



The Planning  
Inspectorate

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## **Report to the Central Lancashire Authorities (Preston City Council and South Ribble and Chorley Borough Councils)**

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

**Date: 7<sup>th</sup> June 2012**

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### **PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) SECTION 20**

### **REPORT ON THE EXAMINATION INTO THE CENTRAL LANCASHIRE PUBLICATION CORE STRATEGY LOCAL DEVELOPMENT FRAMEWORK DEVELOPMENT PLAN DOCUMENT**

**Document submitted for examination on 31 March 2011**

**Examination Hearings held between 28 June & 12 July 2011 and on 6 March 2012**

**File Ref: PINS/D2320/429/7**

## Abbreviations Used in this Report

BTP	Background Topic Paper
CBD	Central Business District
CfSH	Code for Sustainable Homes
CIL	Community Infrastructure Levy
CLRLR	Central Lancashire Retail and Leisure Review
CS	Core Strategy (the Local Plan – strategic part)
DPD	Development Plan Document
EB	Evidence Base
ELR	Employment Land Review
IDS	Infrastructure Delivery Schedule
HLF	Heritage Lottery Fund
LDS	Local Development Scheme
MM	Main Modification
MR	Monitoring Report
NPPF	National Planning Policy Framework – the Framework
NWRDA	North West Regional Development Agency
OED	Oxford English Dictionary
PCT	Primary Care Trust
PHRCs	Proposed Housing Related Changes
PMF	Performance Monitoring Framework
PPS	Planning Policy Statement
PPTS	Planning Policy for Traveller Sites
RPB	Regional Planning Body
RS	Regional Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
TRA	Tithebarn Regeneration Area

## **Non-Technical Summary**

**This Report concludes that the Central Lancashire Publication Core Strategy Local Development Framework Development Plan Document (the Local Plan) provides an appropriate basis for the planning of Central Lancashire over the next 15 years provided that a number of modifications are made to the Plan. The Councils have specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. These modifications, comprising 2 Main Modifications (MM), are summarised as follows:**

### **MM1**

- **The adoption of RS annual average housing requirements, being 507, 417 and 417 for Preston City, and Chorley and South Ribble Boroughs respectively**
- **The identification of Cottam as a Strategic Site, with site plan, instead of as a Strategic Location**
- **The identification of 2 additional Strategic Locations, namely North West Preston including Higher Bartle & Broughton/Land at Eastway and at South of Penwortham & North of Farington**
- **Table 1 setting out the Predicted Proportions of Housing Development by Location, thereby indicating the scale of development in the main locations during the periods 2010-16, 2016-21 and 2021-2026**
- **Associated explanation and description of the Strategic Sites and Locations**
- **Explanation of the monitoring and contingency arrangements, particularly the role of the Performance Monitoring Framework should housing delivery fall below 80% of the housing requirements over a 3 year rolling average**
- **Greater emphasis on financial viability, site by site assessment and the seeking of planning obligations particularly with regard to affordable housing**

### **MM2**

- **A policy concerning the presumption in favour of sustainable development**

## Introduction

1. This Report contains my assessment of the Central Lancashire Publication Core Strategy Local Development Framework December 2010 (the Local Plan – strategic part) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether it is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework) paragraph 182 makes clear that to be sound, a Local Plan should be positively prepared; justified, effective and consistent with national policy. There is also now a “duty to co-operate”. The 3 Authorities, Chorley and South Ribble Borough Councils and Preston City Council, have worked closely together and have consulted neighbouring Authorities. This duty did not apply when this Local Plan was submitted in March 2011, but I am satisfied that these neighbouring Authorities have been involved in the preparation of the Local Plan to the extent that was reasonable and beneficial at the time.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the submitted Central Lancashire Publication Core Strategy Local Development Framework which was published in December 2010. It is the same as the document published for consultation upon which formal representations were made within an 8 week period ending on 31 January 2011. It was submitted to the Secretary of State (the Planning Inspectorate) on 31 March 2011 with Proposed Minor Changes which I have taken into account in my assessment. I refer to the Core Strategy throughout this Report as the Local Plan.
3. Like the RS and the Local Plan, my Report should be read as a whole. It deals with the 2 Main Modifications which are needed to make the Local Plan sound. These Main Modifications comprise, firstly, the Proposed Housing Related Changes (PHRCs) November 2011, a separate document which accompanies this Report as Appendix A and, secondly, the inclusion of a policy setting out the presumption in favour of sustainable development, attached as Appendix B. In accordance with Section 20 (7C) of the 2004 Act, the Councils have requested that I make any modifications needed to rectify matters that make the Local Plan unsound and thus incapable of being adopted. The first Main Modification was the subject of public consultation for a period of 6 weeks between 1 November and 13 December 2011, with suitable arrangements for wide publicity. A Revised Sustainability Appraisal and Revised Habitat Regulations Assessment Screening Report were included in the consultation packs, and these documents complement the appraisals undertaken for the submitted version of the Local Plan. I recommend that the Local Plan be modified as set out in the PHRCs (**MM1**).
4. The Government published the Framework on 27 March 2012, replacing a number of Planning Policy Guidance notes (PPG), Planning Policy Statements (PPS) and other documents as set out in its Annex 3. A few days before then, it published the Planning Policy for Traveller Sites. The Framework is a strategic document which cuts across a number of matters in the Local Plan which could be affected by its policies. Hence representations on it, and on the Planning Policy for Traveller Sites, in so far as they relate to the Local Plan, were invited from 11 April 2012 until 9 May 2012. Further

representations were invited from 23 April 2012 until 9 May 2012 on a model policy concerning the presumption in favour of sustainable development. I have taken account of all the responses made, including those of the Councils. The Councils suggest that this model policy be set out at the start of the Local Plan, *accompanied by some factual text to simply explain that the national policy situation was revised during the Strategy's preparation and that the model policy has been included to clarify the operational relationship between the plan and national policy.*

5. This is a sensible approach and to it should be added the important point that the Framework is a material consideration in the determination of planning applications. Sustainability is the golden thread which runs through the Local Plan, and to that extent the model policy can be regarded as its central theme and, indeed perhaps, a summary of it. Owing to its importance, however, it should be treated as a Main Modification (**MM2**). I therefore recommend that the Local Plan be modified by the inclusion of a policy which, in essence, confirms that the Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It is set out in full at Appendix B.
6. The Councils intend to make a number of Additional Modifications which, in essence, would provide updating and clarification. They would assist the full understanding of the Local Plan and its objectives. For the most part they arise from discussions at the Hearings and negotiations between the Councils and other participants, but I seldom refer to them in my Report because they do not go to the soundness of the Local Plan. They are mainly amendments to the drafting of policies and their supporting text, being factual updates, corrections of minor errors or other minor amendments. My recommendations concerning the Main Modifications will make the Local Plan sound and capable of being adopted. Thus representations which do not relate to the Main Modifications would not make an unsound plan sound. Nevertheless, the Councils will no doubt consider all of them and make any further additional modifications which arise from them, as they see fit. They include those made by the Coal Authority on the Framework concerning Mineral Safeguarding Areas (MSA), but this may be more a matter for the County Council as the Minerals Planning Authority.
7. The Councils suggest that references to superseded Planning Policy Guidance (PPG) and Planning Policy Statements (PPS) can be deleted as minor changes to the Local Plan. This would be helpful. The Councils may also wish to note that where a Local Plan contains a policy that is intended to supersede another policy in the adopted development plan, they should state that fact and identify the superseded policy.

## Assessment of Soundness

### Preamble

8. The North West of England Plan RS to 2021 became the adopted planning policy for the North West of England in September 2008. On 6 July 2010 the revocation of RSs was announced with immediate effect, but that decision was challenged and then quashed on 10 November 2010. This was followed on the same day by a written Ministerial Statement, a letter from the Chief

Planner with an attached clause from the proposed Localism Bill and a Department of Communities and Local Government media statement, all of which were the subject of a further challenge on the grounds that they were not capable of being a material consideration and hence not to be considered by decision makers.

9. On 7 February 2011 the Court found that the statement and letter and hence the intention to repeal the legislative provision for regional strategies were capable of being a material consideration and that weight to be attached to it was a matter for the decision maker. This position was tested before the Court of Appeal and its judgment was published on 27 May 2011. It critically distinguishes between development control and the preparation of development plans. For the latter, and of vital importance in the status of the RS and the examination of the Local Plan, paragraph 24 of the judgment states that *it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy.* The RS thus remains part of the statutory development plan, and it is of especial relevance in the matter of housing delivery in Central Lancashire.
10. As set out in my letters to the Councils of 15 & 27 July 2011 (included within Appendix A), I need to be satisfied that a sufficient amount of housing land can be delivered at the right time and in the right places during the plan period, and I am not convinced that the Local Plan as submitted achieves these important objectives. In matters of housing, it does not generally conform with the RS nor does it accord with the Framework by boosting significantly the supply of housing including the identification of a supply of specific, developable sites sufficient to provide 5 years worth of housing against local housing requirements and of specific, deliverable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. These shortcomings are so fundamental that they cannot be left to be put right in Site Allocations DPDs. The Local Plan should provide a suitable basis for the preparation of the next, more detailed stage of the development plan, particularly the Site Allocations DPDs, by leaving no doubt where, when and how the correct amount of housing will be delivered. In these respects, the Local Plan in its submitted form is not sound and should not be adopted.
11. Following my 2 letters, the Councils substantially revised their proposals. In essence, the Main Modification comprising the PHRCs identifies 4 Strategic Sites compared with the previous 3 together with 2 additional Strategic Locations. These Strategic Locations are at North West Preston (including Higher Bartle & Broughton/Land at Eastway) and at South of Penwortham & North of Farington. It is perhaps unusual for a Main Modification to comprise a 14 page document, but its contents are strongly related to each other and it goes in its entirety to the heart of the Local Plan, making it sound. As the Councils agree, this is a tidier and more sensible approach than attempting to make a specious distinction within it of those contents which might be regarded as either Main or Additional Modifications.

## Main Issues

12. Taking account of all the representations including the written evidence, the discussions at the examination hearings as well as my site inspections throughout the plan area, I have identified 7 main and complementary issues. It is upon them that the soundness of the Local Plan depends.

### **Issue 1 – Whether the Local Plan's vision and proposals for sustainable growth are clear, effective, deliverable and consistent with all national policy**

#### The Vision

13. The Local Plan succinctly and convincingly sets out the key spatial challenges facing Central Lancashire. They include congestion into and out of Preston, a low level of house building due to the current economic climate, frustrated economic growth potential, inadequate investment in City and town centres, often poor access to and inadequate supply of affordable housing, pressure on the countryside, various aspects of deprivation and an ageing population with its attendant concerns of health, mobility and dependency.
14. The vision for the plan area in 2026 is explained in short but lucid terms. It is to be a highly sought-after place in which to live and work with a high quality of life for all its residents. It will benefit from its valuable assets, including its location at the hub of the motorway, road and rail network, its extensive green spaces including its parks and the ready access to open countryside. High quality City and town centres will attract investment as a result of their retail, heritage and education offer. The centre of Preston will be regenerated and transformed and, although it is unlikely to provide the extensive range of attractions of Liverpool or Manchester, it will offer high quality retail, cultural, entertainment, business and higher education opportunities. Owing to the size and role of its railway station, its comprehensive bus services and its location, it will continue to be a "transport gateway" to Lancashire.
15. The City, towns and villages of Central Lancashire have a distinctive character, and the vision is to reflect their particular historic and cultural heritage, enhancing their character with a high quality of design of any new buildings permitted within them. This approach accords with national policy in the Framework wherein the Government attaches great importance to the design of the built environment. Good design, it says, is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The openness and special character of the countryside will be protected, consistent with the need for sustainable development, and there will continue to be a presumption against inappropriate development in the Green Belt. Residents will have easy access to public services, good jobs and decent, high quality affordable homes. Energy use will be minimised with an emphasis on sustainable sources, including mitigation measures and, where possible, adaptation to climate change. These important considerations, too, accord with national policy in the Framework.

Proposed Location of Growth - Strategic Locations and Sites

16. The Local Plan includes 31 policies, each one of which contributes to the vision. Of especial importance in establishing its sustainability credentials is its Policy 1: Locating Growth. Its thrust is to concentrate growth and investment on well located previously-developed land in the Preston/South Ribble Urban Area, focussing on regeneration opportunities in the Central Preston Strategic Location which includes Inner East Preston, the Tithebarn Regeneration Area (TRA) in the City Centre and the new Central Business District (CBD). The Councils consider that a target of 70% of residential development on previously-developed land is still achievable. This is not greatly different from the RS indicative target of at least 70%.
17. Although circumstances have changed, with garden land not now treated as previously-developed land, the record shows that 53% to 96% of dwellings completed (gross) in Central Lancashire during 2003/04 to 2010/11 have been on previously-developed land. Other evidence gained from site inspections throughout the plan area is consistent with the Councils' view that this type of land continues to come forward, and the extent of this well-located resource makes 70% a realistic aspiration. It corresponds with national policy in paragraph 111 of the Framework of encouraging the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.
18. Further growth, including some greenfield development, is proposed in the northern suburbs of Preston, particularly at the Cottam Strategic Location. Preston City Council has resolved to grant planning permission, subject to a Section 106 Agreement, for residential development, a superstore and employment floorspace at Cottam Brickworks. Cottam Hall is a Local Plan allocation that has been partly developed but is now subject to a revised master plan; an outline planning application has been submitted for residential development with one parcel likely to accommodate about 100 dwellings being tendered for disposal. Owing to their combined size, substantial contribution to the City's housing requirements and the advanced nature of proposals for them, these 2 sites are together reasonably defined as a Strategic Site in the PHRCs.
19. The PHRCs provide for 2 additional Strategic Locations at North West Preston (including Higher Bartle & Broughton/Land at Eastway) and at South of Penwortham & North of Farington. The PHRCs note that, *altogether, 35% of the dwellings in the Core Strategy are predicted to be developed at Strategic Sites and Locations, with over 90% of all proposed new housing in urban locations that occupy the central spine of the plan area.* This 90% is, however, questioned in some representations. Much of the 2 additional Strategic Locations is essentially open and rural in character, but the continuing re-use of previously-developed land in existing urban areas will no doubt contribute to this high proportion. Only time will tell whether this 90% will be achieved, but of greater relevance is the position of these 2 Strategic Locations close to the extent of the main Preston and South Ribble built-up area and the opportunities which it affords in terms of access to services, particularly public transport, and the potential for their improvement, to wider benefit.



20. It is clear from the Hearings that these 2 additional Strategic Locations are broadly supported by the majority of the represented house builders, and this bodes well for deliverability. There is no reason to doubt the attractiveness of the homes to be built to prospective purchasers. The Councils' evidence that infrastructure requirements have been thoroughly assessed is not seriously challenged. This has involved close liaison with key providers and transport modelling work. The County Council and the Highways Agency have been working closely together and advise that, in North Preston, the road *network is reaching a critical point in the level of additional traffic that could be accommodated and there is a very real risk that the economic benefits of supporting development are lost. There must come a point where additional traffic can no longer be accommodated without unacceptable impacts or the need for much wider strategic infrastructure improvements to support further development.*
21. It would appear that a programme of sustainable transport measures including for bus priority, park and ride, walking and cycling would result in no more than a mere 5% reduction in vehicle trips. The Local Transport Plan Implementation Plan for 2011/12 to 2013/14, adopted in October 2011, commits to the delivery of a Highways and Transport Master Plan for Central Lancashire by 2013 but it is now expected to be completed by September 2012. It will set out a highways and transport strategy linked to economic development and spatial planning priorities, including those set out in the Local Plan. It will also identify priorities for investment in support of the Government's proposed "Devolving Local Major Transport Schemes" proposals. The County Council understands that developers with an interest in North West Preston support this approach, and there is no convincing evidence to the contrary.
22. A good deal of further work must be undertaken to devise highways and transport arrangements which will meet usual objectives including the safe, convenient and free flow of traffic and priority where appropriate for public transport, pedestrians and cyclists. It is significant that there is no objection in principle from the Highways Agency and that the County Council as Highways Authority continues to support the Local Plan's proposals, with the important proviso that delivery of the scale and distribution of development now proposed will necessitate major additions to existing transport infrastructure to serve these 2 Strategic Locations.
23. The County Council adds that it would seem sensible to acknowledge the Highways and Transport Master Plan as a prerequisite to informing the production of detailed proposals for additional supporting infrastructure to come forward at the Strategic Locations, to be set out in the Site Allocations DPDs. The omission of its suggested text in its Strategic Highways and Transport Position would not render the Local Plan unsound, but the Councils may wish to include it as a useful Additional Modification. The main point is that there is no convincing evidence to suggest that, provided the Councils continue to liaise with all relevant parties in a collaborative way, as the Framework paragraph 179 requires, these Strategic Locations will not be able to deliver the intended amounts of housing and associated infrastructure, maybe to a great extent by way of CIL, during the plan period.

24. The track record so far is good. The planning permission for 450 dwellings at Haydock Grange refers to a negotiated Section 106 Agreement for a contribution towards improvements to Broughton roundabout at the M55 Junction 1 whilst there is a unilateral undertaking by the developers of the former Whittingham Hospital to fund about 70% of the cost of the proposed Broughton Bypass, the remainder being funded by the County Council. These examples instil confidence that the Councils will secure reasonable contributions using the most appropriate measures, and in particular for the key infrastructure requirements for the proposed 2,500 dwellings at North West Preston and the proposed 1200 dwellings at South of Penwortham & North of Farington.
25. Strategic Sites for employment are allocated at BAE Systems at Samlesbury, part of which has recently been designated with Enterprise Zone status, at Cuerden and for mixed use at Buckshaw Village. Buckshaw Village is accommodated on the site of a former Royal Ordnance munitions factory which closed in the 1990s. By April 2010 about 1730 dwellings had been completed on this previously-developed land and the PHRCs note the capacity for another 2300.

Proposed Location of Growth – Other Places

26. Key Service Centres are proposed at Leyland/Farington, Chorley and Longridge. Six Urban Local Service Centres are identified to help meet housing and employment needs and limited growth and investment is proposed at 3 Rural Local Service Centres. The identification of these centres for the stated purposes makes sense. The scale of growth suitably complements the existing and likely future range of services in each one. In other places, including the smaller villages, development will be typically small in scale and limited to such schemes as infilling, conversions and to meet local needs.
27. Exceptionally, larger scale development schemes may be permitted, but as a matter of principle there is little point in encouraging significant growth in places where services are limited, likely to remain so and where it would be all too likely to result in travelling to larger centres for work, education, shopping and leisure, and often on roads ill-suited to accommodate substantially more traffic. Such growth would be better invested where it would do more good, especially for the purpose of regeneration. Policy 1 achieves a commendable balance in this respect between its support for rural settlements and its encouragement of investment in the urban areas where renewal should be promoted.
28. A useful comparison can be made between, on the one hand, Charnock Richard and Mawdesley, 2 smaller villages each with a limited range of services, neither having a supermarket, railway station, frequent bus service to Preston or significant employment opportunities, and on the other hand the nearby Rural Local Service Centre of Eccleston with its good range of shops, other services and employment opportunities within and near its Carrington Centre and between Lord Street and Bradley Lane. The evidence base (EB) underpinning these proposals includes the Strategic Sites and Locations Assessment which sets out the reasoning behind their selection as well as the reasons why other sites/locations have not been favoured. The Assessment

includes descriptions and a comprehensive criteria-based analysis of contending sites and locations and is convincing in its conclusions. Evidence from site inspections, and particularly of the difference in the range of services at various settlements, accords with them.

29. Various other sites, including Ingol Golf Course, Park Hall/Camelot, New Street (Mawdesley) and several Green Belt sites are put forward by other participants for mainly residential development. For a number of reasons, particularly the protection of valued open space, poor location with regard to services, rural settlement policy and the need to protect the Green Belt respectively, their identification for development would not result in sustainability. Investment and the housing needs of Central Lancashire would be better promoted elsewhere where a good range of services is, or is likely to be, provided and/or enhanced. This conclusion accords with such sustainability objectives as the urgent need for regeneration, as in Inner East Preston. This is part of the Councils' commendable strategy. The Green Belt is a policy restraint and, for conveniently following the order of the Local Plan, I deal with it under Issue 7. It suffices to say here that it should not be altered.

#### Other Policies and Proposals

30. Policy 3: Travel complements this approach by seeking to reduce the need to travel, especially by car. Measures include better opportunities for cycling by completing the Central Lancashire Cycle Network of off-road routes and by improving public transport. New railway stations are proposed at places where substantial development is, or will be, taking place or already exists, as at Cottam (park and ride), Midge Hall and Coppull. A new railway station opened at Buckshaw Village in October 2011. A bus rapid transit system will be created on routes into Preston and to Leyland and Chorley, and a ring of new bus-based park and ride sites will be provided at Broughton Roundabout, Tickled Trout, Penwortham, Cuerden and Riversway. Improvements are proposed to Preston and Leyland rail stations and there is an aspiration of a new bus station as part of the Tithebarn Regeneration Area (TRA).
31. Other provisions, including Policy 16: Heritage Assets, Policy 19: Areas of Separation and Major Open Space and paragraph 10.12 concerning the Green Belt, serve to protect and enhance features of especial importance. Policy 27: Sustainable Resources and New Developments seeks to incorporate sustainable resources into new development through such measures as minimum requirements under the Code for Sustainable Homes (CfSH). At present the building regulations are equivalent to meeting CfSH Level 3 in terms of the energy standards but not the whole CfSH Level 3, and the Policy seeks to increase the requirement to CfSH Level 4 from January 2013 and Level 6 from January 2016. The Opportunities for Renewable Energy in Preston (EB7), South Ribble (EB8) and Chorley (EB9) set out the considerable potential for sustainable resources throughout the plan area. The evidence base is sufficiently convincing to justify the Policy in terms of requirements rather than expectations. Policy 28: Renewable and Low Carbon Energy Schemes encourages developments of these types, consistent with other objectives to protect the environment. The 2 latter Policies in particular are consistent with a key Government priority of tackling climate change.

Flexibility, Contingencies and Review

32. The Local Plan adopts the most appropriate strategy when considered against the reasonable alternatives. But its paragraphs 1.7 and 1.8 rightly identify trends and changed circumstances which underline the need to plan with flexibility. To be effective, it must demonstrate that it can deal robustly with changing circumstances. This presents especial challenges at present, given the generally depressed state of the national and local economy. It means that the delivery of its housing strategy in particular cannot come with a cast iron guarantee throughout the 15-16 year plan period. The PHRCs suitably deal with this uncertainty. They acknowledge that the RS housing figures are *minimum requirements, net of demolitions*, that they are *not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies*.
33. At present, it is more likely that housing delivery will under-perform than exceed expectations. The PHRCs confirm the importance of monitoring, with rolling 3 year periods to accommodate short-term fluctuations in house completions on both green field and previously-developed land. A one year period would give too much emphasis on too short a period, whereas a period of 5 or more years could result in too great a difficulty in bringing housing delivery back on track. A 3 year period is a reasonable compromise and makes good sense. Should housing delivery fall below 80% of requirements during a 3 year rolling average, the phasing policies in the Site Allocations DPDs could be changed to help bring forward uncommitted developments and closer management of delivery with key partners may be pursued..... *If these fail to remedy the situation, the Councils would consider reviewing policies with the aim of bringing forward additional/alternative sites for housing development*.
34. Some participants would prefer more detailed intentions, but the Contingency Options (REC6 in the Proposed Minor Changes February 2012) serve to *better manage the delivery of development (eg access to finance, including grants, consider reviewing S106 Agreements and contributions)*. This is helpful clarification. There is no reason to doubt the Councils' intentions to keep house building rates under review and deal effectively with any significant under-performance, thereby maintaining the delivery of a continuing 5 year supply of housing land to meet the housing requirement. Such delivery should, however, be in accordance with the Local Plan's overall vision and sustainability credentials.
35. The PHRCs state the Central Lancashire Authorities' intention, as a matter of urgency, to review partially the Local Plan in respect of housing requirements. This would, it states, following the proposed revocation of the RS, give the Councils the scope to produce locally derived housing requirement figures. This intention is criticised as undermining their commitment to the delivery of housing, creating needless uncertainty for developers and other parties in the provision of infrastructure and compromising the longer term certainty which a development plan should provide. These concerns, from a developer's point of view, are understandable, but democratically elected Councils have the discretion to review, or partially review, their plans as and when they see fit.

That is the case whether or not the Local Plan includes that statement. It is not a matter of soundness.

### Positive Preparation

36. The Framework introduces an additional test of soundness, that a Local Plan should be positively prepared. Arguably, as this requirement came after the initial preparation of the Local Plan, it does not apply in this case. Nevertheless, it has been prepared on a strategy which seeks to meet objectively assessed development needs, particularly housing, and seeks to provide for infrastructure requirements. Consultation and cooperation has been comprehensive and effective. It has been positively prepared.

### Conclusion

37. The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement and the present and/or future range of its services, including public transport. It accords with the principles which underpin the RS. In particular, it promotes sustainable communities and sustainable economic development, it makes the best use of existing resources like existing infrastructure and well-located previously-developed land, it manages travel demand, marries opportunity with need, promotes environmental quality and serves to reduce emissions. In these ways it is fit for purpose and therefore effective. The extent to which it is deliverable will much depend upon the economic climate throughout the plan period, especially with regard to housing and economic development. Its clarity, the Councils' praiseworthy achievements so far in securing infrastructure and the reasonable prospect of more of the right sort of infrastructure being provided in the right place at the right time is conclusive evidence of realistic deliverability.
38. Its strategy accords with national policy, particularly of facilitating and promoting sustainable and inclusive patterns of urban and rural development. It will, for example, ensure that development supports existing communities and facilitates the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It will contribute to global sustainability by addressing the causes and potential impact of climate change, for example by encouraging a pattern of development which reduces the need to travel by private car and by taking climate change impacts into account in the location of development. It accords with the Government's commitment to protect and enhance the quality of the natural and historic environment in both rural and urban areas. In all these respects, it accords with the purpose of planning which is to help achieve sustainable development.
39. The presumption in favour of sustainable development is the golden thread which runs through the Local Plan. The general approach of the Local Plan, its vision and proposals, particularly as expressed in the policies identified, are justified, effective and accord with national policy. It has been positively prepared. In these respects, it is sound.

**Issue 2 – Whether the Local Plan provides satisfactorily for the delivery of development, particularly its required infrastructure, and convincingly demonstrates adequate monitoring of its provision and measures designed to rectify any shortcomings**

40. The Infrastructure Delivery Schedule (IDS) (March 2011) is rightly described as a living document. It itemises infrastructure projects already envisaged and which will probably be needed to support the quantity and broad location of development which the Local Plan proposes. It sets out the likely time of implementation, the costs, sources of funding and the current deficits, these being the funding shortfalls after taking account of money already secured. It is thorough and comprehensive in its approach, dealing with public transport schemes, cycle schemes, highway improvements, public utilities, education, health and green infrastructure including outdoor sports and townscape. Nevertheless, economic conditions and the availability of finance are likely to change during the plan period, and it is the nature of planning to deal with uncertainty in as pragmatic a way as possible. The IDS rightly acknowledges this at its paragraph 2.
41. The IDS is part of the evidence base and it will be updated on a regular and frequent footing, thereby complementing each Authority's Monitoring Report (MR). Key local partners including the Highways Agency, the Environment Agency, the Central Lancashire Primary Care Trust (PCT), Lancashire County Council, Sport England and United Utilities confirm their close working relations with the Councils and their engagement with, and support for, the Local Plan. There is convincing evidence of a good understanding between the Councils and their partners. There have also been discussions with developers who would be expected to make contributions in accordance with tests set out, for example, in the Framework concerning planning obligations and those relating to the Community Infrastructure Levy (CIL).
42. A good example of the need to, and experience of, consultation, monitoring and updating where necessary is the proposed Preston Bus Station, estimated to cost £24,000,000, although unfortunately now more of an aspiration than a firm proposal. It was originally thought that the now defunct North West Regional Development Agency (NWRDA) would contribute £10,000,000, the County Council £7,500,000 and the Tithebarn developer and the City Council between them the remaining £6,500,000. The evidence is that a Tithebarn regeneration scheme cannot proceed without the demolition of the existing bus station, and that any cost shortfall will be made good by the developer, this contribution being a small percentage of the overall cost of the scheme. The developer has accepted the risk of no funding being forthcoming from the NWRDA. There is no doubt that the Authorities are well aware of the inevitability of changes in financial circumstances on the various projects and that adjustments will have to be made accordingly. The IDS provides the means of doing so.
43. The IDS is realistic in its acceptance of uncertainty. For example, the bus rapid transport routes, including the Preston – Tardy Gate – Leyland project, estimated to cost £83,000,000, are envisaged to be subject to bids to Central Government derived funds and contributions from developers. There is no point in raising false hopes, and the IDS rightly accepts almost all of this sum as a deficit. Undoubtedly the Councils' encouragement of public transport will

continue and they will enthusiastically progress this bid, seek developer contributions and do everything practicable to implement the routes during the stated 6 year period (2012-2018). There is no reason to doubt their commitment to carry on working closely together and with the fund providers and thereby remain aware of and secure the necessary infrastructure to deliver the strategy. The evidence is convincing in that this determination will continue in a joint officer/member group and driving force as the Site Allocations DPDs are prepared, its proposals implemented and the implications of the CIL explored. All this ensures that the IDS will remain realistic.

44. Good progress has already been made on some projects, and this instils further confidence. As mentioned, at Buckshaw Village a new £7,000,000 railway station has been opened. A primary school has opened there and funds have been secured for an additional second form entry (extension). Developer contributions have been secured for primary schools at Whittingham. Contributions from the PCT and developers have been secured for new and improvements to existing clinics and health centres (eg at Eccleston) as they have for improvements at Preston and Leyland Rail Stations. There is no evidence to suggest that a host of relatively minor schemes, including highway improvements and cycle paths, will not be funded entirely or mainly by developers. Thus, while the IDS indicates deficits for a large number of schemes, there is compelling evidence that it is as realistic as it can be in the present economic climate for the wide range of projects envisaged during the plan period. The Local Plan will be monitored annually to ensure that its policies are effective and reflect changing national, regional and local circumstances. The Performance Monitoring Framework (PMF) convincingly demonstrates that all 13 of its indicators rely on information which can be gathered and analysed, will inform the MRs and assess the Local Plan's performance.
45. Policy 2: Infrastructure sets out the Councils' approach to securing physical, social and green infrastructure. It envisages contributions negotiated in Section 106 agreements and usefully looks ahead to accommodate tariffs arising from the CIL. As drafted in the Local Plan, however, the Policy is somewhat more demanding than it should be. It does not entirely accord with the Framework which states that planning obligations should be sought only where they meet all 3 of its tests. The Suggested Examination Hearing Changes do, however, put this matter right and provide useful clarification. The point is also confirmed in MM1 paragraph 5.27 where the emphasis is on developers being expected to provide for, and/or contribute to, infrastructure and the seeking of financial contributions. Crucially, it is now abundantly clear that developer contributions will be sought through negotiation, not demanded or imposed.
46. The IDS and the PMF are essential management tools in delivering the strategy of the Local Plan. They will give the Councils and their partners the opportunity to review progress, identify funding priorities and gaps and make any necessary adjustments. The length of the plan period and the present financial climate make aspirations, rather than guarantees, inevitable but this should not be construed as raising false hopes. The IDS takes a pragmatic approach in uncertain times and is clear, comprehensive and convincing. There is a realistic prospect of the infrastructure being in place in a timely

fashion to support the strategy. The provisions for the delivery of infrastructure, supported by the IDS and PMF, are justified, effective and comply with national policy. In these respects, the Local Plan is aspirational but realistic; and sound.

### **Issue 3 – Whether the Core Strategy is effective in meeting local housing needs, including the provision of an appropriate mix of housing of suitable quality and at suitable densities**

#### The Thrust of Policy 4

47. Policy 4: Housing in the submitted version of the Local Plan sets and applies a short-term maximum requirement at 80% of the RS figures for 2010-2012, or until such time as new local housing requirements are produced, and pending the adoption of Site Allocations and Policies DPDs. Annual requirements for Preston, South Ribble and Chorley are thus 406, 334 and 334 respectively, instead of 507, 417 and 417, making the annual requirement for Central Lancashire during these 2 years 1,074 instead of 1,341. This interim 20% reduction is to apply as a capping measure not to be exceeded and is described as a precautionary approach to help avoid undermining Policy 1. The Councils sought to justify it on the basis of the now replaced PPS 3 (paragraph 64). These provisions make the submitted Local Plan unsound, for reasons set out in my letters to the Councils of 15 and 27 July 2011, but they have been suitably replaced by relevant parts of the PHRCs.
48. The RS and Local Plan periods are not identical. The RS provides a framework for development and investment in the region from 2003 up to a limited period beyond 2021 whereas the Local Plan period is 2010-2026. These periods are not greatly different, they both address the foreseeable future and they give no good reason to justify any significant departure from the RS housing requirements. These changes restore the annual minimum RS requirements during the plan period and hence provide for a total of 21,456 (1,341 x 16) dwellings. A prior under-provision of 702 dwellings is to be made up during the remainder of the plan period, a grand total of 22,158 (say 22,200) dwellings. This minimum requirement can be achieved as a result of the identification of the 2 additional Strategic Locations.
49. This approach is commendable. It goes some way to meeting the urgent need for affordable homes and, by acknowledging the role of housing as a driver of the economy, supports the potential for economic growth and local regeneration strategies. It does not prolong the uncertainty until such time as the new local housing requirements are approved, as is the case with Policy 4 in the submitted version of the Local Plan. The provisions of the PHRCs accord with RS housing requirements and the intention of the Framework to boost significantly the supply of housing. In these ways, they serve to make the Local Plan sound.

#### Strategic Sites and Locations and the delivery of housing

50. Table 1 in the PHRCs gives a good indication of the amount of housing to be provided in total (22,200) and in terms of location and 5/6 year periods. The Councils have been able to draw on preparatory work for, and consultations on, their Site Allocations DPDs. Updated SHLAA data (2011) and the views of representative house builders have been incorporated. Owing to the general



unattractiveness of permitted apartment schemes and doubts about their realisation, the Councils have not included them in their calculations. These schemes relate to sites at Tithebarn, Queen Street and Avenham Lane and total 1,315 dwellings. Although inevitably broad brush in nature with some figures questioned, this Table is a most welcome change to the Local Plan Publication Version and should provide a firm, yet flexible, basis for the identification and annual updating of a supply of specific deliverable sites sufficient to provide a rolling 5 years supply of housing against the total requirement.

51. The Table accords with the sustainable pattern of growth which is the foundation of the Local Plan, bringing greater certainty for all concerned with the delivery of housing and other development and its required infrastructure. Should it be practicable, however, to provide for more dwellings during 2010-2016 than the Table indicates to deal with the under-provision during 2009-11, and maybe consequently accept fewer dwellings during later parts of the plan period, there would be no good reason to resist. This approach should be encouraged, and would meet the requirement in the Framework for the identification and updating annually of a supply of specific deliverable sites sufficient to provide 5 years worth of housing against housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Local Plan makes no allowance for windfalls in the supply of housing land, but the Councils may wish to take into account those windfall sites which are coming forward and make a realistic allowance for them in the preparation of their Site Allocations DPDs. This would accord with the Framework, provided that there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply.
52. The Framework states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period), also to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Table 9 in the SHLAA (September 2010) compares annual net completions in Preston with the RS annual requirement of 507 dwellings. No clear trend emerges in terms of over or under provision. In 2003/04 there was an under provision of 199 (308-507) dwellings, and with the net completion of only 5 dwellings in 2009/10, an under provision of as many as 502. In 2007/08 there was an over provision of 102 (609-507). The cumulative under supply from 2003/04 to 2009/10 was 423 dwellings. Completion details provided by Indigo (Housing Land Position at 31 March 2011) show an under provision during 2003/04 to 2010/11 of 803 dwellings.
53. This under provision in Preston should be made good. It equates to no more than about 54 dwellings during each year of the plan period. The annual provision during the last 9 years has varied rather than having been persistent, defined as *existing continuously in time: enduring*, (OED). It would therefore be better to treat the annual requirement as a minimum, thereby accommodating an additional 54 dwellings each year, instead of bringing forward a buffer of 20%. It is the Councils' intention to deal with additional buffers through the Site Allocations DPDs, and they will no doubt take account of the 2011/12 completions when they are to hand.

54. It is suggested that certain land in the 2 additional Strategic Locations, either with the benefit of planning permission or with the benefit of a good deal of preparatory work, be re-classified as Strategic Sites. Although much work has been done to demonstrate the sustainability credentials of both Locations, it would be premature at present to define them, or any parts of them, as Sites. It would serve to undermine consultation upon these broad areas as part of the preparation of the Site Allocations DPDs, thereby fettering their proper consideration. In any event, work on this next, more detailed stage in the preparation of Local Plans has continued apace despite the delays attending this Local Plan, and there is nothing in principle to prevent a planning application being made for land within a Strategic Location, as has been the case at Haydock Grange at North West Preston. The balance of advantage is with the identification of Strategic Locations as a precursor to the judicious definition of actual sites.
55. In his introduction to the Framework, the Minister for Planning, the Rt Hon Greg Clark MP, states that in the past people have been put off from getting involved because planning policy itself has become so elaborate and forbidding, the preserve of specialists rather than people in communities. Bearing in mind the views of Woodplumpton Parish Council and no doubt other local communities and people, the Councils should be encouraged to continue their good work in involving people in their areas to participate in plan making. It was good to have some local people and Parish Councils participating in the examination of this Local Plan, and their contributions have assisted me in coming to my conclusions about the soundness of the Local Plan.

#### Other Housing Policies

56. Policies 5 and 6 deal respectively with housing density and quality. They accord with the Government's encouragement for high quality housing that is well designed, built to a high standard and with layouts which make efficient and effective use of land. The evidence base, mainly the SHLAA, the SHMA and the Housing Viability Studies, is convincing about such matters as development viability, average household size, the ageing population, under-occupation, housing mix and householders aspirations and preferences. It is abundantly clear, for example, that the Councils are well aware of the ageing population in the City and Boroughs, a consideration which brings issues of health, mobility and dependence. These matters are better addressed in more detail in the determination of individual planning applications, as the Councils propose. Other considerations include safety, particularly where residential development takes place close to operational railway lines.

#### Conclusions

57. The amount of housing proposed, together with the policies which seek suitable densities and high quality design and other relevant policies, accord with the Government's policy, set out in the Framework, of delivering a sufficient amount and wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As a result, everybody should have the opportunity of living in a decent home which they can afford in a community where they want to live. In these respects, the Local Plan is sound.

#### **Issue 4 – Whether the Local Plan is effective in meeting special housing needs, including affordable homes, accommodation for the elderly and for gypsies and travellers**

##### *Affordable Housing*

58. Policy 7: Affordable Housing provides that open market housing with a capacity of 15 dwellings (0.5 ha or part thereof) will include affordable homes, but a lower threshold of 5 dwellings (0.15 ha or part thereof) will apply in rural areas, reflecting the usually smaller sites which are found therein. In the urban areas, the Councils will seek 30% affordability and at or near 35% in the rural areas. On Rural Exception Sites there will be a requirement of 100%. These provisions are helpfully modified and clarified by the Suggested Examination Hearing Changes which emphasise the importance of financial viability, site by site assessment and the need to seek and negotiate in the provision of affordable housing. The Policy, which now applies to affordable and special needs housing, accords with the Framework of setting policies for meeting the need for affordable homes on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock). Experience shows that these percentages are not dissimilar from those sought by local planning authorities elsewhere.
59. The evidence base includes a Housing Viability Assessment for each of the constituent Authorities. It is thorough and convincing. A spreadsheet-based toolkit for Central Lancashire is set out which enables economic viability to be tested on a site by site, scheme by scheme basis taking account of all development costs including contributions sought for items other than affordable homes. It shows that levels of economic viability vary across the plan area, but the Councils confirm that 30%/35% affordability has recently been achieved following negotiations with developers. They describe these levels as targets and accept that they will not always be achieved; nor, they say, will the estimated annual shortfall of 1,779 affordable homes be met. This is a realistic stance.
60. There is no doubt about the Councils' commitment to securing as many affordable homes as possible. Chorley Borough Council, for example, has benefited from Government initiatives with 84 assisted purchases in 2010-2011 and 53 during the previous year. Similar numbers are expected in the Borough in the near future despite a reduction in Government funding. Rightly, the Policy implies that each site is unique and that circumstances change over time. The targets are therefore qualified by the need to take account of such site and development considerations as financial viability and contributions to community services. The inclusion in the Local Plan of the 2 additional Strategic Locations should result in the provision of significantly more affordable homes. Depending upon the percentage of affordable homes on qualifying schemes, the PHRCs could deliver another 401-1,202 such homes, it being reasonable to suppose that the larger sites within the Strategic Locations will be the most viable places for affordable housing. These are further important factors in support of the PHRCs as a Main Modification.

61. The main points to bear in mind are that agreements concerning affordability should be sought not required, that the Policy is a platform for negotiations between Councils and interested parties and that economic viability, tenure split and the circumstances of the case are vital considerations in the determination of a planning application and the degree of affordability reasonably sought. The PHRCs suitably deal with these matters and render the Policy sound. It also provides a useful degree of certainty about the Councils' aspirations which is better than a purely individual site by site and case by case approach. In these respects, the flexibility of the Policy accords with the Framework in that it takes account of changing market conditions over time. There is a realistic prospect that the Local Plan will deliver a reasonable number of affordable homes during the plan period.

### Special Needs

62. In acknowledging the ageing population, Local Plan paragraph 8.43 refers to its implications and to the analysis of the level of need for supported housing. These circumstances can constitute a special need which may or may not be met in affordable housing. Special needs come in many forms including the various elderly groups and they require a variety of responses. It would be better not to seek to list them or to hazard a guess about their possible land requirements. As with community services, such a list might be long and could still run the risk of omitting particular categories.
63. The Councils are right to regard any such special need as a material consideration to be taken into account in their determination of any planning applications, having been appraised of such matters as the need for and the particular circumstances of the proposal, its economic viability and the objective of improving the wellbeing of all. The Local Plan and the Councils' response on these matters go as far as they should in these respects.

### Other Needs

64. The Local Plan notes that the Lancashire Gypsy and Traveller Accommodation Assessment found no proven need for additional pitches in Central Lancashire, but that there is a need in Preston generated by the existing traveller community. There is no convincing evidence to the contrary. Policy 8: Gypsy and Traveller and Travelling Showpeople Accommodation comprises relevant criteria and accords with national policy in the Framework that, where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless came forward. If pitches are needed at a local level, local authorities can identify specific sites through a separate DPD. This approach does not conflict with the Government's Planning Policy for Traveller Sites, and particularly its requirement for local planning authorities to work collaboratively and to plan for sites over a reasonable timescale. The Local Plan's approach is entirely reasonable.

### Conclusion

65. Policy 7 as proposed to be changed, and Policy 8, together with their supporting texts, are effective, justified and accord with national policy. In particular, Policy 7 provides a firm, clear and certain basis for securing the maximum number of affordable homes and the flexibility to allow for exceptions where justified. It provides a good starting point for negotiations

and has a realistic chance of achieving the objective of meeting the needs of different groups in the community. The Local Plan is sound in these respects.

**Issue 5 – Whether the Local Plan's approach to economic development and the protection of employment land is clearly articulated, sufficiently justified and in line with national policy**

General Approach

66. Since the initial preparation of the Local Plan, the Chancellor of the Exchequer has published proposals to help rebuild Britain's economy, including a Plan for Growth, and on 23 March 2011 the written Ministerial Statement, Planning for Growth, was published. This sets out the Government's commitment to reforming the planning system so that it promotes sustainable growth and jobs. There is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth, and the Local Plan anticipates much of this initiative by acknowledging the considerable economic growth potential of Central Lancashire and by promoting long term sustainable economic growth of the right type, in the right locations and of generally the right amount.
67. Policy 9: Economic Growth and Employment sets out the employment land requirements and identifies sustainable locations where economic development will be concentrated. For the most part it will be closely related to residential and other development, thereby providing opportunities for sustainable travel patterns, including walking to work. A possible exception is Samlesbury, at some distance from large residential areas, but it makes sense to identify this location to provide for the expansion of BAE Systems and/or for similar or associated enterprises like advanced aerospace manufacturing. It accords with the policy in the Framework to plan positively for the location, promotion and expansion of clusters or networks of knowledge-driven, creative or high technology industries. These Policies complement others, particularly Policy 1 and Policy 11: Retail and Town Centre Uses and Business Based Tourism which are soundly based upon sustainability principles. Continued liaison with University, colleges, training agencies and local employers should improve skills and economic inclusion, as promoted by Policy 15: Skills and Economic Inclusion.
68. Policy 9 provides for the identification of 501 ha of land for employment development during 2009-2026. These figures are in the context of the 1,363 ha in RSS Policy W3 Table 6.1 for the 14 Lancashire Authorities' areas during 2005-2021. The RPB advised the Councils to update the RS figures, using 2008/09 data and project them to 2026, the end of the plan period. Using the same methodology as in Table 6.1, the Councils estimate an overall Lancashire requirement of 1,132 ha comprising supply (987 ha) + extra allocation (145 ha). To disaggregate this 145 ha extra allocation to each of the constituent authorities, the RPB suggested 4 alternative methods. It was understood that all the Lancashire Authorities were advised of these methods to inform the preparation of their own Local Plans, and the RS expects the Authorities and other partners to work together to agree the distribution of land within each sub-region, the RPB facilitating this approach (RS paragraph 6.12). The advantages and disadvantages of each method are convincingly explained in detail in the ELR Background Topic Paper (BTP) SD14. Owing to

such marked disadvantages as outdated (Scenarios 1a and 1b) and inconsistent (Scenario 2a) data, the Councils rightly chose Scenario 2b.

69. Scenario 2b is based on the requirement of each of the 3 Authorities providing the same percentage share of the Lancashire total as constituted their supply in 2008 (372 ha). Thus the Preston supply of 90.99 ha was 9.22% of the overall Lancashire supply in 2008 (987 ha). Comparative figures for South Ribble were 183.70 ha (18.61%) and for Chorley 97.46 ha (9.88%). On this basis, the amount of additional land expected from each Authority towards the Lancashire extra allocation of 145 ha was 13.37 ha (Preston), 26.99 ha (South Ribble) and 14.32 ha (Chorley), a total of 54 ha or so which would be 37% of the total Lancashire requirement. This approach may perpetuate an existing imbalance in Central Lancashire, a matter no doubt considered by the RPB, but as the plan area functions as one integrated local economy, travel to work area and single housing market area, any such disadvantage is not fatal to the methodology or its outcome.
70. Further work has been undertaken based upon the 2009 supply figures of 107 ha (Preston), 179 ha (South Ribble) and 91 ha (Chorley), a total of 377 ha. An allowance has been made for losses from employment to non-employment uses during 2009-2026, based upon average annual losses during the 5 years up to 2009. For this 17 year period, it is estimated that 11 ha will be lost in Preston, 35 ha in South Ribble and 24 ha in Chorley, a total of 70 ha. Continuing with the same percentages, the Councils estimate an additional requirement of 13 ha (Preston), 27 ha (South Ribble) and 14 ha (Chorley), again bringing the Central Lancashire total to 54 ha. Hence the 501 ha for which Policy 9 provides comprises 377 ha (2009 supply), 70 ha (allowance for losses) and 54 ha (additional provision).
71. To accord Policy 9 better with the plan period, the Councils calculate that during 2009/10 there was a take up rate of 7.23 ha in Preston, nil in South Ribble and 5.15 ha in Chorley, a total of approximately 12 ha. This helpfully updated figure has been deducted from the 501 ha in the Policy to the 489 ha (2010-2026) of the Suggested Examination Hearing Changes. Prediction is an inexact science, especially at a time of economic uncertainty. Reasonably, however, the Councils have adopted the methodology set out in the RS, updating the data so as to relate it better to the plan period. Owing to such considerations as the importance of such centres as Preston, Leyland and Chorley in Lancashire, the economic potential of Central Lancashire and the Government's emphasis on economic growth and employment, it is reasonable for the 3 Authorities to account for 37% or so of the estimated employment land requirement for Lancashire.
72. Policy 10: Employment Premises and Sites seeks the protection of these existing resources to ensure future sustainable economic growth during the plan period. It accords with the policy in the Framework to plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century. The Policy is firm, but sufficiently flexible in accepting that, provided certain criteria are met, some sites and/or premises may be suitable for re-use and/or redevelopment other than for Class B uses. This approach accords with the requirement in the Framework to avoid the long term protection of sites allocated for business use where there is no reasonable prospect of a site being used for that purpose.

73. Even so, new businesses often start in existing buildings on small sites where rents are relatively low and in locations where there is opportunity for employees to walk to work. Poor quality sites and premises may, therefore, have an economic value greater than their appearance might suggest. Some premises may have been held back in the hope of a more beneficial planning permission for housing, and the resistance of Lancashire County Council to the loss of employment land is noted. Instead of expecting the loss of as much as 70 ha on the basis of present trends, the Councils may wish to include no more than about half of it (35 ha) in their calculations. Any such additional modification would accord with the somewhat more rigorous stance introduced by the minor re-wording to the Policy of the Suggested Examination Hearing Changes and the need to protect suitable sites for new employment generating businesses. It would reduce the total to 454 ha, including existing supply. The Councils may wish to give this matter further consideration in the preparation of the Site Allocations DPDs. In so far as such an approach could be construed as seeking to achieve a strong, competitive economy, assisting the establishment of new businesses, it need not conflict with the Framework.
74. Policy 13: Rural Economy complements a number of policies, especially Policy 1. It strikes a balance between the need to protect the environment, including the intrinsic character and beauty of the countryside, and stimulating employment in District and Local Centres and encouraging the suitable conversion of farm and other buildings. It also supports rural based tourist attractions. Much, of course, will depend upon the particular circumstances of the proposals, but this and other relevant policies are a useful start in the determination of planning applications.
75. The evidence base is comprehensive, thorough and convincing. It includes the ELR, the BTP and the well-ordered Note for Inspector. The Councils have closely consulted the RPB which accepted *that the additional provision to 2026 figures generally complies with the approach undertaken in Table 6.1 of Policy W3 of the RS*. The Local Plan sets out a clear economic vision and strategy for Central Lancashire which positively and proactively encourages sustainable economic growth. It is effective, justified and accords with national policy, particularly those aimed at fostering economic growth and employment. In these respects it is sound.

**Issue 6 – Whether the Local Plan convincingly sets out the role of Preston City Centre, suitably protecting and enhancing its vitality and viability without serious detriment to other town centres, and whether suitable provision for other centres is being made**

*Preston - Role, Capacity and Need*

76. Policy 11: Retail and Town Centre Uses and Business Based Tourism sets out a 3-tier hierarchy of centres as a basis for a scale of development appropriate to each tier, but consistent with character. The scale should also take account of such considerations as capacity, need, competition and consumer choice. The key elements of the hierarchy are Preston City Centre, the Principal Town Centres of Chorley and Leyland and 7 District Centres, including those proposed at Buckshaw Village and Cottam. New economic growth and the development of main town centre uses will therefore be focused on existing

centres, delivering more sustainable patterns of development, reducing the need to travel especially by car and responding to climate change.

77. This approach accords with the Government's overarching objective of sustainable economic growth including the promotion of the vitality and viability of town and other centres. Complementary policies include Policy 3: Travel which seeks to improve pedestrian facilities and public transport services and Policy 16: Heritage Assets which seeks the protection and enhancement of these interests. Significantly, RS Policy W5 promotes retail investment where it would assist in the regeneration and economic growth of town and city centres. Such investment should, however, be consistent with the scale and function of the centre and should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.
78. The recent (November 2010) Central Lancashire Retail and Leisure Review (CLRLR) is a thorough and comprehensive assessment of the future quantitative capacity and qualitative need for new retail and commercial leisure provision within the principal centres in Central Lancashire. It is part of the evidence base and informs the Local Plan's retail provisions. For the City Centre it identifies a significant requirement for new comparison retail floorspace to enhance the existing offer, to enable it better to perform its intended sub-regional role and to claw back trade from out-of-centre retail parks. It recognises existing quality deficiencies like limited consumer choice and competition and the lack of modern retail units, recent investment and family orientated leisure uses. It recommends an overriding qualitative need for new retail development. Site inspections confirm these conclusions.
79. The CLRLR Table 20b identifies a net capacity of comparison floorspace in Preston City Centre of 47,335 sq m, 57,498 sq m and 77,675 sq m by 2018, 2021 and 2026 respectively. There is no good reason to dispute these figures or the research which has led to them. Much of this capacity should be taken up by the approved Tithebarn redevelopment scheme (52,000 sq m net) within the TRA, although there is now some doubt about whether this particular scheme will proceed. Maybe it is still expected that a revised scheme will include a multiplex cinema and a range of bars and restaurants. The reporting Inspector noted that the "need" test no longer applied but that capacity was relevant to the consideration of scale and impact. In his view, the original proposal was of an appropriate scale and would have no significant impact on local centres or villages.
80. Whilst Blackburn and Blackpool had certain problems, he considered, their centres were not so weak that they could not cope with some impact, and those impacts could not be classed as *significantly adverse*. Any impact would be cushioned to some extent by future growth. The Secretary of State agreed, concluding that transportation issues were not the determining factor. Neither they, nor the associated conflict with the development plan and national policy was outweighed by compliance with the development plan and national policy in other respects and the clear and significant economic, environmental and regeneration benefits of the proposal.
81. Policy 9: Economic Growth and Employment acknowledges the TRA and this accords with the policy in the Framework of promoting competitive town



centre environments and setting out policies for the management and growth of centres over the plan period. It is envisaged that the remaining capacity will be met elsewhere in the TRA and in the mainly built-up 37 ha new CBD, further invigorating the City Centre, in line with the identification of Central Preston as a Strategic Location in Policy 1. The Framework refers to the need to retain and enhance existing markets. These can improve the vitality of a town centre, their bustle contributing much to character and attractiveness. Preston Market is no exception; it provides an enjoyable shopping experience and it is to be hoped that good provision will be made for it in any redevelopment scheme.

82. The Councils are rightly optimistic about the prospects for redevelopment during the plan period, referring to planning permissions, ongoing negotiations and the intentions of the University of Central Lancashire, and there is no convincing evidence to show that the additional comparison floorspace resulting from other redevelopment in the City Centre during the life of the plan will seriously harm town centres elsewhere.
83. The CLRLR clearly demonstrates that there is no overriding quantitative need to plan for additional convenience floorspace in the City Centre beyond that already committed.

#### Chorley, Leyland and District Centres

84. The CLRLR considers Chorley and Leyland town centres, providing evidence of future spending, capacities and growth. It advocates an appropriate scale of retail and town centre uses. The Local Plan takes this further with proposed environmental improvements, thereby promoting vitality and viability. Planning permission has been granted for 2 schemes in Chorley, indicating developer confidence in the town, while the regeneration of Leyland is a corporate priority for South Ribble Borough Council. Work was expected to start on an ASDA foodstore in 2012. A more modest, but appropriate, scale of development is proposed for the District Centres to serve local needs.

#### Other Matters

85. Policy 11 seeks to resist the further expansion of floorspace for retail and town centre uses at out-of-centre retail parks. RS Policy W5 includes a presumption against large scale extensions (more than 2,500 sq m) to these parks unless they are fully justified in line with the sequential approach set out in the now superseded PPS 6. The Councils confirm that they do not intend the Policy to conflict with this sequential approach by preventing as a matter of course any expansion or intensification of out-of-centre retail parks. Hence the minor re-wording of the Suggested Examination Hearing Change to the Policy of *Focusing main town centre uses in the defined town centres*.
86. Town and City Centre uses are likely to be affected by changing circumstances during the life of the plan, and special forms of trading including on-line, mail order and tele-shopping may have significant implications for the planning of centres and the amount of convenience and comparison floorspace required. The scale of growth envisaged, particularly in Preston, and the TRA and CBD proposals should provide sufficient choice and enough flexibility to accommodate sectors not anticipated in the Local Plan and allow a quick response to changes in economic and social circumstances.

### Conclusion

87. Policies relating to City, Town and District Centres are founded on a robust and credible evidence base. They clearly set out their role in the hierarchy and serve to enhance their vitality and viability. There is no convincing evidence to demonstrate serious harm to any other centres. The Policies are justified, effective and consistent with national policy. In these respects, the Local Plan is sound.

### **Issue 7 – Whether the Local Plan provides sufficient protection, preservation and enhancement of the built and natural environment and introduces measures of sufficient force to mitigate any potentially adverse effects upon these interests**

#### Main Policies for the Heritage Assets

88. Central Lancashire is rich in heritage assets with more than 1,000 Listed Buildings, 26 Conservation Areas, 17 Scheduled Ancient Monuments and 13 Registered Parks and Gardens. In Preston, the many Listed Buildings include the Grade 1 Harris Public Library, Museum and Art Gallery in monumental Greek revival style and the impressive Grade II Preston Railway Station with its red rose welcome to Lancashire. The Conservation Areas include Winckley Square and the Registered Parks and Gardens include Miller and Avenham Parks alongside the River Ribble in Preston. Policy 16: Heritage Assets provides the context for the protection and enhancement of these valued assets. Complementary policies include Policy 12: Culture and Entertainment Facilities which seeks to protect cultural assets and Policy 1 which seeks to harmonise development with local character and setting. Policy 11 seeks to ensure that retail and town centre uses will respect the character of a centre, including its special architectural and historic interest. These Policies accord with the Framework which recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

#### Heritage Assets - the Commitment

89. Despite the current financial climate, the Councils continue to demonstrate their commitment to their historic assets. The City Council has promoted the refurbishment of the History Gallery at the Harris Public Library, Museum and Art Gallery with a £1,100,000 grant from the Heritage Lottery Fund (HLF). The Grade II War Memorial in the Market Place is the subject of a £840,000 bid to the HLF for its restoration. Three Listed Buildings in the TRA will be retained as part of the approved scheme. The Council is working in partnership with the private sector to regenerate the Winckley Square Conservation Area which, due to such features as its fashionable late Georgian red brick town houses and its prevailing air of gentility, is described on the information board as one of the finest squares in the North West. Works include a combination of building repairs and public realm improvements. The Council has made a bid to the HLF to support this initiative, and hopefully it will succeed.
90. A recent Article 4 Direction removes certain permitted development rights in the Fulwood Conservation Area to preserve or enhance its character or appearance. Avenham Park, Avenham Walk and Miller Park have benefited

from a major £7,000,000 programme of refurbishment funded by the City Council, the HLF and the NWRDA. Of special attraction is the restoration of the Japanese Garden, the planting of 160 new trees and 40,000 shrubs and plants and improvements to the footpaths.

91. South Ribble Borough Council has Appraisals and Management Plans in place for each of its 8 Conservation Areas. Of special note is its initiative to enhance the character and appearance of Fox Lane, in the Leyland Cross Conservation Area, providing money for the installation of traditional timber sash windows and the painting of doors and railings. The Grade II Worden Park, Leyland, was the subject of a comprehensive restoration programme during 1976-1983, but continued high quality maintenance ensures that this 59.5 ha (147 acre) park remains a valuable asset for the local community.
92. Chorley Borough Council has recently granted Listed Building consent and planning permission for enabling development to support the restoration of the Grade II\* Bank Hall, removing it from English Heritage's "Heritage at Risk" register. Works are valued at £8,000,000, approximately half of which is regarded as enabling development works and as a subsidy by the Council. Five of the Conservation Areas in the Borough have recent appraisals and management proposals in place with a commitment to do the same for the remaining 4 Areas. The Grade II Astley Park, best described as truly stunning, has received a £2,800,000 HLF grant with part match funding from the Council, part in cash (£800,000) and part in kind. A bid, on similar terms, is likely to be made shortly in respect of the Grade II Rivington Gardens.
93. These policies provide a firm foundation for the protection and enhancement of Listed Buildings and Conservation Areas. With the Councils' demonstrated commitment and praiseworthy track record, there is no reason to doubt that these assets will continue to be enjoyed for their contribution to the quality of life for this and future generations. Heritage assets include battlefields, and the cross-swords symbol denoting part of the site of the Battle of Preston (1648) appears on the OS Map near Fulwood Barracks. Maybe, some day, a plaque or similar will commemorate nearby what is understood to have been an important Civil War engagement, but that is no more than a purely personal reflection.

#### *Policies for Green Infrastructure and the Natural Environment*

94. Policy 18: Green Infrastructure sets out intentions for the management and improvement of environmental resources. Its supporting text and Figure 16 refer to the Central Lancashire Green Belt. No change is proposed to it. There is no reason to do so, including to those of its parts where it is of limited extent, as between Clayton-le-Woods and Leyland. This particular part, between the M6 Motorway and Wigan Road, includes a significant amount of development, including at Moss Lane, Thorntrees Garage, Greenbank Farm and a nursery, but it has a prevailing openness which contrasts with the residential estates to the west and the safeguarded land which is subject to development proposals to the east. It should stay as Green Belt. And Local Plan and Framework policies for the Green Belt should continue to apply to all proposals for inappropriate development within it, so there is no need to distinguish particular types of inappropriate development, as for sites for gypsies and travellers.

95. Policy 19: Areas of Separation and Major Open Space is drafted to protect the identity and local distinctiveness of certain settlements and neighbourhoods by these 2 types of designation. The worthy purpose is to ensure that those places at greatest risk of merging will be protected from doing so. The Policy can be compared to Green Belt policy, although the construction of new buildings for, for example, agriculture and essential facilities for outdoor sport and outdoor recreation, which may be acceptable in a Green Belt, may not be acceptable in an Area of Separation or a Major Open Space. To that extent it would appear that Policy 19 may in practice be more restrictive than Green Belt policy.
96. One Area of Major Open Space to be designated within the Preston urban area is between Ingol/Tanterton and Greyfriars/Cadley. It extends essentially from the edge of the mainly built up area towards the City Centre. Public rights of way are limited, but its actual presence as overwhelmingly open land is of greater consequence in justifying its protection. A stroll over much of the land between these 4 settlements enables appreciation of its attractive, tranquil, open and often sylvan character, and this alone is convincing evidence upon which to base this part of the Policy.
97. The Inspector who reported to the Secretary of State in August 2011 concerning the appeal by Northern Trust for residential and associated development at the former Ingol Golf Course noted *the unique and integrated nature of the site and its surroundings and the role it plays in this part of Preston. It provides a visual and physical release from the surrounding built-up area. It acts as a unifying element to the surrounding community* (APP/N2345/A/11/2145837). The Secretary of State agreed with the Inspector's recommendation and dismissed the appeal, concluding amongst other things that there was *a shortfall of a deliverable 5-year supply of housing* and that *the overall integrity of the site, its character and its appearance would be greatly and unacceptably degraded by the proposed development.*
98. I respectfully associate myself with the Secretary of State's conclusions. Indeed, the role and value of this land would be emphasised, not diminished, as a result of substantial development at the Strategic Location at North West Preston. Policy 19 is well drafted, justified and effective. Any modification to it which encouraged residential or other built development in the open space between Ingol/Tanterton and Greyfriars/Cadley would be contradictory and undermine its praiseworthy purpose.
99. Other related matters like the quality of the landscape, the protection of natural resources and various other aspects of sustainability are suitably accommodated in such policies as Policy 20: Countryside Management and Access and Policy 21: Landscape Character Areas. Policy 22: Biodiversity and Geodiversity and Policy 31: Agricultural Land seek to protect various valuable features including a Ramsar Special Protection Area, a Site of Special Scientific Interest and the best and most versatile agricultural land. The Local Plan relies on a comprehensive Revised Habitat Regulations Assessment Screening Report (March 2011) approved by Natural England.

### Flood Risk

100. The Local Plan includes detailed contents on water management and flood risk, as well as Policy 29: Water Management. The evidence base is convincing. It includes a Phase 1 Strategic Flood Risk Assessment, a Water Cycle Study and the result of discussions between the Councils and the Environment Agency and United Utilities. The documents were prepared on the basis of national policy in PPS 25, but there is no conflict with the Framework. Policy 29 (d) as proposed to be changed following consultation with the EA suitably relies on its *appraisal, management and reduction* approach for the consideration of development proposals.

### Conclusion

101. These policies are effective, justified and accord with national policy. The Councils' record in things achieved, bids made and about to be made and consultations undertaken demonstrate beyond doubt their commitment to the protection and enhancement of the assets examined. The Local Plan is sound in these respects.

## Assessment of Legal Compliance

102. My examination of the compliance of the Local Plan with the legal requirements is summarised in the table below. I conclude that the Local Plan meets them all. See over the page.

<b>LEGAL REQUIREMENTS</b>	
<b>Local Development Scheme (LDS)</b>	<b>The Local Plan as a Core Strategy is identified within the approved LDS March 2011 which sets out an expected adoption date of November 2011. Its content and timing are compliant with the LDS, but the expected adoption date has slipped, probably by 7 months or so, due to the PHRCs. This is not, however, fatal to the legal compliance of the plan.</b>
<b>Statements of Community Involvement (SCI) and relevant regulations</b>	<b>The 3 SCIs were adopted in 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed "Main Modification" (MM) ie the Proposed Housing Related Changes (PHRCs).</b>
<b>Sustainability Appraisal (SA)</b>	<b>SA has been carried out and is adequate.</b>
<b>Appropriate Assessment (AA)</b>	<b>The Revised Habitats Regulations AA Screening Report (March 2011) sets out why AA is not necessary.</b>
<b>National Policy</b>	<b>The Local Plan complies with national policy except where indicated and 2 Main Modifications are recommended.</b>
<b>Regional Strategy (RS)</b>	<b>The Local Plan is in general conformity with the R(S)S.</b>
<b>Sustainable Community Strategies (SCS)</b>	<b>Satisfactory regard has been paid to the SCS.</b>
<b>2004 Act and Regulations (as amended)</b>	<b>The Local Plan complies with the Act and the Regulations.</b>

## Overall Conclusion and Recommendation

103. The Local Plan has a number of deficiencies in relation to soundness for the reasons set out above which means that I recommend that it not be adopted as submitted, in accordance with Section 20 (7A) of the Act. These deficiencies have been explored in the main issues set out above.
104. The Councils have requested that I recommend main modifications to make the Central Lancashire Publication Core Strategy Local Development Framework December 2010 sound and capable of being adopted. I conclude that with the recommended Main Modifications set out in the Appendix the Central Lancashire Publication Local Plan (Core Strategy) satisfies the requirements of Section 20 (5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Richard E Hollox*

Inspector

This Report is accompanied by:

Appendix A Main Modification 1, the Proposed Housing Related Changes including Inspector's letters to the Councils dated 15 and 27 July 2012

Appendix B Main Modification 2, as follows:

### **Policy X – Presumption in favour of sustainable development**

**When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**

**Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.**

**Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:**

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- b) specific policies in that Framework indicate that development should be restricted.**