

## 14. INSPECTOR'S REASONING AND CONCLUSIONS

### Introduction

14.1 My conclusions take into account all the evidence presented to the inquiry, the written representations and my inspection of the site and its surroundings. The references in square brackets, usually following sub-headings or at the end of paragraphs, refer to the preceding paragraphs from which facts and conclusions are drawn.

### Material Considerations

14.2 In this case, there is no dispute that the appeal site lies in the statutory Green Belt or that within this designation the erection of a new building for a B 1 (b) use constitutes inappropriate development. Accordingly, the First Secretary is obliged to determine this appeal in accordance with a presumption against allowing inappropriate development in the Green Belt, unless there are very special circumstances to justify an exception and which clearly outweigh the harm to the Green Belt and all other harm (ppG2, 3.2). In establishing the balance between the identified very special circumstances and the perceived harm I find the following to be the main material considerations:

The planning policy framework;

- The need for the proposal;
- Security/demonstrations and the consequences;
- The effect on local residents;
- The visual impact and harm to the Green Belt;
- Alternative sites;
- Other material factors.

14.3 I have considered each of these aspects in turn and drawn my conclusions together in an overall summary. In the event that the First Secretary is minded to allow the appeal, I have commented on the s.106 Planning Obligations and the draft **conditions**.

### **Planning Policy Framework [1.2, 4.2-4.3, 5.3-5.7,6.1, 7.58-7.67,8.59,9.1-9.2, 9.6-9.9,9.46-9.52,12.7 and 12.17-12.18]**

14.4 There is considerable force of argument in favour of the creation of jobs and, in and around Cambridge, many jobs are generated through research undertakings fostered and supported by what is known as the Cambridge Phenomenon. Looking at the DP, the Cambridge Green Belt LP (1992) Policies GB3/1 and GB3/2 identify a strong presumption against inappropriate development in the Green Belt and advise that permission will not normally be given for development, where it would adversely affect the rural and open character of the area. This is reinforced by the extant Cambridge Structure Plan (1995) (SP) and the adopted South Cambridgeshire Local Plan (1993) (LP). As indicated above, there is no dispute that the proposal constitutes

inappropriate development in such a location and, thus, the presumption against inappropriate development pertains.

- 14.5 In the context of employment, SP Policy SP5/6 supports the expansion of existing firms, provided the scale of growth does not conflict with other policies in the Structure Plan. SP Policy 18/6 advises that the development of research establishments, which are in the national interest and have a special need for location in the Cambridge area will normally be permitted. The explanatory text says that new activities will normally be restricted to existing built-up areas, but in the case of agricultural research, development may be permitted in the open countryside. The SP informs that all districts have adequate supplies of land to meet development needs for employment uses, including high technology, up to 2006.
- 14.6 The emerging LP review has reached an advanced stage, with the Inspector's Report into objections having been received and proposed modifications published for public consultation. I therefore accord it significant weight. Of relevance to the appeal site, emerging LP Policy EM5 has been re-worded to ensure greater consistency with the other elements of the DP. In particular it states that proposals for new or extended research establishments, which conflict with other policies and proposals in the DP must be outweighed by evidence of need in the national interest.
- 14.7 The Regional Planning Guidance for East Anglia to 2016 (RPG 6) contains a number of policies encouraging the development of research and technology based industries in and around Cambridge to support and consolidate the Cambridge Phenomenon and the expansion of the group of research and technology based clusters. Other studies support the extension and consolidation of clusters and the latter defines the needs of biomedical technology are highlighted as a priority cluster.
- 14.8 Taking all these factors into account, it is clear that the motivation and support for research establishments and particularly bio-technological enterprises carry considerable weight. It follows from this that there is an obligation on the policy makers to accommodate this need within the DP, through the allocation of an appropriate level of land and supportive policies. It might be argued that the policies leave it open to conclude that the need for institutions/ enterprises, that can be shown to be in the national interest, could, on occasions, outweigh all other planning considerations. Clearly this might be one such occasion. However, I do not subscribe to the theory that planning for the national interest in this context should be met generally through an *ad hoc* arrangement, outside the DP land allocations.
- 14.9 It follows, therefore, that where a proposal conflicts with DP allocations and/or key policies it is necessary to weigh in the balance all the material considerations to ascertain if they are sufficient to outweigh a strict application of the prevailing policies. In this case it is the Green Belt policies that would be breached. As concluded above, there is no automatic expectation that a research/development proposal in the national interest would overcome all policy objections in every case. This is particularly so as the SP confirms that all the districts have sufficient land. I agree, however, that proposals that are in the national interest will carry significant weight. It is worth restating that, in the case of a site in the Green Belt the national

interest/ need to develop and any other very special circumstances in favour of the project must outweigh the entire perceived harm.

14.10 In this context, I have some difficulty in reconciling SCDC's approach to the policy framework. In making only passing reference to the Green Belt, the thought process followed by the Council appears to conclude that the proposal is inappropriate development in the Green Belt, but that it would now cause very little harm to the stated functions of the Green Belt. It has then concluded that the national interest/ need, confirmed by the Parliamentary Under SoS for Science and Innovation, constitutes a very special circumstance that 'cancels' out the Green Belt adverse presumption. This, and the revisions to the scheme, would account for the change in the Council's reason for refusal, between the earlier 2000 application and the one now the subject of this appeal. It has then concluded, and apparently totally separate from the previous line of reasoning, that the concern about security etc remains undiminished by the national interest/ need argument. Put another way, the national interest 'cancels' out precisely and exactly the Green Belt objection, with no weight remaining to set against the other harm.

14.11 In my opinion, this approach does not conform to that evinced by PPG2 and, in this, I am more inclined to the Coalition approach. This requires that the very special circumstances of the case must outweigh the entire harm, including that to the Green Belt and from any other source. A failure to secure this leaves a fundamental Green Belt objection and the reason for refusal should have read something like: 'The proposed animal research establishment at 307 Huntingdon Road constitutes inappropriate development in the statutory Green Belt and there are no very special circumstances, including national need, sufficient to outweigh the harm that would result, by definition, to the Green Belt and other harm, including that from demonstrations and breeches of security at 307 Huntingdon Road, that would lead to a risk to safety and congestion/ disruption on the surrounding highway network'.

14.12 I also note some inconsistency in CU's approach to policy. Under one heading they acknowledge that the project constitutes inappropriate development within the Green Belt. At a preceding point, however, they contend the project should attract the benefit of s.54A. I firmly believe that the Green Belt presumption is the key or overarching policy and, when the DP policies relevant to the appeal site are viewed holistically, the proposed non-human primate research establishment is contrary to this key policy.

14.13 That very special circumstances might outweigh the negative presumption against inappropriate development in the Green Belt is not in dispute. Even so, the meeting of the very special circumstances 'test' does not confer s.54A status. After weighing everything in the balance, a 'favourable' outcome merely allows the project to be judged as one in accordance with policy. In other words, the adverse policy presumption comes first and then the very special circumstances are weighed against that presumption.

14.14 I conclude, therefore, on the principle of the project that it is contrary to the prevailing DP Green Belt policies and does not benefit from the s.54A presumption in favour of granting planning permission. Under these circumstances, I move to consider the

material planning considerations and very special circumstances that might justify a decision at variance with the adverse policy presumption.

### **The Need for the Appeal Proposal**

*The national interest/ need* 17.26-7.33,9.10,9.33-9.35,10.14-10.15,12.37 and 13.2]

14.15 Although reference to the national interest is contained in RPG6 and the Cambridge Structure Plan 1995 and emerging elements of the development plan review, I am not aware of any definition of "*the national interest*" or any acknowledged criteria that should be considered in the planning context. Without this to aid the decision maker, each case must be treated on its individual merit.

14.16 What is before the SoS in this case are letters from the DTI confirming that Government views this proposal to be in the national interest. The contention by those objecting is that the points referred to in these and other supporting letters, are all subjective and assertive. They do not go to the heart of the matter of deciding whether the scientific or medical value of a proposed non-human primate research establishment is in the national interest. The information that would facilitate this is not in the public domain and Cambridge University (CU) chose not to call any technical witness involved directly in the research projects or anyone benefiting directly from them.

14.17 I accept readily that there is no place in the planning remit for commenting on the moral or ethical aspects of animal research, even that with non-human primate involvement. Notwithstanding, if the national interest 'card' is to be played in aid as a very special circumstance, then I believe there is a direct obligation on the University to demonstrate this in some objective way. One way would be to tender a witness who would submit technical scientific support for the project. This might inform in some detail what has been achieved, what is currently under way and how this has been successful in advancing knowledge and, in particular, the understanding and treatment of neurological conditions. This witness would then be available to answer questions. In the absence of this, CU have to rely on the statements of support from the DTI and other members of the Government, and I address these later.

*Scientific/ medical arguments* 15.2-5.3, 7.34-7.43, 7.113-7.135, 9.3-9.5, 9.11-9.35, 10.13-10.16, 11.1-11.4, 12.37-12.41, 12.48-

12.61 and 13.21

14.18 With regard to the scientific/ medical input, or lack of it, the appeal system has long adhered to the Frank's principles of fairness, openness and impartiality. It is not acceptable, therefore, to argue, as CU do, that the Inspector and the SoS lack the technical competence to follow the medical evidence that might be adduced and, thus, rely on the written statements and submissions of one party, however eminent.

14.19 As pointed out, Inspectors do have to follow highly technical information and I would extend the list proffered by the Coalition to include such complex matters as incineration, virtually all waste cases, contamination of both land and water and transport modelling. There is, of course, always the fall back position of appointing an Assessor, where the expertise of the appointed Inspector does not extend to the

specialism at issue.

- 14.20 Similarly, the arguments about the security risk to those giving evidence are not compelling. As was pointed out, there was no need for those actually involved in undertaking research on non-human primates to appear. If the research on non-human primates at CU, or any animal research at any institution, has led to successful clinical trials on humans or the establishment of other medical/ clinical procedures etc, then it should have been possible to `parade' the recipients of the research information before the inquiry. As the Coalition proposed, they could have supported the `national interest/need' argument and, not being directly involved in animal research themselves, would not have been placing themselves at risk. Nothing akin to this was attempted.
- 14.21 Even if CU felt this was not good enough, it is not unknown for sensitive evidence to be delivered *in camera*, so that the evidence could be made available to the inquiry, but the names of those giving evidence could have remained outside the public domain. It was as if CU felt there is no need to demonstrate the scientific/ medical worth of the research carried on at the non-human primate centre. Some clearly felt this to be an arrogant and high-handed approach to the public inquiry and to the openness in which such proceedings should take place.
- 14.22 The technical information that was presented to the inquiry could best be described as peripheral skirmishing, without CU making any real attempt to secure an objective conclusion on or specific details about what is proposed. As it was, a considerable amount of written evidence was placed before the inquiry by CU and objectors, but those actually and specifically qualified in non-human primate research into neurological illness or conditions and had produced the papers on the topic were not able to be tested by questioning. Each paper or article submitted was almost immediately rebutted by another, arguably of equal standing. Nor was I helped in this by there being any direct input from an independent member of a peer review body or similar.
- 14.23 All this discussion about evidence and questioning does not mean that written representation should count for nought. Clearly they are material and have to be taken into account. However, most if not all of the scientific/ medical evidence advanced by CU is challenged by objectors, with equal or more extensive written representation and some oral evidence. Under these circumstances, I would be heavily criticised if I afforded the University's written evidence greater weight than that of the objectors.
- 14.24 Clearly, it is extremely difficult to identify the future benefits of pure or `blue skies' research. It seems to me that there could always be something of scientific usefulness that could be established by such experiments. From the opposing standpoint, and no doubt equally valid, there can be no guarantees. Having said this, I appreciate that it might be difficult to enter into an open debate in a competitive world with material that might be sensitive.
- 14.25 On the basis of the technical input, therefore, I could not conclude that need in the national interest is demonstrated insofar as this pertains to the scientific/ medical research and procedures undertaken by the University. I return to the consequence of

this later.

*Other factors prayed in aid to establish national interest/ need* 15.2-5.2,7.26-73.3,9.3-9.5 9.11-9.351

14.26 From CU's perspective, its track record for research and results was prayed in aid as was its submission that the highest calibre of researcher/scientist would be lost to the University if this proposal was turned away. It is also claimed that the consolidation of all non-primate research currently carried on at a number of institutions on one site would lead to more efficiency, with the possibility that achieving the same results could be secured undertaking experimentation on fewer non-human primates. Furthermore, the best standards of accommodation and care for the animals could be secured.

14.27 The next point submitted by CU is that before clinical trials of virtually any drug can be undertaken on humans they have to be proven on animals. As I understand it, however, there is no requirement for these animals to be non-human primates. In this context, CU did not dispute that 80% of trials proven successfully on animals did not succeed when the same tests/ treatments formed clinical trials on humans. Perhaps of more relevance, CU did not counter by claiming that, even in the neurological field, the success of clinical trials on humans following testing on non-human primates was of a higher order. Surprisingly, in CU's closing submissions no reference is made to any perceived difference between animal experiments in general and those on non-human primates. In fact, and as can be seen, no reference is made to non-human primates.

14.28 On the other hand, many of the objectors are focussed in their objection to the use of non-human primates and some go so far as to differentiate between old and new world non-human primates.

14.29 Looking at all these factors, they may represent some degree of benefit and advantage. However, there is no clear indication that these would amount to a national interest in any definitive sense. For my part, I would have been looking for a much more extensive audit of direct and indirect job creation and the import/export consequences of any decision. These of course may be implicit in the Department of Trade and Industry (DTI) understanding, but details were not available to the inquiry. In addition, I am mindful that when CU was asked about the consequences of their appeal being dismissed, they responded by saying that this would be the end of the matter and such a research establishment would not be pursued. I did not find this response to be consistent with national need or interest.

14.30 I turn now to appraise the points on national need/ interest highlighted in the DTI letters. As stated earlier and accepted by all, these letters are not intended to support the proposal on a particular site. Even allowing for this, the other points are hardly compelling. As for the letter dated April 2001, this largely states the obvious, without identifying the CU project as different from many others. The references to the Joint Infrastructure Funding could be important, but I do not consider 1 of 152 approved schemes constitutes national importance, despite this being the fourth most expensive. Could the other 151 also claim national importance? Moreover, an equivalent amount of money has been added to the pot, no doubt adding to the 152 schemes approved so far for funding. Awarding funding

cannot be an overriding criterion, though I accept that the judgement of the Joint Executive Committee should be afforded weight.

- 14.31 Moving onto the letter submitted in response to my questions at the PIM, several points are listed. The first in relation to an 'infrastructure' that has suffered years of neglect could apply to a myriad of interests. This does not highlight or justify research on nonhuman primates as being disadvantaged any more than any of the other similar interests. In fact, if one accepts the premise that wherever possible research should not involve animals, it would be a stronger argument to say that it is nationally important to keep together and service the excellent and acknowledged research expertise in Cambridge to catch up on alternative forms of research to that employing animals.
- 14.32 The second factor promotes the development of centres of research excellence. I am sure no one would disagree with this sentiment. However, in planning terms, I am equally certain this could similarly be argued to support virtually any research interest, public or private in any institution or building. It is not specific to this non-human primate centre in Cambridge.
- 14.33 The third, pertaining to improved animal accommodation is certainly not a justification for allowing the appeal or something in the national interest. Improvements in animal accommodation could be effected without this proposal. Even a grant of planning permission for this complex does not guarantee that anything other than the statutory minimum will, or would continue to, be provided.
- 14.34 The fourth point refers to ensuring legitimate research can continue despite intimidation. Setting aside the vast reservoir of lawful objection, I have serious concerns about adopting this argument as something of national importance. This could be argued to embrace all forms of security for research, commercial and even educational establishments. It is generally held in considering planning proposals that security is the responsibility of the developer and threats of theft or vandalism are not normally given additional weight. Accordingly, this does not justify elevating research on non-human primates to a national level in this context or allowing this appeal merely to spike the guns of those objecting. The planning system is not there to facilitate making points of principle.
- 14.35 As one would expect, I have looked carefully at the letter from the MRC. This supports the case for CU and draws attention to the praise levelled at the Cambridge project and the high award of grants. I would have liked to ask more questions, but once again, the author of the letter was more concerned with protecting anonymity than appearing at the inquiry to support the submissions. Even then, the submissions do not indicate how many projects received this level of approbation nor whether there was competition included from establishments abroad that would have attracted the grants had CU not submitted an application. In my judgement these factors detract substantially from the weight they can be afforded.
- 14.36 Looking at national interest in planning terms, if one were to accept the DTI and MRC arguments as compelling then it would make it much more difficult for planning

authorities to resist future proposals, where no objective or specific evidence is supplied. It is almost as if these submissions consider anything that would contribute positively to the national economy should be treated as nationally important. I am certain this is not the intention of national or local planning policy guidance. Consequently, I am sure, therefore, that the information contained in the DTI and MRC letters have not, of themselves, prompted the Government, collectively, to conclude on this project's national importance.

14.37 Nor have I found the House of Lords Report into "Animals in Scientific Procedures" crucial. On many counts the Report raises similar concerns to those aired at this inquiry. However, as I understand it, their Lordships were commenting on 'animal research' as a generic interest, not specifically in respect of research on non-human primates. In any event, it is clear that considerable evidence and submission was available to them in assisting them to their recommendation. Not least, I assume they were able to 'test' the submissions of those directly involved. These facilities were not made available to the planning inquiry. As mentioned above, from the planning inquiry viewpoint this must be seen to be fair, open and impartial. Without this, the fears of some objectors that the outcome is a foregone conclusion is granted credibility.

14.38 As the objectors do not have the benefit of this 'additional' information, it is not unnatural for them to respond to what is in the public domain and fear the worst about what remains unsaid. In giving weight to the submissions on national need/ importance the SoS will have to consider how much additional information to divulge and the consequences of doing so for future proposals and the planning system generally.

14.39 In conclusion, there are several arguments that could be seen in favour of this project. However, whether taking the points individually or cumulatively, I have not seen them as being so compelling as to justify this particular project as one in the national interest.

### **Security/Demonstration and the Consequences**

*Reasons why demonstrations will/ will not continue* **17.34-7.43, 7.113-7.135, 8.7-8.17,10-3-10.12,12.9-12.14, 12.20,12.32,12.36-12.41, 12.62 and 13.3-13.41**

14.40 As noted, it is not, of course, in the planning remit to give weight to the moral or ethical aspects of animal research or testing. However much the objectors might resent it, this must be a matter for Government and the Law. Notwithstanding, if the individual or public perception of animal testing and in this case specifically research/testing on non-human primates is at odds with Government 'policy', it is perfectly acceptable to promote their views. As is pointed out, Government 'policy' on such matters as foxhunting, the export of live animals, the use of animals in testing cosmetics and of the great apes in experimentation/ research etc., often lags behind the public view. The question in this case, is whether this expression is likely to lead to direct and indirect actions of lawful and, on occasions, an unlawful nature.

14.41 Although CU submit the views of the scientific bodies as strongly in favour of animal research, there is little to say this mirrors the public view. I agree that one should not draw the conclusion from the Mori poll figures that a significant majority of the public is

in favour of banning all animal testing in all circumstances. However, from this article and poll, neither can one draw the inference that a majority of the public is in favour of research using non-human primates, where they are liable to suffer pain. There are also recorded in the survey a difference of view between the use of non-human primates and other animals.

- 14.42 From the written representations it is quite clear that many who accept that testing drugs on animals is necessary consider that testing/research on non-human primates is of a totally different magnitude. In this context, and in answer to my question, it is interesting to note that scientists/ researchers in the UK no longer wish to carry out work on the great apes and, as acknowledged, this was banned recently. As mentioned above, many differentiate between old and new world monkeys. Essentially, the public perception is that demonstration etc. has led to a change in Government thinking and policy over time. They see a similar approach being successful in a case of research/ testing on all non-human primates and some draw support from emerging EU legislation. From the evidence before me, there are a significant number of reasons why I would not dispute this and why I firmly believe that the public will continue to agitate vociferously and 'forcibly' against the use of non-human primates.
- 14.43 In the first place, the public resents clearly the lack of open debate on the issue of the scientific/ medical provenance of the research. They see the University's lack of engagement on this matter as dismissive of their strongly held views. Importantly, most see non-human primates as being much closer to humans than other animals used for testing. As such, there is a greater affinity with perceived levels of pain in animals undergoing research. Members of the public are unable to reconcile themselves to the measurements of stress and actual pain inflicted on non-human primates, who, of course, have no choice or voice in the process. Low or moderate pain, as defined by the Home Office, is not seen as better than substantial pain and the averaging method for pain events is an anathema. To the vast majority of those objecting, all pain inflicted on animals is viewed as unacceptable.
- 14.44 Insofar as monitoring the living and social conditions of animals involved in the research, being carried out by the Home Secretary overseeing his own rules and regulations, this is not seen as independent. Moreover, there is a belief that the Home Office Inspectors involved have become desensitised over time and this is why they have 'missed' the 'failings' alleged by BUAV and others. As a consequence, without entirely independent scrutiny mistrust is harboured and breeds. Rules and regulation there may be, but these are not seen as robust enough or enforced consistently and rigorously. Although, I have not found crucial the allegations made in the BUAV video, it, and so far the lack of response from the Home Secretary, informs public perception and concern.
- 14.45 Incidentally, I have not found the emerging EU Directive critical. From the information available, it will deal with animal husbandry and general care and the present UK standards very largely better the requirements under consideration. I am not aware that this Directive will limit the class or species of animal that could be used, though the SoS may wish to confirm my understanding.

- 14.46 Secondly, those objecting see a system, which is arguably self-perpetuating by way of peer review involving many also involved in similar research. As for licensing/grant applications, while many overseeing this process are not directly involved in animal research today, the scrutiny process is not seen as transparent. From the lack of information and evidence placed before me, I see no reason to disagree. There was just not enough detail for me, or apparently within the public domain, to form any reasoned view. This is despite the House of Lords recommendation on information in their Report into animal procedures.
- 14.47 Finally, the University fear those who take direct and sometimes unlawful actions. Nevertheless, by far the vast majority of people objecting to this proposal, in their tens of thousand, are perfectly law abiding citizens who will vote against animal experimentation/ research when the opportunity arises and will demonstrate in as peaceful a means as possible until they achieve their aims. It is also worth noting that many of the organisations objecting to these proposals have national status and draw patronage and involvement from the highest level of public service. For example, the Queen is the Patron of the RSPCA and The Archbishop of Canterbury its Vice Patron.
- 14.48 However, unlike the University who believe that today's objections will evaporate, I share the view expressed by the Police that the objections to something as emotive and sensitive as research on non-human primates will not disappear. If anything, from the evidence and representations, I foresee objection to the use of non-human primates growing. In addition, the University answer to me at the inquiry that failure to secure planning permission on this site would, in all probability, be the end of meaningful biomedical research on non-human primates in Cambridge can only act as a spur to those who object.
- 14.49 As CU emphasise, there are those who feel that greater notice will be taken of more overt and disruptive action. While the law and the vast majority of objectors do not condone this approach, it would not be sensible to disregard it. The history at this and other sites reinforces this view.
- 14.50 One other germane factor that reinforces my conclusions on this point is that all the owners of business sites approached with a view to the location of the non-human primate research establishment would not countenance it on any of their sites. In effect, they are all fearful of the consequences for the safe and efficient operation of their sites and the future investment and rental values that could be secured alongside a non-human primate research establishment. Some even write exclusion clauses in their leases. For similar reasons, the University are also fearful of locating it on one of their own sites. On this basis, the more cynical might suggest that the main very special circumstance, in the Green Belt context, is not an operational need for the non-human primate research centre itself to be in the Green Belt, but the registered fear of non-Green Belt landowners.
- 14.51 For all these reasons, I am in no doubt that demonstrations against this proposal will continue during and following construction. It would consolidate an appreciable number of disparate non-human primate research establishments into one location. This would

serve to focus objection to research on non-human primates to what might be described as a 'prime target' site. So how could this manifest itself?

*The consequence of demonstrations etc.* **12.1-2.4, 6.1, 7.15-7.19, 7.44-7.51, 7.73-7.105, 8.2-8.6, 8.19-8.54, 12.6, 12.12, 12.33-12.35,12.43 and 12,451**

14.52 Before it could become operational, the site would have to be constructed. This in itself may prove problematical if the approach at Huntington Life Sciences (HLS) is repeated at 307 Huntington Road. As I see it, it would be an easy matter to put pressure on main contractors in attempts to dissuade them from submitting a tender. It would seem unlikely that the Government would provide banking facilities for all potential contractors. With new build, this would extend to those individual suppliers and those delivering materials to the site and carrying out the work. These actions could apply equally to any site, but the consequences of the position of this site.

14.53 Any delay in progress would capture publicity and one only has to consider some of the 'ingenious' methods of direct action adopted at locations such as the A34 Newbury Bypass, the M65 Preston, Blackburn and Burnley Motorway and Manchester Airport (second runway) to understand the full consequences for the surrounding highway network of action at this stage. It is accepted by all that the campaigners are "*not unintelligent*" and they do demonstrate originality. Most importantly, the disruption to deliveries to 307 would place a main arterial route into the City at risk. This is a gateway location, linking the City Centre with the motorway network to London, the Midlands and the North, where delays could be unfortunate and potentially hazardous, not to mention being a poor advert for the City.

14.54 Once the establishment was constructed, I believe it would provide a site in an ideal location for publicity, demonstration and potential major disruption. In particular, the A1307 passes over the A14/A428 and the slip road to the M11. Moreover, it is highly visible from the M11. I foresee that such a location could provide a national, if not an international, stage for opposition to the site and the use of non-human primates in research generally. I accept that the Police have powers to prevent banners being slung from road/motorway bridges or that even a peaceable vigil could be broken up if conducted immediately outside 307 Huntingdon Road.

14.55 I am more inclined to the Council and Police views that we cannot merely have regard to the historic record of incidents. In any assessment of an application I believe the decision maker must have regard to all the material consequences for the adjacent land uses and users. The fact that certain events might not yet have happened is not enough. I see parallels with allowing residential development alongside an employment site on the basis that the previous business occupants have caused no amenity problems. By allowing the residential development there is an immediate fettering of the expectation and anticipation of the employment use/ type or the ability to dispose of the land/building for uses within the classes permitted. The decision maker must have regard to all reasonable consequences of his/her decision. Paradoxically, CU are asking the inquiry to have regard to what they might achieve from their research in the future.

14.56 If demonstrations do take place, then a little imagination convinces me that objectors putting over their views could attract public attention. Some actions could be greatly distracting to users of the surrounding motorway and trunk road system, as well as the A1307 itself. Immediately to the north-west of the appeal site the A1307 is subject to the national speed limit, with relatively high 85<sup>th</sup> percentile speeds. The design for sight stopping distance is substandard for these speeds. Extension of the 40mph speed limit from the Cambridge direction and signing and enforcement would help, but, if the A1307 is blocked, a percentage of travellers may encounter standing traffic at times outside the morning peak hour, when they will least expect it. With open frontages in view, it is inevitable that some drivers will still travel above the design speed, even with the reduced speed limit. This would be a potential source of danger.

14.57 Similarly on the A14/A428 and the slip road to the M11, without major works to the A1307 bridge over this route I foresee considerable danger and distraction on these high speed routes. In addition, the appeal site itself is highly visible from the M11 and with the proposed security fence and 3-4m high brick walls to the northerly boundary would be obvious from Huntingdon Road. How long would it be before a 'permanent' banner greeting is arrayed on the long expanse of wall outside 307, on this main approach to the City?

14.58 Moreover, a public footpath runs alongside the site and under the M11 motorway. As for the M11, this is the major motorway linking East Anglia with London and Stanstead Airport and this would provide a national and international stage for demonstration and protest. Another footpath on the opposite side of the A1307 leads to Girton via a bridge over the A14. It is worth noting that the geometric standards for the slip-roads from and to the A14/A428 and the MI 1 reflect comparatively low design speeds. At these locations and at 'motorway speeds' a momentary distraction would add markedly to accident risk: 70mph equates to some 33m<sub>(105a)</sub> of travel each second.

14.59 Just by way of example, an effigy of a monkey 'with attachments' and an accompanying banner reading 'THEY ARE KILLING ME FOR YOU' swung from the bridge parapet would immediately draw the eye and mind in a way that a conventional roadside sign or advert would not. If a human dressed up as the monkey, how much more realistic. Add a lock-on to the bridge parapet and suspend the 'human monkey' and it would take hours to resolve safely. This need involve only one or two objectors, with no advance warning. This would, of course, be judged illegal, but I suspect it would prove highly effective in disrupting the free flow of traffic and adversely affecting highway safety at a major intersection.

14.60 I accept that traffic management measures could be implemented on the A1307 to reduce the potential for danger, but, even for normal campaigning, these would not remove distraction, disruption and potential delay. All these factors can lead to frustration and added danger to road users. The key advantage to the protestors is the visual connectivity between the appeal site and the key public vantage points. This is why this site is different from others and, in saying this, I include the HLS site, which, although alongside the AI(M), is itself served off a minor road.

14.61 I have no doubt that the Police will do everything necessary to maintain law and order, but

their response time of some 20-minutes leaves a sufficient margin for unadvertised action. A significant amount can be achieved in 20-minutes and this can take several hours to remedy. During all this time the roads around are at the mercy of the demonstrators' actions. As was pointed out, the Police are unlikely to take precipitate action to remove protesters. They will exercise the necessary level of caution.

14.62 I agree, also, that equipment such as cones and signing could be accommodated within a below ground, secure container in the highway outside the site and be used by the Police in case they need to cone off any section of the A1307. A field alongside the proposed development would be offered to the Police to disperse and hold demonstrators and this itself could be used to advantage. I recognise that the field would not be available at all times to demonstrators, but the Police clearly have difficulty in their potential to manage demonstrators on private land immediately adjacent to the proposed non human primate research centre.

14.63 Accordingly, I consider that the proposed non-human primate research establishment at this location would have a material and adverse effect on the surrounding trunk road and motorway network, access to Cambridge City Centre and involve significant police resources and appreciably more than a less conspicuous site.

14.64 In reaching this conclusion, I have not had regard to the migration of demonstrators from 307 Huntingdon Road to Cambridge City Centre. Although this would have impact on the A1307 itself, I consider that wherever the establishment was built it would have a similar negative effect on Cambridge City Centre should demonstrators seek to attract publicity in a central location.

### **The Effect on Local Residents 12.6,7.6-7.8,12.1-12.7,12.21-12.31,12.42,12.44,12.46-12.47 and 13.61**

14.65 No central University body or public or private industrial park is prepared to accept the proposed non-human primate research centre within its midst. However, a relatively small number of local residents of Girton and Girton College itself, an independent College under the umbrella of the University, is expected to bare the brunt of what are the stated and anticipated fears of others. In this regard, as concluded previously, I have no doubt at all that demonstrations and publicity stunts will take place at and around the site 307 Huntingdon Road. The fact that these will impinge on the College grounds and activities and the lives of local residents is described and confirmed by those making representation. I see no reason for this to change. Unlike CU, I see Girton College as particularly vulnerable, with its numerous entrances and open accessibility. Moreover, the site is referred to in communications, not the site at 307 Huntingdon Road, but *'the site at Girton'*.

14.66 Moreover, as lengthy vigils and accompanying noise are one of the methods demonstrators employ frequently to draw attention to animal research sites, I could imagine increased disturbance etc for those living nearest. I accept that persistent, high noise levels are likely to be construed as environmentally unacceptable. However, is a demonstrator holding a placard saying "Hoot if you think research on monkeys should

be banned" causing a breach? Fire Officers did just that day after day, apparently without action being taken. Several hundred or thousand horns hooting each day would not do residents' nerves any good - even at 100-200m! I am mindful, also, that demonstrations are more likely to take place at weekends and Bank Holidays, when residents might expect peaceful and quiet enjoyment of their gardens.

- 14.67 I agree that those residents affected would be limited in number and do not live immediately alongside the proposal. Nevertheless, some are close, especially on the Girton campus. If CU's expected modal split is to be believed, then the passage of employees at the research establishment along Huntingdon Road, perhaps walking to and from bus stops, could extend the disruption well beyond the site entrance. Accordingly, I am in no doubt that the reasonable expectations of local residents could be prejudiced by the proposal and the inevitable demonstrations/ publicity stunts that would follow. I see this as registering a moderate level of objection, albeit perhaps not compelling in its own right.
- 14.68 Turning to the question of public fear and health, I am mindful that public health interests would be overseen by another agencies through the permit and licence regimes. Thus, it is not properly a material planning consideration. In effect, the health fears raised by the International Primate Protection League and residents etc would be included under this `umbrella'. Despite CU dismissing the prospect of viral leakage, it is worth noting the Oxford Professor who cites the closure of part of a building in Oxford University as a direct result of viral escape. Although I was not able to ask questions about the cause etc and have not, therefore, accorded it much weight, this incident alone will raise public concern.
- 14.69 Any public fear/ concern can, of course, be a material planning consideration and was expressed by a number of objectors who fear the potential for the escape of disease, bacteria or simply pollution. Looking at these specific aspects, it is clear there maybe a hazard within the site, but from the evidence advanced, the potential risk for escape or migration would be small. Perhaps most importantly, moving the enterprise further away from concentrations of people would not necessarily affect the risk substantially. As I understand the evidence, for the proposal to be sited anywhere within the area defined by the Cambridge phenomenon would present similar risks. In most cases, I would expect the researchers and other employees to be at most risk and to offer the greatest potential as `carriers'. Having said this, if an `event' did occur then it could be disastrous and this does grant public fear some small weight in the balancing equation. Equally, the fear of those industrial/ employment site owners could legitimately lodge a similar line argument in support of their resistance to accommodating the centre on one of their sites.
- 14.70 As for a potential drop in house prices should the proposal reach fruition, I accept that this would be likely for those closest. However, the affect of an `acceptable' development on the value of nearby land and property is not a material planning consideration. Nor of course is the same plea from other CU and employment/ industrial sites.
- 14.71 In summary, therefore, I accept that the health and public fear arguments are not

compelling in this case. Notwithstanding, I firmly believe that the reasonable expectations of neighbours with regards to the quiet enjoyment of their life would be prejudiced to a moderate degree if the development were to proceed.

**The Visual Impact and Harm to the Green Belt 12.5,3.1,6.1,7.3-7.5,7.20-7.25,7.66-7.67,9.42-9.44 and 13.5)**

- 14.72 Despite the submissions by CU, and by implication SCDC through the SCG, I, like the Coalition and other objectors, found the site of 307 Huntingdon Road and the buildings to be visually prominent in the Green Belt. Moreover, in the Green Belt the PPG2 guidance assumes all inappropriate development in the Green Belt will, by definition, be harmful. In a Green Belt location, however, even though some existing structures would be replaced, the construction of some 8,000 square metres of new build, even with a lowered profile, would materially extend the site coverage. Inevitably this would materially reduce the openness, which is the main attribute of the Green Belt. Visually, this is particularly so in winter, when viewed from public vantage points such as the M11, the A14/M11 slip and the footpath alongside the appeal site. The appeal site, of course, abuts the A1307 Huntingdon Road. As for the purposes of including land in the Green Belt, the proposal would lead to further encroachment into and urbanisation of the countryside.
- 14.73 Having said this, there is general approbation for the design of the buildings and I am no doubt that in a non-Green Belt location they would be described as attractive and largely minimise the visual impact. In saying this, I acknowledge that to facilitate natural light to the animals kept at 307 Huntingdon Road it makes a completely subterranean development far less practical, not to mention much more expensive. In addition, there would be additional planting that should eventually soften some views. I accept, also, that in terms of the setting and views into the city of Cambridge the proposal would not have any marked effect.
- 14.74 Turning to the general Huntingdon Road views, CU concludes that the area is more urban than rural. I agree that the area has to be viewed in the context of the site's position on the Cambridge City side of the A11/A14/ A428 and alongside the A1307. However, even allowing for the street lighting and the other highway trappings, my appreciation of the area immediate to the appeal site is one of transition. Moreover, I would say that the open aspects opposite and either side of the appeal site present a rather more rural than urban perspective, especially during hours of daylight.
- 14.75 In this context, the erection of the security fence and a 3-4m high brick wall along the front boundary with Huntingdon Road and the heavy pruning and possible loss of some of the existing trees would inevitably create a more urban feel. It would certainly do little to preserve what rurality there is on this approach to the City. I mention the possible loss of trees despite the avowal that this would not happen. When studying the submitted plans, it seems to me almost inconceivable that the security fencing, a possible 'ditch trap' and the wall could all be erected without placing some trees along the Huntingdon Road frontage at greatly increased risk.
- 14.76 As for the remainder of the boundary, CU are confident that the treatment proposed would meet the demands for security occasioned by the non-human primate animal research centre. Although the Police have been consulted, I still harbour doubts. The HLS site has been targeted by a group of people with the objective of closing down the establishment.

As a consequence, the security arrangements - fencing, entrance security etc - have become progressively more evident with time. I agree with those who see HLS today as more reminiscent of a prison than a B 1 research establishment. I would not be surprised at a similar chain of events were 307 Huntingdon Road granted planning permission. Not least because this would be known as a 'dedicated' non-human primate research centre. The only other conclusion to draw is that HLS have wasted a considerable amount of money and perpetrated a blot on the landscape.

14.77 Moreover, I anticipate that during the construction of the boundary fencing at 307 Huntingdon Road a further level of security would be required outside the perimeter just to enable the boundary construction to be effected. Thus, for the construction period the appearance to users of Huntingdon Road and the footpath would change materially. In practice, I would expect the public footpath would have to be closed temporarily or diverted and part of the carriageway of Huntingdon Road coned off in order to carry out the work.

14.78 On this topic, therefore, I conclude that there would be harm to the Green Belt in terms of loss of openness and an undesirable change of character from public vantage points. This would be emphasised by the visual connectivity of the appeal site with the surrounding road network. On the other hand, the building design and landscape proposals are the best that could be achieved. Finally, I am satisfied that the setting and integrity of Cambridge City and the University from distant views would not be adversely affected.

**Alternative Sites 17.9-7.14, 7.68-7.71, 7.106-7.112,8.18,8.55-8.65,9.4, 937-9.41,9A5,12.45 and 1351**

14.79 The University took great pains to emphasise that to avoid criticism they had undertaken an extensive and detailed investigation of alternative sites. As a consequence, they had reviewed all the University owned land, private business parks and some agricultural land around Cambridge identified by SCDC. In my view, however, even though much verbiage was exchanged about the suitability of sites and the acceptability of the proposal on these sites the investigation was crude and fundamentally misdirected. Here we have a proposal that no existing University site or industrial/ business-park will accept owing to the, acknowledged potential for demonstration, disruption and reduction in asset value.

14.80 Although CU have gone to great lengths to demonstrate the suitability of the appeal site, they have done little or nothing about assessing with the Police and/or SCDC the security or traffic impact of other existing sites or new alternatives. Nor have CU sought to persuade, convert or educate those who own or manage industrial sites. In my opinion, acceptance of a verbal or written view that owners/ occupiers do not want animal research establishments within their sphere of interest materially devalues the assessment.

14.81 Having heard CU's submissions I confess to being perplexed. In one breath they promote

the Cambridge phenomena and the national importance of this specific enterprise. Next they claim that there is little or no likelihood that demonstrations will continue once the appeal decision has been issued. Then, despite these two contentions, they are not prepared to accommodate the project on one of the identified University sites. Objectors could be forgiven for viewing this as a most cynical form of 'nimbyism'.

- 14.82 Notwithstanding, to my mind these two factors have inhibited the consideration of alternative sites to an inordinate and unrealistic degree. In the first place, if a proposed use on a site is unacceptable to any larger site within which it could be incorporated then it is obvious that a different approach is necessary. In my view, the District Council's offer of sitting down with the University to identify what must be a 'special site' and to carry out this investigation in consultation with the Police seems an obvious way forward.
- 14.83 Apart from this, the criterion that appears to have been uppermost in CU's site selection is that of sustainability in the context of the University Plan. Of primary concern is the ability to achieve multi modal access between the research centre and key locations in the University, particularly Addenbrookes and the Downing site. For this particular project, I see sustainability and maintaining the necessary level of security for staff and researchers visiting the site to be mutually exclusive. We heard from the Police that employees at HLS had left/resigned due to the threats and consequent security risk. I am in no doubt that this would happen in similar vein at any site chosen for non-human primate research. Moreover, owing to the higher order of non-human primates compared with the vast majority of animals at HLS the threats and objections could be more attentive.
- 14.84 I conclude, therefore, that inviting employees/researchers to travel between the University and the research establishment on foot or by bicycle would precipitate problems and probably be a forlorn hope. Just because the access to 307 is busier and visually more obvious than that to HLS, does not, of itself, mean that cyclists/ pedestrians would not be vulnerable. In practice, I would expect the vast majority of journeys would be made by a car and if security became severely prejudiced, this may have to be a dedicated operation. What is clear to me, is that adopting a sustainable, criteria based approach to identify an acceptable site is unrealistic.
- 14.85 As a consequence of my concern about the adequacy of the investigation of alternative sites, I asked the parties to construct travel isochrones for cycling and car travel from the Downing site and Addenbrookes. Unfortunately, this has not been done on any meaningful basis and the hope that others could be involved in achieving an agreed outcome has not been fulfilled. In fact, the overlapping isochrone produced is merely suspended arcs taken from the key points, with no attempt at a more sophisticated assessment of travel times (**Document A81**). Moreover, they were produced so late in the day that SCDC, the Police and others could not comment on them. Finally, and crucially, they do not include what I would consider to be a realistic car travel isochrone.
- 14.86 Had this been done properly, I would have expected a significant area of land around Cambridge to be identified. Certainly far more than has been considered so far. Whereas most of this would lie within the statutory Green Belt and much of it within a landscape designation, it would contain significant areas without restrictive designation. In addition, the SP Review proposes the release of some current Green Belt land for development. Clearly this cannot yet be taken as fact until completion of the SP Review. However, it is indicative of the process and, of course, the appeal site is not part of the land under

consideration for release.

- 14.87 Accordingly, I consider that any site for the non-human primate research centre should be accessed from a secondary road and a road that has a diversion route. Then, the other criteria suggested by the Police/ SCDC should be considered to ascertain if a site meets the majority if not all these criteria. In essence, this should take the form of a sequential test within the overlapping isochrones. If land is in private ownership, the analogy in PPG6 is that the local planning authority can use its compulsory purchase order powers to secure the land. In fact, if private land were to be acquired for this purpose, I would expect that CPO procedures would have to be invoked to protect the vendor. Again, if this project is judged to be in the national interest then this is likely to outweigh the Green Belt or other site-specific objections if the sequential test is followed.
- 14.88 As to the sites identified by the District Council there is none that jumps out as an obvious choice. I recognise many of the shortcomings identified by CU and these clearly make them less desirable. However, as indicated above, once the 'correct' travel isochrones are used it is likely that many more options would materialise. Incidentally, in this matter, I agree with SCDC's submission that there is not requirement to identify an alternative site.
- 14.89 One other alternative is to play the national need 'card' in reverse. This was suggested by Andrew Lansley MP, and his argument runs thus. If an alternative CU site, within a defined employment allocation or cluster, were made available for the non-human primate research centre, then this would displace another 'planned' CU use. If this displaced use is then transferred to the 307 site then this could be justified on the national need argument advanced in favour of the current project. This would have the advantages of providing a site for the non-human primate research centre under the direct control of the University, while leaving the site at 307 to be developed for a use that would not attract demonstrations and, therefore, not leave the highway network vulnerable to disruption. It would also safeguard the local residents' interests etc. The visual harm to the Green Belt would remain, however, and could be worse depending on the use 'relocated'. For example, it may not be possible for a different use to adopt the low profile building now proposed.
- 14.90 One downside of pursuing an alternative formula is the delay it would introduce to the process of completing the proposed research establishment. However, the offer of considering alternative sites jointly with the Police and District Council has been on the table for a considerable time. It may have been unfortunate that several months elapsed before a meeting could be arranged between SCDC's Chief Planning Officer and the University Estate's Officer. Even so, this is not a demonstration of urgency and/or willingness on behalf of the University to treat meaningfully in the consideration of alternative sites.
- 14.91 Concluding on this aspect, I am not satisfied that sufficient work has been undertaken at this stage with all the interested parties to constitute an objective and meaningful review of all alternatives, based on realistic criteria.

**Other Factors in Favour [2.5,7.2,7.67 and 13.7)**

- 14.92 There are several other factors prayed in aid of this scheme. The first of these is that the site is already in use for animal research. This is of course so, but I have not found this compelling. In essence the existing work carried out is comparatively low key. The

proposal is to concentrate all the non-human primate research in Cambridge on one site. The attractive value for objectors of this site, generated by this inquiry and other publicity, outweighs the existing use argument. Next, it is submitted that the animals would be kept in much better conditions than at present. One would hope this would be the case, but there can be no guarantee through the planning system that anything other than the legal minimum would be provided. Even then, I am not sure why this planning permission is necessary to achieve these 'higher standards'. If this is felt to be important then I was presented with no evidence to suggest this could not be achieved today at the disparate sites.

14.93 As much of the appeal site has been developed already, it could be judged a brownfield site. As such, it should be considered ahead of greenfield sites, unless there are sound planning and sustainability reasons why this should not be so. This factor counts heavily in favour of the appeal site, though because of my conclusion on the need for a sustainable travel location this tempers the weight I would afford it on this basis. In terms of the potential to disrupt the surrounding highway network, it might be considered that the appeal site performs so badly against a more distant greenfield option that it should carry much less weight.

14.94 Finally, there are those who have expressed support for the project from the perspective of doing everything possible to find treatment and/or cures for the crippling neurological and degenerative diseases. Although few in number, they voice a legitimate point of view and, any afflicted directly or indirectly by any of the neurological illnesses attract the greatest sympathy in urging their wishes.

#### *Summary of Conclusions*

***14.95 The proposal constitutes inappropriate development in the statutory Green Belt and, therefore, there is a presumption against granting planning permission for this project. For this presumption to be reversed, the very special circumstances identified must outweigh the harm to the Green Belt and all other identified harm.***

***14.96 In this case, I have not found objective evidence to the effect that this proposal is in the national interest. The submissions on medical scientific matters are inconclusive and the points advanced by CU and raised in supporting letters could apply to many research establishments around the country. Allowing this project without more objective evidence would leave the planning system vulnerable to 'abuse. That said, I am aware that the Government believes it to be in the national interest and no doubt has other evidence not made available to the public inquiry for concluding this. Even if this is the case, however, I do not consider that this is sufficient to outweigh the harm that would follow from allowing the construction and operation of a non-human primate research centre on the appeal site at 307 Huntingdon Road.***

***14.97 In particular, I am convinced that demonstrations and disruption would continue during and after the erection of the buildings. Although the Police would always perform their duty to the best of their ability, I consider that this location would invite a greater use of Police resources and present activists with massive potential for disruption. The site's location so close to the M11, A14 and A428, not to mention the radial route (A1307 Huntingdon Road) into Cambridge, would provide demonstrators with a national if not international stage for their demonstrations.***

***14.98 Without stretching the imagination too far I can think of numerous activities and***

*gimmicks that would attract public attention, while at the same time prejudicing the safe and free flow of traffic on the adjacent highway system. I do not consider that the same danger to the public would manifest itself at a more remote site, where there would not be the ready and obvious connectivity between the research centre and the major public vantage points on and around the highway network. Along similar lines, the anonymity that might be gained by using a site on an established industrial site or within a cluster may offer some advantage.*

- 14.99 On the other hand, if the SoS were not persuaded by the certainty of the demonstration/ security arguments, then this would remove one main argument for redeveloping a Green Belt site for the non-human primate research centre. Without material fear of demonstration etc, under any sequential review, the centre would always be more suitably accommodated on an allocated employment site.*
- 14.100 In addition to this fundamental objection, I consider that the proposal would impinge on the reasonable expectations of neighbours by virtue of noise, disturbance etc to a moderate degree and that the visual impression from public advantage points would move appreciably from one portraying a more rural to a more urban aspect. The fence/wall along Huntingdon Road and its potential for abuse could easily compromise visually a major approach to the City Centre.*
- 14.101 In my view, the combination of objections and consequent harm specific to this site outweigh the arguments that the proposal would be in the national interest. In reaching this conclusion, I have taken into account all other matters raised in the evidence and representations including the review of alternative sites offered and commented upon by the various parties.*

#### **Agreement and Conditions**

- 14.102* Should the First Secretary be minded to allow this appeal then a s.106 Planning Obligation in relation to highway's issues has been submitted (**Document 5**). In my view, these proposals would be apposite and necessary for the development to proceed. In essence, the obligation covers the introduction of a Travel to Work Plan and payment for signing and the reduction of the speed limit along the A1307 Huntingdon Road.
- 14.103* Turning to the draft conditions (**Document 6**), all the 12 suggested are necessary for the reasons given. In addition, I consider that two further conditions are justified. The first pertains to the provision of an underground store within the highway boundary to accommodate equipment required by the Police in the event they need to cone off or close/restrict carriageways/highways in the vicinity. In my view, this is necessary in the interest of protecting public safety and should be imposed as a negative condition.
- 14.104* The second suggested additional condition pertains to the construction period for the buildings and boundary treatment. In my view, it is necessary in the public interest to ensure that sufficient security is available to provide a safe working margin for those constructing the site, without impinging on public margins such as the highway and footpaths and inconveniencing and prejudicing the safe use of these routes. Accordingly, I consider that a detailed plan of phasing, including identifying all external land that would need to be used, should be submitted at least 3-months before the commencement of work on site. The local planning authority (lpa) must approve this in writing. On notifying the lpa of the commencement of works, this phasing plan shall be adhered to in the construction on the site, unless the express permission of the lpa is given in writing.

14.105 As indicated to the parties at the inquiry, all conditions should be worded to reflect the best practice evinced by Circular 11/95: The Use of Conditions in Planning Permissions.

## **15. RECOMMENDATION**

15.1 I recommend that this appeal be dismissed.

Inspector