight.
204. Concerns raised by RAID and others are addressed in evidence [DT Appendix 2] and there is no reason to believe that education provision could not be made.

#### *Air quality and pollution*

205. Chapter 9 of the ES Addendum (Appeal A) and ES (Appeal B) consider the worst-case scenario for effects and conclude that the scheme will not lead to any exceedances of the air quality objectives and the impacts will be negligible at all receptors. Normal mitigation measures can be applied during construction of the development so overall effects once operational will be 'not significant'.

206. The Council accepts the conclusions of the submitted documents and that there is no requirement for ongoing mitigation of the scheme.

#### *Health*

207. The proposed development would deliver a range of health benefits for local people, notwithstanding that some of the existing open space within the Greenway would be built upon [DT Appendix 3 and Chapter 14 of Updated ES]. The green space that would be lost is not currently publically accessible, other than via PRowS, and the amount of publically accessible green space and recreation facilities would increase as a result of the developments.

#### *Economic benefits*

208. The appeal proposals would deliver significant benefit to the economy of Salford [DT 13.22 for Appeal A and DT 27.22 for Appeal B], albeit that these benefits would be reduced pro-rata if land for a school was delivered and the number of dwellings reduced in Appeal A. These are benefits of the development which fully accord with the Government's objective of building a strong and competitive economy. They are of additional significance given Salford's relative economic deprivation<sup>40</sup> and should be afforded substantial weight in determining the appeals.

#### *Infrastructure*

209. The proposed developments would make provision for all services, facilities and infrastructure that have been shown to be necessary as a result of the developments, either through direct provision or a financial contribution. Appeal A includes potential for a retail unit which could meet a need for a local shop or post office if demand exists.

210. There has been no request from the Council relating to the provision of other social infrastructure. The Local Health Authority has not objected to the developments on the grounds of capacity in local healthcare provision.

#### *Planning Balance*

211. There is very substantial compliance with the development plan (as has been agreed with the Council) although there would be some limited conflict with parts of Policy EN 2 of the SUDP. The degree of this conflict and any adverse effects is minor. This non-compliance and minor harm must be weighed with the following important material considerations.

212. The development plan is seriously out of date and very little weight can be given to it, including Policy EN 2. Rigid application of its policies is constraining the City's ability to meet its full housing needs.

213. The proposals would make a significant, tailored contribution to meeting Salford's long identified and pressing housing needs, particularly for high quality family and affordable housing (in part of Salford where house prices are high and current provision is very low) which have no prospect of being met in the short to medium term.

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<sup>40</sup> Ranked 27th most deprived local authority in England – DCLG Indices of Multiple Deprivation, 2016.

214. There are other substantial benefits that would arise from the appeal proposals, including new and improved sport and recreation provision; new public open space; a net gain in bio-diversity; improved public transport provision; enhanced access to the Greenway; a new marina (for Appeal A only); enhanced education provision; and creation of local economic value including new jobs.
215. Taken together these material considerations outweigh the minor development plan conflict by a considerable margin and justify a grant of planning permission. The appeal proposals comply with the policies of the Framework as a whole and in particular have been shown to be a sustainable scheme in terms of its economic, social and environmental assessment.
216. The presumption in favour of sustainable development and the tilted balance contained in paragraph 14 of the Framework apply. The development plan (SUDP) is seriously out of date; Policy EN 2 is specifically out of date; and paragraph 14 of the Framework is therefore engaged. The adverse impacts do not significantly and demonstrably outweigh the very considerable benefits of the development to which substantial weight should be given.
217. Even if the view is taken that paragraph 14 of the Framework is not engaged and the tilted balance does not apply, the serious shortcomings in Salford's housing supply; the social and economic consequences this is having; and the significant and weighty benefits of the development comprise material considerations that justify the grant of planning permission notwithstanding minor conflict with Policy EN 2 of the SUDP.

## **The Case for Salford City Council**

### *Policy Considerations*

218. The SUDP plan period was 2004 – 2016 but a number of its policies remain saved and are not time limited. Policies EN 2 and R 4 are consistent with the Framework having regard to paragraph 215, remain relevant and up-to-date and should be given full weight [SW 3.14 and 3.18]. Although the Council previously accepted that policies relating to the need for and distribution of housing were out of date this is no longer the case as the policies are not saved and cannot, therefore, be out of date. The SUDP continues to exist and so is not absent. Furthermore, having regard to the Bloor Homes<sup>41</sup> and Barker Mill Estates<sup>42</sup> cases, the plan is not silent because a sufficient body of policy remains to determine the acceptability of the proposals in principle. Policy EN 2 is clear that development is not acceptable in principle on these sites [CK closing submissions].
219. Paragraph 157 of the Framework allows for the identification of land where development would be inappropriate. In this context, the protection of land as a Greenway (a land use designation) is appropriate and sets out the position that development is, in principle, unacceptable in that location given the importance and significance of the land use designation [SW 3.8 and 3.9].
220. The proposed developments are in fundamental conflict with Policy EN 2 of the SUDP because the development would cause fragmentation and loss of openness in the Greenway, as well as harming its character and value as an amenity and

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<sup>41</sup> Bloor Homes East Midlands Ltd v SSCLG [2014] EWHC 754 (Admin)

<sup>42</sup> Barker Mill Estates v SSCLG [2017] PTSR 408

open recreation resource. They are also in conflict with Policy R 4 because the developments would not protect and enhance the existing and potential recreational use of the area or protect and improve the amenity of the area. The proposals are in conflict with the development plan and material considerations do not indicate a decision other than in accordance with the development plan [SW 7.4].

221. Unlike at the previous inquiry, the Council can now demonstrate a five year housing land supply, somewhere between 8.5 – 14.5 years (depending on the chosen methodology). This is a significant change in circumstances and means that paragraph 49 of the Framework is not engaged. In any case, Policy EN 2 is not a relevant policy for the supply of housing [SW 4.1].
222. There is no requirement within the Framework, or elsewhere, to measure housing supply having regard to the mix of housing or to maintain a five year supply of different types of housing for different people. It is a purely numerical exercise [SW 4.11]. The first bullet point of paragraph 47 of the Framework is not relevant to the appeals as the courts have ruled<sup>43</sup> that it relates to plan-making as opposed to decision-taking. The same applies to paragraph 50 [MD 6.11 and para. 106 of closing submissions].
223. Even if it were determined that relevant policies of the development plan are out of date and paragraph 14 of the Framework is engaged, the second limb is clear that planning permission should be granted only where the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. That would not be the case in these appeals [SW 7.4 and 7.5].

#### *Emerging Policy*

224. Through the draft SLP and the draft GMSF the Council is working to ensure the provision of a balanced supply of new housing across the city via the plan-led system. It is clear that these documents seek to strengthen the policy protection of the Greenway in the future [SW 7.4].
225. These emerging plans allocate land for new housing in Salford and also seek to designate the appeal site as Green Belt, and in the case of the draft SLP the site is also proposed to be designated as Local Green Space. These designations demonstrate the significant value that the City Council considers the appeal site has as an area of open land, and its on-going commitment for it to be afforded protection [SW 3.19].
226. The SLP was issued for consultation from 8 November 2016 to the 16 January 2017 under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The draft Local Plan builds on two previous stages of consultation; the initial stage was a 'call for sites' exercise with this being followed by the City Council publishing detailed assessments of these sites and inviting further comments [SW 3.20].
227. The GMSF was published for consultation from 31 October 2016 to 16 January 2017. This is currently a joint Development Plan Document of the ten Local Planning Authorities in Greater Manchester (Bolton, Bury, Manchester, Oldham,

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<sup>43</sup> Gladman Developments v Daventry DC & SSCLG [2016] EWCA Civ 1146

Rochdale, Salford, Stockport, Tameside, Trafford and Wigan) and sets out the approach to housing and employment land across Greater Manchester to 2035 [SW 3.25].

228. In written evidence the Council expected that the second draft of the GMSF would be developed in early 2018, with a view to publish it in June 2018. Following publication of the draft plan, there would be a 12-week consultation with the public. Salford's Local Plan was to be prepared to the same timescales and processes as for the revised GMSF [SW 3.28 and 3.29]. However, SW suggested during EIC that the Council was considering bringing the SLP forward ahead of the GMSF in order to maintain momentum.
229. Having regard to paragraph 216 of the Framework, the SLP and GMSF carry very limited weight at the current time [SW 3.31].

#### *Housing Land*

230. There is currently no housing requirement contained within the development plan.
231. The Council's 5YHLS Report sets out its current housing land supply position for the period between 1 April 2017 – 31 March 2022. The report sets out four different housing requirements that could be used to determine the housing land supply position.
232. These include an approach based on the latest household projections, which would generate a requirement of 1,433 dpa; an approach based on the objectively assessed housing need, which would generate a requirement of 1,610 dpa; an approach based on emerging plans, which would generate a requirement of 1,727 dpa; and an approach based on local housing need, having regard to the Government's consultation 'Planning for the right homes in the right places' [CD76], which would generate a requirement of 1,166 dpa.
233. Contrary to its position at the previous inquiry, the Council considers that a 5% buffer should be applied to the identified requirement in accordance with paragraph 47 of the Framework, as opposed to a 20% buffer. This is because of a range of mitigating circumstances and a re-evaluation of the Council's position [MD 3.37].
234. The Council continues to grant planning permission for new housing where this is sustainable development, in order to significantly boost the supply of housing in accordance with paragraph 47 of the Framework. As of 31 March 2017 there was a total of 20,348 dwellings with planning permission across the city. 17,340 (85%) are apartments and 3,008 (15%) are houses.
235. The 2017 Housing and Economic Land Availability Assessment (HELAA) [CD54] states that between 1 April 2017 and 31 March 2035 there is the potential for 36,270 net additional dwellings on specific sites. It is expected that 7,079 (19.5%) of those will be houses and 29,190 (80.5%) will be apartments (including an allowance for windfall developments from 2022).
236. The HELAA also specifically identifies the number of dwellings it is anticipated will be developed in the first five years (i.e. 1 April 2017 to 31 March 2022) [See Annex 7]. Over the period 2017 to 2022 there is a potential gross supply of 18,146 dwellings. Once an allowance has been made for losses through

demolitions and changes of use/conversions the net additional supply is 17,688 dwellings. The identified supply up to 2022 is on specifically identified sites, with no allowance made for windfalls. Of the 17,688, 2,728 (15%) are houses and 14,960 (85%) are apartments.

237. As of 27 October 2017 (i.e. shortly before the City Council published its 2017 HELAA) a total of 96.1% of the 17,688 dwellings identified as being available and deliverable had planning permission or had been approved subject to the signing of a legal agreement. As a result of this, there is a high level of certainty associated with the identified five-year supply. The five-year supply of 17,688 dwellings for the period 2017 to 2022 is 11,567 higher than the 6,121 that was agreed between the Council and appellant at the 2014 inquiry (for the period 2013 to 2018). This is an increase of nearly 190%.

238. The number of dwellings with permission increased by 7,241 over the period 2013 to 2017, which represents a 55% increase. Furthermore, as of 31 March 2017 there were 4,305 dwellings under construction; this compares with 389 dwellings under construction as of 31 March 2013 and represents an increase of around 1000%. It is clear that the Council has sought to boost significantly the supply of housing as required by paragraph 47 of the Framework.

239. The 5YHLS Report identifies four different approaches for calculating an appropriate housing requirement between 1 April 2017 and 31 March 2022. It then applies a buffer of 5% or 20% to these requirements. As a result of this, potential requirements for the five-year period range from 6,119 to 9,067 dwellings with a 5% buffer, and from 6,994 to 10,362 with a 20% buffer. Taking into account the identified supply of 17,688 dwellings for the corresponding period, there is between a 9.8 to 14.5 year supply when a 5% buffer is applied, and 8.5 to 12.6 years supply when a 20% buffer is applied [MD 5.10]. In short, there is a five year housing supply whichever approach is used. This is a significant material change since the previous inquiry, when a 2.43 year supply existed.

240. The figure of 11.8 years supply is favoured by the Council, derived from a housing requirement based on the latest household projections and a 5% buffer. This approach is most appropriate given that the objectively assessed housing need and the requirement based on the GMSF and SLP can only be given very limited weight given that they have not been independently examined, have been subject to objections, and are at an early stage of preparation. As a result of the above, the latest household projections published by DCLG (2014-based) have been used as a starting point, in accordance with the PPG.

241. The mix of dwellings with planning permission, and the estimated long term delivery up to 2035, reflect an inevitable concentration of development in the wards of Ordsall and Irwell Riverside (which form part of the Manchester/Salford City Centre, and also includes Salford Quays) where high density apartment schemes are being delivered on brownfield land in highly sustainable/accessible locations.

242. The Council acknowledges that it is important to provide a good mix of residential opportunities both for existing and potential residents, and support housing diversity and growth across Greater Manchester. It is in this context that the Council is preparing its SLP and is involved in the production of the GMSF.

243. The GMSF and SLP allocate sites for 4,470 houses in Salford West that do not comply with current policy (for example they are currently in the Green Belt). The release of such land in Salford is in areas where new housing supply is generally most constrained, and is considered appropriate in order to enable a better mix of dwellings to come forward in sustainable locations, including where highly skilled workers want to live. Considering the issue of the mix of dwellings at a Greater Manchester level through the plan-led system provides the most appropriate co-ordinated approach for ensuring that the right type of housing is being provided across the conurbation rather than through the incremental loss of sites that are afforded protection from development as a result of individual planning applications.

#### *Affordable Housing*

244. The scheme proposes an additional 10% affordable housing provision over and above the 20% policy requirement. The delivery of affordable homes on the application site would make a positive contribution towards meeting the identified shortfall of such homes (an annual need has been identified by the Council of around 760 homes per annum) and would help to diversify the mix of dwellings within the local area. However, the additional provision, over and above the policy requirement, cannot constitute a reason for granting planning permission given that it is not necessary to make the development acceptable and does not, therefore, comply with the Community Infrastructure Levy Regulations 2010 (CIL Regulations).

#### *Landscape*

245. In landscape terms, nothing has changed since the original inquiry which would justify a different conclusion being reached by the Inspector or the Secretary of State and the previous conclusions are supported.

246. The PPG supports the preparation of local landscape character assessments to complement the National Character Area Profiles and one of the core principles of the Framework is that planning should recognise the intrinsic character and beauty of the countryside.

247. The appeal sites (land north and south of Worsley Road) fall within an area classified as 'Urban Fringe Lowland' in the Landscape Character Assessment (2007) (LCA) [CD31], more specifically Sub Area 2: Worsley Woods Wedge.

248. The Urban Fringe Lowland landscape type is described as 'made up of three loosely connected blocks of predominantly open land which break up the built development of west Salford'. One of the key features of this landscape is referred to as: 'The predominantly open land and relatively few buildings provide a relaxing visual contrast to the more densely developed adjoining urban areas'.

249. Additional key features of the Urban Fringe Lowland Sub Area 2: Worsley Woods Wedge include: Good quality farmland lies between the valleys of the 2 brooks and to the south of Worsley Road but is mainly obscured by adjoining residential development from nearby roads; The small golf course occupying the south eastern corner of the sub area contributes to the overall openness of the sub area; The southeast to northwest wooded reclaimed former railway line provides a visually attractive recreation route for walkers and cyclists; The canal section again provides variety and adds a sense of tranquillity to the overall area.

250. The Bridgewater Canal Corridor Masterplan (2011) (BCCM) [CD27] was approved as a recognised regeneration strategy by the City Council in March 2011. It is an aspirational document with a masterplan that establishes a broad vision for the regeneration of the canal corridor and seeks to influence development along it. The masterplan is explicit that 'the scheme [the marina] would need to maintain the open character of the area and its value for amenity, recreation and wildlife' [P.41]. The masterplan goes on to state that 'the marina needs to be subject to a detailed design proposal before its acceptability in planning terms can be confirmed. This will need to include an environmental impact assessment and careful design to reduce the impact of the scheme and preserve the openness of the green wedge...'.
251. The LCA policy guidance expects that 'any new development within the area should be sited close to existing buildings or on the fringes of the area, so as not to fragment or encroach on the openness and continuity of the wedge'. Its objectives also include 'supporting opportunities to develop appropriate new, recreational facilities which maintain the undeveloped rural character of the area'.
252. The Council has applied a consistent approach with respect to how development within the Worsley Greenway is to be managed for the benefit of the City as a whole and the local community.

#### Appeal A

253. The appeal sites (Broadoak North and South) represent approximately 16.4% of the total area of the Greenway. The appeal sites are located in the centre of the Greenway and the loss of it to development as proposed would result in a major breach of Policy EN 2. The sense of openness would be lost and it would sever (fragment) the continuity of the open space segregating the northern area of Worsley Woods from the Country Park and Golf Course to the south.
254. The character of the area would be irrevocably and entirely changed, particularly with the development of Broadoak South. Development of the whole of the site would effectively join the settlements of Worsley, Alder Forest and Hazlehurst with the sense of openness and rural aspect in this area lost, irrespective of how well the development for 600 homes was laid out or whether it incorporated generous amounts of green infrastructure.
255. The appellant's case understates the sensitivity of the area and the magnitude of change that would result from the development. Fundamental to understanding the reason for this is: the value to be applied to planning policy EN 2; the value of open space or 'openness'; and the influence of visual containment in assessing effects upon landscape character. No reference is made by the appellant to the value subscribed to the area of the site by the local community or for the function that it performs as a green 'breathing space' within a predominantly urban area.
256. GLVIA3 states that 'The fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value' and that the European Landscape Convention (to which the UK signed in 2002) '...promotes the need to take account of all landscapes, with less emphasis on the special and more recognition that the ordinary landscapes also have their value supported by the landscape character approach'.

257. Irrespective of whether a site is highly visible within a given character area, it does not, necessarily, equate to a lessening of the sensitivity of an area to change, particularly if the general public has access to and/or through it, which is the case with the appeal site. The geographic extent of landscape effects needs to be considered at a number of levels, from the site to one or more character areas as is appropriate to the site's context and the nature of the development.
258. The visual effects of the development have similarly been understated given that currently open views would be replaced with up to 600 dwellings and associated infrastructure.
259. The Updated Principles and Parameters Document [CD39(b)] alters matters of detail and/or provides clarification. The differences with the original scheme are limited and it is clear that the magnitude of change would still be significant.
260. The uLVIA increases the level of effects anticipated by the appellant since the previous inquiry [PC Table 4.1] but continues to understate them due to a number of assumptions by the appellant.
261. The fact that a landscape is not designated does not mean it does not have any value. Landscape character assessments are a recognised reference point for determining value in such situations together with associated landscape strategies and planning policies. The landscape does have value in this case and this is reflected in Policy EN 2 and the landscape policy/management guidance contained in the LCA. To suggest that Policy EN 2 'is a spatial planning matter and not a landscape consideration' is fundamentally flawed and it is a consequence of this approach which leads to the value of the landscape being under assessed.
262. The correlation between the sensitivity of a visual receptor and the magnitude of change is explained in the uLVIA [Table 7.1 and para.7.28]. For a high sensitivity receptor experiencing a substantial change a major significance will likely be experienced. It is notable that, for visual receptors recorded as high sensitivity and with a substantial magnitude of change, the effect is recorded as moderate or moderate to slight significance in the uLVIA [PC Table 4.1]. Whilst the correlation between sensitivity and magnitude is ultimately one of professional judgement, the reason for this divergence is not sufficiently explained in the supporting text.
263. The revised assessment still comprehensively underestimates the significance of adverse effects upon views within and around Broadoak South, which is compounded by residual effects after 10 years being recorded as slight to negligible.

#### Appeal B

264. The scheme is smaller and so are the effects of the development, but the effects would still be significant and adverse.
265. The LVIA does not satisfactorily define the level of effects which will be considered significant in assessment terms.
266. The explanation for the magnitude of change does not take account of the character of the existing area. The fact that some development is visible around the periphery is not a reasonable justification for the change being considered

- minor. The expectation of a high quality development ignores the intrinsic landscape qualities of the site and its context, an approach which is evident in the description of mitigation measures adopted.
267. Development in the manner proposed would reduce the area of Broadoak South by approximately 50%, dividing the Worsley Woods Wedge in two, virtually conjoining urban development [See PC Fig.5.1]. This degree of change is not commensurate with a minor level of magnitude of change with respect to the site and its immediate environment, and neither is it something which can be successfully mitigated by a Construction Environmental Management Plan.
268. Whilst landscape features such as mature trees are generally retained, the character of the site is defined by its sense of openness and rural appearance, a point which is recognised in the LVIA where it is stated that the 'retention of agricultural land management on land to the south and east of the site will enable the maintenance of the existing characteristics of the undeveloped Worsley Greenway' [para. 7.124]. This equally applies to the site itself.
269. A medium assessment of landscape sensitivity does not take sufficient account of the planning policy context, landscape management strategies, sensitivity to change and condition pertaining to the site. Even if a sensitivity of medium is applied, a magnitude of change of major would suggest a significance of effects of moderate/major would more appropriately reflect the change in landscape character resulting from the development, which would still be significant.
270. As with Appeal A, the relatively contained visibility of the site does not equate to a lessening of an area's susceptibility to change, particularly when the general public has access to it and the access is demonstrably used. A monitoring station located at the former Worsley Station [PC Figure 3.2] records that total usage over 2017 was 246,620 (includes all users) and peak monthly usage was 27,120 in May followed by 26,937 in July. Overall usage of the WLL is far higher. The popularity of this route and the Bridgewater Canal towpath should be taken into account in assessing the effect on the wider character area.
271. The overall effect upon landscape character at the year of opening would be major, adverse and significant. The sense of open space and rural appearance would be lost through built development and cannot be replaced by the green infrastructure proposed. Relatively narrow green corridors are retained to the west and east of the development and this would not compensate for the introduction of built development and the loss of open space and rural character across a large part of the character area. Furthermore, the continuity of the Greenway would be severed by the construction of housing virtually across it.
272. A maturing landscape would assist in reducing landscape and visual effects. Fundamentally, however, the loss of openness and rural character cannot be compensated for and the residual effect upon landscape character would at the very least be moderate adverse.
273. The LVIA assessment of the change of views does not assess the magnitude of change correctly, which has resulted in the significance of effects being inappropriately rated. There is significant disparity between the appellant's assessment of visual effects and that of the Council [see PC Table 5.3]. Again, residual effects after 10 years would remain significant.

### *Highways and Transport*

274. The previous Inspector considered the highway benefits put forward by the appellant at the original appeal. These included improvements to the roundabouts at the M60 and changes to the traffic lights at the junction of Worsley Road with the East Lancashire Road. He concluded that the improvements did not add anything other than very limited weight in favour of the appeal proposal. There is no change to the scheme in this respect and only very limited weight in favour of the proposal should apply in this instance.
275. The Inspector accepted that the proposed shuttle bus for Appeal A would attract use by the wider community and therefore attributed moderate weight to this benefit. The same level of weight should apply now.

### *Education*

276. The Appeal A proposal would yield a need for 128.48 primary school places if a school is delivered on site or 142.89 if no school is necessary on site. Appeal B would generate a need for 46.42 places [SW Appendix 1]. Therefore, given that there is no capacity at existing schools, there is a need for a single FE primary school with a capacity of 210 pupils to be provided as part of this development. The additional capacity is required to meet the anticipated demand and will provide an adequate surplus for the Pupil Planning Area.
277. The Appeal A scheme makes provision for a two FE primary school. This is in excess of what is required. Having regard to Regulation 122 of the CIL Regulations, whilst it would provide additional capacity it goes over and beyond what is required to make the development acceptable in planning terms. Very limited weight should be given to this additional provision.

### *Flooding and Drainage*

278. The previous Inspector considered the proposals put forward by the appellant in respect of drainage and flood risk mitigation having regard to the fact that a large part of Broadoak South is susceptible to flooding. Whilst accepting that there would be some benefits to properties in Alder Forest, these benefits were only attached moderate weight. This should remain the case.

### *Marina (Appeal A only)*

279. The previous Inspector took the view that whilst there was no objection to the provision of a marina, the appellant had failed to establish why such a facility required a cross subsidy from the residential development and could not be developed independently of the residential element of the scheme.
280. No evidence to link the construction of the marina with a housing development was presented previously and consequently little weight was given to the provision of the marina. No material change in circumstances has arisen since this time and the same level of weight should apply.

### *Open space, sport and recreation*

281. The previous Inspector was of the view that the local community would be worse off in terms of the provision of open space, having regard to the abundance of open space within the area and the loss of the informal use of the footpaths. This has not changed. Whilst there may be some increases, albeit

minor, in the widths of the green ways within the site, this does not change the fundamental findings of harm.

282. Appeal A provides for a recreation area at Aviary Field. The previous Inspector found that the location of this, together with the limited ability of the local community to use the facilities at Bridgewater Field meant that only minimal weight could be attributed to these benefits. This remains the case. Little if any weight can be given to the provision of recreation space and significant harm is caused to the provision of open space generally.

### *Planning Balance*

283. The adverse impacts of the proposed development in terms of the fragmentation and loss of openness of the Worsley Greenway and the harm to its character and its value as an amenity and open recreational resource would fundamentally conflict with SUDP Policy EN 2. In addition, it is considered that the proposed development would conflict with SUDP Policy R 4 in that the development would not protect and enhance the existing and potential recreational use of the area, nor would it protect and improve the amenity of the area.

284. In the context of Section 38(6) of the 2004 Act, it is not considered that the application is in accordance with the development plan and other material considerations do not outweigh this conflict and the resultant harm in this regard.

285. If it were to be considered that the relevant policies of the development plan are out-of-date, then the second limb of paragraph 14 of the Framework would apply. This makes clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The adverse impacts identified in this case would significantly and demonstrably outweigh the benefits and planning permission should not be granted.

### **The Case for Residents Against Inappropriate Development (RAID)**

286. Residents Against Inappropriate Development oppose the development proposed by this application because it will have an irrevocable, detrimental effect on the residents of this area and the wider community, which benefits from the open space and informal recreation that it provides. Key concerns include traffic and transportation, use of footpaths, the educational impact, air quality/pollution and the overriding need to protect the Greenway as an open break within the urban area and uphold saved SUDP Policy EN 2. It is also concerned about the loss of recreational and community assets, the loss of amenity and the resultant impact on quality of life, as well as flooding, wildlife and the sustainability of the development.

287. RAID is supported not only by the local communities directly affected by the proposal but by people from across Salford. Their concerns are evidenced by the large numbers at each of the sessions of this inquiry. The extensive public representations that were made during the inquiry process, as well as previously, have clearly demonstrated that this site is a recreational resource valued widely across Salford as a whole and not just by the local residents.

### *Harm to the Greenway*

288. The developments would result in a loss to the Greenway's openness as well as its fragmentation. There is nowhere else in Worsley or indeed within Salford, which offers the experience of the open rural views that are provided from the various footpaths that cut across and surround the appeal sites.
289. The proposals include a range of mitigation measures in terms of open space, recreation, biodiversity, highway improvements and transport links that seek to compensate the effects of the development. No mitigation measure can truly make up for the loss of this priceless piece of rural beauty within an inner city.

### *Recreation*

290. The proposed development is in conflict with both SUDP Policy R 4 and the Framework at paras. 73-75 because a large proportion of the site, which is a part of the local green infrastructure, would become developed and recreation land would be lost.
291. This would not be offset by the proposed provision at Aviary Field. The proposed Aviary Field biodiversity provision and the playing field area is an unsustainable replacement for the losses at Broadoak, because of its location in terms of its accessibility and its close proximity to the M60 motorway with its ramifications for air pollution and noise and the consequent effects of these on the health of the users of the facilities.
292. Realistically many of the residents within the new development would not use the Field due to the length (more than 1km) and undulating nature of the footpath routes. This replacement land does not accord with the provisions of the Framework at para. 74, which requires that 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'.
293. PC demonstrated the effect that the proposed buildings would have on this landscape. The appellant's mitigation scheme would not make up for the loss of a large part of this open rural land within an otherwise urban area and the benefits that it provides. Walking along a manicured path or road with houses to either side is no replacement for the existing footpaths and rural views.
294. The photographs [Noel Gaskell (NG) App 3] clearly show the sites' sylvan nature. There is also clear visibility over Broadoak South from many public positions, such as the WLL, the canal towpath or the internal footpaths. Recreational use of these paths would be harmed by their relocation and by disruption associated with the construction process. The landscape assessment by the appellant cannot truly represent its value to the local population.
295. As well as creating a break in the urban form between the communities of Hazlehurst and Worsley, the appeal site is a key part of an important recreational area. It also provides the setting for the surrounding area as a whole including the Bridgewater Canal, which is of national heritage importance.
296. The appellant has played down the amenity value of the appeal sites. In the eyes of local residents, it is an area of irreplaceable beauty in the context of its urban surroundings. It may not be perfect in the context of landscape evaluation but it is priceless to local residents as an amenity and recreational resource.

Furthermore, it plays a strategic role within Salford as a whole, being a rural break in the urban form.

### *Housing*

297. It is important that housing is delivered in areas where it is needed. However, there are many houses within Worsley and Boothstown that have been for sale for long periods of time. This would suggest that the market in this particular area is currently saturated.

### *Highways*

298. RAID and others are concerned that the severe traffic problems that are currently prevalent in the area would be exacerbated by the proposal; especially on Worsley Road where this development's vehicular accesses are proposed. The Framework states at para. 32 that an application, in terms of highways, should not be refused unless the impact caused is severe. The highway problems in this area are already severe and this development, despite its mitigation measures, will make the situation worse.

299. The surveys presented in the evidence by James Broome, adopted and presented by AC, (JB App. 2 and 2A) give a realistic view of the traffic situation on all roads around the area leading to Junction 13 of the M60. Claims that the additional lanes on the roundabouts or the minor flares proposed on the approach roads would in any way mitigate the existing or potential future problems are unfounded in reality. This is because there remains only one traffic lane onto the south-bound carriageway of the M60 motorway at Junction 13, and there is no proposal to increase this capacity. The M60 approach is already at capacity during the morning peak and is the cause of the severe traffic problems experienced on a daily basis in the area. The restricted widths at the canal bridges on Barton Road and Worsley Road also contribute to the congestion but there are no proposals to improve capacity at these pinch points.

300. The evidence regarding traffic queues at the junction of Worsley Road and the East Lancashire Road prove that there would be an unacceptable increase in queue lengths and congestion. RAID's evidence on all of these matters casts considerable doubt on the data provided by the appellant and SCC in relation to queue lengths. The situation would inevitably get worse as a result of the traffic generated by this proposed development.

### *Shuttle Bus*

301. RAID questions the viability of the shuttle bus that is proposed as a part of the development proposals. Andrew Cheetham (AC and AC App 1, 2 & 3) has demonstrated that this shuttle bus service would not deliver the sustainable form of transport that the appellant claims. The shuttle bus is reliant on connection to the Leigh Salford Manchester (LSM) Busway, which would not serve the majority of people within the proposed housing development. Little account has been taken of residents needing to travel to other large employment areas or the fact that, according to the 2001 Census, the majority of people locally needed to use private transport to take them much further afield and in a different direction to that provided by the shuttle bus or LSM Busway.

302. No evidence was presented by the appellant to guarantee that the shuttle bus service would continue after the initial five year funding by the developers

expires. The presumption is that there would be sufficient patronage because of the link up with the LSM Busway. Existing bus services in the area, including those that run at a similar time to the proposed shuttle bus do not attract a subsidy and it is unlikely that there would be funding from TfGM to continue the shuttle bus service after the initial period. No business plan has been prepared for the service, further increasing the uncertainty of its viability. This reinforces the fact that insufficient consideration has been given by the appellant with regard to transport sustainability.

#### *Marina*

303. If the marina comes with the cost of losing the appeal site to 600 dwellings, then this is not a price worth paying. The appeal site is an invaluable community asset that cannot be bought with a private marina. The proposed marina, bearing in mind the demand for local moorings, should be financially viable on a standalone basis.

#### *Education*

304. There has been an unprecedented demand for primary school places in recent years and capacity has been significantly increased to meet demand. It is expected that demand will continue to increase and the Local Authority is experiencing difficulties in meeting this demand.

305. The Council has a policy to build two form entry primary schools, as opposed to one form entry, as these are more cost effective and efficient [JC EiC and xx]. The cost of building this type of school is around £4 million plus [JC App. 3]. As such, even with the provision of land for a school by the appellant, the financial contribution would not be sufficient to build a school and the Council has no other funding available to meet the demand arising from either appeal.

306. Paragraph 72 of the Framework attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. The demand cannot be met and planning permission should be refused.

#### *Air Quality and Pollution*

307. The appeal sites currently serve as a green lung, helping to mitigate some of the harmful effects of vehicle-generated air pollution. There is increasing evidence that vehicle-generated pollutants are causing health issues and many people are suffering premature deaths as a result [MH App. 1]. The Government is actively seeking to reduce such emissions.

308. The majority of the future residents of the proposed schemes would be reliant on use of the private car, with the attendant pollution and emissions close to a designated Air Quality Management Area (AQMA). Increased queuing traffic resulting from the proposals, in combination with other development recently granted planning permission, would add to this pollution and the effect on local air quality.

309. Existing measured levels of vehicle-generated air pollution in the Broadoak area of Worsley are likely to be understated and not representative of the levels experienced by pedestrians due to the location of the monitoring stations relative to prevailing winds and the height at which diffusion tubes are mounted.

Furthermore, the diffusion tubes only show a monthly average as opposed to the peak levels.

### **Organisations that were represented at the Inquiry**

#### *Worsley Village Community Association*

310. Fully support SCC and RAID in opposing the proposals. The developments would result in a loss of valuable green space and would cause immense harm. The idea that the footpaths are not well used is strongly refuted; they are used by people from Worsley and further afield. A weekly running club also use them regularly. The Evening News recently reported that urban areas with little green space are less healthy. Local infrastructure such as the doctor's surgery cannot cope. A survey carried out by INRIX found Worsley Road to be the 10<sup>th</sup> most grid-locked road. Pollution is a significant issue in the area and is affecting health. No public transport that allows for effective commuting currently exists. The proposals would detract from the openness and continuity of the Greenway. There would be a harmful impact on wildlife. Development should be on brownfield sites in the first instance and greenfield land should be protected. The proposals do not meet community needs in accordance with the Framework.

#### *Friends of Roe Green (FORG) [ID D11]*

311. Strongly objects to the proposals and any development on existing green spaces; these are precious and should be protected to give breathing and recreational space in this very polluted area. Building in the Greenway would deprive the local community and many visitors to Worsley of the chance to enjoy the views, to walk and exercise in a rural setting and use a valuable local asset. Current infrastructure such as education, doctors, health and social care cannot cope with any further development in the area. Traffic is a constant problem and the roads are often grid-locked and unsafe. Poor public transport currently serves the area. It is accepted that more social and affordable housing is needed but many such houses have already been built since the original planning application was refused.

#### *Worsley Civic Trust and Amenity Society [ID D12]*

312. The Trust does not oppose all forms of development and has worked with a steering group to secure funding for improvements to the Bridgewater Canal corridor from the Heritage Lottery Fund. The BCCM includes plans for a 250 berth marina on the appeal site, which would be accessed via Duke's Drive Country Park in Monton. This was to be carefully designed to reduce the impact of the scheme and preserve the openness of the green wedge. It would have delivered significant benefits for tourism, heritage and the economy. All indications have been that the marina would be financially viable without the need for housing. There are already routes available from Winton to the proposed marina, without a new footbridge. The sites have a history of flooding. Brownfield sites should be developed in preference to greenfield; the Greenway is a much needed breathing space. A number of new developments are taking place next to the canal and there is no need for another. There are no alternative open fields in the vicinity that are publically accessible and comparable to the appeal sites. The sites are a valuable educational resource.

*Worsley Woods Action Group [ID D14]*

313. The woods cover an area of around 30 ha and incorporate wet woodland, historic Old Warke Dam and The Aviary, together with diverse woodland trees. The woods adjoin Broadoak North, providing habitat to the benefit of local wildlife and a corridor from the heart of the urban jungle. Having a green landscape with large amounts of open space make it an attractive place to live and work, benefiting quality of life and the economy. The proposed development would detract from these characteristics. The sites should be protected as open land.

**Interested Persons who appeared at the Inquiry**

*BarbaraKeeley MP [ID D18]*

314. Supports constituents in objecting for reasons related to the Unitary Development Plan and the Local Plan; Government policy to develop brownfield land first; traffic congestion and the impact of development on that congestion; air pollution and impacts on the health of local people; noise from traffic; the state of public transport in Worsley and the impact of green space on the health and well-being of local people. She fully supports the reasons for refusal given by SCC.
315. The development of this site would mean the loss of open green space which is highly valued by the community and which is important for the health and well-being of local people. Any development on this land would both fragment and detract from the openness and continuity of the Greenway. It would also harm its value as an amenity and an open resource for recreation. By building a large number of houses on this green open space the character of Worsley would be changed forever. Emerging policy should seek to protect open spaces such as the appeal sites, which are strategically important.
316. More affordable homes are needed in Salford but there are numerous brownfield sites which should be developed first. The Salford Brownfield Register identifies 213 brownfield sites with the potential to accommodate over 20,000 dwellings. 128 of those sites have the potential for over 11,000 dwellings. The Government expects brownfield land to be the priority for housing delivery and that Council's will continue to protect valued areas of open space and the character of residential areas. The need in Salford is for affordable homes near to accessible public transport and to good schools, but that is not what this development would bring. It would bring the opposite - increased traffic, congestion and pollution.
317. The proposed site of the development is very close to Junction 13 of the M60 motorway. This is an extremely busy stretch of motorway which is congested on a daily basis. Traffic already backs all the way down Worsley Road at peak times. The East Lancashire Road (A580) also has significant congestion at peak times. Local roads in the area will simply not be able to accommodate additional traffic from this proposed development and this could bring traffic in the area to a complete standstill. The INRIX 2017 Global Traffic Scorecard shows that the route from central Salford (Blackfriars Road) to Worsley Road was the 10th most congested road outside of London in 2017.
318. The development of this land could have an impact on the health of local residents due to air pollution from the additional car movements in a

concentrated area, contrary to Government policy. There are already significant problems with air pollution in the constituency due to traffic volumes and to traffic congestion on the three motorways, (the M60, the M62, and the M602) and the local road network.

319. In 2016, the World Health Organisation designated Salford as having one of the highest levels of air pollution in the country. The mortality figure for Salford attributable to air pollution is as high as 6% which is higher than the average for England of 5.6% and much higher than in some other parts of the country. Friends of the Earth has backed this up with recent research. The European Union has set a legal average annual limit for nitrogen dioxide but analysis by Air Quality England shows that Junction 13 of the M60 at Worsley currently exceeds that figure.
320. The main pollutants of concern in Salford are nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>). The main source of pollution in the city is transport. Long term exposure to nitrogen dioxide can have significant negative health effects. Nitrogen emissions affect lung function and increase the risk of respiratory problems. They may exacerbate asthmas and increase susceptibility to infections. There are already significant health issues in this area caused by air quality issues. Clearly, any increase in traffic pollution levels would be harmful to local people in a residential area like Worsley. The proposed development would also undoubtedly increase noise levels in Worsley and the surrounding area, which is again an existing problem in the area.
321. Worsley is badly served by public transport. It is nearly 3.2 km from the appeal site to Walkden railway station. There are access and parking issues at Walkden Station and rail services from the station are very heavily oversubscribed. The LSM Busway is similarly oversubscribed and it is not realistic to expect this service to accommodate more passengers as an alternative to the private car.
322. Perhaps the greatest impact of approving these applications would be the loss of such an important green space to the community. This land lies between the Loopline, which is a high quality, traffic-free cycling and walking route, and the Bridgewater canal, which is recognised by UNESCO as an area of historical importance. These two recreational paths and the paths that are woven into the Greenway are used by ramblers and dog walkers. The views and enjoyment of the paths would be changed forever by the building of houses on this land. Salford is an urban city and the green spaces on the outskirts of the city are precious to local people. The Worsley Green wedge and the Broadoak land have many benefits – for health and well-being, recreation and environment.
323. Out of nine UK regions, the North West has the third highest percentage of adults who are physically inactive. Salford has the ninth highest percentage of adults who are physically inactive out of 152 local authorities, with 32% of adults being classed as inactive. Green spaces such as the appeal sites are vital for promoting exercise and good health. Green spaces provide a long-term positive effect on life satisfaction and they are good for people's well-being. We also know that regular contact with green space can have a beneficial impact on children's physical and mental health.

*Other Interested Persons who appeared at the Inquiry*

324. Thirty one other members of the public addressed the inquiry. These included four local Councillors from various parts of Salford. They all referred to the importance of the green wedge in terms of the recreation, health and well-being of the communities that they represent, stressing the importance of such green space within an urban area.
325. Four medical doctors attended to express their concerns about the loss of the area to development and the ramifications of this for the health of local people [ID D1, D8, D9 & D19]. Their evidence supported the health concerns, raised by Barbara Keeley MP, in the context of increased atmospheric pollution from the additional traffic that the development would generate and the harm to public health caused by this and the reduction in available green space in which the local population could exercise. These same issues were also raised by a number of residents.
326. The doctors stressed the poor performance of Salford in terms of national and regional statistics on health inequalities. Research evidence was referenced to demonstrate the important effect green space has on health (both mental and physical) and well-being and the areal differentiation. It suggests that populations that are exposed to the greenest environments also have the lowest levels of health inequality related to income deprivation. It also substantiated the claim that green space is more than a luxury and should therefore be allocated a more central position in spatial planning.
327. Robert Sides [ID D13], an ornithologist, spoke of the 78 species of birds he has seen at or in the vicinity of the appeals site over the years. He suggested that the site's value for wildlife had been downplayed by the appellant. He also referred to the presence of wild mammals and reptiles. It was said that the area provides an opportunity for people in Salford to see wildlife first hand.
328. Other third parties from different parts of Salford stressed the importance of a continuous green space between Monton (Eccles) and Beesley Green (Walkden) to enable the population surrounding the area to take long walks along public footpaths that are in a non-urban environment. The lack of playing fields in the area and the inappropriate location of Aviary Field for such provision were also highlighted. The convenience of the Worsley Greenway as a location for casual walking, in comparison to the areas of sub-regional significance on the edge of Salford (Chat Moss and Irwell Valley) and further away from the main populated areas, was also raised. The development would split the Greenway into two, totally changing the nature of the resource and the ability of the local population to experience its recreational opportunities and health benefits. The protection given to existing open spaces by the Framework at para. 74 was also stressed.
329. Flooding, air and noise pollution, wildlife and the effect of traffic on an already severely congested and inadequate local road network were raised by many people, as were the over-stretched health facilities, the absence of capacity in the primary education sector and the lack of parks and formal open spaces across Salford. The comparatively poor level of public transport provision in the vicinity of the appeal site was also raised by a number of interested persons.
330. Other people stressed the availability of brownfield land with planning permission that wasn't being developed and ought to be before greenfield land

was released. The point that the successful development of a number of these would improve the quality of the environment for the existing residents of the areas, in which the sites are located, was also made, as well as their better accessibility and sustainability in comparison with the appeal sites.

### **Written Representations from Interested Persons**

331. A number of letters were received both before and during the inquiry from local residents and other people with an interest in the appeals. Representations were also made in the same manner in respect of the previous inquiry. The vast majority of them object to the proposals, for many of the same reasons that are summarised in the preceding section or were raised by RAID. Some of the correspondents brought up the issue of wildlife, particularly in the context of the fishing pond at Broadoak South, which is used by a fishing club, and the surrounding ecological area. The Manchester and Salford Ramblers pointed out that the network of footpaths across Broadoak South was regularly used and enjoyed by its members. It objected to the implied closure and diversion of the public footpaths. Letters of support were received from local and national house builders, as well as from persons seeking affordable accommodation and first time buyers.

### **Conditions and Obligations**

332. A list of suggested conditions in respect of both appeals was discussed by the Council and the appellant in advance of the inquiry and evolved throughout. RAID had the opportunity to see the proposed conditions. The revised conditions were discussed at the inquiry at a round table session. The final version of the conditions arising from discussions at the inquiry [Addendum to SOCG2] represents a very high level of agreement between the appellant, SCC and RAID as to the conditions which should be imposed in the event that planning permission is granted in respect of either appeal. The conditions are very similar for both appeals but fewer are required for Appeal B given the smaller scale and nature of the development proposed. A full list of the proposed conditions is contained in the schedule at the end of this report. I have considered the suggested conditions in the context of the tests in the PPG and the Framework and consider them all to be compliant but have amended certain conditions for clarity where necessary.

333. Conditions 1-6 (for both appeals) are necessary to ensure that the development will not start until all reserved matters are approved and that the development should be carried out in accordance with the principles and philosophy set in the plans and related documents that accompanied the application. Condition 7 (for both appeals) relates to the submission of a phasing scheme and is necessary to ensure that all elements of the scheme are carried out in a timely manner. Conditions 8-9 (Appeal A only) relate to the implementation of a footbridge across the Bridgewater Canal, which is necessary to improve pedestrian permeability, wider access to the marina and support more sustainable patterns of movement.

334. Conditions 10-13 (or 8-11 for Appeal B) relate to the form and nature of the development and are necessary to clarify the terms of the permission, ensure an appropriate mix of dwellings that meet the need for housing in the area and are sustainably constructed to a high standard. Conditions 14-18 (or 12-13 for Appeal B) relate to open space, play equipment and playing field provision and

- are necessary to ensure a satisfactory development that meets the requirements of future residents and the local community in the context of existing facilities that are to be removed or altered. Conditions 19-23 (or 14-19 for Appeal B) relate to landscaping, ecology and tree measures. They are necessary to protect and enhance ecological interests within the site and in the interests of character and appearance.
335. Conditions 24-26 (or 20-22 for Appeal B) relate to the implementation of the site access, off-site highway works and a Travel Plan that are necessary to make the proposal acceptable in the context of transportation. Although agreed by the Council and the appellant, RAID objects to any development prior to the off-site highways works being completed, in order to protect the quality of life for surrounding residents. The proposed conditions require the works to be approved and completed at an early stage in the development and have been agreed by the Council's highway advisers. In light of this, I do not consider it would be reasonable to impose more stringent restrictions which could impact on the efficient delivery of the schemes. RAID also suggested that TfGM should be required to approve the proposed Travel Plan but this is a matter that falls within the jurisdiction of the Council and it would not be reasonable to require input from a third party, albeit that the Council may consult TfGM.
336. Conditions 27-31 (or 23-27 for Appeal B) relate to drainage matters and are necessary to ensure that the site can be properly drained without flooding and achieves a positive impact on the natural environment without detriment to existing river habitat. Conditions 32-34 (or 28-30 for Appeal B) concern construction management and site investigation measures and are necessary to ensure a satisfactory construction and development process that minimises the impact of the development on the living conditions of neighbouring occupants and the environment. RAID suggested that the route for construction traffic should be stipulated but this would remain within the scope of the Construction Environmental Management Plan secured by the proposed conditions and the Council would be best placed to agree the details. The same applies to the types of screening and hoarding secured by condition 33 (29 for Appeal B).
337. Conditions 35-37 (or 31 for Appeal B where no extraction equipment of plant is proposed) concern noise measures and are necessary to create an acceptable living environment at dwellings constructed in the vicinity of Worsley Road or extraction equipment and plant located within the development. Condition 38 (or 32 for Appeal B) is necessary to ensure that a programme of archaeological works is implemented before development commences given that there is evidence of archaeological remains on the site.
338. A S106 agreement between the appellant and the Council was submitted in respect of each appeal [ID P37 & P38]. These were discussed during the course of the inquiry. For Appeal A, the document provides for 30% of the total number of approved dwellings to be Affordable Housing Units. It undertakes to complete the marina prior to the occupation of 50% of the Market Housing Units on the site. Land would be reserved for the Council to call upon in the event that it wishes to provide a school and a financial contribution towards the provision of local education facilities would be made. If a Playing Field and Playing Pitch are not provided on the school site, provision would be made at Aviary Field. A Green Infrastructure contribution would be paid. A shuttle bus service between the site and Swinton Town Centre would be provided for a period of five years.

339. For Appeal B, the document provides for 30% of the total number of approved dwellings to be Affordable Housing Units. Land would be reserved for the Council to call upon in the event that it wishes to provide a school and a financial contribution towards the provision of local education facilities would be made. A financial contribution would be made towards off-site open space, the amount dependent on the amount of open space provided within the development.
340. I discuss the pertinent details of the obligations contained in the agreements in the body of my conclusions. There is dispute between the parties as to whether the obligations relating to affordable housing, the marina and the school land comply with the requirements of Regulation 122 of the CIL Regulations. The remaining obligations do comply, in my view, with Regulation 122 and the criteria in para. 204 of the Framework. Furthermore, the CIL Compliance Statements [ID P24 & P25] demonstrate that there would be no conflict with Regulation 123 in respect of pooling for any of the contributions.
341. A number of interested persons raised concern that local infrastructure did not have sufficient capacity to accommodate the proposed developments. So far as there is evidence to support this position from the various service providers, these matters are dealt with above.

### **Inspector's Conclusions**

342. The following conclusions are based on my report of the oral and written representations presented to the inquiry and on my inspection of the site and its surroundings. The numbers in square brackets [N] refer to paragraphs in the preceding sections of the report, from which these conclusions are drawn or references to other evidence before the inquiry.
343. Having opted not to pursue its second reason for refusal with regards to prematurity [9], the main issues between the Council and the appellant are:
- i) whether the proposal is in accordance with the development plan (with particular regard to Policies EN 2 and R 4 of the SUDP) and, if not, whether material considerations indicate that planning permission should be granted; and
  - ii) whether the Council's housing land supply can be considered to meet the requirements of the Framework.
344. Having regard to the evidence of RAID and other interested persons, it is also necessary to consider the effect on air quality; highways and transportation; flooding; health; recreation, sport, open space, and footpaths; education and ecology.

#### *Development Plan*

345. Policy EN 2 restricts development that would fragment or detract from the openness and continuity of the Greenway, or would cause unacceptable harm to its character or its value as an amenity, wildlife, agricultural or open recreation resource. The reasoned justification for the policy explains that the Greenway is a strategically important 'green wedge' within the Worsley area. It covers an area of some 195 ha, and is of great value to the city and local area, providing amongst other things amenity open space, recreational land and facilities, public access, strategic recreation routes and relief within an urban area. The

- protection and enhancement of Worsley Greenway, in its entirety, is said to be of great strategic and local importance. [29]
346. The appellant seeks to undermine the reasoned justification supporting the policy for its brevity and lack of supporting evidence, suggesting that it cannot be used to expand the terms of the policy; the proposals should be considered purely against the policy wording itself. Whilst the supporting text should not be used in this manner, it is a useful aid in interpreting the policy. That is the manner in which the Council makes reference to it and this is entirely sensible in seeking to apply the policy. The policy is an adopted part of the development plan and should be taken at face value without the need to delve into the detailed evidence base supporting it. Furthermore, a S78 appeal is not the forum to debate the merits of an adopted policy. [103]
347. The Greenway is a large swathe of land extending from the open countryside and the GB into urban Salford. It is made up of various components including a country park, golf course, woodland and agricultural fields. It is predominantly open undeveloped land and although there are some buildings and roads within it, openness is a key attribute, separating and visually contrasting the urban areas of Worsley, Alder Forest and Hazlehurst that make up this part of the Salford suburbs. [23, 254]
348. It also contains a network of footpaths, including the WLL that connects with others that lead further into the more central parts of Salford, as well as into the open countryside within the GB. The position of the Council, RAID and many local residents is that the footpaths are very well used and this seemed to be the case during my numerous visits to the area. This was particularly so for the WLL (W164), though I also observed many people using the other footpaths within and adjoining the sites.
349. This position is supported by the submitted footpath survey, the WLL having attracted 1,376 users in one day, and by the Council's counter on part of the route where 246,620 users were recorded in 2017 and peak monthly usage was 27,120 in May 2017. The appellant highlights that the footpaths within the site itself are comparatively poorly used and tend to be used by people local to the area rather than serving a wider population and this is confirmed by the survey. There was criticism of the days and times chosen for the survey during the inquiry and, in part, the methodology used. Whilst the survey data are limited and have some shortcomings in respect of timings, the data available provide some indication of usage. This seems to me to reinforce the view that the footpaths are an important and valued local amenity and recreational resource, albeit some more than others. This is despite a number of the paths being unsurfaced and in a poor condition. This conclusion certainly aligns with the great deal of representations made by interested persons at the inquiry, and in writing. [159, 165, 171, 270, 281, 286, 288, 310, 328, 331]
350. The appellant accepts that the developments would detract from the openness of the Greenway and that there would be a breach of Policy EN 2 as a result. This is an obvious conclusion to draw given that the proposals would introduce up to 600 or 165 dwellings on land that is currently undeveloped. There would be a clear loss of openness in a highly visible and publically accessible (via footpaths) part of the Greenway. [102, 220, 288]

351. It also seems clear to me that building the number of houses proposed would undoubtedly fragment and detract from the continuity of the Greenway. At the present time there is a continuous area of open land that stretches from Roe Green in the north-west to Monton in the south-east. The appeal sites are located at a narrow part of the Greenway, intersected by Worsley Road. In both appeals, development would extend across the majority of the open area visible from Worsley Road and from the numerous footpaths that cross and pass by the site, albeit with the presence of landscaped buffers and corridors. Built development would clearly infill the open land, visually compartmentalising the Greenway so that the remaining open land would appear severed on either side.
352. Notwithstanding the images from Cambourne provided by the appellant, I do not accept the proposition that the remaining open space and green corridors incorporated into the development, albeit widened since the previous iteration of the scheme, would come close to maintaining a visual continuity between the remaining parts of the Greenway. The overriding feature in that part of the Greenway would be a housing estate. Existing footpaths would be incorporated/re-routed within the development so that physical connections would not be lost and some improvements would be made, such as the proposed crossing facilities on Worsley Road and access through Broadaok North. In addition, the WLL would continue to run the length of the Greenway, physically unaltered. However, there would clearly be harm in a spatial and visual sense. If the policy simply sought to maintain a physical link, then the WLL would itself be sufficient but that is not what the policy says, and certainly not its intention with reference to the reasoned justification. [105, 110, 220, 253, 315]
353. A huge amount of evidence was submitted in relation to landscape matters and a great deal of time was spent in the inquiry on the topic. It is agreed that the sites are of no particular merit in landscape assessment terms and I saw no features that would elevate the area above that of ordinary landscape, pleasant though the sites are. Even if the appellant's assessment of landscape and visual impacts was accepted, that does not alter the unacceptable harm that would result to the Greenway's character (in the general sense anticipated by the policy), value as an amenity or open recreation resource. [160, 255]
354. The Greenway is part of a much larger landscape and given its various components, has a varied character. Contrary to the appellant's position, however, I do believe that it is identifiable as a distinct element within the wider landscape, epitomised by its openness and undeveloped form within an otherwise urban context. I note the appellant's criticism of the LCA for reasons including its age and status, but it is a bespoke assessment of the Greenway and surrounding area and remains of relevance given that the nature and extent of the Greenway has remained largely unchanged since the time it was produced. It is clear that the objectives of the LCA align closely with those of Policy EN 2 and that the development would be at odds with it.
355. The Greenway is a stark contrast to the urban development surrounding, which is not diminished by the visibility of housing and other buildings on its peripheries, and is a welcome visual and experiential relief. The proposed developments could be of a high quality, incorporating large amounts of open space and greenery and this could be said to reflect the existing urban form in the area. However, the Greenway stands apart from the character of the surrounding suburban housing, adding to the verdant character of the area but

providing an opportunity to walk, relax and experience the countryside despite being so close to urban Salford. When walking through the Greenway on the PRowS that pass through the site, or those passing by that allow views across them, there is a genuine feeling of being in the countryside and a distinct rural character. This is notwithstanding views of buildings from some aspects, the lack of agricultural buildings or the fact that long-range countryside views are not possible. The character of the Greenway is one of undeveloped open fields and woodland, a verdant and peaceful area with features such as the meandering stream and animals grazing all contributing to a rural feel in the vicinity of the appeal sites. [104-105, 107, 156, 162, 247-248]

356. However well designed and laid out, the proposed developments would be in absolute contrast and would, in my view, unacceptably harm the character of the Greenway. Although the Greenway is relatively well contained in a visual sense, there are clear views from Worsley Road, the WLL and the other footpaths running within and adjacent to the site. The developments may not affect the wider landscape beyond Worsley and the Greenway and might only be visible on relatively short stretches of the longer range footpaths in the context of their length as a whole. However, the effect on the character of the Greenway as an entity and for people wishing to experience it would be very significant.

357. For users of the popular WLL, the stretch passing by the sites is one of the only sections that allows elevated views across open land on both sides, albeit filtered by trees, and so the effect would be all the more harmful. I do not accept that the development would only affect a small part of the Greenway. It would harmfully change the nature of the whole entity, introducing a distinctly urban form to a central part of it and removing the opportunity for long-range walks, jogging, cycling and similar pursuits in a largely undeveloped and semi-rural environment. [102, 163, 165, 171, 174, 253]

358. Notwithstanding that I find the results of the landscape and visual assessment carried out by the parties to add only limited weight in assessing the scheme in the context of Policy EN 2, I agree with the Council that the appellant's approach significantly underplays the landscape and visual effects of the development. In addition to the above, a key reason for this is the appellant's assessment as to the pleasantness of the proposed development which has been used to downgrade the ultimate significance of effect. Whilst the resulting development is clearly a consideration, I have already set out that a pleasant housing estate, albeit with green corridors and open space can be no substitute for the existing open and undeveloped Greenway, to which relatively little value has been attached. I also consider that the Council's assessment takes better account of the landscape implications of Policy EN 2 in accordance with GLVIA3 (paras. 5.26-5.27) which, whilst a spatial policy, has a landscape dimension in seeking to maintain openness, a key attribute of the Greenway's character, as well as relief within the urban area.

359. Consequently, I find the Council's assessment that the effects would be of major significance in landscape terms and for most visual receptors, particularly the views from adjacent well used footpaths, to be more reliable for both appeals. The character of the Greenway would be changed beyond all recognition and this would not significantly alter as landscaping established. The effects would remain significant, albeit that a pleasant housing estate may have been created. [152, 154, 156-159, 255-256, 261-263, 266, 269, 273]

360. The appellant takes a quantitative approach to assessing impacts on amenity and recreation resources in light of new undisputed evidence, noting that the appeal sites are not currently publically accessible other than along the PRoWs. The development would provide some 13.44ha (4.15ha for Appeal B) of new publically accessible open space, significantly increasing opportunities for sport, formal play, informal recreation and general amenity use. This would address a number of identified shortfalls for certain space typologies. There would certainly be some benefits to local people but the provision of informal recreation areas or equipped play areas are quite different from the amenity and recreation benefits currently derived from this part of the Greenway and which I have described above. I do not accept the appellant's position that the existing amenity and recreation value of the sites is low. The potential benefits temper the harm that I have identified to the Greenway to a small degree but unacceptable harm, in the terms of Policy EN 2, would result nonetheless. [115-116, 166, 171, 175, 177]
361. The appellant suggests that other 'remnant fields' could be used for similar amenity and recreation purposes but was unable to identify any that were genuinely comparable to the Greenway in terms of their public access by a network of PRoW and that would be freely and readily available to the local population. [174]
362. It is common ground that the developments would not harm the Greenway as a wildlife or agricultural resource. Whilst others take a contrary view, the ES Addendum and ES demonstrate that the sites have relatively little ecological value at the present time and that new habitat and ecological enhancement would result from the schemes. The widened green corridors would also assist in maintaining the Greenway's function as a wildlife corridor. I attribute limited positive weight to the net gain in biodiversity that would result from the schemes. Similarly, whilst there is some best and most versatile agricultural land within the site, the area affected would be relatively small and is separated from the remainder of the agricultural holding so that little impact would result. As such, I have seen no evidence that leads me to take a contrary view to the Council and the appellant. In these respects the development does not conflict with policy EN 2 and is in accordance with Policy EN 9 of the SUDP. [50, 84, 85, 179-181, 286, 310, 313, 327, 329, 331]
363. Nevertheless, the developments would fragment and detract from the openness and continuity of the Greenway and would cause unacceptable harm to its character and its value as an amenity and open recreational resource. As such, there would be a clear and fundamental conflict with Policy EN 2 of the SUDP.
364. SUDP Policy R 4 sets out seven objectives that development within, adjoining or directly affecting a key recreation area is expected to be consistent with. The reasoned justification to the policy explains that key recreation areas are of city-wide importance and are linked by the network of strategic recreation routes. They are identified as having great potential to help meet the demand for recreational uses, in a sustainable way, by providing formal and informal recreational opportunities close to where a large number of residents live. [30]
365. It is common ground that the proposals only conflict with the first two criteria, which require that development is consistent with objectives for the protection and enhancement of the existing and potential recreational use of the area; and

the protection and improvement of the amenity of the area. Although these requirements relate to the Greenway in its role as a Key Recreation Area, the objectives reflect those seeking to protect the area's value as an amenity and open recreation resource contained in Policy EN 2. Consequently, a conflict with these aspects of Policy EN 2 leads to the same conflict with Policy R 4 in this case. This was a principle accepted by PR and DT for the appellant during the inquiry. As such, for the same reasons that I have already discussed, the developments would also be in conflict with Policy R 4. [50, 97, 117, 220, 283, 290]

366. The appellant argues that the development plan is out of date for a number of reasons, specifically Policy EN 2. The SUDP was adopted in 2006 with a plan period expiring in 2016. It can certainly be said that it was produced in a different policy context and in light of different evidence and circumstances to those existing today. However, this does not necessarily mean that the plan or any individual policy should be considered out of date as it may very well continue to be effective in delivering its original objectives and those relevant today. The fact that a policy is saved means that it remains part of the development plan and must be applied unless material considerations indicate otherwise. The question is not one of time but consistency with the Framework and, ultimately, results on the ground. [98-99]
367. Policy EN 2 protects the Greenway for reasons that have already been identified. There is no reason to think that those reasons are any less relevant or important than they were within the plan period. Paragraph 157 of the Framework positively promotes that Local Plans should, amongst other things, identify land where development would be inappropriate, for instance because of its environmental or historic significance. That is exactly what Policy EN 2 seeks to do and there is nothing inconsistent with the Framework in that approach, even if the development plan does not currently fulfil all other requirements of the Framework. Whilst the first part of the policy seeks to prevent development in absolute terms this is unsurprising given its objective to protect openness and continuity and it does not alter the need to undertake a statutory balancing exercise against material considerations. [112, 219]
368. It was argued that the Greenway was only protected because the land was not needed to meet the housing requirement for the area at the time and that there was a greater emphasis on the use of, and availability of, brownfield land at that time. There is simply no evidence to support this proposition. To the contrary, the policy and reasoned justification are quite clear about the reasons for protection and these are not diminished by a greater need for housing. [111-112]
369. The fact that part of the Greenway might be allocated for development in the emerging SLP is of little relevance given the size and peripheral location of the Lumber Lane site. Furthermore, the emerging SLP is yet to be tested at Examination, is subject to objections and might yet change. The document itself states that its policies currently attract very limited weight. In any case, there is nothing to suggest that the appeal sites might be allocated. The draft SLP in fact anticipates increased protection of the area. These are squarely matters for the Local Plan Examination. Any potential release of the Greenway envisaged as part of the Core Strategy is similarly of little relevance given that the CS was withdrawn many years ago. In addition, the fact that there is a recognised need to release greenfield land and/or Green Belt to meet future housing needs in the

draft SLP and GMSF demonstrates an emerging strategy to deal with the issue. For the same reasons I have set out above, such recognition attracts little weight in the context of these proposals. [54-55, 102, 120, 224-225, 243]

370. For all of these reasons I do not consider that Policy EN 2 is in any way out of date. It is an adopted development plan policy which has statutory force. I have found it to be consistent with the Framework and I attach the identified fundamental conflict with the policy full and substantial weight.
371. It is common ground that the development plan no longer contains any policies relating to the need for or distribution of housing in the area. At the previous inquiry, the Council accepted that these policies were out of date and this position of common ground between the parties was adopted by the Inspector and the SoS. The Council now argues, having reconsidered its position, that this cannot be so as the policies are not saved; they do not exist and therefore cannot be out of date. DT accepted in xx that the policies for the need and distribution of housing could not be out of date because they simply do not exist in the development plan [218 and DT xx].
372. In this case the development plan contains no policies for the need for and distribution of housing and the Council is not seeking to apply any such policies. Policy EN 2 relates specifically to the appeal sites in question and is unambiguous in restricting development of the type proposed. In these circumstances, it cannot be said that the development plan is absent, silent or relevant policies are out of date. Having regard to the cases of Bloor<sup>44</sup> and Barker Mill Estates<sup>45</sup>, there remains a plan in place and so it is not absent; there remains a policy for the land in question which is sufficient to establish that the developments are unacceptable in principle and so the plan is not silent; and given the forgoing, the fact that there are no policies for the need and distribution of housing bears little on the outcome where the development plan is continuing to deliver an appropriate quantity of housing, the relevant policies for these appeals are not out of date. [53, 99, 218]

### *Housing Land Supply*

373. There is clearly a higher housing need now than there was at the time the SUDP was adopted. Nevertheless, the Council can demonstrate a sufficient supply of housing to meet the latest need over the coming years. It is common ground that the Council can demonstrate a numerical five year housing land supply in accordance with the second limb of paragraph 47 within the Framework. [67]
374. The appellant suggests that this does not amount to a five year housing land supply in accordance with Part 6 of the Framework in that it does not provide the full objectively assessed needs for market and affordable housing or a wide choice of high quality housing. This is because the identified supply would not meet the need for all types of housing, specifically family and affordable houses. In my view, that is not what is required for individual planning appeals. The second limb of paragraph 47 relates to decision-taking in that local planning authorities must identify and update annually a supply of deliverable sites

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<sup>44</sup> Bloor Homes East Midlands Ltd v SSCLG [2014] EWHC 754 (Admin)

<sup>45</sup> Barker Mill Estates v SSCLG [2017] PTSR 408

sufficient to provide five years' worth of housing. That is a purely numerical exercise, which is agreed to be met in this case. The Court of Appeal held in the Gladman case<sup>46</sup> that the other limbs of paragraph 47 relate purely to plan-making and have no implications for decision-taking where the second limb is met. In my view, the same applies for paragraph 50 which talks of planning for a mix of housing and setting policies. As such, whilst it is of little consequence in light of my conclusion above, I do not consider that relevant policies for the supply of housing should be considered out of date via paragraph 49 of the Framework. [101, 222]

375. That is not to say that an identified deficiency in particular types of housing is not a material consideration. The appellant produced three housing-related witnesses and I heard a great deal about the need for family and aspirational housing in the area, the acute lack of affordable housing and the Council's poor record in meeting these needs, particularly in Worsley. It is also abundantly clear from the detailed evidence that the five year housing land supply will not address these needs, being largely concentrated in the city centre, given the very high proportion of apartments as opposed to houses and the limited number of affordable units anticipated in relation to the identified need. Despite the copious amounts of evidence, very little of this was in dispute by the Council and much of the detailed figures are agreed in SoCG1 and its Addendum [ID P9]. The dispute is largely a matter of weight in the planning balance as opposed to matters of detail. [68-71, 121-150, 230-244]
376. All scenarios put forward by the Council demonstrate a five year housing land supply and even using the worst case scenario put forward, a comfortable supply of 8.5 years is shown to exist. In fact neither of the parties favoured this methodology and based on the appellant's approach a supply of 9.2 years would result, compared to 11.8 years if the Council's preferred approach is used. The appellant considered that a higher proportion of houses compared to apartments would be needed in the supply in order to address current needs and the accumulated shortfall but again, this does not affect the overall existence of a deliverable five year housing land supply. [66-67, 135, 221, 231, 233, 239-240]
377. The Council's current housing land supply position represents a marked improvement since the time of the previous inquiry, when not even half of the required supply existed. This being the case, it cannot be said that Policy EN 2 is impeding delivery or that the development plan as a whole is failing to deliver the necessary number of residential units. [239]
378. Whilst this is so, the Council is clearly not meeting the needs of the housing market as a whole and there are significant deficiencies in the number of larger/aspirational family houses and wider issues in the area in respect of homelessness and affordability. Some 85% of the Council's housing land supply comprises apartments and there would be a shortfall of at least 997 houses during the five year period against the Council's preferred GM SHMA requirement, deriving from 'Dwelling Type Mix 4'. This would be in addition to a shortfall in delivery of 102 houses since the GM SHMA base date (2014). The appellant suggests, based on the GM SHMA's higher estimates of housing need (Dwelling Type Mix 1) that the shortfall since 2014 could be as high as 762 houses, with a

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<sup>46</sup> Gladman Developments v Daventry DC & SSCLG [2016] EWCA Civ 1146

deficiency in the five year supply as much as 2,097 houses. The supply is heavily focused upon the central parts of Salford, in the wards of Ordsall and Irwell Riverside and so it unsurprising that higher density apartment schemes are predominant, but that does not lessen the need for houses in the wider area. [123, 125, 134, 147]

379. In addition, the Council recognises that there are wider social and economic benefits in the provision of larger family and aspirational housing, likely to attract skilled and economically active people that would support the local workforce. It is also accepted that Worsley is an area which can assist in meeting these needs. There are currently relatively few areas of Salford where the market can support this type of provision. [62-64, 129, 131, 136-137]

380. Just 634 of the identified five year supply are anticipated to be affordable dwellings, against an agreed annual requirement of 760 affordable homes. A significant shortfall (1,074) has also accumulated since the GM SHMA base date. The appellant's view that the need for affordable housing is acute is, in my view, an accurate description. [140, 145-146, 149]

381. It is pertinent that the Council is seeking to address these issues through the local plan process and it is anticipated that new greenfield sites will need to be released to accommodate needs. No one scheme will be able to rebalance the Council's housing stock or meet the identified needs for various types of housing, certainly not either of the appeal schemes. It is therefore vital that the Council progresses the local plan as swiftly as possible to ensure that this issue is dealt with on a planned and comprehensive basis. The appellant does not anticipate the emerging SLP being adopted until at least 2020, but the agreed housing land supply makes provision well beyond this period and, quantitatively, should be sufficient to maintain supply until the SLP designates new sites. The plan-making process is clearly the most appropriate manner in which to effectively address the issue. That said, no definitive time scale for this was established during the inquiry and, for now, individual speculative schemes are the only way in which to begin to address such needs. [118, 224-228, 243]

382. All of this is a material consideration to be weighed in the overall planning balance. The identified need for family and affordable housing is significant whichever parties' detailed figures are favoured and both appeal schemes would make a limited but valuable contribution to the need in these areas. I attach the contribution towards meeting the needs for family/aspirational housing and affordable housing significant weight. This is based on the appellant's worst case scenario in respect of the need for houses but this would remain a matter of significant weight even having regard to the Council's position.

383. The appeal proposals make provision for 30% affordable housing which is described by the appellant as an 'enhanced offering above the policy requirement'. Policy OB1 of the Planning Obligations SPD, which supplements Policies H 1 and H 4 of the SUDP, requires 20% provision in the Worsley area. The reasoned justification supporting the policy, which the appellant does consider to be relevant in this case, suggests that this is a starting point for negotiations but, in my view, this recognises the need for downward revisions in some cases to reflect viability or similar constraints. Whilst it is laudable that the appellant seeks to exceed this requirement that is not necessary to make the development acceptable in planning terms, a point accepted by the appellant

during the inquiry [DT IQ and xx]. Under these circumstances, the additional provision does not meet the tests for planning obligations contained in paragraph 204 of the Framework and I attribute no additional weight to the proposed provision beyond a 20% contribution. [139-140, 244]

384. Significant weight has been placed on meeting affordable housing requirements by both the SoS and various Inspectors' in previous appeal decisions and this is no surprise given that this is an important objective of the Framework. On occasion, positive weight has also been attached to provision above the policy requirement but, for most of the examples highlighted, I do not know the circumstances that lead to these conclusions, the evidence presented or whether they are comparable to the current proposals. In any case, it does not alter my conclusion in light of the substantial evidence I heard on the topic in this inquiry. [150]

## **Other Considerations**

### *Air Quality*

385. Much of Worsley Road and the M60 are within a designated Air Quality Management Area (AQMA) due to exceedances of the annual mean nitrogen dioxide objective. Recorded nitrogen dioxide levels are above the recommended levels and amongst the highest in GM, which has obvious health ramifications. HE's decision to abandon its plans to widen the M60 as it passes through Worsley, because of the impact of additional traffic on air pollution, suggests that the problem has been recognised and is being treated seriously by others. It also suggests that a cautious approach should be adopted when appraising proposals that would increase the amount of air pollution. [307-308, 318-320]

386. At paragraph 120 the Framework says planning decisions should take into account the unacceptable risks (including cumulative effects) from pollution on health and general amenity. At paragraph 124 it goes on to say that planning policies should sustain compliance with and contribute towards EU limit values, taking into account the presence of Air Quality Management Areas. Additionally, planning decisions should ensure that any new development in those areas is consistent with any local Air Quality Action Plan.

387. The sites are outside of the AQMA and currently benefit from acceptable air quality, with pollutant concentrations well below objectives. This is predicted to remain the case even if the developments were to proceed. However, vehicular traffic generated by the developments would have to pass through the AQMA. Any large new area of housing will generate significant amounts of vehicular traffic and the appellant's transport assessments confirm this will be the case for the appeal proposals. This could compound an already unacceptable situation.

388. The appellant's Air Quality Assessment concludes that concentrations of nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub> would be well below the objectives at all existing receptors within the study area even if the schemes are developed. Predicted changes in concentrations as a result of the traffic generated by the schemes are said to be small, with the resultant impacts described as negligible at every receptor for all pollutants. Nevertheless, even a small increase in pollution is material in an area that already exceeds objectives i.e. within the AQMA. [205]

389. In these circumstances, albeit that the effects of the schemes would be limited (or not significant), it is difficult to conclude other than that this is not an ideal location in which to build a large housing development that would add to the existing unacceptable levels of air pollution. It is also inconsistent with the Framework's core planning principle of reducing pollution. Consequently, this matter weighs against the proposals but given the negligible increases anticipated I attach it only limited weight.
390. RAID questioned the results of the Air Quality Assessment, specifically the methodology in collecting data about existing levels of pollution. However, the assessment was carried out as part of a comprehensive appraisal undertaken by professionals in the field. It was explained that wind direction is accounted for at monitoring stations and that diffusion tube heights are a known factor. It is sometimes necessary to use modelling in this complex area. Overall, I have seen no evidence that undermines the conclusions of the Air Quality Assessment and so these concerns do not alter my conclusions above. [309]

### *Highways and Transportation*

391. There is already significant congestion in the morning and evening peaks at the roundabouts either side of M60 Junction 13 and at the junction of the A572 with the A590. These traffic conditions could be described as severe and the addition of 469 and 455 vehicles (93 and 101 for Appeal B) to each peak hour respectively would clearly add to this congestion, albeit that this is a worst case scenario. [188, 193]
392. However, the appellant proposes to carry out improvements at the M60 junction. These would provide a third circulatory lane on the roundabouts and additional widening on the approach arms, together with spiral and keep-clear markings around the roundabouts. More freely-moving traffic, particularly that not requiring access to the motorway, should result from these works. Indeed, the appellant's assessment suggests that these operational improvements would provide sufficient mitigation to offset the contribution to congestion from the additional traffic generated by the development. The junctions would also be improved in respect of entry speeds and deflection, improving safety. In respect of Appeal B, it would only be necessary to improve the eastern roundabout to achieve the necessary mitigation. [198, 298]
393. SCC, TfGM and HE have all carried out independent checks of the appellant's transport assessments and concluded that the proposed improvements provide an appropriate solution and adequate mitigation. They all agree that there would be improved traffic management at the roundabouts. Whilst these proposals are unlikely to eradicate the severe congestion that occurs at the M60 junction during peak periods, there is no evidence to suggest that the proposals would make things worse. [74, 187]
394. RAID and others would, understandably, like to see the situation improved but it would not be reasonable to expect the appellant to facilitate improvements above those necessary to make the development acceptable as part of an appeal proposal. RAID also questions the methodology and modelling used for some of the transport assessment work which contrasts with its own surveys and conclusions. However, the work has been carried out in line with industry standards and verified by the Council and HE. In contrast, there are known difficulties in measuring queue lengths, particularly in ensuring a consistent,

representative and comparable methodology. Under these circumstances, I consider it reasonable to rely upon the professional transport assessments. The residual cumulative impacts of the proposal would not be severe, which is the test in paragraph 32 of the Framework. [195, 299-300]

395. Whilst the proposed junction improvements are expected to mitigate against the increased traffic provided by the developments, such predictions are not an exact science and it would not be reasonable to expect major benefits for existing road users to transpire from them, although there could be some. The addition of an extra lane to the approach arms at the junctions would disadvantage pedestrians, particularly children walking to and from Worsley to the school at the other side of the motorway. However, improved crossing facilities on Worsley Road would improve safety for children seeking to access Bridgewater School, as would removing some traffic from the highway through the introduction of a parking area.
396. It is agreed between the Council and the appellant that the appeal sites are located in an accessible location with reasonable access to services and facilities by sustainable means. Others consider that existing public transport provision is poor but that position is not reflected in the submitted transport assessments. The proposed development would improve the condition of a number of footpaths, increase public access across the sites and, for Appeal A, provide a footbridge over the canal. All of this would improve accessibility and encourage walking as a sustainable mode of travel. That said, the existing footpaths provide a great deal of public access over the appeal sites already and alternative options for crossing the canal exist, albeit that they require a slightly longer walk. Overall, the proposed highway and transportation improvements add very limited weight in favour of the appeal proposals. [72-73, 190, 192, 312]

*Shuttle Bus (Appeal A only)*

397. The provision of the shuttle bus would improve the frequency of bus services between the appeal site and Swinton. This would be likely to attract more local residents to use public transport to visit that centre or to connect with the LSM Busway which has proved to be very popular and provides a direct link into Manchester City Centre with its wide range of services and facilities. The proposed route of the shuttle bus is supported by TfGM despite there being a number of large employment areas that are not located in Swinton or served by the LSM Busway and it would not be practical for the shuttle bus to provide for all commuting. [190-191]
398. The appellant undertakes to fund the shuttle bus for five years, after which it is expected to be self-funding. Despite the reservations of RAID, I consider there is every likelihood that this would be the case. However, even if the shuttle bus service ceased after five years, I consider that this period would have assisted in establishing the use of public transport and more sustainable patterns of movement that would likely be maintained using other services so that a benefit would be ongoing. I agree that congestion along Worsley Road in both directions at peak periods is likely to be a deterrent to the use of public transport locally, I nevertheless consider that the shuttle bus would have wider benefits for the local population and should attract moderate weight. Furthermore, for the reasons I have set out, I consider that the proposed financial contribution towards funding

the shuttle bus accords with the requirements of CIL Regulation 122. [301-302, 338, 340]

### *Education*

399. There is currently insufficient capacity at existing primary schools in the area to accommodate the number of pupils likely to arise from the developments. Furthermore, contrary to the position during the previous inquiry, there is no scope for increasing the capacity of existing schools to meet the demand. As such, the Council and the appellant agree that land should be provided for a new primary school within Broadoak South for Appeal A, or at Broadoak North in connection with Appeal B. [86, 200, 304]
400. In accordance with SUDP Policy DEV 5 'Planning Conditions and Obligations', SCC has a Planning Obligations SPD to guide the provision of contributions towards educational infrastructure from new developments (Policies OB3 and OB4). The submitted S106 agreement for both appeals provides for a commuted sum calculated using the formula in this guidance, reduced to account for the cost of the land if it is required at the time and subsequently provided. The Council and the appellant agree that this is currently the only solution for meeting the education needs generated by the development. The Council does not currently have funds identified to meet the additional cost of providing a new school but that may change in the future and there is a statutory obligation for the Council to meet education needs. In such circumstances there is no justification to dismiss these appeals for educational reasons. [86, 202]
401. However, there is dispute as to the amount of land that is necessary as a result of the development. Appeal A would yield a need for 128.48 primary school places if a school is delivered on site or 142.89 if no school is necessary on site. Appeal B would generate a need for 46.42 places. A 1FE primary school would provide capacity for 210 pupils, meeting the needs of the developments with sufficient surplus to ensure choice and flexibility. It would also provide some potential for meeting future needs in the area, noting that it would not be effective to secure only part of a school site. [87-88, 201, 276]
402. Land for a 1FE school is proposed for Appeal B and I consider that this accords with the requirements of CIL Regulation 122, as would land for a 1FE school in connection with Appeal A. The provision is only necessary to mitigate the impact of the development on local education provision and would otherwise be unnecessary, but given the wider benefits I have identified in terms of capacity I attach this provision limited weight. However, land for a 2FE primary school would be secured for Appeal A. This is clearly not necessary to make the proposed development acceptable, nor is it fairly and reasonably related in scale and kind. This level of provision does not accord with the requirements of CIL Regulation 122 and I attach no additional positive weight to this provision over and above the land necessary for a 1FE school. This is notwithstanding any political preference or policy of the Council favouring 2FE schools to 1FE. [203, 277, 305-306]

### *Flooding and Drainage*

403. A large part of Broadoak South is susceptible to flooding, as are areas downstream in Alder Forest where 140 properties are said to be at risk of flooding. Part of the Appeal A site, albeit a reduced amount since the previous

inquiry, is within flood zone 3 but no alternative sites in lower flood zones were before the inquiry and I saw no evidence that would call into question the proposals' compliance with the sequential and exception tests. No buildings would be located in flood zones 2 or 3 for Appeal B. For Appeal A, the proposals would deliver a scheme that would divert surplus water in times of flood to the Bridgewater Canal and manage surface water flows. This would reduce flows in Sindsley Brook within the appeal site and downstream, thereby reducing the risk of flooding both on and off the site. Diverting water to the canal would not be necessary for Appeal B but a reduction in flood risk off-site is still anticipated. New dwellings would be protected from flooding via a range of mitigation measures that could be secured by condition. [182-185]

404. The proposal is not objected to by SCC, the Environment Agency or United Utilities on flooding grounds and the proposals would accord with SUDP Policies EN 18 and EN 19. The appellant anticipates that flows along Sindsley Brook and under the Bridgewater Canal, in the direction of Alder Forest, would be significantly reduced. Whilst the major cause of flooding in Alder Forest is Worsley Brook, the flow reductions along Sindsley Brook would undoubtedly contribute to a decrease in the risk of flooding at some properties in Alder Forest.
405. It might be possible to reduce flooding both within the site and further afield through engineering works within the site independent of any other development. However, there is no obligation on the appellant to undertake these works and little likelihood that costly works would be forthcoming without accompanying development [CP xx and IQ]. Given the wider benefits to properties at Alder Forest, albeit a limited number, I attach moderate weight to the benefits that would arise. [79, 278]

*Marina (Appeal A only)*

406. There is no objection to the development of a marina adjacent to the Canal. SUDP Policy ST 4 identifies the Bridgewater Canal corridor as an area that is to be protected and enhanced as a tourism destination and within which tourism development is to be focused. The proposal is in accordance with the Bridgewater Canal Corridor Masterplan in so far as it would provide a marina, for which there is an identified need along the corridor. [96, 196]
407. The appellant suggests that a marina is not viable without cross subsidisation from a housing development and this position is supported by The Bridgewater Canal Company (BCC), a subsidiary of the Peel Holdings Group responsible for the operation, management and maintenance of the canal. However, BCC has been working with the Council and other stakeholders in developing the BCCM and, prior to the appeals, there had been no indication that it would be necessary to develop houses in order to deliver the marina. Indeed, no such proposal is included in the BCCM and it is difficult to see how such a proposal would accord with the BCCM objective to maintain openness. [197, 250, 303, 312]
408. A 130-berth marina is unlikely to be as viable as a 250 berth, as envisaged in the BCCM, but there is no explanation as to why the capacity has been reduced. There is also no financial assessment accompanying the proposal to demonstrate why an independent marina is now financially unviable. As there is no detailed enabling argument or viability assessment accompanying the appeal I cannot conclude other than that there is no evidence to justify linking the construction of a marina with a housing development or that it could not come forward

independent of a housing scheme. The BCCM recognises that some social and economic benefits would arise from the marina and these should attract some limited weight. However, it has not been demonstrated that the marina is necessary to make the proposed development acceptable in planning terms and it would not be reasonable to require its delivery by obligation. As such, the proposed planning obligation does not accord with CIL Regulation 122 and this cannot be a reason for granting planning permission. [199, 279-280]

### *Open Space*

409. Whilst the proposals would result in the provision of some 13.44ha (4.15ha for Appeal B) of new publically accessible open space, the Greenway already abounds with amenity open space in Worsley Woods and their environs and the appellant notes the existing surplus against the Council's standard. That said, having access to more open space than the minimum desirable standard is undoubtedly a benefit. I have already concluded, however, that landscaped corridors and open spaces within a housing estate would be a very poor second to the existing local recreational resource. Additionally, the appeal proposal would remove the informal use of the footpaths on Broadoak South with their open outlook, as well as the open outlook from adjacent paths such as the popular WLL. On balance I conclude that the local community would be worse and not better off as a consequence of the development in this respect. [115-116, 166-167, 175, 177]

410. Aviary Field is located some distance from the appeal sites that are to be developed, along largely unlit footpaths and through woodland. It is also situated adjacent to the M60 motorway with its inherent polluting impacts. Together these reduce the likelihood of parents in both the development and the wider communities being desirous of their children visiting the site to participate in formal or informal sport. This is notwithstanding the position of Sport England, which is satisfied that the Aviary Field pitch would be suitable. The proposed playing pitch at Bridgewater School is to be a dual use facility with the public only having access when the field is not required by the school. The Aviary Field playing pitch would only be required if a school and accompanying playing pitch are not provided on the sites, which would again be dual use. There is no certainty that this would be delivered at the present time. [170, 282, 291, 328]

411. There would be benefits for the wider population from the provision of open space including additional sports pitches and equipped play areas but for all of the reasons I have set out, I am not persuaded that the overall open space provisions would be other than of minor benefit to the local community. They therefore attract minimal weight.

### *Health*

412. A number of people made representations to the inquiry about the benefits of open space to the health of local people and the potential harm that would arise in this respect from the proposed developments. I have already concluded that the developments would harm the footpaths passing through and adjacent to the sites in terms of their function as an amenity and recreation resource. For the reasons I have discussed, this would be likely to make walking, cycling or other physical pursuits a less enjoyable experience for local people and could not be said to encourage participation. That said, physical links via PRoWs would remain and the sites are not currently publically accessible other than on such

routes. Noting that there would be an increase in other open space typologies as a result of the development, including those where shortfalls exist in the area, I do not consider that the overall health of the population would be significantly affected by the proposals. This is a neutral matter in my consideration. [207, 310, 315, 322-326]

### *Socio-economics*

413. The appeal proposals would deliver benefits to the economy of Salford, through the provision of financial investment and job creation, amongst other things. These benefits would be reduced pro-rata if land for a school was delivered and the number of dwellings reduced in Appeal A. These benefits are undisputed and whilst, in the main, they would be likely to arise from any development of the scale proposed, they would undoubtedly bring benefits to the local area. I attach limited weight to these benefits. [208]

### **Planning Balance and Overall Conclusion**

414. Although there is compliance with most development plan policies in these cases, there is a clear and fundamental conflict with the development plan in respect of Policies EN 2 and R 4, policies which I do not consider to be out of date or inconsistent with the Framework. In these circumstances, the tilted balance of Framework paragraph 14 does not apply. I attach substantial weight to the harm that arises from conflict with these policies, which are fundamental to the plan taken as a whole.

415. There would be some benefits from the proposals, including a contribution towards meeting recognised needs for different types of housing, specifically larger family and affordable housing, though the contribution to the identified need would be relatively small. There would also be some benefit from the provision of school land, a marina, certain open space typologies, net gains in biodiversity, economic benefits, improved accessibility/sustainable transport provision, highway improvements and flood risk reduction. However, even cumulatively, the benefits or other material considerations to which I have been referred would not outweigh the harm that I have found or indicate a decision other than in accordance with the development plan.

### **Recommendations**

416. I recommend that the appeals be dismissed and that planning permission be refused in both cases.

417. If the Secretary of State disagrees with my conclusion that the tilted balance is not engaged for whatever reason, I nevertheless recommend that the appeals be dismissed and planning permission be refused in both cases. This is because the adverse impacts of the developments would be such as to significantly and demonstrably outweigh the benefits.

418. In the event that either appeal is allowed, I recommend that the respective planning permission be subject to the conditions contained in the attached Schedules.

*Michael Boniface*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Christopher Katkowski QC                      Instructed by Stephanie Hall, SCC  
Assisted by Matthew Fraser

He called:  
Matt Doherty BA (Hons)                      Salford City Council  
MTPL MRTPI  
Pete Coe BA Dip LA                              Urban Vision  
CMLI  
Simon Wood MRTPI                                Urban Vision

### FOR THE APPELLANT:

Martin Kingston QC                              Instructed by Kathryn Jump, Shoosmiths  
Assisted by James Corbett-  
Burcher

He called:  
Pauline Randall BSc MA                        Randall Thorp  
FLI  
Anne Goodall MSc MRSB                        ESL Ecological Services  
C.Biol  
Chris Patmore C.Env                              WSP  
BEng DIP EIA MEnvSci  
MIHT MCIWEM  
Mike Hibbert NSC NCIT                        TTHC  
MIHT MILT MloD Dip Eng  
James Stacey BA (Hons)                        Tetlow King Planning  
Dip TP MRTPI  
Ben Pycroft BA (Hons)                         Emery Planning  
Dip TP MRTPI  
Antony Pollard BA                                Turley  
(Hons) MRTPI  
David Trimmingham BA                         Turley  
(Hons) MRTPI

### FOR THE RESIDENTS AGAINST INAPPROPRIATE DEVELOPMENT:

Robin Garrido (local Councillor)              Instructed by RAID

He called:  
Andrew Cheetham                                Local resident  
Jillian Collinson                                 Local Councillor  
Noel Gaskell                                        Local resident  
Michael Howard                                  Local resident

OTHER INTERESTED ORGANISATIONS:

Worsley Village Community Association	Represented by Beryl Henson
Friends of Roe Green (FORG)	Represented by Jean Barnes
Worsley Civic Trust and Amenity Society	Represented by Anne Broomhead
Worsley Woods Action Group	Represented by Andrew Darlington

OTHER INTERESTED PERSONS:

John Mosley	Local resident and Doctor
Barrie Benson	Local resident
Anne Grennan	Local resident
Christine Hunt	Local resident
Bob Boyd	Local resident
Alan Jeffrey Brown	Local resident
David Garvey	Local resident
Ken Lowndes	Local resident
Amy Cailey	Local resident
Claire Benson	Local resident
Nigel Hyams	Local resident and Doctor
Clive Davidson	Local resident
Susan Buckley	Local resident
Jessica Garratt	Local resident
Gabriel Harney	Local resident
Peter Wheeler	Local Councillor
Lesley Wrightson	Local resident
Lesley Sharrock	Local resident
David Cailey	Local resident
Pauline Halt	Local resident
Joseph Sate	Local resident
Iain Lindley	Local Councillor
Les Turner	Local resident
Gundi Kiemle Gabbay	Local resident and Doctor
Frank Gethings	Local resident
Mark Gabbay	Local resident and Doctor
Bill Newham	Local resident
Chris Clarkson	Local Councillor
Robert Sides	Local resident and Ornithologist
Karen Garrido	Local Councillor
Barbara Keeley	Member of Parliament

## **PLANS AND DOCUMENTS RELEVANT TO APPEAL A**

- A Application site boundary Ref 400G-59 Rev E
- B Site Access Plan Ref 400L-12B
- C Tree Removal Plan Ref 400G-62K
- D Land Use Budget Plan Ref 400G-100D
- E Highways Access and Circulation Ref 400G-66L
- F Pedestrian Access and Circulation Ref 400G-99E
- G Building Heights and Distribution Ref 400G-67N
- H Building Quantum and Density Ref 400G-97D
- I Accessible Open Space and Public Access Areas Ref 400G-63L
- J Landscape, Ecology and Drainage Ref 400G-64P
- K Proposed M60 J13 Eastern Roundabout Improvements Ref 400L-14B
- L Proposed M60 J13 Western Roundabout Improvements Ref 400L-13A
- M Updated Design and Access Statement, dated August 2017
- N Environmental Statement (March 2013) and Further Environmental Information (June 2013)
- O Environmental Statement Addendum dated August 2017
- P Revised Green Travel Plan Framework (May 2013)
- Q Site Waste Management Plan (February 2013)
- R Aviary Field Proposals 400G-58F
- S Aviary Field Proposed Recreation Area – Indicative Pitch Markings 400G-84

## **PLANS AND DOCUMENTS RELEVANT TO APPEAL B**

- A Application Boundary 400M.27 Rev A
- B Tree removal plan 400M.29 Rev C
- C Access arrangements and Worsley Road improvements Ref M17007-A-001C
- D Parameters for development areas, access and movement Ref 400M.31 Rev B
- E Parameters for landscape, hydrology and ecology Ref 400M.30 Rev A
- F Access arrangements and Worsley Road improvements Ref M17007-A-001C (off site aspects only)
- G Proposed highway improvement scheme junction 13 Ref Figure 18 M17007-A-004 A
- H Design and Access Statement March 2017
- I Environmental Statement March 2017

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### APPELLANT'S DOCUMENTS:

- P1 List of appearances
- P2 Errata to Ben Pycroft's Proof of Evidence (APP/BP/4)
- P3 Opening
- P4 Agreed version of S106 agreement for Appeal A
- P5 Suffolk Coastal DC v SSCLG and Hopkins Homes [2017] UKSC 37
- P6 Draft Addendum to SoCG1
- P7 Note regarding tree removal and alleged footpath blocking
- P8 Errata of Pauline Randall's Proof of Evidence (APP/PR/1)
- P9 Addendum to SoCG1 (signed and agreed version)
- P10 Salford Mental Wellbeing Strategy 2011-2015
- P11 Salford Health Profile 2017
- P12 Fingertips Health Profiles
- P13 Graph relating to Salford's Housing Register – 1997 – 2017
- P14 Note on affordable housing from draft SLP allocations
- P15 Note on scope of housing and planning evidence
- P16 Updated draft conditions
- P17 Errata to Antony Pollard's Proof of Evidence (APP/AP/4)
- P18 Salford UDP pages 1 – 36 (to be added to CD9a)
- P19 Errata to Dave Trimmingham's Proof of Evidence
- P20 Updated agreed version of Appeal A S106 agreement
- P21 Agreed draft version of Appeal B S106 agreement
- P22 Updated agreed version of Appeal A S106 agreement
- P23 Updated agreed version of Appeal B S106 agreement
- P24 Agreed CIL Compliance Statement for Appeal A S106 agreement
- P25 Agreed CIL Compliance Statement for Appeal B S106 agreement
- P26 Updated agreed draft conditions
- P27 DCLG letter dated 29 November 2016
- P28 Phides Estates (Overseas) Limited v SSCLG, Shepway District Council and David Plumstead [2015] EWHC 827 (Admin)
- P29 Site visit itinerary and plan agreed between the Council and Peel
- P30 Note regarding site delivery
- P31 Engrossed, unsigned Appeal A Section 106 Agreement
- P32 Engrossed, unsigned Appeal B Section 106 Agreement
- P33 Appeal A approved plans
- P34 Appeal B approved plans
- P35 Site visit itinerary and plan
- P36 Central Salford / Regional Centre – suggested route for the Inspector
- P37 Completed Appeal A Section 106 Agreement dated 19 March 2018
- P38 Completed Appeal B Section 106 Agreement dated 19 March 2018
- P39 South Oxfordshire District Council v SSCLG and Cemex Properties UK Limited [2016] EWHC 1173 (Admin)
- P40 R v SSCLG and Channock Chase District Council [2008] EWHC 676 (Admin)
- P41 Rule 19 of the Town and Country Planning (Inquiries Procedure) Rules 2000
- P42 Addendum to agreed Statement of Common Ground 2 (signed and dated version)
- P43 Closing Submissions and plan referred to therein
- P44 Additional comments on Council's Closing Submissions

COUNCIL'S DOCUMENTS:

- C1 Opening and CA case referred to therein
- C2 Bloor Homes v DCLG and Hinkley and Bosworth Borough Council [2014] EWHC 754 (Admin)
- C3 Trustees of the Barker Mill Estates v Test Valley Borough Council [2016] EWHC 3028 (Admin)
- C4 Closing Submissions

RAID'S DOCUMENTS:

- R1 Opening
- R2 TfGM E-mail (13 February 2018)
- R3 Mr Cheetham's Appendix – response to TfGM e-mail (13 February 2018)
- R4 INRIX data
- R5 Letter from Mayor of Salford to RAID (14 March 2018)
- R6 Closing Submissions

DOCUMENTS SUBMITTED BY MEMBERS OF THE PUBLIC:

- D1 Note submitted by John Mosley
- D2 Note submitted by Andrew Darlington
- D3 Note submitted by Amy Cailey
- D4 Letter from Mrs Brunt dated 26 February 2018
- D5 Note submitted by Lesley Wrightson
- D6 Note submitted by David Cailey
- D7 Note submitted by Joseph Sate
- D8 Note submitted by Doctor Gundi Kiemle Gabbay
- D9 Note submitted by Professor Mark Gabby
- D10 Note submitted by Bill Newham
- D11 Note submitted by Jean Barnes
- D12 Note submitted by Anne Broomhead
- D13 Note submitted by Robert Sides
- D14 Note submitted by Andrew Darlington
- D15 Note submitted by Karen Garrido
- D16 Note submitted by Katherine Hyde
- D17 Letter from BSS Coaches dated 17 January 2018
- D18 Note submitted by Barbara Keeley MP
- D19 Note submitted by Doctor Nigel Hyams

## **SCHEDULE OF CONDITIONS RELEVANT TO APPEAL A**

### *Define the Permission*

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) The development hereby permitted shall begin no later than one year from the date of approval of the last of the reserved matters to be approved pursuant to condition 4.
- 3) Application for the approval of the reserved matters for the first phase of the development (of not less than 200 dwellings) shall be made to the local planning authority not later than 18 months from the date of this permission.
- 4) Application for the approval of all of the reserved matters shall be made to the local planning authority not later than four years from the date of this permission.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 400G-59 Rev E and 400L-12B.
- 6) The development hereby approved shall be carried out in accordance with the principles and design philosophy set out in the following approved plans:
  - i) Application site boundary Ref 400G-59 Rev E
  - ii) Site Access Plan Ref 400L-12B
  - iii) Tree Removal Plan Ref 400G-62K
  - iv) Land Use Budget Plan Ref 400G-100D
  - v) Highways access and circulation Ref 400G-66L
  - vi) Pedestrian Access and Circulation Ref 400G-99E
  - vii) Building Heights and Distribution Ref 400G-67N
  - viii) Building Quantum and Density Ref 400G-97D
  - ix) Accessible Open Space and Public Access Areas Ref 400G-63L
  - x) Landscape, Ecology and Drainage Ref 400G-64P
  - xi) Offsite highway mitigation plans: 400L-14B and 400L-13A

### *Phasing of the development*

- 7) None of the development hereby approved shall commence until a phasing scheme for the development which sets out the sequence in which the various elements of the development will be constructed and brought into use has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing scheme.
- 8) No development shall commence before details of the proposed public footbridge over the Bridgewater Canal to link to the south side of the canal have been submitted to and approved by the Local Planning Authority. The approved details of the public footbridge shall be implemented prior to the occupation of the first dwelling on the site.

- 9) No development of the Marina Basin (within Indicative Phase 2 of the development) shall commence until the footbridge over the entrance of the marina has been constructed in accordance with details and an implementation programme, to be approved in writing by the Local Planning Authority, and is available for public use.

*Form of the Development*

- 10) The maximum number of dwelling units to be developed on the application sites shall not exceed 600 dwellings, with no more than 90 dwellings on the Broadoak North site and no more than 510 dwellings on the Broadoak South site without school; or 460 dwellings with school.
- 11) At least 50% of the dwellings forming the total development shall have 4 or more bedrooms; at least 65% of all dwellings shall have a floorspace of at least 95 square metres; and no more than 10% of all dwellings shall be apartments.
- 12) Any application for the approval of reserved matters for any phase within the development hereby approved shall be accompanied by a 'Crime Prevention Plan' [CPP] for that phase which shall examine all aspects of site security including site car parking, pedestrian footways, entrances, internal layout and external security measures for that phase and which shall be capable of meeting 'Secured by Design' requirements. Development of that phase shall be carried out in accordance with the approved CPP and any approved site security measures shall be retained thereafter.
- 13) No development, or phase of development hereby approved shall be started until full details of the location, design and construction of bin stores and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. Such approved bin stores shall thereafter be constructed and made available for use before the development is brought into use.

*Open space and Playing Fields*

- 14) No development shall take place unless and until a scheme showing full details of the design, layout, specification and maintenance of the playing fields and other open space areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the proposed playing fields and open spaces and how they are to be maintained in perpetuity. The development shall be implemented in accordance with the approved details. In relation to the playing field to be provided on Broadoak North the scheme shall include:
- i) A detailed assessment of the ground conditions (including drainage and topography) to identify constraints which could affect playing field quality;
  - ii) A written specification of soil structure, cultivation and other operations associated with grass and sports turf establishment based on the results of the assessment carried out pursuant to (a) above;
  - iii) A scheme for the management of the sports provision to be made within or in association with the development, including provision to be made for use by the school and/or other organisations/individuals within the local community;
  - iv) A scheme of improvements to the playing field to include the following:

- The installation of a new piped drainage scheme;
  - The erection of a suitable boundary fence to deter casual non-booked use of the playing field;
  - Re-seeding of the playing pitch;
  - Provision of a formal car parking area to the rear of the Bridgewater School for use associated with the playing pitch.
- v) A scheme to ensure continuity of sporting use by Bridgewater School during the period when improvements are made to the playing field adjacent to the school (the scheme should cover the period until the improved area of playing field is made available for use).
- 15) No development shall commence on the existing playing field located adjacent to Bridgewater School until the improvements set out in Condition 14(iv), details of which shall first be submitted to and agreed in writing by the Local Planning Authority, have been made to the retained area of playing field adjacent to the school, and the replacement playing field has been constructed, laid out and made available for use in accordance with the approved scheme.
- 16) Notwithstanding the details shown on the approved parameter plans (as set out in condition 6) any reserved matters application for the Broadoak North part of the development shall make provision for a 0.6 hectare playing field, the management of which will be secured through condition 14).
- 17) The first reserved matters application that relates to the area defined in the Design & Access Statement as the Sindsley Park Character Area (Phase 2 of the development) shall include details of the proposed location, design and timetable for delivery of a Neighbourhood Equipped Area for Play (NEAP). The NEAP shall be a minimum of 1,000sq.m in area and be located at least 30m from the curtilage of any residential property (existing or proposed). Details of the position, number and types of play equipment, material and colour finish of fencing, bins and benches, position of gates and colour and material of surface treatment shall be included in the reserved matters details. The approved details shall be implemented in full and retained thereafter.
- 18) The first reserved matters application for the first phase of development shall include details of the proposed location, design and timetable for delivery of a Local Equipped Area of Play (LEAP) within the development site. The LEAP shall be a minimum of 400 sq.m in area and be located at least 30m from the curtilage of any residential property (existing or proposed). Details of the position of five pieces of play equipment, material and colour finish of fencing, bins and benches, position of gates and colour and material of surface treatment shall be included in the reserved matters details. The approved details shall be implemented in full and retained thereafter.

*Landscaping, Ecology and Tree Measures*

- 19) No tree felling or vegetation clearance (illustrated on outline drawing 400G-62K - Tree Removal) shall take place within the period for bird nesting (March to September inclusive) unless a report has been submitted to and approved in writing by the local planning authority demonstrating that nesting birds have been shown to be absent.

- 20) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the last dwelling:
- i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
- 21) Prior to the commencement of development, or a phase of development, hereby approved a Landscape and Habitat Creation and Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall accord with the recommendations set out in the Ecology and Nature Conservation Chapter of the Environmental Statement (March 2013) and include details such as long term design objectives, management responsibilities and maintenance schedules for all landscape areas and shall include details of the proposed habitat creation on Aviary Field. The Scheme shall be implemented in accordance with the phasing details as provided by condition 7.
- 22) Prior to the commencement of development, or phase of development, hereby approved a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 23) Any application for reserved matters should be supported by a scheme of site lighting to demonstrate the avoidance of light pollution / artificial illumination upon the woodland edge and other edge habitats. The approved lighting scheme shall be implemented in full and maintained and retained thereafter.

### *Highway Measures*

- 24) No more than 30 dwellings pursuant to this planning permission shall be occupied unless and until the full design and construction details for the improvements to Junction 13 of the M60 shown in outline on drawing Proposed M60 J13 Eastern Roundabout Improvements Ref 400L-14B; and Proposed M60 J13 Western Roundabout Improvements Ref 400L-13A have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
- i) How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
  - ii) Full signing and lighting details;
  - iii) Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
  - iv) An independent Stage Two Road Safety Audit (to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.
- 25) No more than 75 dwellings shall be occupied unless and until the highway improvements, in accordance with Condition 24, have been implemented in accordance with the approved plans.
- 26) Prior to the commencement of development, or phase of development, hereby approved a detailed Travel Plan including details of its implementation and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan. The development shall be implemented in accordance with its approved terms.

### *Drainage Measures*

- 27) Prior to the occupation of any dwelling on a relevant phase of the development, details of the surface water drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (and any Technical Guidance), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 28) The development or phase of development hereby permitted shall not be commenced until such time as a surface water regulation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show:
- i) Detailed measures to address both surface water and fluvial flood risk;
  - ii) Discharge rates that are no more than 245 litres/sec in total and that sufficient retention volumes for excess water are provided on site for the 1 in 100 year storm (including 40% increase for climate change);
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 29) The development or phase of development hereby permitted shall not be commenced until such time as a scheme to control flows entering Sindsley Brook canal culvert to no more than 515 litres/sec has been submitted to, and approved in writing by, the local planning authority. The scheme shall include full details of the flow bifurcation on Sindsley Brook, proposed new channel to the canal marina and any required mitigation measures associated with the additional inflow to the canal. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 30) Any reserved matters application should ensure that there is no net loss of river habitat and all improvements to and construction of new watercourses should be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 31) Prior to the commencement of any relevant phase of development, details of finished floor levels shall be submitted to, and approved in writing by, the local planning authority.

*Construction Management and Site Investigation Measures*

- 32) The development, or phase of development, hereby approved and all operations undertaken on site shall be carried out strictly in accordance with the practices outlined in the Site Waste Management Plan prepared by RPS (dated February 2013) (ref OXF7901) throughout the construction period.
- 33) No site works shall commence on any phase of the development until a Construction Environmental Management Plan (CEMP) to serve the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. The CEMP shall include, but not be limited to, the following information:
- i) details of the routeing of construction vehicles to the site and access and egress arrangements within the site including details of signage, monitoring and enforcement;
  - ii) site preparation and construction stages of development;

- iii) details of provision for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv) details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway;
- v) measures to monitor vibration from construction activities on the site;
- vi) a suitable and efficient means of suppressing dust (which accord with the recommendations set out in the Air Quality Chapter of the Environmental Statement), including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii) noise and vibration mitigation measures for all plant and processors (which accord with the recommendations set out in the Noise and Vibration Chapter of the Environmental Statement);
- viii) details of contractors' compound and car parking arrangements;
- ix) screening and hoarding details;
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi) delivery and collection times for construction purposes;
- xii) loading and unloading of plant and materials;
- xiii) details of interim car parking management arrangements for the duration of the construction;
- xiv) temporary access arrangements for pedestrians, vehicles and cyclists;
- xv) details of measures to be taken to protect the Sindsley Brook and the Bridgewater Canal during the course of the scheme;
- xvi) details of a community liaison contact for the duration of all works associated with the development, including complaints procedures and complaint response procedures;
- xvii) the times of construction activities on site;
- xviii) prior notice and agreement procedures for works outside agreed limits and hours; and
- xix) details of membership of the Considerate Contractors Scheme.

The development shall be implemented in accordance with the approved CEMP.

- 34) Prior to the commencement of each phase of development hereby approved:
- i) A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
  - ii) The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of

construction and completed prior to occupation of the development;  
and

- iii) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on that phase were completed in accordance with those agreed by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

#### *Noise Measures*

- 35) Use of air extraction equipment, for the hereby approved retail facilities shall not commence until detailed plans and specifications of the equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary), have been submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed in accordance with the approved plans and specifications before the use of the equipment commences and shall be permanently retained thereafter in accordance with the approved specifications.
- 36) Prior to commencement of development, or relevant phase of development, hereby approved a scheme of proposed mitigation for glazing and ventilation for those dwellings to be located adjacent to Worsley Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of noise attenuation measures required to ensure that the following standards are attained with respect to residential accommodation on the site as stipulated in BS8233:2014 "Sound insulation and noise reduction for buildings – Code of Practice":
- i) internal noise levels of less than 30dB LAeq,(8hour) within bedrooms between 23.00 hours and 07.00 hours;
  - ii) internal noise levels of less than 35 dB LAeq,(16hour) within living areas between 07.00 and 23.00 hours;
  - iii) typical individual noise events shall not be in excess of 40 dB LAmax in bedrooms between 23.00 and 07.00 hours;
  - iv) external noise levels of less than 50 dB LAeq,(16hour) in gardens, balconies and private communal gardens between 07.00 and 23.00 hours.

Written details of the ventilation measures which remove the need for future residents to open windows for summer cooling and rapid ventilation shall be submitted for approval. The ventilation measures identified shall ensure the above standards are not compromised.

The mitigation measures shall be approved in writing by the Local Planning Authority and installed prior to each phase of the development. Prior to occupation of each phase of the development a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those works agreed by the Local Planning Authority. All mitigation measures shall thereafter be retained.

- 37) The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the

background noise level (LA90,T) by more than -5 dB at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out according to BS 4142: 1997 "Rating industrial noise affecting mixed residential and industrial areas". 'T' refers to any 1 hour period between 07.00 hours and 23.00 hours and any 5 minute period between 23.00 hours and 07.00 hours.

#### *Archaeological Measures*

- 38) No development, or phase of development, hereby approved shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of works to be undertaken in accordance with a Written Scheme of Investigation [WSI] which has been submitted to and approved in writing by the Local Planning Authority. The WSI shall accord with the recommendations set out in the Historic Environment Chapter of the Environmental Statement (March 2013) and cover the following:
- i) A phased programme and methodology of site investigation and recording to include:
    - evaluation through trial trenching and, depending on the results,
    - targeted open area excavation;
  - ii) A programme for post-investigation assessment to include:
    - analysis of the site investigation records and finds,
    - production of a final report on the programme of works discussing the significance of the heritage interest represented;
  - iii) Provision for publication and dissemination of the analysis and report on the site investigation;
  - iv) Provision for archive deposition of the report, finds and records of the site investigation; and
  - v) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

## **SCHEDULE OF CONDITIONS RELEVANT TO APPEAL B**

### *Define the Permission*

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of any phase of the development shall be submitted to and approved in writing by the local planning authority before any phase of development begins and the development shall be carried out as approved.
- 2) The development hereby permitted shall begin no later than one year from the date of approval of the last of the reserved matters to be approved pursuant to condition 4.
- 3) Application for the approval of the reserved matters for the first phase of the development (of not less than 100 dwellings) shall be made to the local planning authority not later than 18 months from the date of this permission.
- 4) Application for the approval of all of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.400M.27 Rev A & M17007-A-001C Rev C.
- 6) The development hereby approved shall be carried out in accordance with the principles and design philosophy set out in the following approved plans:
  - i) Tree Removal Drg.400M.29 Rev C;
  - ii) Parameters for development areas, access and movement Drg.400M.31B;
  - iii) Parameters for landscape, hydrology and ecology Drg.400M.30 Rev A

### *Phasing of the Development*

- 7) None of the development hereby approved shall commence until a phasing scheme for the development which sets out the sequence in which the various elements of the development will be constructed and brought into use has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing scheme.

### *Form of Development*

- 8) The maximum number of dwelling units to be developed on the application site shall not exceed 165 dwellings.
- 9) At least 50% of the dwellings forming the total development shall have 4 or more bedrooms; at least 65% of all dwellings shall have a floorspace of at least 95 square metres and no more than 10% of all dwellings shall be apartments.
- 10) Any application for the approval of reserved matters for any phase within the development hereby approved shall be accompanied by a 'Crime Prevention Plan' [CPP] for that phase which shall examine all aspects of site security including site car parking, pedestrian footways, entrances, internal layout and external security measures for that phase and which shall be

capable of meeting 'Secured by Design' requirements. Development of that phase shall be carried out in accordance with the approved CPP and any approved site security measures shall be retained thereafter.

- 11) No development, or phase of development, hereby approved shall be started until full details of the location, design and construction of bin stores and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. Such approved bin stores shall thereafter be constructed and made available for use before the development is brought into use.

#### *Open Space*

- 12) No development shall take place unless and until a scheme showing full details of the design, layout, specification and maintenance of the open space areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of delivery of the open spaces and how the open space areas are to be maintained in perpetuity. The development shall be implemented in accordance with the approved details.
- 13) The first reserved matters application for the first phase of development shall include details of the proposed location, design and timetable for delivery of a Local Equipped Area of Play (LEAP) within the development site. The LEAP shall be a minimum of 400 sq m in area and be located at least 30m from the curtilage of any residential property (existing or proposed). Details of the position of five pieces of play equipment, material and colour finish of fencing, bins and benches, position of gates and colour and material of surface treatment shall be included in the reserved matters details. The approved details shall be implemented in full and retained thereafter.

#### *Landscaping, Ecology and Tree Measures*

- 14) No tree felling or vegetation clearance within the site shall take place within the period for bird nesting (March to September inclusive) unless a report has been submitted to and approved in writing by the local planning authority demonstrating that nesting birds have been shown to be absent.
- 15) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the last dwelling:
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the

site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

- 16) Prior to the commencement of development, or a phase of development, hereby approved a Landscape and Habitat Creation and Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall accord with the recommendations set out in the Ecology and Nature Conservation Chapter of the Environmental Statement (April 2017) and include details such as long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The Scheme shall be implemented in accordance with the phasing details as provided by condition 7.
- 17) Prior to the commencement of development, or phase of development, hereby approved a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/roots/stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 18) Any application for reserved matters should be supported by a reassessment of trees specified in table 6.1 of the Ecological Baseline Survey Report (March 2017) for their potential to support bat roosts. Where such potential exists, details shall be submitted for review and written approval of the Local Planning Authority which demonstrates that the layout does not impede the flight lines / foraging routes of bats.
- 19) Any application for reserved matters should be supported by a scheme of site lighting to demonstrate the avoidance of light pollution / artificial illumination upon the woodland edge and other edge habitats. The approved lighting scheme shall be implemented in full and maintained and retained thereafter.

#### *Highway Measures*

- 20) No more than 30 dwellings pursuant to this planning permission shall be occupied unless and until the full design and construction details for the improvements to Junction 13 of the M60 shown in outline on drawing M17007-A-004-A prepared by the transportation consultants, TTHC, have been submitted to and approved in writing by the Local Planning Authority . The details to be submitted shall include:
  - i) How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
  - ii) Full signing and lighting details;

- iii) Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
  - iv) An independent Stage Two Road Safety Audit (to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.
- 21) No more than 75 dwellings shall be occupied unless and until the highway improvements, in accordance with Condition 20, have been implemented in accordance with the approved plans.
- 22) Prior to the commencement of development, or phase of development, hereby approved a detailed Travel Plan including details of its implementation and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in accordance with the Framework Travel Plan. The development shall be implemented in accordance with its approved terms.

*Drainage Measures*

- 23) Prior to the occupation of any dwelling on a relevant phase of the development, details of the surface water drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (and any Technical Guidance), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 24) The development or any phase of development hereby permitted shall not be commenced until such time as a surface water regulation scheme for that phase has been submitted to and approved in writing by, the Local Planning Authority. The scheme shall show:
- i) Detailed measures to address both surface water and fluvial flood risk;
  - ii) Discharge rates that are no more than 39.75 litres/sec in total and that sufficient retention volumes for excess water are provided on site for the 1 in 100 year storm (including 40% increase for climate change).
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the

scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

- 25) Any reserved matters application should ensure that there is no net loss of river habitat and all improvements to and construction of new watercourses should be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 26) Prior to the commencement of any relevant phase of development, details of finished floor levels shall be submitted to and approved in writing by the local planning authority.
- 27) Any reserved matters application shall identify an undeveloped easement of a minimum 8m width from the bank top of Sindsley Brook. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Construction Management and Site Investigation Measures*

- 28) No development or phase of development shall commence until a Site Waste Management Plan for that phase has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved Waste Management Plan.
- 29) No site works shall commence on any phase of the development until a Construction Environmental Management Plan (CEMP) to serve the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. The CEMP shall include, but not be limited to, the following information:
  - i) details of the routeing of construction vehicles to the site and access and egress arrangements within the site including details of signage, monitoring and enforcement;
  - ii) site preparation and construction stages of development;
  - iii) details of provision for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv) details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway;
  - v) measures to monitor vibration from construction activities on the site;
  - vi) a suitable and efficient means of suppressing dust (which accord with the recommendations set out in the Air Quality Chapter of the Environmental Statement), including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii) noise and vibration mitigation measures for all plant and processors (which accord with the recommendations set out in the Noise and Vibration Chapter of the Environmental Statement);
  - viii) details of contractors' compound and car parking arrangements;
  - ix) screening and hoarding details;

- x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi) delivery and collection times for construction purposes;
- xii) loading and unloading of plant and materials;
- xiii) details of interim car parking management arrangements for the duration of the construction;
- xiv) temporary access arrangements for pedestrians, vehicles and cyclists;
- xv) details of a community liaison contact for the duration of all works associated with the development, including complaints procedures and complaint response procedures;
- xvi) the times of construction activities on site;
- xvii) prior notice and agreement procedures for works outside agreed limits and hours; and
- xviii) details of membership of the Considerate Contractors Scheme.

The development shall be implemented in accordance with the approved CEMP.

- 30) Prior to the commencement of each phase of development hereby approved:

- i) A Site Investigation report for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and
- ii) The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
- iii) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on that phase were completed in accordance with those agreed by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

#### *Noise Measures*

- 31) Prior to commencement of development, or relevant phase of development, hereby approved a scheme of proposed mitigation for glazing and ventilation for those dwellings to be located adjacent to Worsley Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of noise attenuation measures required to ensure that the following standards are attained with respect to residential accommodation on the site as stipulated in BS8233:2014 "Sound insulation and noise reduction for buildings – Code of Practice":
- i) internal noise levels of less than 30dB LAeq,(8hour) within bedrooms between 23.00 hours and 07.00 hours;

- ii) internal noise levels of less than 35 dB LAeq, (16hour) within living areas between 07.00 and 23.00 hours;
- iii) typical individual noise events shall not be in excess of 40 dB LAmax in bedrooms between 23.00 and 07.00 hours;
- iv) typical individual noise events from road vehicles should not be in excess of 45 dB LAmax in bedrooms between 23.00 and 07.00 hours.
- v) external noise levels of less than 55 dB LAeq, (16hour) in gardens, balconies and private communal gardens between 07.00 and 23.00 hours.

Written details of the ventilation measures which remove the need for future residents to open windows for summer cooling and rapid ventilation shall be submitted for approval. The ventilation measures identified shall ensure the above standards are not compromised.

The mitigation measures shall be approved in writing by the Local Planning Authority and installed prior to each phase of the development. Prior to occupation of each phase of the development a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those works agreed by the Local Planning Authority. All mitigation measures shall thereafter be retained.

#### *Archaeological Measures*

- 32) No development, or phase of development, hereby approved shall take place until or their successors in title has secured the implementation of a programme of works to be undertaken in accordance with a Written Scheme of Investigation [WSI] which has been submitted to and approved in writing by the Local Planning Authority. The WSI shall accord with the recommendations set out in the Archaeology Chapter of the Environmental Statement (April 2017) and cover the following:
- i) A phased programme and methodology of site investigation and recording to include:
    - evaluation through trial trenching and, depending on the results,
    - targeted open area excavation;
  - ii) A programme for post investigation assessment to include:
    - analysis of the site investigation records and finds,
    - production of a final report on the programme of works discussing the significance of the heritage interest represented;
  - iii) Provision for publication and dissemination of the analysis and report on the site investigation;
  - iv) Provision for archive deposition of the report, finds and records of the site investigation; and
  - v) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.



# Ministry of Housing, Communities & Local Government

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

## **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

## **SECTION 2: ENFORCEMENT APPEALS**

### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

## **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

## **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.