



Appeal Decision

Pre Inquiry site visit 15 July 2011

Inquiry held on 4-5 August 2011

Site visit made on 5 August 2011

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 September 2011

Appeal Ref: APP/T2350/A/11/2149940

Land to the north of Riddings Lane, Whalley, Lancashire BB7 9RL

- 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 Co-operative Estates against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2010/0820, dated 30 September 2010, was refused by notice dated 20 January 2011.
 - The development proposed is an outline application for a maximum of 80 residential units at land to the north of Riddings Lane, Whalley with access from Hayhurst Road with all other matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for a maximum of 80 residential units at land to the north of Riddings Lane, Whalley with access from Hayhurst Road with all other matters reserved in accordance with the terms of the application, Ref 3/2010/0820, dated 30 September 2010, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The appeal site is located within the main settlement boundary of Whalley as defined in the Ribble Valley Districtwide Local Plan (1998)¹. It is a greenfield site, relatively flat and predominately open in character comprising grassland. In the eastern portion a small track runs from north to south across the site and there are trees within and bordering the site. The northern and western boundaries are marked by a number of semi-mature/mature trees, some of which are subject to a Tree Preservation Order (TPO). To the north of the appeal site is open land whereas to the east and south east there are established residential areas. To the south west is a Lancashire County Council Depot. To the west is the Sidings Business Park and beyond that is the railway line that runs between Blackburn and Clitheroe.
3. The proposal involves up to 80 dwellings which would include 30% affordable housing. It is envisaged that these would be of varying sizes and comprise a mix of primarily terraced and semi-detached units offering 2 and 3 bedroom accommodation. A number of apartments could be provided within the scheme which could offer 1 and 2 bedroom accommodation and a small

¹ CD4

number of detached properties offering 4 bedrooms. The indicative layout² proposes 2 car parking spaces for most of the dwellings and also private gardens areas. The apartments would have 1.5 spaces car parking spaces.

4. The proposed dwellings would be mainly 2 storeys with a small number of 2.5 storey dwellings, with maximum heights of 8m and 9m respectively. A new vehicular and pedestrian access to the site would be provided from Hayhurst Road along the eastern boundary of the site. Pedestrian access would be maintained at the south eastern corner of the site and pedestrian/cycle connections would use an existing elevated green track as a green corridor to where a children's play area is proposed.
5. The application was supported by various reports including a Design and Access Statement, a Planning Statement, a Transport Assessment, a Utilities Services Report, a Flood Risk and Surface Water Drainage Assessment, an Environmental Noise Assessment, an Ecological Assessment and an Arboricultural Impact Assessment. The full list of plans and documents agreed between the Appellant and the Council as being relevant to the appeal is attached at Appendix 4 of the Statement of Common Ground (SCG).³
6. At the outset of the Inquiry the Council indicated that it would not be pursuing all elements of the original reason for refusal (RFR) and that the Council's objections in relation to over-development; loss of amenity to residents of Limefield Avenue and Riddings Lane and inadequate infrastructure in terms of drainage were withdrawn. I am also aware that, on the 23 June 2011, the Council advised the Appellant that it would not be presenting any technical highways evidence. The email confirms that, *'It is our intention to limit the scope of our evidence to congestion and general amenity issues that will arise as a consequence of the increase in traffic generated by the development.'*
7. The original RFR also refers to inadequate infrastructure in relation to school provision to support a development of this scale. The Council was concerned that local infrastructure could not sustain new development unless or until further educational provision was made available locally. However, I was informed that the Appellant had reached agreement with Lancashire County Council (LCC)⁴, as to the level of funding that ought to be provided to mitigate the impact of new residents on the appeal site and this agreement was reflected in an Education Position Statement.⁵ Given the LCC's expressed willingness in the Education Position Statement to explore positively local education options the Council did not pursue its objections to the development on sustainability grounds. Local residents' objections remain.
8. During the course of the Inquiry, the Appellant submitted 3 draft Planning Obligations under Section 106 of the Town and Country Planning Act 1990 relating to the proposed development. The first Planning Obligation was a unilateral undertaking to Ribble Valley Borough Council (RVBC) for the provision of affordable housing units to take effect should planning permission be granted.⁶ The second was a bilateral agreement with LCC relating to

² Drg No CS/045968_SK07v3

³ INQ3

⁴ The Local Education Authority for the area

⁵ APP13 dated 2 August 2011

⁶ APP10 dated 2 August 2011

highway and education contributions.⁷ The third was a unilateral undertaking to RVBC as an alternative to the bilateral agreement.⁸

9. Subsequent to the closure of the Inquiry, I received a final version of a unilateral undertaking dated 2 August 2011 in favour of RVBC which deals with affordable housing.⁹ I also received a final version of a S106 Agreement between the Co-operative Group Limited and LCC relating to highway and education contributions.¹⁰ This S106 Agreement supersedes the earlier draft unilateral and bilateral agreements relating to highway and education contributions.¹¹ I return to these Planning Obligations later in the decision.

Main Issues

10. I consider the main issues in this appeal are: (i) whether the proposal would have a significant and adverse impact on the operation of the highway network, particularly in terms of congestion, to the detriment of highway safety; (ii) whether the proposal would adversely affect the heritage assets of the Whalley Conservation Area particularly as a result of increased traffic and (iii) whether there would be adequate infrastructure in terms of school provision to support a development of this scale.

Reasons

The planning policy background

11. The statutory Development Plan for the area comprises the North West of England Regional Spatial Strategy to 2021 (RSS) (2008) and the Ribble Valley Districtwide Local Plan (RVDLP) (1998). It is agreed between the parties that the relevant RSS policies in respect of the issues in this case are Policy L4 Regional Housing Provision; Policy L5 Affordable Housing and Policy DP7 Environmental Quality. I note that Policy L4 indicates that RVBC should deliver a total housing provision 2003-2021 (net of clearance replacement) of 2,900 dwellings. This equates to an annual average rate of housing provision (net of clearance replacement) of 161 dwellings.
12. It is agreed between the parties that the relevant RVDLP policies in respect of the issues in this case are: Policy G1 Development Control; Policy G2 Settlement Strategy; Policy ENV6 Development Involving Agricultural Land; Policy ENV 7 Species Protection; Policy ENV13 Landscape Protection; Policy H19 Affordable Housing Large Developments in Main Settlements; Policy H21 Affordable Housing Information Needed; Policy RT8 Open Space Provision and Policy T7 Parking Provision. I note that the appeal site is unallocated for any purpose on the Proposals Map and within the settlement boundary. Under Policy G2, development wholly within the built part of the settlement or the rounding off of the built-up area will be approved. From the evidence that is before me and my site visit, I consider the appeal site comprises "rounding off" of the built up area. Save for criterion (b) of Policy G1, the Council agrees that the proposal complies with all aforementioned development plan policies.

⁷ APP11 dated 2 August 2011

⁸ APP12 dated 2 August 2011

⁹ APP17 dated 2 August 2011

¹⁰ APP/18 dated 16 August 2011

¹¹ APP/11 and APP12

13. The existing development plan will be replaced in due course by the new Local Development Framework (LDF) for Ribble Valley. The Core Strategy will shape development in Ribble Valley over the next 15-20 years. A Draft Core Strategy (Regulation 25 Report) was made available for public consultation until October 2010. The document identifies three Development Strategies. Option One seeks to direct 30% (450 dwellings) of the Borough's residential development requirements to service centres including Whalley, whilst Option Two suggests 23% (345 dwellings). Option Three suggests 15% (225 dwellings). For Whalley, two main areas of search have been identified as having the potential to deliver future housing; these are Land Adjacent to Clitheroe Road and Land at Lawsonsteads Farm, Brookes Lane. As the LDF is at an early stage I consider that very limited weight can be given to it.
14. I note that the Council's Strategic Housing Market Assessment (SHMA) 2008 identifies a clear need for affordable housing across all areas of the district. Furthermore, it is clear from this assessment that to meet the housing need the Council would need to deliver a level of housing in excess of existing RSS housing targets. The Strategic Housing Land Availability Assessment (SHLAA)¹² 2009 identified a large site (Ref.136) of 12.07 hectares referred to as 'Land Adjacent to Clitheroe Road' as a site to be included in the SHLAA with an estimated capacity to deliver 483 dwellings. I also note that the appeal site forms the south western portion of this site.
15. I am aware that the Council has adopted an Affordable Housing Memorandum of Understanding in July 2009 and this is treated by RVBC as a material consideration when determining planning applications.¹³ The affordable housing threshold for sites within Whalley is development of 3 or more dwellings or sites of 0.1 hectares or more irrespective of the number of dwellings. On qualifying sites the Council will seek 30% affordable units on site. The mix and type of affordable housing units to be delivered on the appeal site is set out in the unilateral undertaking.¹⁴
16. The Council accepts in the SCG that the latest housing land position, presented to Members on 16 June 2011, demonstrates a 2.9 years supply of deliverable housing in accordance with the requirements of PPS3. The Council also accepts that there is no conflict with the criteria in paragraph 69 of PPS3 and therefore it is agreed that favourable treatment ought to be afforded to this proposal in terms of PPS3. In addition to PPS3, I have taken into account national policy including that contained in PPS1, PPS5, PPS9 and PPG13 together with the Government's objective to secure economic growth both in 'The Plan for Growth' Ministerial Statement¹⁵ and the consultation draft of the National Planning Policy Framework (NPPF) (July 2011).

The first issue – highways

17. The Council contends that the increased traffic from the proposed development would result in an increase in congestion on the local highway network to the detriment of the amenities of the area. It is argued that parking on both sides of King Street effectively reduces it to a single lane which is a problem for both residents and businesses. Of particular concern is the fact that increases in congestion and queues causes disruption across the

¹² CD6

¹³ CD9

¹⁴ APP/17

¹⁵ Written Ministerial Statement – Right Honourable Greg Clark MP dated 23 March 2011- Planning for Growth

network, driver frustration and the risk of vehicular conflict. In the Council's view to allow new housing development of the scale proposed within Whalley would be premature to planned highway improvements.

18. Many concerns were raised by local residents and local groups in relation to highway and pedestrian safety issues. SWVAG¹⁶ considers that the local highway network has reached its practical capacity following recent developments within Whalley and the surrounding area. Reference was made to the fact that the TA¹⁷ failed to assess the impact of the proposed development on the existing King Street/Accrington Road junction; that the development would lead to increased traffic on Wiswell Lane and exacerbate 'rat running' on The Sands. Concerns were also expressed about personal injury accidents along the stretch of the A671 between Accrington Road and the A59. Some objectors were concerned about non-car transport infrastructure and the dangers associated with cycling in the village. Others consider that the access from Hayhurst Road would create a danger for both pedestrians and other road users.
19. From the evidence that is before me the site is accessible by non car travel modes, including on foot, by cycle and by bus. It would provide a sustainable development, receiving an 'accessibility score of 23' from LCC at the high end of the medium range which is significant for a village location. The site layout would accord with the required standards of design and layout as stipulated by the Council and the Highway Authority. The proposed car parking provision would be adequate to cater for the demand at the development and there would be no material parking issue on Hayhurst Road that would cause any safety or capacity issues with the proposed new vehicular access to the site. Indeed the site access would provide a safe point of entry into the site for all road users including pedestrians and cyclists and would improved the access for all road users in the vicinity of the appeal site.
20. I am aware that the site access would operate with reserve capacity in both the AM and PM peak hours. The traffic associated with the development could be accommodated on the local highway network. It is clear to me that the effect upon traffic flows on King Street and its junction with Accrington Road at peak hours would be imperceptible (1.7% and 1.2% respectively). That is to say that a person standing at the side of the road would simply not be able to tell the difference between the flows now and in the future. That is both because the additional number of vehicles would be 18 *at the busiest hour* – i.e. one every three minutes and would fade into the background of 50 times that flow on the road in baseline conditions; but also because there is a daily fluctuation of between 5 and 10% in any event. In my view, the proposed increase in traffic flows would not be detectable. It follows that an amenity based case cannot be made out and a highway safety case based upon additional driver frustration is misconceived.
21. The Appellant's highway case was criticised because a link capacity exercise was not undertaken. However, detailed discussions were held with the Highway Authority and a detailed scope of works was agreed which was sufficient to satisfy both the officers of the Highway Authority and those of the Council both of whom recommended approval. A further traffic survey was carried out in July 2011 at the junction of King Street and Accrington Road.

¹⁶ The Save Whalley Village Action Group

¹⁷ Transport Assessment

This confirmed that the proposal would have a minimal impact on the highway network within the village centre.¹⁸ A wider consideration of personal injury accidents shows that there were about 3 per year in the last 5 years which is not unusual in a village the size of Whalley. On the basis of the anticipated impact of the traffic generated, the Highway Authority did not raise any objections in principle on highway safety grounds subject to improvement measures which can be dealt with by planning conditions or obligations.

22. The Council provided little or no evidence to support the case on congestion. My attention was drawn firstly to the Whalley Parish Plan 2004 where congestion is flagged up by 63% of the 47% of respondents who were concerned by traffic. However, I note that only 25% of those people were actually concerned by the volume of traffic – which amounts to 7.5% overall. I consider this falls well short of an overwhelming concern of the majority of respondents. Moreover, in relation to the evaluation of proposals, the Council's concern i.e. the impact of parking on both sides of King Street reducing flows to single lane working – is completely unsupported. In the landscape table,¹⁹ the solution to that issue of removing parking on one side would, it is said, produces no benefits in either alleviating congestion or improving the environment. Indeed the weighted benefits of that proposal is said to be -22% and is the second worst idea of the rated scores.
23. The Council also highlighted the LTP3²⁰ bid in support of its case. However, I can give little weight to this document for several reasons. Firstly, the LTP3 is not a study rather it is a bid for a study to be done, in competition with many other schemes across Lancashire. Secondly, there is no policy basis to await the outcome of the study, even if there was one. Thirdly, there is no indication what the conclusions of such a study might be and whether anything could be feasibly done. Fourthly, there is no timescale for such a study. This is a plea for an indefinite moratorium until an uncommissioned study produces an unknown outcome. It is difficult to support such a stance given the fact that the Council is at the same time promoting significant growth options within Whalley as part of its emerging Core Strategy. The proposal would be in accordance with previously mentioned development plan policies and PPG13. I conclude on the first issue that the proposal would not adversely effect the operation of the highway network, particularly in terms of congestion, to the detriment of highway safety.

The second issue – heritage

24. The Council is concerned that the implementation of the proposed development would adversely affect the heritage assets of the Whalley Conservation Area as direct result of the proposed increase in traffic. Reference was made to a variety of guidance notes from which it was argued that a wide view of the impact of traffic on conservation areas can be taken. Local residents are also concerned about the effect of traffic on the Conservation Area, particularly around King Street, The Sands and Church Lane areas, where many historic buildings are located.

¹⁸ APP9 paragraph 3.1 9

¹⁹ CD13 paragraph 3.6

²⁰ CD2 Lancashire County Council - Local Transport Plan 2011-2021

25. The Government's objectives for planning for the historic environment are set out in PPS5. They include seeking to conserve heritage assets in a manner appropriate to their significance. In this case, the Council agreed that the proposal would not affect the setting of the Conservation Area in the context of Policy HE10. It was further agreed that the concerns fall to be assessed under Policy HE9.4 of PPS5 i.e. less than substantial impact upon the significance of a heritage asset. The Council also agreed that by significance the Government is concerned not just with the physical nature of the heritage asset but how it is actually perceived by the public.²¹
26. That led to the inevitable question as to how it could be that an imperceptible change in traffic conditions could lead to a significant adverse impact upon a heritage asset. The Council conceded that given there was no technical highway evidence to support its case that was a difficult question to answer. In my view, for an effect to be material upon the significance of a heritage asset it must be at the least perceptible,²² especially where the 'impact' is said to be an exacerbation of an already perceptible effect. Whilst I appreciate that in some instances traffic effects might have an unacceptable impact upon a conservation area, I cannot agree that an impact of a 1.7% increase in traffic flows at peak hours would have an adverse effect upon a conservation area.
27. Policy HE9.4 indicates that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial, then LPAs should weigh the public benefit of the proposal against the harm. In this instance I consider that the public benefits are considerable and strongly outweigh any such harm. I conclude on the second issue that the proposal would be in accordance with previously mentioned development plan policies and PPS5. The proposal would not adversely affect the heritage assets of the Whalley Conservation Area particularly as a result of increased traffic.

The third issue – education

28. The Council was originally concerned that local infrastructure could not sustain new development unless or until further educational provision was made available locally. However, subsequently, the Appellant advised the Inquiry that agreement had been reached with LCC as to the level of funding that ought to be provided to mitigate the impact of new residents on the appeal site. This agreement was reflected in an Education Position Statement submitted to the Inquiry.²³ In the light of this agreement the Council did not pursue its objection to the proposal on sustainability grounds.
29. The Parish Council and many local residents are concerned about the impact of the development on school provision claiming that the primary school is at capacity and secondary schools are oversubscribed. However, the Education Position Statement makes clear that LCC has a statutory duty to secure sufficient schools and sufficient school places for residents of its area. This duty arises under section 14 of the Education Act 1996, as amended. LCC has confirmed it will meet its statutory responsibility and raises no objections in

²¹ PPS5 paragraph 7

²² In the case of a conservation area, there might be some instances where a change might not be perceptible, but nonetheless real – e.g. dewatering of underground waterlogged archaeology, but that is more than a little exceptional.

²³ APP13 dated 2 August 2011

principle to the proposed development subject to appropriate contributions being paid in respect of primary and secondary education.

30. I am aware that LCC has entered freely into a Section 106 Agreement and is bound by its terms. In so doing LCC has clearly signalled its acceptance that the contributions provided are sufficient to enable it to make adequate provision for the education needs generated by the proposed development. In my view the commuted sum to LCC would ensure that suitable education provision is provided for the pupils which this scheme would generate. On the third issue I conclude that there would be adequate infrastructure in terms of school provision to support a development of this scale.

Planning Obligations

31. Two Planning Obligations were submitted in support of the proposal. The first is a unilateral undertaking dated 2 August 2011 in favour of RVBC which deals with affordable housing. It provides for a maximum of 24 affordable housing units to be made available being 30% of the maximum number of 80 dwellings which may be constructed on the site under the appeal proposal. It also includes clauses in relation to the mix and size of affordable units. The second is a bilateral agreement with LCC dated 16 August 2011 which deals with highway and education contributions. It secures contributions payable by the Co-operative Group Limited to LCC in relation to the following: (i) a contribution of £2,500 towards the cost of advertising and implementing a TRO relating to offsite highway works (ii) a contribution of £132,000 for the provision of additional highway improvement and/or safety measures including a junction table marking at Clitheroe Road/Hayhurst Road; interactive signing on Clitheroe Road and improvements to existing bus stops including improved shelters and street furniture and (iii) contributions towards the cost of provision of additional primary and secondary school places within 3 miles of the site. The education contributions would be paid in two instalments and be calculated using a formula set out in the agreement.
32. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) indicates that any planning obligation providing for such a contribution must be: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These matters reflect the themes of the five tests of a planning obligation within Circular 05/2005 – *Planning Obligations*.
33. In my view the provisions of the unilateral undertaking complies with the Council's affordable housing policies. There is a clear and pressing need for affordable housing across all areas of the district. The provisions of the unilateral undertaking are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. I consider that all of the provisions of the unilateral undertaking meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests of Circular 05/2005.
34. With regard to the bilateral agreement with LCC dated 16 August 2011, I consider that the contribution of £2,500 towards the cost of the TRO is necessary for the efficient operation of the junction. It would enhance access by reducing the potential for delay with ingress and egress onto Clitheroe Road as a consequence of parked vehicles. There would also be benefit to

pedestrians as visibility would be improved in the vicinity of the junction. The contribution of £132,000 towards transport infrastructure improvements is based on a development of 80 dwellings and an accessibility score of 23. This provides a sum of £1,650 per dwelling. In my view the additional highway safety measures are necessary to encourage compliance with the 30mph speed limit and to mitigate the highway impacts of the development. Similarly, the contributions for primary and secondary education are clearly necessary to enable adequate provision for the education needs generated by the development. In my view, all of the provisions of the bilateral agreement meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests of Circular 05/2005. I accord significant weight to both the unilateral undertaking with RVBC and the bilateral agreement with LCC.

Other matters

35. I have taken into account all other matters raised including the views of local residents and other interested parties in reaching this decision. I appreciate that representations have been raised in relation to great crested newts, agricultural land quality, trees, foul and surface water drainage, availability of medical and dental facilities, scale, residential amenity and employment. None of these matters is sufficient to justify withholding planning permission.

Conclusions

36. I conclude that the proposal would be in accordance with the development plan and Government guidance and that the appeal should be allowed.

Conditions

37. The Council submitted a schedule of suggested conditions at the Inquiry which I have considered in the light of the advice in Circular 11/95. In addition to the usual time limit and reserved matters conditions, I consider that a condition is necessary to encourage renewable energy and to comply with Policy G1 of the Local Plan. Condition 4 relating to surface water drainage is necessary to prevent the increased risk of flooding. Conditions 5 and 6 relating to noise are necessary in the interests of residential amenity. Conditions 7 and 8 are needed to ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 would be harmed or destroyed. Conditions 9 and 10 are necessary in the interests of highway safety. Condition 11 in relation to site investigations is necessary to ensure a satisfactory development and Condition 12 in relation to a landscape management plan is necessary in the interests of residential amenity. Condition 13 is necessary to tie the proposed development to the Design and Access Statement and the indicative development framework plan to define the scope of the permission. Condition 14 is necessary to secure the means of access to the site from Hayhurst Road in the interests of highway safety. Condition 15 is necessary to ensure that retained trees are adequately protected during the construction process.

Harold Stephens

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Sauvain QC

Instructed by Debbie Nuttall,
Solicitor, Ribble Valley Borough
Council

He called:

John Macholc BSc (Hons) Dip TP Dip MS MRTPI

Head of Planning Services

Adrian Dowd BSc (Hons) MA MA MIHBC MRTPI

Principal Planning Officer -
Design and Conservation

Colin Hirst BA (Hons) Dip TP Dip MS MRTPI²⁴

Head of Regeneration and
Housing Services

FOR THE APPELLANT

Paul G Tucker QC

Instructed by Gary Halman,
Partner How Planning LLP

He called:

Philip Wooliscroft MSc HNC (Civ Eng) MCITL

Director of Croft Transport
Solutions

Peter de Figueiredo Dip Arch MA RIBA IHBC

Architect and Heritage Consultant

Gary Halman BA (Hons) MICS MRTPI

Partner How Planning LLP

Claire Hallwood LLB (Hons)²⁵

Solicitor with Lancashire with
County Council

INTERESTED PERSONS

Stephen Barker

Chair of the Planning Group on
Whalley Parish Council

Jane Hardman

Local resident

Philip Dykes

Wildlife Trust

Nick Walker

Local resident

Nicky Goulding

Local resident

Gary Swarbrick

Save Whalley Village Action
Group and Local resident

²⁴ Mr Hirst was not called but he answered questions from the Inspector

²⁵ Miss Hallwood was not called but she answered questions from the Inspector

Janet Higgins

Local resident

Michael Harper

Local resident

INQUIRY DOCUMENTS

INQ1	Inquiry Notification Letter
INQ2	Letters received in response to the Notice of the Inquiry
INQ3	Statement of Common Ground

CORE DOCUMENTS LIST

Core Document Number	Title	Author	Date
Regional Planning Policy			
CD1	North West of England Regional Spatial Strategy to 2021	Government Office for the North West	September 2008
County Planning Policy			
CD2	Local Transport Plan for Lancashire 2011-2021	Lancashire County Council	May 2011
CD3	Lancashire County Council Planning Obligations Paper	Lancashire County Council	2008
Ribble Valley Local Planning Policies			
CD4	Ribble Valley Districtwide Local Plan	Ribble Valley Borough Council (RVBC)	June 1998
CD5	Ribble Valley Housing Market Assessment	RVBC	2008
CD6	Strategic Housing Land Availability Assessment	RVBC	2009
CD7	Annual Monitoring Report	RVBC	2010
CD8	Ribble Valley Settlement Hierarchy 2	RVBC	2008
CD9	Affordable Housing Memorandum of Understanding	RVBC	July 2009
CD10	Ribble Valley Core Strategy Regulation 25 Report	RVBC	2010
Whalley Guidance and Plans			
CD11	Whalley Conservation Area Appraisal	The Conservation Studio	2005
CD12	Whalley Conservation Area Management Guidance	The Conservation Studio	2005
CD13	Whalley Parish Plan 2004	Whalley Action Group	August 2004
Other Relevant Documents			
CD14	Manual for Streets 2	Department of Transport	September 2010
CD15	Education Act	HMSO	1996

Additions			
CD16	Core Strategy Generation of Alternative Development Strategy Options	RVBC	June 2011
CD17	Ecology Email from TEP dated 3 rd August 2011	TEP	August 2011
CD18	Ecology Summary Position Note	TEP	August 2011
CD19	Education Position Statement	Jan Kinsman	August 2011
CD20	Ecology Mitigation Strategy	TEP	June 2011

COUNCIL'S DOCUMENT LIST

Document Number	Title
LPA 1.1	Proof of John William Macholc
LPA 1.2	Appendices to the Proof of John William Macholc
LPA 2.1	Proof of Colin Jack Hirst
LPA 2.2	Appendices to the Proof of Colin Jack Hirst
LPA 2.3	Summary of Proof of Colin Jack Hirst
LPA 3.1	Proof of Adrian John Dowd
LPA 3.2	Appendices to the Proof of Adrian John Dowd
LPA 3.3	Summary of Proof of Adrian John Dowd
LPA 4	List of appearances
LPA 5	Opening statement by Mr Sauvain QC
LPA 6	Email from Mr P Carter (Environment Agency) to S Westwood (LPA) re foul and surface water drainage
LPA 7	Closing statement by Mr Sauvain QC

APPELLANT'S DOCUMENT LIST

Inquiry Document Number	Document
APP1	Gary Halman Proof of Evidence
APP2	Gary Halman Proof of Evidence Appendices
APP3	Gary Halman Summary Proof of Evidence
APP4	Phil Wooliscroft Proof of Evidence on Highways and Transportation Matters
APP5	Phil Wooliscroft Summary of Proof of Evidence on Highways and Transportation Matters
APP6	Peter de Figueiredo Proof of Evidence
APP7	Peter de Figueiredo Summary Proof of Evidence

APP8	Rebuttal Letter from EFM to HOW Planning dated 26/07/2011
APP9	Phil Wooliscroft Rebuttal Proof of Evidence on Highways and Transportation Matters
APP10	Draft Unilateral Undertaking relating to Affordable Housing
APP11	Draft Bilateral Undertaking with LCC relating to Highways and Education
APP12	Draft Unilateral Undertaking relating to Highways and Education
APP13	Education Position Statement 2 nd August 2011
APP14	Agricultural Land Classification Report
APP15	Opening Statement
APP16	Closing Statement
APP17	Deed of Unilateral Planning Obligation relating to Affordable Housing
APP18	S106 Agreement between LCC and Co-operative Group Limited relating to Highways and Education

INTERESTED PERSONS' DOCUMENT LIST

Document Number	Title
IP/1	Statement from Stephen Barker
IP/2	Statement from Jane Hardman
IP/3	Statement from Philip Dykes
IP/4	Statement from Nick Walker
IP/5	Statement from Nicky Goulding
IP/6	Statement from Janet Higgins
IP/7	Statement from Michael Harper

SCHEDULE OF CONDITIONS

- 1) Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - (a) the expiration of 3 years from the date of this permission; or
 - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.
- 2) Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.
- 3) Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.
- 4) Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 5) Any application for the approval of reserved matters shall include specific details of the provision of a suitable noise barrier along the southern and western boundaries of the site. The measures so submitted and approved shall then be fully implemented and thereafter retained.
- 6) The layout and design of the site and individual residential units shall incorporate sufficient mitigation measures such that an internal noise level of 30dB LAeq, 8h and a maximum noise level of 45dB LAFmax are not exceeded within habitable rooms used for the purpose of resting/sleeping between the hours of 2300 and 0700 hours.
- 7) No part of the development shall commence until an Amphibian Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and the Lancashire Wildlife Trust. The approved Method Statement shall include detail relating to the timing of works and specification for amphibian road crossings. Prior to the commencement of any part of the development all protection, mitigation and enhancement measures identified in the approved Amphibian Mitigation

Statement shall be implemented under the supervision of a suitably qualified person/s the identity of which the Local Planning Authority and Natural England shall have previously agreed in writing.

- 8) The development shall be carried out in strict accordance with the recommendations of the Ecological Assessment prepared by TEP Version 3.0 dated September 2010.
- 9) The new estate road/access between the site and Hayhurst Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- 10) Prior to commencement of construction works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities shall be retained throughout the life of the development.
- 11) Prior to commencement of development a shallow soil intrusive site investigation and geotechnical site investigation shall be carried out in accordance with the conclusion of the Land Quality Preliminary Risk Assessment dated 24 September 2010. The investigation shall assess the presence, nature and extent of contaminated soil and stability of the boulder clay material and shall incorporate any remedial measures shown to be necessary. Such measures shall be carried out in accordance with the findings/recommendations of the investigation.
- 12) Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the play area shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.
- 13) The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated September 2010 as amended, by a revised indicative parameters table and illustrative sections A-A and B-B received by letter dated 19 November 2010 and the development framework plan as detailed on drawing CS/045968_SK07 v3 dated September 2010.
- 14) This permission insofar as it relates to matters of access to the site from Hayhurst Road shall be implemented in accordance with the proposal as detailed in drawing N0 1899-01 dated 27 September 2010 submitted as part of the Transport Assessment.
- 15) The plans and particulars⁹ submitted in accordance with condition 2 above shall include an Arboricultural Method Statement and Tree Protection Plan (including a tree protection monitoring schedule) detailing special mitigation

construction issues in accordance with BS5837 as outlined in the Arboricultural Impact Assessment submitted in support of this application. The development shall thereafter be carried out in strict accordance with the procedures, working methods and protection measures so identified and approved.