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2021

Proof of Evidence of Nick Ireland

Land to the rear of Oakdene, Chain House Lane,
Whitestake, Lancashire.

Iceni Projects Limited on behalf of
South Ribble Borough Council

February 2021

ICENI PROJECTS LIMITED
ON BEHALF OF SOUTH
RIBBLE BOROUGH
COUNCIL

Proof of Evidence of Nick Ireland
LAND TO THE REAR OF OAKDENE, CHAIN HOUSE
LANE, WHITESTAKE, LANCASHIRE.

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1. SUMMARY

- 1.1 My name is Nick Ireland. I am a Chartered Town Planner and employed as a Director in the Strategic Planning Team at consultancy Icen Projects Limited.
- 1.2 I am instructed by South Ribble Borough Council to provide planning evidence at this inquiry. My evidence addresses on the appropriate housing requirement against which to assess housing land supply, whether the proposed development would prejudice the ability to manage the comprehensive development of the wider area of safeguarded land within which the site is located, and the planning balance.
- 1.3 The appeal site is a greenfield site of 3.6 hectares. The appellant's outline planning application for its development for up to 100 dwellings was refused by the Council in June 2019. The Council's outstanding reasons for refusal are that the proposal is contrary to Policy G3 in its Local Plan but virtue of nature, scale and degree of permanence, would harm the ability of the Council to manage the comprehensive development of the area, and therefore not amount to sustainable development.
- 1.4 The subsequent appeal was dismissed in December 2019, but the appeal decision has since been quashed on grounds related to whether Policy G3 in South Ribble's Local Plan, which identifies the site as safeguarded land, could be considered up-to-date in certain circumstances. The appeal therefore stands to be redetermined.

Housing Requirement and Housing Land Supply Position

- 1.5 The Central Lancashire Core Strategy, which was adopted in 2012, set a housing requirement for 417 dwellings pa in South Ribble, covering the 2003-26 period. Through the preparation of a Strategic Housing Market Assessment (SHMA) in 2017 and subsequent Memorandum of Understanding agreed by the three Central Lancashire authorities in September 2017 (MOU1), it is agreed that the housing requirement figures in Policy 4 in the Core Strategy were reviewed and found not to require updating in 2017. The review (culminating in MOU 1) *preceded* the significant change in national policy (in NPPF 2018) which comprised the introduction of the standard methodology as the basis for calculating Local Housing Need (LHN).
- 1.6 The review and MOU1 was expressly time-limited and was to be reviewed in the light of any significant changes in, for example, national planning policy for housing. The position was never intended to apply indefinitely. Indeed, Para 7.1 in MOU1 indicates that it would be reviewed no less than every three years or when new evidence that renders it out-of-date emerges. Both of these

circumstances, together with changes in national policies for how housing need is assessed, have arisen.

- 1.7 A revised NPPF has been published by Government introducing a 'standard methodology' for assessing housing need. This is a fundamentally different approach from that used in the SHMA to calculate 'objectively assessed housing need' (OAN). The SHMA's OAN conclusions, which informed MOU1, are thus out-of-date and inconsistent with national policy.
- 1.8 Having regard to these factors, the Central Lancashire authorities commissioned Icenl to prepare a Housing Study to review and advise on overall housing need in the area. This was finalised in March 2020. This updated evidence superseded the SHMA OAN analysis and concluded¹ that the standard method provided an appropriate assessment of housing need. It identified a materially different scale of housing need to that in the SHMA of 1026 dpa compared to 1184 dpa across the Central Lancs HMA.
- 1.9 Furthermore, the standard method showed a stark difference in the distribution of housing need between the three Central Lancashire authorities, with a much higher proportion of the housing need being in Chorley and notably lower in Preston and South Ribble.
- 1.10 The materially different scale of housing need and the stark difference in the housing distribution clearly represent a significant change relative to the situation in 2017.
- 1.11 Having regard to the evidence, the Councils prepared a subsequent Memorandum of Understanding in April 2020 (MOU2), updating that prepared in 2017. There are two elements to this MOU: the first of which addresses the housing requirement, and whether Policy 4 is out-of-date; and a second which went on to consider an alternative housing distribution. MOU2 concludes that Core Strategy Policy 4 was out-of-date (CD1.9 Paras 1.4 and 8.1). My evidence explains that this conclusion is justified.
- 1.12 The first review (culminating in MOU1) is time-expired, out of date and inconsistent with up-to-date national policy. Further, there has been a subsequent second review of Policy 4 to that in 2017 in the terms envisaged in NPPF Footnote 37. It has concluded that Policy CS4 is out of date and inconsistent with the NPPF. This was also the conclusion by the Inspector at Pear Tree Lane, Chorley and by the Previous Inspector in this Appeal, which was upheld by Dove J in the statutory challenge under Ground 3.

¹ Chapter 3 and Paras 10.3 and 10.4

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- 1.13 Having regard to the binary position set out in NPPF Para 73, it is therefore appropriate now to calculate housing land supply using the local housing need figure of 191 dwellings per annum. Set against this, and Mr Boyd's evidence on the deliverable supply, I consider that the Council can demonstrate a very healthy housing **land supply of 12.7 years**. There is no need for this development of safeguarded land, which is contrary to the development plan.
- 1.14 The calculation of the housing requirement – the central issue in this case – has been specifically considered recently at an appeal by Wainhomes related to Carwell Farm, Barton in Preston's administrative area.² It is also to be considered in April 2021 in respect of six appeals in Goosnargh and one at Longridge, in Preston. The determination of this appeal could therefore have wider ramifications across Central Lancashire.

Policy G3: Safeguarded Land

- 1.15 The appeal site falls within a wider area of safeguarded land, which the Council's Local Plan sets out is not designated for any specific purpose within the plan period and is intended to remain in its existing use for the foreseeable period. Policy G3 states that planning permission will not be granted for development which would prejudice long-term comprehensive development of the land. I find the policy to be consistent with the NPPF, which emphasises that planning permission for its permanent development should only be granted following an update to a plan which proposes the development. NPPF Para 139 is clear that safeguarded land is not allocated for development at the present time and is safeguarded to meet development needs well beyond the plan period.
- 1.16 This Policy sets out the development plan position for this site, and my evidence shows that the appeal proposals clearly conflict with the development plan as a whole and with the NPPF.
- 1.17 Having regard to the evidence at the previous appeal and the findings of Dove J in the Judicial Review of the previous appeal decision on this site, my conclusion is that Policy 4 is out-of-date because of a materially different³ distribution of housing provision across Central Lancashire. I find that Policy G3 is technically out-of-date on this basis because it is theoretically possible that, as a result of a different distribution of housing across South Ribble and the HMA, a different conclusion might be reached as to the need for safeguarded land.
- 1.18 Policy G3 is only technically out of date because it is theoretically possible that, as a result of a different distribution of housing across South Ribble and the HMA, a different conclusion might be reached as to the need for safeguarded land.

² Planning Inspectorate Reference: APP/N2345/W/20/3258889

³ The Appellant characterises it as "radically different"

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- 1.19 However the scale of housing need now shown by the evidence (191 dpa) is substantially below the Core Strategy requirement (417 dpa). Having regard to this and the healthy housing land supply position, there is no need for the area of safeguarded land in the Borough to be brought forward either now or in advance of any statutory review of the Local Plan (contrary to the NPPF 139(c) and (d)). Safeguarded land is not constraining the ability to meet housing need in South Ribble. In view of this, and its consistency with the NPPF, I consider therefore Policy G3 can be afforded significant weight in the application of the tilted balance. The Court of Appeal in *Gladman Developments v SCLG* (CD7.6) has affirmed that the tilted balance does not exclude the weighing of conflicts with development plan policies, or the development plan in making planning decisions.
- 1.20 Release of the appeal site for development now would result in a loss of safeguarded land contrary to Policy G3, when there is no need for it. The safeguarding of the land elevates the importance of its protection over ordinary countryside not subject to a designation such as this. The release of the land at the current time, when both the development plan and NPPF direct otherwise, would damage and result in a loss of confidence in the plan-led system.

Comprehensive Development

- 1.21 The development site forms part of a larger area of safeguarded land which sits between a number of settlements. A central element of South Ribble Local Plan is to comprehensively plan growth through a masterplan-led approach which determines land use, green infrastructure, and coordinates and facilitates the delivery of necessary infrastructure alongside development and this is central to how the Council defines and delivers sustainable development. The principle of “comprehensive development” in Policy G3 should be understood in these terms. It is fully consistent with the NPPF.
- 1.22 The appellant proposes an isolated pocket of development which is separated from the existing urban area of Lostock Hall. This does not represent good planning. It forms only a part of the wider safeguarded land parcel bounded by Penwortham Way, Brook Lane, Chain House Lane, Church Lane and the Rail Line. The development of the site would prejudice the ability for the comprehensive, planned development of this wider land parcel.
- 1.23 The potential for development of parts of the safeguarded land in this area, together with the Pickerings Farm allocation provides potential for coalescence of Penwortham, Lostock Hall and Farington and erosion of their separate identities. This was referenced in the Local Plan Inspector’s Report as part of the justification for safeguarding land in this area (allocation S3, which includes the appeal site). It reinforces the need for careful consideration to be given to the planning of development across the safeguarded land in this area.

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- 1.24 A comprehensive approach is also considered important to the coordination of services and infrastructure, which is of particular significance given existing provision and the potential scale of change in this area having regard to the development of the Pickering's Farm site to the north; and for the effective engagement of local communities in the planning process.

Planning Balance

- 1.25 I consider that the most important development plan policies for the determination of the appeal are CS Policy 1, CS Policy 4 and Policy G3 in the 2015 Local Plan. For the reasons I have explained, I consider that basket of policies are out-of-date. The tilted balance in NPPF 11d is therefore engaged.
- 1.26 I identify benefits related to the provision of market and affordable housing and economic benefits, akin to those which would arise from any similar scheme of this size. I find provision of on-site open space and contributions to play space, a time-limited financial contribution to bus services and matters related to the site location and accessibility to be neutral in the planning balance.
- 1.27 Set against this, I find that significant harms arise. There is a conflict with Policy G3 and the statutory development plan as a whole. Harms arise from comprehensive development, the principle of achieving well-designed places and ability to coordinate infrastructure and services. I also find moderate harms to the principle and confidence in the plan-led system and effective engagement of local communities.
- 1.28 I conclude that in my professional opinion, the adverse impacts which would arise from the granting of planning consent for the appeal scheme would significantly and demonstrably outweigh the benefits. Further, material considerations would further support the refusal of consent because the proposal is not sustainable development, for the purposes of the NPPF, having applied the tilted balance. I would therefore respectfully recommend that planning permission should be refused.

2. INTRODUCTION

My Qualifications and Experience

- 2.1 My name is Nick Ireland. I am a Chartered Town Planner and employed as a Director in the Strategic Planning Team at consultancy Icen Projects Limited.
- 2.2 I hold a BA (Hons) degree in Geography from Durham University and a Masters in Town Planning (MTPI) from Manchester University. I have been a member of the Royal Town Planning Institute since 2005. I have 15 years' experience in planning, development and regeneration consultancy.
- 2.3 I joined Icen Projects in July 2018, having worked previously at GL Hearn in its Planning and Development Team (2008-18). Prior to this I was employed in the Planning, Development and Regeneration Team at GVA Grimley, in Manchester between 2003-06 and in London from 2006-08.
- 2.4 I provide advice to public and private sector clients, particularly in respect of housing and economic development. In the early part of my career, I worked with the three Central Lancashire authorities – Preston, Chorley and South Ribble – in the mid 2000s on the preparation of a Sub-Regional Strategy for the area which fed into the preparation of the Regional Spatial Strategy for the North West. I drafted an Economic Regeneration Strategy for Chorley BC in 2005/6 and was involved in the preparation of a similar Strategy for Preston.
- 2.5 More recently, I have led the consultancy team which prepared the 2017 Strategic Housing Market Assessment for Central Lancashire (whilst a Director at GL Hearn); and have similarly led the team which prepared a Housing Study for the sub-region which was prepared by Icen and published in 2020. I have provided evidence on behalf of Chorley BC on housing need issues at Inquiries related to Land at Pear Tree Lane, Euxton in 2017 and again in 2020.
- 2.6 I have extensive experience of advising on issues related to housing and economic development needs, including through preparation of Strategic Housing Market Assessments and employment land evidence.
- 2.7 I have led the preparation of strategic housing market assessments and housing needs evidence for over 100 local authorities - near to a third of the total across England. My evidence has been tested at local plan examinations on many occasions and there are now over 50 local authorities who have adopted local plans which have been informed by it. I have directly supported 35 local authorities through the Examination process over the last 6 years. I have included details in **Appendix A1**.

2.8 I am instructed by South Ribble Borough Council to provide evidence at this reconvened Inquiry. The pre-CMC note identified two main issues in Paras 8.1 – 8.2. My evidence addresses:

- The appropriate housing requirement against which the five year land supply is assessed;
- Whether the proposed development would prejudice the ability to manage the comprehensive development of the wider area of safeguarded land within which the site is located, with particular regard to Policy G3 in the South Ribble Local Plan.

2.9 I address the main issues in the context of s.38(6) P&CPA 2004, in order to arrive at a balanced decision on the planning merits of the appeal scheme.

2.10 My colleague Gregg Boyd addresses the deliverable supply of residential land in the Borough, and I have had regard to his evidence in this respect.

2.11 The evidence which I have prepared and provide for this Inquiry (APP/F2360/W/19/3234070) is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions.

Structure of my Proof

2.12 I have structured the remainder of my Proof as follows:

- Section 3: Appeal Scheme;
- Section 4: Development Plan;
- Section 5: Housing Requirement;
- Section 6: Housing Land Supply Position;
- Section 7: Policy G3;
- Section 8: Comprehensive Development; and
- Section 9: Planning Balance.

3. THE APPEAL SCHEME

The Appeal Site

- 3.1 The appeal site is approximately 3.6ha in size and is a greenfield site bordered by Chain House Lane to the north, Church Lane to the east and agricultural land to the south and west. It is east of the villages of Whitestake and New Longton. The site falls within Farington Parish.
- 3.2 The site is located approximately 1.3km to the west of the centre of Lostock Hall and 5km south of the centre of Preston. It is 1.7km to Lostock Hall Rail Station. The nearest primary school is 1km from the site on Croston Road in Farrington Moss.
- 3.3 Access to the site is taken from Chain House Lane which is currently subject to a 40mph speed limit.
- 3.4 The site comprises three fields that are separated by hedges and ditches. A railway embankment is adjacent to the southern boundary. The southern, western and eastern boundaries of the property known as Oakdene abut the application site and the property known as The Bungalow abuts part of the western boundary on Chain House Lane. The site is generally level with a slight fall in a southerly direction.

The Appeal

- 3.5 This appeal relates to a planning application submitted by the appellant, Wainhomes (North West) Limited, against the refusal of a planning application by South Ribble Borough Council for the erection of up to 100 dwellings with access off Chain House Lane (ref 07/2018/9316/OUT). The description of development was:

“Outline planning application for up to 100 dwellings with access and associated works.”

- 3.6 The application was in outline, with all matters reserved save for access. Appearance, landscaping, layout and scale would be reserved matters.
- 3.7 Access to the site is proposed off Chain House Lane which would be located approximately 160 metres from the main junction known as A582 Penwortham Way/Chain House Lane. The scheme details include a reduction from 40mph to 30mph from this junction through to the existing 30mph reduction on Coote Lane. Vehicular access to the application site would be provided through the introduction of a priority-controlled T- junction onto Chain House Lane.

3.8 An Appeal against the refusal of the LPA was dismissed on 13th December 2019 by a Planning Inspector following a Public Inquiry held in November 2019. The previous appeal decision is CD6.1. The appeal decision was quashed by the High Court⁴ in a decision released on 21st August 2020 and therefore the appeal stands to be redetermined. The High Court Judgement is CD7.1.

3.9 The Planning Application was resubmitted to the LPA in June 2020 (07/2020/00505/OUT). This application was refused by the Council on 18th December 2020. The Committee Report for this application is CD4.3 with the Decision Notice being CD4.4. I have had regard in my evidence to responses submitted by statutory consultees to this subsequent application. These are summarised in the main SOCG.

Reasons for Refusal

3.10 The Council refused planning permission on 27th June 2019 for three reasons, which were as follows:

1. *The application site is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the Council can demonstrate a 5 Year Housing Supply.*
2. *The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore the scheme would not amount to a sustainable form of development.*
3. *Insufficient evidence in the form of an Air Quality Assessment has not been submitted that demonstrate that the proposed development would not cause harm due to air pollution and therefore the proposal is contrary to Policy 30 of the Central Lancashire Core Strategy.*

3.11 The appellant submitted an Air Quality Assessment in August 2019, which was then updated in September 2019 (CD3.8). The withdrawal of the third reason for refusal was confirmed by the Planning Committee on 18th September 2019 as set out in the SOCG (CD2.3). RfR1 and RfR2 remain and are therefore addressed in my evidence.

⁴ *Wainhomes (North-West) Ltd v Secretary of State for Housing Communities and Local Government* [2020] EWHC 2294 (Admin)

4. DEVELOPMENT PLAN

4.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

4.2 The development plan for the purposes of determining this appeal comprises relevant policies in:

- Central Lancashire Core Strategy, adopted in July 2012 (CD1.1); and
- South Ribble Local Plan 2012-26, adopted in July 2015 (CD1.2).

4.3 Relevant local plan policies comprise:

Table 4.1 Relevant Local Plan Policies

Plan	Relevant Policies
Central Lancashire Core Strategy	Policy 1 Location of Growth Policy 3 Travel Policy 4 Housing Delivery Policy 5 Housing Density Policy 6 Housing Quality Policy 7 Affordable and Special Needs Housing Policy 9 Employment Policy 17 Design of new buildings Policy 18 Green Infrastructure Policy 22 Biodiversity and Geodiversity Policy 26 Crime and Community Safety Policy 27 Sustainable Resources and New Development Policy 29 Water Management Policy 30 Air Quality Policy 31 Agricultural Land Policy MP
South Ribble Local Plan	Policy A1 Developer Contributions Policy F1 Parking Standards Policy G3 Safeguarded Land for Future Development Policy G8 Green Infrastructure and Networks- Future Provision Policy G10 Green Infrastructure Provision in Residential Developments

	Policy G13 Trees, Woodlands and Development Policy G14 Unstable or contaminated land Policy G16 Biodiversity and Nature Conservation Policy G17 Design Criteria for New Development
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- 4.4 The appeal site forms part of land safeguarded for development in Policy G3 in the South Ribble Local Plan 2015. It forms part of the land allocated in S3 - South of Coote Lane, Chain House Lane, Farington.
- 4.5 Whilst Policy G3 is the only policy mentioned within the Reasons for Refusal, I consider that Policy G3 in the South Ribble Local Plan together with Policy 1 and Policy 4 in the Central Lancs Core Strategy to be the most important policies for the determination of the application.
- 4.6 The Council approved a CIL Charging Schedule on 24th July 2013 which came into effect in September 2013.

Emerging Local Plan

- 4.7 The three Central Lancashire Councils are in the process of preparing a new Central Lancashire Local Plan.
- 4.8 An Issues and Options consultation was undertaken between 18th November 2019 – 14th February 2020 under Regulation 18 of the Town and Country Planning (Local Plans) (England) Regulations 2012. The consultation included consideration of 'site suggestions' submitted to the Councils for consideration. A further Call for Sites was also undertaken. The site suggestions included the appeal site and surrounding land.
- 4.9 The Local Development Scheme, Feb 2020, indicates the following timetable. This accords with the Government's intention that all Councils will have up-to-date plans in place by December 2023.

Table 4.2 Central Lancashire Local Plan Preparation Timetable

Stage	Dates
Reg.18 Preferred Options Consultation	June – August 2021
Reg.19 Publication Draft Consultation	Oct – Dec 2022
Reg. 23 Submission	March 2023
Adoption	Nov – Dec 2023

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- 4.10 The progress with the new Central Lancashire Local Plan does represent a change in circumstances since the previous inquiry. Having regard to Para 48 of the NPPF, very limited weight can be attached to the emerging Local Plan given its early stage of preparation.

Material Considerations

- 4.11 The NPPF is a material consideration. The weight to be given to policies in the development plan is influenced by their consistency with the NPPF.
- 4.12 Other material considerations include a number of SPDs, which are identified in Para 4.6 of the Main SOCG (CD2.3); together with evidence base documents.

5. HOUSING REQUIREMENT

5.1 This section of my Proof addresses the appropriate housing requirement which I consider should be used in assessing the five year housing land supply position at the current time. The evidence of my colleague, Mr Gregg Boyd, addresses the appropriate buffer to apply and the deliverable supply.

NPPF

5.2 NPPF Para 73 states that:

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁶, or against their local housing need where the strategic policies are more than five years old³⁷.

5.3 Footnote 37 is however material to this case and states:

“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.”

5.4 The NPPF sets out a binary position in this respect: either the housing requirement is taken from an adopted plan, or the standard method local housing need is used.

5.5 The NPPF Glossary definition of local housing need is clear that in a decision-making context this should be derived from the application of the standard method in the PPG.

5.6 The Core Strategy was adopted in 2012 and is therefore more than five years old. It is agreed that Core Strategy Policy 4 was reviewed in 2017 through the preparation of a SHMA and subsequent signing by the Central Lancashire authorities of Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land of September 2017 (MOU1).

5.7 It is clear however that this position has since become out-of-date given the time-limited nature of the review in MOU1; subsequent events including changes in national policy through revisions to the NPPF in 2018 and 2019, and updated evidence through the Central Lancashire Housing Study; and the process of agreeing a second Memorandum of Understanding and Statement of Cooperation in April 2020 (MOU2). This constituted a further review of Policy 4 through which all

three authorities agreed that the housing requirements in Policy 4 are out-of-date and inconsistent with the NPPF. This remains their position.

- 5.8 The issue between the parties is whether regard should only be had to Policy 4 and the first MOU (the appellant's position), or whether the Core Strategy housing requirement has become out of date as a result of subsequent events, such that the five year land supply should be calculated using the standard method in up-to-date national policy (the LPA's position).

Planning Practice Guidance

- 5.9 The PPG on *Housing supply and delivery* provides advice on the calculation of the 5 year housing land supply. The PPG on *Plan-making* provides advice on plan reviews. The PPG on *Housing and economic development needs assessments* sets out the mechanics of assessing housing need.

- 5.10 PPG Para 61-062, in the section on *Plan making*, states:

How often should a plan or policies be reviewed?

*To be effective plans need to be kept up-to-date. The National Planning Policy Framework states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating **at least** once every 5 years, and should then be updated as necessary.*

*Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement **at least** once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. **Reviews should be proportionate to the issues in hand.** Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption. Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies **unless there have been significant changes as outlined below.***

*There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. **Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been***

subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible. (my emphasis)

- 5.11 This makes clear that a) the process of review of policies to consider whether they require updating is different from the process of updating policies themselves; b) that a review does not need to include all plan policies; c) that the requirement is to review policies *at least* every five years, but a review could well happen at a lower interval; and d) and that a change in circumstances – such as a significant change in the local housing need – may trigger a review.
- 5.12 PPG Para 61-065 sets a list of factors (amongst others) which authorities can consider in determining whether a plan or policies within it require review/updating. Importantly, it is for the LPA to consider whether there have been "significant changes".
- 5.13 The list of considerations includes (in relation to housing issues) the following (which is not a closed list):
- Conformity with national policy;
 - Changes in local circumstances, such as a change in the Local Housing Need;
 - their Housing Delivery Test performance;
 - whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
 - whether issues have arisen that may impact on the deliverability of key site allocations;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need.
- 5.14 Where policies have been previously reviewed this cannot mean that they remain up-to-date *ad infinitum* regardless of changes in national policy. The situation is fact specific and whether policies remain up-to-date must be assessed having regard *inter alia* to the a) current national policy and guidance; and b) the latest evidence.
- 5.15 The PPG is clear that a change in an area's assessed housing need can trigger a need to review policies. Indeed, this has been addressed in the appellant's challenge to the previous appeal decision. The Appellant sought to argue in Ground 3 that, bearing in mind the NPPF's ambition to significantly boost housing supply, it was only in circumstances where a housing requirement in a plan was significantly *below* the standard method that a policy could be out-of-date and require review. It was therefore claimed that the previous Inspector's conclusion that the Framework does not specify whether such a change is positive or negative was inappropriate.

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- 5.16 Dove J specifically addresses this point in Paras 42-43 of the High Court Judgement in this Case (CD7.1). He set out as follows:

*“Turning to ground 3, it needs to be borne in mind that the passage from the PPG in relation to the need to review plans when there has been a significant change arose in the context of the arguments about whether or not Core Strategy Policy 4(a) was out of date and, in particular, was relied upon in paragraph 37 of the decision as one of the reasons for the Inspector’s conclusion that Core Strategy Policy 4(a) was out of date. Whilst it is fair to observe that the only significant change specifically instanced in the PPG is where a housing requirement is found to be significantly below the number generated using the standard method, in my view this passage of the PPG needs to be read purposefully and as a whole. **The third paragraph of the passage of guidance makes clear that a plan will continue to be treated as up to date “unless there have been significant changes as outlined below”.** The following paragraph provides some examples where there may have been significant change but, as Mr Cannock points out, **the question of whether or not there has been a significant change warranting a review of the plan on the basis that it is not up to date is not curtailed or circumscribed by the contents of the final paragraph.***

*There may be many material changes in the planning circumstances of a local authority’s area which would properly render their existing plan policies out of date and in need of whole or partial review. I am unable to accept Mr Fraser’s submission that it is impermissible to regard the emergence of a local housing need figure which is greatly reduced from that in an extant development plan policy as having the potential to amount to a significant change. Whilst he is entitled to point to the wider national planning policy context of boosting significantly the supply of housing land, as Mr Cannock points out in his submissions, the use of the standard method to derive local housing need is part and parcel of the Framework’s policies to achieve that objective. Moreover, **the question of whether or not any change in circumstances is significant is one which has to be taken on the basis of not only the salient facts of the case, but also other national and local planning policy considerations which may be involved. In short, in my view, the language of the PPG and its proper interpretation did not constrain the Inspector and preclude her from reaching the conclusion that she did, namely that the significant difference between the housing requirement in Core Strategy Policy 4(a) and that generated by the standard method was capable of amounting to a significant change rendering Core Strategy Policy 4(a) out of date. That was a planning judgment which she was entitled to reach and was properly reasoned in her conclusions.” (My emphasis)***

- 5.17 In summary, Dove J held that that the issue of whether or not there had been a significant change warranting a review of the plan is not curtailed or circumscribed by the circumstances in the final

para of PPG 61-062 (Para 42). He was unable to accept Mr Fraser's submission that it is impermissible to regard the emergence of a local housing need figure which is greatly reduced from that in the extant development plan policy as having the potential to amount to a significant change. He found that the use of the standard method local housing need is part and parcel to the Framework's policies to boost significantly the supply of housing land. He therefore upheld the Appeal decision on Ground 3. Importantly, this meant that the Claim also could not succeed on Ground 1. **Dove J therefore endorsed the Inspector's conclusion that Policy 4 was out of date. It was a planning judgment which was properly reasoned and which the Inspector was entitled to make.** This issue has been addressed and there is no reason to reach a contrary planning judgment at the reconvened appeal.

- 5.18 A previously quashed decision can be capable of being a material consideration, depending on the basis on which the decision was quashed. It is therefore appropriate to have regard to those elements of the decision, such as this, unaffected by the quashing. The weight to be attached to them is a matter for the Inspector as decision maker (see *Davison v Elmbridge BC* [2019] EWHC 1409 (Admin)).
- 5.19 This conclusion, that CS Policy 4 is out-of-date, is also entirely consistent with the recent decision at Pear Tree Lane, Chorley (as I will return to later).

Evolution of National Policies for calculating Housing Need

- 5.20 In this section I explain the quite fundamental differences in how housing need has been calculated as national planning policies have evolved. This sets the context to understand how Policy 4 is out of date and inconsistent with the NPPF.

Regional Spatial Strategies

- 5.21 Prior to 2010, housing requirements were set out through regional spatial strategies. In my experience these identified housing need at a regional level. The distribution of development to individual local authorities was then driven by the 'spatial strategy' adopted, as opposed to the authority's assessed housing need.
- 5.22 The national policy framework was set out in PPS3: Housing. This required Regional Spatial Strategies to set out the level of overall housing provision in the region; and the distribution of this amongst constituent housing market and LPA areas. PPS3 Para 33 described the considerations which needed to be brought together in doing so:

In determining the local, sub-regional and regional levels of housing provision, LPAs and Regional Planning Bodies, working together, should take into account:

- *Evidence of current and future levels of need and demand for housing and affordability levels based upon:*
 - *Local and sub-regional evidence of need and demand, set out in Strategic Housing Market Assessments and other relevant market information such as long term house prices.*
 - *Advice from the National Housing and Planning Advice Unit (NHPAU)²¹ on the impact of the proposals for affordability in the region.*
 - *The Government's latest published household projections and the needs of the regional economy, having regard to economic growth forecasts.*
- *Local and sub-regional evidence of the availability of suitable land for housing using Strategic Housing Land Availability Assessments and drawing on other relevant information such as the National Land Use Database²² and the Register of Surplus Public Sector Land.*
- *The Government's overall ambitions for affordability across the housing market, including the need to improve affordability and increase housing supply.*
- *A Sustainability Appraisal of the environmental, social and economic implications, including costs, benefits and risks of development. This will include considering the most sustainable pattern of housing, including in urban and rural areas.*
- *An assessment of the impact of development upon existing or planned infrastructure and of any new infrastructure required.*

5.23 This shows that considerations related to housing need, land availability, infrastructure constraints and opportunities, and the relative sustainability of different options for distributing development came together to inform the scale and distribution of housing provision.

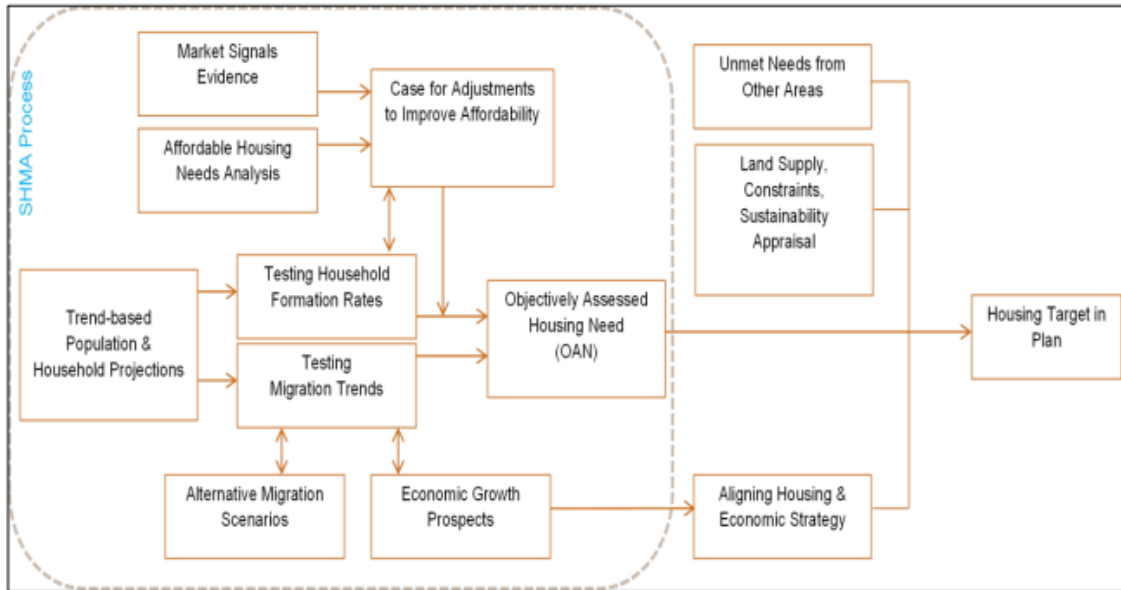
2012 NPPF and 2014 Planning Practice Guidance

5.24 The Government indicated its intention to revoke Regional Spatial Strategies in 2010, and finally revoked the Regional Spatial Strategy for the North West in April 2013 (following the *Cala Homes* litigation).

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- 5.25 Government published the 1st edition of the NPPF in March 2012. Para 47 set out that *“to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework ...”*
- 5.26 The detailed basis against which to assess “OAN” was set out in Planning Practice Guidance published in 2014.⁵ This set out that the latest official household projections were the starting point for considering housing need, but that there may be a need for adjustments to these to take account of:
- Further demographic evidence such as sensitivity testing of assumptions on migration and household formation;
 - Trends or forecasts for employment growth, with an expectation that upward adjustments would be applied to the demographic need if necessary to support economic growth;
 - Evidence from market signals and of affordable housing needs, with upward adjustments applied in some circumstances to improve affordability.
- 5.27 I sought to summarise the approach diagrammatically in the 2017 Central Lancashire SHMA (CD1.5, Figure 1, p10).

⁵ https://webarchive.nationalarchives.gov.uk/20180607114246tf_/https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments

Figure 5.1: 2012 NPPF Approach to Assessing Housing Need (SHMA Figure 1)



5.28 PPG Para 2a-004-20140306 made clear that the assessment of development needs is an objective assessment based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans.

5.29 The Courts have highlighted that this approach is radically different to that envisaged by the RSS as identified in *Gallagher* in Paras 97-99 (see below). In particular need is expected to be assessed on a “policy-off” basis at a first stage; before consideration is given to policy and environmental constraints; whereas the PPS3/ RSS process captured both. In advance of the plan-making process it is the unaltered needs-based figure which should be used.

5.30 The Court of Appeal found in *St Albans v Hunston Properties*⁶ (“Hunston”) that housing need should be assessed on a constraint-free basis. It is then for the local plan process, and not a s.78 appeal, to overlay other factors which may result in a constrained housing requirement figure. The High Court in *Gallagher Homes Ltd & Lioncourt Homes Ltd v Solihull MBC* (“Gallagher”) (CD7.8) then reaffirms similar principles. It describes in Paras 97 and 98 the radical policy changes brought into play by the NPPF:

“unlike its predecessor (which required a balancing exercise involving all material considerations, including need, demand and relevant policy factors), the NPPF requires

⁶ R v Hunston Properties [2013] EWCA Civ 1610 (CD7.9).

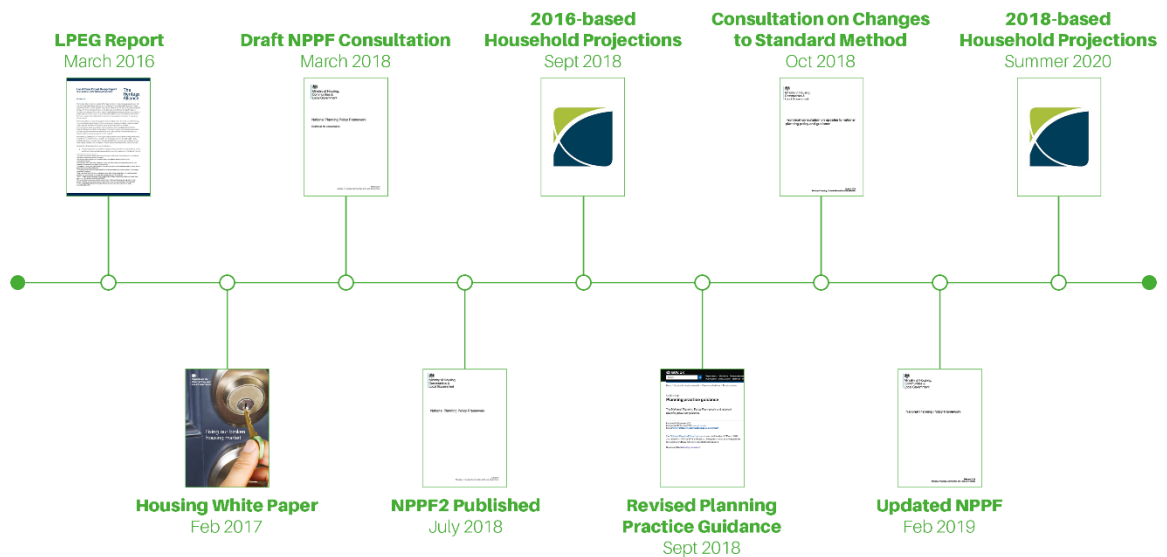
plan-makers to focus on full objectively assessed need for housing, and to meet that need unless (and only to the extent that) other policy factors within the NPPF dictate otherwise. That, too, requires a balancing exercise – to see whether other policy factors significantly and demonstrably outweigh the benefits of such housing provision – but that is a very different exercise from that required pre-NPPF. The change of emphasis in the NPPF clearly intended that paragraph 47 should, on occasions, yield different results from earlier policy scheme; and it is clear that it may do so.

Where housing data survive from an earlier regional strategy exercise, they can of course be used in the exercise of making a local plan now – paragraph 218 of the NPPF makes that clear – but where, as in this case, the plan-maker uses a policy on figure from an earlier regional strategy, even as a starting point, he can only do so with extreme caution – because of the radical policy change in respect of housing provision effected by the NPPF.⁷

2018/19 NPPF and the Standard Method

5.31 We have then seen a further radical change in approach through the introduction of the standard method from 2018. This reflects a culmination of a series of consultations as set out below.

Figure 5.2: Evolution of the Standard Method

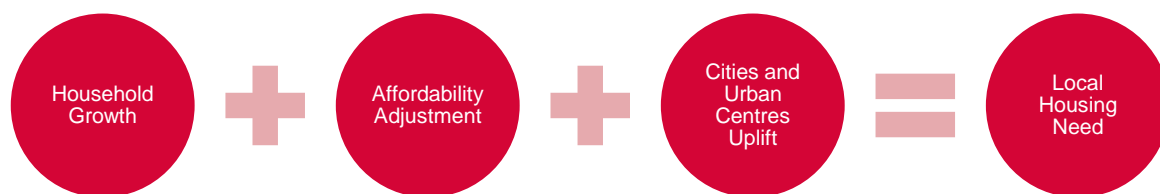


⁷ The predecessor in these terms is PPS3.

5.32 The NPPF now contains no reference to housing market areas as a building block for assessing housing need. Instead of the 2012 NPPF/ 2014 PPG approach of calculating OAN, we have the 'standard method' - an approach which the Government intends to be simpler, quicker and more transparent, dispensing with the need for time-consuming and expensive demographic analysis and evidence; and which was to be used as the means of calculating housing need unless exceptional circumstances justified an alternative approach (NPPF Para 60).

5.33 The standard method takes household growth as a starting point and then applies a percentage uplift based on the median house price-to-income ratio. This uplift is capped in some circumstances, depending on the age of the current local plan.

Table 5.1 Overview of Standard Method



5.34 The Government then introduced a 4th step in late 2020 which applies a further 35% uplift in the urban local authorities in the top 20 cities and urban centres across England. This however has no material effect in Central Lancashire.

5.35 The Government's intention in introducing the standard method can be found in the 2017 Housing White Paper (CD1.19). The Government found that too few areas had an up-to-date Plan (Para 1.1); plan-making was slow, expensive and bureaucratic with arguments about the number of homes to be planned for a particular cause of delay influenced by the lack of a standard methodology for assessing housing needs (Para 1.2); and the Government therefore proposed introducing a standard method to speed up plan-making, to make the assessment of need more transparent, to ensure it reflected current and future housing pressures and in effect to remove the debate on these issues. It set out (Para 1.12):

“The current approach to identifying housing requirements is particularly complex and lacks transparency. The National Planning Policy Framework (NPPF) sets out clear criteria but is silent on how this should be done. The lack of a standard methodology for doing this makes the process opaque for local people and may mean that the number of homes needed is not fully recognised. It has also led to lengthy debate during local plan examinations about the validity of the particular methodology used, causing unnecessary

delay and wasting taxpayers' money. The Government believes that a more standardised approach would provide a more transparent and more consistent basis for plan production, one which is more realistic about the current and future housing pressures in each place and is consistent with our modern Industrial Strategy. This would include the importance of taking account of the needs of different groups, for example older people."

- 5.36 Government's intentions in introducing a standard methodology were thus to make the process of determining housing need **simpler, quicker and more transparent**. These intentions, as set out in the Housing White Paper, can then be traced through its consultation document on *Planning for the Right Homes in the Right Places* and the introduction of the standard method. It is clear that Government's intention in publishing the revised Framework and associated guidance on assessing local housing need was that this would be applied in calculating five year land supply in circumstances where there was not a housing requirement figure in an up-to-date local plan (or one that had been reviewed and found not to require updating).
- 5.37 As I have set out, the NPPF sets out a binary position in a decision-making context: either the housing requirement is taken from an adopted plan, or the standard method local housing need is used. The NPPF Glossary definition of Local Housing Need is clear that in a decision-making context the local housing need should be derived from the application of the standard method in the PPG. Issues such as whether provision above the standard method LHN should be made, through a justified alternative approach, are for the plan-making process. This is not relevant at this Inquiry, where there is a dispute between the housing requirement in the Core Strategy (2012) or the standard methodology figure in the NPPF (2019).

Housing Need and Requirement Figures in Central Lancashire

- 5.38 I move on to consider how these changes in national policy have affected housing need in Central Lancashire.
- 5.39 The North West Regional Spatial Strategy was published in draft by the Regional Assembly in January 2006. Examination hearings were held between October 2006 – Feb 2007. The Secretary of State then proposed and consulted on changes, and the Plan was finalised and published by the Government Office in September 2008 (CD1.15).

RSS Regional Housing Provision

- 5.40 Section 6 in the RSS Panel Report (CD1.16) addresses how housing provision figures were derived. The draft RSS made provision for a maximum increase of 411,160 dwellings across the region between 2003-21, net of clearance replacement (CD1.16, Para 6.24) having regard to household growth and consideration of three economic growth scenarios (Para 6.25).

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- 5.41 As set out in Para 6.30 in the Panel Report, the CLG 2003-based household projections were published after the draft RSS had been submitted to the Secretary of State and indicated an increase of 416,000 households over the period considered (2003-21).
- 5.42 The Panel considered this to match the provision proposed in the draft RSS very well (CD1.16 Para 6.40) and found that this would facilitate economic growth which exceeded the long-term trend and could exceed that implied by recent economic success with improvements to the economic activity rate (Para 6.40). However, the Secretary of State subsequently amended the regional total to align to the level of provision in the 2003-based Household Projections across the North West.
- 5.43 It is clear that the 2003 household projections are now very old and clearly out-of-date. They would have been based on population trends over the preceding 5 years (1998-2003), and trends in household formation prior to 2001. These projections are substantially out-of-date and have been superseded by a range of further population and household projections and results from the 2011 Census. There can be no doubt, therefore, that the RSS housing requirement was (i) based on evidence which is out of date and superseded; and (ii) based on a policy approach which has been revoked and superseded.

RSS Housing Distribution and Figures for Central Lancashire

- 5.44 Policy RDF1⁸ set out spatial priorities for development – the first priority being the regional centres of Manchester and Liverpool, the second being the inner areas surrounding these, and the third being towns and cities in the three city regions (as listed in the Policy), which included Preston, together with development of an appropriate scale in larger suburban centres in the city regions of an appropriate scale where public transport accessibility is good. A fourth priority was identified relating to settlements in West Cumbria and Furness. Para 5.1 is clear that these spatial priorities have influenced the distribution of housing numbers.
- 5.45 Table 7.1⁹ in the RSS set out ‘Distribution of Regional Housing Provision 2003-2021.’ I have replicated the relevant figures for Central Lancashire below. The annualised figures set out in the RSS are those in Policy 4 in the Central Lancashire Core Strategy.

⁸ p35 in the PDF or p38 in hard copy

⁹ p69-70 in the PDF or 66-67 in hard copy

Table 5.2 Housing Distribution in the RSS

Greater Preston	Total Housing Provision 2003-21 (Net of clearance replacement)	Average Annual rates of Housing Provision (Net of clearance replacement)	Indicative target proportion of housing provision to use brownfield land & buildings
Chorley	7,500	417	At least 70%
Preston	9,120	507	
South Ribble	7,500	417	

- 5.46 The distribution of housing is addressed in the Panel Report starting at Para 6.58.¹⁰ Housing provision was concentrated in the regional centres and inner areas of Greater Manchester and Liverpool first with housing provision in Manchester, Salford and Liverpool substantially exceeding that implied by the CLG 2003-based Household Projections (Para 6.59) reflecting the policy decision to encourage investment in support of housing market renewal. Lower provision was thus envisaged in other areas.
- 5.47 The focus for growth in the Central Lancashire City Region was the regional city of Preston and the regional towns of Blackburn, Blackpool and Burnley as set out in Policy CLCR2. The distribution of housing provision in the core Central Lancashire area sought to focus growth at Preston. The Panel Report explains: *“Preston is a regional city, with good public transport services, employment opportunities, shops and other facilities. The concentration of new residential development here would be consistent with the spatial priorities set out in Policy RDF1.”* (CD1.16, Para 6.85).
- 5.48 My analysis in the table below outlines how the housing requirement figures for the Central Lancashire authorities evolved from the draft to final RSS, and how these compared to the household growth projections. Across Central Lancashire, the housing provision within the Plan was envisaged to be 6% below that shown in 2003 trend-based household projections. The distribution was also clearly (manually) adjusted in favour of growth in Preston, when the household projections (like the standard methodology) considered that the greatest level of housing should be directed to Chorley.

¹⁰ p131 in the PDF and 129 in Hard Copy

Table 5.3 RSS Housing Requirements compared to Household Projections

dpa	2003-based Household Projections (2003-28)	Draft RSS 2006	Final RSS 2008
Chorley	573	361	417
Preston	401	507	507
South Ribble	458	478	417
Central Lancs	1432	1346	1341

Central Lancashire Core Strategy

5.49 The Core Strategy was submitted for examination on 31st March 2011. Hearings were held between 28th June – 12th July 2011 and 6th March 2012. As the Core Strategy Inspector's Report (CD1.13) sets out, at the time of examination and adoption of the Plan, the RSS was still part of the development plan and therefore the Plan needed to be in general conformity with it and the Inspector found this to be of especial relevance to housing delivery (Para 9). The RSS was not revoked until April 2013.

5.50 The Plan as submitted had proposed a 20% reduction in housing provision (relative to the figures in the RSS) in the context of economic and housing market circumstances at that time; but the Inspector found that this was not justified, and restored alignment of the housing requirement figures with the RSS. This was found to be consistent with the NPPF emphasis of significantly boosting the supply of housing (IR Para 49) and was necessary as the RSS was in existence at the time of adoption. It is clear, therefore, that the Joint Core Strategy housing requirement was based on the RSS approach to housing provision, which was based on the 2003 household projections.

5.51 It is worth however noting the timings. The Core Strategy was adopted in July 2012 and is thus one of the first plans to be adopted post publication of the NPPF in March 2012. At this time there was no Guidance on how OAN should be assessed. In particular, there had been no interpretation of NPPF (2012) para 47 by the Courts (see *Hunston* and *Gallagher* above).

2017 SHMA and MOU1

5.52 As set out in the High Court Judgement related to this appeal, the Central Lancashire authorities commissioned GL Hearn to prepare a Strategic Housing Market Assessment to assess the full Objectively-Assessed Housing Need (OAN) in 2016. In a report on 27th June 2016 to the Central Lancashire Strategic Planning Joint Advisory Committee, the authorities noted that there was a Duty under section 13 of the Planning & Compulsory Purchase Act 2004 for LPAs to keep matters under review which might affect the development of their area or its planning. Para 7 in the Report noted that the Core Strategy was reaching the point where government guidance suggests that there should be some review as to whether policies need updating. Para 8 identified that

consistency with the (2012) NPPF requirement to assess the full OAN was a key concern (especially in the light of decisions such as *Hunston*).

5.53 The SHMA (CD1.4) identified that the three Central Lancashire authorities formed a common housing market area (Para 11.3). In considering the OAN, it followed the approach in the 2012 NPPF and 2014 PPG, and found:

- A demographic starting point based on 2014-based household projections of 934 dpa across Central Lancashire (Para 11.25);
- Sensitivity analysis based on longer-term migration trends showing a need for between 923 dpa (based on 10 year migration trends) and 1,171 dpa (based on 15 year migration trends) (Para 11.25);
- The evidence did not point to acute affordability issues or a particular imbalance between supply and demand in the HMA which would justify an upward adjustment for market signals (Para 11.26);
- Evidence of affordable housing need which would however justify an upward adjustment of 10% applied to the demographic starting point (Para 11.26);
- Evidence showing that based on the economic scenarios considered, between 1,031 – 1,184 dpa might be needed to support employment growth (Para 11.27).¹¹

5.54 The SHMA concluded that the OAN was for 1184 dpa across the Central Lancashire HMA over the 2014-34 period (Para 11.27). This was disaggregated to individual authorities in Para 11.29 as a range as the distribution of growth differed depending on whether long-term migration trends were used, or the planned economic growth scenario developed in the SHMA. I have set out relevant figures in the table below.

Table 5.4 2017 SHMA Conclusions on OAN

dpa 2014-34	15 Year Migration	Planned Economic Growth	Range
Chorley	419	519	419-519
Preston	402	225	225-402
South Ribble	351	440	351-440
Central Lancs	1172	1184	

¹¹ This was informed by Oxford Economic forecasts dated July 2016

- 5.55 The SHMA informed the Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land of September 2017 (MOU1) (CD1.8), signed by the three authorities. The preparation of MOU1 was (in part) a response to arguments raised by applicant housing developers in Central Lancashire that Policy 4 was out-of-date. Indeed this was raised by the appellant in the first Pear Tree Lane Inquiry in 2007.¹²
- 5.56 MOU1 set out that the authorities fell within a single housing market area (Para 1.3) and had a very considerable history of working with one another (Paras 1.2 and 2.1). Para 3.1 stated that the purpose of the MOU was to agree the approach to the distribution of housing prior to the adoption of a new Local Plan, informed by the 2017 SHMA.
- 5.57 Para 5.7 sets out that the full OAN identified in the 2017 SHMA of 1184 dpa was lower than the development plan requirement of 1341 dpa (which is set out in CS Policy 4). Paras 5.8 and 5.9 go on to state that if each LPA were to take the higher figure – based in Preston on demographic growth and in Chorley and South Ribble on the economic scenario – the OAN would be 1361 dpa: a difference of just 20 dpa from the Policy 4 figures. Nevertheless the total of the individual OAN figures exceeds the OAN for the HMA as a whole by 15%.
- 5.58 Para 5.9 stated that a distribution of housing based on the current CS requirements would ensure a pattern of development that directs housing growth towards the priority areas, particularly strategic sites and locations in Cotton and North West Preston. The Councils thus agreed through the MOU to continue to apply the Core Strategy requirement figures – which exceed the OAN when considered at the HMA level – for a range of reasons including that these had been examined and found sound; that site allocations had been determined to meet the current spatial pattern of development; that it would help address out-migration from Preston; and was consistent with the travel to work containment in the area.
- 5.59 The table below sets out the CS Policy 4 requirement figures against the 2017 SHMA OAN figures.

Table 5.5 Comparing the SHMA OAN and JCS Housing Requirement Figures (dpa)

dpa	SHMA OAN	SHMA Higher Figure	CS Policy 4
Chorley	519	519	417
Preston	225	402	507
South Ribble	440	440	417
Central Lancs	1184	1361	1341

¹² PP/D2320/W/17/3173275 (CD6.11)

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- 5.60 Paras 5.10 and 6.1 indicate that the Council's agreement that the Policy 4 housing requirement figures would continue to apply until a replacement local plan was adopted. The bullet points set out that this in particular reflected objectives regarding the distribution of development.
- 5.61 As set out in the Council's revised Statement of Case (CD2.2) at Para 6.7, the Council accepts (as do I) that having regard to Ground 1 of the High Court Judgement in this Case and the relevant committee reports referenced therein, **the process of preparing the 2017 SHMA and MOU1 constituted a "review" of Core Strategy Policy 4 in the terms envisaged in Footnote 37 to NPPF Para 73.**
- 5.62 However, as set out in the High Court Judgement in respect of this case in Para 39, Dove J agreed that the Claimant, Wainhomes, must win on either Grounds 1 and/or 2 as well as Ground 3 in order to succeed. These Grounds were as follows:
- Ground 1: The Inspector's consideration as to whether there had been a review;
 - Ground 2: The Inspector's consideration of the position of the other 2 local planning authorities;
 - Ground 3: The Inspector's consideration as to whether a "significant change" had taken place since the 2017 MOU
- 5.63 Taking account of Dove J's findings in respect of Ground 1, both of the main parties now agree that MOU1 constituted a review of CS Policy 4. This was also the position of Preston CC at the recent Cardwell Farm Inquiry. However, importantly the Appellant/Claimant did not succeed on Ground 3, where Dove J held (as set out above) that the Inspector's conclusion were lawful and adequately reasoned i.e. that the emergence of a local housing need figure in NPPF which is greatly reduced from that in CS Policy 4 amounted to a significant change (CD7.1 Para 43) rendering the conclusions of the 2017 review subsequently out-of-date. The Judge held that the consideration of whether a change in circumstances is a significant one has to be taken on the basis of the salient facts, but also other national and local planning policy considerations.
- 5.64 **The Inspector at the previous inquiry was therefore entitled to find that whilst a review of Policy 4 was undertaken in 2017, a subsequent significant change in circumstances was capable of rendering the findings of the review undertaken through the 2017 SHMA and MOU1 subsequently out-of-date. There is no reason to reach a contrary view at this re-determined appeal.**
- 5.65 Before moving on from consideration of MOU1, I would however note Para 7.1 within it which indicates an acceptance by the Central Lancashire authorities that the position taken in MOU could and would change. The Paragraph states that "*the document [MOU1] will be reviewed no less than every three years and will be reviewed when new evidence that renders this MOU out-of-date*
-

emerges.” **There is therefore a clear acceptance within MOU1 itself that changes in evidence on housing need or in national policy could render the MOU out-of-date.**

5.66 MOU1 is dated September 2017. The three year period had therefore elapsed by September 2020. The review is time-limited. At the time of the previous inquiry in November 2019 and the appeal decision in December 2019, the three year window from adoption of MOU1 had not elapsed. There has, therefore, been a material change in circumstances. **I consider that this means MOU1 is now out-of-date (on its face). Such a conclusion is reinforced by the very clear change in national planning policy in the NPPF, which has resulted in the standard methodology becoming the basis for the calculation of Local Housing Need, which I explore below.**

2020 Housing Study and MOU2

5.67 Icenis was commissioned by the Central Lancashire local authorities in Spring 2019 to prepare a Housing Study which updated, where relevant, evidence in the SHMA and take account of the revisions to the NPPF and introduction of the standard method and consider the interim redistribution of housing need across the three Central Lancashire authorities. The report to the Central Lancashire Strategic Planning Advisory Committee of 4th June 2019 makes clear that one of the purposes of the Housing Study was to inform the review of the existing Memorandum of Understanding (MOU1).

5.68 A draft Housing Study was produced, dated October 2019, which was consulted on alongside a draft revised Joint Memorandum of Understanding between 1st – 15th November 2019 and 9th December – 13th January 2020. The Housing Study was then reviewed to take into account findings from the consultation, with a final report issued by Icenis in March 2020. The report is CD1.6. Informed by the Housing Study, the 3 Central Lancashire authorities signed a new Memorandum of Understanding and Statement of Cooperation in April 2020 (MOU2). This is document CD1.9.

5.69 The process is very similar to that which informed MOU1 and I consider constitutes a review of CS Policy 4 and/or demonstrates that there has been a significant change in circumstances for the purposes of rendering MOU1 out of date (as per section 7 MOU1) and/or that there has been a significant change in circumstances, for the purposes of NPPG and/or that Policy 4 is out of date as a matter of planning judgment (as per Dove J in respect of Ground 3).

5.70 The view drawn by the Councils at the end of this process is set out in MOU2 Para 2.4 which states that *“the Councils considered that the use of the housing requirements in Policy 4, which is now out-of-date, until such time as a review of the Local Plan is complete, is not appropriate and has been superseded by the standard housing methodology.”* Para 5.2 confirms that the significant shift in national policy since 2017 necessitated the revised MOU. This should be read alongside Section 4 of the MOU which addresses the publication of a revised NPPF, the introduction of a standard

method, and NPPF Paras 73 and Footnote 37. This, I consider, represents a second review of CS Policy 4. This is consistent with the findings previous appeal decision and the decision of Dove J. It's also consistent with the second Pear Tree Lane Appeal Decision (CD6.2).

- 5.71 An important overarching point here is that the NPPF Para 60 sets out that to determine the minimum number of homes needed, strategic policies should be informed by an assessment conducted using the standard method in the PPG unless exceptional circumstances justify an alternative approach. The use of the standard method is strongly encouraged in these terms by the Framework; with an expectation of a narrowing of considerations from that previously identified in the 2012 NPPF/ 2014 PPG.
- 5.72 The signing of the MOU by South Ribble BC makes clear that the Council considered that the housing requirement figures in Policy 4 were out-of-date and that the 2017 SHMA and associated MOU1 have been superseded by a significant change in national policy through the introduction of the standard method which indicates a level of housing need which was significantly different in scale to that identified in the SHMA and provided for by CS Policy 4. That was the position of the LPA then and it is the position of the LPA now. Importantly, it is for the LPA to decide whether there has been a "review". There are no requirements for the form of a review, provided it is proportionate (applying NPPG). This constitutes a further review and demonstrates that there has been a significant change in circumstances with the publication of the standard methodology.
- 5.73 I next work through the basis on which the Councils came to this decision, informed by the evidence in the Housing Study.
- 5.74 The Introduction to the Housing Study (CD1.7) sets out its purpose. It was intended to update and develop elements of analysis in the 2017 SHMA including on the overall scale of housing need (Para 1.2, 1st Bullet). The 2017 SHMA (CD1.4) had assessed the objectively assessed housing need using the approach in the 2012 NPPF/ 2014 PPG; and as set out in the Housing Study in Para 1.3, the introduction of the standard method and age of the adopted Core Strategy means that the previously agreed MOU on the level and distribution of housing need needed to be revisited. From my discussions with the authorities at the time, I am clear that the change in national policy, the introduction of the standard method and the time-limited nature of MOU1 were important considerations for the authorities in commissioning the work. The analysis of OAN in the SHMA, which provided the basis for the conclusions of MOU1, could no longer be relied upon and had become outdated by national policy changes.
- 5.75 The introduction of the standard method was a consideration in this respect and meant that the MOU1 needed to be reconsidered and revisited (Para 1.3), in accordance with the express terms of the MOU1 which required a review in such circumstances. The Housing Study was intended to provide an evidential basis for the Central Lancashire authorities to consider the level of housing to

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- plan for and an interim distribution of this to inform a revised MOU (Para 1.2 1st Bullet and Para 1.4).
- 5.76 The Study reaffirms the housing market geography (Para 2.5). Section 3 set out the calculation of local housing need using the standard method at the time of the report, defining a Local Housing Need of 1,026 dpa across Central Lancashire.
- 5.77 It reviewed the demographic evidence feeding into this and considered alternative scenarios for population growth and household formation (Paras 3.12 – 3.25) through sensitivity testing. It also considered the Central Lancashire City Deal (Paras 3.28 – 3.40). Its conclusions were that the standard method should be used to assess Local Housing Need in accordance with the PPG (Para 10.4 R1).
- 5.78 Theoretically it might have been open to the Councils and IcenI to have concluded that despite a change in the methodology for calculating housing need, the scale of need was not substantially different from that in CS Policy 4. But this is not what the evidence suggested. **The standard method calculation showed a level of housing need at 1026 dpa which was substantially different to that in CS Policy 4. The standard method need was 24% below the Policy 4 requirement on an annual average basis (1341 dpa) or 30% below the requirement is the past delivery shortfall across Central Lancashire prior to 2019 is included (indicating a residual requirement for 1473 dpa).** There are also substantial distributional differences (which I address further below).
- 5.79 The reference in Para 2.14 of the Study to the circumstances in Footnote 37 not being applicable should not be interpreted as meaning that this issue was prejudged. IcenI undertook the work with an open mind. This paragraph did not appear in the Draft Report and was inserted into the final version of the report, following the review of the evidence, consultation responses and discussion with the authorities, and at a time when in March 2020 when MOU2 was being finalised.
- 5.80 The Appellant alleges that the Housing Study represents only a partial review of housing needs, in that PPG 2a-010 indicates that there may be circumstances when it would be appropriate to consider whether the actual housing need is higher than the standard method. The PPG explains relevant circumstances, including whether there are growth strategies that are likely to be deliverable, strategic infrastructure improvements likely to drive an increase in home needed, or unmet need issues.

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- 5.81 Icení did have regard to these issues as part of the preparation of the Housing Study, including in reviewing and considering consultation responses submitted.¹³ Our interrogation of these issues did not identify specific local factors which the evidence demonstrated would have an upward impact on housing need.
- 5.82 The Preston, South Ribble and Lancashire City Deal is considered beginning on Para 3.28 in the Housing Study. It is important to make a distinction in this respect between factors which affect housing supply and delivery, and factors which affect housing need. We reviewed City Deal documentation and discussed the City Deal with the authorities. We found that the City Deal would help to unlock a number of housing and employment sites through the delivery of highways investment but found that there was not clear evidence that this would generate need for additional housing (over and above the standard method); and there was uncertainty regarding its future moving forwards. My understanding is that this remains the position. It did not provide evidence to justify higher housing need.
- 5.83 The City Deal is not embodied in planning policy and it is not identified in the NPPF or Guidance as a consideration in assessing five year land supply. There is simply no clear evidence that it generates an increased need or demand for housing in Central Lancashire.
- 5.84 The analysis in the Housing Study also needed to have regard to changes in national policy. In respect of employment, whilst the SHMA had considered forecasts for economic growth and the potential implications of these on housing need, I would note that the revisions to the NPPF and PPG has specifically removed the requirement in assessing housing need to consider such evidence. This was intentional – the Local Plans Expert Group report to Government indicating that the requirement [under the 2014 PPG] to consider the alignment of housing need with employment forecasts as one of the single most difficult and disputed steps in the current methodology and recommending that the purpose of that step in the previous Guidance could more easily be achieved by recognising that employment growth pressure is also likely to be reflected in local affordability issues and therefore picked up in the market signals adjustment. The Housing Study was not therefore required in these terms by national policy/guidance to consider the alignment with economic forecasts, with no reference to this in the PPG.
- 5.85 Icení's conclusions on housing need were drawn on this basis. Icení however recommended that the Councils keep the issue of the alignment of its strategies for homes and jobs under review as the plan-making process progressed (see Paras 3.38 – 3.40) taking account of further evidence and strategies as the plan-making process continued. I consider that the position taken in the Study

¹³ This includes those from the appellant which raised these issues

is reasonable in this respect, given the change in national policy, the early stage of the plan-making process and wider economic uncertainties.¹⁴

- 5.86 Icen did consider and review the affordable housing needs position as part of the Housing Study. Having regard to the evidence of need therein, I do not consider that this provided any clear basis for concluding that the housing requirement figures in Policy 4 were up-to-date. The affordability uplift applied in the standard method will support delivery of additional market and affordable homes.
- 5.87 A further relevant consideration in determining that CS Policy 4 is out-of-date is the substantial difference in the distribution of need between that in CS Policy 4 and that shown by the standard method. The table below sets out the relevant figures. It is clear that the distribution of the LHN was significantly different to that in CS Policy 4, with a much greater proportion focused on Chorley. There was also a notable difference relative to the SHMA conclusions – the SHMA showed 44% of Central Lancashire’s total need as being in Chorley (or 38% using the higher figures in Table 5.5); whereas the standard method distribution showed a significant higher proportion of the need arising in Chorley at 56%. For South Ribble, the proportion of the HMA’s housing need shown by the standard method at 20% was well below that in the SHMA (37%) or in CS Policy 4.
- 5.88 The actual figures of need shown for individual authorities also requires consideration. The standard method showed a need in Preston which was 47% below the CS requirement. In South Ribble it showed a need which was 51% below the CS requirement. In contrast in Chorley, it showed a need which is 32% *above* the CS requirement. These are substantial differences.

Table 5.6 Distribution of Need/ Requirement across Central Lancashire Authorities

dpa	SHMA OAN		CS Policy 4		Standard Method LHN (Feb 2020)	
Chorley	519	44%	417	31%	579	56%
Preston	225	19%	507	38%	241	23%
South Ribble	440	37%	417	31%	206	20%
Central Lancs	1184	100%	1341	100%	1026	100%

¹⁴ Standing back, I would also note that we are currently in the midst of a global pandemic. There are over 12,000 unemployment claimants across Central Lancashire as at Dec 2020; and the likelihood is that this will rise short-term as the furlough scheme ends. There is no up-to-date evidence to suggest that a higher level of housing provision is necessary to support economic growth.

5.89 I note that Dove J described the differences in the distribution of housing between CS Policy 4 and the LHN as 'stark' in Para 37 of the Judgement. This provides a further clear reason as to why Policy 4 is out-of-date.

5.90 Drawing the above together, I consider that:

- **MOU1 did constitute a footnote 37 review, but was never intended to ensure for more than 3 years without being revisited, and with the express provision that changes in national policy or evidence would require it to be revisited;**
- **The process of preparing the Housing Study and considering them against Policy 4 was an exercise in considering whether the Policy 4 figures remained up-to-date. It found that the relevant strategic policies did require updating;**
- **MOU1 is out-of-date and cannot be relied upon as it was based on a SHMA which used a methodology for assessing housing needs which is substantially different from that in current national policy/ guidance (a methodological difference);**
- **The reconsideration of housing needs through the 2020 Housing Study identified a materially different scale of housing need to that in the SHMA, reflecting particularly the change in Government methodology for calculating housing need (a difference in the scale of need);**
- **There was a stark difference in the distribution of housing need shown by the latest evidence, with a much higher proportion of the housing need being in Chorley and notably lower in Preston and South Ribble (a distributional difference).**
- **It would therefore have been no longer justified for the Councils to have relied upon the 2017 SHMA to conclude through MOU2 that Policy 4 remained up-to-date given the above.**

5.91 Lindblom J in *Bloor Homes East Midlands v SSSCLG & Anon*¹⁵ (CD7.11) found that whether a policy is out-of-date and, if so, with what consequences are matters of planning judgement. It confirmed that policies can be out-of-date where they have been “*overtaken by things that have happened on the ground or through a change in national policy, or for some other reason, so that they are out-of-date.*” That judgment is of direct relevance to this Appeal and Policy 4.

¹⁵ *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government & Anon* [2014] EWHC 754 (Admin)

5.92 The PPG does not define what form or ingredients make up a plan review, but does indicate that changes in national policy and change in the scale of housing need could constitute the basis of a plan review. The process which the local authorities went through was very similar to that which informed the first MOU in 2017. I consider that a **second review of Policy 4 had been undertaken in the terms envisaged in NPPF Footnote 37 though the process which culminated in MOU2.**

5.93 The implications of this are that, having regard to NPPF Para 73 and Footnote 37, it cannot now be said that Policy 4 has been ‘reviewed and found not to require updating.’ This is the position having regard to both Para 7.1 in MOU1, and the subsequent process of preparing updated evidence and agreeing a subsequent MOU in Spring 2020. **I conclude therefore that the standard method should be used for calculating housing land supply in South Ribble, which is expressly consistent with the NPPF and the judgment of Dove J. The Council’s position, supported by evidence, is that Policy 4 is now out-of-date.**

The Distributional Aspects of MOU2

5.94 It is important to recognise that there are two distinct components of the April 2020 Memorandum of Understanding and Statement of Cooperation (MOU2). It sought to address two issues:

a) Consideration of the overall housing need and whether the Policy 4 housing requirement across Central Lancashire and in the individual LPA areas was out-of-date;

b) In circumstances in which it was found to be so, how the alternative housing requirement should be distributed.

5.95 For the purposes of this Inquiry, it is the first of these which is the important issue. I turn next however to provide some brief comments on the second element – the housing distribution component.

5.96 Section 6 in the MOU sought to set out an alternative distribution of housing provision in Central Lancashire. Taking the analysis of potential distributional options and the recommendations in the Housing Study, it sought to redistribute the LHN between the three constituent authorities on the basis of 40% to Preston, 32.5% to South Ribble and 27.5% to Chorley.

5.97 A subsequent Statement of Common Ground was signed in May 2020 (CD1.10) applying this distribution to the latest LHN figures (updated to take account of 2019 affordability ratios) which showed a need for 1,010 dwellings across Central Lancashire.

5.98 The question of whether the policy-on redistribution of housing provision through MOU2 was permissible is however a separate issue to the consideration of the overall housing need and

whether CS Policy 4 is out-of-date. My approach to this is considered further below. But it would be wrong to conclude that issues related to the redistribution of housing as advanced in MOU2 somehow affected the conclusions drawn that CS Policy 4 did not need updating. The distributional issues flow from the consequence that Policy 4 was found to be out-of-date.

Pear Tree Lane Appeal Decision and Preston's Withdrawal from MOU2

- 5.99 The Pear Tree Lane appeal decision dated 11th August 2020 (CD6.2) considered the use of MOU2. The Inspector's decision addresses both whether Policy 4 was out-of-date and whether an alternative distribution of housing as advanced by the authorities through MOU2 could be relied upon.
- 5.100 The Inspector found, with reference to the *Bloor* case (CD7.11) that a policy may become 'out-of-date' where it is overtaken by a change in national policy. He went on in Para 45 to outline that "*that is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date.*" In the second element of this justification, it is clear that factors that post date the preparation of MOU1 are important considerations which influenced the conclusions drawn. This is clear by reading Para 34 where he described the national policy on the calculation of housing land supply at the time of the previous appeal in 2017 (when MOU1 was in place) as "very different" in that it predated the 2018 Framework and introduction of the standard method.
- 5.101 The second issue was the proposed distribution of MOU2. I gave evidence for the LPA at this Appeal and my view at that time was that in the context of an existing and emerging joint plan covering the three Central Lancashire authorities, PPG Para 2a-013 enabled the LPAs to sum the local housing need of the three areas and to distribute this across their area through MOU2. My evidence was informed by the previous decision at Pear Tree Lane, where the approach of MOU1 was supported (CD 6.11) and by legal advice provided to the Council at that time that the LPA could rely on MOU2 for decision-making.
- 5.102 The Inspector however found that PPG Para 2a-013 ostensibly applies to plan-making rather than decision-making, and that there was separate clear guidance on how housing need should be assessed for decision-making in Section 68 of the PPG on *Housing supply and delivery* (Para 23) which mirrored NPPF Para 73 and Footnote 37 (Para 24). He concluded that it was reasonable to conclude that 2a-013 in the PPG is not intended to allow for a redistribution of LHN in joint plan areas to provide the basis for calculating 5YHLS in decision-making in advance of that distribution being properly tested at examination and found sound.

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- 5.103 The Inspector however went on to indicate that it was not unlawful for an LPA to rely on a housing requirement or apportionment of housing need for decision-making purposes that was not in an adopted Plan (Para 26). He found however that the issues of apportionment of housing needed to be properly tested through the local plan preparation and examination process (Para 30) and given the early stage of this and significant unresolved objections, limited weight could be attached to the redistributed LHN figures in MOU2 (Para 33). In contrast he found full weight could be attached to the standard method LHN figure (Para 33). The decision was not challenged by Chorley.
- 5.104 In light of this appeal decision, I do not consider it credible to argue that Policy 4 is up to date and/or that the redistributed figures in MOU2 should be applied in calculating the housing land supply. This is not the Council's case. The appellant is not seeking to advance this either. There is an undetermined legal challenge to Preston City Council's adoption of the MOU which relates to the redistribution of housing provision in advance of the plan-making process. Indeed, the redistributed figures in MOU2 have effectively been abandoned by the Central Lancs LPA's.
- 5.105 Following on from the Pear Tree Lane Decision, Preston City Council's Cabinet resolved on 4th November 2020 as follows:
- (i) approved the withdrawal of the Council from the Central Lancashire Local Plan Memorandum of Understanding and Statement of Co-Operation: Relating to the Provision and Distribution of Housing Land (April 2020) and the subsequent Statement of Common Ground (May 2020), to take effect immediately and;
 - (ii) noted that the Central Lancashire Local Plan Memorandum of Understanding and Statement of Co-Operation: Relating to the Provision and Distribution of Housing Land (April 2020) and the subsequent Statement of Common Ground (May 2020) will not be relied upon by the Council for Development Management purposes in the determination of planning applications henceforth.
- 5.106 The reasons for this change of position relate to the Inspector's conclusions in the Pear Tree Lane appeal regarding the redistribution of housing need, and do not fetter the joint view expressed in MOU2 that the Core Strategy Policy 4 is out-of-date and cannot be relied upon as the basis of the housing requirement for housing land supply purposes. Preston's view in this respect is set out in its evidence to a current live appeal (Cardwell Farm) as identified above. Preston CC's formal position is that Policy JCS is out of date and that the standard methodology should form the basis of the housing requirement. Chorley BC has not challenged the Pear Tree Lane decision and on this basis, I do not consider that it could now rely on the redistributed standard method figures in MOU2 in decision-making. Indeed, a *different* conclusion in this Appeal risks *different* housing figures being employed across the *same* housing market area. This cannot be a consistent or rational approach and favours the application of the up-to-date Local Housing Need figures across the HMA by Preston, Chorley and South Ribble.

Final Points

- 5.107 The Appellant argues that the review of Policy 4 through MOU1 in 2017 can still be relied upon. To do so it is however necessary to disregard the change in national policy which has occurred with the introduction of the standard method, the preparation and findings of the Housing Study, the subsequent joint agreement of the authorities in MOU2 that Policy 4 is now out-of-date and the review clause in in MOU1 which renders it out-of-date on its face. I do not consider this position to be tenable.
- 5.108 The Council's position at the last inquiry in November 2019 was that the standard method should be used. The situation has now clearly moved on again. The 3rd anniversary of MOU1 has passed. The Housing Study has been finalised and MOU2 brought forward (replacing MOU1). The position which the Council has taken in previous Housing Land Supply Position Statements prior to Spring 2020 is therefore immaterial.
- 5.109 MOU1 has become out-dated and indeed has been revisited in light of changes to national policy and updated evidence on the scale of housing need. The process of arriving at MOU2 was an exercise in assessing whether CS Policy 4 needed updating. That process clearly led to the conclusions, for the clear reasons I have described, that it could no longer be regarded as up-to-date.

6. HOUSING LAND SUPPLY POSITION

- 6.1 This section of my evidence moves on to address the implications of my conclusions that Policy 4(a) is out-of-date and that the standard method LHN should be used to calculate the housing land supply position.
- 6.2 The housing land supply position is a function of a) the requirement, b) the buffer and c) the deliverable supply.
- 6.3 For the reasons I have explained in Section 5, I consider that the standard method LHN should be used to calculate the requirement at the current time. This indicates a need for 191 dwellings per annum, equivalent to 955 dwellings over the five year period (2020-25). Issues of past backlog are captured in the affordability adjustment in the standard method as set out in the PPG (Para 68-031).
- 6.4 I rely on Mr Boyd's assessment of the buffer and deliverable supply. He considers that a 5% buffer should be added which generates a total requirement for 1,003 dwellings over the five year period, equivalent to 201 dpa. Set against this he identifies a deliverable supply of 2,553 dwellings.

Table 6.1 Housing Land Supply Position in South Ribble against Standard Method LHN

	Dwellings
Annual Local Housing Need	191
Total Need (2020/21-24/25)	955
Total Need, inclusive of 5% buffer	1003
Annual Requirement	201
Deliverable Supply	2.553
Surplus	1,550
5YHLS Position (years')	12.7

- 6.5 The evidence demonstrates that the Council can demonstrate a very healthy housing land supply position of **12.7 years, with a surplus of over 1,550 dwellings.**

The Housing SOCG addresses using the appellant's assumptions on the appropriate housing requirement and deliverable supply. The supply position is not determinative, such that even using the appellant's supply assumptions, a very healthy housing land supply position of 9.97 years exists. There seems little point in debating this difference because on either analysis there is a double digit (10 year+) housing supply.

7. POLICY G3

7.1 In this section I turn to address Policy G3, whether the policy is out-of-date and implications of this for the application of the tilted balance, together with the weight which can be attached to the policy.

Conflict with Policy G3 and Development Plan as a Whole

7.2 Chapter G in the South Ribble Local Plan addresses the protection and enhancement of the natural and built environment. Policy G3 defines five areas of safeguarded land for the purposes of future development in the Borough. The site forms part of S3: South of Coote Lane, Chain House Lane, Farington.

7.3 Policy G3 is as follows:

Policy G3 – Safeguarded Land for Future Development

Within the Borough, land remains safeguarded and not designated for any specific purpose within the Plan period at the following locations:

- S1 South of Factory Lane and east of the West Coast Main Line
- S2 Southern area of the Major Development Site at Pickering's Farm, Penwortham
- S3 South of Coote Lane, Chain House Lane, Farington
- S4 Land off Church Lane, Farington
- S5 Land off Emnie Lane, Leyland

Existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed. Planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land.

7.4 The Policy states that: "*land remains safeguarded and not designated for any specific purpose within the plan period*" (which runs to 2026 and has thus not expired). The appeal scheme clearly conflicts with Policy G3. It forms part of S3 and would represent permanent development of safeguarded land.

7.5 The supporting text at Para 10.35 clearly identifies that safeguarded land will remain in its existing use for the foreseeable future, and is intended to be kept free from new physical development and kept open at least during the plan period or until the Plan has been reviewed. The permanent

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- development of land for 100 dwellings is plainly not consistent with this. The appeal scheme would effect a permanent change of use of land within the plan period; and in advance of a plan-review.
- 7.6 The second limb of the Policy states that “*existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed.*” The supporting text in Para 10.36 clarifies that safeguarded land is intended to be kept free from physical development and kept open at least during the plan period or until the Plan has been reviewed. Para 10.37 identifies that the presumption against built development on these sites will assist in directing development towards those areas allocated for development and also ensuring the permanence of the Green Belt. It states that some appropriate minor residential development adjacent to other properties would be considered. The proposal falls outside of the flexibility provided in the policy.
- 7.7 A previously quashed decision can be capable of being a material consideration, depending on the basis on which the decision was quashed. It is therefore appropriate to have regard to those elements of the decision unaffected by the quashing. The weight to be attached to them is a matter for the Inspector as decision maker (see *Davison v Elmbridge BC* [2019] EWHC 1409 (Admin)) (CD7.7).
- 7.8 I note the comments of the previous appeal decision, which were not challenged, in Paras 53-54. The Inspector did not accept the Appellant’s suggestion that as the appeal site was only part of the overall S3 site, that its development would not be harmful; and found that reference in the Policy to ‘for the most part remain undisturbed’ did not invite development of a scale that would be anything other than minor (CD6.1 Para 53). I agree with these conclusions.
- 7.9 Whilst there are a range of development management policies applicable to this application, Policy G3 sets out the development plan position regarding this site. In view of the clear conflict with this Policy, **I consider that the proposals clearly conflict with the development plan as a whole.**
- 7.10 The principle of safeguarding land is enshrined in Paras 139c and 139d in the NPPF which states that a) such land is to meet longer-term development needs stretching well beyond the plan period; b) it is not allocated for development at the present time; and c) planning permission for its permanent development should only be granted following an update to a plan which proposes the development. **Policy G3 is consistent with Para 139 in the NPPF.** Furthermore, I note that this consistency was endorsed by the Local Plan Inspector (CD1.14, Paras 90 and 93). **The appeal scheme conflicts with the guidance in the NPPF regarding the development of safeguarded land. Further, it conflicts with the development plan as a whole.**

Distribution of Development in Central Lancashire and Implications for the Tilted Balance

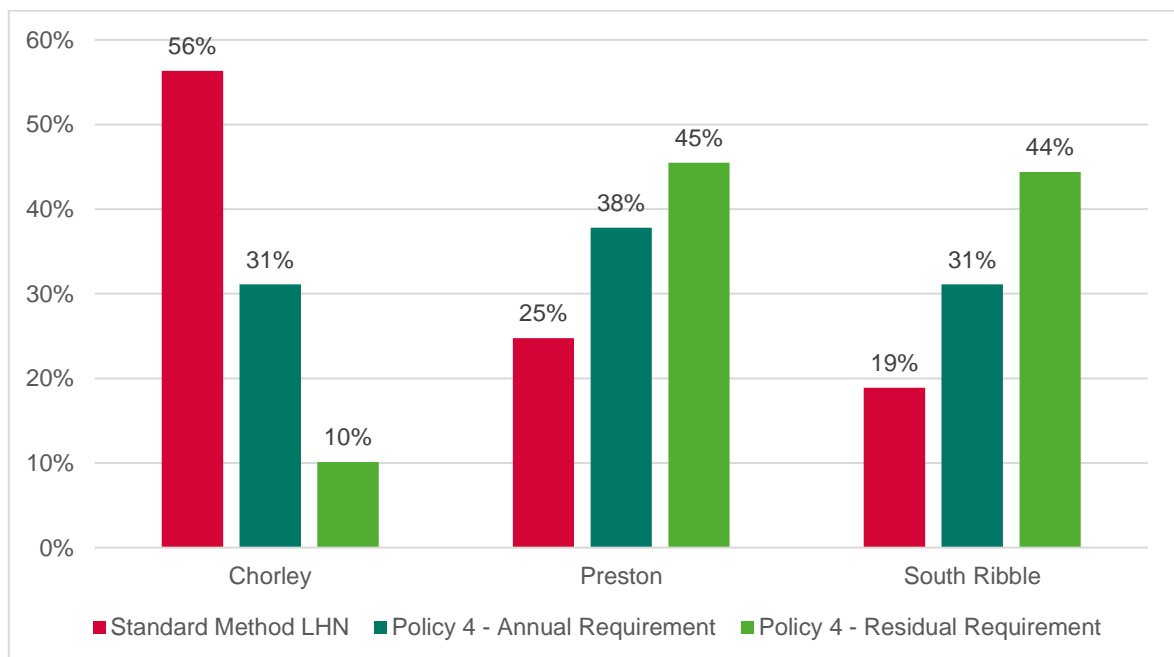
7.11 In Ground 5 of the Judicial Review of the previous Inspector’s Decision in this appeal, the Appellant claimed that the previous Inspector had failed to grapple with its contention that the distribution consequences which would arise for the use of the standard method across Central Lancashire would render Policy G3 out-of-date. The Claim succeeded on this Ground.

7.12 In the table and figure below, I have compared the distribution of development in Central Lancashire arising from application of the standard method against that in CS Policy 4. It is clear that the standard method distribution is radically different to that shown in Policy 4, with a much greater share of housing provision in Chorley and less in South Ribble and Preston.

Table 7.1 Distribution of Housing Need – Policy 4 & Standard Method

	Chorley	Preston	South Ribble	Central Lancashire
Standard Method LHN	569	250	191	1010
	56%	25%	19%	100%
CS Policy 4 - Annual Requirement	417	507	417	1341
	31%	38%	31%	100%
CS Policy 4 - Residual Requirement (2020-6)	137	616	602	1355
	10%	45%	44%	100%

Figure 7.1: % Distribution of Housing Need – Policy 4 and Standard Method



7.13 If the standard method distribution is considered against the residual Core Strategy requirement, taking account of completions from 2003-20, the difference is even starker. In percentage terms the

standard method indicates 56% of development should be in Chorley against 10% using the Policy 4 figures. The standard method expects 25% and 19% of the HMA's housing need to be provided in Preston and South Ribble respectively, compared to 45% and 44% of the residual Policy 4 provision. These are significant differences in percentage terms.

- 7.14 Dove J described these differences as “radically different” in Para 37 of the High Court Judgement related to this Appeal (CD6.1) commenting on the stark difference in the housing distribution using the LHN as opposed to CS Policy 4a drawing on a percentage comparison of the annual requirement which is set out in Para 36 of the Judgement.
- 7.15 Taking account of the Planning Court's conclusions in respect of Ground 5 and a concession in evidence at the previous Inquiry, my conclusion that Policy 4 is out-of-date, and the evidence of a different percentage split of distribution of housing need across Central Lancashire implied by use of the standard method, I consider that Policy G3 should also be regarded as technically out-of-date as the quantity and distribution of safeguarded land was informed by Policy 4.¹⁶ Policy G3 is only technically out of date because it is theoretically possible that, as a result of a different distribution of housing across South Ribble and the HMA, a different conclusion might be reached as to the need for safeguarded land. However, as the annual requirement in South Ribble has fallen in absolute terms very significantly from 417 dpa to 191 dpa, there is (in fact) no need for additional safeguarded land to be released. On the contrary, there is less need for safeguarded land than previously. This is, therefore, a technical point. This is set out further below.
- 7.16 I consider that CS Policy 1, CS Policy 4 and Local Plan Policy G3 are the most important policies for determining this appeal. The latter two policies are both out-of-date and I consider that the basket of policies taken as a whole should be considered out-of-date. I consider that the appeal should be determined in accordance with the ‘tilted balance’ set out in Para 11d in the NPPF.
- 7.17 In *Monkhill v SSHCLG*¹⁷ (CD7.5) Holgate J examined the workings of NPPF Para 11. He found that it does not displace s.38(6) of the Planning and Compulsory Purchase Act (which needs to be applied in any event); and that the tilted balance in favour of the granting of planning permission could be overcome where the adverse impacts would significantly and demonstrably outweigh the benefits. The Limb ii balance in Para 11d needs to be undertaken even where Limb i is not applicable.

¹⁶ Safeguarded land was principally rolled forward from the 2000 Local Plan.

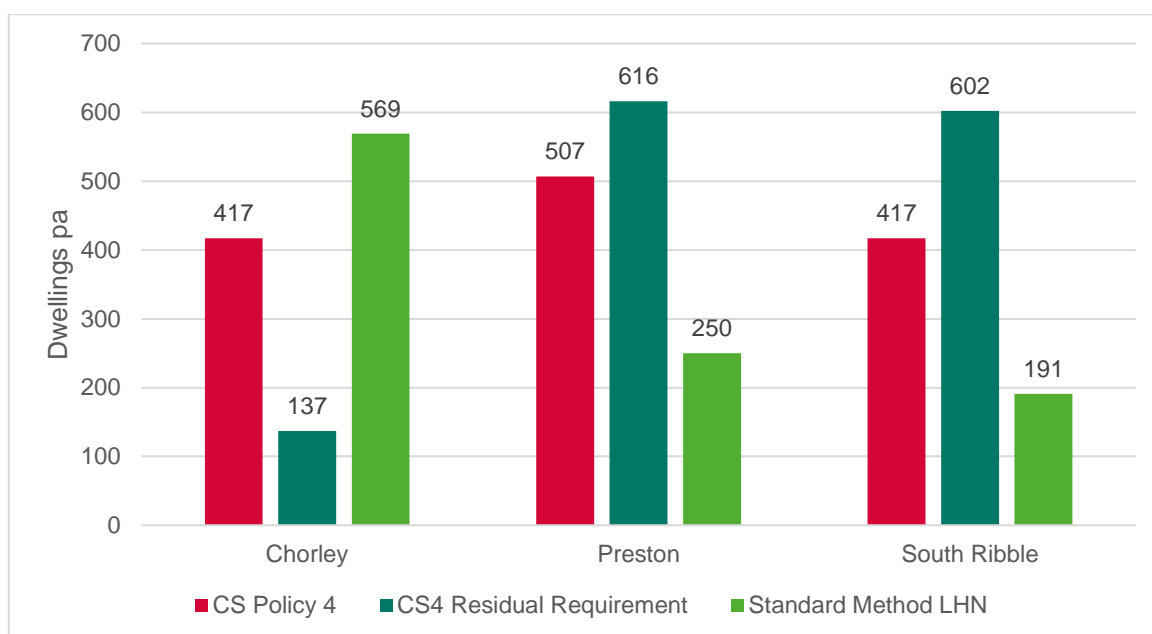
¹⁷ *Monkhill Ltd v SSHCLG* [2019] EWHC 1993 (Admin)

7.18 The Court of Appeal has affirmed this month in *Gladman Developments v SSCLG*¹⁸ (CD7.6) that the application of the tilted balance does not exclude weighing conflict with development plan policies, nor the primacy of the development plan in making planning decisions (as set out in NPPF Para 12). It does not require consideration of a s.38(6) balance and tilted balance to be undertaken as separate and sequential exercises – it can be done as one. This is the approach to be considered here, where significant weight must attach to the conflict with development plan policy G3.

7.19 Indeed, I consider the conflict with Policy G3 to have determinative weight attached to it, given the very strong housing land supply position (c.10-13 years supply).

7.20 It is not just the percentage changes in the housing distribution between CS Policy 4 and the standard method figures which are relevant but the actual absolute numbers. Both across the HMA and in South Ribble specifically, the scale of housing need is substantially below the scale of provision which the Plan made provision for. In South Ribble, the LHN of 191 dwellings pa is well below the Core Strategy annual requirement of 417 dpa (or the residual requirement 2020-6 of 602 dpa). The absolute numbers are greatly reduced. Having regard to this and the healthy housing land supply position, there is no need for the area of safeguarded land in the Borough to be brought forward in now (and/or in advance of any statutory review of the Local Plan).

Figure 7.2: Scale of Housing Need per Annum – Policy 4 and Standard Method



¹⁸ Gladman Developments Ltd v SSCLG [2021] EWCA Civ 104 (CD7.6) particularly Paras 48 and 67

7.21 Thus whilst any radical different spatial distribution in percentage terms of housing need across the HMA renders Policy G3 technically out-of-date, once the actual scale of need is considered it does not result in the need to release safeguarded land in South Ribble at the current time in order to meet housing need. On the contrary, in absolute terms, the scale of housing need is substantially less and a very strong housing land supply position can be shown against this of 12.7 years. Even taking the appellant's position on the deliverable supply, a 9.7 years' land supply position is evident which is strong. South Ribble's Housing Delivery Test performance is also strong, the latest data showing that South Ribble has delivered 197% of that required. In view of this, and its consistency with the NPPF, I consider therefore Policy G3 can be afforded significant weight in the application of the tilted balance.

7.22 Weight is a matter of planning judgement but I have had regard to the conclusions of Lord Carnwath in *Hopkins Homes* (CD7.2 Para 55) in drawing my conclusions. The housing land supply is not contingent on sites released contrary to Policy G3. The safeguarded land policy is not constraining the ability of the Council to meet its housing need. There is no need to develop this site in advance of any statutory review of the Plan (contrary to NPPF 139).

7.23 The Appellant's Planning Statement Addendum (CD3.16) refers to a Court of Appeal Judgement in *Oxon Farm v Harrogate BC and D Noble Ltd* which is CD7.2. In that instance Harrogate BC considers that its housing requirement, settlement limits and policies controlling development outside of those settlement limits were out-of-date and could be afforded limited weight. However, this was in a situation in which:

- There was a housing requirement in Harrogate's emerging plan of 669 dpa, which had been submitted for Examination, [Paras 20-21] which was significantly above the requirement in the 2009 Core Strategy of 390 dpa [Para 5];
- Taking account of this higher requirement the year land supply position was very marginal at 5.02 years [Para 23];
- It was accepted by the Council on this basis that in order to maintain the housing supply position, greenfield land outside the existing development limits would continue to be needed [Para 23].

7.24 The situation here is plainly different. The latest evidence points to a lower housing need than is planned for in the Core Strategy. In this context, the policy framework and the settlement boundaries associated with it continue to be effective at meeting development needs in South Ribble. It results in a very healthy five year land supply position. It does not therefore follow through that limited weight should be afforded to Policy G3 here, as was found to be the case in Harrogate.

7.25 I do not consider that the housing land supply position in other parts of the HMA such as in Chorley is of direct relevance to the weight which can be given to Policy G3. Any assessment in an appeal in South Ribble can only be indicative. Nonetheless, I have given sought to provide a high-level assessment of the position more widely across Central Lancashire.

7.26 The published evidence shows that there is very healthy housing land supply against Preston's LHN of 13.6 years with a surplus of over 2,200 dwellings.

Table 7.2 Housing Land Supply Position across Central Lancashire

5YHLS Position	South Ribble	Preston	Chorley	Central Lancs
Local Housing Need pa	191	250	569	1010
Local Housing Need (2020/21-24/25)	955	1250	2845	5050
Requirement incl Buffer	1003	1313	2987	5303
Annual Requirement	201	263	597	1061
Published Deliverable Supply	2664	3581	1,663	7908
Surplus	1661	2269	-1324	2,606
Years' supply	13.3	13.6	2.8	7.5

7.27 There is a housing land supply deficit in Chorley of 1,370 dwellings to 2025. However, consideration needs to be given to a) the scale of the shortfall and what Chorley BC can do about this; and b) whether the application site would be suitable to addressing this shortfall. Indeed, national policy suggests that it is for Chorley to address their housing shortfall in the first instance.

7.28 The Pear Tree Lane Appeal Decision was released in August 2020. My understanding, based on the evidence of Mr Boyd, is that in addition to the sites which are identified currently as deliverable:

- There are extant allocations or sites with planning permission which are not currently counted towards the supply that could potentially deliver over 700, at least part of which could contribute to delivery in the five year period;
- There is land for around 650 dwellings which falls within settlement boundaries identified within the SHELAA, which currently does not have planning permission, but which could come forward for development in the short-term;
- In addition, safeguarded land in Chorley could theoretically support development of around 1,500 dwellings.

-
- 7.29 This compares to a shortfall of c. 1,500 dwellings. There are clearly therefore options to address the housing land supply shortfall in Chorley within the Borough, where the needs arises and without the release of safeguarded land in South Ribble.
- 7.30 Issues of unmet need are typically dealt with through the plan-making rather than decision-making process. There are a range of issues which are relevant to the distribution of development and unmet need, including development constraints, land availability, transport infrastructure. These are issues which require formal cooperation through the Duty to Cooperate between the LPAs, stakeholder involvement and debate through the plan-making process. They cannot suitably be addressed through a s.78 appeal.
- 7.31 Further, if (which is not accepted) there is any unmet housing need in Chorley, which should be met across the HMA by adjacent authorities, then such need should (in the first instance) be directed to Preston, as the sub-regional centre.
- 7.32 However, as I have explained, I consider that MOU1 is out-of-date. The agreement on the redistribution of housing in MOU2 has been overtaken by events and no longer represents an agreed position. There is therefore no outstanding agreement to redistribute a proportion of Chorley's needs to South Ribble.
- 7.33 Furthermore, I consider that the location of this site is not well placed to contribute to any unmet housing need arising in Chorley having regard to:
- **Spatial Relationship:** This site is not close to the Borough boundary with Chorley. It is a c. 8 mile drive from Chorley itself, the main settlement in Chorley Borough, with a travel time of c. 20 minutes by car and c. 50 mins – 1 hour by public transport.
 - **Spatial Strategy:** CS Policy 1 which sought to focus development first of all at the Central Preston Strategic Location; second in the key service centres of Chorley and Leyland; and third on the other main urban areas in South Ribble, which includes Lostock Hall. Within Lostock Hall the policy states that development should be focused on the regeneration of brownfield sites. This greenfield site out with the settlement and detached from the settlement boundary, is not consistent with the Spatial Strategy.
- 7.34 Having regard to the strong housing land supply position in South Ribble and my analysis of the position across Central Lancashire more widely, I do not consider that safeguarded land needs to be released in South Ribble at the current time, in advance of the local plan process, in which the release of safeguarded land (if required) can be considered.
- 7.35 Release of the site for development now would result in a loss of safeguarded land contrary to Policy G3. The safeguarding of the land elevates the importance of its protection over ordinary

countryside not subject to a designation such as this. The release of the land at the current time, when both the development plan and NPPF direct otherwise, would damage and result in a loss of confidence in the plan-led system.

7.36 I would note in similar circumstances in Central Lancashire, the Inspector at the first Pear Tree Lane Inquiry in 2017 (see CD6.11 Para 63) attributed very substantial weight to the harm which would arise as a loss of that site as Safeguarded Land in the plan period in a context in which a five year housing land supply in Chorley existed. In the second appeal in 2020 (CD6.2) where a five year land supply was found to be lacking, safeguarded land was released.

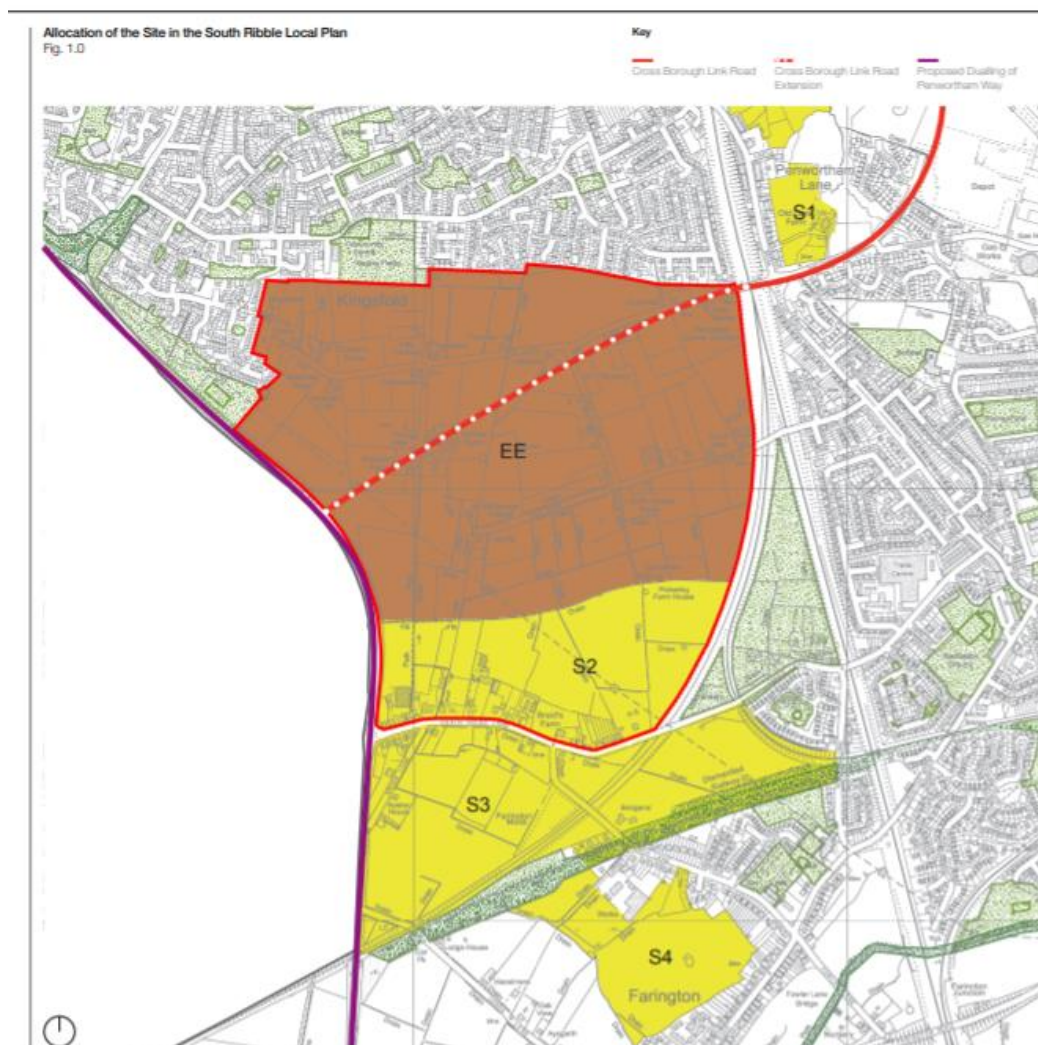
8. COMPREHENSIVE DEVELOPMENT

- 8.1 I address in this section of my evidence the harm from the partial development of the S3 land, and how the development, in my view, would prejudice the Council's ability to manage the comprehensive development of the area.

Context

- 8.2 The development site forms part of a larger area of safeguarded land which sits number of settlements. The Pickerings Farm allocation – in effect a southern extension to Penwortham - sits to the north; the settlement of Lostock Hall to the west; Farrington Moss to the south; with Whitestake and Longton to the West.

Figure 8.1: Proposal Map Extract



8.3 Policy G3 states that “*planning permission will not be granted for development which would prejudice the comprehensive long-term development of the land.*” The Council’s intention is that such comprehensive development would be undertaken through the plan-making process as I have described.

8.4 The 2015 Local Plan Inspector’s Report addresses the rationale for safeguarding this land in Paras 48 and 49:

*Land to the south of Coote Lane, Chain House Lane is included as Safeguarded Land under Policy G3 of the Plan. Policy G3 is considered later in this report. The promoters of two adjoining sites consider that their land could be developed for housing in isolation from the wider Safeguarded Land to the west and north, known as Pickering’s Farm. The Pickering’s Farm allocation is considered in detail later in this report. Briefly, it comprises a large site currently allocated for housing development and a large amount of Safeguarded Land to the south of the allocated site. The sites currently being promoted are part of the wider Safeguarded Land. Physically the two sites are separate parcels of land and it would no doubt be possible for them to be developed in isolation. However, **one of the benefits of promoting a comprehensive development of the larger allocated and safeguarded sites is that they would provide the opportunity to plan to meet the need for essential infrastructure improvements. Piecemeal development of smaller parcels of land within the overall site allocation is unlikely to provide the same opportunity.***

*The Council’s assessment of the sites also indicates that they form part of **a separation and natural break in the built environment between the built-up areas of Penwortham, Farington and Lostock Hall.** As concluded above, it is unnecessary to make further housing allocations to make the plan sound. Accordingly, the Council’s decision to allocate these sites as part of the wider area of Safeguarded Land does not make the plan unsound. **(my emphasis)***

8.5 The Inspector’s Report thus makes reference to two discrete issues which underlie the approach to comprehensive plan-led development: a) the importance of comprehensive development to coordinate infrastructure provision; and b) the role of land in this location in separating Penwortham, Farington and Lostock Hall. These relate to good quality design and place-making and the delivery of sustainable development.

Comprehensive Approach

8.6 A central element of South Ribble Local Plan’s Vision (CD1.2 p16) is to facilitate the delivery of necessary infrastructure alongside development and this is central to how the Council defines

sustainable development. This is fully consistent with the NPPF which sets out that the coordination of growth and infrastructure is a key component of what sustainable development is considered to be; Para 8a in the NPPF identifying that coordinating the provision of infrastructure and providing accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being as important components of delivering sustainable development. This is what the Council is trying to achieve.

- 8.7 Infrastructure is addressed upfront in Chapter A of the Plan. Para 4.1 states that the provision of infrastructure is an integral part of this plan and essential for the sustainability of [the borough's] towns and villages and the delivery of new development. It states that sustainable development should provide new, well-planned and accessible infrastructure upfront and make optimum use of existing infrastructure. The Plan defines infrastructure as including transport infrastructure (Para 4.4), social infrastructure (Para 4.6), utilities infrastructure (Paras 4.7-4.8) and green infrastructure (Para 4.9).
- 8.8 For each of the major residential development sites, which are addressed in Chapter 6, the Plan requires the preparation of an agreed masterplan for the comprehensive development of the site, a phasing and infrastructure delivery schedule, an agreed programme for implementation; and an agreed design code. Para 6.1 sets out that masterplans should be prepared in advance of the submission of planning applications; and the masterplan process should involve consultation with stakeholders and interested parties, and then adopted for the purposes of development management (presumably as SPD). Para 6.2 clarifies that the Masterplan should include a framework for access and movement; green infrastructure; land use; and infrastructure requirements. It is an essential element in coordinating good growth in the Borough.
- 8.9 The principle of "comprehensive development" in Policy G3 should be understood in these terms. A comprehensive, plan-led approach to development is one in which detailed consideration can be given through the plan-making process to issues such as: which parcels of land might be developed and for what uses, which might constitute green infrastructure, and what physical and social infrastructure needs to be brought forward alongside development.
- 8.10 The Council has a successful track record in the implementation of this approach including for a number of the large sites identified in the Local Plan including for the Cuerden Strategic Site, Moss Side Test Track, and Altcar Lane.
- 8.11 The lack of a comprehensive approach to development in this area raises, in my view, issues related to:
- a) Good design including the maintenance of separation and identities of Penwortham, Farington and Lostock Hall;

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- b). The effective engagement of local communities through the planning process which is an important element of the Council's plan-led approach;
- c). The provision of services and infrastructure which go to good place-making and support sustainable development.
- 8.12 Design quality and achieving well designed places and is fundamental element of achieving sustainable development and what the planning and development process should achieve (NPPF Para 124). The NPPF, in Paras 128 and 129, states that design quality should be considered throughout the assessment and evolution of individual proposals, and emphasises early, proactive and effective engagement with the community.
- 8.13 The appeal proposals represent, in my view, proposals for an isolated pocket of development which is separated from the existing urban area of Lostock Hall. This does not represent good planning.
- 8.14 They form only a part of the wider safeguarded land parcel bounded by Penwortham Way, Brook Lane, Chain House Lane, Church Lane and the Rail Line. The development of the site would prejudice the ability for the comprehensive, planned development of this wider land parcel. The remaining land I understand is owned by Homes England.
- 8.15 There is a further parcel of land located to the west of the rail line which adjoins and relates better to the existing urban area of Lostock Hall. In the previous appeal decision, the Inspector found in Para 70 that this 'Coote Lane section' is better related to the existing urban edge than the appeal site; and an overall masterplan for the site would assist in appropriate phasing so that land closest to the existing settlements could be developed first. I agree that this land could be developed independently, but consider that if safeguarded land was to be brought forward in this location, it would be sensible for this land to be developed first given its stronger relationship to Lostock Hall.
- 8.16 Next, I consider that the S3 allocation needs to be seen alongside the adjoining safeguarded land in S2 (South of Pickerings Farm) and S4 (Land off Church Lane, Farington) together with AS3, the designated Area of Separation between Farington, Lostock Hall and Penwortham. The potential for development of parts of the safeguarded land in this area, together with the Pickerings Farm allocation (EE) provides potential for coalescence of these settlements and erosion of their separate identities. This was referenced in the Inspector's Report (as set out above) as part of the justification for safeguarding S3. Again, this reinforces the need for a comprehensive masterplan-led approach to development to carefully consider what land is developed, and what is not and therefore remains open.

- 8.17 Travelling west along Coote Lane there is a distinct impression of departing from the Lostock Hall urban area as you travel over the bridge over the Preston – Blackburn rail line beyond which environment is rural with some ribbon development along Coote Lane. Similarly travelling along Church Lane, there is an impression of leaving the urban area as you rise over the bridge over the Preston-Ormskirk rail line. The converse is the case travelling west from Penwortham Way.
- 8.18 The appeal proposal is not for development of one of the fields which immediately abuts the urban area of Lostock Hall. It is separated from the existing urban edge and would represent an isolated development in an otherwise rural location, separated from the existing urban edge (as my Figure 8.2 below shows). Whilst the existing character of the area is of some ribbon development along Coote Lane and Chain House Lane, the scale of development proposed would be inconsistent and incongruous with this.
- 8.19 The Inspector at the previous inquiry found, as set out in Para 71 of the decision, that development of the appeal site, in isolation, in advance of the remainder of the adjoining and nearby land forming S3 would result in harm. Having regard both to existing ribbon development along Chain House Lane and the development in time of the Pickering Farm site, the Inspector found that the development of the appeal site would represent a disconnected pocket of housing in an otherwise currently undeveloped area. I fully agree with these findings.

Figure 8.2: Site Context and Surroundings



8.20 The High Court in *Davison v Elmbridge Borough Council*¹⁹ (CD7.7) has found that a previously quashed decision is capable of being a material consideration to which the principle of consistency of decision-making applies. The Inspector's findings following the previous Inquiry regarding comprehensive development were not subject to challenge.

8.21 I recognise that at some point in the future other parts of the safeguarded land could be brought forward for development. But there is a need for careful consideration to be given to the planning of development across the safeguarded land in this area to prevent the merging of Penwortham and Lostock Hall, and the maintenance of their separate identities, and to facilitate the coordination of infrastructure. This emphasises why comprehensive plan-led development is required in this area.

8.22 I recognise that applicant has liaised with Homes England regarding internal access to the site and has put forward a combined illustrative masterplan which includes the immediate Homes England land (1638WHD/CHL/IM01). Homes England has proposed the inclusion of conditions guaranteeing unencumbered and unfettered access through the appeal site to the Homes England land; and in respect of the location of the access from Chain House Lane (in accordance with SCP/18355/F02). It states that if these conditions are met, its objection would be withdrawn.

8.23 However, I would note the following in regard to the combined illustrative masterplan:

- The illustrative masterplan has not been agreed with the Council; nor has it been subject to public consultation and input. Moreover, it is purely illustrative.
- The access arrangements are unclear. The illustrative masterplan appears to show two vehicular access points from Chain House Lane; whereas Homes England's letter refers to the exact location and position of the junction off Chain House Lane as shown on the amended access plan (SCP/18355/F02) needing to be delivered as shown to avoid prejudicing delivery of safeguarded land to the north (Policy S2) and south (Policy S3);
- There has been no formal consultation process on the combined illustrative masterplan with the statutory consultees. Potential issues could arise regarding highways safety arising from pedestrian routes shown to the A582 Penwortham Way and the location of the second access to Chain House Lane shown on Plan 1638WHD/CHL/IM01;
- Given the potential dualling of the A582 Penwortham Way, as identified in the development plan, the western boundary of the site may require noise mitigation or acoustic fencing which has not been considered.

¹⁹ *Davison v Elmbridge Borough Council* [2019] EWHC 1409 (Admin)

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- 8.24 It is also not just the development of the immediately adjoining Homes England land which needs to be coordinated to achieve comprehensive plan-led development. There is a need to carefully consider the inter-relationship of development of land to the south of Chain House Lane (S3) and Coote Lane and that of land to the north (S2).
- 8.25 There is no certainty that if planning permission is granted, the Homes England site would actually be developed and/or when this might happen. The Illustrative Masterplan does not therefore address the previous Inspector's concern about isolated development (CD6.1 Para 71).
- 8.26 The Council's Planning Committee considered a Masterplan for the Pickerings Farm site to the north (CD8.2) on 17th September 2020. The Masterplan covered 100 ha of land, including both the allocated site (EE) and the safeguarded land (S2). The Masterplan was first consulted on in 2018, submitted to the Council in December 2019, a formal consultation then held, and the masterplan revised. The revised masterplan was submitted in September 2020 together with an outline planning application for up to 1,100 dwellings and full application for delivery of the Cross Borough Link Road.
- 8.27 The Masterplan proposed development of 2,000 homes, a local centre (which could include new convenience retail, offices, community uses and other services/facilities), a 2FE primary school and green infrastructure; together with delivery of a section of the Cross Borough Link Road in accordance with the Local Plan. The illustrative masterplan is set out in CD8.1²⁰ and includes residential development extending south to Chain House Lane. The potential for an access off Chain House Lane, directly opposite the appeal site is shown on Figure 6.7 therein.²¹
- 8.28 The Committee Report (CD8.2) identifies a number and range of outstanding issues including those related to highways and public transport (see Paras 65 and 66), outstanding concerns from Network Rail on the access arrangements, and further late amendments to the Masterplan. There remain outstanding issues regarding the how and when the Cross Borough Link Road Bridge will be delivered and whether the access from Chain House Lane is acceptable. It found that the Infrastructure Delivery Schedule did not provide a clear understanding of how and when necessary infrastructure needed to be delivered including the phasing of development and infrastructure.
- 8.29 The Committee refused the Masterplan as a result of concerns regarding highways, green infrastructure, ecology, drainage provisions, impact of air quality, lack of appropriate and necessary infrastructure, inappropriate mix of housing, and the impact on the residential amenity of the wider

²⁰ P5 in the PDF or p2 in Hard Copy

²¹ P25 in the PDF, or p32 in Hard Copy

community. The discussion emphasised the need for green infrastructure and public open space in character with the rural area and the phasing of delivery of the village centre amongst other issues.

8.30 Public open space is proposed within the masterplan, as shown on Figure 8.1 but appears to have been located in particular in areas liable to flooding, in the corridor where overhead pylons run, and to provide a buffer to the A582. Consideration of the location of open space/green infrastructure does not in my view appear to have had regard to the maintenance of separate identities of settlements; and with development of the site in this way together with the S3 safeguarded land there is a clear potential to see the coalescence of Penwortham and Lostock Hall and to erode their separate identities. There is the opportunity for further masterplanning work to address these issues.

8.31 As I have explained, a comprehensive approach is also considered important to the coordination of services and infrastructure which is of particular significance given the potential scale of change in this area.

8.32 Whilst I accept that key services and social infrastructure are accessible from the site and that this is not a RfR, it is not that close to key services:

- The nearest retail provisions are located in the centre of Lostock Hall which is approx. 0.82 miles from the site, a c. 15 minute walk;
- There is a primary school, Farington Moss St Paul's CoE, which is c. 0.6 miles or a c. 11 minute walk from the site; however, Lostock Hall Academy, the nearest secondary school, is 1.5 miles from the site;
- The NHS website indicates that the nearest GP surgeries are Lostock Hall Village Surgery on William Street and Medicare Unit Surgery on Croston Street, which are 0.7 miles from the site;
- Bus services from the site essentially run hourly, and the low frequency of services would in my view inhibit the proportion of trips made by bus.

8.33 I would note that the Sustainability Appraisal of the site as part of the Local Plan process did not have score strongly in terms of access to services. I have included an extract of this in My **Appendix A3**. A plan showing the relationship to key social infrastructure and services is shown below. Only a primary school is shown within a 1km radius.

Figure 8.2: Key Services & Social Infrastructure Plan



- 8.34 The proposed contribution towards a bus service for 5 years and cycle parking enhancements at Lostock Hall Station would have some impact in mitigating these issues. However comprehensive development would provide the opportunity to coordinate improvements to social and community and transport infrastructure as the development plan envisages.
- 8.35 The NPPF states at Para 15 that the planning system should be genuinely plan-led. Para 16c states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, infrastructure providers and operators and other consultees. The plan-making process is the means of doing this – allowing a range of parties to input to the strategy for development in their areas, and coordinating growth and infrastructure provision. The granting of consent for development now, outside of the local plan process, would represent a breach of this central tenet of our planning system that it should be plan-led.
- 8.36 The Pickering’s Farm masterplan has elicited a significant response from local residents. Approximately 700 responses were received on the draft Masterplan consultation in November 2018 from the general public. 156 letters of representation were received to the further Masterplan consultation in January 2020 with a further 101 responses to further consultation in August/September 2020. The rate of response to nearby development proposals demonstrates the high level of public interest and concern about development in this area.

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- 8.37 The Inspector at the previous Inquiry found in Para 72 in respect of the appeal proposals that “*the development would not establish a strong sense of place nor optimise the site’s potential to accommodate and sustain an appropriate amount and mix of development, contrary to Section 12 of the Framework in achieving well-designed places. It also fails to represent effective community engagement, and to take the opportunities available for improving the character and quality of an area and the way it functions.*” She found that it would cause harm and “*prejudice the potential longer-term, comprehensive development of safeguarded land within which the appeal site is located*” (Para 74). For the reasons which I have explained in this section, I agree with this conclusion.
- 8.38 In 2014 adjoining land at Coote Lane, Farington, Leyland adjacent to the appeal site was the subject of a planning application for 105 dwellings which was dismissed at Appeal. The Decision is CD6.4. Paragraph 18 of the Appeal decision concludes that the proposal (which was subject to similar policies of the current application) would seriously undermine the Council’s ability to manage the comprehensive development of the area. This is a material consideration, and for the reasons I have explained in my view the same position applies in respect of this appeal.
- 8.39 Paragraph 22 of the Decision Letter concludes that the proposal would harm the Council’s ability to manage the comprehensive development of the area “*That is to ensure sufficient land of the right type is available in the right places and at the right time to support growth, and to coordinate development requirements*”. This remains the case now.

9. PLANNING BALANCE

- 9.1 In this section I draw together the key issues relevant to the determination of the appeal, having regard to national planning policy, the development plan and material considerations.
- 9.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3 I consider that the most important development plan policies for the determination of the appeal are CS Policy 4 and Policy G3 in the 2015 Local Plan. For the reasons I have explained, I consider that these policies are out-of-date. As the most important policies are out-of-date, the appeal stands to be determined using the tilted balance in NPPF Para 11d such that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, assessed against policies in the Framework as a whole.
- 9.4 Policy G3 is consistent with the NPPF. The development site is allocated as safeguarded land which is not intended to be developed at the current time. For the reasons I have explained, the appeal scheme conflicts with this Policy and is therefore contrary to the development plan as a whole.
- 9.5 Before examining the alleged impacts, I consider the overall benefits arising from the appeal proposals.

Benefits

- 9.6 I consider that there are a number of benefits which would arise from the appeal scheme:
- **Market housing** – the provision of up to 70 market homes would be a benefit, but I consider that this should be afforded no more than moderate weight in view of the very strong housing land supply position which exists in South Ribble. Further, any housing proposal in safeguarded land would (self-evidently) deliver more housing. That is not a benefit which can justify development on safeguarded land or else the strong level of protection afforded to it would be rendered otiose.
 - **Affordable housing** – the 2020 Housing Study identifies a need for 208 rented affordable homes a year (looking from 2018 forwards). Over the last two years (2018-20) 178 affordable

homes have been delivered.²² The Council however has a sizeable pipeline of affordable housing of 798 dwellings on sites with extant planning consent, details of which I have set out in **Appendix A2**. This alone will not however meet the needs identified in the Housing Study in full.

The Council is proactive in seeking to deliver affordable housing. The Pearson House site in the schedule is a former Council-owned office building in Bamber Bridge. The Council itself is bringing forward the redevelopment of the former McKenzie Arms site in Bamber Bridge to deliver 15 affordable rented homes. It is also looking to directly deliver an affordable extra care scheme and has identified a Council-owned site to do so. It works actively and collaboratively with Registered Providers to support affordable housing delivery, including in identifying and supporting applications for funding and in identifying site opportunities.

The immediate affordable housing need is shown by the scale of households on the Council's Housing Register. At the current time there are 1,252 live applications on the Register (of which 342 are existing social housing tenants requiring a transfer). The immediate need net of transfers is thus from 910 households. Set against this, the supply of existing properties which come up for re-let per annum is 273 per annum (CD1.6 Table 5.6).²³ Having regard to the scale of supply from existing stock and the pipeline provision, there is a reasonable prospect of meeting those with a short-term need who have presented themselves to the Council.

Having regard to the needs and supply evidence, I consider that the provision of 30 affordable homes would equate to a significant benefit.

- **Economic benefits** – economic benefits associated with the development proposals relate to employment within the construction period, one-off New Homes Bonus and CIL receipts, increased Council Tax revenues and spending from new residents on shops and services.

However, in the context of the Borough overall, the contribution would be modest and in the main temporary, and would be achieved by other residential development schemes, and therefore in my view these benefits attract limited weight. Further, they are economic benefits which would inevitably flow from any housing development in safeguarded land.

9.7 As the Inspector of the previous inquiry found, the majority of benefits are generic and no more than would be expected from any major housing development (CD6.1 Para 95).

²² Housing Land Position Statement (CD1.18) p12

²³ Page 43 in the PDF, or p40 in Hard Copy. This figure is also net of transfers.

Neutral

- 9.8 I consider that provision of on-site open space and contributions to off-site play space are to mitigate the impacts of the development. Development in an accessible location is a requirement of all development schemes, and this is not a highly accessible location. The site is outside of the urban area, some distance from the town centre and surrounded by open countryside.
- 9.9 Similarly the accordence of the scale of development with the settlement hierarchy, which the Appellant alleges as a benefit, I consider is a policy requirement (related to CS Policy 1) which would be considered neutral in the planning balance.
- 9.10 The S106 includes a time-limited contribution to assist in maintaining the existing hourly bus service for a period of 5 years and a contribution to cycle parking improvements at Lostock Hall Station. These is necessary to make the development acceptable through enabling access by public transport. Questions must be raised regarding the future of the bus service after 5 years when the funding would no longer apply.
- 9.11 I acknowledge that the proposal would contribute to the delivery of housing and supply the aspirations of the City Deal. However, the site does not form part of the agreed sites that are subject to the requirements of the Deal and therefore little weight can be attached to this aspect.
- 9.12 Whilst concerns have been raised by third parties, including about the ability of the local highway network to cope with the additional traffic, together with concerns about ecology, drainage, noise and air pollution, there are no formal objections raised from any of the statutory consultees.
- 9.13 I consider these elements to be neutral in the planning balance.

Harms

- 9.14 Set against the benefits, I find that significant harms arise:
- **Conflict with G3 and the statutory development plan** - this is a fundamental conflict with the statutory development plan;
 - **Comprehensive development** – the development would result in substantial harm to the ability to manage the comprehensive development of the area and coordinate land use in a sensitive area between settlements. Piecemeal development of part of the site is incompatible with Policy G3, would not constitute sustainable development and would cause harm to the comprehensive development of the area.

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- **Principle of achieving well-designed places** – harm would result from development of an isolated site which is separated from the existing urban edge and would not represent good quality design and place-making. I consider this harm to be of a significant scale.
 - **Co-ordination of infrastructure and services** – harm would also arise from the inability to coordinate the delivery of infrastructure and services. This goes to the long-term sustainability of the area, the ability to ensure access to services and green infrastructure, and to secure funding and delivery. I consider that significant harm would arise.
 - **Plan-led System** – I consider that there would be harm to the principle of and confidence in the plan-led system, which I consider to be moderate in scale (per the *Gladman* judgment above).
 - **Effective engagement of local communities** – I consider that harm would also arise from inability of local communities to input to and influence change within a sensitive area on the edge of and between settlements. Given's Government's emphasis on effective engagement in the planning system, I consider this harm to be of moderate scale.

Conclusion

9.15 I come to the conclusion that, in my professional opinion, the adverse impacts which would arise from the granting of planning consent for the appeal scheme would significantly and demonstrably outweigh the benefits. Further, material considerations would further support the refusal of consent because the proposal is not sustainable development, for the purposes of the NPPF, having applied the tilted balance. I would therefore respectfully recommend that planning permission should be refused.

A1 LOCAL PLAN EXAMINATION EXPERIENCE

The table below sets out the local authorities with which I have worked over the course of the last 6 years on issues related to housing need, including those which I have supported at Local Plan Examinations.

Table A0.1 My Experience of Advising Local Authorities on Housing Need

Authority	Advice in respect of:				NI Support at EIP	Plan adopted
	Overall Housing Need	Affordable Housing Need	Need for Different Types of Housing	Homes/ Jobs Balance		
Adur	✓	✓	✓	✓	✓	2018
Amber Valley	✓	✓	✓	✓	✓	
Arun	✓	✓	✓	✓	✓	2018
Ashfield		✓	✓			
Ashford	✓	✓	✓	✓	✓	2019
Bassetlaw	✓	✓	✓	✓		
Blaby	✓	✓	✓	✓	✓	2019
Bolsover	✓	✓	✓	✓	✓	2020
Bournemouth	✓	✓	✓	✓		
Bracknell Forest	✓	✓	✓	✓		
Brighton & Hove	✓	✓	✓	✓	✓	2015
Broxbourne	✓	✓	✓	✓		2020
Broxtowe		✓	✓			
Charnwood	✓	✓	✓	✓		2015
Cherwell	✓	✓	✓	✓	✓	2015
Chesterfield	✓	✓	✓	✓	✓	2020
Chorley	✓	✓	✓	✓		
Christchurch	✓	✓	✓	✓		2014
City of London	✓	✓	✓			
Coventry	✓	✓	✓	✓	✓	2017
Crawley	✓	✓	✓	✓		
Croydon	✓	✓	✓	✓		2018
Dacorum	✓	✓	✓	✓		
Derby	✓	✓	✓	✓	✓	2017
Derbyshire Dales	✓	✓	✓	✓	✓	2017
East Hampshire	✓	✓	✓	✓		
Eastleigh	✓	✓	✓	✓		
Erewash	✓	✓	✓	✓		

Authority	Overall Housing Need	Affordable Housing Need	Need for Different Types of Housing	Homes/ Jobs Balance	NI Support at EIP	Plan adopted
Fareham	✓	✓	✓	✓		
Gedling		✓	✓			
Gosport	✓	✓	✓	✓		2015
Guildford	✓	✓	✓	✓	✓	2019
Halton	✓	✓	✓	✓		2013
Harborough	✓	✓	✓	✓	✓	2019
Harrogate	✓	✓	✓	✓		2020
Havant	✓	✓	✓	✓		
Herefordshire	✓	✓	✓	✓	✓	2015
Hertsmere	✓	✓	✓	✓		
Hickley & Bosworth	✓	✓	✓	✓		
Horsham	✓	✓	✓	✓	✓	2015
Hull	✓	✓	✓	✓		2017
Isle of Wight	✓	✓	✓	✓		
Knowsley	✓	✓	✓	✓		2016
Leicester	✓	✓	✓	✓		
Lewes	✓	✓	✓	✓	✓	2016
Lichfield	✓	✓	✓	✓		
Liverpool	✓	✓	✓	✓	✓	
Maidstone	✓	✓	✓	✓	✓	2017
Maldon	✓	✓	✓	✓		
Melton	✓	✓	✓	✓	✓	2018
New Forest National Park	✓	✓	✓	✓	✓	2019
North Dorset	✓	✓	✓	✓		2018
NE Derbyshire	✓	✓	✓	✓	✓	
Nottingham		✓	✓			
North Kesteven	✓	✓	✓	✓		
North Warwickshire	✓	✓	✓	✓	✓	2014
NW Leicestershire	✓	✓	✓	✓	✓	2017
Nuneaton & Bedworth	✓	✓	✓	✓		2019
Oadby & Wigston	✓	✓	✓	✓		2019
Oxford	✓	✓	✓	✓		2020
Peterborough	✓	✓	✓	✓		2019
Poole	✓	✓	✓	✓	✓	2018
Portsmouth	✓	✓	✓	✓		

Authority	Overall Housing Need	Affordable Housing Need	Need for Different Types of Housing	Homes/ Jobs Balance	NI Support at EIP	Plan adopted
Preston	✓	✓	✓	✓		
Purbeck	✓	✓	✓	✓		
Reading	✓	✓	✓	✓		2019
Reigate & Banstead	✓	✓	✓	✓		
Richmond-upon-Thames	✓	✓	✓	✓	✓	2018
Rugby	✓	✓	✓	✓	✓	2019
Rutland	✓	✓	✓	✓		
Runnymede	✓	✓	✓	✓		
Rushcliffe		✓	✓			
Sedgemoor	✓	✓	✓	✓		2019
Sevenoaks	✓	✓	✓	✓		
Slough	✓	✓	✓	✓		
South Derbyshire	✓	✓	✓	✓	✓	2016
South Downs	✓	✓	✓	✓		2019
South Holland	✓	✓	✓	✓		2019
South Kesteven	✓	✓	✓	✓		
South Oxfordshire	✓	✓	✓	✓		
South Ribble	✓	✓	✓	✓		
Southampton	✓	✓	✓	✓		
Spelthorne	✓	✓	✓	✓		
St Albans	✓	✓	✓	✓		
St Helens	✓	✓	✓	✓		
Stratford-on-Avon	✓	✓	✓	✓		2016
Sutton	✓	✓	✓	✓		2018
Test Valley	✓	✓	✓	✓	✓	2016
Thanet	✓	✓	✓	✓		2020
Three Rivers	✓	✓	✓	✓		
Tonbridge & Malling	✓	✓	✓	✓		
Torridge	✓	✓	✓	✓	✓	2018
Tunbridge Wells	✓	✓	✓	✓		
Vale of White Horse	✓	✓	✓	✓	✓	2016
Warrington	✓	✓	✓	✓		
Warwick	✓	✓	✓	✓	✓	2017
Watford	✓	✓	✓	✓		

Authority	Overall Housing Need	Affordable Housing Need	Need for Different Types of Housing	Homes/ Jobs Balance	NI Support at EIP	Plan adopted
Waverley	✓	✓	✓	✓	✓	2019
West Berkshire	✓	✓	✓	✓		
West Lancashire	✓	✓	✓	✓		
West Oxfordshire	✓	✓	✓	✓		2018
Winchester	✓	✓	✓	✓		
Windsor & Maidenhead	✓	✓	✓	✓	✓	
Wirral	✓	✓	✓	✓		
Wokingham	✓	✓	✓	✓		
Worthing	✓	✓	✓	✓		
York	✓	✓	✓	✓		

A2. AFFORDABLE HOUSING PIPELINE – SOUTH RIBBLE

Table A0.2 Affordable Housing Pipeline

Ward	Site	Planning Application Ref	Permission Date	Total No. Permission ed Dwellings	Under Construction	At 1st April 2020				
						On-site Affordable Housing Provision Total. No/% Affordable	Off-site Affordable Housing Provision	Affordable Completions	Pipeline Affordable Housing	
Bamber Bridge East	Wesley Street	07/2017/2333/REM, O	04.09.2017	196	Y	20	10%	N/A	20	0
Bamber Bridge East	McKenzie Arms, Station Road	07/2020/00396/FUL	04.09.2020	15	N	15	100%	N/A	0	15
Bamber Bridge West	Pearson House, Station Road	07/2019/0402/FUL	21.11.2019	9	N	9	100%	N/A	0	9
Coupe Green and Gregson Lane	Olive Farm	07/2017/3843/FUL	13.12.2019	70	N	30	43%	N/A	0	30
Coupe Green and Gregson Lane	Brindle Road (P1 Persimmon)	07/2017/2325/FUL	18.12.2018	261	N	78	30%	N/A	0	78
Coupe Green and Gregson Lane	Brindle Road (P2 Bellway)	07/2017/2900/FUL	31.08.2018	193	Y	43	22%	N/A	4	39
Farington East	Grasmere Avenue	07/2016/0186/REM, O	28.07.2016	160	Y	16	10%	N/A	16	0
Farington East	Cuerden Strategic Site	07/2017/0211/ORM	20.12.2017	128	N	38	30%	N/A	0	38
Farington West	Croston Road (Kier)	07/2019/2313/REM, O	27.06.2019	174	Y	27	16%	15%	0	27
Farington West	Croston Road (Keepmoat)	07/2020/00544/REM	11.03.2019	399	N	60	15%	15%	0	96
Farington West	Croston Road (Keepmoat)	07/2020/00552/FUL	18.12.2020	121	N	36	30%	N/A	0	36
Farington West & Earnshaw Bridge	Croston Road (Miller)	07/2015/1726/REM, O	08.09.2015	175	Y	26	15%	15%	26	0
Moss Side	Test Track (Phase 2)	07/2017/3361/ORM	07.11.2019	197	N	59	30%	N/A	0	59
Moss Side	Test Track (Phase 3-5)	07/2017/3361/ORM	07.11.2019	753	N	226	30%	N/A	0	226
Seven Stars	Altcar Lane (Redrow P1)	07/2020/00935/REM, O	16.01.2020	236	Y	47	20%	10%	0	47
Seven Stars	Altcar Lane (Redrow P2)	07/2016/0591/OUT	21.09.2017	154	N	31	20%	10%	0	31
Seven Stars	Altcar Lane (Lovell)	07/2016/0591/OUT, O	06.09.2018	200	Y	60	30%	N/A	21	39
Walton le Dale West	Gas Works	07/2018/5502/VAR, O	01.04.2014	281	Y	28	10%	N/A	0	28
Total				3722		849			87	798

A3. SITE EXTRACT FROM LOCAL PLAN SA

Site Portfolio



Site Name: South of Coote Lane, Chain House Lane, Farington	
Neighbourhood: Lostock Hall	Size: 32 Ha
Current Allocation in Local Plan: D8 Safeguarded Land	

Preferred Options/Publications Ref:	Safeguarded x
SHLAA Ref:	FW8
Issues & Options Ref:	SR115/SR123/ SR089/SR052
Local Plan 2000 Ref:	Safeguarded f (eastern part)
Planning Application Ref:	Yes 12/0692/ORM

Position at February 2013:	Proposed Allocation: Safeguarded for future development
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Justification (Justified/effective/deliverable/viable/consistent with Policy)

The site is allocated as 'Safeguarded Land' in the South Ribble Local Plan 2000, and is subject to Policy D8. It is proposed to carry this allocation forward.

The site was identified in the 2010 Strategic Housing Land Availability Assessment as suitable for housing development. It was also put forward as a site suggestion by a landowner or developer.

As there are other large areas of development being brought forward in the surrounding area, particularly Pickering's Farm (part of the Broad Strategic Location) this Land is currently not required for development within the Plan period as sufficient land is identified elsewhere to meet the Borough's development requirements up to the year 2026.

This site along with others is seen as a key part of the separation and natural break in the built environment between Penwortham, Farington and Lostock Hall. Given the nature of the surrounding area, a safeguarded for future development allocation is the most appropriate for the site at this point and future reviews can take place towards the end of the plan period to review this position.

It is seen as necessary to safeguard land between the urban areas and the Green Belt to meet the Borough's longer term development needs.

It is envisaged that the land identified will remain in its existing use for the foreseeable future. It is intended to be kept free from new physical development and to be kept open at least during the Plan period or until the Plan is reviewed.

Sustainability Appraisal

Please see full sustainability appraisal proforma attached

Sustainability Appraisal

SA Obj	Indicator	Site Performance	SA Comments
S1	Distance to railway station	1.61 to 2.4km	Site does not score well in relation to this objective. Development on this site does have access to local services. Three of the indicators fall within Band C due to the distance to a railway station, a post office and a secondary school. Two indicators fall within Band D due to the distance to a service centre and a supermarket. Two of the indicators fall within Band E due to the in-frequent rail service and the site is located outside a town centre.
	Rail service frequency	Without Station	
	Distance to nearest bus stop	0-400m	
	Bus service frequency	2-5 per hour	
	Distance to service centre	2.41 to 3km	
	Distance to A Road junction	Up to 0.4km	
	Distance to motorway junction	1.61 to 3km	
	Distance to supermarket	1.61 to 3km	
	Distance to convenience store	Up to 0.4km	
	Distance to Post Office	0.81 to 1.2km	
	In City or Town Centre	Outside	
	Distance to Primary School	0.4 to 0.8km	
	Distance to Secondary School	1.61 to 3.2km	
	On a cycle route	Yes	
Distance to cycle route	0-400m		
S2	Distance to GP surgery	0.81 to 1.6km	The site does not score well in relation to this objective. Two of the indicators fall within Band C and one indicator falls within Band E. There may be issues with access to healthcare and to a local centre.
	Distance to NHS general hospital	5.1 to 10km	
	Distance to public open space/park	0.41 to 0.8km	
	Distance to local centre	Over 1.6km	

SA Obj	Indicator	Site Performance	SA Comments
EN 1	Designation of Land	Safeguarded Land	This site scores well against this objective with all but three of the indicators falling within Band A. The fact that the site falls within Band C in terms of agricultural classification and it is located outside a settlement is not detrimental, nor is the fact that the site is on safeguarded land.
	Area of Separation	Outside	
	AONB	Outside	
	SSSI	Outside	
	Biological/ Geological Heritage Site	Outside	
	Type of Location	Outside Settlement	
	Agricultural classification	3/5	
EN 2	Conservation Area	Outside	Site would not have any negative impact on any listed buildings or any other heritage assets. All of the indicators fall within Band A.
	Ancient Monument on site	No	
	Registered Park or Garden	Outside	
	Listed Building on site	No	
	Locally Listed Building on site	No	
EN 3	Current/former land use	Greenfield	The site does not score well in relation to this indicator / objective, as it falls within Band D because it is a Greenfield site.
EN 4	Flood Zone area	Zone 1	This site is not within a flood zone area.
EN 5	Contaminated land	Low	The site is likely to have low levels of contamination, but it is located within 3km of a traffic congestion spot. Consequently, one indicator falls within Band A and the other indicator falls within Band C.
	Within 3km of a congestion spot	Yes	
EC 1	Distance to employment site	0.41 to 0.8km	Both of the indicators fall within Band A. Therefore, development on this site would satisfy this objective.
	Access to Broadband	Yes	
EC 2	Distance to further/higher education	1.61 to 2.4km	Site scores well in relation to this objective. The indicator falls within Band B.

SA Obj	Indicator	Site Performance	SA Comments
Deliverability Indicators	Access to sewer system	Yes	Is the site deliverable: Yes
	Access to water	Yes	
	Access to gas	Yes	
	Access to electricity	Yes	
	Existing road access	Yes	
	At risk from hazardous installations	No	

Aerial Photograph showing Indicative Boundary

