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*A not-for-profit community group defending the natural environment
and the local community from the threat of inappropriate development.*

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Mr M Evans,
Head of Planning,
Fylde Borough Council,
Town Hall, Lytham St Annes,
Lancashire,
FY8 1LW# #
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Dear Sir

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Fylde Borough Council: Planning Application No: 08/0058

*Outline planning application by Kensington Developments for the
development of 1150 dwellings, provision of a 1.1ha school site, and
road system, together with a 34ha area of parkland.*

1. GENERAL COMMENTS

1.1. LAYOUT

- 1.1.1. Because of the prolonged timescale from receipt to activation of the application, much of the earlier information deposited by the developer is predicated on proposals that have since changed, and in some cases on proposals that no longer exist. *(For example, the proposed 'Deer Park' has recently been removed).* It follows that proposals in reports that were submitted before these changes are now out of date. This makes it difficult for us, and no doubt the Council and others, to ensure we are providing cogent and accurate comments.
- 1.1.2. We note the layout plans have changed considerably from those displayed at Kensington's public exhibition nine months ago, and those originally submitted with the application.
- 1.1.3. The most recent layout drawing is described as '*Illustrative.*' It could be nothing more, because this is an outline application *(which also includes means of access and change of use).*
- 1.1.4. The artists' illustrations show residential use in a particular location, but the application is for outline planning permission to develop "*land south of Queensway*" for "*1150 dwellings, provision of a 1.1Ha school site and a 34ha parkland.*" The planning application form submitted by the

applicant seeks approval only for change of use and means of access. This means that approval of any layout, scale, external appearance, landscaping, new building etc is not part of this application.

1.1.5. It follows that although councillors may be encouraged into the belief that features such as housing and parkland will be provided in particular locations, the illustrative layout submitted need have no relationship to any eventual layout, and we urge the Committee not to have regard to the artists' impressions of what may, or may not, be the eventual layout.

1.1.6. The area for which permission is sought is set by the site boundary on the location plan. This shows the site to encompass both green belt and the floodplain areas.

1.2. DATA INTERPRETATION

1.2.1. We were surprised the Council allowed the developer to select and engage their own consultants to provide supporting information knowing the Council does not have the in-house skills to interpret the more specialist and technical parts of it.

1.2.2. We believe it would have been better for the Council to require the developer to fund the Council's own choice of independent consultants to offer unbiased advice to Councillors. In view of this we urge the Council to consult widely with, and to have serious regard for, the views of respected environmental, flooding and biodiversity organisations whose expertise may be able to supplement that available in-house.

1.2.3. We note that considerable data has been provided in support of the application. Some of this is inaccurate. Some contains thinly veiled support for the scheme based on subjective opinion that is interwoven with data claimed as fact, and thus risks presenting a distorted perspective.

For example, the 'Professional Sustainability Report' concludes that Queensway is the most sustainable of sixteen sites 'evaluated'.

Whilst superficially this report appears to be based on statistical evaluation, it not the objective analysis it purports to be. It has flaws in several aspects, vis:

- APPROACH
 - It is prepared by the developer's agent and is not impartial.
 - The objectives appear to be draft versions.
 - Only 54 of 61 sub-objectives have been selected for use as evaluation criteria.
- PROCESS
 - There has been no weighting or attempt to balance competing objectives. Consequently this has produced misleading scores.
 - There is insufficient quantitative analysis.

- FINDINGS

- Section 8.10 accepts that the Kensington sites score highly because they have a high level of detail worked up and other sites have fewer details known about them.
- On the Wyndyke Farm comparator site for example, 30 out of 54 sub objectives score as 'don't know.' Likewise the Peel Hill site has 29 of 54 sub-objectives scored as 'don't know.'

To illustrate the problems this causes, consider the sub-objective '*Reducing the fear of crime.*' The surveyors had limited or no knowledge of any plans for the comparator sites they selected, and have mostly scored them only as 'average' whilst the Kensington sites (where they claim a plan to install CCTV) - scores more highly.

If it were known that other sites might also have plans for CCTV installations they too would have scored higher than average, and the result would be different.

This inappropriate approach to scoring is not an isolated instance. The misapplication of what is subjective data in this way is rife throughout the Sustainability Report. More details of our concerns regarding this report are provided in Appendix A (attached).

- 1.2.4. We have also found inaccuracies and omissions in other reports provided by consultants engaged by the applicant. For example the applicant has issued conflicting drawings showing the position of the St Annes Link Road as being both inside and outside the application site boundary

1.3. ENVIRONMENTAL / ECOLOGICAL CONCERNS

- 1.3.1. During any construction phase, resident wildlife will be affected. A proposed ecology park to occupy part of the site will take several years to mature, and there will be a very long period of construction over several years. Even the ecological report notes "*Much of breeding habitat would be lost during construction*". No assessment is given as to the long-term impact on individual priority species and whether they will return or recover to current breeding values. We believe the applicant should be required to evaluate the long term impact and threat that the construction phase poses to priority species, and should demonstrate the specific measures that will be put in place to mitigate these works.

- 1.3.2. Mitigation measures: We recognise that some of Fylde's environmental policies prohibit approval if an application would contravene them. Others seek to put mitigation measures in place where damage might arise. For example EP19 Prohibits development that would have an '*adverse impact*' on scheduled species, but where the development would only '*affect*' them, EP19 seeks to put appropriate mitigation measures in place.

We have examined the mitigation measures proposed by the developer and we believe some are being inappropriately claimed in circumstances where a prohibition applies. In other instances the measures are not adequate to meet Fylde's policy criteria. Whilst the ecological report appears detailed and comprehensive, it has flaws. For more details please see Objections 29.1 to 29.13

We take this opportunity to counsel against relying on the claimed effectiveness of mitigation measures as a justification to approve the application as being compliant with policy.

1.4. GENERALISED FLOODING CONCERNS

1.4.1. The term 'Flood zone' defines man-made or natural areas with potential to be inundated by rivers or the sea having burst their normal constraints. We are concerned that quite separately from the effects of rivers and sea, the drainage ditches, dykes and streams throughout the application site - that also carry drainage water from the Marton Mere area of Blackpool - could themselves become a source of localised flooding (*The Main Drain all across the moss was categorised as a FloodWatch watercourse by the Environment Agency W/c 21 January 2008*). This threat exists not only to the detriment of potential and future residents, but to existing residents of surrounding areas. There is considerable overland and ground water flow from St Annes to the proposed Queensway site which could be further impeded by such a development. Many residents already experience drainage impedance at times of heavy rainfall.

Householders may be affected in other ways - for example:

- Non-concussive, augured pile foundations may not be feasible due to the necessary piling depths, and a dense system of concussive piles could cause deep sub-soil compaction and further restrict sub-surface water flow. This would affect the existing water table which, in turn, will influence structures built over it. The likelihood is that some areas will experience drying out while others will be surcharged through a diversion of the sub-surface water course.
- The flow of underground reams is unclear. For example, reams were built-over during the bungalow developments at Singleton Avenue. Apart from the visible section remaining in the centre of the Shepherd Road allotments, these reams have never been maintained and are generally ineffectual. Given the degree of subsidence that is evident in the majority of St Annes buildings, we believe we should be more cautious about our approach to the water table on such land.
- We wonder who will maintain another sub-surface drainage system under the new development, and who will pay for this.

1.4.2. We refer later in our objection to efficacy of the Dock Road Pumping Station built ten years ago. We question the effectiveness of this scheme and its ability to cope effectively with the present and future drainage flow through this system. The pumps are vulnerable to sea inundation and river flooding due to their coastal location. Hull - similarly placed on the Humber - also relied on a pumping station which subsequently failed in last year's flood events.

*Having considered documentation submitted with the application, and the issues it raises, we wish to object to the application, and urge the Committee to **REFUSE** it for the following reasons.*

DEVELOPMENT POLICIES

2. The application site is outside the 'Limit of Development' of Lytham St. Annes as set out on the proposals map. Policy SP1

This site is outside the Lytham St Annes Limits Of Development (SP1) as defined on the Proposals Map. The designation of a 'limit of development' is the foundation on which the whole of Fylde's overarching policy of urban concentration rests. The purpose of SP1 is to constrain development within the boundary. It should be respected.

We accept that the recently adopted Interim Housing Policy is a material consideration to residential applications such as this, but nothing within this policy allows development outside the existing settlement boundaries of the towns.

Policy SP1 (together with policies SP2 and the IHP) are intended to promote sustainability by restraining development and protecting the countryside for its own sake. We argue they provide sufficient justification to block this development.

3. The application site includes development within the 'Green Belt' as defined on the proposals map, contrary to Policy SP3 of the Local Plan and Policy 6 of the Lancashire Joint Structure Plan.

Whilst this application and associated illustrations of what the applicant might develop if permission is granted, it nevertheless remains an outline application, with layout, and all other decisions except change of use, and means of access to the land, to be determined by subsequent application. The 'illustrative' masterplans and layouts are therefore of no consequence to this application, and the only plan of relevance is that which designates the site boundary and the means of access.

About half the application site is green belt land. Green Belt designation exists to limit the extension of built up areas and to prevent urban areas from merging into each other. It also exists to safeguard the countryside from encroachment. Green Belt land is characterised by its permanence. Fylde has only four green belt areas of which this is one. Green belts are defined in the Lancashire Structure Plan (Policy 2) and Government advice is that once defined, Green Belt boundaries should not be changed unless alterations to the Structure Plan have been approved or other exceptional circumstances exist which necessitate such revision. No such alterations have been made to the Structure Plan and we believe there are no exceptional circumstances which would warrant a major revision to existing Green Belt boundary.

There is a strong presumption against inappropriate development in the Green Belt - over and above that which normally applies within SP2 countryside areas, and such developments should not be approved except in very exceptional circumstances - none of which are justified in this application

4. The application site would destroy good quality farmland and constitute a departure from local plan Policy EP22.

Agricultural land is classified by quality and versatility on a scale of one to five, with one being the best. Fylde has no Grade 1 (*“Excellent”*) land.

The application site comprises mostly Grade 2 (*“Very Good”*) agricultural land with a narrow band of Grade 3 (*“Good to Moderate”*) land near to the existing road. There is no Grade 4 or 5 (*“Poor” or Very Poor”*) land within the application site. (*Source: England Rural Development Programme: North West Region Agricultural Land Classification - MAFF*)

Policy EP22 requires that development is not permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) *“where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas, or on poorer quality agricultural land.”* There is a great deal of poorer quality agricultural land in Fylde.

Furthermore, its Soilscape Classification shows it comprises three types. It is mostly Class 23 (*Loamy and sandy soils with naturally high groundwater and a peaty surface*) and Class 27 (*Peat and fen soils*). It also has a small pocket of class 18 (*Slowly permeable, seasonally wet slightly, acid, but base-rich loamy and clayey soils*). As such it is one of the last remaining examples of highly productive mossland soils still available for agriculture in Fylde, and as such we argue a change of use is wholly inappropriate.

5. The application site is within an area defined as ‘Countryside’ by the adopted Local Plan, contrary to Policy SP2 of the Local Plan and Policy 5 of the Lancashire Joint Structure Plan.

The site is protected from development in the adopted Fylde Borough Local Plan because of its designation as a Countryside Area and part Green Belt. None of the exception policies of SP2, even the 'minor use' exception applies. The need for strict control of development in open countryside is fundamental to the policy of urban concentration, and to protect the character and value of countryside areas from built development. It chimes with the objective of sustainable development, and Government's policies of safeguarding the countryside for its own sake and to retain non-renewable and natural resources.

There is recent precedent for refusing this application. At its meeting of 19th November 2008, the Development Control Committee refused permission for Application 08/0825 - a proposal to develop 12 houses on an industrial site in Treales where only 83% of the site was outside the settlement boundary in defined countryside. In refusing that application, the Council cited Policies SP2, HL2, HL3, all of which are of equal relevance in the Queensway application.

Even more relevant is the precedent set by Application 08/0667 – a single dwelling to replace a mobile home on adjoining land on Division Lane – was refused because it was covered by Policy SP2 and not for use in agriculture, horticulture, forestry or other use appropriate to a rural area. The Council claimed that to allow development would result in an unwarranted precedent for the proliferation of further permanent development. Whilst application 08/0667 is currently the subject of an appeal, it is clear that the Council's policy requiring the refusal of a single property on this land should see an application for 1,150 properties in designated countryside resisted with even greater vigour.

6. Development of this site would contravene Policy SP10

The proposal is contrary to the provisions of Policy SP10 of the Fylde Local Plan which required permanent dwellings erected within a countryside area to be needed for the purposes of agriculture or horticulture or forestry. If allowed, this development would create an unwarranted precedent for the erection of further dwellings without a proven need which the Council would find difficult to resist and which, on a cumulative basis would be detrimental to the character and quality of open countryside

7. The site is not immediately available for development as defined in PPS3

The site is not in accordance with PPS3 because it is neither available, deliverable nor achievable. PPS3 requires that to be considered deliverable, sites should:

- o Be Available – the site is available now.
- o Be Suitable – offering a suitable location for development now.
- o Be Achievable – with a reasonable prospect that housing will be delivered on the site within five years.

We recognise the site may be in one ownership and in the hands of a willing developer but as set out, it is not developable without significant investment in the highway infrastructure. The developer does not own or control the adjacent land which is necessary to develop the highway infrastructure to access this site in order to implement their preferred concept, nor is the 'highway land' available for compulsory purchase without a planning permission to construct the highway. There is no extant planning permission for the highway.

The time required to obtain a planning permission for the highway and to complete the compulsory purchase arrangements for land – for which the developer admits he is unable to agree terms - mean the site is not available now, and there is no prospect that housing could be delivered on site within five years. The potential for imminent development is further even reduced by the applicant's own description of the "cataclysmic trading conditions" they are currently encountering. (*para 7.6 page 18: supporting Statement produced by NAI Erinaceous, and Supporting Planning Document - letter from Mr. Hawe, 30 Sept 2008*).

8. The application fails to meet many of the objectives of the recently adopted Interim Housing Policy (IHP), particularly the requirement to provide 30% affordable housing

Fylde's recently adopted Interim Housing Policy sets the baseline for the provision of 'Affordable Houses' as part of its drive to build mixed or balanced communities in the future. Whilst we dispute the basis on which the 'need' for affordable housing has been assessed, and we deplore the dichotomy it created when the alleged number of 'affordable houses' exceeded the overall number of houses required in the Local Plan, we recognise the Council's right to determine the proportion of affordable houses in its IHP in order to reflect the aims of the Regional Spatial Strategy.

However, we fail to see why a stated requirement to provide 30% affordable houses can be allowed to reduce to 22.5% when the policy itself (IHP Para 8.2) sets the priority order for provision if a particular development cannot provide all the indicated contributions towards community infrastructure. The priority is:

1. affordable housing;
2. public open space, including recreational play areas;
3. town centre / public realm improvements.

A reduction in affordable housing at the expense of other community infrastructure is therefore contrary to policy and constitutes further grounds for refusal.

The applicant has a track record of non-delivery in the provision of affordable housing (non implementation of the consent granted on the former Aegon site on Ballam Road, where none of the promised 108 affordable units have materialised and only 12 affordable houses in a development of 260 houses on the combined Cooksons and Sadlers sites).

Furthermore, as long ago as 30th September, having (apparently) had the 22.5% provisionally agreed without reference to the Development Control Committee, officers had agreed "to begin discussions with us regarding the affordable housing provision taking account of the cataclysmic trading conditions we are now encountering" (*Supporting Document, Letter from Mr. Hawe, 30 Sept 2008*). So it appears a further reduction might be sought below the 22.5%. If agreed it will represent yet a further departure from policy.

This application is further contrary to the IHP - Policy 1 of which requires developments to be within the limit of development (unless excepted by policies or criteria elsewhere in the local plan, which this application is not)

IHP Policy 2 precludes development of land designated for other purposes or protected by other policies in the local plan. This land is protected by Policy EP22 in the local plan because it is Grade 2 and 3 agricultural land.

IHP Policy 4 precludes sites where "*other planning interests*" would be harmed. We set out in detail elsewhere in this objection the biodiversity and environmental policies that constitute "*other planning interests*" that would be harmed by this development.

These policies in the IHP are part of the new LDF process and adopted as recently as August this year. It would be astounding to think this application could be approved when it is contrary to all four of them.

9. The provisions of the new Regional Spatial Strategy do not compel approval of this application or negate the provisions of Fylde Borough Council's own Local Plan policies.

The applicant's supporting information (*para 6.23 page 14: supporting Statement produced by NAI Erinaceous*) asserts that on 4th September 2007, Baroness Morgan of Drefelin clarified RSS targets, and "*made it clear that RSS targets are not expected to be ceilings. Taken alongside PPS3, Local authorities are free to adopt a much more flexible approach to housing provision.*" Some people seem to be interpreting this clarification as 'overriding' the provisions of local plans.

We argue that:

- The policies of Fylde's existing Development Plan are saved and remain in force whilst the Local Development Framework is prepared. Any planning application must be compliant with the Local Plan policies.
- Despite the current absence of a Strategic Housing Land Availability Assessment, and Core Strategy for Fylde, the RSS does not create a policy vacuum, The Local plan remains the local determinant. Nor does the RSS compel the approval of this application. We argue later that RSS Policy EM1 requires refusal of the application.
- Whilst the upper ceiling is removed, and 35% allocations via greenfield sites are required in the RSS, this does not mandate the approval of any greenfield application, or justify the unnecessary development of greenfield sites.

10. The housing provision set by the Lancashire Joint Structure Plan has already been exceeded. No additional housing is required.

The Lancashire Joint Structure Plan (JLSP) requires 2,325 houses to be built in Fylde between 2001 and 2016. (An average of 155 per year).

The Fylde Housing Monitoring report of March 2008 shows that between 2001 and 2008 a total of 1,709 houses were built. It also shows that as at March 2008, there were 727 dwellings under construction and a further 454 with planning permission. This means that taking account of those completed and under construction, there is already an excess of 111 over the requirements of the JLSP.

When the further 454 are completed, the excess will become 565 more than the JLSP requires. So based on the JLSP there is no need for any additional houses before 2016, (and at the JLSP rate, probably until 2020)

11. There is no need to grant additional planning consents for residential development now because there is already sufficient residential land foreseeable.

The new NW Regional Spatial Strategy requires Fylde to have provided 5,500 houses in the eighteen year period between 2003 and 2021. This needs an average of 306 houses a year.

The Fylde Housing Monitoring report of March 2008 shows there have been 1,119 completions in this period. But as well as these completed properties, nine months ago, back in March 2008, there were 727 houses under construction. So at present there are $(1119 + 727) = 1846$ houses. This represents a rate between 2003 and today (Dec 2008) of $(1846/5) = 369$ per year, which exceeds the average requirement of the RSS.

There are a further 454 houses that have planning permission. Of these, we are advised that as of last March, officers judged that only 180 would come forward within five years. The logic for this is not known to us, and it seems unduly low - given that the Council has been approving housing at the average rate of 369 a year for the last five years.

However, in addition to the 454 with permission already, the Council's "*Core Strategy - Proposed Development Sites*" schedule of 27 August 2008 identifies over 100 further sites (with capacities ranging from 1 to over 1000 houses per site, and some of which are previously developed land) which may be developed.

We argue there is ample land that could meet future need. The issue is simply that as yet it has not been formally identified in the Core Strategy, and there is therefore no need to anticipate or second guess where the Local Development Framework will choose to put housing for the remaining years to 2021 taking account of the requirement to use brownfield sites first. Thus there is no urgency to grant additional consents for residential development at this time, or to allocate

additional sites. And in any event, the Queensway development is not deliverable within five years because of the problems with the road, as we have shown in Objection 7

12. Having failed to demonstrate a 5-year supply of land, it is inappropriate to disregard the Local Plan, Regional Spatial Strategy and Government Planning Policy Statements including PPS9.

The council has a duty to demonstrate and maintain a 5-year supply of land. It has not yet met this requirement but is in the process of doing so.

We argue the Council is not in a position to address a five years supply of land simply because it is, at present, unable to take into account its incomplete *"Strategic Housing Land Availability Assessment"* as required by paragraphs 33 and 54 of PPS3, and it has not completed the Sustainability Appraisal for development in Fylde also referred to in paragraph 33, which is still at the scoping stage.

The Council's officers may know of sufficient land for a five years supply (and given the list of over 100 sites identified in the *"Core Strategy - Proposed Development Sites"* schedule of 27 August 2008 it is difficult to imagine this is not the case). But such land is not yet formally identified or assessed for comparative sustainability.

However, the Government's Planning Policy Statement 3 (Housing) and, in addition, the Planning Inspectorate, has provided advice for such situations.

Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up to date five year supply LPAs should have regard *"to the policies in this PPS including the considerations in paragraph 69"*.

Paragraph 69 requires Local Planning Authorities to have regard to *"the suitability of a site for housing, including its environmental sustainability."* We argue this sustainability condition is not met, especially from a biodiversity viewpoint - as evidenced elsewhere, in our objection, and by other organisations.

PPS3 also states that in paragraph 36 within the section headed *"Providing housing in suitable locations"* – which is therefore particularly applicable to paragraph 69 – that *"The priority for development should be previously developed land in particular vacant and derelict sites and buildings"*. The footnotes also confirm that previously developed land should exclude *"land that is or has been occupied by agricultural or forestry buildings"*

Additionally, and significantly, and to confirm the status of paragraph 71 and the Planning Inspectorate's guidance, we have confirmed in discussions with Government Office North West that even considerations under Paragraph 71 of PPS3 must still be determined, principally, by The Council's own Development Plan (either the LDF or the Local Plan whichever is current at the time) with regard to other Government Planning Policy Statements including PPS9 and The Regional Spatial Strategy for the North West including Environmental Statements EM1.

As evidenced elsewhere in our objection, this application represents a departure from: the Local Plan (on many accounts); The Council's recently adopted Interim

Housing Policy; other Government Planning Policy Statements including PPS9; and RSS policy EM1.

13. The application is premature

The Core Strategy DPD, which will set out the spatial vision for the Borough is now in progress. We understand that as part of that process, two consultations have been undertaken to identify potential development sites. We further understand that the *"Core Strategy - Proposed Development Sites"* schedule of 27 August 2008 list over 100 potential sites in Fylde for development. These sites currently await formal acceptance and evaluation. We argue that until this work is completed, and for example, the extent of brownfield and other sites are known, this application is premature, and could lead to unnecessary development on greenfield sites.

Whilst we accept prematurity may not be considered a sole reason for refusal (PPS3 para 72) it may be used in conjunction with other reasons for refusal, and we urge the Council to do so.

We also argue that the developer's selection of sixteen sites against which to evaluate sustainability (*Lambert Smith Hampton: Professional Sustainability Appraisal*) is both too selective and too limited.

14. Brownfield sites should be developed first

The Regional Spatial Strategy proposes that 65% of development in Fylde should take place on brownfield sites, and only 35% on greenfield sites. However, it also assumes that the brownfield sites will be developed first.

Kensington's own Sustainability Appraisal of 16 of Fylde's potential development sites (agreed with FBC) shows these 16 sites have capacity for more than 7,000 houses without counting the Queensway site. The sixteen sites include brownfield sites and greenfield sites with less biodiversity than the present site.

Until the Fylde's developable brownfield sites have been identified (including at least those identified for the Core Strategy of the DPD), it is not possible to identify all the brownfield sites that are available, and there is a risk that greenfield sites such as this will be developed, leaving brownfield ones as they are now. There are several known brownfield sites including: Moorland Road DWP site; five or more FBC 'asset disposal' sites; Aegon site and, more recently, the Pontins site. Over 100 Fylde sites have been identified in the *"Core Strategy - Proposed Development Sites"* schedule. Again, this application is premature, and conflicts with the provisions of PPS3 paragraph 36 which says *"the priority for development should be previously developed land, in particular vacant and derelict sites and buildings."*

15. The application fails to recognise and take account of the impact of the Growth Point Scheme

The Council supported the Central Lancashire and Blackpool Growth Point bid, and may become a partner in the scheme which has now been approved. This

partnership will have a major impact on the housing requirement in Fylde. It is of such a scale that it will cause changes to the North West Regional Spatial Strategy, increasing the dwellings per annum by 4,014 - an increase of 25% over the RSS.

Whilst some development sites have already been mooted, (notably several just within the Fylde Borough boundary) the full details of locations that will emerge as part of this scheme are, as yet, unknown.

This outline application fails to take account of the impact the Growth Point scheme will have on Fylde, and until the locations and increased number of houses within the Growth Point scheme are known, and the revised impact on Fylde's housing need is assessed, we argue outline approval is premature.

16. The application ignores the new housing site selection process outlined in the Local Development Plan Scheme

Bearing in mind the timescale outlined in the Local Development Plan Scheme, published by Fylde Borough Council in March 2007, for the production of the Core Strategy and Site Allocations DPDs, it would be quite wrong and premature to grant planning consent for this application before the merits of this site can be judged against the merits of over 100 other sites, which have been put forward for housing development during the initial consultations.

Given the status of the adopted Local Plan and absence of the replacement Core Strategy, an application for planning permission for this development should be refused by the Council.

17. This site is not demonstrated to be the most sustainable greenfield site in Fylde.

The Council has a duty to promote sustainable development by considering social, environmental and economic considerations. In this application, the developer has provided his own interpretation and evaluation of sustainability (*"Professional Sustainability Appraisal for Queensway, St Annes. Lambert Smith Hampton"*), which is loosely based on an emerging Council policy for the Local Development Framework.

We believe both this process, and its findings, are flawed and unreliable. Further details are in 'Appendix A' of this report. In particular we draw attention our comments regarding the ecological assessment within the applicant's supporting document *"Sustainability Appraisal for Queensway: Sustainability Assessment - Ecological Assessment - Appendix C"*.

18. It would shift the focus of St Annes and could damage town centre retailers

If developed, the application would shift the focus of St Annes further away from the town centre and move the town's centre of gravity more toward the periphery.

It risks encouraging the submission of further residential applications on nearby land, which in turn, would increase the justification to provide 'out of town' retail facilities at or near the Borough boundary to the detriment of the existing town centre retail offering and access to centrally located public amenities.

19. It was not agreed at the previous appeal that the site is wholly suitable for residential development

We disagree with the applicant's assertion that it was accepted by all the parties at the previous appeal that the site is wholly suitable for residential development (*Para 7.5 page 18: Supporting Statement produced by NAI Erinaceous*). The site considered in 2001 was much smaller. This extensive site has never been considered at appeal.

20. Open space within the proposed development

This outline application does not seek approval for layout but the illustrative drawing shows a layout that may be intended. This would require all children to cross the proposed Heyhouses Bypass to access any open space. The open space provision partially complies with the requirement of policy TREC 17 to have open space provided as a single useable unit, but it fails to meet the requirement for it to be central. However, the proposal does not meet the requirements of the National Playing Fields Association's standard for outdoor playing space to which the Council aspire. In particular it fails to provide any LAP's (Local area for Play within 100m walking distance of all property and within 5m of the nearest dwelling; LEAP's (Local Equipped Area for Play) within 400m of all property and within 10m of the nearest dwelling. So far as we can ascertain it does not provide a NEAP (Neighbourhood Equipped Area for Play with 8 types of play equipment etc) within 1000m walking distance and within 30m of the nearest dwelling.

BIODIVERSITY AND ENVIRONMENTAL POLICIES

21. The application site constitutes development on a designated Biological heritage Site and must be refused. Policy EP17 requires refusal of this application.

The plan will impact significantly on a significant area of a designated Biological Heritage Site which sits within the area outlined in the planning application.

The application shows areas of housing being developed, the Heyhouses Bypass Road and playing fields within the boundary of a designated Biological Heritage Site.

22. The application is likely to have a significant impact on two designated County Biological Heritage Sites adjacent to the site and must be refused. Policy EP17 requires refusal of this application.

The developer and his environmental consultants have dismissed the presence of tree sparrows and consequently played-down the significant impact that this development will have on the two Biological Heritage Sites within the area.

However, reports of recent sightings of tree sparrows at both of the Biological Heritage Sites suggest the consultant's report is inaccurate and misleading.

The loss of adjacent arable farmland would adversely affect the species feeding areas and cause the loss of the colony. This, therefore, would have a significant adverse impact on the two adjacent County Biological Heritage Sites.

23. The site is functionally linked to the Ribble and Alt Special Protection Areas and will have an impact on these SPAs contrary to Policy EP15.

Recorded priority species using the Ribble and Alt Estuary Special Protection Areas are also using the application site for feeding and overwintering purposes. We believe this means the application site is functionally linked to the existing SPA.

Whilst the development would have a detrimental effect on priority species using the Queensway site at present, it would also impact adversely on the use and capacity of the existing Ribble and Alt Estuary SPAs.

The developer has not demonstrated that his development is necessary for reasons of human health or public safety, or that benefits of primary importance to the environment would result from it. The functional link to the SPA requires that policy EP15 is considered. Policy EP15 precludes development unless the developer can so demonstrate alternatives or over-riding public interest. He has failed to do so and the application should be refused.

24. The site qualifies for consideration as a SPA and SSSI in its own right and requires statutory protection.

The application site qualifies consideration and, therefore, for protection as a Special Protection Area in its own right because the numbers of overwintering species exceed national thresholds. Records show that Whooper Swans and Black Tailed Godwits have been present in sufficiently high numbers over the recognised qualifying period to designate the site a Special Protection Area in its own right. Pink Footed Geese are using the site in sufficiently large numbers, though over a time period that is, at present, is shorter than the qualifying period.

Whooper Swans and Black Tailed Godwits are both listed on Annex 1 of the EU Birds Directive which requires that member states take special measures to protect.

In addition, the site qualifies as a Site of Special Scientific Interest because numbers of overwintering species exceed national thresholds for designation as a SSSI.

The fact that designation has not yet been effected does not detract from the need to protect from development sites such as this that qualify for statutory protection.

If the council approved this plan, it would be failing in its duties under its own local plan policies, regional spatial strategy policy (EM1) and national planning policy PPS9.

25. The development would have an adverse impact on species protected under Schedule 1, 5, or 8 of the Wildlife and Countryside Act 1981, contrary to Policy EP19.

Fylde's Policy EP19 requires refusal of permission where development would 'adversely impact' on Schedule 1, 5 and 8 species.

The St Annes Link Road will have an adverse impact on scheduled species, especially the population numbers of Barn Owls. There are records of a number of road deaths in the area from existing roads, and future roads, including the proposed Heyhouses By-pass, will increase these numbers. The applicant's environmental statement also acknowledges that Barn Owl deaths are likely to increase as a result of the new road.

Additionally, Barn Owls and other Schedule 1 species will be adversely impacted by the reduction in habitat and the significantly increased presence of human activity.

26. The development would adversely affect Priority Species described in Policy EP15 and would effect further potential BHS designations.

The application site is important for a range of Local and National Priority Species, including: Corn Bunting, Reed Bunting, Tree Sparrow, Skylark, Grey Partridge, Linnet, Lapwing, Grasshopper Warbler, Curlew, Black tailed Godwit, Water Voles, Brown Hares, Hedgehogs, Eels, Toads, Bats, Small Heath Butterfly, Moss Bladder Snail.

Additionally, many of the Species of Conservation Concern including Corn Bunting, Reed Bunting, Tree Sparrow, Skylark, Grey Partridge, Grasshopper Warbler, and Black Tailed Godwit. Other than the Black Tailed Godwit, the above species use the site for breeding.

Fylde's Policy EP15 requires that where the site hosts a priority species, development will not be permitted unless the developer can demonstrate that it is necessary for reasons of human health or public safety or benefits of primary importance to the environment itself. Neither of these reasons to proceed with the development applies here.

In addition to the already existing Biological Heritage Site designations, the site also qualifies for further BHS designation for several wintering bird species, breeding reed bunting, butterflies, two species of dragonfly, and moss bladder snail.

The application would have a significant adverse affect on the potential BHS designations. Lancashire County Council has confirmed that potential designations should be considered in determining an application.

27. Approving the application would be in contravention of the Natural Environment and Rural Communities (NERC) Act 2006

The 'biodiversity duty' section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006 states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The site is important locally, regionally, nationally and internationally.

Approving a development which adversely affects a site which is important locally, regionally, nationally and internationally would be in contravention of the NERC Act, 2006.

28. The site includes an area of Priority Natural Habitat

The application site is of distinctive character and an important habitat as defined in Policy EP10. It therefore requires protection from development. It also includes an area of Priority Natural Habitat – Coastal Floodplain Grazing Marsh – as defined by the Environment agency, and as set out in the preamble to Policy EP10. It would be detrimentally affected by the proposed development which would reduce the area of Coastal Floodplain Grazing Marsh.

29. The application fails to satisfy the requirements of the North West Regional Spatial Strategy Policy EM1 and JLSP Policy 21

The policies require that planning authorities:

- Give priority to conserving and enhancing habitats and species of international, national, regional and local importance
- Avoid loss of or damage to natural assets, mitigate any unavoidable damage and compensate for loss/damage through offsetting actions, applying the principle of no net loss of resources as a minimum requirement
- Ensure schemes result in an increase in biodiversity by contributing to the delivery of national, regional and local biodiversity objectives and targets and address issues of habitat fragmentation and species isolation

This development is incompatible with giving priority to conserving and enhancing habitats of national, regional and local importance.

It would cause harm to natural assets, would result in the net loss of habitat and the developer's proposed mitigation action does not demonstrate the delivery of national, regional and local biodiversity objectives and targets. The principle of net loss is absolutely fundamental. Policy EM1 of the RSS requires that applications

deliver no net loss as a minimum of biodiversity value, and ideally create a 'stepchange' increase.

Additionally, Joint Lancashire Structure Plan, Policy 21 requires 'as a minimum, no net loss of heritage value'

The developer's proposed mitigation proposals are completely insufficient.

In particular, the proposals

- 29.1. Fail to recognise the significance and importance of the functional links to the SPA / SSSI site.
- 29.2. Fail to recognise the site potentially qualifies as a SPA in its own right and fails to recognise the importance of the SPA / SSSI listed species.
- 29.3. Do not recognise that a large area of the site is designated as a Biological Heritage Site (BHS). The proposed housing development will be on a large part of the BHS as will the proposed by-pass road.
- 29.4. Do not adequately protect the existing adjacent Biological Heritage Sites.
- 29.5. Do not make any assessment of the wider connectivity with the Lytham Moss ecology and any potential impact.
- 29.6. Do not account for the impact of the development close to a rich wildlife area.
- 29.7. Do not demonstrate how the various priority bird and mammal species will benefit. There may be some increase in common species such as blackbird and blue tits but priority species will adversely affected. Given the lack of recognition of the site and areas national and local designations, habitat and some species, it is unlikely that any proposed actions would factor these in. Therefore, any claimed increase in biodiversity is highly unlikely.
- 29.8. Do not quantify in the ecology mitigation proposals how the various individual priority species would benefit from the ecology park in comparison to their current habitat
- 29.9. Ignore the presence of priority species such as Water Vole despite various professional studies (i.e. Environment Agency) demonstrating their presence.
- 29.10. Dismiss the presence of tree sparrows - which goes against recent records and sightings - and impact on their habitat (a Biological Heritage Site and the surrounding area).
- 29.11. Stretch extreme and opposite assumptions in favour of the development. The assessment assumes the worst case scenario for the existing land with no management and rapid self deterioration; this scenario is highly unlikely in the timescales that are outlined. It then assumes the best case scenario for the mitigation actions in that everything goes to plan and works. The benefits of the proposed ecology park could therefore be exaggerated if either assumption proves even slightly invalid. The

ecology of the site has been doing well over a great number of years. Therefore, alternative opinions should be sought on the forecast short-term deterioration of the existing site and the likelihood of the mitigation working as successfully as outlined.

29.12. Do not take into account the impact of the construction itself will have on the priority species. The construction itself will affect wildlife long before the mitigation is sufficiently mature – the assessment report says the ecology park will take several years. There is a very long period of several years whereby the reports identifies “Much of breeding habitat would be lost during construction”. No assessment is given as to the long-term impact on individual priority species and whether they will return or recover to current breeding values. It wouldn’t seem unreasonable to assume some negative mid and long term implications.

29.13. Do not take into account that is considered highly unlikely that any significant wild bird habitat could be created as mixed-use land so close to a housing development of this size. The proposals do not take into account the impact of humans and domestic animals on priority species. It is considered that the introduction of hundreds of domestic cats and dogs and increasing the human presence in the area combined with concentrating the wildlife in a significantly smaller area will have an adverse affect on some species. For example, Pink Footed Geese - which are using the site in internationally significant numbers - will not tolerate human presence even at a moderate distance.

30. The application is incompatible with National Policy PPS9.

PPS9 states that *“The aim of planning decisions should be to prevent harm to biodiversity”* and that *“where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that development cannot reasonably be located on any alternative sites that would result in less or no harm.”* It adds *“If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”*

Based on the evidence gathered by local ecology groups, the volume, diversity and importance of the ecology as measured by recent surveys, and supported by assessments from independent professional organisations, this site is the most bio-diverse area of farmland in the borough of Fylde and one of the best biodiversity sites generally in the borough.

These assessments conclude there would a net-loss of biodiversity and therefore the development would harm biodiversity.

There are many alternative sites available in the borough including brownfield and other greenfield sites where development would result in less or no harm. Indeed, Kensington’s own Sustainability Appraisal identified greenfield sites which have little or no biodiversity interest.

Therefore, given the harm this development would cause to biodiversity – even after proposed mitigation which is significantly inadequate - and the presence of alternatives sites that would result in less or no harm, the planning application should be refused in accordance with PPS9.

31. Proposals for post completion management are inadequate, and fail to meet the requirements of policy EP18.

The developer's proposals for post-completion management of the proposed ecology park are insufficient and are likely to result in a loss of habitat and biodiversity

The applicant proposes that funding and management will be retained in place only while the developer retains ownership. This approach is insufficient and not robust enough as other local authorities have found out. If the land is sold off - even to a subsidiary or connected company - the contract may be broken and management plan could become defunct.

Additionally, there are many examples where proposals are not enforced.

We argue the protection of the proposed ecology park and connecting open spaces is insufficient,

TRANSPORT ISSUES

32. The development has no guaranteed connection to the St Annes Link Road

Everyone agrees the existing access to the land is insufficient to serve 1,150 properties. The developer's solution is to connect the development to Queensway using a revised junction layout, and to the proposed 'St Annes to M55 Link Road' (to be built by Lancashire County Council) via a proposed 'Heyhouses Lane Bypass' (that the developer himself will construct).

The applicant's most recent 'illustrative' drawing shows part of the St Annes Link Road (and its associated roundabout junction at the Heyhouses Lane By-Pass) as having moved from the former line of the LCC road. This section of road and the roundabout are now 'illustrated' as being built on land in the control of the developer, just inside the application site.

This gives the impression the junction will be built as part of the development, which is not the case. The developer's correspondence to FBC shows that the Heyhouses Lane Bypass will "*terminate temporarily at TR6 (St Annes Link Road)*"

The Link Road is to be built separately by the County Council, whose plans (as reported to the Fylde 'Lancashire Local' meeting of 25 November 2008) show the line of this road to be outside the application site. The developer cannot therefore guarantee this connection as part of his development, nor that his development can

connect with it. In all probability the Heyhouses Bypass will terminate with a dead-end at the edge of the application site until the St Annes By Pass is constructed.

In this regard, the applicant's drawings are merely a persuasive illustration of where he might like members of the DC Committee to think the Link Road could be.

The only highway junction guaranteed by this application is the modified junction at Kilnhouse Lane / Queensway (and the short length of the Heyhouses Bypass to the development's main entrance) which is promised by the developer "*before the first dwelling is occupied.*" If, as seems likely, there is a delay in building the St Annes Link Road now that planning permission for it has expired, this will place an unacceptable new burden on the Queensway / Kilnhouse Lane junction.

We argue cause to refuse the application because adequate means of access to the site have not been demonstrated by the applicant.

33. The applicant is dependent upon, but cannot guarantee, the construction of the St Annes Link Road

Whilst this road forms part of the Local and Lancashire Joint Structure Plans, there are doubts about its future. The planning permission for the road has expired, and it has not been possible for the applicant to reach agreement with landowners to acquire their land. Compulsory purchase powers (which require an extant planning permission) cannot now be exercised until a further planning application has been approved. The County Council has said it will not meet the cost of a new planning application and the associated reports to justify it. (The line of the road runs through a designated Biological Heritage Site). The applicant has reluctantly agreed to fund these costs, but not before the planning permission for this application has been granted. This should not be negotiable.

He has also sought to condition his application (*letter to FBC 30 October 2008*) to what, in effect, is a fixed sum for community infrastructure, none of which appears to be index-linked for the future, so increases in the cost of providing the roads will result in a diminution in other public facilities that have been spoken of as part of this application, and none can be guaranteed. (With the timetable delay that will be caused by planning permission, an environmental assessment, and a CPO enquiry for the road, we believe cost increases are very likely). We further believe that funding the road should not be at the expense of other necessary community benefits.

A catch 22 situation now exists, where the applicant requires the road to connect to as his means of access for the development, but through his own decisions he is denying the ability to ensure that access.

We urge refusal because no satisfactory means of access has been demonstrated by the applicant

34. The phasing of the proposed development fails to guarantee adequate means of access to the site

The applicant proposes to build the access to Queensway / Kilnhouse Lane and a short length of the Heyhouses Bypass (to allow all the traffic from the estate to exit onto Queensway) before any of the houses are occupied, and the remainder of the Heyhouses Bypass (to where it is hoped the St Annes Link Road will be constructed) before the 600th house is occupied. He further proposes that the St Annes Link Road to connect to Whitehills should be completed before the 700th house is occupied.

From examining this phasing, it is quite plausible that anything up to 699 properties could be built and occupied using only the Queensway junction.

It is equally possible that the developer could cease building altogether after 699 properties and save anything up to £20 million by not contributing to the Link Road and half the affordable housing he would otherwise be required to provide.

If the Committee is minded to grant permission, we believe, as a minimum, they should condition the permission to require the entire highway infrastructure, funded in whole by the applicant, to be in place before any development starts. If there are land ownership issues, the road should be included within the development area, with due regard to any environmental constraints.

35. As proposed, the means of access fails to meet Policy TR5, and will result in unacceptable congestion

Policy TR5 requires adequate public transport to be provided for developments of over 100 dwellings. The applicant's response is to offer a bus service for five years. It is not clear what those using this service would do after five years. If Committee is minded to approve the application it should be a condition that a commuted sum is provided as an endowment, the interest from which should be sufficient to fund, in real terms, the additional public transport in perpetuity. Otherwise the application will only be compliant with TR5 for five years.

Given, as we have shown, that the applicant has no guaranteed connection to the Link Road; no certainty that the link road will exist; and that the phasing of the development would allow up to 699 houses to be occupied using only the Queensway junction, we argue this will create unacceptable congestion.

Even if the link road is constructed, and the St Annes Link Road overtakes the Squires Gate Link Road as the principal route to St Annes, Ansdell, and Lytham from the motorway, there will be a significant increase in traffic (including distribution HGV's) arriving at Cypress Point and Kilnhouse Lane, and also at Highbury Avenue and St Annes Road East, trying to filter to supermarkets and town centres on local roads (and ground conditions) that were not designed for regular use by vehicles of their size or weight. We predict potential for congestion and damage to foundations as existing property suffers vibration damage from heavy vehicles. We also believe there will be permanent traffic increases on already clogged up roads between Blackpool and Lytham St Annes due to 2300 extra cars. Any new road will not make a difference.

The applicant acknowledges that the impact of diverted (non-application site) traffic using the new roads is unknown, and no work has been done to quantify this.

(Strategic Transport Assessment Para 5.10) He also recognises "adverse effects on traffic flows in Kilnhouse Lane and on Queensway" (Professional Sustainability Appraisal Para 5.12). We do not believe these adverse effects are acceptable, but if permission were to be given, we argue the need to condition the permission to include traffic calming measures on Kilnhouse Lane and other appropriate areas.

36. The development would be contrary to policy EP26 by allowing new residential development where there is a nearby risk of pollution.

We anticipate issues with aircraft noise and air quality. The prevailing westerly wind will propagate noise and fumes toward the new development. Unless mitigation is provided through noise protection at the construction stage, the airport could ultimately be saddled with retro-fit bills to the new houses through noise complaints. This is a frequent, and well recognised, challenge for urban airports across the globe. Air quality issues are less easily resolved, but are already evident with the current arrangements. This will be aggravated and compounded by anticipated air traffic increases into the future.

37. The development conflicts with the aim of Policy TR14 designed to secure the future viability of the airport.

Fylde's policy TR14 states *"The continuing operation and viability of the airport as a sub-regional facility will be supported"* but inappropriate peripheral development will severely limit an airport's capability by adding to cost, or diminishing its operational capacity. In Blackpool Airport's sensitive economic environment this could become a critical factor. From this perspective, allowing residential development is hardly a supportive approach toward the airport, or a responsible action relative to the population.

It is inherent that the location of will eventually lead to costs on the airport, either through limitations on their operations e.g. flight curfews and direct expenditure on mitigation measures. Conflict between the airport and the new residents - particularly if the aims of both the airport and Council, to raise airport traffic are realised – will call into question the future viability of what is already a fragile economic entity.

38. There will be a heightened safety risk to aircraft and local residents.

The building of the development and the consequential requirement for a sustainable (SUDS) drainage system will result in an increased risk of birdstrike and severe accident. We wonder, given the fact that all parties are aware of this, who would be liable in the event of an accident - the airport (*who failed to disperse the birds*), the developer (*who placed the houses there*), or the Council (*who failed to acknowledge the risk and granted permission*).

FLOODING ISSUES

39. The application site involves development on the 'Flood zone' defined by the Environment Agency on land already subject to surface flooding.

The application site includes land in flood zones 1, 2 and 3, and the illustrative layout shows both housing and the proposed school site built right up to the very edge of Flood zone 2. Some roads, the playing fields and the nature park appear to be clearly within Flood zone 3 and therefore much more likely to experience flooding.

This zoning is based on the flood map of today. There is no guarantee it will remain the same in the future as climate change increases winter rainfall, increases the frequency of heavy rainfall, and both sea levels and storm surge heights increase. We argue it is irresponsible to build right up to the very edge of today's zone limits on such low ground in the face of growing projections of climatic change.

Fylde's recently completed Strategic Flood Risk Assessment addresses climate change at section 15, noting that *"peak flows; extreme rainfall, extreme waves and winds have a higher degree of uncertainty. Further evidence and research is required to understand local and regional variations, uncertainties and how to manage them. The analysis will therefore be revisited once a clearer understanding of these measures is given."*

Even the land in flood zone 1 carries a flooding risk. We have confirmed with the Environment Agency that the application site is in Flood Zone 1 - defined as an area with a 1:1000 probability of flooding from river or sea. It lies in a 14km² catchment area of Liggard Brook and Main Drain, parts of which are below 4.0 metres AOD. It is extensively waterlogged, poorly drained and is subject to annual winter flooding.

In an attempt to mitigate the risk of flooding to this catchment area, a drainage scheme was constructed 10 years ago. A pumping station was built on Main Drain at Dock Bridge and a weir constructed on Liggard Brook to allow removal of excess floodwater from Liggard brook to the main drain. It was designed to provide a 100-year return period flood protection to much of the Main Drain catchment. It has been operational since 1998.

A Post Project Appraisal Report by Atkins produced soon after completion noted that the scheme was under performing. It pointed out that no risk assessment had been undertaken during development, silting as a risk had consequently not been considered. It noted that the flood event of 2000 had exceeded the level of flood protection provided by the scheme to the Main Drain catchment. The Main Drain was under an EA Flood Watch earlier this year (21/1/08). This evidence clearly demonstrates that there is a flood risk to this site and the wider community.

40. The applicant has failed to provide sufficient evidence of compliance with the requirements of Planning Policy Statement 25

Paragraph E9 of PPS25 states that a site specific flood risk assessment is required for all development in flood zones. Whilst the developer has produced a basic flood risk assessment we do not believe this meets the requirements of PPS25, nor do we believe the developer has clearly understood, nor properly identified and assessed the accumulated risk from all forms of flooding to and from the development, including the combination of effects of other developments at Whitehills, and the proposed Marton Moss development. The application fails to adequately demonstrate compliance with PPS25 and show details of how these flood risks will be managed.

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SUSTAINABILITY ASSESSMENT COMMENTARY

Introduction

1. The purpose of the Sustainability Appraisal Report should be to weigh up the pros and cons of each site to inform the wider spatial planning process and in this case demonstrate the Sustainability Credentials of the Queensway Development. This by its nature is a complex and time consuming piece of work. As this proposal could cause irreparable damage to the environment it warrants a very thorough examination of the economic, social and environmental case. We welcome the opportunity to review and comment on the Sustainability Assessment.

We believe that the Sustainability Assessment is incomplete and in its current form, should not be relied upon.

- The conclusion of the environmental assessment *'that the development of the site at Queensway can be achieved without harm to statutory wildlife sites or to Biological heritage sites'* is incorrect. The appropriate recommendation should have been that **No development take place on the Queensway site** i.e. the same classification afforded to the Saltcotes site in the report.
- We question the sustainability credentials of the Queensway site.
 - The edge of town site with no onsite shopping or services does not have good access to shopping or services, Consequently it will generate significant numbers of journeys using the least sustainable mode of transport – the private car. This is evidenced by the transport assessment which rates the Accessibility of the site as Low scoring only 14 out of 48. We do not believe the proposed temporary mitigations such as the 5 year subsidy for the bus service (which would only run 7am to 8pm) or the informal car sharing will be effective in changing behaviour. By contrast we believe that many of the brownfield sites within the town would offer more sustainable sites.
 - The sustainability appraisal makes considerable reference to the community benefits that are promised as part of the Queensway proposal to justify the site. These may or may not be delivered. The level of these community benefits are dependent on the eventual cost of the road construction. The potential community benefits of other sites have also not been assessed. For instance other sites could have delivered more low cost housing.

2 Review of the “Sustainability Assessment Ecological Assessment - Appendix C”

We strongly disagree with the analysis and conclusions drawn in the Ecological Assessment for the Queensway Site.

Section	Comment
Intro	<p>The introductory paragraph is factually wrong. Given this is the basis for the claim of increased biodiversity then the claim cannot be justified.</p> <ul style="list-style-type: none"> • There is a large Biological Heritage Site within the site designated for Whooper Swans and it qualifies (and this is acknowledged by the developers ecological consultant) for further designations than the one already present. • The site also qualifies as a SSSI and an SPA for its Whooper Swans and Black Tailed Godwits • The site has functional links with the Ribble and Alt Estuary. An SPA, SSSI and RAMSAR site. <p>The ecological consultant’s brief visit found no tree sparrows. Other surveys in 2008 have observed them. They are present and the BHS designations are absolutely appropriate and have been confirmed in 2008.</p> <p>Whilst the woodland habitats are important, the principal importance of the site includes:</p> <ul style="list-style-type: none"> • the priority bird species, • the agricultural habitat, • the BHS • the potential further designations of BHSs • the functional link to the SPA. • the qualification as an SPA and SSSI in its own right • the adjacent BHSs • the water vole and habitat <p>Therefore, the site is of local, regional, national and international importance from a biodiversity point of view. This is in absolute contrast to ERAP’s claims that there are no statutory designations.</p>
Para 3	<p>The report suggests Water Voles are not present and states it as fact. The last Environment Agency survey in 2006/7 confirmed their presence. The developer’s ecological consultant stated that there was evidence of their habitat and presence (Technical Annexe section 6.13.30) but did not see any “<i>due to high water levels</i>”. He did not conclude that they weren’t present.</p>
Para 4	<p>Given the lack of recognition of the ecological importance, it is highly improbable that the proposed protection is likely to be effective. We do not believe that protection can be defined for something that wasn’t acknowledged as being there. Assessments of the proposed mitigation show that net loss of biodiversity would occur.</p> <p>The deer park has been de-scoped and there is no definition in the plans of the 12 hectares of woodland. The mitigation plan is therefore out of date.</p>

Para 5	Given the above absolute lack of recognition of the importance of the site, and that there is no quantification of how the plans will benefit key species, the claims of being beneficial to biodiversity are unreliable.
Para 6	The proposal will cause the loss of 3000+m of ditches. (Source: Environment Agency 2008).
Para 7	School Nature reserve is welcome but irrelevant in the context
Para 8	<p>The summary for the Sustainability Assessment is invalid. It does not reflect the biodiversity at Lytham Moss. The ecological consultant has categorically failed to recognise the importance of the Queensway site. It does not reflect the importance that the consultants own ecological survey found and chooses to ignore the various actual and further potential BHS qualifications.</p> <p>The Queensway proposals would cause harm to an existing Biological Heritage Site (BHS) within the site boundary, would cause harm to potential BHSs and would cause harm to two adjacent BHSs.. It would also have an impact on an area which qualifies as Special Protection Area / SSSI and is functionally linked to another SPA.</p> <p>We note the consultant has recommended that no development take place at Saltcotes Road because the area is of national importance. We agree with that conclusion. However, Queensway and Lytham Moss are equally as important locally, regionally, nationally and internationally. It is important in a European context with some species reaching European protection thresholds.</p> <p>The proposed mitigation would not compensate for the changes and resulting loss of habitat.</p> <p>The recommendation that the site is not selected for development should apply to the Queensway site.</p>

3 Assessment of the Methodology used to prepare the Appraisal

3.1. The Sustainability Assessment is incomplete for the following reasons:

- The range of sites evaluated is limited. Only 16 Sites in the borough have been assessed. We believe there to be 100 or more potential sites with a range of sizes and options.
- Only a single development option is being assessed for the site – (namely its suitability for 1150 houses). There are many more possible options for this and other sites. (For example the report could be used to assess the relative impacts of smaller scales of development against the proposed larger option or the impact of a mixed development (including local services on the site) or the impact of turning the whole site into a wildlife reserve). The opportunity to explore these options has not been taken in this report.

- It has been noted that the lower level sub objectives from the Council scoping report have not been fully replicated in the report objectives. Only 54 of the 61 sub objectives have been included. No explanation for the removal of many relevant sub-objectives is included in the report.
- At a site level the fieldwork is clearly incomplete. Queensway has 17 of the 54 objectives scored as 'don't know' – that is 30%. The other sites have even less information. On the Wyndyke Farm comparator site for example, 30 out of 54 sub objectives score as 'don't know.' Likewise the Peel Hill site has 29 of 54 sub-objectives scored as 'don't know.' These scores are typical of many of the sites and mean over 50% of the scoring is unknown on most sites. This gives a false impression of the scoring for these sites. Is this a sound basis to rank the sites and make important decisions?

3.2. The Sustainability Assessment methodology is flawed:

In particular we question the scoring system that has been devised.

- The method of comparing fit to objectives has been 'adapted' from that in the Scoping Report to produce a scoring system that attributes numeric scores to the sustainability objectives in place of direction arrows. This is then used to define a 'sustainability league table' and assertions are then made that one site is more sustainable than another. We believe this to be an inappropriate technique. We have seen the sustainability appraisal promoted as a tool to evaluate planning policies as part of the Local Development Framework and occasionally as an aid in large infrastructure projects. But it appears exceptional to have attempted to use it in a planning application of this size. Our research leads us to believe this 'adapted' technique is not widely used.
- If numeric scoring is to be used then we would expect the methodology to include an element of weighting. There is no weighting in the scoring. Each objective therefore stands in its own right. Therefore, we believe that it is misleading to aggregate the scores for the 22 different (and often conflicting objectives) and infer conclusions from the aggregated score.

3.3. The Sustainability Assessment is not impartial:

- Why have FBC not commissioned an independent report paid for by the developer? A report produced by the developer reduces its credibility.
- Whilst the report contains lots of useful information and fieldwork we contend that the information should then have been independently tested and moderated to produce a more objective view. We do not believe the information in the Appraisal has been subject to the full rigour of independent examination or moderation.

- As a result, the report contains information that is materially inaccurate and frequent instances of opinion passed as fact.

Some examples (we have many more):

Ref	Report	Comment
1.3	<i>"The site is a mixture of Redundant Agricultural land, overgrown grazing and a small unmanaged woodland."</i>	'Site' is defined on the application and includes current G2 class agricultural land which is in active cultivation (oil seed rape and maize grown in 2008, potatoes and maize in 2007). The grazing adjacent to Wildings lane and Valentines Kennels is also in active use and is not overgrown. The development site includes loss of a significant amount of the grazing used by the stables on Wildings Lane. This could threaten the economic viability of the stables.
1.3	<i>"The site is considered to have no features of visual merit"</i>	This is a personal, subjective view. Most people would consider the wide open space of considerable visual merit. It should be noted that one of the most noticeable recent additions to the site has been the creation by the developer of a highly visible spoil heap.
5.1	<i>"Improve landscape of the area"</i>	This is a subjective view. We happen to disagree. Once complete a large part of the development site will be high density housing in place of open space.
5.1	<i>"Improved access to countryside" (Seventh bullet point)</i>	There is already good access. The County Ranger has already raised concerns over the loss of Bridleway when commenting on the plans.
5.15	<i>"No significant impact on adjacent BHS"</i>	This comment fails to state the importance of the BHS. The word 'significant' indicates that the impact will not be neutral. Impact is not quantified.
5.16	<i>"Increase connectivity to woodland"</i>	This will isolate Mellings Wood. The woodland around the Valentine Kennels would be built around on 3 sides. In addition the wildlife also needs access to feeding habitat and suitable ecological corridors to move within urban areas. The outline plan shows insufficient ecological corridors.
5.16	<i>"Increasing the possibility of the return of the tree sparrows"</i>	Reliable reports of the continued presence of the tree sparrows exist in 2008.

5.28 *“Will create an overall increase in the provision of open space”* This will depend on ownership and access. It may create an increased area of ‘Public Open Space’ but the development will clearly reduce the area of open space in Fylde.

8.5 *“...edge of settlement site providing good access to local amenities and community services”* The increase in population brought by the development will require further expansion of these services to maintain existing service levels.

The accessibility Questionnaire in the Strategic Transport Assessment appendix G contradicts this view. It scored only 14 out of 48 in the accessibility matrix. This Low Accessibility score does not indicate good access to local amenities and services – it is in fact appalling.

Walking distance from site centre to nearest facilities using a safe route scored 0 out of 18. Cycling distance from centre of site 7 out of 14, Public transport 6 out of 8 (skewed by the train score of 3 e which claims we have a 30 minute or less service), and accessibility to basic services 1 out of 10

8.12 Provision of a new school This is incorrect – a site for a school is proposed – the school would have to be built and maintained by the Council.

- The scoring has clearly not been impartially applied. Examples of this can be clearly demonstrated by even a cursory glance at the matrix.
- A quick analysis of the Queensway scores is laid out below with some of our own observations.

Objective	Queensway Score (Out of 5) 1 = Major Negative impact 5 = Major Beneficial Impact.
1. Reduce crime & disorder	4
Our comment: Justification for a 4 is based on provision of CCTV. This could be in all developments. Shouldn't score this above others just because there is no detail in the others.	

2. Improve educational attainment	5
<p>Our comment: This should be 3 - a nil impact. The school site in itself does nothing for overall attainment - at best it maintains a neutral perspective. i.e. it doesn't increase the burden of primary school places so long as the school is built. If the school is not built then it could be a Negative score if more pressure is put on the existing services.</p> <p>Indeed why could a school not be built as part of many of the other developments thus increasing their scores?</p>	
3. Improve health and equality	5
<p>Our comment: At best neutral (3)- actually takes green space away and may increase pressure on other borough amenities and services.</p>	
4. Ensure housing meets local needs	5
<p>Our comment: The developer is actively trying to de-scope and reduce number of social housing to levels below the interim housing plan. Proportionally this provides less and so should not be scored with the maximum 5.</p>	
5. To protect and enhance community spirit	5
<p>Our comment: Financial contribution is limited to specifics and limited access e.g. tennis courts, new school playing fields.</p> <p>There is no space for any community hall or community facilities on the plans.</p> <p>There are also concerns over the negative impact on the Scout Association.</p>	
6. Access to goods and services	4
<p>Our comment: How can it be claimed that building near to existing facilities improves access to those facilities? This does not improve any access for any existing resident. Indeed unless the services grow in line with the population increase it has the potential to increase pressure on the existing services.</p> <p>This score is also at odds with the Accessibility score in the Strategic Transport Assessment Accessibility Questionnaire Appendix G page 24. This scored the site as 14 of 48 (29%) suggesting that the edge of town site is less sustainable than an equivalent in town development unless services are also provided locally</p>	
7. Sustainable economic growth	4
<p>Our comment: Diversify economy (3): This development in itself does nothing - it creates a bigger dependency on the existing economy.</p> <p>Increase employment opportunities (3): no new jobs, more people, same number of jobs.</p> <p>Encourage economic growth: (3) – Link road is not part of this planning application/development.</p> <p>Encourage business growth (3) – link road is not part of this development. How would any growth be sustainable?</p> <p>Improve access to Employment Land (3) Using funding to create more road access into existing employment sites is not environmentally sustainable.</p>	

8. Rural regeneration and diversification	3
<p>Our comment: Goods and services in rural areas (3) and Sustainable farm diversification (3):</p> <p>Threatens the riding stables viability on the Moss through loss of grazing and bridleways. Destroys good quality farmland.</p>	
9. To promote economic inclusion	3
<p>Our comment: To reduce levels of unemployment (2): Could increase unemployment rates. More people, same number of jobs.</p>	
10. Deliver urban renaissance	5
<p>Our comment: Vitality of town centre: (1) Increased traffic all around the town, no extra car parking spaces in town. This will create more pressure on everything.</p> <ul style="list-style-type: none"> • Improve access to public transport in urban areas (3) – No affect for existing residents. • Promote adjacency of employment, recreation and residential areas (3) 	
11. Develop borough as a place	5
<p>Our comment: Support the preservation and development of high quality built and natural environments (1): Destroy green open space, countryside and biodiversity</p> <ul style="list-style-type: none"> • Promote the area as a destination for short and long term visitors and new residents (2): Existing bird tourist from all over country will be dissuaded • To enhance the borough's image as a place to do business (3) 	
12. Protect and enhance biodiversity	5
<p>Our comment: "Worst place in the borough to build on" (1)</p> <ul style="list-style-type: none"> • BHS within the area plus impacts on others • Impact on potential SPA • Impact on Ribble SPA 	
13. Landscape and townscape quality	5
<p>Our comment: To protect and enhance landscape character and quality: (1) Due to removal of green open space, Removal of green entrance to St Annes. It has been moss land for centuries.</p> <ul style="list-style-type: none"> • To promote sensitive design in development: (1) No open space within. 	
14. Protect and enhance cultural heritage	3
<p>Our comment: To protect and enhance historic buildings (3) We agree!</p>	
15. Protect and enhance water features	4
<p>Our comment: To protect and enhance ground and surface water quality (2).</p> <p>Loss of 3 kilometres of ditches (1)</p>	

16. Appropriate use of brown field sites	3
Our comment: Doesn't encourage the use of brown field.. The scale of this development could mean that brown field doesn't get built on(2).	
17. Ability to adapt to climate change	4
Our comment: To reduce the ability to manage flooding (1):Environment agency says Developers actions will <u>reduce</u> the increased risk of flooding not remove. Arguably it increases the risk of downstream flooding To reduce greenhouse gases (1): This will increase. Per new household, total may be lower but will still increase greenhouse gases (i.e. it won't reduce but slow down the rate of increase). Plus carbon footprint of many years construction.	
18. Protect and improve air quality	3
Our comment: Neutral score (3) – for the period of construction will cause reduced air quality which will be mitigated during construction. There is a concern about the air quality of new build so close to the runway at Blackpool airport and the effects of traffic fumes in any traffic hot spots.	
19. Increase energy efficiency	5
Our comment: To increase energy efficiency: (5) but all new homes will. To increase the use of renewable energy (3): Not required as option only not built in by default. Currently no planning condition. To reduce the use of energy (3): Will slow down the rate of increase	
20. Use of sustainable resources	3
Our comment: To reduce demand for raw materials: (2) Compared to other 15 sites this will create a bigger demand for raw materials.	
21. Minimise waste and increase recycling	3
Our comment: To reduce the production of waste (2): Will increase the total waste for FBC and increase landfill demand	
22. Promote sustainable transport	5
Our comment: To reduce the use of car and HGV traffic (1). 2300 extra cars, volume of traffic and HGVs during construction. Increased service requirements therefore more HGVs long term. If new road is built, will also encourage more HGVs and cars into the borough. To encourage walking, cycling and the use of public transport (1). Whilst scheme promises several novelties on the transport front a lower score is justified by the information in the Scoping Report which shows that Fylde has a high dependency on Car use as a means of transport. The probability is that car use will continue to predominate. Indeed page 23 of the Strategic Transport Assessment confirms that 79.4% of journeys will be by car and only 6.1% by public transport and 14.5% by foot or bicycle. Removes some bridleways and easy access to them for existing residents - would have to go further and cross busier main roads. The subsidy for the bus service will only last 5 years - in other words it may cease before completion of building on the site and there is a get out clause with costs of the new road anyway.	

Encourage the speed of ICT/Home working (5): The same as all other sites.

- A separate analysis produced a score for the site in the mid 50's making it the least sustainable site rather than the 91 in the report. This demonstrates the subjective nature of much of the scoring and the need for moderation and caution in relying on the scoring.
- It is puzzling that the Queensway site scored 3 or above for every objective. In other words it is claimed it would on balance have no known negative sustainability impacts. We do not believe that to be the case.
- The scoring is supported by very little quantitative analysis to substantiate the scores. The suggested layout as shown in the LDF Scoping report has not been followed in this report. Consequently, information around Significance, Timing, Spatial Scale are not presented. Cumulative effects have not been considered in any of the scoring.