

Agenda Item	A5
Application Number	20/01453/OUT
Proposal	Outline application for creation of a holiday village and eco-park comprising the erection of up to 450 holiday lodges, erection of a hotel (Class C1), marketplace (Classes E and Sui Generis), virtual reality wildlife experience (Class F1), artisan workers pods (Class E) with ancillary service and storage, hard and soft landscaping and drainage works and water storage attenuation ponds with full planning permission sought for the creation of a vehicular access off the A6 and across Lancaster Canal.
Application site	Land At Home Farm Ellel Grange Main Road Galgate Lancaster Lancashire LA2 0HN
Applicant	TNPG Sandeman Trust and Ellel Holiday Village Ltd.
Agent	Mr Paul Tunstall
Case Officer	Mr Richard Byrne
Departure	Yes
Summary of Recommendation	Refusal

(i) **Procedural Matters**

Committee members undertook a committee site visit on 11th September 2023 since the visit additional information has been submitted by the applicant and the scheme is now ready to present before committee members.

1.0 APPLICATION SITE AND SETTING

- 1.0.1 The application site is located approximately seven kilometres to the south of Lancaster City centre and 0.54 kilometres to the south of the village of Galgate near the south of the authority's extents. The site is to the west of the M6 motorway, west coast mainline and A6 road. The Lancaster Canal bisects the site into two parts. The eastern site and the western site.
- 1.0.2 The eastern site is an irregular shape bound by the A6 and M6 J33 roundabout to the east, open fields to the south, the Lancaster Canal to the west and a to the north a public right of way (PROW) which is perpendicular to the A6 and then skews to the north west and Canal, beyond this PROW are open fields.
- 1.0.3 The western site is again irregular and is bounded to east by the Lancaster Canal, the Glasson Branch Canal to the north, and then the redline deviates away following existing boundary lines of fields to the west and south which again have PROWs on the boundary. At this boundary on review of available mapping there is a water course that flows south from the River Condor in the north. To

the south of the redline is an extent of land under the ownership of the applicant 'blue edge site' and includes woodland, some pasture and Ellel Grange Home Farm (Home Farm); a series of dwellings, agricultural and horticultural buildings, walled garden and associated infrastructure. The boundary watercourse ends/becomes culverted within this 'blue edge site'.

- 1.0.4 The extent of the entire redline is some 58.85 hectares. The eastern site has an area of 19.035 hectares and the western site has an area of 39.815 hectares. The land to the south which is owned by the applicant is 11.67 hectares.
- 1.0.5 The landscape is rural open countryside. The site mainly comprises of cleared, pastoral, agricultural land, broken into fields by mature hedgerows, rural fencing and sporadic mature trees. The agricultural value of the land as taken from the Provisional Agricultural Land Classification maps (1970) is Grade 3 - good to moderate quality agricultural land – in a scale of 1 to 5 (5 being very poor). There are several areas of woodland within and adjacent to the site. On the eastern site in the middle and running to the Canal is Quarry Wood. On the western site is Flatt Wood to the western extreme of the site and Carter Wood, which forms part of the northern edge of the site. Cock Hall Woods is located approximately 25m west from the western sites redline. There is also the extent of woodland associated with Home Farm within the blue edge site discussed above. Given the rural nature of the site, surrounding development is limited to Home Farm and Ellel Grange, which is located south of the site and operates as a Christian ministry. Ellel Grange is a complex of buildings which are listed and secluded by mature woodland. Both Home Farm and Ellel Grange share a single access which is discussed below.
- 1.0.6 The site's topography is undulating, with several drumlins forming localised high points which are prominent and visible. The drumlins range between 25 metres AOD and 75 metres AOD with the largest drumlin located immediately north of the site, rising to 51m AOD. The highest point within the site is 45m AOD in the east near to the A6 roundabout. To the west, the land flattens to a lower level of approximately 15 metres AOD.
- 1.0.7 For the majority both sites are Flood Zone 1 reflecting their topography. Where the site is flat on in the west of the western site and near the boundary watercourse, the site falls within flood zones 2 and 3 as the flood plain for the boundary watercourse, River Condor to the north and River Cocker to the south. River Cocker is approximately 350m south of the redline of the western site and demarcates the boundary between the LPA and Wyre District.
- 1.0.8 Running beneath the middle of the western site is the North West Ethylene Pipeline (NWEPE) (a high pressure gas pipeline). It is owned and operated by Shell U.K. who operate the pipeline on behalf of Shell Chemicals U.K.. The pipeline is part of the UK's nationwide Ethylene System. The pipeline was built in 1992 by Shell. The NWEPE connects the refineries, storage and exporting facilities at Grangemouth and Stanlow. Running to the west of the site are high voltage cables and pylons.
- 1.0.9 There are no heritage assets on the site. There are several heritage assets that are adjacent or within the immediate vicinity. Beyond this there are several assets to which the site could be considered as being within the setting by virtue of physical development, and its operation would affect the asset – vehicular and pedestrian traffic. These are as follows:
At the junction of the Canals adjacent north to the site there are the following assets:
- Top Lock - UID 1071758 – Grade II
 - Lancaster Canal Junction Bridge – UID 1251452 – Grade II
- Running west along the Glasson Branch adjacent north to the site are the following:
- Lancaster Canal Second Lock – UID 1262781 – Grade II
 - Second Lock Bridge – UID 1071757 – Grade II
 - Third Lock – UID 1362527 – Grade II
- Running south along the Lancaster Canal between the sites are the following:
- Double Bridge (No.85) – UID 1362483 – Grade II
 - Ellel Grange Bridge (No. 84) – UID 1317881 – Grade II
- Within the blue edge site adjacent south to the site is the following asset:
- Ellel Grange Home Farm Walled Garden including stables, coach house and coachman's cottage, farmhouse, agricultural and horticultural buildings, and associated walls, yard and gates – UID 1452109 – Grade II
- Still adjacent south of the site but outside the ownership of the applicant are the following assets:

- Redwards – UID 1071800 – Grade II
- Ellel Grange – UID 1317896 – Grade II
- Kings Lee Chapel – UID 1317926 – Grade II*
- Preston Family Mausoleum, Church St. Mary – UID 1071799 – Grade II

1.0.10 In addition, given the topography there are assets further west and east from which it is considered that you could see the proposed development these are:

- Located north of the eastern site on the A6
- Lane House– UID 1164255 – Grade II

Located west past Cock Hall Woods:

- Cross Approx. 8M East of Church of St Thomas and St Elizabeth – UID 1071718 – Grade II
- Church of St Thomas and St Elizabeth – UID 1164585 – Grade II
- Gillow Mausoleum, North of Church of St Thomas and St Elizabeth – UID 1164592 – Grade II*

1.0.11 The entire site and its surroundings are designated as Open Countryside – policy EN3. Much of the western site is designated as mineral safeguarding area at County Planning level. The northern boundary of the eastern site abuts a large, designated Air Quality Management Area which follows the M6 and A6 north – policy EN9. Both canals – Lancaster and Glasson Branch are designated by policy T3, are Environmentally Important Areas and designated for open space, recreation and leisure, and green space network lines – policy EN7, SC3, and SC4 respectively. The woodlands around Ellel Grange and Kings Chapel heritage assets are also designated as Environmentally Important Areas – policy EN7. The site immediately north of the eastern site is allocated for employment growth – EC2 & EC3.

1.0.12 Running throughout the site and on its boundaries are a number of public rights of way (PROW) in terms of both footpaths and bridleways. PROW 1-13-FP 4 is a footpath that links the A6 to the Lancaster Canal, crosses the Canal at the listed Double Bridge (No.85) GII, this forms the northern boundary of the eastern site. PROW 1-13-FP 4 then proceeds to into the western site in parallel to the Glasson Branch canal before turning to cross it at the Branch's Second Lock Bridge GII, where it meets a bridleway 1-13-BW 3 on the northern side of Glasson Branch. From the Canal Junction in the north of the western site running again from the bridleway 1-13-BW 3 is footpath 1-13-FP 13, which runs south through the western site down to Home Farm. Along the western sites north-western boundary is footpath 1-33-FP 11. Running north south through the middle of the western site and linking Footpath 1-33-FP 11 and 1-13-FP 13 is footpath 1-13-FP 52.

1.0.13 The site is currently primarily accessible on foot via the PROWs. Home Farm's vehicular access is from the A6, where a single tarmacked route runs perpendicular through the eastern site over the Canal, around Ellel Ministries (to which this access also serves) and north to Home Farm, from here the site as open farmland is accessible by (farm) vehicles. This access provides the sole vehicular access to Ellel Ministries and Home Farm. It is outlined on the location plan in blue demarcating that that it is under the ownership of the applicant, however this is disputed and discussed below. Where the access crosses the Canal, this is Ellel Grange Bridge (No. 84) Gii. The only other crossing between the two sites is Double Bridge (No.85), which is a PROW and use by farm vehicles currently.

2.0 PROPOSAL

2.0.1 The proposed development is unique to the district. Officers have taken time to discuss the proposal and seek further information so that they understand how the development would function. This application is in outline where the principle of development is sought with full planning permission for the means of access from the A6, across the Canal into the western side of the site. Matters relating to layout, scale, appearance and landscaping are reserved for a separate submission. The following documents set out the proposal and the parameters which includes the works to the highway to facilitate access to the site:

- Location Plan – ref: 150968-STL-A-002 Rev P04;
- Parameter Plans comprising Character Areas, Hydrology and SuDS; Access and Movement, Uses and Density and Building Heights - Revision P02;
- Proposed Site Access General Arrangement 1 of 2 - Northern Section – Ref: SK21756-005 Revision A

- Proposed Site Access General Arrangement 2 of 2 - Southern Section – Ref: SK21756-004 Revision A

2.0.2 Given the application is in outline and its function, a key part of the discussion in understanding the proposal has been its phasing and control of its operation. To inform the application the following principal documents have been submitted which support the scheme:

- A Phase I Preliminary Risk Assessment;
- Agricultural land classification report;
- Design and Access Statement;
- Drainage strategy;
- Economic and Regeneration Report including an employment and skills statement;
- Energy Statement;
- Flood Risk assessment.
- Heritage Impact assessment;
- Illustrative Masterplan;
- Mineral Resources assessment;
- Noise Assessment;
- Phasing Plan/Document;
- Planning Statement – with further clarification letter;
- Preliminary Arboricultural Assessment;
- Retail and leisure assessment;
- Statement of community involvement;

2.0.3 This development description differs from that on the application documents, but no objection has been raised by the applicant when raised in the validation correspondence.

2.0.4 This is an Environmental Impact Assessment (EIA) application and is accompanied by an Environmental Statement (ES) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development falls within Schedule 3 of the Regulations and is therefore accompanied by an Environmental Statement (ES) which sets out the findings of the full EIA. The ES has been subject to a scoping exercise and together with consideration of reasonable alternatives and cumulative effects, considers the following topics in accordance and agreed methodology and significance criteria:

- landscape and visual impacts;
- ecological matters;
- highways and transportation;
- air quality;
- cultural heritage; and
- climate change adaptation.

2.0.5 During the course of the application following examination of the ES, the Local Planning Authority notified the applicant, pursuant to Regulation 25 of the EIA Regulations, that to comply with those regulations it was required to supply the following further information for the Local Planning Authority (or other determining authority) to reach a reasoned conclusion on the likely significant effects of the development proposal:

- The impact could have on the safe and continued operation of the North West Ethylene Pipeline;
- Updated highways Technical Note;
- Comprehensive plans details of the end-users of the proposed Market Place;
- Flood Risk - For the proposed development in Flood Zone 3;
- An updated Shadow Habitats Regulations Assessment;
- An updated assessment of the proposed foul drainage system;
- Updated information on the ecological impacts of the proposed development;
- Updated information and details regarding unmapped veteran trees on site;
- Submission of a detailed Arboricultural Impact Assessment;
- A High-Quality Landscape Plan;

- Information on the bridge capacity and structural assessments (bridges 84 and bridge 85 over the Lancaster Canal and bridge 2 over the Glasson Branch);
- Formatting errors and clarifications within Cultural Heritage chapter; and,
- A Revised Non-Technical Summary.

2.0.6 A further revision has been made to the Environmental Statement which removed holiday lodges from Flat Wood and in the western side of the site encircled by Flood Zone 2. The location plan and parameter plans have been subsequently revised.

2.0.7 The proposal is essentially for a tourism led mixed use development for a maximum of 450 holiday lodges interspersed across the site, erection of a retail unit and hotel, a virtual reality wildlife experience (Class F1) and artisan workers pods (Class E). It is anticipated that the development would be grouped into three phases spread over a three-year period. The applicant suggests that the marketplace is needed once 100 lodges have been built.

2.0.8 The application site straddles the Lancaster Canal with the western side mainly comprising the holiday units in themed clusters with intervening landscaping, footpaths and open spaces. The eastern side of the site has further holiday units with additional landscaping. However, the land uses are mainly for retail and hotel functions with the wildlife experience and parking (short and long stay) taking advantage of the proposed access and presence to the A6. It is envisaged that the hotel would allow for circa 100 bedrooms, retail as a 'marketplace' providing a 'farm shop' circa 500 square metres, other retail and eateries circa 757 square metres with a cluster of 10 c.40sqm maker pods which are envisaged as being *"leased to artisan businesses or individuals who will manufacture a range of goods which will in turn be sold from the marketplace. The processes within these pods will be visible to passing visitors, allowing them to observe the various skills and craftsmanship required to produce these wares"*.

2.0.9 Given the expanse of the site, it is also proposed to provide significant areas of open space, soft landscaping, play space, tree planting, habitat creation and retention of established woodlands. The types proposed are as follows:

- Retained Woodland
- New Woodland
- New Planting Zones
- Ponds/SuDs
- Undeveloped Grassland
- Existing Wetland (eco park)
- New Wetland Areas in Flood Zone

2.0.10 Within the existing and new open spaces there will be further offers as follows:

- a virtual reality experience and outdoor activity centre, set in and around Quarry Wood on the eastern site
- activity centre and wetlands walk in and around Flat Wood on the western site
- bike and buggy hire for use throughout the site
- eco-park board walk on the wetlands created to the west of the canal

2.0.11 Short and long stay parking will be provided on the site in the eastern section where visitors would then travel around the site either on foot, bicycle or electric buggies. The Transport Assessment appendix to the ES does not set out the level of parking, however, it does state that appropriate levels of standard, accessible, EV and cycle parking will be provided for the scheme in line with local and national policy guidance at the reserved matters stage.

2.0.12 The indicative amount and type of development as set out in the Design and Access Statement is as follows:

Site Area	Description	Area (ha)	Notes
Landscape Elements (retention and enhancement)	Retained Woodland	7.06	Large areas of woodland – not strands of trees
	New Woodland	1.00	Including purpose-built tree houses (now removed)

	New Planting Zones	8.42	Tree/hedge/shrub planting to separate lodge development clusters
	Ponds etc	0.54	Two large ponds – swales and SuDs included in planting
	Undeveloped Grassland	3.96	
	Existing Wetland (eco park)	3.32	Low lying waterlogged ground west of Canal
	New Wetland Areas in Flood Zone	4.15	
Total Area (ha)		28.46	
Holiday Accommodation	Lodges	20.83	Development areas no lodge curtilages
	Long Stay Parking	1.12	Area serving lodge parking only
	Roads	3.07	Main routes only
	Other Infrastructure	0.94	Cycle Hire
Total Area (ha)		25.96	
Leisure Complex	Marketplace Building	0.90	Building, Services and Access
	Immersive Wildlife Experience	0.19	Building and Forecourt
	Artisan Pods	1.75	Includes whole slope between the marketplace, woods and canal
	Short Stay Parking	1.36	Marketplace car park and overflow
Total Area (ha)		4.19	
Quantum of Development		58.61	

2.0.13 The areas noted in the above table can be seen on the illustrative Masterplan below.



2.0.14 The indicative building GIA for the built development on site as set out in the Design and Access Statement is as follows:

Building GIA	Description	Area (m2)	Notes	Total (m2)
Marketplace	Retail	506	Includes front of house retail (farm shop) and grab and go	3540
	Food Hall	757	Includes entrance foyer, seating/serving areas and event space	
	Other Space	760	Includes entrance foyer and event space	
	Back of House	491	Kitchen storage etc	
	Ancillary	777	WCs etc	
	Plant	249		
Hotel	Bedrooms/Circulation	3577	90+ bedrooms in range of sizes including suites/family rooms and 5% accessible – also includes lobby / bar area	4193
	Business Suite	180		
	Function Space	436		
Lodge Park	Lodges	28,000	Max 400 lodges at average 70m2	29,000
	Studios	800	40 units of 20m2	
	Bike/Buggy Hire	200		
Other Commercial Space	Artisan Pods	400	10 units of circa 40m2	550
	Immersive Wildlife Experience	150		
			Total	38,783

Proposed lodge development

2.0.15 A parameter plan has been submitted which sets out how the lodge development could be developed. The design intent is to cluster development within existing field boundaries. Lodges would be located in small groups, within overarching character zones and varied in type and size offering different prices points and accommodation requirements.



Figure 1 - Parameter Areas

2.0.16 Two lodge development zones have been identified (in light and dark orange) and the key characteristics are summarised as follows:

Lodge Zone 1 Light Orange (Areas A, B, C and D)	Lodge Zone 2 Dark Orange (Areas E, F and G)
Identified in the LVIA as sensitive to local receptors.	Identified in the LVIA as non-sensitive.
Low rise/low density development is envisaged	Higher density development is envisaged
Proposed density range - 10-17 Units/Ha	Proposed density range - 20-27 Units/Ha
Proposed average density - circa 13 Units/Ha	Proposed average density - circa 24 Units/Ha
mostly single storey Max Eaves 4.5m - Max Ridge 7m	mix of 1&2 storey units Max Eaves 6.5m - Max Ridge 10m

2.0.17 Within the two zones the table below gives a further breakdown of unit number across the site split into the developable area (A-G).

Area	Lodge Development Zone	Developable Area (Ha)	Illustrative Masterplan Density	
			Units	Units/Ha
A	1	1.863	32	17
B	1	3.427	53	15
C	1	3.100	48	15
D	1	2.530	25	10
E	2	1.100	20	18
F	2	4.560	97	21
G	2	6.125	147	24
	Total	22.705	422	

Marketplace / Hotel Building

2.0.18 The proposed marketplace / hotel building and associated car parking would be sited in the dark purple area shown in figure two. It is anticipated a building would have a split-level ground floor slab to accommodate the contours of this part of site to minimise excavation. There will be a 3m change in level between the upper ground floor slab and lower ground floor slab.

2.0.19 The parameter plan identifies the eaves of the 4.5 metre – 8 metres and a roof ridge between 10 metre – 12 metres.

Other buildings

2.0.20 Cycle Hire/VR Experience/Stables/Energy Centre to be single storey structures, anticipated to be similar in nature to standard agricultural outbuildings/barns with a maximum eaves Height of 6metre and maximum ridge of 10m. Other ancillary buildings/enclosures to be single storey with a max height of 4metre.

Access

2.0.21 This application includes the determination of the means of access into the site. A new arm would be created off the J33 roundabout known as Hampson Green. This would provide direct vehicular access into the site from the A6 and M6. The details of the proposed arm is shown on Drg No. SK21756-005 Revision B.

2.0.22 The existing access discussed at 1.0.13 would remain and also provide access to the site. It is proposed to amend the access at its junction with the A6 by formalising with a 10metre radii and this is set out on plan SK21756-004 Revision B.

2.0.23 Notice has been served to other owners of the land within the application site. The red line of the application has been amended during the course of this application; however, all consultations have been undertaken to publicise the proposal.

3.0 SITE HISTORY

3.0.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00064/EIO	EIO Scoping request for the creation of a holiday village/leisure destination comprising of; circa 400 Lodges (total area 28,000 m ²), 100 Stay Pods (total area 2000 m ²), a Marketplace (circa 1500m ² retail sales area, 1400m ² F&B, 500m ² servicing/storage, 100 m ² Ancillary facilities) up to 25 artisan pods (1,000sqm of new employment space), a Hotel (100 bedrooms, 150 seat function space and associated break out suite, reception and ancillary spaces, totalling 3,700 m ²), a Virtual Reality Experience building (circa 750m ²) and associated car parking and land re-modelling.	Scoping Opinion Issued
18/00663/PRE3, 20/00702/PRE3 and various pre-application meetings	Creation of a holiday village	Advice Provided
17/01582/EIO	Scoping Opinion for 950 residential units and associated local centre, together with and a mixed-use scheme comprising workspace, retail and leisure facilities and 100 bed hotel (in total providing circa 8,000 m ²) and new access off the A6	Scoping Opinion Issued

4.0 CONSULTATION RESPONSES AND PUBLICITY REPONSES

4.0.1 The has been significant response to notification and publicity of the application. A total of 859 representations have been received which 760 raise an objection with 96 supporting the proposal 3 raising no objection.

4.0.2 There are **96 comments in support** of the application and are summarised as follows:

Connectivity

- Good location with access just off the M6 motorway. The A6 and the canal.

Land use

- Something other than student flats. A project that will benefit everyone and be good for the environment we live in

- The idea of a tourist and marketplace hub would be a very good idea. The position is away from Lancaster, has easy access from the motorway and is set back away from the road.

Economic factors

- Increasing the number of overnight stays for visitors to the Lancaster and Morecambe region is seen as a key priority in order to deliver the maximum economic benefit to the community and, with the proposals increasing the local 'bed count' and promoting environmentally conscious and sustainable tourism, our respective projects appear to be complementary
- A high quality and sustainable development bringing visitors into the city is just what Lancaster needs and this will serve as a great complement to both the area and indeed the Eden project if that is to go ahead.
- Improve employment opportunities for younger people;
- A project like this, by increasing footfall, would help support small independent retailers, cafes, restaurants and museums which struggle once the students leave
- Create more jobs and compliment Eden project if design is in keeping with rural area

Environmental Factors

- Support the development's vision to achieve Biodiversity Net Gain and the use of renewable energy solutions

Social factors

- Ellel Holiday Village is exactly what our area needs – drawing example to other large cities having similar facilities and asking why Lancaster cannot have the same
- Proposal offers boost to the community in terms of jobs and opportunities for young people
- College considering of providing an education hub for provision of visitors to take short courses
- In conjunction with Eden Project North this adds to Lancaster and Morecambe reputation for becoming a centre for environmentally aware tourism
- Firmly believe that Ellel Holiday Village will, in conjunction with Eden North and the Lancaster Castle, be another excellent reason to attract visitors to the Morecambe Bay area.
- The educational aspect for locals and potentially schools is huge looking at the conservation of local areas

4.0.3 There are **760 comments** in objection of the application and are summarised as follows:

Character and appearance of the area

- This plan would see that transformed into an urban environment, destroying wildlife habitats, the peace and quiet covering perfectly wonderful fields in tarmac for a huge car park and destroying more nature
- This section of the Lancaster canal will become semi-urbanised
- This is not the right place for a tourist attraction, it is a place of many fine historical qualities which will be destroyed and by its very nature impact upon and destroy the rural setting and scenic characteristics
- What plans are in place to prevent those using the public canal side footpath from viewing the development? The development overlooking the canal is elevated and therefore any buildings will impede upon what is currently an uninterrupted view of fields from the canal side
- The visible green surroundings from Ellel Grange, especially the view over the canal, to what would become the retail centre under these plans, would be destroyed
- The natural area between Garstang and Lancaster is slowly being destroyed by the construction of large urban conurbations
- Heavy traffic of people and car will be a disturbance and cancel/ruin the nature of that area.
- Parkland character on the approach from Garstang Road along the existing access would be greatly diminished
- Object to what looks like a large retail area, does not fit in with the concept of holiday lodges and potentially will attract a large number of vehicular movement

- The site map shows buildings (lodges/pods) right up to the Glasson canal branch. This is a serious visual intrusion on a currently unspoilt landscape. Recommends thicker tree belt
- See “trampling” as a major problem. With 220,000 people a year expected to visit the site, the canal towpath, and footpaths in the surrounding area, not to mention the site itself. Will be inundated with people, causing serious damage to the environment and ecology, by simply trampling all over it. No amount of mitigation will prevent this
- Large numbers of visitors using the canal towpath and other footpaths will change the quiet rural nature of the site and the surrounding area, and cause significant ecological harm

Connectivity

- There should also be cycle routes built to allow people to access jobs and the outlying area in a green mode of transport.
- Concerned the development will take away the existing public rights of way;
- Will the rights of way be diverted? No clear indication has been made as to what plans the developer has for these public paths
- Public rights of way must state instated to allow public access for local residents for access
- Questions the use of public transport by visitors as buses only go north and south direction
- Quotes policy DM63 advocating the council should not look favourably on the application

Land Use

- The addition of an hotel and 450 lodges will bring in 1000 or so people on any given day. No amount of so-called green measures will mitigate against this
- This area is not included in the local plan for development, and should remain open countryside in order for local residents to keep enjoying the public rights of way that are included within the area
- It would create a major intrusion in the countryside and is not on land designated for development in the Lancaster District Local Plan. It is contrary to Policy SP3 and it is not included in Policy HP2 as a site for development in rural areas.
- This development is removing land from agricultural use. It is a complete departure from the Local Plan and as such should not be dealt with under the Planning process but by full consultation over a period of time given full thought and due process
- These plans would destroy the calm and peaceful environment at Ellel Grange.
- The development of 450 holiday lodges (@4 per lodge = 1800 people) and 100 (200-300 people) bedroom hotel could increase the local population by over 2000 people. This would have an impact on the local community in that this type of occupation could be in the order of 40- 50% of the Ellel Parish population
- Why build more out of town shopping areas we want to get people back into the town centres and not desert them and take away land needed for recreation and nature for more shops
- This application should not give a 'back door' to residential development should they receive permission for the leisure village in Outline, and it's imperative that this be prevented
- It would be an extensive, alien and intrusive development in a countryside location, close to the boundary with Wyre Borough Council. Wyre Local Plan designates the land within its boundary as countryside, and treats it accordingly.

Economic factors

- Theoretical economic benefits of the proposal do not significantly and demonstrably outweigh the harm that would be caused, and the significant adverse effects that would be imposed on existing land users
- The business case is very weak. New tourist development with new build accommodation needs to be supported by a robust business plan demonstrating long term viability
- Don't think there would be any benefit for businesses in Garstang/Lancaster as I'm sure people would be encouraged to spend 'on site'
- The economic & regeneration benefits report makes substantial claims for visitor numbers to Ellel holiday village, but the evidence provided to justify this is generalised for Lancashire as a whole. There's no specific evidence as to the number of these visitors who might come to Ellel.

- The design and access statement refers to it as a “leisure/commercial/retail/hotel development on which the holiday park is co-dependent”. There would be a new road across the canal. The development would be self-contained and there is no business case submitted, so there is nothing to show that existing businesses in Ellel and the surrounding area would benefit.

Environmental factors

- The eco label of the proposed holiday village doesn't stand up to scrutiny, given the plans to tarmac over large fields in order to provide parking, and destroy the landscape.
- The proposals would cause serious ecological damage. The ecological impact assessment is overly simplistic, stating "negative significant impact" for everything. Given the scale and density of housing, wildlife presently on the site it will be seriously damaged and will not recover.
- Lancaster Council needs to act on its commitment to a climate emergency and reject this plan as there is nothing sustainable about it
- Most people would travel by car. This would run counter to both local and national environmental policies to reduce carbon usage
- Do not understand the concept of destroying the natural beauty and habitat for wildlife in this area in order to build a virtual wildlife centre.
- Takes no account of carbon neutrality / climate emergency targets and is clearly entirely car dependent. The proposal assumes visitors to the holiday village will visit tourist attractions in Lancaster city centre and Heysham, but doesn't explain how they will get there
- The ecological impact assessment is overly optimistic, stating "negative significant impact" for everything. Given the scale and density of housing, wildlife presently on the site is unlikely to remain and it may be many years before new and artificial habitats attract wildlife (if ever) and they will not be the same species

Social factors

- One of the claims for Ellel Holiday Village is its strategic location near to the Lake District, Manchester, Blackpool etc. There is however no evidence to show that visitors to these places would choose to base themselves at Ellel, rather than staying in the place they gone to visit, as most visitors normally do
- Concerned about the effect all the planned developments will have on Galgate. Bailrigg Garden Village to the north, recent ‘speculative housing developments’ all around the village and now this to the south.

Flood risk

- Hardstandings and buildings would contribute to more flooding in Galgate;
- It would add to the problems of flood risk in an area already treated as a flood risk zone

Surface and waste water

- Drainage Strategy Statement for the application is extensive, running to approximately 141 pages, but on closer inspection it appears to be largely a desk-based exercise. Concerns with how drainage is affected across the site into other parcels of land outside of site

Ecological matters

- The wildlife in that area will have nowhere to go once driven out by the development. There is currently wild deer and many species of birds and wildlife and aquatic life that will no longer survive
- The canal is a nature haven that has enjoyed being largely undisturbed thus allowing wildlife to thrive. This would be overwhelmed by extra activity.
- The loss of trees and ecological valuable flora and fauna will be irreversible.
- Development would harm rare migratory birds who use this area for grazing and feeding
- Endanger the habitat of a rare butterfly
- The woods surrounding Ellel Grange have been designated as a biological heritage site. There are not owned or controlled by the applicants. The risk of disrupting the many woodlands, foliage and animals that currently grow and inhabit this land is immense

Highway safety matters

- To mix this vehicle thoroughfare with significant recreational usage for electric buggies, bikes pedestrians, children and families, is a significant health and safety hazard that hasn't been appropriately mitigated by design
- Ellel Grange Carriage Drive is totally incapable of carrying the amount of traffic involved, noting its width and original historic purpose;
- Notes the condition of the causeway and is inappropriate for modern HGV usage;
- Provides photos showing views along Ellel Grange Carriage Drive
- The planned new road will bring increased traffic, with the resultant pollution, disturbance and danger to pedestrians and cyclists, both during the construction phase and if the site gets up and running
- Another exit from the motorway and junction would create a lot of disruption and is expense to build
- New access will increase traffic, traffic meeting the A6 is dangerous, particularly as cars exiting the M6 motorway will be going fast.
- Hampson Green roundabout identified as a sensitive receptor and has seen a number of accidents, would add to chaos if adding a fourth spur;
- Following cancellation of the proposed bypass off the M6 junction 33 and continuing house building in Galgate site traffic is now near saturation point. With this massive development proposed and the undoubted traffic this will generate the area will become a major accident black spot.

Impact on local highway network

- This development would significantly increase traffic noise and pollution on the section of the A6 which is already a serious problem due to other scheduled developments.
- Scale is too big for the area which already has a massive traffic problem around Galgate A6 and Junction 33.
- despite its eco label will result in heavy loads of tourists, cars, footfall, litter, noise and light pollution and change the scenic nature of this section of the canal
- There is little parking in Galgate, there are no tourist facilities and no land to develop for tourism opportunities and therefore there is little benefit (apart from, but not disregarding the 2 pubs, a small village shop, fish & chip shop and a (currently) closed cafe) to be had from such a large influx of people
- Concerned about the extra traffic this would create, especially along with the Bailrigg development
- Traffic would back up on local roads if specific days for arrival and exit of the site;
- The vast majority of visitors are likely to arrive by car rather than public transport or cycling. The NPPF places emphasis on sustainable transport. The A6 is already officially at capacity given the housing approvals in the area. It is difficult to believe that the increase in traffic would not adversely affect traffic flow.

Landscape effect and impact on heritage

- This development would ruin the gorgeous natural canal side environment which is already available to locals, visitors & wildlife.
- Traffic generation, artificial lighting and physical built infrastructure associated with a development of the scale proposed, will detrimentally impact on the undeveloped, rural character of the locality resulting loss of openness would result in significant harm to setting and significance of the trust's operations at Ellel Grange, and the surrounding listed buildings
- Alleges the photos and text in heritage impact assessment is either misleading or incorrect
- The heritage assets surrounding Ellel Grange require protection from these kinds of plans, especially the idea of using the Grade 2 Listed Bridge as a main thoroughfare for the holiday village
- It would spoil much of the local heritage and environmental assets. Views of the Lancaster canal, canal bridges and other heritage features such as Ellel Grange will be spoiled by modern building development

- It would increase urbanisation between Lancaster and Forton
- Concerned that the Grade II Bridge will be damaged during the construction
- Over development of an existing tranquil area of countryside
- Very large holiday village that is proposed and that it would significantly affect the peace and tranquillity of the area, particularly Ellel Grange
- Consequences of extra vehicular traffic to the structural integrity of the bridge over the Lancaster canal bridge
- Cost to upgrade the canal bridge, would be prohibitive
- Impact would effectively suburbanise the site in a manner that is completely at odds with the designed setting of Ellel Grange and the Lancaster canal
- The changes to the landscape would affect the historic character and features within the designed landscape and the many fine views intrinsic to the setting
- Would ruin both the wonderful peace & quiet of the surrounding countryside and also would utterly spoil the natural beauty of the existing rolling hills and farmland.

Trees and hedgerows

- There are many very old trees existing on that land and these trees should not be cut down or damaged in any way. If they get in the way of the lodges plans the number and scale of the development needs to be reduced, not trees removed
- The construction would destroy strips of ancient woodland, hedgerows and grasslands
- The woods surrounding Ellel Grange are designated as Biological Heritage sites will be impacted

Impact on amenity

- The 'agent of change' has failed in their obligation to propositionally consider the impacts of development on surrounding land users
- It will destroy a place of peace and escape for many people but it will also destroy the natural flora and fauna found in the area
- The grange has been symbolic of peace, tranquillity and restoration for all its visitors. Having the level of traffic suggested would destroy the hard work of the past 30+ years to ensure a safe and quite place for its visitors who come to restored and healed.
- What steps are to be taken to mitigate for noise from this elevated position for those users of the canal side footpath, the marina and Galgate village
- Lack of privacy as there is no fencing to mark the boundary
- The noise that will be generated from the amount of people inhabiting this area and the footfall within the local area i believe will have a detrimental effect to both the environment and the wellbeing of the existing and future residents of the vicinity.

Other Matters

- Deliberately violating their own conditions of sale, devastating the very environment their restrictions were designed to conserve and completely ignoring the agent of change legislation
- Questions the motive of the nature of the application which is split between a hotel and retail space with a holiday lodge complex
- No approach has been made to owners of the Ellel Grange carriage drive regarding maintenance and repairs
- Request the application be called in by the Secretary of State for full public Inquiry
- What are the opportunities being offered to those who will be impacted in the Galgate area? Is there any collaboration or hand of friendship being offered to those who live nearby who could benefit from use of facilities at the holiday venue?
- The developer does not have ownership of the access road, & their right of access does not extend to cover these proposals, to the detriment of the rightful owner
- Original EIA scoping consultee's reports are deep within the application.
- The environmental statement (para 2.5.8) addresses the possible cumulative impact of other local development proposals - but it doesn't include Bailrigg garden village which would be the largest development in the immediate area
- What guarantees are there that these will remain as holiday lodges and not end up as permanent accommodation

- Limited community engagement
- The northwest ethylene pipeline - if permission is granted, it is not substantiated with any statement from the pipeline operating company, to the effect that the operators will move the pipeline, and if so where to!
- There is potential for the "marketplace" to attract visitors from the m6 as a motorway service station. The resulting impact on traffic flow (e.g. queues on the Jct33 slip-road), parking, air quality, etc. Has not been properly assessed.

4.0.2 The following responses have been received from statutory and internal consultees:

Consultee	Response
Arboricultural Officer	<p>Objection</p> <ul style="list-style-type: none"> • This proposal has the potential to put pressure on the existing trees and woodlands, which does not currently exist. Without a detailed Arboriculture Impact Assessment (AIA) in compliance with BS 5837 (2012) Trees in relation to design, demolition and construction, the full impact of the development cannot be determined. • The Preliminary Arboricultural Assessments (PAA) produced by Urban Green represent tree constraints plans. The PAAs divide the site into 'Main Site' and 'Entrance site' and identify 230 features, including 135 individual trees, 79 groups, six woodlands and 10 hedgerows, of which six trees are identified as of veteran status or have characteristics of veterans. The surveys state that a large proportion of the features are Category A or B and should be retained and incorporated into the design. As the PAA is not a full AIA, it does not consider the impact of the development on trees in relation to the masterplan or planning parameters detail, and no tree works are proposed. • No formal landscaping proposals have been submitted as part of this outline application. A high-quality landscaping plan is required to determine the impact of the development on the existing landscape character. • The significance of the Ordnance Survey description of the site as a Park and Ornamental garden needs to be explored further. The development will have an impact on this landscape. It is therefore vital that there is a good understanding of the historic importance of the area and how the development will impact upon this.
Black Knight Parachute Centre	<p>Comments provided</p> <ul style="list-style-type: none"> • Our operation out of Cockerham results in low flying over this area which means there is the possibility of aircraft noise.
British Pipeline Agency	<p>No objection</p> <ul style="list-style-type: none"> • No BPA assets affected.
Cabus Parish Council	<p>Objection for the following reasons:</p> <ul style="list-style-type: none"> • This is a sizeable development which is out of keeping with the rural character; • The canal and green fields are a prominent visual feature of the character of the area, the visage of which will be significantly impacted; • Life along the canal and the associated woodland and green field areas are ecologically important for which the proposed hard landscaping and holiday village facilities will have a negative impact over and above the potential benefits of approving such a development; • Potential for flooding and flood water impact on neighbouring parishes; • This is a historically important area which needs preserving, not commercialising; • The A6 is already extremely congested, particularly when the traffic is diverted onto it when the M6 is closed, and this creates substantial air pollution and traffic flow problems for residents particularly to the south of Ellel (Garstang, Cabus, Forton). Approval of this development will add to

	<p>traffic congestion at the top of the A6 joining the M6 roundabout, particularly at peak periods, as well as having significant knock-on effects for routine traffic flow.</p>
<p>Canal and Rivers Trust</p>	<p>No objection. Advises conditions and a legal agreement to secure the towpath access at canal bridge No. 85 set out the ongoing maintenance obligations for bridge No. 84 and monies towards the upgrading of the canal towpath along the Lancaster Canal and Glasson Branch as necessary to address these matters.</p> <ul style="list-style-type: none"> • Access to the site including vehicular access over canal bridges – recommend condition to restrict all motor vehicles over canal bridge No. 85 • Structural integrity of the canals – recommend condition for the submission of a Risk Assessment and Method Statement for works adjacent to the canals. • Pollution protection measures and construction traffic – requests the CEMP include routing of all traffic away from the listed bridges and for details of siting of storage of plant fuel in regard to the canal and for their protection • Layout, scale and character of the canal corridor – requires existing vegetation and trees to be protected along canal corridor, welcomes any new planting and the details should be secured by condition. • Surface water drainage – requests a full drainage scheme is secured by planning condition. • Sustainable travel – asks if the canal towpath along the site boundary, towards Galgate and along the Glasson Branch is upgraded to accommodate the proposed increase in usage by cycle and footfall.
<p>Christian Trust (owns Ellel Grange)</p>	<p>Objection</p> <ul style="list-style-type: none"> • Seeks committee members attend site before making decision • Raises points related to agent of change principle – given possible disturbance from construction/operation of proposal. • Outlines that access route that serves Ellel Grange and Home Farm is under ownership of Christian Trust who will not allow proposed use or amendments. • Outlines impact to heritage assets and settings • Concerns regarding increased traffic on A6/J33 roundabout, artificial lighting and physical built infrastructure associated with a development of the scale proposed, will detrimentally impact on the undeveloped, rural character of the locality.
<p>Conservation Officer</p>	<p>Objection</p> <ul style="list-style-type: none"> • The proposed development would result in a high level of harm to the sensitive and attractive designed setting to Ellel Grange and to a most scenic section of the Lancaster Canal. The development implies the potential harm to the grade II Double Bridge during construction and operation. We are unconvinced that this harm is justified, especially as the form of the development, if acceptable in principle, could be provided on many other less sensitive sites in the district. There are no apparent public benefits to the identified heritage assets.
<p>County Highways</p>	<p>No Objection</p> <ul style="list-style-type: none"> • With consideration to all the additional information provided, I consider that the proposal can be made acceptable, if suitably controlled through planning conditions, delivery of necessary S278 works, together with S106 obligations, all of which are highlighted within these comments. Supporting this development and others in Lancaster on the local and strategic network, will require a significant level of highway and transport change. Initiatives and schemes have been developed and their delivery will be by

	<p>the County Council as Local Highway Authority but requires that developers support the full level of contribution requested.</p> <ul style="list-style-type: none"> • The positive conclusion reached is on the premise that the full contribution requested to be secured and be payable to Lancashire County Council linked to triggers and planning conditions that control all highway matters with Lancashire County Council. <p>Request the following towards highway mitigation:</p> <ul style="list-style-type: none"> • £80,000 towards A6 (Galgate to City Centre) Intelligent Traffic Management (ITM) implementation, including upgrading the MOVA and associated equipment/works at the Galgate Crossroads as required. (part-funded) (agreed trigger 12 months post commencement) Note: The A6 ITM implementation includes MOVA and signal changes to junctions between Lancaster City Centre and Galgate, including Hala Road, Hazelrigg Lane, the University junction and the gyratory. • £40,000 towards the implementation of a Red Route (part-funded). (agreed trigger 2 years post commencement) • £50,000 per year for a period of 4 years towards public transport services. (agreed trigger two years post-commencement and on the 1st, 2nd and 3rd anniversary of the first payment) <p>Request planning conditions relating to:</p> <ul style="list-style-type: none"> • Highway Condition Survey • Construction Management Plan (CMP) • Visibility Splays • Access and Highway works • Travel plan • Car Park Management Strategy
Dynamo Cycle Campaign	<p>Objection</p> <ul style="list-style-type: none"> • The absence of any transport overview is disturbing. More cars - and this is the only option the application proposes - equals more dangers and deterrents to active travel. • Ellel Holiday Village and Bailrigg Garden Village suggest a taxi service along the canal. This seems highly unlikely: there is a maximum speed limit on canals of 4 mph, and the Lancaster canal is so shallow that 2 mph is a more likely speed. • There is still no safe way for cyclists to access the proposed holiday village, as Sections 2.8 and 5.8 of the Travel Plan confirms this. • Repeats the response given during the EIA scoping process.
Eden North Project	<p>No objection</p> <ul style="list-style-type: none"> • In our Business Case for Eden Project North, increasing the number of overnight stays for visitors to the Lancaster and Morecambe region was seen as a key priority in order to deliver the maximum economic benefit to the community and, with the proposals clearly advocating environmentally conscious and sustainable tourism, our respective projects appear to be highly complementary.
Ellel Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • The parish council would like more information on how the planning application will implement this ethylene pipe, as it cannot be moved. • Raise flooding concerns given the site is in flood zone 2 & 3 • There are major concerns over the volume of traffic the holiday village will create from both sides of the A6 through the village of Galgate and at the motorway junction. • What biodiversity and environmental mitigation will be implemented and assessed. • There is no permitted access to the site - please could an update be given on how the developers will access the land.

	<ul style="list-style-type: none"> • There has been no liaison with any community member, neighbour of the development proposal or the parish council since the original application was submitted. • Previous questions raised have not been responded to by the planners or developers.
Environment Agency	<p>No objection</p> <ul style="list-style-type: none"> • On the Masterplan the written reference to 'Treehouses' in the area between Flat Wood and Thurnham View has now been removed (although the diagrammatic icon is still shown over Flat Wood, which should also be removed for clarity). • In our previous objection we requested that a Masterplan was submitted with the flood zones overlaid to clearly show that there was no development proposed within Flood Zone 3. This has now been provided within the Parameters Plan Hydrology and SUDS. • We are therefore satisfied that we can withdraw our previous objection (ref NO/2022/113335/02 dated 14/11/2022). • Non-mains drainage - We previously objected due to the lack of justification provided for the use of a non-mains sewage system. • Section 7 of the Clarifications Report presents justification details. We can now remove our objection, it is recommended however that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application.
Environmental Health	<p>No objection – subject to the imposition of planning conditions to mitigate the significant risk of adverse environmental health impacts.</p> <ul style="list-style-type: none"> • Air Quality - The impact on air quality both locally and on the AQMA's in the district has been assessed and mitigation measures identified in section 9 of the Environmental Statement and I agree with its conclusions including any outline permission should be conditioned on a Low Emissions Strategy being produced before occupation. • Noise - Accepts APEX Acoustics report 6260.2 but impact on nearest residential receptor unclear until more detail is available on type/quantity of fixed plant in hotel/commercial hub • Contaminated Land - Accepts Sutcliffe Phase I Preliminary Risk Assessment Ref LG29233 that contamination is unlikely. Condition requiring phase 2 investigation and remediation if found specifically resolution of the requirements for radon protection that are necessary will be required.
Fire Safety Officer	<p>Comments provided.</p> <ul style="list-style-type: none"> • The scheme should meet Document B Part B5 of the Building Regulations • If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature.
Forton Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Intrusion into the Open Countryside contrary to SP3 and not included in HP2 as rural development area; • New tourist development should be support by business plan to show long term viability; • Significant traffic increase on A6 at Forton and Hollins Lane. Lancashire Highways outlined implications of new housing set out in the Wyre Local Plan on main roads. This set a maximum of 530 new houses in Forton and Hollins Lane before this part of the A6 was at capacity.
Friend of Carnforth Coke Ovens	<p>No objection</p> <ul style="list-style-type: none"> • There are remains of Coke Ovens in the bank of the Glasson Canal near Quarry Wood. Offer to assist to stabilise and interpret this feature.

<p>Greater Manchester Ecology Unit GMEU</p>	<p>No objection</p> <ul style="list-style-type: none"> • The application site supports a range of locally important ecological assets, including Biological Heritage Sites, notable habitats (including broadleaved woodlands, hedgerows, veteran trees and ponds) and notable species, including badgers, foraging bats and a range of breeding birds. While we note that it is intended to retain the majority of the important habitats on the site, and to create new and enhance existing habitats, our original concerns related to the overall disturbance impacts which this very large scheme will have on local habitats and species. The inevitable disturbance which large-scale construction activities will have on local wildlife, and the subsequent operational disturbance caused by large numbers of visitors associated with the use of the site as a holiday park, has the potential to cause the gradual erosion of habitats and overall biodiversity losses. • Integrating local semi-natural habitats into the site in order to create an immersive wildlife experience is an attractive idea in principle, but if this is not managed carefully and appropriately it has the potential to cause harm to wildlife interests. • Proposals for new habitats to be created, and existing habitats enhanced, in order to achieve a claimed biodiversity net gain for the development, may also be called into question because new habitats could be subject to high public pressure and disturbance. • The above concerns remain relevant, but I have considered comments received from the applicants and their consultants concerning our previous comments on this application and comments made by others. I have also revisited the proposals in the light of the applicants stated aims that the overall ethos of the development should be sympathetic to the local natural environment. I would now accept that, in principle, it may be possible to allow the development without causing unacceptable harm to habitats and species, providing that robust measures are in place to help to protect wildlife interests. There would appear to be sufficient space within the development to facilitate compensation for notable habitat losses, and to create new habitats. • As a habitat creation measures, I would advise the prioritisation of new tree and hedgerow planting on the site. <p>I would advise –</p> <ul style="list-style-type: none"> • That future detailed layout plans include proposals for meaningful buffer zones to be established between built developments and important retained habitats, and plan for quieter areas of the site to be established to protect wildlife. • That a comprehensive long-term (at least ten years) Habitat and Landscape Creation and Management Plan is prepared for the site. • That future development should be phased, to allow for wildlife in some areas to be displaced to others during the course of construction periods. • That prior to each phase of the development updated surveys of the site for Badgers are carried out by suitably qualified persons. Development will need to be designed to avoid direct harm to any identified Badger setts. • That a comprehensive Construction Environmental Management Plan (CEMP) is prepared for each development phase. The CEMP should include specific measures for protecting wildlife. • That a holistic sensitive lighting scheme should be designed for the development, to avoid direct lighting of sensitive habitats. • That prior to any tree removals required to facilitate the development these trees are further inspected for the possible presence of bat roosts. • No site clearance works should take place during the optimum time of year for bird nesting (March to August inclusive).
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<p>GA Associates (on behalf of Ellel Ministries)</p>	<p>Objection</p> <ul style="list-style-type: none"> • Sets out that Ellel Grange was purchased in October 1986, selected precisely for its unique set of characteristics which further the Trust's services. • The Trust to offer healing services and that individuals can experience the environment unhindered by disruptive noise, movement and artificial lighting and obtrusive structures; • Paragraph 185 of the Framework is clear that developments should mitigate and reduce to a minimum the potential adverse impacts arising from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. • Paragraph 187 also makes clear that decisions should integrate effectively with existing businesses and where the operation of an existing business could have a significant adverse effect on new development, the applicant (or 'agent of change') should provide suitable mitigation before the development is completed. • The narrow single track carriage drive through the grounds is the means by which staff, guests and delivery vehicles access Ellel Grange. To mix this vehicle thoroughfare with significant recreational usage for electric buggies, bikes pedestrians, children and families, is a significant health and safety hazard that hasn't been appropriately mitigated by design. • Planning Practice Guidance (PPG) sets out further detailed guidance, including relating to the agent of change principle. This includes taking into account current activities, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. Further to this, the Trust are in the process of reinvigorating the site as a place of worship, restoring the Chapel in the grounds for guests who, throughout the day and evening, need to be unimpeded by the constant traffic and disturbance that would be generated as a result of the proposed development. • When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'. The factors influencing the 'character of the locality' may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent. Therefore, critical to assess the effects of noise and disturbance upon existing land users including Ellel Grange and the services that the Trust provide. • The Trust offers a tranquil safe haven, tailor made for consolidation and healing. The stunning rural scene that surrounds Ellel Grange, complete with rolling fields, mature trees, waterside walks and listed structures, retains a sense of tranquillity and leafy ambience closer in character and identity to historic England, providing separation from the pressures of modern society. • No doubts that the traffic generation, artificial lighting and physical built infrastructure associated with a development of the scale proposed, will detrimentally impact on the undeveloped, rural character of the locality. The openness and tranquillity of the land makes a positive contribution to the wider setting and significance of the Trust's operations at Ellel Grange, and the surrounding listed buildings and the resulting loss of this would result in significant harm. • Reiterate concerns regarding ownership, with the initial forms submitted as part of the application incorrect, failing to identify that the Christian Trust owns and controls the existing access driveway, that services Ellel Grange. The Trustees would like to affirm that they will under no circumstances allow any widening or alterations to this driveway, thus brings into question the deliverability of the development.
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	<ul style="list-style-type: none"> The theoretical economic benefits of the proposal do not significantly and demonstrably outweigh the harm that would be caused, and the significant adverse effects that would be imposed on existing land users.
<p>Health and Safety Executive (HSE).</p>	<p>Comments provided</p> <ul style="list-style-type: none"> The additional information submitted as part of the Regulation 25 of the EIA regulations 2017 has been considered and none of the information provided will change the advice that HSE has already provided. Therefore, the advice HSE provided on the 16 February 2022 is still valid. <p><u>Comments from 16 February 2022:</u></p> <ul style="list-style-type: none"> HSE's assessment therefore indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission for the outline planning application. However, HSE would not advise against the granting of planning permission for the planning application if the following conditions were to be included in the permission: <ul style="list-style-type: none"> No more than 2 holiday lodges/less than 10 beds shall be located within the inner consultation zone (54 metres either side of the pipeline); No facilities which involve outdoor use by the public such as play areas, football pitches, picnic areas/benches, bird hides shall be located within the inner consultation zone (54 metres either side of the pipeline); No more than 33 holiday lodges/100 beds shall be located within the middle consultation zone (125 metres either side of the pipeline); No facilities which involve outdoor use by the public such as play areas, football pitches, picnic areas/benches, bird hides which may lead to more than 100 people being present at any one time, shall be located within the middle consultation zone (125 metres either side of the pipeline). <p>HSE provides advice if the North West Ethylene Pipeline is thick-walled.</p>
<p>National Highways</p>	<p>No objection - subject to conditions are attached to a planning approval in the interests of ensuring that that the M6 motorway might continue to fulfil its purpose as a national system of routes for through traffic.</p> <ul style="list-style-type: none"> Following extensive discussions with LCC and NH, the method used in the assessment has been updated since the original submission of the TA to include agreed development trip generation, agreed base traffic flow scenario and other parameters requested during consulting the authorities. The assessment shows that the site access junctions will operate satisfactorily in all scenarios. The junction assessments show that the addition of the proposal will not significantly change operation at off-site locations. Consequently, National Highways would have no objection to this proposal from the perspective of traffic impacts upon the SRN. It should be noted by both Lancaster City Council and Lancashire County Council that the traffic impacts and alterations to the road layout at the A6 roundabout generated by this development must be accounted for in the development of the proposed South Lancaster to M6 Link Road scheme. Whilst this is an outline planning application, it is noted that works to create the additional access to the A6 Hampson Green roundabout forms part of this application. The roundabout is nor part of the SRN, but it is likely that these works may affect the SRN (such as installation of traffic management, for example) and so an advisory should be included that the applicant will need to agree these works separately with National Highways as part of a Highways Act Section 278 agreement with us.

	<ul style="list-style-type: none"> • Conditions recommended for submission of : <ul style="list-style-type: none"> - Design details of the traffic mitigation scheme at the A6 Hampson Green Roundabout interface with M6 Junction 33; - Car Parking and Access Management scheme
Historic England	<p>Comments provided</p> <ul style="list-style-type: none"> • In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. • Suggest that you seek the views of your specialist conservation and archaeological advisers.
Lancashire Badger Group	<p>Objection - There are two areas that we wish to highlight where we think the wellbeing of badgers may be impacted.</p> <ul style="list-style-type: none"> • The general landscape of the local area is perfect badger habitat and badgers have been present for possibly hundreds of years in the locality. We hold records of badgers and activity in the location and this is confirmed in the Ecological report. The proposed development is of a huge size and undertaking, so the first concern would be the impact on badger setts and particularly their foraging areas during the construction phase. Any loss of foraging areas would have a significant impact on badger behaviour and wellbeing. • When completed, the development would attract many visitors and our concern then would be the impact of people entering areas where the setts are and disturbance to badgers either in the woodland areas or when they are out foraging. In general we do feel that the development would have a negative effect on badgers in the area. Should the proposal be permitted we would like to be assured that all the appropriate safeguards and legal procedures are followed to protect badgers on the site.
Lancashire County Council – Public Rights of Way	<p>No objection</p> <ul style="list-style-type: none"> • Footpath FP0113013 should be a minimum of 2m wide surfaced path. The stone posts on the northeastern boundary, adjoining the canal path, to be removed to improve connectivity. The stile on the southern boundary of the site to be replaced with a pedestrian gate or kissing gate if necessary for stock control. • Footpath FP0113004 should be widened to 3m wide and surfaced to provide a continuation of Bridleway BW0113003. All infrastructure within the boundary of the site is to be removed. • Footpath FP0113052 infrastructure points at the northern and southern boundary of the development to be replaced with a pedestrian gate, or kissing gate if necessary for stock control. • To improve walking and cycling opportunities £53,350 of S106 funding is being requested. This is to resurface BW0113003, provide a link to the canal tow path from footpath FP0133011, improve the surface conditions of footpath FP0113052 and improve connectivity from the surrounding footpath network. These improvements will provide a number of circular walking opportunities to improve mental and physical wellbeing • Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity.
Lancashire Historic Environment (LAAS)	<p>No objection – subject to condition for a programme of archaeological work to be secured in accordance with a written scheme of investigation.</p> <ul style="list-style-type: none"> • Issue with referencing in ES chapter but chapter remains understandable • The assessment of potential in ES is disputed and should be Medium/Uncertain • Agree with ES that further investigation is needed which should be both geophysical and field evaluation in several phases.

Lancaster Canal Trust	<p>Comments provided</p> <ul style="list-style-type: none"> Fully supports the observations made by the Canal & River Trust in relation to this proposal.
Lancaster & District Chamber of Commerce	<p>No objection</p> <ul style="list-style-type: none"> The proposal would deliver socio-economic benefits and meet the area's needs in the generation of over 600 new jobs, increase in annual visitors with a projected spend of over £20m.
Lancaster Civic Society	<p>Comments provided -</p> <p>The concept is ambitious and would doubtless add greatly to Lancaster's attractions as a holiday destination. It would also create much-needed employment, although mainly in the transitory and high-risk tourism and hospitality trades: part-time and temporary. The estimated figure for full-time equivalent jobs would seem optimistic. Raise comments relating to:</p> <ul style="list-style-type: none"> Conflict with proposed J33 remodelling for BGV road Cumulative assessment with Agri Business Centre and relocated cattle market. Loss of rural topography and drumlins Loss of agricultural land Impact to heritage assets and canal Cumulative assessment with BGV area
Lancaster University	<p>No objection</p> <ul style="list-style-type: none"> Support schemes and how the University's Environmental Science Department can collaborate with the initiative.
Local Lead Flood Authority	<p>No objection, subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:</p> <ul style="list-style-type: none"> Development is in accordance with the submitted Flood Risk Assessment Final Surface Water Sustainable Drainage Strategy to be submitted Construction Surface Water Management Plan Sustainable Drainage System Operation and Maintenance Manual Verification Report of Constructed Sustainable Drainage System
Marine Management	<p>Comments provided –</p> <ul style="list-style-type: none"> Any works within Marine area require licence from the Marine Management Organisation (MMO) – the onus is on the application to ascertain if such is needed. Works activities taking place below the mean high water mark may require a marine licence in accordance with Marine and Coastal Access Act (MCAA) 2009.
Marketing Lancashire	<p>No objection –</p> <ul style="list-style-type: none"> Marketing Lancashire role is to promote Lancashire's visitor economy. Pre Covid Lancashire's visitor economy was worth £4.41B and supported 60,000 jobs. Therefore the proposal is supported which are aligned with the organisations' aspirations and the 10 year Tourism Growth Strategy as it would significantly uplift in the visitor offer.
Natural England	<p>No objection</p> <p>Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given: -</p> <ul style="list-style-type: none"> The provision of 25ha of Open Space The provision of a range of amenities for recreational

	<ul style="list-style-type: none"> - activities within the proposal boundary, including footpaths that provide circular routes of up to 5km, designated cycle routes and other amenities. - The Lune Estuary Cycleway is within close proximity to the proposal and is adjacent to the designated wildlife sites. This area suffers from high - recreational use, which is causing disturbance to some of the protected bird features of the designated sites. To reduce further disturbance impacts arising from this proposal on the , dogs (except assistance dogs such as guide dogs) should not be permitted within the lodges - The provision of tourist information packs should be secured via - a suitably worded planning condition - The erection of information and education boards around the site, that highlight the sensitivities of the designated sites and ensure continuation of the advice given in the tourist information packs - The requirement that all educational material delivered by the proposal is reviewed every three years by a suitably qualified ecologist to ensure the Page 3 of 6 material is up to date, and in line with current ecological knowledge and understanding, and the most beneficial conservation methods - The production and implementation of a detailed Construction Environmental Management Plan (CEMP) • The application site falls within areas of Priority Habitat Inventory (PHI) Deciduous Woodland and PHI Coastal and Floodplain Grazing Marsh. • You should also consider the impacts of the proposed development on any Local Sites, such as Biological Heritages Sites (BHS) or Local Wildlife Sites • Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120,174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Natural England’s Biodiversity Metric 4.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. Natural England’s Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 4.0 and is available as a beta test version. • Natural England further note the proposals states it will embed Green Infrastructure (GI) into the heart of the design of the development.
<p>NHS</p>	<p>Comments provided</p> <p>The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.</p> <p>In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122)/Section 106 requests for development contributions must comply with the three specific legal tests:</p> <ol style="list-style-type: none"> 1. Necessary 2. Related to the development 3. Reasonably related in scale and kind <p>We have applied these tests in relation to this planning application and can confirm the following specific requirements.</p> <p>The obligation should also include the provision for the re-imbusement of any legal costs in incurred in completing the agreement. We would highlight “ that</p>

	<p>failure to secure the contribution we have requested effectively means that we are objecting to the application”.</p> <p>This proposal will generate approximately 1080 new patient registrations based on average household size of 2.4 ONS 2017 and equate to a commuted sum of £124,027.</p>
North Lancashire Bridleways Society	<p>No objection</p> <ul style="list-style-type: none"> • Supportive of proposed new bridleway linking existing routes. • The route should be PROW and details should be conditioned with rubber compound proposed. • Cycleways, the routes should be classified as multiuser instead so that many more people can benefit.
Planning Policy	<p>Objection</p> <ul style="list-style-type: none"> • The original policy comments raised a series of concerns in relation to the proposal, particularly in regard to the relationship between the different uses proposed, the proposed commercial elements including a retail marketplace and hotel and the application of national policy, including the application of Sequential and Impact Tests. The response also raised other concerns including the phasing of development, highway and transport implications and the residential occupation of the holiday lodges. • Since these original concerns were raised, there have been significant levels of engagement between the planning authority and the applicant which have looked to explore these concerns further. This has included securing legal opinion in relation to the application of national planning policy in terms of retail matters and an exploration of how the proposed uses, particularly the commercial retail elements could be controlled through a management plan. There is little doubt that the applicant has sought to thoroughly explore the potential approaches in terms of the policy concerns raised and the options which may be available to address them. • Notwithstanding this, the concerns which were raised as part of my original response to this application still remain. Whilst legal opinion has been sought on both sides to the application of national policy tests and the direction of the National Planning Policy Framework over the application of the Sequential Test this has not, in my view, demonstrated that the proposal is consistent with the application of that Test. • <u>Application of the Sequential Test</u> - it is considered that the application needs to demonstrate that disaggregation has been reasonably considered, particularly in the context of the demonstration of flexibility of format and scale as required in national planning policy. It is not clear what the outcomes of this would be given this assessment has not been undertaken during the application process. However, it is recognised that there are more sequentially preferable locations for such a use (for instance the Lancaster Canal Quarter) which should have been investigated and, in the absence of any consideration for such sites, then the proposal has not met the requirements of the Sequential Test. • <u>Managing Development</u> - The Council have consistently been concerned that the proposal comprises a number of different elements which, in the view of the applicant, could come forward in a phased approach. This poses an inherent risk that specific elements of a scheme – such as the commercial retail – could be implemented without the need for other elements to be implemented (such as the wider holiday village). Sufficient controls could not be put in place to achieve this, but such controls would be critical to the delivery of the scheme as a whole. • <u>Future occupation of the units</u> - there has been concern that the holiday village element could lead to the permanent occupation of chalets / cabins as residential units.
Shell Chemicals UK	<p>Comments provided:</p>

	<ul style="list-style-type: none"> • Shell U.K. Limited on behalf Shell Chemicals U.K. Limited (Shell) maintain the position that was laid out in our initial response to the planning application dated 22nd April 2021. • Shell note that there are multiple submissions that raise various concerns and issues in relation to the proposed development and we share these concerns. • As regards the North West Ethylene Pipeline (Pipeline) Shell have reviewed the Health and Safety Executives (HSE) detailed response of 16th Feb 2022 and Shell's guidance to the Council and the Developer is to follow the guidance contained in this response. Shell note the HSE's response covers 2 different scenarios based on the wall thickness of the Pipeline. I would like to confirm that the Pipeline is a 10" steel, High Pressure (90bar) Ethylene Pipeline and is designated as a Major Accident Hazard Pipeline by the HSE. No part of the Pipeline that is contained within the proposed development is heavy walled and Shell has no plans to alter this design. Therefore the guidance for Standard wall thickness should be followed. • This guidance clearly states the required consultation zones for standard walled Pipeline and the mitigation required within each zone as required by the HSE. <p><i>22nd April 2022 comments:</i></p> <ul style="list-style-type: none"> • Surprised at the timing of the application given closeness of adoption of the Development Plan. Expected this type of proposal to come through the plan making process • Scale of development would irrespectively affect intrinsic character of the rural area. • Questions the ability to safety access the site and uncertainty over the proposed drainage arrangement • Separate consultation responses highlight a lack of information on how this capable of development. • No business case submitted to demonstrate that the proposal is capable of implementation. • Impact on the northwest ethylene pipeline being of national significance.
Thurnham Parish Council	<p>Comments provided</p> <ul style="list-style-type: none"> • Broad support and development may be boost for business/tourism but concerns about increased traffic.
United Utilities	<p>Comments provided</p> <ul style="list-style-type: none"> • United utilities have no wastewater assets in the area. • Off site main laying will be needed if a water supply is intended to be supplied from United Utilities. • Water main will need capacity and if reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.
Wildlife Trust	<p>Comments provided - Considers it premature though to conclude that the benefits of the proposal outweigh the impacts on local amenity (that being ecology in this context). Provides key observations:</p> <ul style="list-style-type: none"> • Updated HRA – I note that Natural England (14/12/22) have reviewed the shadow HRA and concluded that you should not grant planning permission at this stage and that Lancaster City Council itself (as the competent authority) must produce the HRA and be responsible for its conclusions. A number of other issues are raised and I particularly agree with the concern around cumulative effect. Galgate and the local area are currently subject to various proposals including the Junction 33 re-modelling and new link road; Bailrigg Garden Village, the relocation of Lancaster Auction Mart and

	<p>residential development on the outskirts of the village. Added to the Holiday Village proposal, this is a huge amount of concentrated development pressure on local people, wildlife and infrastructure, let alone the potential increased recreational pressure on the nearby designated sites & species.</p> <ul style="list-style-type: none"> • Biodiversity Net Gain (BNG) – I note that Haycock and Jay have now applied the revised DEFRA Metric 3.1 and claim that the estimated overall BNG is now 19.63%, with net gain for hedgerows estimated at 37.7%. Whilst these figures exceed the minimum 10% statutory BNG required from November 2023, as GMEU point out, the Metric doesn't capture species information, habitat condition or indirect/cumulative impacts. • Parkland status – Like GMEU and the Woodland Trust, I am extremely uneasy about the impact of this proposal on the parkland landscape and the veteran/proto-veteran trees within. I'm not sure that the Woodland Trust's original concerns (15/4/21) have yet been addressed, meaning that the status of the parkland, veteran trees and unmapped ancient woodland is still at issue. Obviously, Haycock & Jay (23/9/22) disagree with GMEU's belief that the parkland should be classified as UK Biodiversity Priority Habitat. It is my understanding that ancient/veteran trees & ancient semi-natural woodland are considered irreplaceable. As a consequence they cannot be included within the BNG Metric and bespoke BNG has to be considered. • Existing wetland fen/mire Priority Habitat (Eco-Complex) – It seems completely unnecessary to construct boardwalks through existing good wetland habitat (which the applicant considers to qualify as BHS status) & then attempt to offset the impacts via new wetland creation. There are less damaging ways to engage people with wetlands & it would seem preferable to focus visitor attention on the substantial new wetland complex referred to that could offer bespoke engagement facilities from the outset by design.
Woodland Trust	<p>Objection to this proposal on account of damage, deterioration and potential loss of unmapped ancient woodland and veteran trees.</p> <ul style="list-style-type: none"> • Contrary to planning policy relating to damage to veteran trees and unmapped ancient woodland. Quotes NPPF para 175 and states that there is no wholly exceptional reason for the development in this location and as such should be refused on the grounds it does not comply with national planning policy. • Veteran trees – incorrectly references the minimum buffer area for veteran trees. It appears that the applicant has failed to afford appropriate protection to the veteran trees listed on the ATI and those which they have identified themselves, including T171, T140 and T148, and the application is therefore in contravention of national planning policy. • Unmapped Ancient Woodland - Carter's Wood and unnamed woodland adjacent to Home Farm which is adjacent to the application site identified these woodlands are likely to be areas of ancient woodland that have not been mapped on Natural England's Ancient Woodland Inventory (AWI) and are therefore of historical and ecological importance. Further mapping research and an ecological study of these woods needs to be carried out before any decision is made about this application. • In relation to this application, our primary concerns in respect of the unmapped ancient woodland sites are: <ul style="list-style-type: none"> • Encroachment into the root protection areas for trees along the woodland edge, resulting in damage to the trees' root systems from construction activities. • Intensification of the recreational activity of humans and their pets resulting in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage. • Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats. • Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.

	<ul style="list-style-type: none"> • Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees. • Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland. • Development can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland; • Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects. <p>Attention drawn to mitigation measures using Natural England standing Advice and approaches are also outlined in our Planners' Manual;</p> <ul style="list-style-type: none"> • On account of the scale and size of the proposed development we recommend that a buffer of 50m is maintained between any form of new development and the ancient woodland areas. This buffer will allow for avoidance of root damage, allow for the effect of pollution and reduce the impacts of fragmentation where these woods would be separated from adjacent areas of semi-natural habitat. This is backed up by Natural England's standing advice which states that "<i>you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.</i>"
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5.0 ANALYSIS

5.0.1 The principal planning documents making up the Development Plan relevant to this application comprise the following:

- Lancaster Local Plan Part One – Strategic Policies and Land Allocations (SPLA) DPD (2020)
- Lancaster Local Plan Part Two – Development Management Policies (DM) DPD (2020)
- The emerging Climate Emergency Local Plan Review (2022) (This document is not yet adopted, and so it currently has limited weight)

5.0.2 The SPLA DPD sets out a spatial vision and strategic objectives for Lancaster District in order to plan and identify land to meet future development needs and to identify land that should be protected for its environmental, social and economic importance. The Plan seeks to protect our unique landscapes and the natural environment, drive positive economic potential, deliver strong and diverse communities and to protect our built heritage. Within the SPLA DPD Policy SP1 it states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It is advocated that work should be undertaken proactively with the applicant to jointly find solutions and where planning applications that accord with the policies in the Local Plan should be approved without delay, unless material considerations indicate otherwise.

5.0.3 The Council shall support proposals for developments in settlements provided that they are of a nature and scale that is proportionate to its role and function. Where development is proposed outside of a settlement, like in this case, then development should be considered against the Local Plan as a whole taking into account any material considerations.

5.0.4 Given the scale and recreational nature of the proposed development the acceptability shall be considered in the planning balance with due regard to the Local Plan and the NPPF as a whole. The key considerations in the assessment of this application will be taken as:

- Principle of development;
- Proposed recreational accommodation;
- Proposed retail, hotel and work pods;
- Loss of agricultural land;

- Socio-economic benefits;
- Public safety;
- Heritage;
- Effect on amenity of surrounding land uses;
- Energy and Sustainability;
- Air quality impact;
- Contaminated land;
- Other Matters;
- The Planning Balance
- Conclusion

5.1 Consideration 1 - Principle of development - NPPF Chapter 2 (Achieving Sustainable Development), 4 (Decision Making), 6 (Building a Strong, Competitive Economy); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), EN3 (The Open Countryside); Development Management (DM) DPD policies: DM16 (Town Centre Development), DM22 (Leisure Facilities And Attractions), DM47 (Economic Development In Rural Areas).

5.1.1 The site for plan purposes is not allocated and is in the open countryside. Policy EN3 relates to development in the open countryside, stipulating development proposals should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management DPD relating to development in the rural areas. Inevitably a common characteristic throughout the district is that the countryside is essentially open and rural in character. These qualities can be easily damaged by the intrusive effects of inappropriate development. Therefore, development within the open countryside should be carefully managed to ensure that proposals are to an appropriate scale as to not affect the wider character of the open countryside.

5.1.2 Policy DM47 of the DM DPD is for proposals that are associated with economic development within rural areas that maintain and enhance rural vitality and character. Proposals will be supported in principle where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. This includes economic development that is of an appropriate scale and nature and assists in the diversification of the rural economy.

5.1.3 Policy DM22 of the DM DPD relates to new leisure development. This policy is separated to cover major and minor developments with sections within the policy that encompass all leisure developments. The policy advocates that developments should be located within the town centre boundaries, is accessible by a variety of modes of transport, including public transport and does not result in an adverse impact on the visual amenity of the locality. Major developments should be supported by a specific site allocation in the Strategic Policies & Land Allocations DPD or be part of an identified direction of mixed-use growth set out elsewhere within the local development plan. Proposals for leisure uses (both major and minor facilities) that are located outside of defined town centre locations should address the relevant requirements of Policy DM16 of this DPD in relation to the Sequential Test and Impact Assessment. Developments that are likely to increase harm through visitor pressure upon internationally designated wildlife sites or designated landscape areas will not be supported.

5.1.4 The aim of Policy DM22 and DM47 is to direct development to the most sustainable of locations. The application site is remotely distanced from a settlement boundary and although adjacent to the A6 and M6 there are options for other forms of transportation. Nevertheless, given the nature and scale of the proposal there are differing and possibly competing strands which need to be carefully considered in the planning balance. As the site is in the open countryside it is considered that the proposal could be a departure to the Local Plan in respect of Policy EN3 and wider policies applicable to the determination of this scheme. This may result in mitigating any identified harm and be a material consideration against the principle of the development to ensure the proposal in the round constitutes a sustainable form of development.

5.2 Consideration 2 - Proposed recreational accommodation - (NPPF: Chapters 8, 9, 12, 14 and 15); Strategic Policies and Land Allocations (SPLA) DPD Policy EN3 (The Open Countryside), EN5

(Local Landscape Designations), EN6 (Areas of Separation); EN7 (Environmentally Important Areas), T2: Cycling and Walking Network and T4: Public Transport Corridors. and SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM29: Key Design Principles, DM33 (Development and Flood Risk), DM45 (Protection of Trees, Hedgerows and Woodland), DM44 (Protection and Enhancement of Biodiversity) and DM46 (Development and Landscape Impact), DM52 (Holiday Caravans, Chalets, Camping Pods And Log Cabins), DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan. Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018).

- 5.2.1 The proposal comprises a significant proportion of land for the purposes of recreational accommodation. Although the details are unknown at this stage it can be gleaned it would likely be single storey and two storey lodges. Therefore, it is considered that DM DPD Policy 52 would be appropriate and its criteria has been used to guide the assessment of this section.

Priority being given to the re-use of previously developed sites and where greenfield sites are identified it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;

- 5.2.2 The application is situated on a greenfield site. The applicant has supported the proposal with a comprehensive suite of documents given the scale and complexity. Although comprehensive the details do not necessarily identify and demonstrate that there are no brownfield sites in the locality for the recreational accommodation. If the Retail and Impact Statement were to be used the study is based on the proposal which includes the retail and hotel element. It would therefore be difficult to use the document to establish if it satisfied this matter under DM Policy 52 which is more focused on the accommodation.

- 5.2.3 The Planning Statement does elude that given the nature of the proposal simply assessing policies DM22 and 23 would be inappropriate. It does not extend to why nearby brownfield sites are not appropriate for the residential accommodation. Given the difficulty in using the Retail and Impact Statement for these purposes it is a contributing factor which struggles to satisfy this section of Policy DM52.

The development having no adverse impact on the landscape character or significant detrimental impact on the visual amenity of the locality. Given the proposal is for lodges this section has been combined with be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape, particularly in Areas of Outstanding Natural Beauty;

- 5.2.4 The application has been accompanied by an extensive Design and Access Statement setting out the design approach to the built development and the landscaping (amongst other considerations), as well as a Landscape and Visual Impact Assessment (LVIA) as part of the ES. The LVIA only considers daytime effects because the principal viewpoints are PROWs used in daylight hours during its stages of construction, upon completion and at 15 years post completion i.e. when landscape treatments have matured. The assessment is based on consideration of the sensitivity of landscape character, landscape features, and views/viewers to the type of development being proposed and on the magnitude of effect likely to occur. The sensitivity and magnitude are then considered together, and conclusions drawn on the likely effects on the landscape or on people's visual amenity. The LIVA also has regard to cultural heritage designations and nature conservation designations when assessing the effects on landscape.

- 5.2.5 At a national level the site falls within National Character Area (NCA) 31: Morecambe Coast and Lune Estuary, which is a relatively small and low-lying character area bordering Morecambe Bay. This Character Area is defined as being highly populated, with significant built form along the coastal edges, but encompassing areas of high tranquillity too. The site sits inland from these coastal areas in a pastoral agricultural landscape south of Galgate. The National Character Areas provide a general overview of character and are not detailed enough to provide an accurate description of the character of the landscape within the context of the site.

- 5.2.6 A more detailed two-part assessment of the character of the Lancashire landscapes has been produced by Lancashire County Council titled "A Landscape Strategy for Lancashire". The site predominantly sits within the Low Coastal Drumlins Landscape Character Type (LCT) with the southern parts of the site within the Coastal Plain LCT. The land immediately east of the site sits within the Undulating Lowland Farmland LCT.
- 5.2.7 The site is broadly representative of the Low Coastal Drumlins Landscape Character Type with the key transport corridors of the Lancaster Canal and Glasson Branch, West Coast Mainline, A6 and M6 all linear features within the landscape study area. The undulating topography and small woodlands associated with Ellel Grange and Home Farm create enclosure in places and allow open views across the wider landscape from others. Isolated farmsteads are scattered throughout the landscape with the field pattern generally irregular in form.
- 5.2.8 The site lays adjacent to Undulating Lowland Farmland LCT LCA 5i – West Bowland Fringes. The site is not representative of this LCA although it does bare some similarities around Junction 33 of the M6 where the irregular field pattern and rising ground merges with the landscape of LCA 12a to the south of Galgate.
- 5.2.9 Part of the site is identified as lying within Coastal Plain LCT LCA 15e – Forton-Garstang-Catterall. This LCA broadly encompasses the southern parts of the site and the landscape to the south of the site. This landscape is primarily agricultural in nature with Berries Head a prominent drumlin within the Study Area. The Lancaster Canal and A6 are linear features running along an approximate north – south orientation with small blocks of woodland giving the landscape a similar character to that of LCA 12a. The River Cocker also meanders through this LCA forming the administrative boundary between Lancaster and Wyre boroughs.
- 5.2.10 The majority of the landscape within the site and study area is classified as "Enclosed Land" which is part of the Lancashire Historic Landscape (HLC) Characterisation Programme (2002). Its main use is for agriculture, a large proportion being for the pasturing of sheep and cattle." This Enclosed Land within the study area is made up of pockets of Ancient Enclosure, Post-Medieval Enclosure and Modern Enclosure, which are scattered throughout the county and with the exception of the modern enclosure, have "changed little in the last 150 years."
- 5.2.11 The fact that design, external appearance and landscaping are reserved matters does not discharge the decision maker from coming to a view about the likely impact of the development proposed. In particular, Environmental Impact Assessment Regulations require regard to be had to the likely significant effects of the development. The ES contains a chapter on the visual impact to the landscape supported by illustrative drawings and visual representations to demonstrate the impact of the scheme. Although the detailed design, materials and external appearance of the buildings and landscaping are not put forward for consideration at this stage, the overall scale and effect of the development within the landscape can be judged from the quantum and details shown on the parameter plan. As such the illustrative material has been relied upon to assess the likely significant effects.
- 5.2.12 It is considered the description in the ES of the site, its surroundings and the wider study area is a true reflection. The topography of the site and its immediate surroundings is undulating with small, pronounced drumlins in keeping with the character of the wider area. The canals are natural low points within and on the boundary of the site. Towards the west the land flattens at approximately 15m AoD and forms part of the flood plain for the rivers Conder and Cocker.
- 5.2.13 Using the viewpoints within the appendix section of the ES it is considered a sense of enclosure is a characterising feature of the eastern side of the site. The long-range views are shortened by the rolling nature of the drumlins, the pockets of woodland and individual trees which all contribute to the sense of enclosure by reducing the amount of skyline visible. The sense of enclosure is inevitably heightened when alongside the canal as it is a lower point and the sides of the drumlins are more exposed to clear views strongly contributing towards the scenic quality.
- 5.2.14 A further characterising feature on the eastern side of the site is that it comprises a designed landscape given it was within the former grounds and land associated with Ellel Grange, a 19C country house now in separate ownership. The land to the north and east is where the further

parkland has been created by the removal of field boundaries, creation of tree clumps and the formation of terraces offering elevated views across the landscape. The access from the Garstang Road (A6) is through parkland before entering the wooded setting across Ellel Grange Bridge (Grade II), which offers scenic views of the canal and a man-made lake/fishpond.

- 5.2.15 Despite its proximity to the A6 and M6 beyond, the site for the most part has a peaceful and secluded atmosphere. Although the noise of passing traffic on the trunk road and motorway is apparent on the easterly side of the site it is considered the level emitted does not intrude significantly upon the peaceful enjoyment of the site obtained from the public paths. As such it is of the view that there are not any significant detractors from the peaceful tranquil character of the site. Although there are buildings, structures and recreational activities associated with the canals within the countryside that pass through and border the site, it is regarded these as not readily apparent to users of the public paths on the site and do not consider that they materially detract from the rural and essentially peaceful experience obtained.
- 5.2.16 The ES has considered the study area and in citing the Stoud Judgement (*Secretary of State for Communities and Local Government v Stroud District Council* [2015] EWHC 488 (Admin)) came to the view that the site is not a valued landscape in respect of NPPF Paragraph 180 (the ES predates that latest iteration of the NPPF and quotes paragraph 170). However, this is not agreed by Officers whereas it is considered the landscape is valued which heightens its sensitivity to change given the emphasis of paragraph 180 which seeks to protect and enhance valued landscapes.
- 5.2.17 To frame the landscape, it can be best appreciated from Ellel Grange which sits on an elevated site with Kings Lee Chapel to the south (formerly listed as St Mary's Chapel, grade II*), the Preston Family Mausoleum (grade II), Home Farm and Middle Lodge (both unlisted). These ancillary estate buildings were also constructed by the Preston Family and all contribute to the landscape setting. However, it is the land to the north and east that makes up the landscape under consideration.
- 5.2.18 Using table 6.1 in the ES it can be gleaned that the land within the site contributes to the parkland setting of Ellel Grange. The arrangement of woodlands, bands of individual and groups of trees with mature high-quality veteran trees all contribute to the scenic quality of the site, which are most prevalent from the high points of the drumlin landscape of the views across Ellel. Although the grounds are bisected by the Lancaster Canal and framed to the north by the branch to Glasson Dock, it can be concluded that the landscape has been designed and although historic there is still a connection and association between Ellel Grange and the parkland which contributes to its setting and value.
- 5.2.19 Taking into account the Landscape Institute's Technical Guidance Note 02/21 (Assessing landscape value outside national designations) it is considered the designed parkland setting within the site has sufficient landscape qualities to elevate it over more everyday landscapes. Although the site is not designated as being it does have attributes to being considered a valued landscape for the purposes of the NPPF.
- 5.2.20 The site is 4km to the west of the Forest of Bowland National Landscape and is not within a special landscape area designated in the Local Plan. Nonetheless, it is considered the site is regarded as being a valued attractive landscape of peaceful, tranquil rural character and appearance, which is a view confirmed by the submitted photographic material and by observations of the site and its surroundings.

Potential Effects on Character

- 5.2.21 The potential effects on the character of the landscape can be neatly split into the construction phase, the operational phase and residual stage.
- 5.2.22 The construction phases would result in alterations to the landscape, not least by site clearance, vegetation removal, earthworks, formation of construction compounds, ancillary structures, lighting and noise. However, this phase of the development is relatively short-lived and can be mitigated to a certain and an appropriate CEMP. On the whole it is accepted the significance of effect on the landscape character of the site and immediate surroundings would be judged 'moderate adverse' in the short-term. The effect reduces to not considered to be significant on the character areas. It is

agreed that the significance of effect during construction would be minor-adverse to negligible in the context of the AONB, national character areas and county landscape character areas/types.

- 5.2.23 During the operational phase the construction activity will be completed, and the facilities open to the public and would be accessible and ready for use. The effects during operation are based on year 1, the landscape treatments have been implemented but are not fully matured.
- 5.2.24 The LVIA places a medium to low susceptibility to change for the LCAs which is an attribute to the baseline of assessing the effect on character. In the absence of evidence, it is difficult to contest but concerns are expressed if scale of the proposal has been considered thoroughly. While height on the drumlins has been noted in being susceptible to change it is unclear that the character areas have experienced this particular form and scale of development (rather than the reference to built form and a variety of land uses).
- 5.2.25 It is noted that building on the top of drumlins have been considered in reaching the susceptibility level, however, it is unclear if scale of the proposal has been considered thoroughly. Although the ES acknowledges the large expanse of the character areas there are doubts that the context of built form is of similar development rather than general built form. Similarly, the ES places significant emphasis on the proposed built form being appropriately designed keeping the susceptibility to change marked as medium. This however does not account that height has been indicated on the parameter plan and the development would be in operation during the hours of darkness which increases the presence within the landscape.
- 5.2.26 The effect on the wider Low Coastal Drumlins Landscape Character Type (LCT) and the Coastal Plain LCT character areas, whilst concerns raised, would be difficult to sustain a reason for refusal. However, the proposed development with a total up to 450 holiday accommodation units in the form of single storey and two storey lodges, together with associated access roads and areas of hard standing for car parking would have a very substantial impact upon the present peaceful tranquil rural character of the site and its immediate setting. Even allowing for a thoughtful design approach to the individual buildings, it is considered that the urbanising effect of the proposed development would be all too evident on the character of the landscape.
- 5.2.27 The residual stage is based on the assumption that the landscape spaces around the scheme would be managed in accordance with a management plan to ensure that they remain in good order and that the long-term objectives and character are achieved. The holiday homes and the marketplace building would settle into their permanent structure, proposed vegetation and tree planting would be mature. Residual effects are an assessment of the effects 15 years post completion, after the operational phase.
- 5.2.28 The key difference between the operational and residual stage is that over the passage of time any landscaping would become established and any built structures reduce its starkness in its setting. This however does not overcome the concerns with the change in character of the site and its immediate setting. Landscaping is unknown at this stage, nonetheless, any deciduous planting would not reduce the presence of the development particularly during winter months if building/area lighting is proposed and occupancy is year-round.

Potential effects on the visual environment

- 5.2.29 The LVIA in assessing the visual impacts of the proposal, a number of different viewpoints have been considered based on locations where different visual receptors will experience views of the development. Key viewpoints are from the PROWs which cross the site, the Lancaster canal and Glasson Branch towpath, access track to Ellel Grange and Home Farm, the A6 and Hampson Lane to the east of the site. A selection of photomontages are included in the ES as part of the LVIA. Like the assessment on character, the visual assessment considers sensitive receptors, potential impact on views during construction, initial operation and residual operation with the potential impacts and significance of effects during both the phases of development.
- 5.2.30 It is acknowledged that significant detail has been applied to demonstrate that the proposed hotel, retail and leisure facilities assimilates into the landscape. It nonetheless is still a substantial building with areas of hardstanding occupied by parked vehicles that would be at odds with the peaceful rural

character and appearance of the area. The views from the A6 would be of views of the lodges, albeit fleeting through landscaping, before meeting the proposed hotel and retail where the exposure is sought to give the commercial area presence to passing trade and for overnight stays.

- 5.2.31 The views from the Glasson Branch Canal towards the south would be characterised by buildings which although no doubt would be spaced the interspersed positions cumulatively would still form a prominent feature within the landscape, particularly on the sides of the drumlins and change the peaceful character of the site and the parkland setting which contribute towards it being valued. Furthermore, all year-round occupation of the lodges would result in the increase in artificial lighting contributing to the increase presence of the buildings and draw attention through winter season deciduous vegetation from the canal and the crossing public footpaths through the site. As such it is considered a substantial part of the route along the canal towpath and from the footpaths within the site would change from a countryside setting, with views and glimpses to and across the drumlins, to a walk dominated by buildings, trackways and parking areas divorcing itself from the rural character of the area which the ES attaches a high to medium value of landscape and scenic quality.
- 5.2.32 The subsequent landscaping proposals, which are reserved for future consideration, would no doubt include provision for new planting. The effect of structural landscaping to screen any single storey and storey buildings using non-deciduous species would not assimilate the development with the verdant designed landscape or make it appropriate in its rural context.
- 5.2.33 The character and appearance of valued landscape between the north of Ellel Grange and parallel to the Lancaster Canal would also change significantly due to the introduction of new buildings. The area is identified as the pastures area indicated on the masterplan and the edge of the artisan pods and long stay parking area. It is noted there are areas where the lodges would not be placed and there are areas creating a buffer, however, the landscaped design contributing to the parkland setting passed through and enjoyed from the Lancaster Canal would be significantly compromised by the built form and any new crossings over the canal.
- 5.2.34 It is acknowledged that the proposed development leaves the open character of the western part of the site intact and proposes habitat enhancement measures throughout the whole of the application site. However, neither the open parts of the development, nor the potential benefits associated with any biodiversity uplift, would substantively reduce the clear and serious harm that would arise to the designed parkland setting and character of the valued landscape and the detriment to visual amenity that this would cause.
- 5.2.35 In land use terms, it is not uncommon for such recreation and holiday related developments to be located within both urban and countryside without causing detriment to the character of such an area. Although there are recreational activities associated with the canals passing through and bordering the site, it is not considered that they materially detract from the rural and essentially peaceful experience obtained, a contributing factor to the landscaped being valued and experience of the relationship between Ellel Grange and the parkland setting to the north. However, because of the scale and intensity of the built form proposed, in view of the consequences to the views of the site from the canal, the intertwining public footpaths across the site and the designed landscaped associated with Ellel Grange, would cause serious harm to the attractive rural tranquil character and appearance of the site; and that this would severely detract from the visual amenity. Additional site boundary screen planting and the avoidance of excessive lighting within the site could be addressed within the detailed development proposals, as regulated by appropriate conditions. However, it is considered this would not overcome the harm to the character and appearance of the area.
- 5.2.36 Overall, Officers are not satisfied and do not concur with the conclusions drawn in the submitted LVIA and ES regarding the effects of the development on the character and visual amenity of what is considered to be a valued landscape during construction and once operational. On this basis, the proposals are considered to be contrary to policies EN3 of the SPLA and DM29, DM46 and DM Policy 52 of the DM DPD.

The layout retains on site features and provides compensatory planting and other nature conservation measures.

- 5.2.37 This matter does closely align with the effect on biodiversity given site features could be construed as being trees, hedgerows and soft landscaping in addition to any other landscape natural or manmade features. For the purposes of this application this section relates to the visual effect of retention of the site features and compensatory planting. Although this proposal would result in the loss of grassland this has been combined with the effect on the landscape character. The effect on ecology and biodiversity will be discussed under a separate section in this report.
- 5.2.38 Notwithstanding how layout may affect the site features which is reserved for a later submission the information in the Environment Statement has been used to consider the effect in regard to this part of DM52.
- 5.2.39 Woodland - There are three main woods within the site, three plantation woodlands, four unnamed woodlands and a wet woodland. There is a balance of different species within each of the woodlands. The Environment Statement identifies that 0.26 ha of Ellel Grange Woods BHS would be impacted to facilitate a new footbridge over the Lancaster Canal and for new associated footpaths. 420 square metres of Plantation 1 will be lost to incorporate the new Marketplace building and that 150 square metres in Quarry Wood would accommodate the immersive wildlife experience 'cantilevered structure' (it is noted that it would not result in a reduction of canopy cover but more the flora). Tree houses have now been removed from flat wood thereby reducing its impact. To mitigate the reduction tree protection measures would be employed with a no-dig method in root protection areas to prevent unnecessary loss. It is anticipated soft measures would be employed during its operation to ensure careful management of the woodlands to minimise future impacts from visitors.
- 5.2.40 The ES reports there to be no loss of woodland within Ellel Grange Woods BHS and to compensate for the Ellel Grange Woods BHS area, Plantation 2 (currently part of the BHS) will be extended to the west by 0.15ha. For the loss of national (0.03ha) and local (0.04ha) priority woodland habitat 0.67ha of new woodland habitat (Lowland Mixed Deciduous Woodland) would be created within the site. To bridge the period of growth of new woodland, ground-flora will be encouraged in retained woodlands. This will comprise a reduction in grazing in Flat Wood (1.39ha) and Plantation 3 (0.85ha) with the translocation of the 0.03ha of ground flora from within the footprint of woodland to be lost to be spread in Flat Wood and Plantation 3.
- 5.2.41 Trees – Over the whole of the application there are six trees have either veteran status or the early characteristics of veterans. A Preliminary Arboricultural Assessment (PAA) accompanies the application and identifies that there are 135 individual trees and 79 groups with a large proportion of the trees fall into category A or B which are recommended to be retained and incorporated into the design. The western side of the site is characterised by typical arable and pastoral land with the trees and woodland dispersed over the area and in particularly on field boundaries. The eastern side the composition of trees is widely scattered across the site, typical of what would be expected on estate grounds with category A and B trees more prevalent.
- 5.2.42 It has been confirmed in the ES that all veteran, mature and semi-mature trees will be retained. Although the ES notes the site is covered by a TPO this is not the case. Although the PAA as well identifies the whole site as being protected by an Area Order, TPO 641(2018) was not confirmed and thus is now afforded no protection. TPO 661 (2018) has been confirmed and protects 13 individual trees, three groups and 20 woodlands. However, many significant trees within the site are not currently afforded protection. It should also be reminded that the site is outside of any conservation area.
- 5.2.43 The ES addendum acknowledges that given the outline nature of the application the submitted PAA is considered adequate for the purposes of identifying constraints, tree protection and method statements which shows the scheme can be achieved.
- 5.2.44 The submitted PAA has been amended which acknowledges the root protection area around veteran and/or ancient trees should extend in all directions from the tree stem to a distance equal to 15 times its diameter at breast height, or five metres beyond the canopy, whichever is the greater. Two trees T33 and T171 have been classed as veteran with T80, T82, T140 and T148 have the early characteristics of veterans.

- 5.2.45 The PAA does identify the location of the trees within the site however does not go as far to identify which could be affected by the proposed development. However, given the ES states that all veteran, mature and semi-mature trees will be retained and the space within the site there a degree of certainty that the PAA could form the basis of a planning condition to secure a full Arboricultural Impact Assessment with Arboricultural method statement when layout is known and the implication of any earth works. In respect of there is no intrinsic link made to the parameter plan or the indicative Masterplan to inform how it came to that conclusion. Given there to be no links between the parameter plan and the PAA it is therefore difficult to confirm the number of trees that would be retained, or which will be required to be removed to facilitate the development.
- 5.2.46 It is acknowledged that the application is in outline, however, there is sufficient confidence that the majority of trees can be retained and sufficient protection can be afforded to the veteran trees within the site. As such, subject to the imposition of planning condition(s), the effect on trees can be considered favourably against this part of DM Policy 52.
- 5.2.47 Ditches - There are six ditches within and adjacent to the site which range from 2 metres in width to 0.5 metres of varying lengths. The ES states that the ditches will be retained and incorporated into a SuDS to drain the site.
- 5.2.48 Hedgerows - Hedgerows are present at field boundaries within the site and adjacent to site boundaries. The total length within the site is reported to be 2.82 km which includes lengths to be considered as 'Important Hedgerows'. The ES states that access tracks will primarily utilise existing hedgerow gaps minimising intermittent gaps, however, to facilitate vehicle and pedestrian access into and within the site, sections of hedgerow will be removed. It is identified that 30m of the hedge (H1) on the easterly boundary will facilitate a new spur off the A6 roundabout, a 6m section of H5 (an 'important' hedgerow located in the northerly area of the site demarcating the southern boundary of the centrally located) to facilitate an access track and 4m section of H10 to facilitate a footpath. Whilst the reduction of hedgerows would have an adverse visual impact it is proposed to plant 2km (taken from matrix) of new native hedgerows within the site which would represent a positive mitigation to the site.
- 5.2.49 Wetland - The wetland complex is located between two ditches and Lancaster Canal's towpath mainly comprising lowland fen and rush pastures. It is fed by water from the adjacent pasture and potentially groundwater. A further area of wet woodland is adjacent to the canal, where common alder has established. In order to compensate for the loss of 0.25ha of Wetland Complex (Lowland Fen and Rush Pasture), 2.5ha of new wetland habitat will be created. This will comprise Floodplain Wetland Mosaic (Coastal Floodplain Grazing Marsh) in the west of site, which will be managed for biodiversity.
- 5.2.50 Inland Rock Outcrop – The ES identifies two exposed acidic rock cliffs present within the site which are located in woodlands. The outcrops are most likely artificial in origin given there is evidence that they have been quarried. These are proposed to be retained and given they are located within woodlands their visual presence is limited. Nonetheless, it is proposed that a structural assessment of cliffs undertaken to inform building design of the cantilevered immersive wildlife experience which will not compromise structural integrity. The proposal would however retain these features.
- 5.2.51 Walls – The ES notes the presence of mortared stone walls present along the east site boundary and to be 1-2m high. It is considered these features are not of significance to the wider site.
- 5.2.52 Ponds - The seven ponds within the site are relatively shallow and spread out over the area categorised as field ponds, edge of woodland and woodland ponds. The ponds would be retained with a net increase of 1.1ha within the site and existing ponds deepened to have a permanent water presence. It is therefore considered this would meet DM52 in terms of the retaining on site features.
- 5.2.53 Notwithstanding the effect on biodiversity, it can be determined that there would be a level of visual loss of the on-site features. However, on the basis of the information, there would be a level of compensatory planting which would balance the amount of loss in quantitative terms. On the level of information, it is difficult to establish the qualitative level such as position and species of tree and hedgerow planting. That said a planning condition to ensure the amount of reduction is suitably

compensated within the site can be secured so their importance within the landscape is acceptable in terms of their visual presence to overall satisfy this section of DM Policy 52.

The proposal maintaining and enhancing recreational open space or creating new areas;

- 5.2.54 The application site mainly comprises arable and pastoral land. With the exception of the public footpaths that cross the site there are no recreational open spaces.
- 5.2.55 New areas of recreational open space would be created across the site, which essentially would be the provision for the future users of the site. Whilst this would be explored in more detail at the reserved matters stage it is anticipated that green spaces would be interspersed across the site with connecting pathways with opportunities for children play areas incorporated into the existing and newly formed landscaping. More formal areas for recreation are situated on the eastern side to be adjacent to the commercial element close to the main entrance from the A6.
- 5.2.56 Taking into account the nature of the proposal it can be concluded that there would be a series of formal and informal areas of open space connected by green routes to meet in principle this section of DM52.

Proposals should seek to address and mitigate against flood risk on the site

- 5.2.57 Paragraph 165 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the highest risk (whether existing or future). Paragraph 167 of the Framework goes on to state that should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. Local planning policy DM33 reinforces the requirements of the Framework by advocating that development proposals should minimise the risk of flooding by taking a sequential approach directing development to the areas of lower risk of flooding.
- 5.2.58 Planning Advisory Note No. 6 (PAN6) is to provide guidance over the implementation of Policy DM33 of the Development Management DPD, particularly in relation to the application of the sequential test in terms of flood risk. In this instance Paragraph 2.6 of PAN 6 advises that where the 'red-edged' boundary of an outline application that includes Flood Zone 1 and Flood Zones 2 and/or 3, the applicant should submit sufficient detail, to allow a judgement to be made on the need for a Sequential Test. Furthermore, Paragraph 2.6 advises it is important that access arrangements to sites are not located in areas of flood zone 3 to ensure that new development is not isolated / cut off during times of flooding.
- 5.2.59 The applicant has supported the application with a site-specific Flood Risk Assessment. The FRA has identified using the Environment Agency's flood maps National Flood Risk Zone 1, 2 and 3. Using the Environment Agency surface water flood map and that no recorded surface water flooding incidents has been recorded in the SFRA there to be a low risk of flooding from surface water.
- 5.2.60 The eastern and the majority of the central area of the site does fall into flood zone one, which is lowest risk of flooding. However, the western area of the site (in and around flat wood) is shown to be within the Environment Agency's Flood Zone two and three which is identified by the FRA. Whilst the areas of medium surface water flooding are small they are nonetheless within the site. However, using the SFRA maps it can be identified that there are areas in the western side of the site for of the potential of groundwater affecting below ground level and at the surface towards to the northwest.
- 5.2.61 Surface water flooding occurs when intense rainfall overwhelms drainage systems and groundwater flooding is when water under the ground (the water table) rises to the surface. Groundwater flooding is usually slower than surface water flooding and could happen over a longer period depending on rainfall and may take longer to drain. The two types of flooding may affect the proposed holiday accommodation and may isolate holiday accommodation for longer periods of time. As the proposal would be all year-round accommodation there would be a contestant risk of flooding.

5.2.62 Taking into account the above paragraphs it has been identified that there are sources of flooding within the site. Therefore, to accord with National guidance in respect of flooding a sequential test should be undertaken to demonstrate if there are other reasonable available sites appropriate for the proposed development.

5.2.63 The proposed development and submitted FRA will now be considered if it meets the sequential and exception test in addition to ensuring future users are protected from the risk of flooding.

Sequential and Exception Test

5.2.64 This is an EIA application and given its scale would represent a significant form of development. The application is accompanied with a parameter plan which shows within character areas where any proposed accommodation would be sited. During the course of this application the parameters of the proposal have been altered and now shows the developable area where the accommodation would be sited is within flood zone one. Although the site straddles flood zones two and three the developable areas are not in these zones and access/egress would not result in isolation during times of flooding. However, taking into account the paragraph above it has been identified that there are other sources of flooding within the site. Therefore, to accord with National guidance in respect of flooding a sequential test should be undertaken to demonstrate if there are other reasonable available sites appropriate for the proposed development.

5.2.65 This is supported by NPPF Paragraph 168 which advocates:

“...the aim of the sequential test is to steer new development to areas with the lowest risk of flooding *from any source*. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding...”

5.2.66 Furthermore, Planning Guidance (NPPG) at Paragraph: 023 Reference ID: 7-023-20220825 states:

“...The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding...”

5.2.67 The remit of the Environment Agency only extends to whether or not the proposals satisfy the requirements of the second part of the Exception Test paragraph 170 of the NPPF. It is for the Local Planning Authority to determine whether or not the proposal satisfies the Sequential Test as defined in paragraph 167 and, where necessary, the requirements of the first part of the Exception Test as set out in paragraph 170. It is noted a Flood Risk Assessment has accompanied the planning application.

5.2.68 The onus is on the applicant to assemble the evidence to allow the Council to consider whether the development passes the sequential test. As such, taking into account the content of the FRA the applicant has not undertaken a sequential test and has not identified alternative reasonably available sites at a lower flood risk that could accommodate the development. The FRA has advocated mitigation measures to overcome the second part of the exception test. It is therefore considered that the application has not demonstrated that sequentially it can be accommodated in areas of a lower flood risk and as such failed to guide development to those areas at less risk of flooding.

5.2.69 As noted earlier in this section it is for the Local Planning Authority to determine whether or not the proposal satisfies the Sequential Test and, where necessary, the requirements of the first part of the Exception Test. As such, it is considered given there to be other sources of to the risk of flooding within the site a sequential test is required. In the absence of such a test to support this application it is considered the development has not demonstrated that it is sequentially acceptable to accord with the NPPF, Development Management (DM) DPD policy DM33 and DM52.

5.2.70 National Planning Practice Guidance states that ‘The Exception Test should only be applied when following application of the Sequential Test, it has been demonstrated that it is not possible for

development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives). As a result of not satisfying the sequential test the exception test has not been applied to the application.

- 5.2.71 The implications of not undertaking a sequential test and thus failing to satisfy Paragraph 168 to demonstrate there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding extend to the presumption in favour of sustainable development for decision-making. In this case footnote 6 of paragraph 11 of the NPPF is applicable because the failure to pass the Sequential Test is such that would provide a clear reasons for refusing the development. This consequently disengages the tilted balance (paragraph 11 (d) i) when assessing the application against the NPPF as a whole. The failure of the Sequential Test is a matter of great weight that must be weighed in the overall planning balance (albeit not a tilted one).
- 5.2.72 The means of how the site is drained and the disposal of foul water are considered later in this report.

Not having an adverse impact on biodiversity

- 5.2.73 This section considers the effect on ecology and biodiversity with due regard to Section 15 of the NPPF; SPLA DPD Policy H6; DMDPD policies DM44 and DM45.
- 5.2.74 The following documents have been considered given the area of the site and submission of subsequent revised documents to enable the LPA to rigorously or robustly assess the impact on biodiversity with regard to mitigation measures proposed pursuant to the proposal:
- Environmental Statement [ES] Chapter 3 Site & Project Description
 - Environmental Statement Chapter 6 Landscape & Visual Assessment
 - Regulation 25 Clarifications Report
 - Preliminary Arboricultural Assessment (Urban Green 2018) Rev 02 – West of Lancaster Canal
 - Preliminary Arboricultural Assessment (Urban Green 2018) Rev 02 – East of Lancaster Canal
 - Planning Statement (JWPC, December 2020)
 - Design & Access Statement [DAS](Stride Treglown, November 2020)
 - Biodiversity Net Gain Metric 2 Calculation Tool [BNG Metric] excel spreadsheet (Ellel Holiday Village, Karl Harrison, Haycock & Jay Associates Ltd)
- 5.2.75 The applicant reports that the impacts have been considered carefully using the CIEEM methodology for Ecological Impact Assessment in the Environmental Statement Chapter submitted and appropriate avoidance, mitigation, compensation and enhancement measures put in place as necessary.

Effect on designated sites

- 5.2.76 The proposed site is not directly affected by any national or international nature conservation site. It will not result in any land take of a designated site nor is the site considered to be functionally linked land. The application site is within 4km of Bowland Fells Special Protection Area (SPA) and Bowland Fells Site of Special Scientific Interest (SSSI). It is also within 2.5km of Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay Ramsar and Lune Estuary SSSI which may result in indirect impacts. This potential affect triggers the requirements for a Habitat Regulations Assessment (HRA).
- 5.2.77 A shadow HRA has been provided in support of the proposal. An addendum to the HRA has also been submitted to address earlier deficiencies in relation any development impacts on any functionally linked land and recreational disturbance. It is considered in combination with the following matters that can be secured by planning condition the appropriate assessment concludes that it is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.
- The provision of 25ha of Open Space - Provision of 25ha of open space as set out in the Outline Planning Parameters Plan (Stide Treglown, March 2023) and Illustrative Masterplan (Stide Treglown, 7 March 2023, Drawing No 150968-STL-A-004)

- The provision of a range of amenities for recreational activities within the proposal boundary, including footpaths that provide circular routes of up to 5km, designated cycle routes and other amenities.
- Restriction of dogs within the lodges - The Lune Estuary Cycleway is within close proximity to the proposal and is adjacent to the above designated sites. This area suffers from high recreational use, which is causing disturbance to some of the protected bird features of the designated sites. The recently published Lancaster and District Birdwatchers Society Report - Lune Estuary Scoping Exercise Report 2023 identifies dog walkers and dogs being a primary cause of disturbance within this area. Therefore, to reduce further disturbance impacts arising from this proposal, dogs (except assistance dogs such as guide dogs) should not be permitted within the lodges
- Tourist Information Packs
- The erection of information and education boards around the site, that highlight the sensitivities of the designated sites and ensure continuation of the advice given in the tourist information packs. As well as education boards, the proposal should also include appropriate signage to highlight the available walking and cycle routes, including wayward markers.
- The requirement that all educational material delivered by the proposal is reviewed every three years by a suitably qualified ecologist to ensure the Page 3 of 6 material is up to date, and in line with current ecological knowledge and understanding, and the most beneficial conservation methods
- The production and implementation of a detailed Construction Environmental Management Plan (CEMP)

5.2.78 Taking into account the Natural England have not raised an objection to the sHRA and that the mitigation can be secured by planning condition it is considered appropriate that the Local Planning Authority can adopt the sHRA.

5.2.79 Aside from the HRA matters, planning policy requires applicants to demonstrate how impacts on biodiversity have been minimised and net gains in biodiversity can be provided. The following sections considers the effects on habitats fauna and for net gains in biodiversity.

Effect on habitats

5.2.80 The application site supports a range of locally important ecological assets, including Biological Heritage Sites, notable habitats (including broadleaved woodlands, hedgerows, veteran trees and ponds) and notable species, including badgers, foraging bats and a range of breeding birds. While it is noted that there is a general intention to retain the majority of the important habitats on the site, and to create new and enhance existing habitats, there were concerns relating to the overall disturbance impacts on local habitats and species (hence was one of reasons for the classifications sought under the Regulation 25 request).

5.2.81 It is inevitable that there will be disturbance from large-scale construction activities on local wildlife. The subsequent operational disturbance caused by large numbers of visitors associated with the use of the site as a holiday park, has the potential to cause the gradual erosion of habitats and overall biodiversity losses. However, integrating local semi-natural habitats into the site in order to create an immersive wildlife experience can in principle work hand in hand, but only if managed carefully and appropriately as it has the potential to cause harm to wildlife interests.

5.2.82 This was reflected in the initial comments from GMEU and a certain degree Natural England in so far as the extent of their remit.

5.2.83 Subsequently the biodiversity sections of the Regulation 25 response have been considered and although concerns remain relevant it is acknowledged the applicants' aims that the overall ethos of the development should be sympathetic to the local natural environment. As such it is considered that in principle, it is possible to allow the development without causing unacceptable harm to habitats and species, providing that robust measures are in place to help to protect wildlife interests. There is sufficient space within the development to facilitate compensation for notable habitat losses, and to create new habitats, in particular, prioritisation of new tree and hedgerow planting on the site.

- 5.2.84 Through a long-term Habitat and Landscape Creation and Management Plan this can facilitate the compensation required to ensure that wildlife habitats are protected. Further controls can be put into place by the phasing of the development to provide mitigation for the displacement of wildlife areas during the construction periods. Prior to each phase an updated survey of the site can be secured for Badgers where the detailed design can be arranged to avoid direct harm to any identified badger setts. Prior to any tree removals required to facilitate the development these trees are further inspected for the possible presence of bat roosts. A comprehensive Construction Environment Management Plan can be prepared in advance of each development phase which should include specific measures for protecting wildlife. Furthermore, a holistic sensitive lighting scheme can be designed to avoid direct lighting of sensitive habits.
- 5.2.85 Parkland and veteran/ancient trees (UK Priority Habitat and irreplaceable habitat (paragraph 186, NPPF)) – The Article 25 response takes the view that the land within the site does not meet the JNCC guidelines for UK Priority Habitat ‘Parkland’, quoting specifically that ‘parklands with 19th century or later origins with none of the relevant characteristics’ are outside the scope of the habitat.
- 5.2.86 In respect of veteran or proto veteran trees the Preliminary Arboricultural Assessment does provide sufficient detail on the status of veteran or proto-veteran trees.
- 5.2.87 While the Ecology Chapter identifies that the veteran/proto-veteran trees have been well managed with frequent deadwood and decay (Chapter section 7.4.8), Table 7-14 isolates the impacts to this high value ecological resource stating simply that trees can be retained and visitor management adjusted to protect them from the need for future work/removal of these trees. Therefore, the conclusion of the ES states that there will be no significant residual effect anticipated which is supported by the Article 25 response which advocates that no veteran or proto-veteran trees will be negatively affected by the proposal.
- 5.2.88 Wetland Complex Fen and Mire habitat (UK Priority Habitat and Biological Heritage Site quality) - This habitat is immediately adjacent to and west of the Lancaster Canal BHS, and is the location for the Eco-Park boardwalk. The habitats have been recorded by the Applicant to be Local Wildlife Site status (Biological Heritage Site – BHS Chapter 7 7.4.19). The ES consequently records it as of County Importance. This area is also a UK Biodiversity Priority Habitat. The NVC survey (Chapter 7 Appendix 7.4) indicates that the fringing mire habitat is reliant on grazing to maintain its habitat composition.
- 5.2.89 The Environmental Impact Assessment process recognises it as of up to national importance and the impacts may be such that species could be lost.
- 5.2.90 The ES states that 2.5ha of new wetland habitat will be created, comprising a Floodplain Wetland Mosaic. This new habitat creation will ensure that there is no significant residual effect. The Regulation 25 response advocates-controlled access using boardwalks is a tried and tested method of allowing access without deleterious effects on the habitat as has been proven on numerous occasions in other National Nature Reserves (e.g. Malham Tarn Fen) and Nature Reserves (e.g. Leighton Moss and many other RSPB reserves).
- 5.2.91 GMEU considers the Regulation 25 response has addressed and sufficiently mitigated the ES’s identification of a significant negative residual impact to the wetland complex and the inappropriateness of the creation of the Eco-Park and Boardwalk on the sensitive habitats.
- 5.2.92 Grassland - The ES concludes that there would be a loss of Semi-Improved Neutral Grassland and Improved Grassland. To compensate for the loss of 16.33ha of grassland, 13.4ha of neutral grassland (other neutral grassland) will be created in the site. Although there will be a net loss in area of this habitat (2.93ha) the neutral grassland to be created within the site will be of higher floristic diversity and will be managed for biodiversity. New grassland will comprise a neutral meadow seed mix (Emorsgate EM3 or cut and collect from a suitable local donor site) on appropriately prepared topsoil. This habitat will be unmanaged with the exception of two cuts per year (mid-July and late September) with the arisings removed.
- 5.2.93 Hedgerows - All hedgerows are considered to be UK Priority Habitats (Section. 41, NERC 2006) and nearly a third (31.8%) of the hedgerows on the site are considered Important (Hedgerow

Regulations 1997). The proposal will result in the loss of 40m of hedgerows. However, 2km of new hedgerow habitat is proposed as compensation. Management of new and existing hedgerows will aim to create dense and stock-proof field boundaries with associated verge grassland ground flora. The 'gapping-up' of the hedgerow will utilise native species of local provenance.

Effect on Fauna

- 5.2.94 The site holds a suite of notable species, many of which are statutorily protected and/or UK Priority Species (Section 41, NERC 2006), that benefit from the current habitat complexity. Taking each species in turn it is considered:
- 5.2.95 Bat assemblage (Statutory protected species; Habitats Regulations 2019, W&CA 1981 and UK Priority Species, NERC 2006) – Bat roost surveys have been undertaken on the Home Farm buildings and potential tree roosts have been identified. There is a high probability that Natural England Licences will be required to implement the scheme at the Home Farm Hub buildings and potentially for health & safety works to trees.
- 5.2.96 GMEU have advised that providing targeted surveys are undertaken to buildings and trees prior to development commencing within a particular phase the presence and mitigation can be secured by planning condition.
- 5.2.97 The Regulation 25 response advocates that there would be dark corridors across the site to aid bat commuting and foraging. With mitigation measures through good design this provides roosting opportunities and that changes in the invertebrate population will positively increase forage for bats. A lighting scheme can be integrated into the submission of the reserved matters to ensure that the lighting scheme can be considered holistically to minimise the effect on foraging routes and disturbance to bats.
- 5.2.98 Badger (statutory protected species, Badger Act 1992) – in two main setts. One sett will be terminally impacted by proposals associated with visitor attractions within and around The Marketplace and the other by significant reduction and disturbance of foraging range. Taking the GMEU's comments into account updated surveys can be secured by planning conditions for each phase of the development to identify setts and the reserved matters application can be designed to avoid direct harm to any identified badger setts.
- 5.2.99 Otter (statutory protected species Habitats Regulations 2019, Wildlife & Countryside Act 1981 and a UK Priority Species, NERC 2006) – A focused otter survey has been undertaken and it is concluded that otters frequently utilise the Lancaster Canal and Glasson Branch which is consistent with the Regulation 25 response. It is well recognised though that otter activity in wider more disperse wetland habitats; such as over a watershed and/or in a habitat mosaic is more difficult to measure/detect field signs. Given the close association with the canal, it must be assumed that as a minimum, the Wetland Complex forms part of the otter population's range. The Regulation 25 response advocates that otters have seen a resurgence in population where they are inhabiting urban waterways where disturbance is high. Although it is accepted that no evidence can be shown to the contrary, it can be concluded that this site is not within an urban setting and is very much a waterway based in a rural countryside where disturbance is low and infrequent. It can be reasonable to reach a view that the introduction of the movement of visitors from the eastern side of the site to the western side, passage over the wetland complex (via boardwalks) and the indicatively shown Lancaster Canal footbridge linking to the car park would increase human activity. Given this is a rural setting and otters are not well habituated to human disturbance and changes (eg lighting, increase traffic) to their territory the proposed development would reduce both lying up areas, potential holts and foraging opportunities.
- 5.2.100 Mitigation is proposed for this species, habitats to be retained will be fenced during construction to prevent access by contractors with excavations will be covered or a ramp created to allow otter to escape. Furthermore, visitor access will be managed to discourage access to sensitive habitats for otter and vehicle movements will be managed to reduce speed and limit access.
- 5.2.101 Water Vole - Waterbodies within the site, including drains and ponds, have suitability for water vole. The loss of these waterbodies or change in their vegetation and hydrology has the potential to impact

on water vole, where present. In addition, Lancaster Canal with its associated vegetation, is suitable for water vole and works in close proximity also have the potential to impact on water vole. It is recommended that development avoids the aquatic habitats listed above, and these habitats are buffered by at least 5m to safeguard water vole, which may be present. Where this is not possible a targeted water vole survey should be undertaken to determine the presence/or likely absence prior to the commencement of any works.

- 5.2.102 Reptiles - Due to the lack of records locally and the suboptimal nature of the majority of habitats within the site it is considered unlikely that reptiles will be present. It is therefore considered that development of the site will have negligible impact upon reptiles and no survey is recommended.
- 5.2.103 Hedgehog - Two records of hedgehog were identified during the desk study and habitats within the site, such as woodland, hedgerows, scrub and grassland are of suitability for this species. It is agreed that the new habitat creation, notably woodland scrub, hedgerows and grassland will result in enhancement for hedgehog. A suitably worded condition to require any vegetation removal is undertaken outside of the hedgehog hibernation season (November to mid-March) is considered sufficient and provides suitable consideration to this UKBAP species.
- 5.2.104 Brown hare (UK Priority Species, Section. 41, NERC 2006) - The ES provides high numbers of incidental sightings through other surveys including adults in courtship and groups of adults. Brown Hares rely on both open grassland habitats in a mix of hedge/scrub/habitat roughness and are not tolerant of disturbance. Whilst the ES recognises that this species will be lost entirely from the site no compensation is proposed.
- 5.2.105 This species alone is the ecological feature where a significant negative residual impact is recorded. Whilst the species is considered common and widespread in this part of Lancashire, taking into account benefits to other ecological receptors it is considered this negative residual impact is acceptable in the context of the buoyant status of brown hare in the locality.
- 5.2.106 Barn owl (Schedule 1, Wildlife & Countryside Act 1981) – loss of forage and potential nesting/roosting habitat within the Home Farm complex and within veteran/proto-veteran trees.
- 5.2.107 The loss of the open agricultural grassland the ES acknowledges will result in negative significant residual impacts to both ground nesting species (oystercatcher) and the wider foraging/hunting resource (eg barn owl, kestrel, hobby and starling). However, Barn owl has not been recorded on site. The creation of a wetland area on the floodplain and installation of a barn owl box though is considered likely that barn owl will colonise the site once habitat creation has taken place.

Biodiversity Net Gain

- 5.2.108 Biodiversity Net Gain (BNG) has become a critical component of assessing proposals. The NPPF now includes the need to achieve a “measurable” gain in biodiversity and the Environment Bill signposts that this should be an uplift of 10%. The Biodiversity Net Gain requirement will apply only to those applications submitted after BNG takes effect on 12 February 2024 (or 2 April 2024 for small sites). This includes applications made under s73 of the Town and Country Planning Act 1990 where the earlier permission was submitted or granted before the 12 February 2024. It is noted that Lancaster has no policy requiring 10% BNG; Policy DM44 simply requires that 'proposals should protect and enhance diversity'.
- 5.2.109 Using the current DEFRA Metric 3.1 the development delivers 19.63% biodiversity net gain overall. Hedgerows are considered separately and the scheme delivers 37.7% net gain for hedgerows alone. In both cases results significantly exceed the minimum 10% uplift signposted in the Environment Bill.
- 5.2.110 It is extremely important to note that the algorithms that support the Biodiversity Net Gain Metrics are not without limitations. The algorithms that support the Biodiversity Net Gain Metrics are not designed to and cannot calculate the biodiversity lost from a decline in retained habitat condition through the introduction of development. The applicant does however purport that:

- 3 of the 9 woodlands on site are in 'Good' condition, and 2 are in 'Poor' condition. Whilst this can't be factored into the Metric, we will aim to get all woodlands into 'Good' condition and believe that this can be achieved in parallel with the outdoor activities in Plantation 1 (currently in Moderate condition) and controlled access to remaining woodlands where appropriate including Carter Wood, Quarry Wood and Plantation 2 (all in Good condition);
- The condition of the semi-improved grassland will be compromised through loss which will be compensated by creation of species-rich grassland throughout the site.
- Veteran and mature trees are retained and their condition maintained or improved.
- controlled access using a boardwalk is a tried and tested method of allowing access without deleterious effects on the habitat

5.2.111 GMEU have taken the view that there would appear to be sufficient space within the development to facilitate compensation for notable habitat losses, and to create new habitats. Therefore, through robust planning conditions it is considered there to be sufficient certainty that the 10% uplift can be delivered.

5.2.112 Natural England have raised no objection to the scheme. The consultation documents do include information to demonstrate that the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered.

5.2.113 Overall, it is considered that due regard has been given to the Habitat Regulations in terms of impact on designated ecological sites, and as per the conclusions of the HRA, conditions can be added to ensure that no significant impacts are envisaged on these spaces. In terms of onsite mitigation, the proposal enables the opportunity to mitigate impacts the design through robust planning conditions and guided by GMEU as part of the LPA's determination.

5.2.114 As such the proposal satisfies DM52 in respect of the impact on biodiversity.

Not impacting on residential amenity

5.2.115 The key areas for the consideration with regard to the general design principles within Policy DM29 would be the impact upon the amenity of the occupants of neighbouring properties such as issues of overlooking, overshadowing and whether or not the buildings will be overbearing.

5.2.116 A parameter plan has been submitted which shows the broad area of the developable area. Although no elevation plans have been submitted the supporting documentation suggests that the lodges within the central area and on the east adjacent to the A6 comprise two storey projecting circa 10 m with the remaining of the developable area being single storey and rising to 7 metres. The hotel green roof would be 12 metres above the upper slab level. The scheme shows green buffers from a number of sensitive edges of the site. An assessment of the impact upon the amenity of neighbouring properties cannot be fully undertaken at this stage with such limited information and will need to be addressed at the detailed design stage. However, in principle terms it is considered that the site is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively.

5.2.117 Paragraph 135 of the NPPF (2023) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.2.118 It is noted the extensive area of the site and given its relative rural location the number of residential properties where there would be a significant effect is limited. A Noise Assessment has however been undertaken to establish the likelihood if the development would pose any potential future problems in respect of noise. Existing noise levels were measured for a period of 24 hours at three locations within the holiday village area for at least one hour during the daytime at three locations within the potential commercial site. Two noise sensitive receptors comprising existing residential properties have been identified in proximity to the potential commercial site boundary and representative background noise levels established for each of them. Environmental health have reviewed the assessment and agree with the conclusions. It is considered expedient however to require a further assessment to be undertaken when the details of any fixed plant and machinery

are known to serve the development. This can form a condition for the details to be submitted as part of the reserved matters submission.

Being in an accessible location with no adverse impact on the highway network, highway safety and other important local infrastructure.

5.2.119 The effect on the highway has been placed within this section of the consideration of DM52, however, it will consider the main transport considerations of the proposal as a whole under the following headings:

- The access strategy
- Impact on the Strategic Road Network
- Impact on the surrounding highway network
- Sustainable travel

5.2.120 Notwithstanding DM52 this section includes the consideration of the scheme under: NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans and DM64: Lancaster District Highways and Transport Masterplan.

Access Strategy Overview

5.2.121 This is an outline application but also seeks full permission for access into the site. Two access are proposed to serve the development; a proposed fourth arm off the Hampson roundabout and the existing Ellel Grange access off the A6 / Preston Lancaster Road.

5.2.122 To enable the two access points to be used in conjunction with the use of the site a series of works to the highway are proposed. The works would be broadly between the northerly approach to the Hampson roundabout on the A6 to continue south and end just beyond the junction with Cockerham Road on the A6. The full length of the A6 including part of the approach from the M6 would see a speed reduction down to 40 mph. This would enable sufficient visibility splays to be formed at the altered bell mouth Ellel Access Road and a ghost island right hand turn to be formed for vehicles traveling from the north. A continuous segregated footway and cycleway would be formed between the Ellel Access Road and to just beyond the Hampson roundabout which includes new crossing points and refuge islands to enable access to the footway adjacent to the south bound carriageway. The crossing just north of the Ellel Access Road makes a connection for pedestrians between the site and southbound buses.

5.2.123 In conjunction with the reduced speed the segregated pedestrian cycleway would branch into the site and continue northwards over the proposed vehicular access. A final crossing is made for the pedestrian and cycle to then run adjacent to the southbound carriageway where it then links with the existing footway leading north.

5.2.124 The proposed highway works are supported by a Stage 1 Road Safety Audit (RSA1). Stage 1 Road Safety Audits are normally undertaken at the completion of preliminary design and examine the existing highway layout or features and where the new highway improvement scheme ties into the existing highway. A response is then produced by the applicant's appropriate consultant or the highway authority whereby it is either:

- Accepting the RSA problem and recommendation, or
- Accept the RSA problem but suggesting an alternative solution, or
- Disagreeing with the RSA problem and recommendation, giving justifiable reasons for their rejection.

5.2.125 Stage 1 Road Safety Audit recommendations:

- Vehicles are prevented from driving on or across the footway to access informal parking areas near to the junction of Cockerham Road/Preston Lancaster Road and the eastern side of Preston

Lancaster Road to the north of Cockerham Road. Sufficient off-highway parking should be provided as part of the holiday village development

- Proposed pedestrian/cycle route is free from overhanging vegetation
- Any proposed traffic signing is suitably positioned and mounted for use adjacent to a cycle facility
- The proposed pedestrian/cycle route is free from obstruction, including street lighting columns
- Measures to reduce vehicle speeds between the Preston Lancaster Road northbound approach and the new proposed western arm should be included at the detailed design stage. Measures could include, but are not limited to, increasing the deflection between these two arms through realigned kerblines.
- The holiday village is appropriately signed from all approaches and that landscaping is such that the proposed new access arm(s) is visible on approaches. This is to reduce the risk of late braking and/or inappropriate vehicle movements as drivers approach the holiday village from the M6 Junction 33

5.2.126 The recommendations are all accepted by the applicant's consultant. Some detail matters have been highlighted by the LHA, however, in raising no objection to the RSA it is considered that the matters can be addressed at the detailed design stage.

Proposed Speed level changes

5.2.127 The LHA have requested that the speed reduction is up to the existing 30mph speed limit in Galgate, however this is not shown on plan. At detailed design the speed limit reduction will be required to extend up to the existing 30mph point, and appropriate gateway measures will be required. This can be secured by a suitably worded planning condition.

Proposed Hampson Roundabout Access

5.2.128 The LHA reports that there are some parameters of the roundabout that depart from highway standards, influenced by the existing layout of the roundabout and proposed refuge island. While the principles of the proposals are accepted, at detail design stage, further changes to the roundabout may be required to ensure it fully satisfies guidance. This however can be secured by a suitably worded planning condition.

5.2.129 LCC Highways have noted that there is an issue with deflection into the site access from the A6 northbound. This section appears straight with good visibility, meaning vehicles are likely to travel at higher speeds. This issue has also been raised in the Road Safety Audit (RSA). While the latest access layout appears to amend this slightly, the concerns still remain. The applicant has suggested that this issue is due to constraints with vegetation in the location and states within the RSA designers response that "consideration to be given to providing increased deflection or other measures to address the concern at further design stage". It is important to highlight at this stage that the S278 officer is likely to raise this issue at detailed design stage and amendments to that proposed will be required to increase deflection.

5.2.130 A swept path analysis of the proposed access off the Hampson roundabout has been provided and in order to ensure suitable visibility around the roundabout, cut back of the foliage in the centre of the roundabout will be necessary, again to align with the RSA.

5.2.131 Drawing SK21756-005 Rev B shows the proposed fourth arm of the roundabout. This arm includes a 2m wide footway, as well as a 3m wide cycleway, and this provision continues along the A6 until the southern access. As this application is for outline permission, the detail of provision within the site has not been provided. This footway/cycleway provision should be shown to continue into the site on any subsequent reserved matters application.

Alterations to the Existing Ellel Grange Access

5.2.132 Drawing SK21756-004 Rev B shows improvements to the existing Ellel Grange access, by providing 10m radius kerbs at the access. Swept path analysis of the amended existing Ellel Grange access is provided in SK21756-009. The visibility splays at the access are shown on the drawing and can be protected by a suitably worded planning condition.

5.2.133 Pedestrian/cycle provision in the site is not proposed at the southern access, and the Technical Note (TN08) highlights that the access itself is not intended to be promoted for pedestrians. Consequently, the LHA requests a separate pedestrian access to be provided slightly north of this. This can be secured by planning condition to ensure it comes forward with a reserved matters application which will include details of internal pedestrian access routes.

5.2.134 As noted above it is proposed to alter the existing access point meeting the A6 from Ellel Grange/ Home Farm. This will enable a secondary access for the holiday park which will have its own long stay parking facilities at Canal-side Meadow. The applicant purports that guest vehicles will not be allowed beyond the parking area for the holiday park. On arrival guests will park their car and swap for bikes or buggies to travel to their accommodation and around the rest of the site. In combination with the proposed new routes (shown to be as indicative at this stage) from Home Farm and passing through the northern section to meet with the marketplace area allows the creation of a car-free circular route around the site to promote active and safe travel.

5.2.135 The proposed arrangement for guest arrival would inevitably limit vehicular traffic using Ellel Access Road. However, there still be usage by guests on foot, cycles and buggies which will share the access road with vehicular traffic (including delivery vehicles) for Ellel Ministries Home Farm and adjacent parcels of land. Given the access road is included within the red line boundary the means of passing traffic by different road users can be further explored at the reserved matters under the consideration of layout when the exact arrangement and requirements are known. We accept however that concerns have been raised by Ellel Ministries regarding access and this in the event of an approval would be handled by means of planning condition/legal agreement.

Pedestrian Access and Cycle use of PROW within the site

5.2.136 It is noted that Footpaths FP0113004, FP0113013 and FP0113052 cross through the site.

5.2.137 Subject to appropriately worded planning conditions relating to the width of the footpaths, surrounding ground level changes affecting drainage and alterations to access points it is considered given the outline nature of the application the scheme would not have an acceptable effect to the public footpaths.

5.2.138 The requested £53,350 of S106 funding to improve walking and cycling opportunities would have mental and physical wellbeing benefits associated with the circular walking opportunities.

5.2.139 In conclusion, taking into account the proposed enhancement works to the highway and that they can be secured by planning condition it is considered the proposed means of access is acceptable.

Conclusion on the proposed access matters

5.2.140 Given the required works all relate to highway outside of the application site it is considered appropriate a series of planning conditions can secure a safe detailed design to make the proposal acceptable in respect of highway safety. A subsequent Section 278 Agreement can then be agreed with the Highway Authority to deliver the modification, alteration of the adopted highway.

Strategic Road Network

5.2.141 Over the duration of this application the applicant has been in dialogue with the Highway Authority and National Highways regarding the Transport Assessment (TA) and how clarifying aspects of certain uses, agree trip generation and distribution to ensure that an operational assessment of the impacts of the development on the SRN at M6 Junction 33 were carried out.

5.2.142 The total trip generation of the proposed marketplace, hotel and lodges are in table below.

Time	Trip Rates		
	In	Out	Total
AM Peak	57	40	97
PM Peak	70	90	159
Weekend Peak	111	135	247

- 5.2.143 The peak parking demand associated with day visitor activity is forecast to be 337. There are a number of robust factors that have been applied in calculating the movements associated with the day visitor elements of the proposal and with these elements the analysis indicates that a small amount of overflow parking is likely to be necessary on the busiest days.
- 5.2.144 *Preston Lancaster Road / M6 Slip Road Link – Hampson Roundabout.* The development proposal includes a fourth arm on the Hampson Roundabout to allow access to the site. The proposed junction has been assessed using ARCADY for both AM and PM peak flow scenarios. As shown by the results of the assessment in both 2023 and 2033 there is predicted to be minimal impact on the junction with no significant levels of queuing and a maximum RCFC of 0.725 on Preston Lancaster Road (N) in 2033.
- 5.2.145 *Motorway Link Capacity.* The link capacity of the M6 and the Junction 33 on and off slips have been estimated for both the base and with development scenarios. The impact on the M6 (S) is around 30 trips in the weekday AM peak and around 50 to 60 trips in the weekday PM peak, and again in this instance we would not consider that this is likely to result in a severe impact upon the operation of the mainline.
- 5.2.146 *Motorway Merge and Diverge Assessment.* The results of the merge and diverge assessments show that the existing layout remains suitable in all scenarios.
- 5.2.147 *Weaving Assessment.* A weaving assessment has also been undertaken between J33 and Lancaster Services to the south. The analysis indicates that the existing arrangements provide sufficient weaving capacity in all scenarios in 2023. The 2033 analysis indicate that the number of southbound lanes required for weaving will exceed three at the 2033 assessment horizon, although this also occurs in the base analysis.
- 5.2.148 In summary the weekday SRN assessment shows that the proposal will not have a significant impact on operation. In all cases the forecast future year traffic flows with the development in place are National Highways Planning Response (NHPR 21-09) September 2021 within the capacity range of the existing highway layout.
- 5.2.149 The trip generating capability of the development is slightly higher at the weekend, though this period tends to not be as critical due to lower background traffic flows and so the effects of the development will be more pronounced during the weekday AM and PM peak hour periods. In relation to the weekend SRN assessment shows that the proposal will not have a significant impact on operation. In all cases the forecast future year traffic flows with the development in place are within the capacity range of the existing highway layout.

Impact on the surrounding highway network

- 5.2.150 Turning to the local highway network the scope of the Transport Assessment has been the subject of ongoing discussions over the duration of the application with the Highway Authority. The table below shows the Total Development Trip Generation for the Weekday AM, PM and Weekend peaks. It is noted that TA slightly differs in respect of proposed lodges proposed from that in the application description, however, this is not considered significant in terms of overall trip generation considered.

Time	Weekday Traffic Flows			Weekend Traffic Flows		
	In	Out	Total	In	Out	Total
AM	28	38	66	25	32	58
PM	109	100	209	107	85	192

- 5.2.151 The LHA has assessed the TA and do not accept the approach that the applicant follows of assessing junctions based upon an impact threshold. The LHA considers the starting point when considering the need for further assessment of a junction is understanding the existing conditions. Where a junction is already experiencing significant congestion and delay with associated poor driver behaviour and impacts on safety to both vehicular and vulnerable road users, it is expected that further assessment will be carried out and any impacts from the development suitably mitigated. That said having reviewed the information presented, it is clear that the impacts of this development

during the traditional peaks, based on the proposed use, is lower than that which would be expected from residential use. There is some level of traffic at these junctions during the peak periods, but it is not considered that the impacts to have been adequately assessed or represented in the analysis provided. Nevertheless, the LHA have requested contributions towards initiatives that have been developed that will support this development and others along the local and strategic network, with a significant level of highway and transport change.

5.2.152 The Local Highway Authority request the following towards highway mitigation:

- **£80,000** towards A6 (Galgate to City Centre) Intelligent Traffic Management (ITM) implementation, including upgrading the MOVA and associated equipment/works at the Galgate Crossroads as required. (part-funded) (agreed trigger 12 months post commencement). Note: The A6 ITM implementation includes MOVA and signal changes to junctions between Lancaster City Centre and Galgate, including Hala Road, Hazelrigg Lane, the University junction and the gyratory.
- **£40,000** towards the implementation of a Red Route (part-funded). (agreed trigger 2 years post commencement)
- **£50,000** per year for a period of 4 years towards public transport services. (agreed trigger two years post-commencement and on the 1st, 2nd and 3rd anniversary of the first payment)

5.2.153 In addition to the construction and amendments of the site accesses, other works that may be required are:

- Pedestrian/cycle provision on the A6 / Preston Lancaster Road, including along the site frontage and refuge crossing points, with appropriate signing;
- Review of and implementation of required works to, including installation of new or relocation of existing, street lighting and signing;
- Speed reduction scheme from south of the existing Ellet Grange access to the existing 30mph speed limit in Galgate, with appropriate gateway measures, and any necessary speed surveys;
- Any traffic management measures and associated Traffic Regulation Orders as deemed necessary; and
- Public Transport Infrastructure as highlighted in statutory comments.

5.2.154 In conclusion it is considered that the proposal can be made acceptable, if suitably controlled through planning conditions, delivery of necessary S278 works, together with S106 obligations, all of which are highlighted above. Supporting this development and others in Lancaster on the local and strategic network, will require a significant level of highway and transport change. Initiatives and schemes have been developed and their delivery will be by the County Council as Local Highway Authority but requires that developers support the full level of contribution requested.

Sustainable travel

5.2.155 There are 2 bus stops located between the Hampson Roundabout and the existing Ellet Grange access, which are served by services 40/A, 41 and 42. The frequency and routes covered by this service deem the site is adequately served by public transport. However, these are not commercial services and are subsidised by Lancashire County Council. It should be noted that neither of the existing bus stops are DDA compliant. As user requirements increase with development, it is expected that improvements will be required to the existing infrastructure. This includes consideration for the provision of a shelter in the southbound direction and refurbishment of existing shelter in the northbound, with DDA compliant stops. This should be protected by a suitably worded planning condition, and the provision to be provided by this applicant through the S278 agreement.

5.2.156 A Framework Travel Plan is provided within Appendix 9.1 of the Environmental Statement. Due to the scale of the development, a Full Travel Plan and its implementation will be appropriate for this development proposal. This can be secured by an appropriately worded planning condition with the monitoring fee secured by Legal agreement.

5.2.157 It is proposed that parking would be sited in two key areas where guests would decant and travel around the site on foot, cycles and electric buggies. In respect of sustainable travel it is pertinent that sufficient infrastructure is installed to provide the capacity for EV charging points which is a key driver in the proposed development. How this evolves though will be considered under the reserved matters application in respect of layout and in conjunction with how the parking areas are managed

through an appropriately worded planning condition to ensure it meets parking standards as a minimum and provides sufficient provision for EV charging on site.

Compliance with DM52

5.2.158 Turning back to DM52 in respect of transport matters it is considered the site is in an accessible location. Although guests would by enlarge arrive by car given it is a tourist resort other modes of transport are available which can be encouraged to be used through implementation of a Travel Plan. The proposed development's quantum has been considered by National Highways and the LHA where through a combination of financial contribution and planning condition it is considered there would not be a significant adverse effect on the highway network and highway safety. It is therefore considered the proposal satisfies DM52 in this respect.

Makes use of appropriate materials which are sympathetic to its locality.

5.2.159 This would be a matter considered at the reserved matter stage. However, the Design and Access Statement does provide an insight into how it is envisaged that the design and use materials would be for the accommodation. The impacts show shepherd huts and camping pods which would create the smaller clusters of accommodation which normally required a flat solid base in which to be anchored and be placed upon. Accommodation of this nature is finished with either painted sheet metal cladding or overlap wood with felt roof.

5.2.160 The single and two storey lodges would again be manufactured off site. Although a modular construction their appearance can be enhanced by measures such as full height glazing, oversailing sections to create covered seating areas, emphasised fascia with the composite style cladding to uplift the appearance. If on a sloped site, the lodges would still need a flat level area but could be raised by slits or incorporating into banking to reduce the need of extensive hard surfaced slab areas normally associated with holiday parks.

Conclusion of appraisal against DM52

5.2.161 Given the number of matters that fall under the umbrella of DM52 a planning balance has been applied to inform if consideration of the proposal is ultimately acceptable and cumulatively would satisfy the overarching policy.

5.2.162 In respect of the positive factors whilst here would be the loss of features within the site there would a be level of compensatory planting which would balance the amount of loss in quantitative terms. The quality of planting can be secured by planning condition. The proposal would enhance the offering of recreational open space which can be enjoyed by overnight stays and visiting day members of the public. Bolstering recreational visits, a strong theme is educational orientated where this could open new areas to schools and young people to enhance learning of the environment.

5.2.163 The scheme has been considered against the Habitat Regulations and through carefully worded planning conditions can ensure that no significant impacts are envisaged on designated wildlife sites, local habitats and protected/significant species within the site. The resulting enhancement to the level of biodiversity cannot be understated and is a significant contributing factor.

5.2.164 In respect of residential amenity, it is considered that the site is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively. Any fixed plant and machinery when known to serve the development can be suitable assessed and controlled through planning condition. Although details would be forthcoming with a reserved matters submission on the basis of the information provided there is a high level of certainty that the proposed accommodation could make use of appropriate materials which are sympathetic to its locality.

5.2.165 The site is an accessible location by car and through modelling has shown to be no adverse impact on the highway network, highway safety and other important local infrastructure.

5.2.166 All these factors hold significant positive weight.

- 5.2.167 Given the unique nature of the scheme and the scale of the proposed development it is acknowledged that it would be difficult to identify a similar sized previously developed site as required by criterion 1. As such whilst this does not necessarily satisfy DM52 it is recommended that neutral weight is attached in this instance.
- 5.2.168 The effect on landscape character is complex. During construction this phase of the development is relatively short-lived and can be mitigated to a certain and an appropriate CEMP. Furthermore, the effect on the wider character areas, whilst concerns raised, would be difficult to sustain a reason for refusal. The effect is relatively short ranged due the topography of the landscape which is considered to be enclosed land. This naturally restricts long range views of the site and how it sits within the wider landscape setting. Conversely being enclosed land and in combination with the parkland setting, contributes significantly to being considered a valued landscape which is highly sensitive to any degree of change.
- 5.2.169 The proposed development with a total up to 450 holiday accommodation units, together with associated access roads and areas of hard standing for car parking would have a very substantial impact upon the present peaceful tranquil rural character of the site and its immediate setting. Even allowing for a thoughtful design approach to the individual buildings, it is considered that the urbanising effect of the proposed development would be all too evident on the character of the landscape. It has been acknowledged there are recreational activities associated with the canals, however, given the scale of the development it would be difficult to place it into the same context and to say the landscape already experiences a change. Whilst sensitive landscaping could reduce the starkness of new development there would still be a change in character from all year-round occupation of the lodges. It is considered the proposed scheme combined with the scale would have an adverse effect on the landscape character and weighs heavily the proposal in respect of DM52.
- 5.2.170 There is a cross over between DM52 and DM33 in respect of flood risk where DM52 concentrates on addressing and mitigation of flood risk in respect of lodge development. However, it would be difficult not to consider DM33 at the same juncture which requires to minimise the risk of all sources of flood risk to people and property by taking a sequential approach which directs development to the areas at the lowest risk of flooding. Given the failure to satisfy the application of the Sequential Test it is difficult to see how the proposal has considered flood risk within the site. In line with national and local policy, the proposal should be refused due to failure of the sequential test. Paragraph: 023 Reference ID: 7-023-20220825 adds some context to the importance of the sequential test explaining that: "Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features." This therefore weighs heavily against DM52 and the wider application balance .
- 5.2.171 Clearly there are factors, some of which hold significant favourable weight, in the balance of DM52. However, it is considered that the effect on the landscape and the risk from flooding to be significant factors which are difficult to outweigh. As such DM52 has not been satisfied in respect of the principle of development of chalets, camping pods and log cabins. Other relevant sections of DM52 will be considered in other parts of this report and in the overall concluding section.
- 5.3** **Consideration 3 - Proposed retail, hotel and work pods - NPPF Chapter 2 (Achieving Sustainable Development), 4 (Decision Making), 6 (Building a Strong, Competitive Economy); 7 (Ensuring the vitality of town centres); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), EN3 (The Open Countryside); Development Management (DM) DPD policies: DM16 (Town Centre Development), DM22 (Leisure Facilities and Attractions), DM23: Visitor Accommodation, DM47 (Economic Development In Rural Areas).**
- 5.3.1 It can be confirmed that no allocation for this proposal has been made within the adopted Lancaster District Local Plan (July 2020). Whilst there was debate at the Public Examination over the merits of this area as a free-standing residential settlement neither the Council or, ultimately, the Independent Planning Inspector were convinced by the arguments put forward through the plan making process.

- 5.3.2 The adopted Local Plan therefore identifies the land at Home Farm, Ellel Grange as open countryside. This is a restrictive policy which does not offer specific support for any type of development. Consequently, the proposal must be considered as a departure from the adopted Local Plan. Any departure from the Local Plan must demonstrate exceptional circumstances to demonstrate the need for the departure.
- 5.3.3 The proposal comprises short term holiday lodge accommodation, retail space (500 square metres), a food hall (757 square metres), a hotel (4193 square metres which includes other associated spaces to the function as a hotel), artisan pods (400 square metres) and 3D immersive venue (150 square metres). With the exception of the lodge accommodation the other elements of the proposal would fall under the umbrella of main town centre uses (as defined under Annex 2 Glossary of the NPPF).
- 5.3.4 The national policy approach to application of the sequential test in decision-making concerning the development of main town centre uses appears at paragraphs 91 and 92 of the Framework. As recorded at paragraph 92 of the Framework, applicants and local planning authorities are required to demonstrate flexibility in undertaking the sequential test. The Government's Planning Practice Guidance ("PPG") gives some further advice on application of the sequential test.
- 5.3.5 In respect of the Local Plan DM Policy 16, 22 and 23 are relevant for the assessment of the retail, food hall and hotel. The policies follow a similar approach to the NPPF. They require proposals for retail, hotel accommodation and leisure uses (both major and minor facilities) to follow a sequential approach in where no preferable sites exist in a town centre to then appraise out-of-centre sites and then preferable edge-of-centre locations which are well connected. DM Policy DM16 sets out in greater detail the approach an assessment should take.
- 5.3.6 Given the proposal includes town centre uses it is for the LPA to consider the application of the sequential test i.e. what is proposed and if it can be accommodated on a town centre site or on sequentially preferable site(s). In reaching the position it must be determined if the different uses can be disaggregated or considered as a whole in the context of Chapter 7 of the NPPF.

Relationship between the proposed uses within the site and the method of application of the sequential test

- 5.3.7 The following first section will set out the applicant's position using the supporting information within the Planning Support Statement, Retail and Leisure Statement, Agent and Retail Consultant's letters and a Management Plan. This will then be followed by an appraisal of the information and how the sequential approach has been applied to the case.

Applicant's case

- 5.3.8 The proposal contains a number of differing uses (including holiday accommodation, retail, hotel and employment) which the applicant suggests are intrinsically linked to one another. This is emphasised in the applicants Planning Statement where, in paragraph 5.7, it states:

'Whilst the proposal can be assessed against each individual policy of the Development Plan, it is imperative that it is understood that Ellel Holiday Village is one coherent development that has a number of uses and attractions that are reliant on each other. For example, each of the retail spaces within the marketplace will be patronised by holiday guests of both the hotel and lodges, whilst the artisan makers' pods will produce goods that will be sold within the marketplace. In essence, the total is greater than the sum of its individual parts, and will create a unique attraction for both short and long stay visitors.'

- 5.3.9 Within the "Retail and Leisure Statement" it is stated that;

- 2.10 The Lodges will be set out in 'Cluster Communities' of various typologies suited to the wide and varied accommodation preferences of guests.
- 2.11 The Marketplace - a fabulous new leisure destination and commercial centre which will provide a range of facilities under one roof including a farm shop, the Food Hall, 100 bed hotel

& function suite. Adjacent to the main building will be a virtual reality (VR) and augmented reality (AR) entertainment centre and Outdoor Activity Centre. There will also be a cluster of artisan pods that may include a small retail function.

- 2.12 The development is designed to be a fully integrated holiday destination with each element being mutually dependent on the other. All elements of the scheme need to be provided to ensure that the model works.

5.3.10 In terms of the estimated level of activity associated with various elements of scheme, the Retail and Leisure Statement states that;

“...Hatch Regeneris estimates that the development will attract 80,000 staying visitors per annum. That figure includes 16,000 visitors staying in the hotel every year as well as 64,000 visitors staying in the lodges. In addition to the staying visitors, the development will also attract a significant number of day visitors to the development who would visit the attractions, including the market place, but would not stay overnight. For this type of visitor, it is estimated there will be 140,000 visits per annum...”

5.3.11 The Retail and Leisure Statement refers to how the convenience retail elements of the scheme will operate. The proposed development will have three distinct customer bases:

- Local residents taking a day trip to the retail village as part of their overall visit to the holiday village; and
- National and international tourists visiting as day trippers who are visiting as part of a wider trip to or from other destinations and those staying at the holiday village. and,
- For the convenience goods retail floorspace, this will likely be provided in two elements: as a convenience store, selling everyday goods for the residents of the holiday village; and as a high-quality farm shop style Food Hall destination which will cater to both resident and day visitors. These two elements will have different trading characteristics and different turnover profiles.

5.3.12 The retail and leisure impact assessment has been based on the scheme not being disaggregated. The conclusion was that even with a reduction of 20% in site area there were no sites which were both available and suitable for the proposed development. Therefore, the applicant's view is that it was considered the sequential test had been satisfied.

5.3.13 The applicant has provided a further management plan which can be summarised as follows:

- The Lancaster Eco Park's vision will bring together a range of complimentary and inter-related uses that have sustainability, relaxation, learning and exploration at their heart. Visitors will be able to sleep within nature, whether it be in the hotel or our holiday pods, each has been designed to be fully integrated seamlessly into its environment.
- Guests or day visitors, each will be able to experience the Eco Market Place whether it be takeaway or eat in. this would be where you can pick your own vegetables, choose meats reared on the local land and watch it being cooked in front of you. A Field to Fork approach is advocated which is to educate visitors on the journey of food which encourages teaching the provenance of food, how to cook it and how good home grown produce. They can take the meat, the veg, the eggs they've just bought to the market place and watch it be cooked in front of them.
- The hotel in its design would visually allow connection to the surrounding landscape and wildlife. Visitors would have access to the facilities within the site;
- The lodges would be sited to ensure there to be no damage to the trees within the site and to sit harmoniously within its environment. This combined with the creation of new wetlands will ensure the perfect harmony between guests and nature.
- The use of Virtual Reality would be carried through the site and is to take this technology and create a bleeding edge immersive journey, where users will be able to use holographic augmented reality on their mobile phones to explore bugs and grubs along the wetland walkways, to fly through the trees on a zip wire, whilst wearing a virtual reality headset, thus transporting them to land many thousands of years ago. They'll be able to explore the night-sky using mixed reality telescopes
- A theme through the purchase of produce on site is to actively reduce waste, rather than taking a recycling approach.

- The Market Place, Immersive Centre, Lodges, Website, Artisans, Eco Park, Hotel and Home Farm all have individual and collective roles in creating an information centre that is unique, showcases how the internal ecosystem operates and provides a steppingstone into the wide range of attractions in the Lancaster area.

5.3.14 Following discussions with the Local Authority the applicant sought Counsel in respect of the interpretation of the application of Paragraph 88 (now paragraph 92) of NPPF and the matter of disaggregation of the proposal for the purposes of the application of the sequential test.

5.3.15 In summary the legal advice shared with the LPA is as follows:

- The requirement to consider the proposal as a 'single planning unit' is wrong and the concept of such has no relevance at all when considering a planning application for operation development.
- The requirement that the elements on the site, when taken together, should only support those who would be resident on site, is not necessary. The Retail Impact Assessment confirms no material harm to existing centres – when a very conservative basis of spend patterns.
- There is common ground that whether disaggregation has a role to play in any sequential testing case is a matter of planning judgement.
- NPPF does not refer at all to disaggregation as a concept. It was consciously excised from policy advice some years ago. Nor does PPG refer to disaggregation. It discusses flexibility in format and scale.
- Scotch Corner (APP/V2723/V/153132873) Paragraph 24 makes this clear distinction. This decision was endorsed by the SoS at that time. It should also be noted that the Inspector placed significance on the fact that it was an actual scheme from a developer being brought forward – not a speculative, open-ended retail development from a landowner (as per Tollgate and Kingswood Hull for example).
- More certainty in terms of delivery is required in the form of a parameters plan and phasing plans.

5.3.16 The applicant accompanies the legal advice with a further statement that considers the Salford Estates case and reports that it is similar to the *Tollgate* and *Kingswood Hull* proposals (discussed in the applicant's legal advice), insofar as it was a fairly common-or-garden retail park with a number of separate retail (Class E and Sui Generis) buildings of varying scale but completely unrelated to one another. In that case, the officers considered the matter of disaggregation but was endorsed in their decision not to apply it i.e. the Court of Appeal agreed it was a matter of planning judgement. Given the format and nature of that proposal (See Durham CC Application: DM/18/03002/FPA), in conclusion the applicant fundamentally disagrees that this application should be disaggregated into its constituent parts.

Local Authority evidence base

5.3.17 The Government's Planning Practice Guidance ("PPG") provides advice on application of the sequential test;

"The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed."

5.3.18 The question of suitability of possible alternative sites (and the extent of flexibility expected of applicants) has been the subject of judicial and planning appeal decisions.

5.3.19 One of those judicial decisions is the case of *Tesco Stores Limited v Dundee City Council [2012] 2 P. & C.R. 9* in which the policy approach to the sequential test (in Dundee's development plan and

Scottish national policy) was addressed. The Supreme Court concluded that; "...the word "suitable"...refers to the suitability of sites for the proposed development..." but given a policy requirement for flexibility, also stated that; "it would be an over-simplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential test. That statement has to be qualified to the extent that the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing."

- 5.3.20 In a case known as *Aldergate Properties Ltd v Mansfield District Council* [2016] EWHC 1670 (Admin) and concerning the sequential test as contained in the Framework, the Court concluded that: - "In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.
- 5.3.21 Prior to the decision in the Aldergate Properties, several planning appeal decisions addressed the question of the sequential test, including a decision of the Secretary of State concerning a site known as Rushden Lakes. The question of disaggregation in the application of the sequential test has been specifically considered in a series of appeal decisions (that post-date the Court's judgment in the Aldergate case).
- 5.3.22 In respect of development proposals for a site at Scotch Corner (PINS references, APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) the inspector found that; "In carrying out the sequential test it is acknowledged that whilst Framework [NPPF] Paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites."
- 5.3.23 In reporting on an appeal scheme at a site known as Tollgate Village (PINS reference, APP/A1530/W/16/3147039), the inspector stated that: "...The extent of flexibility should not be constrained by policy or guidance, and there is nothing in the PPG that suggests that subdivision is not to be considered. Indeed, subdivision was considered in the Dundee case itself. There will be cases where subdivision is not appropriate, both Rushden Lakes and Scotch Corner conclude that disaggregation is not required to demonstrate flexibility. In Scotch Corner the proposal was a Designer Outlet Centre whose business model requires units of a certain scale, and which is tightly controlled by conditions to be different from ordinary Town Centre development. In Rushden Lakes there was a strong development plan justification for a critical mass of units."
- 5.3.24 In terms of relevant appeal decisions, is a case concerning a proposed extension to a retail park near Hull (PINS reference, APP/V2004/W/17/3171115). The inspector reviewed the contents of previous appeal decisions (including those referred to above) as well as the relevant judicial decisions. It can be drawn that the conclusion was as follows:

"I acknowledge that the Inspector concluded in the Rushden appeal report and the Scotch Corner appeal report that there is no requirement in national policy to disaggregate. However, the issue was again considered in the very recent Tollgate appeal report. There the Inspector concluded that in the circumstances of that case disaggregation within the sequential test would be justified. He contrasted that scheme with the Rushden and Scotch Corner developments where there were specific reasons why disaggregation would have been more difficult. The Inspector also pointed out that 'sub-division' was also considered in the Dundee case. I acknowledge that the Secretary of State did not himself refer to disaggregation in his Tollgate decision but neither did he explicitly disagree with the Inspector's approach..."

In this case there is no particular evidence that it would be commercially or functionally necessary to accommodate a variety of individual and as yet unidentified comparison goods retailers either in only one building or on only one site in the City Centre. I therefore conclude that in addition to the option to accommodate all of the appeal proposal on the Albion Square site, they could all be readily

accommodated in the city centre, and at the same unit size, if the development were to be sub-divided...”

5.3.25 However, none of the above decisions is there any reference to the consideration of “ancillary uses” in the application of the sequential test. The concept of ancillary use has been explained in the following terms –

“...The ancillary use principle was developed by the courts as a response to practical realities on the ground: the factory containing administrative offices; the car park associated with the office building; the storage area associated with the shop. It gives the occupier a valuable measure of flexibility to respond to changing needs... (per Sullivan J., Harrods Ltd v Secretary of State for the Environment, Transport and the Regions [2002] J.P.L. 437 at p97)”

5.3.26 Accordingly, the question of what may comprise an ancillary use (to a primary use) of land is relevant to the lawfulness of that use of land. It has no direct relationship with the application of the sequential test (as contained in policy). Both exercises will require a consideration of the functional relationship between uses on a site. However, the purposes driving those considerations are entirely different. With regard to the consideration of ancillary uses, the purpose of considering a functional link is to determine whether or not a particular activity is lawful (since it is ancillary to a primary use). With regard to the sequential test, the purpose of considering a functional link is to determine whether or not a particular element of a development can be disaggregated.

Appraisal of the information in how the sequential approach should be applied

5.3.27 It can be gleaned that the more recent appeal decisions demonstrate a shift away from the approach adopted the inspector and Secretary of State in the Rushden Lakes appeal decision. A consideration of disaggregation has been recognised as a potentially legitimate part of the sequential test (and when requiring the applicant for planning permission to demonstrate flexibility in its sequential search). The position was effectively summarised in a decision of the High Court (Salford Estates (No.2) Limited v Durham County Council and Quora (Peterlee) Limited, Claim No: CO/1664/2019, per HHJ Klein at p20) refusing permission to bring judicial review proceedings. The following propositions were endorsed by the Court of Appeal in refusal of planning permission in the Salford Estates case:

- a) policy contains no general requirement to consider disaggregation as part of the sequential test, and,
- b) whether or not such a requirement is imposed is a matter of planning judgment to be reached by reference to case-specific circumstances,

5.3.28 Accordingly, the question of whether or not a consideration of disaggregation is required in the application of the sequential test will depend upon individual circumstances, including, in particular, the nature of the development proposal and the potential existence of factors that mean a scheme cannot sensibly be split (e.g. because it is commercially and/or functionally necessary to accommodate a variety of main town centre uses on one site (as per the analysis in the Kingswood appeal decision).

5.3.29 However, that is not the only factor in considering disaggregation in the application of the sequential test. Commercial issues may also be relevant.

5.3.30 In terms of a link between the proposed hotel and marketplace it is noted that the development of this hotel forms part of the upper floors of the marketplace building. Given this, it is reasonable to conclude that the retailing element and hotel element are intrinsically (and physically) linked to each other. This is supported by the fact that both represent main town centre uses as defined by the NPPF.

5.3.31 However, it is less clear if the holiday accommodation and the retail element which is provided are intrinsically linked. The Retail and Leisure Statement distinguishes that for the convenience goods retail floorspace, the provision would likely be in two elements. The first as a convenience store, selling everyday goods for the residents of the holiday village and the second as a high-quality farm shop style food hall destination which will cater to both resident and day visitors. These two elements

would have different trading characteristics and different turnover profiles but given the information in the Statement provides an analysis of trade draw it would suggest that 64% of the total turnover of the proposed retail floorspace is from residents living in the local catchment area as opposed to visiting tourists. Furthermore, given the three distinct customer bases identified in the Retail and Leisure Statement the suggestion those staying at the holiday village will only form a third of the customer base at the marketplace (or retail village) reinforces that they are not intrinsically linked and could operate separately to the holiday lodges.

- 5.3.32 Turning to the management plan it can be gleaned that it does show the activities which are proposed for the site and how the different elements could be notionally linked. However, it doesn't clearly demonstrate the need for the scale of retailing proposed and how that is linked. The purpose for looking for a functional link is to support the notion that all the elements proposed within the proposed holiday village are inter-dependent and would not succeed in their own right if one or more elements were taken out. In that circumstance it would show that the retail element of the proposal would not be viable or functional in isolation. It is recognised what that has been at dispute has been the scale of retailing to be provided and its role between being a destination in its own right and it being a part of the holiday village.
- 5.3.33 Therefore, taking into account the submitted supporting information there is no clear explanation, in functional (and/or commercial) terms, demonstrating why some of the scheme components are required to be provided on the Site. In other words, the question of whether or not disaggregation could properly form part of the sequential test has not yet been fully addressed by the applicant for planning permission.
- 5.3.34 Therefore, it is not clear that any element of the proposed development is intrinsically linked to another. Indeed, given the scale of retailing to be provided and it is unclear of its role between being a destination in its own right and it being a part of the holiday village. It is therefore considered that disaggregation should be taken into account in the application of the sequential test in this case (e.g. to the retail, hotel, or visitor attraction elements of the scheme).

Assessment of the proposed retail, leisure and hotel

- 5.3.35 There is no formal designation for this site and there is no formal allocation of land in this area which would support a retail, leisure or indeed a hotel function. As a result, in the context of retailing, leisure and national planning policy, the proposal site must be considered as an out-of-centre location and will need to be subject to the relevant tests of national and local planning policy, including the sequential test and due to the scale of the proposal, an impact test.
- 5.3.36 The proposal includes a 'Marketplace' on the eastern side of the site adjacent to the main entrance leading from Hampson Green roundabout. This element provides a new commercial centre for the wider development and for passing trade. The uses to be contained in the marketplace include a farm shop, food hall, 90-100 bed hotel and Function Suite. Near to the marketplace there is the virtual-reality wildlife experience and a series of artisan pods (which may also have a retail function). Given DM Policy 22 applies to major and minor facilities if outside of town centre locations the wildlife experience would also be subject to the sequential test and impact assessment.
- 5.3.37 The section above sets out the case put forward by the applicant and the consideration of the Authority in respect of disaggregation.
- 5.3.38 Taking into account the Officer's view it is considered the uses within the site should have been disaggregated and then each tested sequentially against appropriate sites following the town centre first approach followed by edge of centre then out of town sites with preference given to accessible sites which are well connected to the town centre.
- 5.3.39 In regard to the impact on nearby centres the applicant has submitted a retail and leisure assessment which concludes the level of trade diversion arising from the proposed development would give rise to only marginal impacts on trade and turnover of nearby centres. The only nearby centre that could be said to have some concerns over its health, Morecambe, is at the very periphery of the local catchment and as would be expected, has an extremely low level of impact. It is recognised that there will be a level of spin off spend generated to mitigate a direct impact arising

from the development. It is considered there are insufficient grounds to disagree with the findings of the study in respect of the impact.

- 5.3.40 As such it is considered the applicant's retail and impact statement has not sequentially tested appropriate sites in respect of the retail, hotel and leisure uses to accord with the requirements of the NPPF, and DM Policy 16, 22 and 23. Taking specific account of Paragraph 95 the application is recommended refusal on this matter.

Artisan worker pods

- 5.3.41 DM Policy 14 takes a sequential approach to site selection for employment generating uses and sets out a criteria for development. DM Policy 15 advocates that the Council will support proposals that involve the creation or sustainable expansion of small businesses within the district, subject to (amongst other factors) the site is located within the built-up areas, or a sustainable settlement, an identified employment area or a site specifically allocated for that type of use or is part of a suitable and sustainable farm diversification scheme within a rural area.
- 5.3.42 It is recognised by the applicant that the proposed artisan pods, taken in isolation, would be contrary to the policies in the Development Management DPD. Whilst there are elements which are in the spirit of the Local Plan policies it is agreed that it would be difficult to support as a standalone use in the countryside. The applicant has however advocated that the artisan pods would be ancillary to the main use of the site and that there are wider economic, social and environmental benefits of the proposal which would need to be considered in the planning balance. These economic, social and environmental factors are considered under separate sections within this report with the overall balance considered at the end of this report which will include the acceptability of the artisan worker pods.

5.4 Consideration 4 - Loss of agricultural land - (NPPF: Chapter 15); Development Management (DM) DPD policy DM44 (The Protection and Enhancement of Biodiversity).

- 5.4.1 The proposed development would result in the loss of land for the purposes of agricultural. The NPPF under Paragraph 180 and within footnote 62 informs that decisions about the natural and local environment should protect and enhance landscapes, biodiversity, geology and soils; recognise soils as a natural capital asset that provide important ecosystem services; consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land and prevent soil, air, water, or noise pollution, or land instability from new and existing development. Best and most versatile (BMV) land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a.
- 5.4.2 Paragraphs 001 and 002: Planning Practice Guidance for the Natural Environment explain why planning decisions should take account of the value of soils and agricultural land classification (ALC) to enable informed choices on the future use of agricultural land within the planning system.
- 5.4.3 The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b.
- 5.4.4 In respect of the Local Plan the strategic objective SO3 informs a number of DPD policies. The Local Plan identifies as an indicator of the take of Grades 1,2 and 3a agricultural land for development. A target is to reduce uptake of grade 1 agricultural land. Policy DM44 sets out that development should avoid use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable.
- 5.4.5 Using the Agricultural Land Classification (ALC) the site comprises grade 3 which is land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.
- 5.4.6 The applicant has undertaken an agricultural land classification survey of the site. The survey identifies that the land within the application site east of the Lancaster Canal falls into grade 3b with

the majority of the central area. There is a swath of grade 3a which is on the western side between Glasson Branch to the north and wrapping around southern side of flat wood. The full breakdown is as follows:

Grade	Area (ha)	%'age of total area
1	-	-
2	-	-
3a	9.43	13.2
3b	45.94	64.2
4	0.72	10
5	2.94	4.1
Non-Agricultural	12.53	17.5
Total	71.56	100.00

- 5.4.7 In respect of the area within 3a it is noted that it partly lies within flood zone 2/3 (mainly adjacent to flat wood) which may affect how the land is farmed and its drainage of the land. The site, similar to most of the district is rural with drumlin fields and rolling upland farmland. The report does identify that the land within grade 3b on slopes is currently in poor condition with a failed land drainage system which requires investment to bring the land into a condition for arable use. It is therefore considered these factors are material in respect of assessing the loss of agricultural land.
- 5.4.8 The land within the application is not grade 1 or 2 and although its loss is regrettable it would not conflict significantly with the strategic objective of the Local Plan which aims to protect the higher quality agricultural land. Although the inclusion into a flood zone and there is evidence that some of the land is in poor condition hampers the overall offering of the agricultural its loss still needs to be considered against the provisions of the NPPF in the absence of specific policies in the Local Plan.
- 5.4.9 Notwithstanding the other objectives in the NPPF a careful balance is required between the loss of the good agricultural land and in the closest objective the environmental benefits the scheme may bring.
- 5.4.10 It is considered the proposed development would result in an uplift in the environmental benefit, specifically the biodiversity net gain which significantly exceeds the Local Plan policy requirement of 10%. This would tip the balance to outweigh the loss of the agricultural land.
- 5.5 Consideration 5 - Socio-economic benefits - NPPF Chapter 2 (Achieving Sustainable Development), 4 (Decision Making), 6 (Building a Strong, Competitive Economy); Development Management (DM) DPD policies: DM47 (Economic Development In Rural Areas).**
- 5.5.1 A cornerstone of the application is that the proposal would bring socio-economic benefits that in the round is a material consideration against the policies within the Local Plan.
- 5.5.2 Policy DM47 advises that proposals for economic development within rural areas that maintain and enhance rural vitality and character will be supported in principle where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. Proposals should be located in sustainable locations and represent sustainable development with a preference given to the re-use of Previously Developed Land (PDL).
- 5.5.3 Paragraph 88 of the NPPF advocates that planning decisions should enable the sustained growth of all types of businesses in rural areas and sustainable rural tourism and leisure developments which respect the character of the Countryside. Paragraph 89 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 5.5.4 To support the planning application, the applicant has prepared an Economic and Regeneration Assessment which sets out the economic benefits of the proposal in terms of job creation, investment

and projected spend. This should be read in conjunction with the submitted employment and skills statement in the context of the details shown on the parameter plan. Using these key documents this provides the applicant's economic case to build on the existing and projected visitor economy. It can be gleaned that the general principle for developing the site is to utilise its strategic location. Owing to the proximity to the M6 the site essentially seeks to capitalise on its position between the Lake District, the northwest coast, northern cities such as Liverpool, Manchester and Preston with proximity to the Eden Project North (recently granted planning permission). On a more local level attention is drawn to the proximity of Lancaster, Bailrigg Garden Village Heysham with an emphasis on tourist locations within and blue infrastructure (canal network) that passes through the area.

5.5.5 Against the locational backcloth the assessment suggests the following benefits:

- The marketplace element of the proposal could support around 180 FTE jobs and result in £7.2million GVA.
- For the Artisan Pods, it is assumed that each pod could support 1 FTE job and around £1million GVA.
- The 100-bedroom hotel could support around 33 FTE and £1.4million GVA.
- The proposed accommodation (hotel and lodges) could attract around 80,000 staying visitors per year which could support a visitor spend of £21.8million within the district.
- With regard to day visitors, it is estimated that the holiday village could attract around 140,000 day visitors per year. A proportion of these day visitors would be from outside of the district (55,000) which could support an around £2.1million of extra off-site visitor spend.
- Combined, it is estimated that all components of the Holiday Village could attract around 143,000 visitors per year from outside of the district.
- In total, it is anticipated that the Holiday Village would support around £30million in GVA and the creation of 720 FTE jobs across Lancaster.

5.5.6 There is no doubt that should the development be implemented in full then the economic benefits are likely to be significant and, overall, positive. The development of these facilities will certainly lead to local job opportunities within the marketplace proposal, artisan pods, hotel and holiday accommodation. Whilst there will be significant on-site spend there is little doubt that if harnessed correctly there will be wider benefits of attracting visitors to other destinations within the district, including Lancaster City Centre, Morecambe, the Lune Valley and the Areas of Outstanding Beauty.

5.5.7 The company that prepared the Economic and Regeneration Assessment, is well respected and assisted the City Council to set up their UK Shared Prosperity Fund programme and investment plan. They also undertook a Covid economic impact report for the City Council. Nonetheless, this type of report is based on multiple assumptions where there is a lot of uncertainty in the market and a planning consent does not mean that the development will commence or be completed.

5.5.8 The initial assumptions on the operational benefits for Gross Value Added (GVA) and Full Time Equivalent (FTE) jobs listed on page 12 are supported by references. The visitor numbers are reasonable in terms of their assumptions.

5.5.9 However, there are key variables that may have a bearing on the reasonable economic expectations from the proposal which should be considered and ultimately be fed into the planning balance.

5.5.10 What is missing from the analysis, is a more detailed explanation of what proportion of the benefits is attributed or discounted as displacement or leakage. In other words while there would be a spend on site would this be at the expense of that spend not being made in existing businesses. Displacement and leakage can lead to negative impacts on existing and established development/businesses. It is therefore difficult to conclude that the spend within the site is a clear benefit or if it is taken from established businesses that it would diminish the advocated benefit.

5.5.11 Another factor which could affect the overall advocated benefit is the Northwest Ethylene Pipeline that crosses the site which is discussed in this report (in respect of public safety and implications to the layout). At this juncture it is not clear that the Economic and Regeneration Assessment has taken account of the implications to the site of the pipeline. Attention is then drawn to the planning statement which in respect of setting out the economic benefits it is reported that the effect of the pipeline would reduce the potential number of lodges to circa 242 in number with a lower FTE jobs

(equating to 500) with £20.9m GVA and £13.8m annual off site spend. Furthermore, given the increased stand-off areas required for veteran trees and woodlands the developable area may reduce further and therefore reduce the number of lodges that can be accommodated within the site. Taking leakage discussed above into account and the fact that this application is in outline it is not clear that the benefits are as significant as projected.

5.5.12 Turning back to the NPPF and Local Plan policies the emphasis is placed on proposals being located in sustainable locations. Even with the additional reductions in the developable area it can be seen that there would be a significant employment generation potential. While the site is adjacent to the A6 it is unclear if different modes of transport could serve the development, such as cycling or train. There are bus services which connect to Morecombe, Lancaster and Galgate, however, given the potential employment shift patterns to serve the development it is unclear if buses could accommodate the pattern of travel and it would suggest there would be heavy reliance on the car.

5.5.13 In conclusion the proposed development would still represent an economic benefit in regard to the construction stage and during its operation. However, there are key variables discussed above which have had a diminishing effect on the level of economic benefits. Furthermore, given its relative remoteness it is unclear if the level of public transportation would serve the employment needs of the development which would further question the sustainability of the location. It is therefore considered less weight has to be applied in the planning balance resulting from the projected economic benefits.

5.6 CONSIDERATION 6 - PUBLIC SAFETY - POLICY DM29: Key Design Principles

5.6.1 Paragraph 101 of the NPPF advocates that planning decisions should promote public safety with Paragraph 45 stating that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

5.6.2 The North West Ethylene Pipeline (NWE) is a major hazard running through the central section of the site on a north east and south west axis. The position of the NWE is shown by the black line highlighted by the thick red line below.

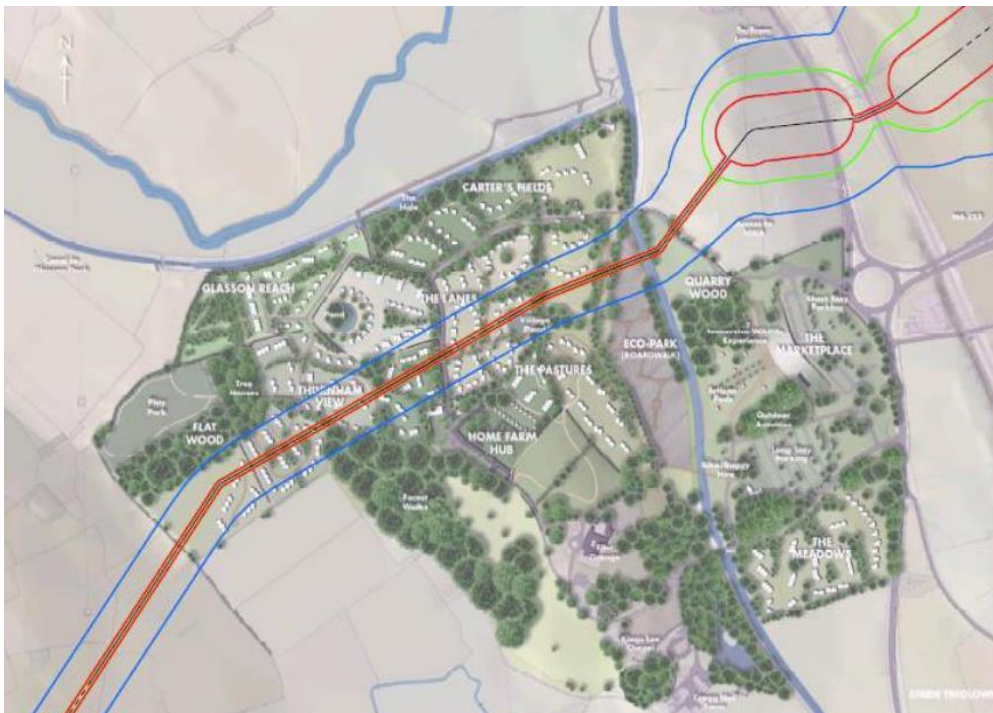


Figure 2 - Route of North West Ethylene Pipeline (black line highlighted by the thick red line)

5.6.3 The Health and Safety Executive have been consulted and the current operator, Shell UK for this application.

5.6.4 The HSE consultee response reported that the original masterplan drawing showed that holiday lodges were located within the inner, middle and outer consultation zones of the Northwest Ethylene

pipeline (see below for distances), as well as outside the consultation distance. However, there was no indication as to how many of the holiday lodges would be located within each of these zones given the outline nature of the application.

HSE consultation zones for Northwest Ethylene Pipeline		
HSE Consultation Zones	Standard wall construction	Thick-walled construction
Inner Zone	54 Metres	5 Metres
Middle Zone	125 Metres	5 Metres
Outer Zone	275 Metres	50 Metres

5.6.5 Shell UK as with regard to the Northwest Ethylene Pipeline (Pipeline operator) have reviewed the Health and Safety Executives (HSE) detailed response of 16th Feb 2022 and Shell's response to the Council and the Developer is to follow the guidance contained in this response. Shell note's the HSE's response covers 2 different scenarios based on the wall thickness of the Pipeline. It has been confirmed that the Pipeline is a 10" steel, High Pressure (90bar) Ethylene Pipeline and is designated as a Major Accident Hazard Pipeline by the HSE. No part of the Pipeline that is contained within the proposed development is heavy walled and Shell has no plans to alter this design. Therefore, the guidance for Standard wall thickness should be followed.

5.6.6 During the course of this application the Planning Authority has issued a Regulation 25 request in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the regulations). The Reg 25 letter requested in addition to other matters discussed throughout this report:

"...An updated assessment on the impact that this scale and type of development could have on the safe and continued operation of the North West Ethylene Pipeline. The guidance for Standard wall thickness should be followed as the Pipeline is a 10" steel, High Pressure (90bar) Ethylene Pipeline and is designated as a Major Accident Hazard Pipeline by the Health and Safety Executive (HSE). The impact of any changes to the proposed development as a result of the guidance should be reflected within the ES..."

5.6.7 The subsequent Regulation 25 response has set out previous pre-application discussions and the baseline criteria for assessing the risk to the pipeline under the following methodology:

- Identifying risks.
- Screening the risks.
- Defining the impact.
- Assessing the likelihood.
- Assessing the risk.

5.6.8 The Reg 25 response then sets out two scenarios the applicant can undertake depending on discussions with Shell UK following the issue of a decision. The two scenarios are as follows:

1. No enhancements will be made to the pipeline and the pipeline will not be relocated. This option would restrict the number of lodges to be built within the inner and outer consultation zones reducing the number of lodges proposed from 427 to 242.
2. Enhance a section of the pipeline by way of a new section upgraded to a higher specification (thick-walled) between grid references 347230, 453526 and 348357, 454464 (i.e. at least 200 metres beyond the site boundary).

5.6.9 The applicant reports to be willing to accept the imposition of a pre-commencement condition requiring the submission of a Construction Method Statement to be submitted alongside the first Reserved Matters application. Although it is unclear if there would be an enhancement or realignment as this would be verified by the applicant with Shell UK and identified on plan to be included within the Construction Method Statement.

5.6.10 The applicant provides evidence (an extract of a Deed of Easement between 'owner' and 'company' i.e. Assumed to be the landowner and the Shell UK respectively). Schedule three advocates should permission be granted but prevented by reason of the pipeline or permission is refused solely by

reason of the pipeline the owner shall give written notice to Shell UK stating whether or not the pipeline or part requires diversion. Shell UK would then have the option of either:

- Carrying out works to the pipeline as necessary so the position does not prevent the development; or,
- To divert the pipeline along a diversion route; or,
- To pay the owner compensation for the loss in value of that part of the property (land) by reason of the restriction of development due to the existence of the pipeline.

Appraisal of applicant's supporting information

- 5.6.11 Notwithstanding HSE's comments further in this report, scenario 1 would require a planning condition to restrict the number of lodges within the site. By advocating a reduction in lodge number by condition, it is assumed the applicant has explored if the shortfall could be made up in different parts of the site. Taking into account the difficulty in meeting the difference in lodge number across the site it is considered the imposition of such a condition to reduce lodge numbers would fail the test of reasonableness. Given the significant reduction required i.e. from 427 to 242 the restrictive condition could make the development permitted substantially different from that described in the application and inadvertently would be at odds with the parameter plan that accompanies the application.
- 5.6.12 In regard to scenario two there is no certainty that the pipeline could either be upgraded or diverted. Although the applicant takes the view there is a statutory duty of Shell UK to carry out works or undertake a diversion this view is not shared by Officers. The extract provided by the applicant of the easement deed does provide the upgrade or diversion options, however, this is at the unfettered discretion of the company (Shell UK). Therefore, the ultimate decision of the pipeline rests with Shell UK, not necessarily the applicant (as owner). Given there is a third option of compensation (should either of the first two options are not possible) adds further doubt that upgrading, or diversion can be relied upon to such a degree that a construction method statement would be appropriate in making the development acceptable in respect of public safety.
- 5.6.13 The option for the realignment or upgrade with an enhanced thickness and control through a condition for a construction management plan is considered difficult at this stage if it meets the tests a planning condition. This is an EIA application where it is incumbent on the LPA to take account of the environmental implications of development in their decisions on planning applications. The applicant in the Regulation 25 response does acknowledge that it has not been possible to understand the full extent of works required to undertake the enhancements. It is unknown who would be responsible to undertake the work in regard to the pipeline that is below ground through the site and if there are other statutory controls outside of planning regulations that would influence stages of any work. Depending on the responsibilities and that future control may be ultra-virus depending on the situation the safety of any construction would be more appropriate through an appropriately worded legal agreement securing all parties to undertake the work in a manner prescribed. However, in the absence of such agreement in draft form to support the application the difficulties in securing option one or option two by planning condition cannot be outweighed and there remains a risk to public safety.
- 5.6.14 Turning back to the HSE consultee response it gives a clear criteria for controlling development in the easements either side of the pipeline. The criteria is based on the current construction of the pipeline (standard) and if it were to be upgraded to a 'thick wall' and following pre-application discussions with HSE aligns with the applicant's two scenarios (see above).

HSE Option 1

- 5.6.15 This option would result in the restriction of where lodges and public spaces could be sited in banded easements either side of the pipeline. To align with the HSE recommendations the development would be laid out to result in:
- No more than 2 holiday lodges/less than 10 beds shall be located within the inner consultation zone (54 metres either side of the pipeline);

- No facilities which involve outdoor use by the public such as play areas, football pitches, picnic areas/benches, bird hides shall be located within the inner consultation zone (54 metres either side of the pipeline);
- No more than 33 holiday lodges/100 beds shall be located within the middle consultation zone (125 metres either side of the pipeline);
- No facilities which involve outdoor use by the public such as play areas, football pitches, picnic areas/benches, bird hides which may lead to more than 100 people being present at any one time, shall be located within the middle consultation zone (125 metres either side of the pipeline).

HSE Option 2

- 5.6.16 This is on the basis that the pipeline is firstly upgraded to a thick wall. Using the HSE consultation zone table should option two be chosen the HSE still requires measures in place to control the number of people within each zone. The measures require:
- No more than 2 holiday lodges/less than 10 beds, access roads, footpaths and landscaping shall be located within the combined inner/middle zone;
 - Within the outer one it is permitted for holiday lodges and 'indoor use by the public' facilities, and also any 'outdoor use by the public' facilities as long as no more than 1000 people would be present outdoors at any one time.
- 5.6.17 It is noted that within the landscaped areas referred to above in the combined inner/middle zone there must be no facilities which would encourage people to congregate i.e. play areas, football pitches, picnic benches, bird hides.
- 5.6.18 The implications of the two options are significant to the quantum of development, even for option two should the pipeline be enhanced to a thick wall. Similar to the appraisal of the applicant's options above, a condition to restrict lodge numbers could make the development permitted substantially different from that described in the application and inadvertently would be at odds with the parameter plan that accompanies the application.
- 5.6.19 A further difficulty with the two HSE options relates to how the number of facilities would be able to restrict the number of people in the outdoors spaces within the pipeline's safety zones. Indeed, while a small building would be able to be monitored, the spaces such as picnic areas and play areas which have unfettered access would be more difficult to monitor activity i.e. the comings and goings of users of these spaces. Furthermore, given the size of the safety zones and the spaces would not necessarily be in one area, it is not possible to control the amount of people outdoor and ultimately would fail the test of enforceability.
- 5.6.20 Notwithstanding these implications discussed in other parts of this report the two proposed options would present problems in meeting the tests for a condition to protect public safety.
- 5.6.21 Taking into account Shell's latest comment it can be gleaned that an offer for changing the section of pipeline to a thick wall would not be forthcoming before the determination of this application. As such this would be a matter for discussion between the applicant and Shell outside of this application.
- 5.6.22 The purpose of EIA is to ensure that the likely significant effects of a development proposal (both positive and negative) are properly understood before any development consent is granted. This requires that work is carried out within the proposed development area to determine and describe the environmental conditions against which future changes (including those which may take place independently of the development) can be measured or predicted and assessed. It is noted the applicant has encountered difficulties engaging with the pipeline owner, however, consideration and mitigation should still have come forward within the ES regarding the significant effect of the pipeline on the environment.
- 5.6.23 There has been further information submitted under the Regulation 25 submission, however, the pipeline remains the consideration of public safety. Given the difficulties in the applicant's approach and the application of an appropriate planning condition which would address the criteria of the HSE, the scheme is considered to pose a safety risk and would not satisfy DM Policy DM29.

5.7 CONSIDERATION 7 - HERITAGE AND ARCHAEOLOGY NPPF: Section 12, Section 16; SPLA DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage); DM DPD Policy DM37 (Development Affecting Listed Buildings), DM39 (The Setting of Designated Heritage Assets) and DM42 (Archaeology).

- 5.7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest. In the context of Section 66 of the Act, the objective of preservation is to cause no harm. This does not mean that there are no circumstances where development may be permitted where it is agreed that some harm will be caused. A further guidance on this is given in section 16 of the NPPF and also in the Historic Environment chapter of the Planning Practice Guidance (PPG). The courts have held that this statutory requirement operates as a paramount consideration 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.
- 5.7.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, on planning applications that affect the setting of a listed building, to have special regard to preserving its setting. 'Setting' is the surrounding in which a listed building or other 'heritage asset' is experienced. This can vary overtime and according to circumstance since it can be affected by noise, lighting, other land uses and the nature of historic connections with other buildings.
- 5.7.3 The National Planning Policy Framework provides the overarching guidance for development and identifies a Listed Building as a designated heritage asset. Paragraph 205 of the NPPF emphasises that when considering the impact of proposed development on what the PPG calls "heritage assets", great weight should be given to the conservation (or preservation) of those assets and the more important an asset (i.e. the higher its listing grade) then the greater the weight that should be attached to its conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset whether from its alteration, destruction or from development within its setting, should require clear and convincing justification.
- 5.7.4 Paragraph 208 of the NPPF applies where the harm is assessed as less than substantial. This requires that in determining the planning application the less than substantial harm must be weighed against the public benefits of the proposal. The duty imposed by section 66, referred to above, is complied with if the harm caused to the listed buildings or their setting or to a conservation area is assessed as being not as significant as the benefits which the proposed development will bring. This is the balancing exercise which Paragraph 208 of the NPPF requires is carried out when deciding whether or not planning permission should be granted.
- 5.7.5 Strategic policy SP7 (SPLA) states that '*Lancaster District has an extraordinarily rich and varied historic environment*' and that its heritage assets shape the district's distinctive identity. Policy S07 requires the Council, as well as fulfilling its statutory duty, and amongst other requirements, to protect and enhance local heritage assets and to maximise opportunities to reinforce the district's unique identity and the wider enjoyment of the historic environment.
- 5.7.6 Policy DM39 relates to development affecting the setting of designated heritage assets. Fundamentally, this policy requires there to be a good understanding of the heritage assets and their settings to enable an assessment of the effects of the proposed development. This policy states that the Council '*will look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance*'. It goes on to state that '*development that preserves those elements of the setting that make a positively contribution or better reveal the significance of the assets will be treated favourably*'.
- 5.7.7 There is a heritage chapter in the Environmental Statement which covers archaeological activity and non-designated and designated heritage assets. For the purposes of this assessment both the heritage chapter in the ES and the Heritage Statement will be relied upon taking into account the consultee response from Lancashire County Council Historic Environment Team, the Council's Conservation Officer and further third-party representations.

5.7.8 An Archaeology and Heritage Desk-Based Assessment has been prepared and submitted in support of this planning application. The document does not appear to follow the content structure, and there appears to be sections within the development concept section which do not align with the general proposal of the application. Nevertheless, the general content would accord with the requirement set out in Paragraph 200 of the NPPF. On the basis of the application an assessment of the archaeological potential of the site and the potential impact of the development proposals on any designated or non-designated heritage assets can be undertaken to accord with the provisions of the planning law, the provisions of the NPPF and the policies within the Local Plan.

Identified Heritage Assets and level of significance		
Name	Grade Type	Level of significance
Thurnham Hall	Grade I	Significant
Kings Lee Chapel	Grade II* (listing ref: 1317926)	High Significance
Gillow Family Mausoleum	Grade II* (listing ref: 1164592)	Significant
Ellel Grange	Grade II (listing ref: 1317896)	High Significance
Redwards	Grade II (listing ref: 1071800)	High Significance
Ellel Grange Bridge	Grade II (listing ref: 1317881)	High Significance
Preston Family Mausoleum	Grade II (listing ref: 1071799)	VH Significance
Church of St Thomas and St Elizabeth	Grade II (listing ref: 1164585)	Significant
Double Bridge	Grade II (listing ref: 1362483)	High Significance
Lancaster Canal Junction Bridge	Grade II (listing ref: 1251452)	High Significance
Top Lock	Grade II (listing ref: 1071758)	High Significance
Lancaster Canal Second Lock	Grade II (listing ref: 1262781)	High Significance
Second Lock Bridge	Grade II (listing ref: 1071757)	High Significance
Third Lock	Grade II (listing ref: 1362527)	High Significance
Home Farm	(Grade II listed)	High Significance
Lancaster Canal	Non-Designated HA(s):	High Significance

5.7.9 In respect of archaeological remains within the site the applicant has reported the site has low potential. However, LCC Historic team does comment on this matter by advocating the assessment of potential for unknown archaeological remains for the spread of prehistory is an underestimate of the potential. Recent experience across the county has indicated that large scale development will frequently reveal sites that are of at least County importance and often higher. A local example is the find of a Romano British settlement site under the route of the new access road at the southern end of the Lancaster University campus, a type of site which is still exceptionally rare in Lancashire compared to many other parts of the country, and which is therefore of great local and county significance in adding to understanding of that period and that type of site. The topography of the site is similar in some respects to that of the other sites, with areas of higher land sloping down to the level of the canal and wetter areas at the lower parts of the site. The assessment of potential should therefore be considered Medium, or uncertain.

Appraisal of Heritage Impact Assessment

5.7.10 In respect of the listed buildings the applicant's historic assessment is based on four key stages which aim to identify, define, assess and explore ways to maximise enhancement or to minimise harm to heritage assets. Key viewpoints have been identified and categorised into four groups which comprise:

- Short view looking to the heritage assets and the development site
- Individual view from heritage asset to development site
- Specific views from the development site out towards or close by heritage structures.
- Long or medium distance views applicable to the development proposal and potential impact.

5.7.11 The use of views is advocated as a tool to ensure consistency and objectivity in the assessment process, which focuses on the attributes of significance of the heritage assets:

- The physical surroundings of the heritage asset and relationship with other heritage assets
- The asset's intangible associations with its surrounds and patterns of use
- The contribution made by noise and smell
- The way the view allows for the significance of the asset to be experienced

- 5.7.12 In terms of identification the assessment does include the majority of the designated heritage assets and attaches a high significance on their sensitivity. Notable absences though are Thurnham Hall (Grade I) and Lancaster Canal which is a non-designated heritage asset.
- 5.7.13 The report does consider how the contribution of setting can make to the significance of heritage assets and with each heritage assets placed into either high or very high significance. Using seven key views which focus on the heritage assets it has been advocated that the development would not impact the character, setting or significance of the heritage asset. However, the assessment seems to contradict itself by using key views to assess an impact while advocating that it must embrace all of its surroundings, in particular the immediate area from which the heritage assets can be experienced. It is considered the assessment has taken a relatively narrow approach in using specific views to consider the impact on setting of the heritage assets and reaching the view that no impact will occur on the character and significance of the heritage asset.
- 5.7.14 It is considered the proposal would undoubtedly cause a level of impact to the heritage significance of Ellel Grange, Home Farm and Lancaster Canal through its intrusive impact on the rural setting and associated designed landscape. The scale and sprawling nature of the proposal, involving clusters of lodges which would be interspersed by engineering operations to facilitate platforms, access and trails within an essentially open agricultural context, would fundamentally transform the rural character of the landscape and the setting to the heritage assets.
- 5.7.15 It is acknowledged that all details are unknown, however, there would be a strong likelihood that individual units and other structures associated with the development would still be prevalent in visual frames and the views that contribute to a heritage asset's setting. The NPPF identifies two levels of harm: substantial harm and less than substantial harm. The courts have made it clear that there is no spectrum of degree of harm within the less than substantial harm category but, as explained above, the more important a heritage asset is, the greater the weight to be attached to its preservation or the preservation of its setting, irrespective of whether the harm caused is substantial or less than substantial.
- 5.7.16 Views to and from Ellel Grange, its gardens, Home Farm and within the wider landscape would be affected. The parkland character on the approach from Garstang Road along the existing access could be greatly diminished by prominent siting of units and car parking. The new access and routing of access roads through the grounds would add further disturbance, physical change and activity. The designed landscape is also in evidence to the north of the house, where further parkland has been created by the removal of field boundaries, creation of tree clumps and the formation of terraces offering elevated views across the landscape to the north and east of the historic estate, all of which contribute to the setting of Ellel Grange.
- 5.7.17 It is acknowledged that the scheme can be inevitably designed to minimise an impact on a heritage asset and its setting. As such and taking into account the type of application which is absent in information showing the detail it is considered the effect to the designated and non-designated heritage assets would result in a less than substantial harm.

Public benefits of the scheme

- 5.7.18 The NPPF itself does not define what public benefits are for the purpose of the heritage planning balance. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF.
- 5.7.19 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.
- 5.7.20 In this instant the proposal would rest within all three objectives of sustainable development. In respect of an economic and social role, notwithstanding other parts of this report, the proposal would bring in the magnitude of £30 million in GVA and 720 FTE jobs across the district. The proposal would bring environmental benefits by delivering significant Biodiversity Net Gain (BNG),

enhancement of ecology overall and promotion of a development with extensive provision of EV charging points and the availability of electric-powered vehicles across the site thereby seeking to reduce the mark on air quality (although this is a lesser benefit given the move to more EV vehicles)

Archaeological impact

- 5.7.21 In respect of the archaeological impact LCC agrees with the applicant that there is need for further investigation and supports geophysical investigation of the areas. It has been noted that the soils, geology and climate of the county are not conducive to the identification of archaeological features. Again, on sites such as those mentioned earlier, geophysical survey results have been somewhat ambiguous with features which, on evaluation, have been revealed to be of some significance, being hardly discernible, or in some cases not discernible at all, compared to the "background" signals which are recorded on such surveys.
- 5.7.22 To ensure and safeguard the investigation and recording of matters of archaeological/historical importance to accord with the NPPF and Local Plan it is recommended that a planning condition would allow on the formulation and implementation of a programme of archaeological works. This would be taken over several phases beginning with geophysical survey and continuing through field evaluation of the known features on the site and of any potential sites or features indicated by the geophysical survey, along with investigation of areas that show as blanks on the geophysics to ensure that the results really show blanks and are not affected by quirks of geology etc. A programme of buildings analysis and recording should also be carried out on the standing structures on the site.

Heritage Planning Balance and Conclusion

- 5.7.23 It is the Local Planning Authority's duty to ensure that through careful decision making, development should maintain and manage change in a way that sustains, and where appropriate, enhances its significance. Where, as here, the harm has been assessed as is considered to be less than substantial, it is the duty of the Local Planning Authority to consider whether the public benefits of the development would be sufficient to outweigh the less than substantial harm identified. Those public benefits include the economic, educational and socio-economic benefits identified above and in the documents supporting the planning application.
- 5.7.24 Although Members could come to a contrary view, it is considered that the public benefits noted above do not outweigh the less than substantial harm relating to the designated and non-designated heritage assets. In reaching this view careful consideration has been given to the setting of Ellel Grange, Home Farm and Lancaster Canal through its intrusive impact on the rural setting and associated designed parkland landscape.

5.8 CONSIDERATION 8 - EFFECT ON AMENITY OF SURROUNDING LAND USES - NPPF Chapter 12 and 15; Strategic Policies and Land Allocations (SPLA) DPD policies; Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

- 5.8.1 This section considers the effect on non-residential land uses which are in proximity of the site. The impact on residential amenity has been discussed earlier in this report. The site covers a significant area, however, given the rural location there are limited surrounding land uses which would be affected by the proposed development. To the north are largely agricultural fields with land beyond the west comprising further agricultural fields with a farm complex. There is a small cluster of commercial uses on the southwest side of the A6 Preston Lancaster Road roundabout. However, it is considered unlikely the proposed development would have a significant effect on the commercial uses.
- 5.8.2 Home Farm is owned by the applicant. Although there is a future intention in incorporating the buildings into the scheme, this would be dealt under a separate application. For the purposes of this section, it is considered Home Farm to not be a building which requires assessment.
- 5.8.3 It is noted that a significant number of representations have been received and an individual objection in respect of the effect on Ellel Grange.

5.8.4 Ellel Grange is occupied by Ellel Ministries which is a non-denominational Christian ministry that offers two primary services to those in need of healing and training services to equip people to become more effective in helping others. The objector advocates that "...specifically, delivery of the healing aspect of their services is heavily reliant on the tranquillity of the surrounding environment, with the peaceful rural setting forming a primary resource...". It can be gleaned from the objector letter that "...it is imperative that individuals can experience the environment unhindered by disruptive noise, movement and artificial lighting and obtrusive structures..." the objector has applied focus on the 'Agent of Change' principle which is discussed at Paragraph 193 of the NPPF:

"...Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed..."

5.8.5 A noise assessment submitted by the applicant identifies that a noise monitoring location not too far from Ellel Grange has been used in considering an impact in respect of noise and movement. Although the noise assessment considers the impact of the commercial section the measured noise levels at NML2 (nearest to Ellel Grange) are relatively low and can be explained by the distance and topography between the site and the main noise source which is the M6 motorway. Using this as a form of evidence it can be construed that the background level of noise is therefore relatively low and thus would contribute towards the sense of tranquillity advocated by Ellel Ministries.

5.8.6 It is noted the nearby residential properties which are considered in other parts of this report have an acceptable impact are similar distanced to Ellel Grange from the main commercial activity (proposed marketplace and hotel). Therefore, in respect of any significant disruptive noise, it is considered that the commercial activity from the proposed marketplace and hotel complex would not likely lead to creating a significant level of noise disturbance to Ellel Grange.

5.8.7 Turning to the effect on the use of Ellel Grange given the scale of the development there would be the potential of an increase in noise and a change in character of the landscape to the areas north and east of Ellel Grange. It has been identified under the heritage section of this report that the land historically formed the parkland for Ellel Grange and has by association a historic connection with the landscape and how it was originally designed. This in combination with the low level of background noise identified by the noise impact assessment are factors which contribute towards the sense of tranquillity and the relationship the landscape has with Ellel Grange.

5.8.8 The proposed accommodation is dispersed over the application site with intervening undulations in the landform and vegetation which naturally creates buffers and can minimise sound travel. However, given the scale of the development in terms of unit number and the spread of the area it is considered that the proposal would have an adverse impact on the rural tranquillity of the area which is a contributing factor to how Ellel Grange is used for their operation. Although some parts of the site are distant, the presence of lodges and the passage of visitors passing through the site on the footpaths and trails would be prevalent in the landscape. The use of outdoor lighting and glazing of the lodges allowing the emission of light would increase their presence during the evening. The existing level and proposed planting of deciduous species would not necessarily provide all year-round screening.

5.8.9 It is accepted that a final layout of the scheme to a certain degree can be designed to take advantage of natural sound mitigation measures and possibly reduce the presence of the lodges within the site. However, given the size of the site and its relationship with Ellel Grange there is not the level of certainty if the incorporation of any further mitigation measures / structures would reduce the level of disturbance, noise and presence of the proposed leisure related activity to harmonise with the ongoing operation of Ellel Grange.

5.8.10 This application is in outline where access is to be considered. Whilst a new access is shown off the A6 roundabout the proposal seeks to use an existing access from the A6 further to the south which is also used by Ellel Grange. The access comprises an enclosed wall and railing bell mouth

bound hard surfaced which enables safe visibility to the north and south along the A6. The access then leads to a single car width tarmac finished lane that circles the southern side of Ellel Grange curtilage to then continue to Home Farm to its north. The lane passes through the southern part of the application where the access strategy for the application advocates that guests staying at the site are required to leave their vehicles on entry at the car park and either walk, cycle or use the electric buggies to access their accommodation using the lane to the different parts of the site.

- 5.8.11 The indicative masterplan does indicate that a new connection would be created by a new footbridge over the Lancaster Canal linking the car park to the areas of accommodation within the site. However, there is no certainty this would be brought forward at this stage given it may involve the agreement from the Canal and Rivers Trust under a separate approval process. As such access is considered to be mainly taken using the lane from the A6 to Home Farm.
- 5.8.12 It is unclear if the car free access strategy to the accommodation applies to visitors on first arrival or on departure days. Even if staggered there would be a significant level of activity of people arriving and leaving on particular days to coincide with for example a week's stay, long weekend or mid-week duration. Furthermore, it is unclear if this strategy would apply to all visitors given that there would be a proportion that will still require the use of a vehicle e.g. persons with disabilities. However, the arrival and departure arrangements could be secured by a planning condition through the submission of a management plan for the site which would allow further consideration of the movements of visitors either side and during their stay.
- 5.8.13 The proposed access strategy through careful management could naturally reduce vehicular movements along the track and around Ellel Grange. At this juncture it is acknowledged that vehicle movements associated with delivery and servicing would be infrequent and could be managed through the planning condition for submission of a management plan. Associated operations could also be from another part of the site to further reduce any movements around the southern part of the site.
- 5.8.14 Given the number of the proposed lodges there would still be a high degree of movement during stays. However, the use of the car park near to the A6 and encouragement with the use of cycles and electric buggies for instance would naturally reduce noise associated with motorised vehicles. Although there potentially would be high level of passing the level of noise would instead be more associated with human voices at intermittent levels rather than from vehicles. Whilst there would be an inevitable increase in noise given the low level of background noise, it is considered the difference resulting from the use of the lane would be not at a significant level to recommend refusal of the application.
- 5.8.15 Turning back to the NPPF taking into account the level of representations and the nature of the concerns it can be gleaned that Ellel Grange in its current setting is prized for its amenity value where the tranquillity of the designed landscape to the north and east contributes towards the health and wellbeing of visitors. Given the use is primarily for the improvement to health and well-being tranquillity of the landscape is considered fundamental to the operation of the organisation and its land use.
- 5.8.16 The application is comprehensively supported by virtue of being an EIA development. Nevertheless, it is relatively silent in how the proposed development is suitably mitigated to reduce its impact on Ellel Grange and the tranquillity of the landscape that contributes towards the ongoing operation of the organisation. It has been identified that the background level of noise is relatively low and cumulatively with how the landscape has been designed (due to having a previous association with Ellel Grange) would contribute towards the sense of tranquillity. The proposed development can be mitigated to reduce its impact with activity on the approaching lane to Ellel Grange, however, there remains the impact to the north and east which would have a significant impact. The proposed use of the land for recreational accommodation would increase noise and a change in character of the landscape to the detriment of the tranquillity of the area that contributes to Ellel Grange and the current use that currently operates. As such, although there are other neighbouring land uses that are not significantly affected this does not outweigh the impact to Ellel Grange.

5.9 **CONSIDERATION 9 - ENERGY AND SUSTAINABILITY** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management

(DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution) and DM53 (Renewable and Low Carbon Energy Generation)

- 5.9.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.9.2 Information regarding how the application will address energy and sustainability matters has been provided in support of the application within an Energy Statement. Local Plan policy does not set a standard for reduction merely that opportunities are seized. To reduce energy demand on site it is proposed that residential and commercial buildings meet if not exceed by 20% Building Regulations Part L. The Energy Strategy further advocates that a suite of measures would be implemented to reduce carbon emissions from the site. These range from energy-efficient building fabric to ground and air source heat pumps, low-voltage electrical distribution, a combined heat and power plant supplied by green fuel, the use of solar PV, and mechanical ventilation heat recovery.
- 5.9.3 The climate change chapter (Chapter 11 of the Environmental Statement) goes further by setting out mitigation measures to reduce greenhouse gas emissions including sustainable re-use of soil and aggregate won from the excavation; the use of materials with lower embodied carbon, and procuring locally sourced materials where practicable; and also through construction management, such as monitoring fuel use and the efficiency of vehicle movements, etc.
- 5.9.4 It is therefore considered that the proposal complies with Policy DM30 and DM29 in relation to sustainable design.
- 5.9.5 It is a key theme of the NPPF that developments should enable future users to make 'green' vehicle choices and explicitly states that low-emission vehicle infrastructure should be provided. The Transport Assessment states at Paragraph 3.12 that "...appropriate levels of standard, accessible, EV and cycle parking will be provided for the scheme in line with local and national policy guidance..."
- 5.9.6 Planning Advisory Note 5 (PAN) provides guidance over the implementation of Policies DM29 and DM31 of Lancaster City Council's Development Management DPD, particularly in relation to how the Council will seek to encourage and promote the role of providing charging points for electrical vehicles within new development. For developments with greater than 50 bays as in this case the provision for EV parking should represent 4% of the total provision.
- 5.9.7 Given that layout has been reserved for a subsequent submission the details of the number of EV charging points and locations are unknown at this stage. Although there would be a significant level of infrastructure required given the size of the site and amount of accommodation a high proportion of visitors would be arriving by car. The access strategy requiring visitors to use the car park and for the site to be relatively car free does allow EV provision to be properly incorporated and sited within the scheme to serve the maximum number of arriving vehicles. The level of provision can be secured by planning condition which will ensure charging points are conveniently placed, have acceptable level of provision which would minimise the extent of infrastructure required across the site.
- 5.9.8 On this basis, it is considered that the development is in line with Policy DM29 Key Design Principles and Policy DM31 Air Quality Management and Pollution.
- 5.10 Consideration 10 - Air Quality impact - Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution)**
- 5.10.1 The majority of the application site is outside of an Air Quality Management Area. There is a slight encroachment in the north-eastern area of the site between the canal bridge and the A6 roundabout. The Environmental Statement at Chapter 9 is in regard to air quality.

- 5.10.2 Policy EN9 and DM31 expect developments adjacent to AQMAs to not contribute to increasing levels of air pollutants within the locality and protect from the effects of poor air quality. DM31 takes a step further by requiring that a development demonstrate how either on site or off-site mitigation measures will be put into place to reduce the air quality impact. Lancaster's Low Emissions and Air Quality Planning Advisory Note 11 sets the parameters. Proposals should contribute towards delivering the actions detailed within the Lancaster District Air Quality Action Plan, once in place.
- 5.10.3 NPPF Paragraph 180 advocates that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. Paragraph 192 states that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 5.10.4 The ES's air quality assessment baseline was on 18 residential properties that were due south, east and north of the site with a section focusing in on the AQMA. The properties north of the site fall within the Galgate AQMA. The assessment was based on the construction and operational phases of the proposed development identifying and evaluating the likely significant effects which then set out the mitigation measures. The effect and further mitigation measures to the AQMA finalised the assessment.
- 5.10.5 The undertaking of activities such as excavation, ground works, cutting, construction, concrete batching and storage of materials has the potential to result in fugitive dust emissions throughout the construction phase. Vehicles movements (trackout) both on-site and on the local road network also have the potential to result in the re-suspension of dust from haul roads and highway surfaces. The magnitude of potential dust emissions from construction and earthworks is therefore large. The significance of the effect however is considered to be low or negligible.
- 5.10.6 The mitigation measures for the construction phase is for a Construction Environmental Management Plan to be produced to control the potential impacts.
- 5.10.7 In respect of the operational phase given the negligible conclusion of the impact no mitigation was necessary under the EIA Regulations. However, given the encroachment into and the presence of the AQMA further mitigation measures have been advocated to accord with the Lancaster Low Emissions and Air Quality Planning Advisory Note.
- 5.10.8 The development would be classified as a Type 3 site (large sites which have a potential to generate and even higher levels of traffic and pollution which pose a specific risk of more directly impacting existing areas of poor air quality) in accordance with the PAN. The mitigation advocates which is anticipated to encourage access by sustainable transport measures and further minimise air quality impacts throughout the operational phase:
- Production and implementation of a Travel Plan;
 - A Travel Plan Co-ordinator (TPC) will be appointed two months prior to occupation to co-ordinate the implementation and review of the Travel Plan;
 - A Travel Pack will be prepared by the TPC prior to occupation and issued to all operators and staff.
 - Following initial occupation, the travel pack will be regularly updated and re-issued accordingly;
 - Information on local walking and cycling routes will be provided to staff in the travel pack and staff and guests on the travel page of the website and at the Tourist Information point;
 - Promotion of local and national travel campaigns including changes to public transport services;

- Guests will be required to leave their vehicles on entry at the car park and either walk, cycle or use the electric buggies to access their accommodation, creating a car-free circular route around the site;
- Provision of secure cycle parking and EV charging facilities in line with the appropriate guidance;
- The site will be served by a bike hire scheme that can be used by both staff and guests to travel around the site, and for guests to travel off-site;
- Promotion of the Liftshare car sharing database;
- Provision of a shuttle bus to provide connections to Lancaster City Centre and the train station;
- Two existing canal bridges will be improved to allow connections across all areas of the site and improve access to the canal towpath;

5.10.9 It is noted that Environmental Health raise no objection in principle to the proposal in respect of the effect on air quality and agree with the mitigation measure proposal to include a planning condition to require a low emission strategy be submitted and approved before first use of the development.

5.10.10 It is therefore the application satisfies the effect on air quality and the impact on the AQMA.

5.11 CONSIDERATION 11 - CONTAMINATED LAND - Development Management (DM) DPD policies DM32 (Contaminated Land) and DM57 (Health and Well-Being).

5.11.1 Paragraph 189 of the NPPF advocates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and risk arising from contamination.

5.11.2 The proposed use of the land would result in future users of the site being sensitive to any ground contamination. As such a Phase I Preliminary risk Assessment has been submitted to support the application. Based on the findings of the Phase I review, the Investigations do not consider there to be any identifiable significant environmental issues regarding the site except in certain isolated areas. The review recommends the commission of a Phase II PRA Ground Investigation which would allow the design of foundation solutions to be considered.

5.11.3 Taking into account the past use of the site it is agreed that it is unlikely that contamination will be present in the ground except in certain isolated areas. It is noted that Environmental Health and the Environment Agency raise no objection in principle to the proposal.

5.11.4 Paragraph 194 of the NPPF states that planning decisions should be on whether a proposed development is an acceptable use of land, rather than the control of processes or emissions. To ensure the safe development of the site it is considered expedient to recommend planning conditions for an investigation to be undertaken and if any contaminants are found to secure the remediation of the site to the satisfaction of the Council's Environmental Quality section who would appraise the detailed information.

5.11.5 It is considered the ground conditions can be adequately assessed through a Phase II investigation and any remediation secured by way of condition which would make the development acceptable in respect of Policy DM32.

5.12 CONSIDERATION 12 – MEANS OF SITE DRAINAGE - NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 159-169 (Planning and Flood Risk); Development Management (DM) DPD DM34 (Surface Water Run-off and Sustainable Drainage)

5.12.1 DM DPD Policy 34 expects that development proposals to use Sustainable Urban Drainage Systems in accordance with the Surface Water Drainage Hierarchy. Alternatives will only be permitted where it has been demonstrated to be inappropriate or impracticable.

5.12.2 A drainage strategy accompanies the planning application to adhere to DM34. Unsing the SuDs hierarchy it has been identified:

Drainage Method	Applicant comments
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Infiltration to ground	Due to the underlying clay ground conditions, it is not practical to provide infiltration for the proposed development using soakaways or permeable paving
Discharge to suitable water course	There are numerous water courses and drainage ditches located on the site and adjacent to the site. There are also 2 canals available to discharge into.
Discharge to a surface water network	Disposal of surface water drainage into a surface water sewer is not currently available for this site
Discharge to a combined sewer network	No combined sewers located on or adjacent to the site. Therefore, discharge of surface water into a combined sewer is not available for this site.

- 5.12.3 It is proposed to provide a SUDS drainage system utilising a combination of swales, ponds / detention basins, permeable car parking and attenuate surface water runoff whilst discharging runoff to existing features (ponds, drainage ditches, canals and watercourses) at greenfield runoff rates commensurate with the existing sub drainage catchment greenfield runoff rates.
- 5.12.4 It is considered that the application has demonstrated compliance with DM34 by analysing the different means of drainage methods. With the imposition of a planning condition to ensure the runoff rates remain in such a manner to maintain current green field runoff rates the means of drainage is considered acceptable.
- 5.13 CONSIDERATION 13 - FOUL WATER - NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 159-169 (Planning and Flood Risk); Development Management (DM) DPD policies DM35 (Water Supply and Waste Water);**
- 5.13.1 DM DPD Policy 35 states adequate water supply, surface water drainage, foul drainage and sewerage treatment capacity must be available to serve all new development. It is advocated that new development must demonstrate adherence with the National Planning Practice Guidance in relation to the hierarchy of provision of sewerage infrastructure, firstly via connection to the public sewer, secondly via a package sewerage treatment plan and lastly via the provision of a septic tank.
- 5.13.2 The applicant's drainage strategy acknowledges there is no foul drainage on or adjacent to the site to facilitate a gravity foul drainage network to serve the site. This has been supported by the consultee comments from United Utilities where it has been confirmed that there are no wastewater assets in the area and off-site main laying will be required if a water supply is intended to be supplied by United Utilities. The drainage strategy advocated a package sewerage with no demonstration of the reason not to connect to a public sewer. Given the nature and scale of the proposal this would have the potential of a significant impact on infrastructure, especially when considering there are commercial arms to the proposal with the significant number of lodges that would be occupied all year round.
- 5.13.3 The applicant provided further information in response to the EIA Regulation 25 letter which included a Foul Drainage Viability Statement that assessed a scheme for providing foul water drainage connecting to the main sewer and then comparing that scheme with a scheme for providing privately owned and maintained package treatment plants.
- 5.13.4 The viability statement states that the location of the nearest available public sewer in Galgate which is a 225mm diameter combined sewer and discharges into a pump station located to the north side of the Cricket Ground. To connect the proposed development to the existing mains sewer an approximate length of 1025m of new sewer is required to be laid in the A6 running from the entrance to the site to the nearest mains sewer in Galgate. The viability statement also draws attention that three pumps would be needed to cater for the development and that additional complications are the existing canals that effectively cut off the western part of the site. To cross the canal with the foul drainage we will require consent from The Canal and River Trust to allow the drainage to flow over or under the canal.
- 5.13.5 To make a comparison the statement sets out two scenarios of providing an adoptable drainage network and a private package treatment system. The projected cost of installing a system to connect to the public sewer would be circa £1,308,357 compared to the cost of £713,651 for a

package treatment system. Whilst there is a significant difference the costs however have to be put into context of the scheme and if they can be considered as justification of not connecting to a public sewer in terms of the sewerage hierarchy to satisfy DM35 and the relevant provisions of the NPPF.

Development Zone	Adopted Drainage costs	Packaged Treatment Costs
Zone A 2023	827957	80027
Zone B 2024 – 2025	203400	98477
Zone C 2026 – 2028	277000	258168
Zone D 2027 – 2029	Nil	Nil
Zone E 2026 – 2029	Nil	98476
Zone F 2029 – 2031	Nil	178503

- 5.13.6 A negative cash flow is shown within the viability statement for implementing the adopted drainage option (2023 – 2031).
- 5.13.7 It is considered taking the engineering operations and the cost of installing an adoptable drainage system into account it has been demonstrated that the upfront cost would affect the viability of the scheme. This is considered sufficient to demonstrate why the site cannot be connected to a public sewer in the first instance.
- 5.13.8 It is proposed to provide a series of packaged wastewater treatment plants that will treat the foul water on site before its discharge into a suitable water course, pond, swale or reed bed. This can be secured by planning condition to ensure that the scheme is acceptable.
- 5.13.9 It is therefore considered, taking into account the Environment Agency’s revised position by removing their objection, that the application has demonstrated why the site cannot be connected to a public sewer thereby adhering to the National Planning Practice Guidance and DM DPD Policy 35. With the imposition of a planning condition the scheme is therefore acceptable in terms of the disposal of foul water infrastructure.

5.14 CONSIDERATION 14 – OTHER MATTERS - OCCUPANCY OF FUTURE UNITS

- 5.13.1 The application site is in the open countryside where residential development is considered inappropriate unless there are material considerations which suggest otherwise. The proposal is for residential development, however, for holiday accommodation purposes where it would be expected that occupancy would be on a transient basis throughout the year. DM DPD Policy 52 does advocate that whilst the Council will seek to regulate the duration of opening of caravan sites (including chalets, camping pods and lodges) it is sympathetic towards proposals extending opening seasons to year-round accommodation.
- 5.13.2 The NPPG and NPPF direct that planning conditions should only be imposed where they meet the six tests, namely being: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. It is noted that forms of tourism accommodation operate restricted seasons by virtue of planning conditions, this can result from factors such as flood risk mitigation, to previous planning policies.
- 5.13.3 The proposal principally would comprise holiday accommodation of differing size and occupancy number. Given the scale of the development, the envisaged facilities which would be on site, how the application has been supported with documentation and the proximity to locations outside of the site it would be reasonable to take the view that the site would be a year-round destination. Furthermore, the longer period would maximise the business potential and tourism market which is supported by Paragraph 88 of the NPPF.
- 5.13.4 To ensure that any of the units would not be of permanent residence and to meet the six tests it is considered a condition to require a register with details of the occupant(s) including their place of permanent residence be kept by the applicant and produced at the request of the Local Planning Authority. This would allow year-round holiday use of the site whilst ensuring none of the units are occupied on a permanent residential basis. The proposed condition would also ensure any subsequent breach of condition / tenure of lodges can then be readily enforced.

6.0 PLANNING BALANCE

6.0.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for the Lancaster District comprises:

- Part One: Strategic Policies and Land Allocations DPD
- Part Two: Review of the Development Management DPD

6.0.2 The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

6.0.3 There have been a number of objections to the scheme as detailed within previous sections of this report by local residents and these objections have been given due consideration and weight in the overall planning balance.

6.0.4 The presumption in favour of sustainable development means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 8 identifies that there are three dimensions to sustainable development; namely economic, social and environmental. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Furthermore, to achieve sustainable development, economic, social; and environmental gains should be sought jointly and simultaneously. The following sets out the positive weight factors using the three dimensions as a guide:

An economic role

6.0.5 NPPF Paragraph 8 refers to the economic objective for planning to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

6.0.6 Even taking the factors into account which could affect the applicant's advocated benefit the proposed development would still represent an economic benefit to the local economy in regard to the construction stage and during its operation. The economic benefits of the development are considered to be both significant and tangible and weigh in the favour of the application.

A social role

6.0.7 NPPF Paragraph 8 advocates the social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

6.0.8 The proposed development would provide a source of employment, advocate independent businesses diversifying in arts and crafts enabling links with educational institutions to foster the community social and cultural well being through collaborative learning using the facilities within the proposed development and its supporting ethos. This would weigh in the favour of the application.

An environmental role

6.0.9 NPPF Paragraph 8 advocates the environmental objective is to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.0.10 It can be determined that there would be a level of visual loss of the on-site features. However, on the basis of the information, there would be a level of significant compensatory planting which would balance the amount of loss in quantitative terms.

- 6.0.11 It is considered in combination with the mitigation matters discussed earlier in this report that can be secured by planning condition the appropriate assessment concludes the proposal will not result in adverse effects on the integrity of any of the designated sites. The proposal satisfies the HRA Regulations. In terms of onsite mitigation, the proposal is sensitively guided in protection and enhancement of habits and species. The approach enables the opportunity to mitigate impacts through good design guided by robust planning conditions and the advice of GMEU. The proposal would result in significantly exceeding the minimum 10% biodiversity uplift signposted in the Environment Bill. This attracts significant weight in the balance.
- 6.0.12 It is considered the site is in an accessible location. Although guests would arrive by car given it is a tourist resort, other modes of transport are available which can be encouraged to be used through implementation of a Travel Plan. The proposed development's quantum has been considered by National Highways and the LHA where through a combination of financial contribution and planning condition it is considered there would not be a significant adverse effect on the highway network and highway safety. The scheme promotes car free movement within the site. However given the lack of public transport options the private car will be the only real form of transport to the site.

Factors against in the planning balance

- 6.0.13 As previously acknowledged it is not uncommon for such recreation and holiday related developments to be located within both urban and countryside without causing detriment to the character of such an area. There are recreational activities associated with the canals passing through and bordering the site, they do not detract from the rural and essentially peaceful experience obtained, a contributing factor to the landscaped being valued and experience of the relationship between Ellel Grange and the parkland setting to the north. Furthermore, it is considered the proposal would undoubtedly cause a level of impact to the heritage significance of Ellel Grange, Home Farm and Lancaster Canal through its intrusive impact on the rural setting and associated designed landscape. Taking into account the scale and intensity of the built form proposed, in view of the consequences to the views of the site from the canal, the intertwining public footpaths across the site and the designed landscaped associated with Ellel Grange, would cause serious harm to the attractive rural tranquil character and appearance of the site; and that this would severely detract from the visual amenity to result in a less than significant impact on the designated and non-designated heritage assets and their settings. As such negative weight has been applied to the effect of the change to the valued landscape and the heritage assets.
- 6.0.14 It is the Council's conclusion that the sequential test in respect of flood risk is not passed, and the development should accordingly be refused. Very substantial weight to the conflict with these flood risk policies contrary to both local policy and the NPPF, noting the Framework's indication that development proposals should be refused where these tests are not met.
- 6.0.15 Given the scale of retailing to be provided it is unclear of its role between being a destination in its own right and it being a part of the holiday village. It is not clear that any element of the proposed development is intrinsically linked to another i.e. between leisure uses, marketplace and hotel. It is therefore considered that disaggregation should be taken into account in the application of the retail sequential test. As no sequential test has been undertaken negative weight has been applied to the balance. Furthermore, it is noted that the NPPF's indication that development proposals should be refused where this test has not been met (Paragraph 95).
- 6.0.16 This is an EIA application where it is incumbent on the LPA to take account of the environmental implications of development in their decisions on planning applications. Paramount is to ensure development does not compromise public safety. The North West Ethylene Pipeline (NWEP) is a major hazard running through the central section of the site on a north east and south west axis. Notwithstanding the difficulties with the conditions proposed by HSE it is simply unclear how the proposal could be developed at the level proposed or even at the lower quantum without a risk to public safety. As such negative weight has been applied to the planning balance.
- 6.0.17 The positive and adverse impacts of the proposed development have been carefully considered, assessed and weighed. Ultimately it is considered the impacts outweigh the benefits of the scheme. It is considered that while some of the impacts associated with the proposed development can be

mitigated through the use of planning conditions and obligations, the overall balance is tipped against the proposed development.

7.0 Conclusion

7.0.1 The role of the LPA is to objectively determine a planning application in accordance with the Development Plan unless material considerations suggest otherwise and with what is before them.

7.0.2 Overall, for the reasons above the application is on balance not consistent with the Local Plan and on the basis there are no material considerations to suggest otherwise, it is recommended to Members that the development is refused.

8.0 RECOMMENDATION

8.0.1 That Outline Consent **BE REFUSED** for the following reasons:

Refusal reasons	
1	<p>The site is crossed by the Northwest Ethylene Pipeline which is a 10" steel, High Pressure (90bar) Ethylene Pipeline and is designated as a Major Accident Hazard Pipeline. The mitigation advocated by the applicant and the measures proposed by the HSE would not meet the tests of a planning condition in respect of relevance, precision and enforceability to make the development acceptable and ultimately safe for the public. Given the significant reduction in lodges required (either resulting from a standard or thick wall pipeline) in the pipeline's easement the restrictive condition could make the development permitted substantially different from that described in the application and inadvertently would be at odds with the parameter plan that accompanies the application. The option for the realignment or upgrade with an enhanced thickness would be difficult to control through a condition as it has not been possible to understand the full extent of works required to undertake the enhancements. Furthermore, the outdoor spaces, such as picnic areas and play areas, would have unfettered access and given the size of the safety zones would make it difficult to monitor activity and the number of people using these spaces at any one time. Although any new alignment or alteration to the pipeline falls outside of this application the mitigation of such still remains the consideration of this application in respect of public safety. Given the difficulties in applying a planning condition either advocated by the applicant and/or the HSE to address their criteria the proposed development is considered to be exposed to a significant public safety risk. The development is therefore contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management Policy DM29.</p>
2	<p>The proposed development is located within a valued landscape that has a close historic association between Ellel Grange and the designed parkland alongside the Lancaster Canal that forms an important green space network in the district. The character of the area is verdant, open, rural, and tranquil providing a peaceful retreat along the canal from the urban area. The proposal for recreation and commercial uses fails to preserve the open nature and character of the area resulting in a significant harm to the landscape character of the site, the visual amenity of the area, setting of the Grade II Listed Ellel Grange, the historically designed parkland setting and the value and integrity of the canal corridor as an important green space. Consequently, the development would significantly reduce the extent and function of this valuable landscape and would fail to improve the amenity and character of the canal corridor in this location. Furthermore, it is considered there to be insufficient public benefits to outweigh the less than significant harm to the designated and non-designated heritage assets with regard to their settings. Accordingly, the proposed development is considered contrary to paragraphs 135, 180, 205, 206, 208 of the NPPF and policies SP7, SP8, EN5, SC4 and T3 or the Strategic Policies and Land Allocations DPD and policies DM1, DM29, DM39 and DM46 of the Review of the Development Management DPD.</p>
3	<p>It has not been adequately demonstrated that the components of the proposed development are intrinsically linked and are mutually dependent on one another. The purpose for establishing a functional link is to support the notion that all the elements proposed within the proposed holiday village are inter-dependent and would not succeed in their own right if one or more elements were taken out. A sequential test has been undertaken; however, it has considered the development as a whole, not as separate component parts. In such absence of the scheme shown to be intrinsically linked and are</p>

	mutually dependent the sequential test has not demonstrated that there to be no sequentially preferable sites for retail, hotel and leisure uses available within the town centre, edge of centre or locations close to the town centre that would protect the vitality and viability of Lancaster and nearby centres. In the absence of an acceptable Sequential Test, the proposal conflicts with Paragraphs 91 and 92 of the National Planning Policy Framework, A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management Policy DM16, DM22 and DM23.
4	The application site is within flood zone one, two and three. The applicant has submitted a Flood Risk Assessment which has not identified that the site is subject to other forms of flood risk, namely surface water and groundwater. The applicant has failed to demonstrate within the application that there to be sequentially acceptable sites which are not subject to a risk of flooding from all sources of flooding to enable the Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As such the proposed development would be contrary to the National Planning Policy Framework, Development Management (DM) DPD Policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

Background Papers