

Ms Rachael Simpkin
High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

26 February 2025
EP ref: 21-270

Dear Ms Simpkin

Re: Land at Hogshaw, Buxton – application reference HPK/2023/0192

We are writing in relation to application ref. HPK/2023/0192 at Land at Hogshaw, Buxton. Please find enclosed the additional submission documents in relation to the application:

- Proposed Cycleway/ Multi-user Provision (H8797-BAH-XX-XX-DR-TP-222005 Rev. P01)
- General Arrangement Plan (UG_1795_LAN_GA_DRW_01 Rev. P13)
- Soft Landscape Plan 1/4 (UG_1795_LAN_GA_DRW_02 Rev. P08)
- Soft Landscape Plan 2/4 (UG_1795_LAN_GA_DRW_03 Rev. P08)
- Soft Landscape Plan 3/4 (UG_1795_LAN_SL_DRW_04 Rev. P09)
- Soft Landscape Plan 4/4 (UG_1795_LAN_SL_DRW_05 Rev. P09)
- The Biodiversity Metric 3.1 Calculation Tool
- Biodiversity Enhancement Management Plan (February 2025)
- Biodiversity Net Gain Design Stage Assessment (February 2025)
- Urban Green response to Derbyshire Wildlife Trust comments
- Urban Green response to arboricultural and landscape comments
- Landscape & Visual Impact Assessment Addendum
- Hogshaw Farm LAP Buxton (2502.46489)

We have also enclosed the updated Application Document List which now includes the above documents for your convenience.

Submission documents

The above documents address the comments received from Barnes Walker (dated December 2024), Peak Tree Consultancy (dated 16/12/2024), Derbyshire Wildlife Trust (dated 18/12/2024), the Public Right of Way Officer (16/01/2025) and the Leisure and Parks consultation response (20/01/2025).

The consultation response from the Public Right of Way Officer recommended a minimum width of 3 metres for shared use routes in line with Active Travel England guideline. However, the multiuser route shown is already 3.0m wide. In addition, the shared Footway/ cycleway to the southern side of the spine road is already 3.0m wide.

We enclose drawing number *H8797-BAH-XX-XX-DR-TP-222005-P01-Proposed Cycleway Multi-User Provision* which has been created to highlight the shared use Footway/ Cycleway provision, and demonstrate that they are already a minimum of 3m wide. We trust this should be adequate to remove any objection.

The LAP drawing has been amended to include a single cradle swing, as requested by the Leisure and Parks comments.

Planning update: Implications of the Council's latest 5YHLS position

Following the publication of the revised Framework in December 2024 and the changes to the standard method for assessing local housing need, the Council can no longer demonstrate a five-year housing land supply (5YHLS). This is a significant material change in circumstances which is highly relevant to this application for housing on an allocated site.

The Council took a report to the Development Control Committee on 24 February 2025 entitled '5 Year Housing Land Supply Update'. This set out that the Council can only demonstrate a supply of **2.85 years**. This is a very significant shortfall. The report acknowledges that as a result, the 'tilted balance' will apply, as set out in 11(d) of the NPPF

Policy S3 of the Local Plan relates to housing land supply and distribution. It states that in order to meet the housing requirements identified in Policy S3, sufficient land will be identified to accommodate 3,549 additional dwellings. It continues to identify that Buxton will accommodate 32-43% of the district's housing requirement (1,136 – 1,526 dwellings net) and that this will be made up through 736 – 1,126 dwellings on allocations. The policy includes the following in relation to housing land supply:

"The release of land/sites for new housing will be managed so that it delivers the broad amount and distribution of housing as set out above. The adequacy of housing delivery (in terms of a five year supply of housing and in meeting planned housing delivery targets over the full plan period) will be assessed regularly in accordance with a Housing Implementation Strategy and through annual reviews of the Strategic Housing Land Availability Assessment. Progress will be reported through the council's Authority Monitoring Report."

Given the significant shortfall in delivery to date against the housing trajectory (as detailed within the Planning Statement which accompanied the application) and the absence of a five-year housing land supply, there is a clear need to bring forward allocated sites for development.

As detailed within the Planning Statement and Planning Statement Addendum previously submitted with the application, the development complies with the development plan as a whole. The proposed development is of a similar nature and scale to the allocation and fulfils the various other policy criteria. The proposed development therefore complies with the development plan, whilst also delivering a range of significant benefits.

The applicant has made numerous amendments to the scheme throughout the application process to address the various consultees comments. It is acknowledged that the proposed development does not address all of the consultees' comments. For example, Peak Tree Consultancy have requested that tree T22 is retained but this is not possible. The scheme has previously been amended to ensure the retention of many trees which were originally proposed to be removed. Furthermore, the scheme results in landscape and biodiversity net benefits which must be accounted for in the tilted balance, as discussed below.

Notwithstanding our position that the proposed development complies with the development plan as a whole, the LPA is not able to demonstrate a five-year housing land supply and therefore, as the Council acknowledged in the recent report to the Development Management Committee, the tilted balance is engaged in accordance with paragraph 11(d) of the Framework. This states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting planning permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

It is therefore necessary to consider the benefits of the proposed development, and whether any adverse impacts of the development would significantly and demonstrably outweigh these benefits. The benefits of the proposed development can be summarised below:

- The delivery of new housing on an allocated site, and in an accessible location. This must be given very substantial positive weight regardless of the 5YHLS position. However, there is a significant shortfall of deliverable housing in the Borough and the Council cannot demonstrate a 5YHLS. It is therefore crucial that this allocated site is brought forward for development.
- Economic benefits in the form of new direct and indirect employment opportunities during the construction stage, and also throughout the lifetime of the development through increased household spending in Buxton and the local area.
- The provision of a segregated bridleway to form a section of the White Peak Loop. This is a significant benefit of bringing forward the allocated site.

Against these benefits, the only adverse impacts relate to the development of the part of the site which falls outside of the allocation and the settlement boundary. Any conflict with the open countryside policies must be given limited weight in light of the 5YHLS shortfall.

In relation to landscape and visual impact harm, notwithstanding the enclosed response from Urban Green to the consultation response from Barnes Walker, the allegation that landscape and visual harm has been understated does not mean that planning permission should be refused. The Council's landscape consultant does not allege that the harm would be 'significant'. But even if there was significant landscape and visual harm associated with developing the land that falls outside of the allocation, this would need to be weighed against the very substantial benefits of the proposed development. In that regard, I refer to an appeal that I acted on in respect of a site in Horwich, Bolton (PINS ref: APP/N4205/W/20/3256381 & 3266030), where the Council could only demonstrate a 3.3 year supply. A copy of the decision is enclosed. The Inspector concluded at paragraph 42:

“Even if I were to have found that the effect of either scheme on the character and appearance of the area and any associated development plan policy conflict carried very significant weight against both appeal developments, the collective weight of the adverse impacts would not significantly and demonstrably outweigh the considerable identified benefits, when assessed against the policies in the Framework taken as a whole.”

In the Horwich appeal decision, the site was not allocated and the land supply was 3.3 years. In this case, the majority of the site is allocated and the land supply is only 2.85 years. Therefore, the degree of landscape and visual harm would have to be extremely high to significantly and demonstrably outweigh the very substantial benefits of the proposed development. That is simply not the case here.

The only reasonable conclusion is that the significant benefits associated with bringing forward the allocated site, in the context of a very significant housing land supply shortfall, are not significantly and demonstrably outweighed by the adverse impacts.

The proposed development therefore complies with the development plan as a whole and would deliver a range of significant benefits. The application should be approved without delay.

Application timescales

As you are aware, we have been awaiting the response on viability for some time. It is critical that the application moves forward and is determined at the next available committee. The Council needs to deliver this allocated site in light of a substantial 5YHLS shortfall, and a national housing crisis where the Government is urging Council's to expedite delivery so they can deliver 1.5 million homes in the next parliament.

The applicant has paid a significant sum for the PPA and has indicated a willingness to negotiate a further PPA to expedite the application. We are awaiting feedback from you on the revised PPA. We are currently preparing the Section 106 agreement. Please be advised that Ward Hadaway have been instructed to progress the Section 106 agreement, and they will be contacting Nicola de Bruin in respect of obtaining the Council's latest precedent agreement and providing an undertaking for the Council's legal costs.

However, in the meantime we need to see the viability response urgently, and then bring all outstanding matters to close. I would therefore be grateful if you could respond on the PPA and give thought as to how the application can be determined within the shortest possible timeframe. We wish to aim to have the application determined and the Section 106 completed no later than the end of April.

We trust that the submission provides you with the necessary information to re-consult and progress the application as soon as possible. However, please do not hesitate to contact me or Emily Sykes if you have any questions or require any further information.

Yours sincerely
Emery Planning

John Coxon

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Director

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Enc: Horwich appeal decision (PINS ref: APP/N4205/W/20/3256381 & 3266030)

Enclosure



Appeal Decisions

Inquiry Held on 28 June to 2 July 2021

Sites visit made on 5 July 2021

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 14 September 2021

Appeal A - Ref: APP/N4205/W/20/3256381

Land off Victoria Road, Horwich

- 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 Bolton Metropolitan Borough Council.
 - The application Ref 07245/19, dated 31 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is residential development of up to 276 dwellings with access and associated works.
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Appeal B - Ref: APP/N4205/W/20/3266030

Land off Victoria Road, Horwich

- 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 Northstone Development Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 09488/20, dated 28 September 2020, was refused by notice dated 14 December 2020.
 - The development proposed is residential development of up to 150 dwellings and an area of ecological and recreational greenspace with access considered.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 4 August 2021.

Decisions

1. **Appeal A** is allowed and outline planning permission is granted for residential development of up to 276 dwellings with access and associated works at Land off Victoria Road, Horwich in accordance with the terms of the application, Ref 07245/19, dated 31 October 2019, subject to the conditions contained within the relevant Schedule at the end of this decision.
2. **Appeal B** is allowed and outline planning permission is granted for residential development of up to 150 dwellings and an area of ecological and recreational greenspace with access considered at Land off Victoria Road, Horwich in accordance with the terms of the application, Ref 09488/20, dated 28 September 2020, subject to the conditions contained within the relevant Schedule at the end of this decision.

Preliminary Matters

3. As set out above, there are two appeals relating to two separate planning applications. While similar, the sites differ. They both include Horwich Golf Course, at least in large part, with the Appeal A site being the larger of the two due mainly to the inclusion of land to the north of the Course. I deal with the Appeals together given the sites' similarities and as many of the issues raised are common to both schemes.
4. Both sets of proposals are for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the schemes, I have treated the details relating to these reserved matters submitted with the two appeal applications as a guide as to how the sites might be developed.
5. Legal agreements, dated 2 July 2021, made under s106 of the Town and Country Planning Act 1990 (the Planning Obligations) for each appeal were submitted shortly after the Inquiry closed in accordance with an agreed timetable. I have had regard to them in my consideration and determination of both appeals.
6. After the Inquiry closed and before the decisions were made, a revised version of the National Planning Policy Framework (the Framework) was published. I gave the main parties to the appeals the opportunity to comment in response to its publication. I have taken into account any resulting submissions when making my decision¹.

Main Issues

7. The main issues for both appeals are:
 - Whether this would be an acceptable location for housing development, having regards to the spatial strategy in the development plan; and
 - The effect of the proposed development on the character and appearance of the area, with particular regard to Horwich's landscape setting.

Reasons

Location

8. I deal with the first main issue identified above broadly in two parts. Firstly, here under this subheading, largely in respect to how the two appeal proposals sit, as a matter of principle, with the adopted strategy for the location of new housing in Bolton Metropolitan Borough. And secondly, drawing on my conclusions in respect to the main issues and having regard to the other matters raised in each appeal, as part of the Planning Balance section that follows. Consequently, it is there, in the Planning Balance section, that I come to an overall conclusion on whether the sites are an acceptable location for housing development.

The spatial strategy for the location of new development in the Borough, including housing, is set out in the development plan, notably for the purposes of these appeals in Policies SC1 (Housing) and OA1 (Horwich and Blackrod) of Bolton's Core Strategy, March 2011 (the Core Strategy), and Policy CG6AP (Other

¹ Including those made by the Stocks Residents' Association regarding the emerging Places for Everyone / Greater Manchester Spatial Framework

Protected Open Land) of Bolton's Allocations Plan, December 2014 (the Allocations Plan).

9. Core Strategy Policy SC1 identifies an annual housing requirement of 694 homes for the plan period, 2008-26, equating to 12,492 homes overall, and that a range of sites will be identified to deliver them. The planned distribution of housing is explained in the supporting text, as summarised at Figure 4.3 as:
 - Bolton Town Centre 10-20%
 - Renewal areas 35-45%
 - Horwich Loco Works 10-15%
 - Outer areas 20-30%
10. Additionally, Core Strategy Policy OA1 (4) seeks to concentrate sites for new housing in Horwich town centre, Horwich Loco Works and on other sites within the existing urban area. Policy OA1 (6) requires [Other] Protected Open Land (OPOL) around Horwich, of which the appeal sites form part, to remain undeveloped other than to the west of Horwich Loco Works.
11. The supporting text to Allocations Plan Policy CG6AP states, amongst other things, that within OPOL *while some development may be acceptable it should generally be small scale to maintain the open character of these areas*. The Policy itself identifies a short, closed list of development types that would be permitted within OPOL, which do not include housing development of the scale proposed by either appeal scheme.
12. Consequently, both appeal schemes conflict with Core Strategy Policies SC1 and OA1, and Allocations Plan Policy CG6AP when read together in terms of each set of proposals being clearly at odds with the area's strategy for the location of new housing.

Character & Appearance

13. Both appeal sites coincide to a large extent with the site of another appeal concerning housing development that was determined in 2019² (the Previous Appeal). The Previous Appeal site was similar to that of the Appeal A site, but also extended further northeast beyond a notional line between the neighbouring streets of Mayfair and Buckingham Avenue.
14. There is a considerable amount of evidence before me on matters of character and appearance, including the Previous Appeal Inspector's decision letter and material associated with that case. This was discussed and tested at some length during the Inquiry, following which there remained significant points of difference between the main parties in respect to each appeal developments' effect on the character and appearance of the area. In short, the appellants maintain that any effects would be acceptable and accord with the development plan in that regard, whereas the Council and the Stocks Residents' Association (SRA) both consider that they would not.
15. Having taken all of the evidence into account along with what I experienced during my sites visit, I broadly agree with the Council officer's assessment that both proposed developments would have an acceptable effect on the character and appearance of the area as set out in the respective Committee Reports for each of the proposed developments, including their conclusions as follows:

² Ref: APP/N4205/W/18/3210299

- Appeal A – *The proposed development would have some landscape and visual impacts, in that it would develop what is currently a greenfield site and would inevitably have some effect [on] the character and appearance of the area, however it is considered that the proposed development has responded fully to the findings of the Inspector's appeal decision for application 02434/17. ... It is therefore considered that the proposed residential development, as amended, would not be contrary to Policies CG3 and OA1 of the Core Strategy [paras 90 & 91]; and*
 - Appeal B - *It is therefore considered that the proposed development would conserve and enhance local distinctiveness and would have regard to the overall built character and landscape quality of the area, compliant with Policies CG3 and OA1 of Bolton's Core Strategy [para 78].*
16. Nonetheless, in the circumstances of the case, I have not found it necessary to go into the detail of why the appeal developments would cause only limited harm in this respect or why that limited harm attracts limited weight only. This is because, even if I were to take a different position on this evidence and accept the best case of the Council and SRA on this matter, the weight carried against each appeal scheme would be insufficient to alter the outcome of either appeal. I return to why this is the case in the Planning Balance section below.
17. At this stage in my decision, it is sufficient to record that both appeal schemes would result in the loss of predominantly greenspace to mainly housing development outside the settlement boundary of Horwich. The resultant urbanising effect would be very evident within the sites themselves and would also be discernible from beyond each site. On this basis, both proposed developments would cause some harm to the character and appearance of the area, including in terms of Horwich's landscape setting.

Planning Obligations

18. In the event that planning permissions were to be granted and implemented the respective Planning Obligations would secure the provision of on-site affordable housing at a rate of 34% and 33% for Appeals A and B respectively and of on-site open space and provisions for its management; payments towards secondary education provision, the delivery of improvements to the Beehive roundabout and the administration of a Traffic Regulation Order; in respect to Appeal A only, a payment towards enhancements to Old Station Park, Horwich; and in respect to Appeal B only, the delivery and management of the proposed area of on-site ecological and recreational greenspace.

The Council has submitted detailed statements for each appeal (the CIL Statements), which address the application of statutory requirements to the Planning Obligations in respect to each appeal and also set out the relevant planning policy support / justification. I have considered the Planning Obligations in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am satisfied that they would be required by and accord with the policies set out in the CIL Statement for each respective appeal scheme. Overall, I am satisfied that all of those obligations are directly related to the respective proposed developments, and in each case are fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Other Matters

Housing Delivery

19. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites as required by the Framework. It is also common ground between the Council and the appellants that the deliverable supply for the period in question is only 3.3 years.
20. Further to the absence of a five years' supply of housing land, the Core Strategy, while aiming to plan for the Borough's housing needs to 2026, is based on a significantly constrained housing requirement, which is out of date and inconsistent with the Framework. As the Council's witness acknowledged, there has been a *total failure to deliver the planned level of housing for over a decade* in the Borough. Of course, that has been against the Core Strategy's constrained requirement figure rather than against the current full requirement.
21. Consequently, and in this context, in order to meet the out of date and constrained minimum requirement of the Core Strategy, some 6,559 new homes would need to be delivered over the remaining 6 years of the plan period³. That equates to well over 1,000 homes a year compared to the annual average of some 495 homes delivered so far and to the out of date, constrained annualised minimum requirement of 694 homes.
22. As identified in the *Location* subsection above, 35 to 45% of the out of date, constrained Core Strategy housing requirement is intended to be delivered via 'Renewal areas'. This equates to some 4,372 to 5,621 homes. The Transforming Estates Programme (TEP) was the primary vehicle intended to deliver new housing in the renewal areas. However, the appellants' uncontested evidence is that to date the TEP has delivered no new homes, that it has now been abandoned and that there is no identified replacement programme. The TEP was also to deliver 50 to 60% of the total affordable housing provision identified in the Core Strategy.
23. While there has been activity in terms of attempting to bring forward a replacement Local Plan, including at neighbourhood plan level and at sub-regional level, there can be no certainty regarding when a replacement Plan might be adopted. In the meantime, while I note that the Council has produced a Housing Delivery Test Action Plan and that a number of major housing development schemes have been granted planning permission, including on OPOL, there remains significant uncertainty regarding how and by when the substantial housing shortfall will be remedied. Nonetheless, it is apparent from the evidence that this will, at least in part, be dependent on further greenfield OPOL coming forward for housing development.
24. SRA take a different or, at least, additional approach to the housing requirement with reference to the Horwich Housing Needs Assessment, March 2020, (the HHNA), which was produced to inform the emerging Horwich Neighbourhood Plan. The suggested local housing requirement figure from the HHNA has not been consulted upon or been subjected to significant scrutiny.

³ This residual figure is for the period April 2020 to March 2026 and based on dwelling completions of 5,933 over the period April 2008 to March 2020 bearing in mind that the total Plan requirement is 12,492 homes

25. There were also a number of issues identified during the Inquiry, which indicate that reliance on the HHNA housing requirement figure in determining these appeals would be flawed. These include, amongst several other things, that it is not in general conformity with the Core Strategy, that the Council does not appear to have been asked to provide an indicative housing requirement figure for the Neighbourhood Plan area, and its 'Step 5: the Local Authority' appears to sit at odds with the Council's role as local planning authority and, even if this were not the case, it has not yet been undertaken. Consequently, in this respect the HHNA does not diminish the weight to be attached to the delivery of housing associated with either appeal scheme.

Community Infrastructure, Housing Mix and Scheme Delivery

26. SRA's planning witness states that *the Horwich area has been the focus of a large number of recent housing completions, and evidence shows the housing supply is more than ample, arguably the area is full*. Nonetheless, there is no substantiated supporting evidence or analysis regarding potential infrastructure constraints. Nor are there any outstanding objections to either of the proposed developments from any statutory consultee, the local highway authority, the local education authority, or any medical service provider. Consequently, I can give this matter no weight against either proposed development, and nor does it diminish the weight of those matters that weigh in favour of each appeal scheme.
27. This witness also raises reservations over the proposed housing mix that either of the appeal schemes would yield with reference to the HHNA. Nonetheless, the Council's adopted policy on housing mix is set out in Core Strategy Policy SC1. Given that the HHNA has not been the subject of consultation or scrutiny in the way that the Core Strategy Policy will have been, it attracts limited relative weight in that regard. In any event, housing mix is a matter that would be reserved for future consideration were planning permission to be granted. Accordingly, this matter also attracts no weight against either scheme, and nor does it diminish the weight of those matters that weigh in their favour.
28. I also see no good reason why either of the appeal schemes would not deliver at least 150 homes in the relevant 5 year period were they to be granted planning permission given the nature of the sites and the wider circumstances of each case, including that the land is in the control of a housebuilder that has been involved in the formulation of both applications. SRA's suggestion that this may not be the case, therefore, attracts very limited weight.

Public Health

29. SRA's evidence on this matter provides a helpful reminder of the importance and value of public health and well-being, as recognised in the Framework and as highlighted during the on-going Covid-19 pandemic, particularly in areas effected by deprivation. Nonetheless, its evidence in this regard carries very limited weight against either appeal scheme due to many wide-ranging reasons, the more significant and prominent of which are summarised in the following paragraphs.
30. There is no requirement nationally or locally for development of the types proposed to have a Public Health Impact Assessment and no request has been made for one in respect to either scheme from the Council or from any health

service provider. None has been undertaken, including to inform SRA's evidence, which is based on a more narrow, partial approach. The government's policy on such matters is embedded within the Framework as part of its planning policies for England and there is no planning policy requirement for proposed development to address existing deficiencies. There are no outstanding objections to the appeal proposals from the Council, health service providers or any statutory consultee in this regard.

31. While relying, at least to some extent, on the impacts of the proposals on air quality, noise, traffic impact, ecology and flooding, the wider professional evidence indicates that there would be no significant effects in these respects. The results of the survey undertaken to help inform SRA's evidence appears likely to have been influenced by the context of the appeal proposals as well as by some of the partial communication associated with the survey and by Question 6 within the survey itself. Some of the responses to the questionnaire also suggest that there may have been at least some misunderstanding by some respondents regarding the land and proposals in question.
32. The evidence indicates that there is no lawful access to either appeal site other than along rights of way. These rights of way would be retained as part of both schemes, such that any associated effects would be limited to how the experience of using the rights of way would change as a result of the appeal developments. In the case of the public footpath that follows Nellies Clough, this would be limited to a stretch of only some 87m and 268m, in the case of Appeals B and A respectively. In spite of the analysis provided, it remains unclear how such change might affect people's use of this right of way or their well-being, if at all. SRA's evidence also appears to pay unduly limited regard to the potential benefits offered by the appeal proposals in terms of health and well-being, such as through the provision of affordable housing and/or enhancement of publicly accessible open space.

Other Considerations

33. In addition to the main issues and the other matters outlined above, concern has been expressed locally, including in respect to the extents to which the current schemes differ from the Previous Appeal scheme; effects on rights of way, biodiversity, wider matters of health and wellbeing; loss of agricultural land, dry stone wall, the golf club, trees, tranquillity and greenspace; highway safety, access arrangements, congestion, rat-running, car-dependency, and parking; the cumulative effect of either set of proposals with other development, including the need to take a holistic approach to development in Horwich; there are adequate other sources of housing without these schemes, Horwich has already contributed enough new homes, and brownfield land should be developed first; infrastructure, services and facilities as existing and proposed, including open space; consultation on the proposals; drainage and flooding; and living conditions in the area, including in respect to air quality, pollution, noise and light, and including during the construction phase.
34. Other issues raised include antisocial behaviour; the sites are being promoted to be designated Green Belt; weight should be given to local opposition; overdevelopment; the planning system and circumstances of the appeals favour the developer over the local community; climate change; matters relating to the pandemic; proximity to Wallsuches Conservation Area; there are

limited employment opportunities in the area; more 'social housing' is needed; the affordability of the proposed housing; the developer's motives and conduct; the golf course has been intentionally rundown; there is established public access to and across the sites additional to the identified rights of way; any benefits associated with Appeal B are more limited than those of Appeal A due to the smaller number of homes proposed; the setting of a precedent for other development; the deliverability, maintenance and retention of the proposed mitigation; and that the schemes are prejudicial to and premature in terms of the local plan-making process, including in respect to HNP and Places for Everyone / Greater Manchester Spatial Framework.

35. These matters are largely identified and considered within the Council officers' reports on the appeal developments. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry, and are largely addressed in its evidence and in the statements of common ground. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects subject to the respective Planning Obligations and the imposition of planning conditions.
36. I also note that representations have been made in support of housing development at the golf club site. While I have also taken them into account, they have not altered my overall decision on either appeal.
37. In addition to the Previous Appeal decision letter, the evidence refers to a range of decision letters in respect to other planning appeals as well as to other planning decisions made locally. I am mindful of the need for consistency in decision making, particularly in respect to appeals casework. Nonetheless, while I am not familiar with all of the circumstances of those other cases, they do appear to differ in notable respects to those of the appeal proposals. Moreover, each application for planning permission must be determined on its individual merits. Consequently, none of those other cases have had a significant bearing on my decision.

Planning Balance

38. The Council cannot currently demonstrate a Framework compliant supply of housing land and the development plan is based on a significantly constrained housing requirement, which is out of date and inconsistent with the Framework. As a consequence, the fact that both proposed developments would be at odds with the area's strategy for the location of new housing and conflict, in that regard, with Core Strategy Policies SC1 and OA1, and with Allocations Plan Policy CG6AP, currently carries limited weight against them.
39. As outlined above, I am not persuaded by the evidence that either of the proposed developments would have a significantly harmful effect on the character and appearance of the area, including in terms of Horwich's landscape setting, nor that they would conflict, in that regard, with Core Strategy Policies CG3 and OA1. Nonetheless, if I were to adopt the position of the Council or that of SRA as presented during the appeals process on this matter that would amount to very significant weight against either appeal development. As outlined above, there are no other matters that individually or collectively significantly weigh against either appeal scheme or which significantly diminish the considerations that weigh in their favour.

40. Either of the proposed developments would bring a range of benefits, most notably the delivery of a considerable amount of market and affordable housing in an accessible location with good access to a range of services and facilities. In the context of the area's current issues with housing delivery, the benefits together carry at least considerable weight in favour of each of the appeal schemes.
41. Due to the Borough's current housing land supply issues, the so-called tilted balance, as set out in para 11 of the Framework, applies to the determination of both appeals. It provides 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 taken as a whole.
42. Even if I were to have found that the effect of either scheme on the character and appearance of the area and any associated development plan policy conflict carried very significant weight against both appeal developments, the collective weight of the adverse impacts would not significantly and demonstrably outweigh the considerable identified benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, both appeal schemes would be sustainable development in the terms of the Framework for which there is a presumption in its favour, such that the sites both represent acceptable locations for housing development.

Conditions

43. Final schedules of suggested conditions for each appeal, as agreed by all three main parties, were supplied to me shortly after the Inquiry closed in accordance with an agreed timetable. They include the standard time limit / implementation conditions, including in terms of phasing in respect to Appeal A, which also applies to several of the other Appeal A conditions. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly. My conclusions in respect to both appeals are summarised below.
44. In order to provide certainty, and to protect living conditions within the area as well as character and appearance, a condition would be necessary to ensure that the developments would proceed in substantial compliance with the principles and parameters of key illustrative plans. For those reasons as well as to ensure that the homes would meet local needs, to reduce crime and the fear of crime, and in the interests of biodiversity, conditions would also be necessary to control the details of material to accompany the reserved matters applications, including in respect to housing mix, landscape strategy and the restoration of the upper fairway⁴, crime impact, and tree assessment and protection, along with their implementation.
45. To safeguard and enhance biodiversity, conditions would be necessary to control habitat compensation and connectivity, the details of bat, reptile, amphibian, badger and bluebell protection/mitigation, the details of a Landscape Ecological Management Plan, and to mitigate invasive species. For those reasons and to protect the character and appearance of the area and living conditions within the area, a condition would be necessary to control

⁴ Restoration of the upper fairway in the case of Appeal A only, not Appeal B

details of lighting. A condition to secure public art would be necessary to ensure compliance with Core Strategy Policy IPC1.

46. A condition requiring adequate remediation of any contamination affecting the sites would be necessary to safeguard the health and well-being of future occupiers. Conditions to control the details of surface and foul water drainage, would also be necessary to reduce flood risk, to control surface water run-off and in the interests of public health. In the interests of highway safety, to safeguard residents' living conditions and to protect wildlife and their habitat, a condition would also be necessary to ensure that the construction works proceed in accordance with a Construction Environmental Management Plan.
47. A condition to control the delivery of the proposed access would be necessary in the interests of highways safety and to ensure that both developments would be served by appropriate means of access. To promote sustainable modes of transport, reduce the need for travel and in the interests of highway safety, conditions to secure the implementation of a Travel Plan and the installation of charging points for electric vehicles would be necessary.
48. In order to provide certainty in respect to the matters that are not reserved for future consideration, a condition requiring that the developments would be carried out in accordance with the approved plans would be necessary. Although such a condition has not been suggested to me for either appeal scheme, for that reason and to protect the character and appearance of the area, a condition limiting the number of dwellings permitted for each development to no more than the upper amount that each application sought permission for would also be necessary.

Conclusion

49. In conclusion, both appeal proposals would be at odds with the spatial strategy of the development plan in terms of the location of new housing development of this type and cause at least some harm to the character and appearance of the area.
50. In both cases, however, the combined adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the appeal schemes would both represent sustainable development in the terms of the Framework, which is a material consideration that, in the particular circumstances of each case, outweighs the conflict with the development plan as a whole⁵.
51. Accordingly, subject to the identified conditions, **Appeals A and B are allowed.**

G D Jones

INSPECTOR

⁵ Here, although I have found no conflict with Core Strategy Policies CG3 and OA1 in respect to either developments' effect on the character and appearance of the area, with particular regard to Horwich's landscape setting, for the purposes of this exercise, as a decision-making tool, I have applied the Council's and SRA's positions on this main issue in terms of the harm and associated development plan conflict they each allege

APPEARANCES

FOR THE APPELLANTS:

Giles Cannock, of Queens Counsel	Instructed by Kathryn Jump, Shoosmiths, Manchester
He called ⁶	
Brian Denney BA (HONS), DIPLA, FLI, CENV, MIEMA	Landscape & Environmental Planning Senior Director, Pegasus Planning Group Limited
Francis Hesketh MCIEEM, CML1, CEnv, MICFor	Ecology Director, The Environment Partnership
Mark Jones BEng (Hons), CEng, C.WEM, MICE, FCIWEM	LK Consult Ltd
John Coxon BSc (Hons) MPlan MRTPI	Director, Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Alan Evans, of Counsel	Nicola Raby, Senior Lawyer with Bolton Metropolitan Borough Council (BMBC)
He called ⁷	
Councillor Nick Peel	Borough Councillor

FOR STOCKS RESIDENTS' ASSOCIATION:

Jonathan Easton of Counsel	Instructed by Stocks Residents' Association
He called	
Malcolm Harrison BSc, FRICS	Chair, Stocks Residents' Association
Professor Penny Cook BSc, PhD, PGCAP, FRSPH	Salford University
Jackie Copley MA, BA(Hons), PGCert, MRTPI	Campaign for the Protection of Rural England

INTERESTED PERSONS:

Cllr Kevin McKeon	Borough Councillor
Cllr Richard Silvester	Borough Councillor
Bernard Taylor	Local Resident
Revd David Griffiths	Local Resident
Louise Aslam	Resident on behalf of residents of the Rivington Grange development
Ryan Bamforth	Local Resident

⁶ Although other proofs of evidence were submitted in support of the appellants' case, only the four witnesses listed here were called to give evidence at the Inquiry

⁷ Additionally, Martin Mansell of BMBC contributed to the conditions / planning obligations session

APPEAL A - REF APP/N4205/W/20/3256381 - SCHEDULE OF CONDITIONS:

1. All applications for the approval of 'Reserved Matters' shall be made no later than the expiration of two years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development (or if the development is to be phased, no phase of the development) shall commence until details of access (internal layout only), appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority in respect of that phase.
3. If the development is to be phased, the first application for Reserved Matters shall be accompanied by a phasing plan. No development shall take place on any phase until the phasing plan has been approved in writing by the Local Planning Authority. The development shall be carried out thereafter only in accordance with the approved phasing plan.
4. Details of the Reserved Matters shall be in substantial compliance with the principles and parameters set out in the following plans:
 - 508E-64A - Parameters Plan with off site planting, 18 December 2019
 - 508E-65A - Illustrative Masterplan with off site planting, 18 December 2019
 - 508E-66A - Landscape Strategy with off site planting, 18 December 2019.
5. Any relevant application for Reserved Matters shall be accompanied by the following information for approval in writing by the Local Planning Authority and shall be implemented in accordance with the details approved therein:
 - a. Details of materials and finishes for all external walls, roofs, windows and doors and other external building features for homes, apartments, garages and other built structures;
 - b. Elevation drawings for all building types erected;
 - c. Floorplans for each level of all building types including roof plans;
 - d. Cross-sections in a minimum of two planes across the development site;
 - e. Details of cut and fill across the site to form proposed ground levels, including details of relevant retaining structures;
 - f. Details of finished floor levels of each building or structure and associated ground levels;
 - g. Interval cross-sections and long-sections for internal roads; and
 - h. Details of bin storage/recycling for each unit.
6. Any relevant application for Reserved Matters shall be accompanied by details of the housing mix proposed which shall include details of the number, type and tenure of each unit identified on a layout plan for approval in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

7. Any application for Reserved Matters shall be accompanied by a site-wide Landscape Strategy Plan. No development shall take place until the site-wide Landscape Strategy Plan has been approved in writing by the Local Planning Authority. The Landscape Strategy Plan shall also include details of the proposed off-site landscaping, as shown within drawing 508E-66A as "Area of off-site woodland planting". The development shall be implemented in accordance with the approved Landscape Strategy Plan.
8. Any application for Reserved Matters shall be accompanied by a site-wide Landscape Delivery & Management Scheme. The Landscape Delivery & Management Scheme shall cover all proposed and retained landscaped areas, including future publicly accessible areas, and shall include the following information for approval in writing by the Local Planning Authority:
 - a. Details of materials and finishes to hard and soft surfaces in public and publicly accessible areas;
 - b. Details of trees and shrubs to be planted / green infrastructure;
 - c. Details of boundary walls, fence and boundary treatments;
 - d. Details of external lighting structures, including external security lighting adjacent to woodland edges;
 - e. Details of proposed seating, bollards, bins, cycle racks, grilles and other street furniture proposed in public or publicly accessible areas;
 - f. Details of any proposed play equipment;
 - g. Details of proposed on-site alternative habitats, including for bats and nesting birds;
 - h. Updated biodiversity net gain calculation using the appropriate metric;
 - i. Details of the proposals for the future maintenance of public and publicly accessible areas of landscape in the form of a Landscape Delivery & Management Plan; and
 - j. Details for the programme of the delivery.

The development shall be carried out and maintained thereafter only in accordance with the approved scheme and plan.

9. Any application for reserved matters shall be accompanied by a 'Crime Impact Statement' for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved security measures and shall be retained thereafter.
10. No development (or if the development is to be phased, no phase of the development) shall commence until details of compensation for the loss of valued habitats to maintain and enhance the habitat connectivity across the site and the overall biodiversity of the site, as detailed within the Recommendations section of the Environment Partnership (TEP) Horwich Ecology Report (dated October 2019). The development shall be carried out only in accordance with the approved details.
11. Any application for Reserved Matters that proposes the felling or removal of trees shall be accompanied by an updated Bat Survey, to include aerial and

nocturnal surveys, to identify the potential for bat roosts on those trees proposed for removal and any compensation or mitigation measures necessary, for approval in writing by the Local Planning Authority. Any mitigation or compensation measures approved in the updated Bat Survey shall be carried out in accordance with the approved details and retained thereafter.

12. No development (or if the development is to be phased, no phase of the development) shall commence until details of the public art to be provided within that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The public art shall be installed in full accordance with the approved details and in accordance with a timeframe to be submitted to and approved in writing by the Local Planning Authority. The public art shall be retained thereafter.
13. Any relevant application for reserved matters shall be accompanied by:
 - a. An Arboricultural Impact Assessment, including topographical information to prevent alterations within root protection zones of retained trees, woodland and hedgerows;
 - b. A Tree Protection Plan;
 - c. A Tree Removals Plan; and,
 - d. Service plans and specifications (where services fall within root protection zones of retained trees, woodland or hedgerows).The development shall only be undertaken in accordance with the approved details.
14. No development shall commence until details of the proposed restoration of the Upper Fairway, including improvements of the hedgerow field boundaries and the removal of the fairway, bunkers and green, are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details and in accordance with a timeframe that shall have first been submitted to and approved in writing by the Local Planning Authority.
15. No development shall commence until details of a site-wide Bluebell Management Plan to include measures for the safeguarding of existing bluebells within the woodland areas within the site has been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include a timetable and a programme for its implementation. The development shall be carried out only in accordance with the approved Plan.
16. No development (or if the development is to be phased, no phase of the development) shall commence until the following information has been submitted in writing and written permission at each of stages a – e below has been granted by the Local Planning Authority in respect of that phase.
 - a. The requirements as part of this condition shall have regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, dated 27 January 2017 (ref:CL-602-LKC 16 1281-01) by LK Consultant Limited. Namely the requirement to carry out a site investigation.

- b. Prior to commencement of a Phase 2 intrusive survey, its scope shall have been submitted to and approved in writing by the Local Planning Authority. The intrusive survey shall include provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment. The survey shall be carried out in accordance with the approved scope and its findings presented and approved in writing by the Local Planning Authority.
 - c. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved in writing by the Local Planning Authority prior to implementation.
 - d. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this shall be approved in writing by the Local Planning Authority.
 - e. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.
17. No development (or if the development is to be phased, no phase of the development) shall commence until details of the implementation, adoption, maintenance and management of surface water, foul water and land drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted a site-wide 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 (or any subsequent amendment or replacement thereof), and the results of the assessment provided to the Local Planning Authority. The submitted details shall:
- a. 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;
 - b. Include a timetable for its implementation; and,
 - c. 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.
- The development shall be carried out and maintained thereafter only in accordance with the approved details.
18. No development (or if the development is to be phased, no phase of the development) shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority in respect of that phase. The CEMP shall provide for:
- a. Hours of demolition, construction and deliveries;
 - b. Details of precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles shall

have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and the sheeting over of construction vehicles hauling materials prior to entering the public highway;

- c. Dust suppression measures;
- d. Noise emission suppression measures;
- e. Measures for the recycling / disposal of waste arising from demolition and site construction works;
- f. Construction routes in and around the site;
- g. Compound location(s) together with details of the storage facilities for any plant and materials including off-site consolidation if appropriate, the siting of any site huts and temporary structures, including site hoardings and details of the proposed security arrangements for the site;
- h. Parking of vehicles associated with construction, deliveries, site personnel, operatives and visitors; and
- i. Measures to protect trees during construction.

Construction of the development shall be carried out only in accordance with the approved CEMP.

- 19. No development (or if the development is to be phased, no phase of the development) shall commence until a method statement addressing how the development will avoid the risk of killing or injuring any reptiles or amphibians which may be present on site shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase. The approved measures shall be implemented in full and retained in accordance with the approved details.
- 20. No development (or if the development is to be phased, no phase of the development) shall commence until a site survey for badgers has been undertaken, submitted to and approved in writing by the Local Planning Authority, to ensure that badgers have not moved into the site prior to works commencing in respect of that phase. If badgers are found during the survey any recommendations for mitigation shall be fully implemented during the construction of the development and within the design of the development.
- 21. No development (or if the development is to be phased, no phase of the development) shall commence until a Non-Native Invasive Species Management Plan, including a scheme for the eradication of Japanese Knotweed and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Should there be a delay of more than one year between the approval of the scheme for the eradication of Japanese Knotweed and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.
- 22. No lighting shall be installed in public areas until a lighting scheme, to include details where necessary of measures to minimise and mitigate any impact from lighting on foraging and commuting bats along woodland edges, has

been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved lighting scheme and the approved mitigation measures shall be retained thereafter.

23. No dwellings shall be occupied until details of the provision of five Schwegler 2B bat boxes to be installed on retained trees, including a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed in accordance with the approved details and retained thereafter.
24. No demolition of the club house building (Building 1 within paragraph 5.9 of the Environment Partnership (TEP) Horwich Ecological Assessment (dated November 2017)) shall commence until a Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMMS shall include the following measures, which shall be implemented in full:
 - a. The demolition to be undertaken outside the bat activity season (April to October) or a pre-commencement bat check to be completed by a licensed bat ecologist.
 - b. Bat roost features such as roof tiles, lead flashing and soffits to be removed by hand.
25. No development shall commence until a scheme for the provision of the proposed vehicular access points at Victoria Road, Bond Close and Mayfair (in accordance with the approved plans listed at condition 28) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be approved shall include details of the detailed construction specification and timing of implementation. The vehicular access points shall be provided in accordance with the approved scheme and retained thereafter.
26. Within 3 months of the occupation of the 100th dwelling hereby approved a survey shall be undertaken of resident travel patterns and a Detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Travel Plan shall set out measures to encourage sustainable travel, appropriate targets and regular monitoring to take place following occupation of the 100th dwelling, and appointment of a Travel Plan Coordinator in accordance with the recommendations in Sections 4.0 and 5.0 of the Framework Travel Plan prepared by TTHC (M16068-02A FTP, dated October 2019). The Detailed Travel Plan, its measures, targets and monitoring, shall be carried out as approved and retained thereafter.
27. Upon approval of the landscape details under condition 7 of this permission, the new planting shall be carried out during the planting season October / March inclusive, in accordance with the appropriate British Standard BS4428:1989, (as amended, revoked or re-enacted), in accordance with the timescales set out within the programme of delivery to be approved under condition 8, unless otherwise approved in writing by the Local Planning Authority. Any plants or trees found damaged, dead or dying in the first five years are to be fully replaced and the scheme thereafter retained.
28. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

- M16068-A-009E - Proposed Access Visibility Splays, 9 October 2019
 - M16068-A-013 - Access from Mayfair, 9 October 2019
 - M16068-A-014 - Access from Bond Close, 9 October 2019
 - Land off Victoria Road, Horwich, Bolton Location Plan, 24 October 2019.
29. A landscape and ecological management plan (LEMP) (or equivalent) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling houses hereby approved. The content of the LEMP shall include information which demonstrates the creation or management of habitats to secure a meaningful and measurable net gain for biodiversity, in line with the principles established in the Biodiversity Net Gain Assessment [TEP Report 5719.03.003, dated October 2019] and shall include biodiversity net gain areas as shown on the Ecological Enhancement and Habitat Management Strategy [TEP Report 5719.03.001, dated October 2019] and the proposed off-site landscaping, as shown within drawing 508E-66A as "Area of off-site woodland planting". An updated Biodiversity Net Gain Report and Biodiversity Metric calculation shall be submitted based on the detailed design and landscape plan, and the accompanying GIS file shall be submitted to support the report's findings. The LEMP shall also include:
- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions for all habitats and species for a period of no less than 30 years.
 - f. Preparation of a work schedule and phasing details (including an annual work plan capable of being rolled forward over a five-year period).
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. Ongoing monitoring and remedial measures.
- The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, approved and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved scheme shall be implemented in accordance with the approved details and retained thereafter.
30. Prior to the first occupation of each dwelling hereby permitted one Electric Vehicle fused spur capable of powering 7kW 'fast charger' point shall be installed for that dwelling.
31. The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 276 dwellings.

APPEAL B - REF APP/N4205/W/20/3266030 - SCHEDULE OF CONDITIONS:

1. All applications for the approval of 'Reserved Matters' shall be made no later than the expiration of two years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the access (internal layout only), 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.
3. Details of the Reserved Matters shall be in substantial compliance with the principles and parameters set out in the following plans:
 - P20-0622.003 Rev D - Illustrative Masterplan, 22 August 2020
 - P20-0622.004 Rev F - Landscape Masterplan, 23 September 2020
 - P20-0622.005 Rev D - Parameters Plan, 23 September 2020
4. Any relevant application for Reserved Matters shall be accompanied by the following information for approval in writing by the Local Planning Authority and shall be implemented in accordance with the details approved therein:
 - a. Details of materials and finishes for all external walls, roofs, windows and doors and other external building features for homes, apartments, garages and other built structures;
 - b. Elevation drawings for all building types erected;
 - c. Floorplans for each level of all building types including roof plans;
 - d. Cross-sections in a minimum of two planes across the development site;
 - e. Details of cut and fill across the site to form proposed ground levels, including details of relevant retaining structures;
 - f. Details of finished floor levels of each building or structure and associated ground levels;
 - g. Interval cross-sections and long-sections for internal roads; and
 - h. Details of bin storage/recycling for each unit.
5. Any relevant application for Reserved Matters shall be accompanied by details of the housing mix proposed which shall include details of the number, type and tenure of each unit identified on a layout plan for approval in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
6. Any application for Reserved Matters for landscape shall be accompanied by a Landscape Strategy Plan for approval in writing by the Local Planning Authority. No development shall take place until the Landscape Strategy Plan has been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Landscape Strategy Plan.

7. Any application for Reserved Matters shall be accompanied by a site-wide Landscape Delivery & Management Scheme. The Landscape Delivery & Management Scheme shall cover all proposed and retained landscaped areas, including future publicly accessible areas, and shall include the following information for approval in writing by the Local Planning Authority:
- a. Details of materials and finishes to hard and soft surfaces in public and publicly accessible areas;
 - b. Details of trees and shrubs to be planted / green infrastructure;
 - c. Details of boundary walls, fence and boundary treatments;
 - d. Details of external lighting structures, including external security lighting adjacent to woodland edges;
 - e. Details of proposed seating, bollards, bins, cycle racks, grilles and other street furniture proposed in public or publicly accessible areas;
 - f. Details of any proposed play equipment;
 - g. Details of proposed on-site alternative habitats, including for bats and nesting birds;
 - h. Updated biodiversity net gain calculation using the appropriate metric;
 - i. Details of the proposals for the future maintenance of public and publicly accessible areas of landscape in the form of a Landscape Delivery & Management Plan; and
 - j. Details for the programme of the delivery.

The development shall be carried out and maintained thereafter only in accordance with the approved scheme and plan.

8. Any application for reserved matters shall be accompanied by a 'Crime Impact Statement' for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved security measures and shall be retained thereafter.
9. No development shall commence until details of compensation for the loss of valued habitats to maintain and enhance the habitat connectivity across the site and the overall biodiversity of the site, as detailed within the Recommendations section of the Environment Partnership (TEP) Horwich Ecology Report (dated August 2020). The development shall be carried out only in accordance with the approved details.
10. Any application for Reserved Matters that proposes the felling or removal of trees shall be accompanied by an updated Bat Survey, to include aerial and nocturnal surveys, to identify the potential for bat roosts on those trees proposed for removal and any compensation or mitigation measures necessary, for approval in writing by the Local Planning Authority. Any mitigation or compensation measures approved in the updated Bat Survey shall be carried out in accordance with the approved details and retained thereafter.
11. Details of the public art to be provided within the development shall be submitted with the application for the approval of any Reserved Matters for

appearance. The public art shall be installed in full accordance with the approved details and in accordance with a timeframe to be submitted to and approved in writing by the Local Planning Authority. The public art shall be retained thereafter.

12. Any relevant application for reserved matters shall be accompanied by:
- a. An Arboricultural Impact Assessment, including topographical information to prevent alterations within root protection zones of retained trees, woodland and hedgerows;
 - b. A Tree Protection Plan;
 - c. A Tree Removals Plan; and,
 - d. Service plans and specifications (where services fall within root protection zones of retained trees, woodland or hedgerows).

The development shall only be undertaken in accordance with the approved details.

13. No development shall commence until details of a Bluebell Management Plan to include measures for the safeguarding of existing bluebells within the woodland areas within the site has been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include a programme for its implementation. The development shall be carried out only in accordance with the approved Plan.
14. No development shall commence until the following information has been submitted in writing and written permission at each of staged a – e below has been granted by the Local Planning Authority.
- a. The requirements as part of this condition shall have regard to the preliminary risk assessment that has been submitted to and approved by the Local Planning Authority, dated September 2020 (ref: LKC 20 1655) by LK Consultant Limited. Namely the requirement to carry out a site investigation.
 - b. Prior to commencement of a Phase 2 intrusive survey, its scope shall have been submitted to and approved in writing by the Local Planning Authority. The intrusive survey shall include provision of a comprehensive site investigation and risk assessment examining identified potential pollutant linkages in the Preliminary Risk Assessment. The survey shall be carried out in accordance with the approved scope and its findings presented and approved in writing by the Local Planning Authority.
 - c. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved in writing by the Local Planning Authority prior to implementation.
 - d. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this shall be approved in writing by the Local Planning Authority.
 - e. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been

appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

15. No development shall commence until details of the implementation, adoption, maintenance and management of surface water, foul water and land drainage works have been submitted to and approved in writing by the Local Planning Authority. 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 (or any subsequent amendment or replacement thereof), and the results of the assessment provided to the Local Planning Authority. The submitted details shall:
- a. 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;
 - b. Include a timetable for its implementation; and,
 - c. 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.

The development shall be carried out and maintained thereafter only in accordance with the approved details.

16. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- a. Hours of demolition, construction and deliveries;
 - b. Details of precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles shall have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and the sheeting over of construction vehicles hauling materials prior to entering the public highway;
 - c. Dust suppression measures;
 - d. Noise emission suppression measures;
 - e. Measures for the recycling / disposal of waste arising from demolition and site construction works;
 - f. Construction routes in and around the site;
 - g. Compound location(s) together with details of the storage facilities for any plant and materials including off-site consolidation if appropriate, the siting of any site huts and temporary structures, including site hoardings and details of the proposed security arrangements for the site;
 - h. Parking of vehicles associated with construction, deliveries, site personnel, operatives and visitors; and
 - i. Measures to protect trees during construction.

Construction of the development shall be carried out only in accordance with the approved CEMP.

17. No development shall commence until a method statement addressing how the development will avoid the risk of killing or injuring any reptiles or amphibians which may be present on site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and retained in accordance with the approved details.
18. No development shall commence until a site survey for badgers has been undertaken, submitted to and approved in writing by the Local Planning Authority, to ensure that badgers have not moved into the site prior to works commencing. If badgers are found during the survey any recommendations for mitigation shall be fully accounted for during the construction of the development and within the design of the development.
19. No development shall commence until a Non-Native Invasive Species Management Plan, including a scheme for the eradication of Japanese Knotweed and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Should there be a delay of more than one year between the approval of the scheme for the eradication of Japanese Knotweed and its implementation or the commencement of development then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.
20. No lighting shall be installed in public areas until a lighting scheme, to include details where necessary of measures to minimise and mitigate any impact from lighting on foraging and commuting bats along woodland edges, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved lighting scheme and the approved mitigation measures shall be retained thereafter.
21. No dwellings shall be occupied until details of the provision of five Schwegler 2B bat boxes to be installed on retained trees, including a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed in accordance with the approved details and retained thereafter.
22. No demolition of the club house building (Building 1 within paragraph 5.9 of the Environment Partnership (TEP) Horwich Ecological Assessment, dated November 2017) shall commence until a Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMMS shall include the following measures, which shall be implemented in full:
 - a. The demolition to be undertaken outside the bat activity season (April to October) or a pre-commencement bat check to be completed by a licensed bat ecologist.
 - b. Bat roost features such as roof tiles, lead flashing and soffits to be removed by hand.

23. No development shall take place until a scheme for the provision of the proposed vehicular access point at Victoria Road (in accordance with the approved plans listed at condition 26) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be approved shall include details of the detailed construction specification and timing of implementation. The vehicular access point shall be provided in accordance with the approved scheme and retained thereafter.
24. Within 3 months of the occupation of the 100th dwelling hereby approved a survey shall be undertaken of resident travel patterns and a Detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Travel Plan shall set out measures to encourage sustainable travel, appropriate targets and regular monitoring to take place following occupation of the 100th dwelling, and appointment of a Travel Plan Coordinator in accordance with the recommendations in Sections 4.0 and 5.0 of the Framework Travel Plan prepared by TTHC (M16068-03 FTP, dated August 2020). The Detailed Travel Plan, its measures, targets and monitoring, shall be carried out as approved and retained thereafter.
25. Upon approval of the landscape details under condition 6 of this permission, the new planting shall be carried out during the planting season October / March inclusive, in accordance with the appropriate British Standard BS4428:1989, (as amended, revoked or re-enacted), in accordance with the timescales set out within the programme of delivery to be approved under condition 7, unless otherwise approved in writing by the Local Planning Authority. Any plants or trees found damaged, dead or dying in the first five years are to be fully replaced and the scheme thereafter retained.
26. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
 - P20-0622.001 Rev A - Site Location Plan, 17 September 2020
 - M16068-A-016 - Figure 7: Proposed Access Visibility Splays, 18 September 2020.
27. A landscape and ecological management plan (LEMP) (or equivalent) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling houses hereby approved. The content of the LEMP shall include information which demonstrates the creation or management of habitats to secure a meaningful and measurable net gain for biodiversity, in line with the principles established in the Biodiversity Net Gain Assessment [TEP Report 5719.04.003 dated August 2020] and shall include biodiversity net gain areas as set out in the Ecological Enhancement and Habitat Management Strategy [TEP Report 5719.04.004 dated August 2020]. An updated Biodiversity Net Gain Report and Biodiversity Metric calculation shall be submitted based on the detailed design and landscape plan, and the accompanying GIS file shall be submitted to support the report's findings. The LEMP shall also include:
 - a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.

- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions for all habitats and species for a period of no less than 30 years.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, approved and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved scheme shall be implemented in accordance with the approved details and retained thereafter.

- 28. Prior to the first occupation of each dwelling hereby permitted one Electric Vehicle fused spur capable of powering 7kW 'fast charger' point shall be installed for that dwelling.
- 29. The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 150 dwellings.