

TOWN AND COUNTRY PLANNING ACT 1990
Application by Peel Holdings (Land and Property) Ltd
Land at, and adjacent to Hulton Park,
Manchester Road, Over Hulton, Bolton BL5 1BH
PINS Reference: APP/N4205/V/18/3208426

CLOSING SUBMISSIONS
ON BEHALF OF
HULTON ESTATE AREA RESIDENTS TOGETHER
‘HEART’

References are as follows:

- *to proofs of evidence, by witness name and paragraph number, e.g. Copley 1.1*
- *to oral evidence, by witness name, e.g. Copley with the suffix ‘EIC’ for evidence in chief, ‘XX’ for evidence in cross examination and ‘RX’ for evidence in re-examination*
- *to documents in the Core Document sequence by document and paragraph number, or in the absence of numbered paragraph, by page number, e.g. CD12.1/1*

Introduction

1. A detailed description of the proposed development is provided in the Principal Statement of Common Ground¹. By any standards it is a major project. The site occupies some 269.2 hectares² all of which would be affected to some extent by the proposals. The scheme relies for access on off-site highways proposals, either in the form of a project-specific new link road (between the site and the Chequerbent roundabout) or the public scheme for a Westhoughton bypass which has been designed (at least in a preliminary fashion) taking into account the proposed development and is in part reliant upon a financial contribution from the proposed development.³ At present there is no planning permission and, indeed, no planning application, for either highway scheme.⁴

¹ CD13.8/6.5, 6.6 and Appendix 5

² CD13.8/4.2

³ CD13.12/4.2.5ff

⁴ Ibid & Round Table Session

2. The whole of the application site is designated Green Belt⁵ and there are no proposals in any existing or emerging development plan document for that status to change in the absence of the development. However, such is the scale and character of the development that if planning permission is granted the applicant and the LPA agree that the Green Belt boundaries would likely have to be altered to exclude those parts of the site that are proposed for housing (the ‘Western Fields’, ‘Dearden’s Farm’ and ‘Park End Farm’).⁶
3. The majority of the application site is also a designated heritage asset, being comprised in a Grade II Registered Park and Garden (‘RPG’). The significance of those parts of the designated heritage asset that under the scheme would be developed as housing would be lost entirely as a result of the development,⁷ which begs the question of whether the boundaries of the RPG would also have to be redrawn in the future.
4. The parts of the application site that are not within the RPG form parts of the setting.⁸ Their contribution to the significance of the RPG would also be substantially harmed as a result of large-scale housing development on one (the Western Fields) and a golf academy on the other (‘the Northern Fields’).⁹
5. A measure of the sheer scale of the development is that it would take 20 years to complete.
6. A measure of the change that it would bring about is not simply that the existing planning designations would require review because of the change in the function, character¹⁰ and

⁵ Bolton Core Strategy Policies e.g. RA2, RA3, OA4 ‘maintain current GB boundaries’

⁶ CD13.8/8.22 Bell xx; Lancaster xx

⁷ Gallagher 9.50; Miele xx; CD3.1/404

⁸ The function of the Northern Fields as setting is disputed by the applicant and LPA

⁹ Gallagher 9.51; CD3.1/420 -existing setting replaced by ‘new setting’; CD 9.1/277 Gardens Trust ‘extremely detrimental and negative effect’ on setting and significance

¹⁰ Ms Knight in xx agreed that the landscape character assessment might no longer be valid once the development was completed

condition of the land but that when complete, it would result in a completely new community of up to 1,036 dwellings with potentially its own local centre, health centre and primary school.¹¹

7. The membership and supporters of Hulton Estate Area Residents Together ('HEART') are drawn from the existing communities in the vicinity of the site that would most directly experience these changes to land which according to the development plan is to be kept permanently open and free from inappropriate development and where such development as may be permitted is expected to conserve and enhance the physical environment.¹²

8. It is not surprising that to propose such a development in such a setting has proved controversial, particularly when the developer and the LPA are agreed that it would cause substantial harm to the Green Belt and that planning permission should only be granted if the Secretary of State finds that there would be very special circumstances ('VSC') sufficient to justify doing so.¹³

9. However, HEART's approach to the planning issues in the case is not 'one-eyed' as asserted by the applicant in opening. HEART recognises that some elements of the proposal would be beneficial and attract some support in policy as a result. However, HEART's starting point is the presumption that the land should remain free from inappropriate development together with the imperative that the RPG should be conserved in a manner appropriate to its significance with the need for a clear and convincing justification for any harm or loss of significance, noting that substantial harm to a Grade II RPG should be exceptional.¹⁴ As a consequence the balance is tilted heavily against the proposed development at the outset. The balance can only be shifted in favour of the development if there are sufficient and sufficiently

¹¹ Section 106 Agreement, Schedules 6, 7 and 13

¹² Bolton Core Strategy Policy OA4.

¹³ CD13.8/8.84

¹⁴ NPPF 143,184,194

weighty other considerations to outweigh harm to the Green Belt and any other planning harm, such as net harm to the RPG which, if substantial, would itself require planning permission to be refused in the absence of countervailing public benefits.¹⁵

Decision-Making Framework

10. It is common ground that the policies in the development plan for the provision of housing are out-of-date for the purposes of the advice in paragraph 11 of the National Planning Policy Framework ('NPPF').¹⁶ It is equally common ground that the 'tilted balance' in paragraph 11 is not engaged unless the application is held to comply with the policies in NPPF in respect of Green Belt and heritage.¹⁷ The tilted balance is not engaged in this case because the benefits of the development do not outweigh the harm it would cause. The issues can be conveniently addressed within the framework of the balancing exercise in paragraph 144 of NPPF.¹⁸

¹⁵ NPPF 195

¹⁶ CD 13.9/2.8

¹⁷ The applicant and LPA have submitted a joint note asserting that the tilted balance is engaged because very special circumstances and substantial public benefits have been demonstrated. HEART agrees in terms of approach (i.e. that the tilted balance would be engaged in such circumstances) but does not agree that public benefits to outweigh substantial heritage harm or other considerations to outweigh GB harm have been demonstrated or exist.

¹⁸ That is not to overlook the separate balancing exercises required in respect of the heritage and Green Belt effects of the development respectively. In principle 'public benefits' might be sufficient to outweigh harm to heritage but not sufficient to outweigh harm to Green Belt. In this case they are neither,

(a) Harm to Green Belt

(i) Inappropriateness

11. The proposal as a whole is inappropriate development for Green Belt purposes, whether or not there are elements which, on their own and considered separately from the rest of the development, *might* be not inappropriate.¹⁹ In fact, in this case even the ‘open’ elements of the golf course conflict with the purposes of the Green Belt because of their scale and form, the associated structures and paraphernalia such as bridges and the ‘half-way house’²⁰ and the attendant activity and are thereby inappropriate development.²¹

(ii) Openness

12. The development would harm openness, particularly through the amount and extent of the new housing areas on the Western Fields, Dearden’s Farm and Park End Farm. The buildings of the golf resort and golf academy together with the parking and servicing facilities would similarly significantly affect openness both directly and through their effects upon perceived openness. The hotel has quite deliberately been designed to be more visible in the landscape than the original hall and stables and would step well outside their original building envelopes, breaking the tree line when viewed from the carriage drive.²²

(iii) Purposes

13. There would be a substantial encroachment of inappropriate development into the countryside. It would contribute to the coalescence of settlements for which at present the

¹⁹ Confirmed by Bell and Lancaster in xx.

²⁰ Copley/4.6

²¹ NPPF/146

²² Miele Appendix 11 animated view.

application site serves the important Green Belt functions of providing a setting that also allows their separate identities to be retained. Such a substantial development in the Green Belt, not arising from a development plan allocation (but likely to result in a retrospective change in Green Belt boundaries) and implemented in phases over 20 years, would also by its nature conflict with the purpose of Green Belt policy to promote urban regeneration, by diverting demand which might otherwise have been channelled into bringing brownfield sites back into productive use, to sites in the countryside intended by the development plan and national planning policy to fulfil quite a different planning purpose.²³

(iv) Green Belt Harm Overall

14. The development would cause substantial harm to the Green Belt to which, as a matter of policy, the decision-maker must give substantial weight.²⁴

(b) Other Planning Harm

(i) Grade II Registered Park and Garden

15. The whole of the application site is either a designated heritage asset or part of its setting.²⁵
16. In order to assess the heritage effects the starting point is to assess the significance of the asset and the contribution of the setting.²⁶ That is particularly so where one of the stated objectives of the scheme is not merely to avoid harm but actually to restore the asset to some or all of its previous condition and interest.

²³ Copley/4.29 and Lancaster/10.19

²⁴ NPPF/144

²⁵ There is a disagreement between experts about the extent to which the Northern Fields is part of the setting of the RPG. In the case of the Western Fields it is agreed that they are part of the setting but a disagreement about the contribution to significance.

²⁶ NPPF/189

17. Although the register entry only acknowledges the contribution of John Webb by name, more detailed research in connection with the application (and with this inquiry) has established that his work developed out of a scheme carried out by William Emes during the latter part of the 18th Century when features such as the Pleasure Grounds were first laid out.
18. It is in the Webb landscape (or more accurately the Emes landscape as developed by Webb) that the greatest interest (and therefore the greatest contribution to significance) lies and the proposed development aims not simply to retain as much of that interest (and significance) as possible but to enhance it by restoring structures and features (e.g. the Pleasure Grounds, the Walled Garden, Mill Dam), undertaking replacement planting (e.g. of parkland trees and woodland) and implementing sympathetic land and woodland management practices.
19. The success of the proposal is to be judged by assessing the effects on significance applying the so-called 'Palmer principle' (i.e. considering the effects both positive and negative in the round to determine the overall 'net' effect).
20. Plainly the success of the assessment depends on the efficacy of the underlying assessment of significance. In this case, whilst there is considerable agreement between the respective experts about many of the landscape qualities and features that give the RPG significance there are important disagreements which largely account for the very different conclusions which they reach about the effects of the development in heritage terms.
21. The most important, perhaps, lies in the assertion made on behalf of the applicant that Webb's design embodied the use of woodland plantations, woodland belts and woodland clumps to contain a 'core' parkland area from the surrounding landscape, thereby confining the greatest interest and significance to that 'core' area and leaving the other parts of the site inside the RPG considerably less sensitive to development and those parts outside (e.g. the Western

Fields) with little or no interest as setting and affording little or no contribution to the significance of the RPG as a result.²⁷ Because the Webb ‘plan’ was to contain the core area within perimeter woodland plantations, belts and clumps, it is said, any inter-visibility between the ‘core’ and the surrounding landscape is accidental and not part of the landscape design so that its loss cannot harm the interest or significance of the RPG.

22. The thesis supports a series of key features of the master plan that is embodied in the application. First, each of the housing areas within the RPG is said to have little or no effect upon its significance because they are outside the ‘core’ and contained to a greater or lesser extent by woodland resulting in only limited inter-visibility. Next the housing within the Western Fields is said to have little or no effect upon the significance of the RPG because although as a matter of fact there are views between the Western Fields and the RPG and both public and private ways connecting them, the views from ‘core’ are limited. Next, because the parts of the RPG outside the ‘core’ are by definition less interesting (and contribute less to significance) than those within the ‘core’ they are able inherently to withstand more substantial change (e.g. in landform, golf infrastructure, etc) without commensurate effects on significance.
23. The thesis relies upon the so-called ‘Presentation Plan’²⁸ which shows a planting layout similar to that which is recorded in Ordnance Survey maps from around 1890 onwards and excludes many of the parts of the RPG outside the ‘core’ area.²⁹ That is the layout which the master plan aspires to on the grounds that it is supposedly the Webb design when mature.³⁰
24. There are difficulties with the proposition that the Presentation Plan is anything to do with Webb. The first is that there is nothing to connect it to him. Although it has colouring, it has

²⁷ Wikeley Figure 5 provides a visual representation

²⁸ CD12.33.3

²⁹ CD12.35a

³⁰ Wikeley xx

none of the other features of a true presentation plan (e.g. no cartouche, no title block, no other ornamentation or decoration). It excludes features which are acknowledged to be important to the significance of the RPG and part of the designed landscape (e.g. Mill Dam Lake, the Mill Dam Wood footpath, etc). It includes features which did not come into existence until long after Webb's death (e.g. the house in Crow Yard which carries the date 1848; the woodland at Park Pits Wood). Whilst Dr Miele attributes to the plan to c1808³¹ (and Dr Stamper to c1824)³² it is therefore more likely that the plan was prepared much later and that it incorporates elements that were not by Webb or in accordance with Webb's thinking: Webb died in 1828.

25. The Ordnance Survey maps from c1840³³ show a subtly different layout more reflective of the picturesque 'style' associated with Webb including not simply woodland plantations, belts and clumps but, crucially, gaps between them permitting views through the landscape between the so-called 'core' and the land outside it, both within the RPG and beyond (where the surrounding agricultural landscape formed the setting). Two important examples are the views from the carriage drive towards Dearden's Farm and from the carriage drive to the north entrance and Hulton Cottage. Such views are 'designed' because they are a function of the design although not a set piece or 'vista'.

26. Such connectivity between the parts of the RPG itself and the surrounding landscape is an integral element in the Webb designed landscape and is also evident in the relationship between the RPG and the Western Fields. The western boundary of the RPG has always remained open, allowing extensive views to and from the Western Fields to be retained. Whilst the applicant asserts that it would have been considered desirable during the RPG's hay day to take the opportunity to close off the views and consistent with Webb's plan to have

³¹ The so-called 'Great Plan of c1808'

³² Miele R/Appendix 2

³³ CG Appendix A Fig 17; CD05b.6.12 Fig 11.3

done so, the fact that it was never done is the best evidence that it was never intended nor part of the landscape design.

27. There was, in any case, a functional relationship between the two, with both public and private ways connecting them. Furthermore, views to and from the Western Fields were possible over much of the length of the Emes' footpath between the Pleasure Grounds and Mill Dam Lake and which, as originally laid out, ran along the southern/south-western boundaries of the Walled Gardens and of Mill Dam Wood (not within the wood as at present). The Western Fields would have formed a part of the view for anyone returning along the path from the Lake and provided the setting for the designed landscape by connecting it with the countryside surrounding it.³⁴

28. Park End Farm is towards the edge of the RPG, but is enclosed within the RPG by woodland planting on the boundary (e.g. Kearsley Plantation). There are footpaths connecting the farm complex itself with Emes' footpath at Mill Dam Lake. There are visual and functional connections between the farm complex (and the land around it) and with New Park and Mill Dam Wood. According to the best evidence that there is of how Webb left the landscape of Hulton Park (the OS maps of the 1840s) Park End Farm is plainly part of the coherent landscape design executed by Webb.

29. Hulton Hall itself was an important component of the designed landscape. Webb was the architect and the building may be assumed to have been designed for the landscape it was set within (and vice versa). It is common ground that the landscape was crafted to reveal the Hall to those approaching it along the carriage drive in a way calculated to convey an impression of the wealth and attainment of its occupants. But the revelation was characteristically picturesque, subtle and restrained, reflecting the subtleties and character of the wider RPG.

³⁴ Wikeley xx

The demolition of the hall has harmed the significance of the RPG. Reinstating a building of a similar character and scale to the original hall would contribute positively to the significance of the RPG.³⁵

30. Associated with the loss of the hall is the deterioration of the related Pleasure Grounds and Walled Garden, the ‘serpentine’ or scimitar lake and Mill Dam Lake. Other features such as entrance gates as well as the Dovecote (a designated heritage asset in its own right) are in need of repair and maintenance. However, not only is the spatial arrangement of the designed landscape largely intact but crucially also much of the interest in the parkland landscape itself. The Bolton Landscape Character Appraisal describes the park itself as “almost untouched” with many features “in an excellent state of preservation.”³⁶ The LPA’s Greenspace Management officer describes the park as a “...landscape that has a true sense of history and time embedded in it. It has character built up over the centuries. There is no other landscape like it in the Borough...”³⁷
31. As the Historic England guidance on golf in historic landscape observes “Historic parks are far less vulnerable to destruction from lack of maintenance than buildings, at least in the short term. It is also possible, unlike a building, to recover a historic park which has not been maintained.”³⁸ That is the case here. Indeed, as far as the woodland plantations, belts and clumps are concerned, the Arboricultural Impact Report advises that “woodland areas are not under existential threat” and that “minimal management would probably lead to a stable or slightly increased canopy cover.”³⁹ Whilst there is a need for some action to be taken, reports of the RPG’s imminent demise are clearly somewhat exaggerated.

³⁵ CD13.10/3.29

³⁶ CD12.28/17

³⁷ CD9.1/126

³⁸ CD11.15/5

³⁹ CD05b/6.18 Table 4

32. The proposal is for a large-scale intervention affecting every part of the RPG and large parts of the setting. It would involve new buildings (including the hotel/events complex and the golf clubhouse); repairs to and the reinstatement of landscape features (the Walled Garden, Mill Dam, the lakes, the Pleasure Grounds, the Dovecot); new landform (affecting all of the open parkland); tree and woodland removal; tree and woodland planting; and the implementation of new land and woodland management arrangements. Some would be beneficial and contribute positively to the significance of the RPG. Much would not.
33. The hotel has been designed to make a visual statement⁴⁰ with the size of the proposed building determined by commercial considerations⁴¹: it is an example of where the imperatives of golf have won over those of landscape conservation with the result that the unapologetic structure would harm the significance of the RPG by being totally out of scale with it.⁴²
34. The clubhouse and associated golf infrastructure within the North Meadows would be similarly out of character with the designed landscape and harmful to its significance.⁴³
35. Changes to landform would affect all of the open land within the RPG.⁴⁴ The amounts of cut and fill would be substantial as would the amounts of material imported to and exported from the site.⁴⁵ The fabric, use and appearance of the historic landscape would be substantially changed, not simply as result of remodelling the terrain but also by the introduction of features associated with the new use as a golf resort such as tees, greens, buggy paths, staging ‘platforms’ (for spectator, media and hospitality facilities) and access routes to the staging

⁴⁰ Marks/26

⁴¹ Wikeley xx

⁴² Gallagher/9.10

⁴³ Miele 7.117 disagreeing with the HIA, identifies ‘less than substantial harm’. Gallagher 9.12 ‘substantial harm’.

⁴⁴ Wikeley Figure 29; McMurray xx; Wikeley xx.

⁴⁵ CD 6c.4.2

areas, all of which would be accompanied by the implementation of a new grassland management regime.

36. The purpose of the grassland management regime would be to mimic the appearance of parkland with the manicured tees, fairways and greens camouflaged by belts of 'Far Rough' planted with a wildflower mix that would be allowed to grow without frequent mowing.⁴⁶ It is this which enables much of the biodiversity net gain assessed by Environment Bank, since the 'Far Rough' grassland would be a more species rich habitat than the existing parkland pasture grazed by livestock.

37. The expected appearance produced by these arrangements is illustrated in the visualisations that accompany the LVIA. They are winter views, said to be based on photographs of the existing landscape taken in November. What is clear is that the new landscape would look very different from the existing agricultural landscape, which is a product of a grassland management regime that has existed since the park's inception and is based on the use of agricultural land for agricultural purposes by livestock.

38. The LPA's Greenspace Management officer suggests that the new landscape would amount to 18 micro-landscapes, one for each new hole⁴⁷. In so saying, the officer reflected the analysis in the Historic England guidelines for golf in historic landscapes (written by Mr Wikeley) that "Building a golf course always involves earth-moving to create level tees and greens, to form bunkers and in some sites, to create suitable ground form for the fairways. This will always have an impact on a historic park as it will destroy the landform."⁴⁸

⁴⁶ Indeed, mowing might be as little as one or twice a year.

⁴⁷ CD9.1/127

⁴⁸ CD11.37/3

39. That is the case here, made worse by the extent of tree removal, since new trees are not like for like replacements for existing, historic trees and woodland.⁴⁹ One of the main reasons for the amount of replacement planting that is proposed is that new trees offer significantly less benefit at the outset than the mature trees they are intended to replace. The quality factor adopted in the planting proposals is between 1:1 and 4:1.⁵⁰
40. Simply planting trees is not an advantage in itself in historic landscape terms, unless the new trees are in locations that reflect the inherent qualities of the designed landscape and enhance (or at the very least do not harm) significance. In this case, the reinstatement of parkland trees is hampered by the requirements of the championship golf course with the result that they are kept away from the fairways and concentrated on their margins, resulting in an artificial, unnatural and certainly not picturesque arrangement out of character with the designed landscape and harmful to its significance.⁵¹ A new woodland block close to hole 13 is described as in keeping with the Webb design, but is simply pastiche.⁵²
41. The housing areas within the RPG at Dearden's Farm and Park End Farm would involve the total loss of the significance of those parts of the RPG.⁵³
42. The housing areas within the setting of the RPG would involve the total loss of the contribution made by the Western Fields to the significance of the RPG.⁵⁴
43. Against the harm, the scheme incorporates a series of the proposals described as 'restoration' by which some features of the designed landscape would be reinstated (e.g. the Pleasure Grounds, paths and Walled Garden) and others would be repaired (e.g. the lakes, the entrance

⁴⁹ As Mr Wikeley acknowledged in cross examination.

⁵⁰ Hesketh/6.82

⁵¹ See Wikeley Fig 26

⁵² Miele/6.9 "characteristic of Webb's work on the site"

⁵³ n.8

⁵⁴ n.9

gates, the Dovecot) along with the introduction of a new woodland management regime and the grassland management regime to which I have already referred. The applicant assesses all of these elements as beneficial and to such an extent as to outweigh any harm that the proposal would cause in heritage terms. Dr Miele allows for the possibility that the Secretary of State will disagree, but suggests that, if so, any “residual harm” would be less than substantial leading to the balancing exercise in paragraph 196 of NPPF to be engaged.⁵⁵ Both he and Mr Bell however strongly maintained that even if it was not accepted that the ‘restoration’ proposals resulted in a ‘net gain’, the elements of the ‘restoration’ plan, together with the implementation of the grassland and woodland management proposals affecting the whole of golf course area and the fact that the scheme would leave the spatial layout of the RPG substantially intact precluded a finding of substantial harm in ‘Bedford’ terms.

44. Mr Gallagher is equally clear that his assessment scale is calibrated on the same basis as that advocated by the court in ‘Bedford’ and that his finding of substantial harm is properly justified by the degree of change that the scheme would impose upon the designed landscape that would deprive the RPG of virtually all of its significance. Measures which the applicant identifies as beneficial, such as the new grassland management regime and parkland tree planting proposals, would adversely affect the character of the parkland by substantially changing its appearance in ways that would be at odds with the intrinsic parkland characteristics of the designed landscape. The changes associated with the landforming operations required to create a championship standard golf course together with all of the associated golf infrastructure would affect all of the open parts of the parkland depriving the great majority of the RPG of its existing fabric and form. The parts developed as housing would lose their significance altogether. The harm would be substantial. The significance of the RPG would be drained away.

⁵⁵ Miele/10.26

(ii) Planning and Delivery of Housing

45. The scheme proposes a large amount of housing in a location where such development would normally be precluded for a combination of Green Belt and historic landscape reasons. The scheme would account for 7.5% of Bolton's housing requirement for the period 2018 to 2037⁵⁶ delivered over an overlapping 20-year period, if, but only if, the authorities responsible for European golf decide to award a Ryder Cup hosting agreement to the golf resort. Therefore, the decision on whether or not the scheme ever comes forward (and if it does, from when) would not be in the hands of the developer or the planning decision maker and would not be taken on planning grounds: it would be incidental to the decision on where to hold the Ryder Cup in either 2030 or 2034.
46. That would be an odd outcome of a planning system which is plan-led, but this proposal is the antithesis of a plan-led development.⁵⁷ It is not provided for in any existing or emerging development plan. Nor could it be given the attendant uncertainties as to whether or when it would be implemented. It would lead to the associated Green Belt boundaries being modified to exclude the housing sites retrospectively. It would create a housing commitment with absolutely no certainty that it would ever come forward.⁵⁸
47. Significant uncertainty would therefore be imposed upon the planning and delivery of housing in Bolton for as long as it takes for the European golf authorities to come to their decision. The position is different from an ordinary residential planning permission where the factors affecting delivery are related to the scheme itself. The scale is substantial in the Bolton context, with implications for the development plan process and the local market place where

⁵⁶ Bell/12.58

⁵⁷ Copley EIC

⁵⁸ *ibid*

the Secretary of State is already concerned about its capacity to absorb an increased pace of housing delivery by virtue of the ‘HIF’ scheme.⁵⁹

48. The size of the contribution that the development would make to housing supply in the current five-year period is sensitive to when development could start following a decision by the golf authorities. If the decision is delayed beyond 2020 the already small contribution would be correspondingly diminished.⁶⁰ The impacts of uncertainty on the planning process and housing market would more than outweigh such contribution.
49. The contribution would not include the full amount of affordable housing sought by policy, but would provide some at the outset with a review mechanism to enable later phases to provide more subject to viability considerations. This is described as ‘policy plus’ on the basis that there is no requirement to provide any affordable housing at all where it is demonstrably not viable for a scheme to do so.
50. It is for the decision maker to decide what weight to give to any viability assessment. What is clear in this case is that the only reason why it can be shown that it is not viable to provide the full amount of affordable housing is that the residential elements of the scheme have been packaged with the golf resort as a single project under a single planning application. There is an enabling relationship between the two (if not a traditional one⁶¹) but beyond the provision of funding for the golf development the synergy between the two is not obvious. There is no functional relationship, the golf resort is contained within a secure perimeter with access restricted to its patrons except on special occasions.⁶² The resort would not be dependant for its success on a walk-in catchment area.⁶³ Whilst a ‘super-legacy’ effect might lead to

⁵⁹ CD12.64/6.5.7

⁶⁰ Bell xx

⁶¹ Bell xx

⁶² e.g. Access Plan condition

⁶³ Bell xx

increased sale prices for some of the dwellings, that is an incidental rather than fundamental consequence of the relationship between the resort and the housing areas.

51. The failure to make full affordable housing provision is the result of a deliberate choice to give preference to golf and to items such as education contributions. It is another negative impact of the scheme.

(iii) Other Development Management Issues

52. The proposal raises other development management issues, many of which are addressed in planning conditions which are necessary to make the development acceptable in planning terms. An example are the conditions to regulate the hours of operation of the golf academy, including the driving range where it is proposed to allow ball collection until 1.00am. Such activities in what is currently countryside can only be acceptable in amenity terms if adequately controlled, both in terms of hours and suitable limits on noise from plant and equipment such as automated ball collectors.

(c) Other Considerations

(i) The Ryder Cup (the Event and the Legacy)

53. When the applicant acquired the Hulton Estate in 2010 it was an opportunistic purchase: there was no plan to develop the land at that stage. It was only when the company's proposals for a golf resort development at what is now the embryonic RHS Bridgwater Garden came to nothing that attention switched to Hulton Park as a location to fulfil the chairman's ambition to bring the Ryder Cup to Greater Manchester. Since then all of the applicant's attention has been focussed on the golf resort proposal to exclusion of any alternative long-term plan. As

a result, a land management regime has been implemented with only short-term objectives: patching the roof, not replacing it.⁶⁴

54. Whilst the project has been described as conservation-led it is plain that the concept of a championship golf resort funded in part by large-scale housing development was conceived before the present team was assembled and certainly before Mr Wikeley was commissioned to prepare a conservation management plan⁶⁵, even though that is identified by Historic England as the necessary first step in devising golf course proposals in a historic landscape.⁶⁶
55. The justification for a golf resort is that it would secure the optimum viable use for the RPG. However the project is not viable on a standalone basis and it is clear that the applicant's commitment to bridging the funding gap to deliver the project depends upon securing the prize of a Ryder Cup hosting agreement for either the 2030 or 2034 event.⁶⁷ According to the Principal Statement of Common Ground 'very special circumstances' would only exist as and when a hosting agreement is secured. Both the applicant and the LPA contend that the benefits of hosting the Ryder Cup (principally economic but also social and cultural) would be sufficient in themselves to outweigh the Green Belt, historic landscape and planning harm that the development would cause. The applicant is equivocal about whether the other benefits of the development (such as the restoration scheme) would also be sufficient in themselves, on the basis that in practice there is no intention to deliver them absent the Ryder Cup.⁶⁸ A covenant to prevent any development from taking place without a binding legal agreement to host the Ryder Cup is part of the s106 agreement and is certified as necessary in planning terms for the purposes of the CIL Regulations.

⁶⁴ Mr Knight xx

⁶⁵ Wikeley xx

⁶⁶ CD11.36/3

⁶⁷ The s106 obligation refers to 2030 and/or 2034 but in practice only one agreement is contemplated.

⁶⁸ Bell xx

56. The economic benefits of the Ryder Cup have been estimated by reference to analysis of previous tournaments in the United Kingdom, Ireland and mainland Europe. They divide broadly between those associated with constructing the venue; those associated with the four days of the event itself; and those associated with what is termed ‘legacy’ - meaning a programme of golf tournaments before and after the main event and a series of programmes designed to capitalise on the main event by promoting apprenticeships and business development initiatives. By far the largest benefit, whether in terms of net new jobs or gross value added (‘GVA’) is associated with ‘legacy’ which, because it is long-term in nature and dependant upon the participation of third party ‘partners’ is acknowledged to be more uncertain than the other elements.⁶⁹
57. The first and perhaps most important observation, is that the calculated benefits would to a large extent arise wherever the tournament is hosted in the United Kingdom. It is the distribution rather than the magnitude that is most affected by whichever location is chosen. Although it is hinted that Hulton Park is regarded by the domestic golf authorities as particularly suitable to be England’s candidate location, there is no hard evidence that is the case and Mr Knight’s choice of language was notably careful in that respect. There is, apparently, a feasibility assessment underway and those conducting it are aware of the Hulton Park proposal.⁷⁰ That is different from being the front runner, or even in the race. Certainly, it is not contended with any conviction that there is no other UK candidate or that without Hulton Park the tournament would inevitably go elsewhere (Ireland or mainland Europe).
58. That being the case, the relevant issue in a development management decision on a site-specific proposal is not what economic benefits would arise from hosting the Ryder Cup somewhere in the UK (since those will arise in any event) but what distinctive economic benefits would arise from hosting the Ryder Cup at this site? That is a matter to be judged

⁶⁹ Tong xx

⁷⁰ Bell Appendix 2/4.26

according to the Greater Manchester context⁷¹ within which the benefits specifically for the immediately surrounding Bolton and Wigan areas are of greatest interest to the LPA.⁷²

59. Much of the applicant's evidence was therefore directed to demonstrating the degree of economic disadvantage suffered by Bolton, Wigan and Greater Manchester and their residents. The proposed development is said to offer particular benefits in that context, because of the types of employment and apprenticeship opportunities that would be offered and the business development opportunities that would arise, particularly in the tourism and hospitality sectors – aligning with the Greater Manchester Industrial Strategy⁷³ and the ambitions of the Marketing Manchester organisation.⁷⁴
60. The difficulty facing the applicant is, however, that the benefits of the Ryder Cup, as an international event, are skewed heavily in favour of locations outside Bolton, Wigan and Greater Manchester. The GVA for Bolton and Wigan from the event itself would be just £3m: in the case of Greater Manchester it would be £15.1m.⁷⁵ Even the benefits of the volunteer programme (a non-monetised benefit) would accrue to a large extent to locations outside Bolton, Wigan and the rest of Greater Manchester rather than the local area.⁷⁶
61. The legacy provided as part of the 'Ryder Cup Commitment' would be potentially both greater and more long-lasting. The 'Apprenticeship Programme' is forecast to provide 73 new apprenticeship opportunities per annum in Greater Manchester.⁷⁷ However compared with some 30,000 apprenticeship starts each year in Greater Manchester already⁷⁸, the number is hardly 'transformational.' The great majority of the apprenticeship opportunities are expected to be provided by third party partners who have yet to be identified. It is apparently far too

⁷¹ Bell/11.50

⁷² Lancaster xx

⁷³ CD11.52

⁷⁴ CD9.4/4

⁷⁵ Tong Table 9.11

⁷⁶ Tong xx & CD05a.4/40-41

⁷⁷ Tong Table 9.10

⁷⁸ CD11.22/29

early to take such steps. The forecasts must therefore be treated with a degree of caution, indicating an ambition but not by any means a certainty.

62. The impacts of the ‘Tournament Programme’ (comprising generally smaller golf tournaments involving far fewer spectators than the Ryder Cup) would be marginally bigger than those of the Ryder Cup in Bolton and Wigan (around £3.25m in each ‘event year’) apparently because the impacts would be more locally focused but rather less for Greater Manchester as a whole (around £11.1m).⁷⁹ Again, hardly transformational.
63. That leaves the ‘Business Development Programme’ which is, like the Apprenticeship Programme, heavily dependent on third parties to establish, lead and sustain it. Mr Tong anticipates involvement and, perhaps, leadership from bodies such as the Greater Manchester Combined Authority and Bolton Council as well as public money to help it to succeed: again it is too early to predict the precise shape of the arrangements.⁸⁰ Letters from various bodies are cited as evidence of support and the likely success of the venture.⁸¹
64. In fact, what the letters show is that bodies such as the Greater Manchester Combined Authority have to date been notably circumspect about lending their support to the scheme. Their letter noting alignment between a successful bid and certain local strategies was said to amount to ‘fulsome support’ whereas it merely asked to be kept informed about the scheme’s progress.⁸²
65. A letter from Marketing Manchester is more instructive, citing the existing value of the tourism economy to Greater Manchester as over £7.9 billion and growing at 5% per annum. That puts into context the entire 20 years’ worth of Business Development Programme benefits identified by Mr Tong which would be negligible by comparison.

⁷⁹ Tong xx re Tong Table 9.11, divided between 12 tournaments in all.

⁸⁰ Tong xx

⁸¹ Bell/1.11 7 EIC

⁸² CD 9.4/1

66. That is not to say that the benefits deserve no weight or should play no part in the overall balancing exercise. They are plainly advantages which weigh in favour of the scheme. However, it is important not to be distracted by headline figures without interrogating them to understand what they represent. If the issue is whether to grant planning permission for a specific proposal on a specific site it is necessary to consider not simply what benefits any Ryder Cup would provide for the UK, but what benefits the particular proposal would bring to the location in question. Considered in that way, the benefits of the Ryder Cup for Bolton, Wigan and Greater Manchester would not be transformational. They would be, surprisingly perhaps, very modest when compared with the costs of the scheme both financially and in terms of the Green Belt, historic landscape and planning harm that would be caused.

(ii) Not Footloose/No Alternative Location

67. Many of the same considerations apply to the applicant's contention that the project is not footloose because it can only be carried out on the application site. What is really being said is that a scheme sharing all of the characteristics of the application proposals is not footloose, rather than that a championship golf resort capable of hosting the Ryder Cup could not be developed (or does not already exist) elsewhere. The argument that the project is site-specific deserves little weight in the planning balance.

(iii) Access to the Green Belt

68. It is said that the development would secure increased access to the Green Belt in three ways:

- (a) the use of the golf resort itself
- (b) an access programme secured by condition
- (c) enhancements in the public rights of way network, particularly through the Hulton Trail.

69. The golf resort, as a whole, is inappropriate development particularly because of the buildings of the hotel and events complex and the golf academy and driving range. The use of such facilities does not amount to enhanced access to the Green Belt, although it might facilitate access to parts of the RPG that are not currently accessible to the public, albeit that the patrons of the resort are expected to be an exclusive group. Mr Bell did not urge great weight to be given to the use by patrons of the spa in this regard.
70. An access programme not requiring golf resort patronage is to be welcomed, but few details are known and as Mr Bell conceded, the programme would be built around the commercial imperatives of the resort.
71. The planned enhancements of the PRoW network are primarily to enable inclusive use (for instance by those whose mobility is impaired) rather than wholly new routes. Since the ‘Hulton Trail’ would run for much of its length between the new housing estate on the Western Fields and the planned Westhoughton Bypass it is questionable whether it offers any benefits in terms of amenity compared with the existing footpath network that would be swallowed up in the new housing area. Since the housing area is likely to be removed from the Green Belt if the development proceeds, that part of the Hulton Trail would not afford access to the Green Belt in any event.⁸³
72. The benefits should be seen for what they are and given only limited weight accordingly.

(iv) Biodiversity Net Gain

73. The scheme is assessed as achieving a biodiversity net gain in the long term, i.e. following the successful implementation of the various habitat creation and management proposals summarised in the Ecology Statement of Common Ground.⁸⁴

⁸³ Bell xx

⁸⁴ CD 13.11

74. A degree of uncertainty attaches to the gain because it is predictive and over the long term, as Mr Hesketh conceded (although he expressed confidence that the position could turn out to be more favourable in the right circumstances). It is notable, however, that a significant proportion of the gain is attributable to the proposed grassland management regime and, in particular, the 'Far Rough' component which would be so harmful in historic landscape terms, a factor which needs to be taken into account alongside the biodiversity benefits in the overall planning balance.

(v) Congestion and 'HIF'

75. The LPA has contrived to submit a bid for government funds to implement a series of highways improvements, including a Westhoughton Bypass, that is dependent upon a developer contribution from the Hulton Park scheme (the 'HIF' bid). If planning permission is refused the HIF scheme is thrown into doubt because it relies on the contribution to bridge a funding gap. It is said to be an advantage of the development that it would enable the HIF project to proceed, but that is only because the Council has put itself in a position where an important public project depends on a private development proposal which does not have planning permission and which has been called in by the Secretary of State because of the important planning policy issues which it raises.

76. Worse still, the HIF funds are time limited until 2023, yet the LPA agrees that even if planning permission is granted (now at the earliest in the first half of 2020) it should not be implemented unless and until a hosting agreement is secured with no guarantee as to whether or when that might happen.

77. The Council's strategy is built upon uncertainty. It is not an advantage of the scheme that it might rescue the Council from the consequences of its actions.

78. It is an advantage of the scheme that it would provide some additional capacity within the Chequerbent roundabout, which deserves some weight in the overall planning balance.

(vi) Housing/Affordable Housing

79. I have already commented on housing and affordable housing issues.

(d) The Overall Balance

80. The proposal would cause substantial harm to the Green Belt. It would cause substantial harm to the RPG. It would create planning uncertainty and adversely affect housing delivery. It would fail to provide the amount of affordable housing required under the development plan for reasons based squarely upon golf not housing viability.

81. There are other considerations that weigh in favour of the development, including the economic and social benefits that would accrue to the local area and, more widely, to Greater Manchester as well as features of the development such as the Hulton Trail. However, they would not be sufficient to outweigh the harm that the development would cause, much of it irreversibly.

82. Therefore, whilst the scheme is not without benefits, when the balancing exercise in paragraph 144 of NPPF is carried out, it is clear that planning permission ought to be refused.

NPPF Paragraph 11

83. That being the case, the tilted balance is not engaged.

Conclusion

84. HEART therefore invites the Inspector to conclude that the harm to the Green Belt together with the other harm that the development would cause is not outweighed by other considerations. The matter is not even finely balanced: very special circumstances do not exist and would not exist if a hosting agreement was ever secured and therefore that the opportunity presented by the scheme should be rejected.

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