

Person ID	Modification Reference	Supporting/ Objecting	Sound?	Legally Compliant	Comments	Councils Response
015					Thank you for your email and consultation on the Main Modification in relation to Policy C4 – Cuerden Strategic Site. I can confirm that on this occasion we have no comments to make.	Comments noted.
012					Thank you for consulting The Coal Authority on the above document.  Having reviewed the document, I confirm that we have no specific comments to make at this stage.  Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line (01623 637 119).	Comments noted.
016					Thank you for your letter of 15 <sup>th</sup> September. We don't wish to make a representation	Comments noted.
013					Main Modification to the Partial Version Site Allocations and Development Management Policies DPD – Policy C4 – Cuerden Strategic Site.  Thank you for consulting English Heritage on the above. At this stage we have no comments to make on its content.  If you have any queries about any of this matter or would like to discuss anything further, please do not hesitate to contact me.	Comments noted
011		Supporting	Yes	Yes		Response Noted.
017					Thank you for the notification of proposed Main Modification MM34, I can advise you that National Trust does not wish to make any comments upon this particular proposed change.	Comments Noted
006	MM34		No	Yes	Table one should include all EU and UK Wildlife Legislation in addition to SRBC's environmental policies, Central Lancashire Core Strategy and NPPF.	Comments noted. SRBC's environmental policies, the Core Strategy and the NPPF have been prepared with regard to all relevant Wildlife Legislation. Any relevant legislation would be a material consideration in any future planning applications.
007	MM34	Supporting	Yes	Yes		Response Noted
018	MM34	Supporting	Yes	Yes		Response Noted
008	MM34	Supporting	Yes	Yes		Response Noted
019	MM34	Objecting	No	Yes	<p><b>Introduction</b></p> <p>British Land Lancaster Limited Partnership (BLLLP), has been selected by Lancaster City Council as the development partner for the Canal Corridor North retail led regeneration scheme in Lancaster City Centre and is a substantial landowner in that site in its own right as well as being the beneficiary of a development agreement with the City Council in respect of Council owned land within the site.</p> <p>We are responding to a proposed Main Modification (MM34) in relation to Policy C4 of the South Ribble Site Allocations DPD (DPD) which seeks to introduce sequential and impact tests in relation to any town centre uses proposed on the Cuerden Strategic site.</p> <p><b>BLLLP's Representations</b></p> <p>In summary BLLLP does not consider that the proposed Main Modification MM34 goes far enough to overcome BLLLP's concerns about Policy C4, and the proposed Modification is unsound unless further modification is made to Policy C4.</p> <p>BLLLP's detailed position in this regard is set out below.</p> <p>Following the Examination into the DPD held in March 2013; in June 2013, the Council proposed main Modifications MM11 and MM12 (June 2013 Modifications). The effect of the June 2013 Modifications was to amend policy C4, relating to the Cuerden Strategic Site, so as to provide that (by way of Modification MM11) the agreed masterplan for the comprehensive development of the site shall include "retail, employment, commercial, industrial and Green Infrastructure uses", rather than "employment, commercial, industrial and Green Infrastructure uses" and to provide that (by way of Modification MM12) the supporting text at paragraph 6.31 refers to "retail" rather than "ancillary retail" uses.</p> <p>There was little or no justification produced at that time to explain the background to the June 2013 Modifications, nor was there a robust evidence base to support the June 2013 Modifications, which appear to have emerged through discussions between parties taking part in the Examination and the Inspector at the Examination itself. We are aware that there were no specific representations made on the matter of a possible retail allocation of the site prior to the Examination.</p> <p>BLLLP considers that the fundamental implications of the change that was proposed to Policy C4 in June 2013 have</p>	<p>This consultation was for the proposed MM34 modification and comments can only be accepted in relation to this modification. The inclusion of retail in the policy has already been subject to an extensive consultation, and no responses were received in relation to this. Responses in relation to the previous consultation are therefore not relevant at this stage.</p> <p>It is not appropriate at this stage to define a maximum area for retail on the site. The amount of retail on site would only be that which would make the employment site viable, it would not be more than the amount of employment uses on the site.</p> <p>The inclusion of retail as part of policy C4 is not inconsistent with the adopted Central Lancashire Core Strategy. Cuerden is a strategic employment site. The inclusion of retail in the policy is necessary to provide an enabling development for the wider strategic employment uses on the site. The amount of retail that would be permitted on the site would only be that which would make the employment</p>

				<p>not been understood by the Council or indeed by the Inspector. There are no constraints contained within Policy C4 as proposed to be modified as to, for example, the quantum or types of retail floorspace that may be acceptable on the site under the policy. As drafted, the policy may be read as an allocation of the site for unrestricted A1 retail development. This would obviously be entirely inappropriate in national and local planning policy terms.</p> <p>We make the following points in particular in relation to the June 2013 Modifications:</p> <p>1. The policy as proposed to be modified in June 2013 is not in conformity with policy 1 of the Central Lancashire Core Strategy July 2012 and its supporting text. Cuerden is a strategic site allocated for employment purposes. The supporting text of the Core Strategy, at paragraph 5.34, makes plain that its allocation is in order to "attract a major employer and contribute to the development of the high quality manufacturing uses and knowledge-based industry. This will help to provide high-skilled jobs for Central Lancashire's workforce and the wider sub-region". Any significant retail development on the site would plainly be inconsistent with that strategic objective.</p> <p>2. The Inspector's partial report dated 8 November 2013 states as follows: <i>"The Council proposes modifications to the Plan to include retail in the acceptable uses on the site (MM11 and 12). This recognises the potential requirement for higher yielding land uses as enabling development in order to fund the necessary infrastructure. This modification is necessary in order to ensure that the Plan is effective and positively prepared. Overall, the approach of the Plan to the Strategic Site at Cuerden is in accordance with the CS and justified by the evidence base."</i> (paragraphs 79 and 80) As stated above, in our view significant and unconstrained retail development at Cuerden would plainly not be in accordance with the Core Strategy. Our clients have sought to interrogate the evidence base to the Plan and can find no basis on which the Council or indeed the Inspector could reasonably have concluded that retail development at Cuerden was required as "enabling development in order to fund the necessary infrastructure", and, in any event, there appears to have been no examination of how much retail development, if any, would be required for that purpose.</p> <p>3. South Ribble Council purported to carry out an "initial appraisal of the sustainability implications of the June 2013 Modifications and whether any further assessment is required". It concluded that "SA screening" was not required. Its justification in relation to MM11 was as follows: <i>"This is a Policy change which looks at including provision for retail on this site, which had not previously been considered. Any planning application that considers retail on this site will still need to accord with other policies in the plan, which had previously been fully appraised during the earlier stages of sustainability appraisal SA. The modification does not require any further screening"</i>. This reasoning is fundamentally flawed. Policy 11 of the adopted Central Lancashire Core Strategy supports retail uses of a scale appropriate to the retail hierarchy and in sustainable locations. The hierarchy is defined and retail development is supported in Preston city centre and other key town, district and local centres. Policy 11 (e) makes reference to retail and town centre uses being delivered: "in... proposed centres at Strategic Sites and Locations, so as to appropriately serve local needs..." The overall thrust of the policy seeks to focus main town centre uses in the defined town centres. However there is an inconsistency in the policy with the reference to Strategic Sites, which would now include Cuerden as a result of the June 2013 Modification to include retail on the site. The Cuerden site is evidently not an existing centre nor is it a sustainable location for retail uses. It is noted that any retail development of the Cuerden site under the provisions of Policy 11 (e) would "appropriately serve local needs". In the context of new retail development, the Site Allocations and Development Management Policies Development Plan Document Partial Version (November 2013) re-states the provisions of Core Strategy Policy 11. In South Ribble, retail development is directed to Leyland town centre. Para. 8.28 states that retail growth elsewhere will need to be of levels which are appropriate to the location. Para. 8.29 states that "planning applications for retail schemes on edge of centre or out of centre locations will be assessed against the sequential approach within NPPF." By virtue of the June 2013 Modification MM11 to policy C4 to include retail as an allocated use of the Cuerden Strategic Site, under the terms of the National Planning Policy Framework any application submitted for main town centre uses on the site will not be subject to impact or sequential tests (paras 24 and 26), despite the fact that the Core Strategy and Site Allocations and Development Management Policies Development Plan Document Partial Version seek to direct retail use to existing centres. There is thus mutual inconsistency between the adopted and emerging Plans and the NPPF. The Council's reasoning in relation to MM12 is as follows: <i>"The change relates to providing clarification as to what is permitted on this site. The deletion of the word "ancillary" has an impact for the policy; however, the presence of retail development on this site has already been appraised and as such no additional screening is required"</i>. This reasoning on the one hand accepts that the deletion of "ancillary" has "an impact for the policy" but on the other hand suggests that "the presence of retail development on this site had already been appraised", which we understand not to be the case at all, and in any event is inconsistent with the reasoning given in relation to MM11, quoted above, which accepts that "including provision for retail on this site... had not previously been considered". The June 2013 Modifications to policy C4 are plainly likely to give rise to significant environmental effects, introducing for the first time the prospect of a potentially unlimited, unconstrained, amount of stand-alone retail development at an out of town location with easy access to the motorway. Full strategic environmental assessment, preceded by formal scoping in accordance with Regulation 12(5) and (6) of the 2004 Regulations, is plainly required, together with public consultation in relation to that assessment and considerations of the implications of the outputs of</p>	<p>site viable – it would not be more than the employment uses on the site.</p> <p>The inclusion of retail in the policy, and the additional modification to require that sequential and impact testing, and viability evidence is carried out and submitted, is not contradictory. Retail development would only be permitted to make the site viable, and the assessments must be submitted as part of a planning application to demonstrate this is the case. If the amount of retail proposed was found to be in excess of what was required to deliver the strategic employment aspirations for the site, or the impact testing demonstrated an unacceptable level of impact on nearby centres, an application would be recommended for refusal.</p> <p>The Council has carried out a sustainability appraisal of the modification and concluded that no further screening was required. In fact, the inclusion of MM34 into the policy actually strengthens the policy on sustainability grounds, as potential impacts would be revealed through the required testing. The Council however, accepts that the sustainability appraisal isn't very detailed, although it is sufficient, and we will address this. It is however worth noting that neither Natural England nor the Environment Agency had any comments to make in relation to the sustainability appraisal.</p> <p>The Council is of the opinion that it would not make any difference to the eventual outcome if "retail" was removed from the policy. Whether or not retail is included as an acceptable use in the policy, the same impact and sequential testing, and viability evidence would have to be submitted and retail could be permitted on the site.</p> <p>South Ribble Borough Council has never stated that there is a need for additional retail floorspace in the Borough to meet local need. The Retail and Leisure Study prepared by GVA also indicated that there was no requirement for additional retailing in the Borough to serve a local need.</p> <p>There is, however, a site specific need in relation to this site for a high value enabling development in order for employment development on this site to be viable. This issue was considered by the Inspector at the examination, and referenced in para 79 of the Inspector's Partial Report.</p> <p>The Council accepts that the impact of retail</p>
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Aside from the local retail planning position dealt with in section 3 above, the position under paragraph 24 and 26 of the National Planning Policy Framework is of course that the sequential approach and requirements for retail impact assessments do not apply to proposals for out-of-town retail development which are in accordance with an up-to-date local plan.</p> <p>BLLLP only became aware of the June 2013 Modifications by chance, as a result of market rumours that the Cuerden site was being considered as a retail development site.</p> <p>BLLLP did not participate in the public consultation on the Site Allocations and Development Management Policies DPD on the basis that the Cuerden site was allocated via Policy C4 as a strategic employment site. BLLLP was thus not involved in the DPD process or Examination and was not a party to consultation on the proposed June 2013 Modifications.</p> <p>On the basis that the matter regarding a retail allocation on the Cuerden site came about during discussions at the Examination, it is evident that there was no considered debate at the Examination with any party offering a different view regarding a possible retail allocation of the site.</p> <p>Once BLLLP were aware of the proposed retail allocation of the Cuerden site BLLLP undertook a review of the emerging Site Allocations and Development Management Policies DPD, including its evidence base, the Examination documents and the subsequent Committee reports detailing the proposed June 2013 Modifications, and finally the Inspectors partial report in November 2013.</p> <p>Following this review BLLLP's solicitors Kingswood and Malleson, wrote to the Council in February 2014, setting out BLLLP's serious concerns regarding the proposed June 2013 Modifications. A meeting was also held between officers of the Council and representatives acting on behalf of BLLLP on 6 May 2013. As a result of these representations the Council committed to addressing the matters raised by BLLLP and subsequently published the now proposed further Main Modification in September 2014.</p> <p>The now proposed Main Modification to Policy C4 has thus been published, and in the Council's view is that this addresses the issues raised by BLLLP, and recently by other parties, including Lancaster City Council and Blackburn with Darwen Borough Council.</p> <p><b>BLLLP's Comments on Proposed Main Modification (MM34)</b></p> <p>In summary BLLLP does not consider that the proposed Main Modification MM34 goes far enough to overcome BLLLP's concerns about Policy C4. Whilst we support the inclusion of the need for sequential and impact tests in the policy in relation to any town centre uses that may come forward, there is no evidence base to support the inclusion of "retail" as an allocated land use in this Policy.</p> <p>The policy now contradicts itself as it still includes 'retail' as a use which will receive planning permission, but then states that main town centres uses will be assessed based on the usual policy tests.</p> <p>BLLLP considers that main town centre uses such as retail can only be deemed appropriate if there is robust evidence which shows sufficient need alongside the aspirations for additional retail in the Borough and in the adjoining authorities. There has been no formal assessment or examination of the proposed allocation of the Cuerden site for retail use and this should take place to justify the allocation before it can be regarded as an acceptable use.</p> <p>Thus BLLLP would only support Policy C4 as now proposed to be modified if 'retail' is removed from point a). This would then enable any retail or other town centre uses that were proposed for the site to be fully assessed in accordance with the sequential and impact tests, but would not specifically allocate the site for retail use, thus removing the presumption in favour of retail that such a specific allocation would afford.</p> <p>In summary, BLLLP does not support the retail allocation of the Cuerden site and considers that the matter of the retail allocation has not been properly justified or assessed, nor has it been fully examined via the formal Examination process. Thus BLLLP considers it essential that this Policy as now proposed to be modified is fully considered at a re-opened Examination hearing on the basis that there was a lack of objective debate at the last Examination on the justification for the allocation of the Cuerden site for retail.</p> <p><b>Tests of Soundness</b></p> <p>The current consultation seeks comments only on the proposed Main Modification MM34. BLLLP's comments as set out above go further and question the basis of Policy C4, as proposed to be modified following the Examination. On the basis that the Council has brought forward MM34 to address BLLLP's concerns about modified Policy C4, and given that BLLLP does not consider that MM34 addresses its concerns, it is justified in submitting detailed comments as part of this consultation on the whole of Policy C4 as proposed to be modified.</p> <p>In this context BLLLP's comments in relation to the tests of soundness are set out below.</p> <p>In terms of the tests of Soundness BLLLP does not consider the proposed Main Modification MM34 – Policy C4 – Cuerden Strategic Site meets the tests of soundness as follows:</p> <p><input type="checkbox"/> MM34 is not justified because it relates to an allocation of the Cuerden site for retail where there is no evidence to support the allocation of the site for retail purposes</p>	<p>development on nearby centres needs to be fully understood. The proposed modification provides safeguards to ensure that these possible impacts are identified and fully investigated. If these tests show there will be an unacceptable impact on any centres, an application would be recommended for refusal.</p> <p>The site is an extremely accessible, sustainable site. It is allocated as a development site in the Core Strategy. The sustainability of the site was therefore investigated fully as part of the Core Strategy process.</p>
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020	MM34				Natural England have no comments to make in relation to the further Main Modification in relation to Policy C4 - Cuerden Strategic Site.	Comments noted.
021	MM34	Objecting	No	Yes	<p>Blackburn with Darwen Borough Council supports the overall intention to establish a policy which allows for growth. However, in implementing such an approach it is important to ensure that the policy enables development to be managed in an appropriate and sustainable way. In particular, there is a need to be able to ensure that a sustainable pattern of development is maintained across the county. As fellow members of the Lancashire Enterprise Partnership (LEP), we have significant concerns about Policy C4, which has potential impacts on a number of centres in Lancashire.</p> <p>At publication stage of the Local Plan ('LP'), the Cuerden Strategic Site Policy C4 was proposed to be allocated for <i>employment, commercial, industrial and Green Infrastructure uses</i>. However, a modification which arose during the examination in 2013 proposed to add "retail" to the potential uses. The 65 ha major site would therefore become, at best, a mixed use allocation with an out-of-centre retail element.</p> <p>South Ribble Borough Council (SRBC) propose that the scale of retail development at the site, and any resulting impact would be resolved through the preparation of a masterplan in addition to the proposed modification requiring sequential and impact tests in accordance with the National Planning Policy Framework (NPPF) and relevant policies of the Core Strategy and emerging Local Plan.</p> <p>Such an approach is evidentially wholly unjustified and would result in the allocation sidestepping the need to conform to the above tests as a precondition to its acceptability in the plan. Blackburn with Darwen Borough Council very strongly objects to such a substantial modification, which is unwarranted by SRBC's evidence base. Furthermore there is no restriction to the scale of retail on the site proposed at this stage.</p> <p>In the alternative if it is suggested that the modification adds nothing to the policy because any development would need to comply with the Core Strategy and NPPF in any event, therefore the issues identified by Blackburn with Darwen Borough Council in correspondence to South Ribble Borough Council by email on 16th June 2014 still apply. In reality however the identification of retail as an acceptable land use on the site has the effect of establishing the principle of such development on the site without a proper evidential basis which would, for example enable consideration of the likely scale of the proposal and its effect upon adjacent centres.</p> <p>The main concerns are:</p> <p>a) there is no proper evidence base to support this major out-of-centre retail allocation;</p> <p>b) it is inconsistent with the Central Lancashire Core Strategy 2012;</p> <p>c) there are likely to be significant impacts on nearby town centres;</p> <p>d) there are no proposed restrictions to the scale of retail on the site; and</p> <p>e) An out of centre unconstrained retail allocation raises issues of duty to cooperate.</p> <p><b>Not Justified</b> The policy is not justified because it is not based on a robust and credible evidence base involving research/fact finding. Furthermore, it does not show how the policy helps to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved, and how adverse consequences are proposed to be avoided. If the intention of the policy is to allow alternative uses where it can be demonstrated that they may help deliver the strategic employment aspirations for the site, then the modification is not necessary; and nor is the specific inclusion of retail as one of the potential uses.</p> <p><b>Not Effective</b> There is no evidence of coherence with the vision and objectives of the Central Lancashire Core Strategy. The policy is specifically at odds with Policy 11 of the Central Lancashire Core Strategy, which sets out a strategy to focus main town centre uses in the defined town centres and district or local centres.</p> <p><b>Not Consistent with National Policy</b> Paragraph 23 of the NPPF requires planning policies to promote competitive town centre environments, and requires Local Planning Authorities to allocate suitable sites for retail (and other) development which is needed in town centres.</p>	<p>South Ribble Borough Council has never stated that there is a need for additional retail floorspace in the Borough to meet local need. The Retail and Leisure Study done by GVA also indicated that there was no need for additional retailing in the Borough to serve a local need.</p> <p>There is, however, a site specific need in relation to this site to have a high value enabling development in order for employment development on this site to be viable. This issue was considered by the Inspector at the examination, as shown in para 79 of the Inspector's Partial Report.</p> <p>The inclusion of retail as part of policy C4 is not inconsistent with the adopted Central Lancashire Core Strategy. Cuerden is considered to be a strategic employment site. The inclusion of retail in the policy is simply to act as an enabling development for the wider strategic employment uses on the site. The amount of retail that would be allowed on the site would only be that which would make the employment site viable – it would never be more than the employment uses on the site. The site will be an employment based site, with some retail in order to make the employment development viable.</p> <p>The Council accepts that there may well be an impact on nearby town centres. The proposed modification has safeguards to ensure that these possible impacts are identified and fully investigated. If these tests show there will be an unacceptable impact on any centres, an application would be refused.</p> <p>It is not appropriate at this stage to define a maximum area for retail on the site. The amount of retail on site would only be that which would make the employment site viable, it would not be more than the amount of employment on the site.</p> <p>The policy is not an unconstrained retail</p>

				<p>In addition, paragraph 23 requires authorities to allocate appropriate edge-of-centre sites for main town centre uses where suitable town centre sites are not available. Other locations should only be considered if sufficient edge-of-centre sites cannot be identified. The revised policy conflicts with paragraph 23 because it specifically allows for consideration of retail in an out-of-centre location which is not supported by evidence that insufficient town centre or edge-of-centre sites have been identified. The application of the sequential test is a pre-requisite to the acceptability of such a proposal and not merely an afterthought once the principle of the land use has been accepted.</p> <p>Not Positively Prepared The revised policy should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements; which it is not as it conflicts with the adopted Core Strategy. No sequential assessment, or assessment of impact has been undertaken, and it is not appropriate to defer all of these matters to the planning application stage.</p> <p>Evidence should be provided at plan-making stage to provide certainty for developers, as articulated in paragraph 154 of the NPPF which states <i>"Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan"</i>. In conclusion, Blackburn with Darwen Borough Council is not aware of any evidence to support the revised policy, and the proposed modification does not create a sound policy. The potential impact upon adjacent centres including those within its Borough is of significant concern and ought properly to be evidenced before a judgment on soundness is reached. In order to make the Plan sound, the text of Policy C4 should be revised to the wording as set out in the Publication version of the Local Plan.</p> <p>Blackburn with Darwen Borough Council request to be consulted on any retail proposal at the site, and also anticipate consultation on the proposed masterplan.</p>	<p>allocation. Any application would have to be supported by extensive viability and need evidence for retail uses on the site, as well as detailed impact testing on nearby centres. Any application that not supported by the necessary evidence for inclusion of retail on the site would be recommended for refusal.</p> <p>It is not considered that Policy 11 of the Core Strategy is relevant, as this policy relates to new local and district centres, which is not what is being proposed here.</p> <p>All the necessary impact and sequential testing would be carried out at application stage, as required by the NPPF. MM34 ensures that this testing would be carried out despite the inclusion of retail in the policy wording. It is not appropriate or necessary to carry out this testing on an allocation. The policy is positively prepared, and this is supported by the Inspector, who said in paragraph 79 of her partial report that the inclusion of retail in the policy was "necessary in order to ensure that the plan is effective and positively prepared".</p> <p>Any application would have to be supported by extensive evidence for retail development, and the Council will then make a decision based on the outcome of those tests.</p> <p>As shown in Paragraph 79 of the Inspectors Partial Report, the approach taken with regards to the policy for this site is in accordance with the Core Strategy and in accordance with the evidence base.</p>
022	MM34			<p>I write to you in relation to your current consultation on the main modifications proposed to Policy C4 of the South Ribble Site Allocations DPD. Policy C4 particularly relates to the allocation of 65 hectares of land at Cuerden for a range of employment, commercial, industrial and Green Infrastructure uses.</p> <p>I wish to take this opportunity to register Lancaster City Council's objection to this policy as currently worded. Whilst the Council do not necessarily object to the principle of the site at Cuerden being allocated for employment purposes it is recommended that further clarity is required into the role of the 'alternative uses' referred to within Policy C4 and paragraph 6.33 of the DPD.</p> <p>It is acknowledge that the supporting text to Policy C4 suggests that the allocation at Cuerden will have 'an employment focus', however the specific policy wording for this allocation seeks to create a very flexible and permissive approach to a composite use which could allow for a much wider range of development types on the site, including leisure and retail uses. There is a clear inconsistency between the policy approach and the justifying text.</p> <p>The lack of clarity on the composition of development at Cuerden is of significant concern to Lancaster City Council. There is no clear commitment to a minimum quantum of employment uses within Policy C4 as its primary use and therefore it would be quite open for the full allocation at Cuerden to be utilised wholly or significantly for leisure and retail purposes should the market suggest it.</p> <p>Policy C4 as currently worded could allow for development which begins to have a serious and significant impact on the efforts being made by other centres in Lancashire to regenerate their towns and city centres, and this would be perverse. It is Lancaster City Council's view that such potential impacts have not been tested as part of the preparation of the Site Allocations DPD. As a result Lancaster City Council should suggest that the DPD is not effective in regard of paragraph 182 of the National Planning Policy Framework as it has not suitable considered the cross-boundary</p>	<p>The Cuerden site has an employment focus. The inclusion of retail in the policy is simply to act as an enabling development for the wider strategic employment uses on the site. The amount of retail that would be allowed on the site would only be that which would make the employment development viable – it would not be more than the employment uses on the site. The site will be an employment based site, with some retail in order to make the employment development viable.</p> <p>It is not appropriate at this stage to define a maximum area for retail on the site. The amount of retail on site would only be that which would make the employment site viable, it would not be more than the amount of employment on the site. Any planning application would have to be supported by extensive impact and sequential testing, as well as detailed viability evidence, to demonstrate that there would not be an unacceptable impact on other centres and that the level of proposed retail is required to make the site viable.</p>

					<p>impacts of such a flexible, permissive policy on such a strategic development site as proposed in Policy C4.</p> <p>To resolve Lancaster City Council's concerns to Policy C4 of the Site Allocations DPD the following changes are recommended:</p> <ul style="list-style-type: none"> <li>• Policy C4 should make clear that the primary use of the Cuerden site will be for employment purposes within Classes B1, B2 and B8.</li> <li>• Lancaster City Council would accept that to facilitate the delivery of employment uses at Cuerden that alternative 'enabling' uses may be required including retail and others listed within paragraph 6.33 of the DPD. However, the level of enabling development required should only be of a scale needed to assist in the delivery of the wider scheme, and should be fully assessed to ensure that its facilitation does not have an adverse impact on other centres nearby or within the region.</li> <li>• A quantum should be set to ensure that the level of enabling development does not reach such significance that it becomes an equal or dominant part of a composite use.</li> </ul> <p>I trust this information will be of assistance and look forward to your response in this matter.</p>	<p>The Council accepts that there may well be an impact on nearby town centres. The proposed modification has safeguards to ensure that these possible impacts are identified and fully investigated. If these tests show there will be an unacceptable impact on any centres, an application would be refused.</p>
023	MM34	Objecting	No	No	<p>Legal Compliance:</p> <p>The representor is of the view the proposed modification is not legally compliant because of the degree of conflict with NPPF. NPPF seeks to ensure the vitality of town centres. It specifically confirms that retailing is a town centre use and that LPAs should require applications for retailing to be located in town centres. In so doing they should apply a sequential test. Edge and out-of-centre sites (like Cuerden) should only be considered for retailing if there are no in or edge-of-centre sites available and the out-of-centre site is accessible. This is not the case in this instance as there are in and edge-of-centre sites available in some of the borough's centres and the sites is far from being an accessible site. Regardless of the circumstances, in its current form this policy deliberately ignores NPPF and promotes a non-policy compliant use in a non-policy compliant location. The decision of the Supreme Court in the Dundee case requires planning policy to be interpreted as written not as desired, and f this applies to how NPPF should be interpreted. As such the proposed modification it cannot be regarded as legally compliant as it deliberately ignores policy and guidance on retailing as set out in NPPF. In addition, the policy in its current form and for the same reasons conflicts with the draft Local Plan's town centre policies. An alternative and acceptable version of the policy which the representor would agree to is as follows:</p> <p>Policy C4 –Cuerden Strategic Site  Planning permission will be granted for development of the Cuerden Strategic Site subject to the following:  a) submission of a masterplan and related design code which demonstrate how the site can be comprehensively developed for employment, commercial, industrial and Green Infrastructure uses;  b) submission of a phasing and infrastructure delivery plan and schedule; and  c) An agreed programme of implementation in accordance with the agreed masterplan and design code.</p> <p>If it can be demonstrated that the above uses on their own are unviable alternative uses may be supported in exceptional circumstances so as to assist in the delivery of the strategic employment aspirations for this site. With the exception of very small amounts of restricted retailing and leisure uses, town centre uses, particularly unrestricted retailing, will be regarded as inappropriate and will not be supported. Even then such uses must satisfy the sequential and impact tests set out in NPPF, relevant policies of the Core Strategy and this Local Plan.</p> <p>Soundness:</p> <p>The representor is of the view the proposed modification is not sound because of the degree of conflict with NPPF. NPPF seeks to ensure the vitality of town centres. It specifically confirms that retailing is a town centre use and that LPAs should require applications for retailing to be located in town centres. In so doing they should apply a sequential test. Edge and out-of-centre sites (like Cuerden) should only be considered for retailing if there are no in or edge-of-centre sites available and the out-of-centre site is accessible. This is not the case in this instance as there are in and edge-of-centre sites available in some of the borough's centres and the sites is far from being an accessible site. Regardless of the circumstances, in its current form this policy deliberately ignores NPPF and promotes a non-policy compliant use in a non-policy compliant location. The decision of the Supreme Court in the Dundee case requires planning policy to be interpreted as written not as desired, and f this applies to how NPPF should be interpreted. As</p>	<p>There is, a site specific need in relation to this site to have a high value enabling development in order for employment development on this site to be viable. This issue was considered by the Inspector at the examination, as shown in para 79 of the Inspector's Partial Report.</p> <p>The Council accepts that there may well be an impact on nearby town centres. The proposed modification has safeguards to ensure that these possible impacts are identified and fully investigated. If these tests show there will be an unacceptable impact on any centres, an application would be refused.</p> <p>It is not appropriate at this stage to define a maximum area for retail on the site. The amount of retail on site would only be that which would make the employment site viable, it would not be more than the amount of employment on the site. It is important to note, that retail is not being proposed on this site in order to create a new local centre – it is to facilitate the delivery of the employment uses on the site.</p> <p>All the necessary impact and sequential testing would be carried out at application stage, as required by the NPPF. MM34 ensures that this testing would be carried out despite the inclusion of retail in the policy wording. It is not appropriate or necessary to carry out this testing on an allocation. The policy is positively prepared, and this is supported by the Inspector, who said in paragraph 79 of her partial report that the inclusion of retail in the policy was "necessary in order to ensure that the plan is effective and positively prepared".</p> <p>Any application would have to be supported by extensive evidence for retail development, and the Council will then make a decision based on</p>

					<p>such the proposed modification it cannot be regarded as sound because it deliberately ignores policy and guidance on retailing as set out in NPPF. In addition, the policy in its current form and for the same reasons conflicts with the draft Local Plan's town centre policies.</p> <p>An alternative and acceptable version of the policy which the representor would agree to is as follows:  Policy C4 –Cuerden Strategic Site  Planning permission will be granted for development of the Cuerden Strategic Site subject to the following:  a) submission of a masterplan and related design code which demonstrate how the site can be comprehensively developed for employment, commercial, industrial and Green Infrastructure uses;  b) submission of a phasing and infrastructure delivery plan and schedule; and  C) An agreed programme of implementation in accordance with the agreed masterplan and design code.</p> <p>If it can be demonstrated that the above uses on their own are unviable alternative uses may be supported in exceptional circumstances so as to assist in the delivery of the strategic employment aspirations for this site. With the exception of very small amounts of restricted retailing and leisure uses, town centre uses, particularly unrestricted retailing, will be regarded as inappropriate and will not be supported. Even then such uses must satisfy the sequential and impact tests set out in NPPF, relevant policies of the Core Strategy and this Local Plan.</p>	<p>the outcome of those tests.</p> <p>As shown in Paragraph 79 of the Inspectors Partial Report, the approach taken with regards to the policy for this site is in accordance with the Core Strategy and in accordance with the evidence base.</p>
024	MM34	Supporting	Yes	Yes		Response Noted
025	MM34	Objecting	No	No	<p>Legal Compliance</p> <p>A legally compliant DPD should have regard to national policy, in particularly the National Planning Policy Framework (NPPF). Paragraph 23 is clear that local planning authorities should ensure that '...needs for retail, leisure, office and other main town centre uses are met in full' and in doing so:  'undertake an assessment of the need to expand town centres...allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre'.  The local planning authority does not have up-to-date evidence on the need for additional retail, leisure, and office and town centre floorspace. The absence of up-to-date evidence on the needs for town centre uses means that the local planning authority cannot determine whether any need that might exist can be accommodated in town centre or edge-of-centre locations ahead of considering the need to identify sites in out-of-centre locations. The Main Modification proposes the use of wording that appears at paragraph 24 and paragraph 26 of the NPPF, but that relates explicitly to the consideration of proposals for main town centre uses on sites that are outside of town centre and which are not in accordance with an up-to-date development plan.  An LPA is required to provide a Sustainability Appraisal Report when publishing a DPD. The Main Modification is not supported by a comprehensive sustainability appraisal, as it fails to consider the sustainability credentials of main town centre as part of any development at the Cuerden strategic site. The current sustainability appraisal does not consider the appropriateness of main town centre uses on the Cuerden strategic site, rendering the Main Modification not legally compliant.  Aviva Investors considers that it is not possible to amend the Main modification to make it legally compliant. This consequential effect of this is that reference to 'retail' must be removed from Policy C4, otherwise it too will render the DPD not legally compliant. Reference to main town centre uses in Policy C4 can only be justified by appropriate evidence on need and consideration as part of an updated sustainability appraisal. Evidence on need and any consequential Main Modification to the DPD would have to be subject to consultation and would require the reopening of the Examination</p> <p>Soundness</p> <p>Aviva Investors considers that the Main Modifications proposed to Policy C4 –Cuerden strategic site is not sound having regard to the provisions of the National Planning Policy Framework [The Framework]. Aviva owns the St George's Shopping Centre in Preston which comprises 24,150 sqm of retail floorspace across more than 100 shops, at the heart of the city centre.</p> <p>whilst Aviva Investors supports the scope, purpose and objectives of the DPD (to deliver the vision and objectives set out in the Central Lancashire adopted Core Strategy and help to ensure that South Ribble makes a maximum contribution to the economy of the sub-region through attracting investors and visitors and taking advantage of retail, heritage, education and high-quality city and town centres) it is concerned that the Cuerden strategic site allocation has the potential to undermine planned investment within, and improvement of the city centre shopping offer in Preston and that the DPD does not assess the need in the Borough for additional floorspace for main town centre and where any</p>	<p>South Ribble Borough Council has never stated that there is a need for additional retail floorspace in the Borough to meet local need. The Retail and Leisure Study done by GVA also indicated that there was no need for additional retailing in the Borough to serve a local need.</p> <p>There is, however, a site specific need in relation to this site to have a high value enabling development in order for employment development on this site to be viable. This issue was considered by the Inspector at the examination, as shown in para 79 of the Inspector's Partial Report.</p> <p>The Council is of the opinion that it would not make any difference to the eventual outcome if "retail" was removed from the policy. Whether or not retail is included as an acceptable use in the policy, the same impact and sequential testing, and viability evidence would have to be submitted and retail could be permitted on the site.</p> <p>All the necessary impact and sequential testing would be carried out at application stage, as required by the NPPF. MM34 ensures that this testing would be carried out despite the inclusion of retail in the policy wording. It is not appropriate or necessary to carry out this testing on an allocation. The policy is positively prepared, and this is supported by the Inspector, who said in paragraph 79 of her partial report that the inclusion of retail in the policy was "necessary in order to ensure that the plan is effective and positively prepared".</p> <p>The Council accepts that there may well be an impact on nearby town centres. The proposed modification has safeguards to ensure that</p>

			<p>need would be best accommodated.</p> <p>Planning Policy Context The National Planning Policy Framework The NPPF [§182] states that two of the four tests of soundness are: 1. Justified: The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; and 2. Consistent with National Policy: The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.</p> <p>The Main Modification refers to main town centres uses, which the NPPF defines as: “Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”[Annex 2, The Framework].</p> <p>The Main Modification states that any main town centre uses proposed at the Cuerden strategic site should be supported by a demonstration of compliance with the sequential approach and impact tests as set out in the NPPF. This is at odds with the NPPF, which is clear that the sequential approach and impact tests should be applied to proposals for main town centres where such proposals are outside of town centres and are not in accordance with an up-to-date Local Plan. “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.”[§24]</p> <p>“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan...”[§26].</p> <p>Lack of Soundness The Main Modification proposes the introduction of a sequential approach and impact test for main town centre uses, which is at odds with the NPPF expectation that any proposed allocation of sites for main town centre uses is based upon an assessment of need and an identification of the most sequentially preferable site to meet this need. The Main Modification demonstrates that reference to ‘retail’ is included in Policy CP4 without need and the appropriateness of the Cuerden strategic site to main town centre uses being tested. There is also a risk that the local planning authority is exposing itself to the risk of the sequential and impact tests being deemed superfluous as retail development could be deemed as being in accordance with an up-to-date Local Plan.</p> <p>The inclusion of this Main Modification by the local planning authority is a clear acknowledgement that the existing evidence base is not sufficient to justify a retail (or any other main town centre use) allocation at the Cuerden strategic site. The Main Modification is an attempt by the Council to provide a solution to a lack of an evidence base. The Main Modification is trying to tie the provision of evidence on the acceptability of main town centre uses to future development post, post identification of retail as an appropriate use to the site. This approach is not in accordance with plan making as set out in the Framework. The proposed Main Modification is not justified and is not consistent with national planning policy.</p> <p>It follows that, in drawing up Local Plans, the NPPF requires local authorities to: “Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites”[§23] (our emphasis)</p> <p>The local planning authority has not tested the need for town centre uses to be accommodated at the Cuerden strategic site. The reference of the Main Modification to the sequential approach and impact tests with regard to main town centre uses demonstrates clearly that the local planning authority has not assessed need as is required by the NPPF. It follows that the inclusion of retail, a main town centre use, is also without justification. The retrospective nature of the Main Modification is contrary to how a DPD should be drafted and is therefore not a solution to ensuring the Policy CP4 and the proposed Cuerden strategic site allocation are sound.</p> <p>The Main Modification is not justified as it exposes that the inclusion of ‘retail’ in the proposed Cuerden strategic site allocation is not founded on a proportionate evidence base that can effectively inform an allocation strategy for main town centre uses in the Borough. The local planning authority does not have the evidence base necessary to consider allocations for main town centre uses, and the attempt to side-step this requirement by introducing a sequential approach and impact test is inappropriate and not justified.</p> <p>The Main Modification is not consistent with national policy as it does not accord with the Framework which requires local planning authorities to undertake an assessment of need to justify allocation of sites for any main town centres</p>	<p>these possible impacts are identified and fully investigated. If these tests show there will be an unacceptable impact on any centres, an application would be refused.</p> <p>It is not appropriate at this stage to define a maximum area for retail on the site. The amount of retail on site would only be that which would make the employment site viable, it would not be more than the amount of employment on the site.</p> <p>The policy is not an unconstrained retail allocation. Any application would have to include extensive viability and need evidence for retail on the site, as well as detailed impact testing on nearby centres. Any application that wasn’t found to have the necessary evidence for inclusion of retail on the site would be refused.</p>
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					<p>uses proposed outside of existing centres [§23]. The local planning authority has not identified any need for retail development (or any other main town centre uses) on this site.</p> <p>The Main Modification proposed does not offer a solution to a lack of an evidence base regarding the need or otherwise to identify sites for main town centre uses. There are two options open to the local planning authority to achieve a sound Policy C4 and Cuerden strategic site allocation:</p> <ol style="list-style-type: none"> <li>1. Suspend taking forward the Site Allocations DPD and facilitate the re-opening of the Examination once evidence of any need for town centre uses can be heard. The evidence base should provide a full assessment of need for any town centre use allocations (including the Cuerden strategic site if the evidence backs up any such allocation) and which locations are the most appropriate to accommodate any need identified;</li> </ol> <p>Or</p> <ol style="list-style-type: none"> <li>2. Not continue with the proposed Main Modification and delete all reference to main town centre uses and any town centre uses referred to explicitly (i.e. retail) within the Cuerden strategic site allocation.</li> </ol> <p>The failure to address the soundness issue will leave the DPD susceptible to legal challenge and judicial review.</p>	
26	MM34				<ol style="list-style-type: none"> <li>1. Firstly could I please ask that if permission is given for this site to be built on, for it not to be called Cuerden Park. This is going to confuse the public who will end up going to Cuerden Valley park which is a private nature reserve and green belt parkland.</li> <li>2. I agree that this area has been ear marked by the LCC for a long time for building development, but could I ask for it to be treated with respect and sympathetically. It is farmland, meadows, hedgerows etc., all which is used by the wildlife in the area – Cuerden means Rowan trees and is ancient Celtic language. There is also some beautiful mature woodland that I hope will be preserved.</li> <li>3. I believe there are some listed features there, such as the old school house plus some farms which were once part of the Cuerden estate, belonging to the Townley parkers – MPs of Preston in the 1700 and 1800s, so I think some respect for this family would be nice.</li> <li>4. I do feel it is a shame that such a lovely area is succumbing to this development and feel sorry for the residents of Stoney lane, which is a very old road, are going to be surrounded by the unknown.</li> <li>5. It will bring in jobs and work plus leisure but we already have this in this area.</li> </ol>	<p>The issues raised in this response are not directly in relation to the consultation on the proposed Modification.</p> <p>Specific issues such as those raised here will be addressed at the Masterplan or Planning Application stage.</p>
27	MM34		No	No	<p>Legal compliance:</p> <p>land must be safeguarded for the continuation of the M65 around Preston to join M55</p> <p>soundness:</p> <p>With the new Enterprise Zone at Warton a southerly ring road (already in planning) ought to be of motorway standard continuing the M65 around the south of Preston. Land ought to be safeguarded at the end of the M65 to allow it to continue at a future date. Extra land should be released to allow LCC the same footprint for the development.</p>	<p>The Highways Agency has given no indication that land ought to be safeguarded for this purpose. The Highways Agency were consulted as part of this process and have not raised any objection.</p>