

Taylor Wimpey and Homes England

Appeals Against Refusals of Planning Permission

Appeal A Ref: APP/F2360/W/22/3295498

Appeal B Ref: APP/F2360/W/22/3295502

Land at Pickerings Farm, Penwortham

Proof of Evidence of Craig Alsbury BA(Hons) BTP MRTPI

25 July 2022

Contents

1.	Introduction and Instructions	4
2.	Background to the Appeals	6
3.	Matters in Dispute	10
4.	The Development Plan and Other Material Considerations.....	11
5.	Assessment of Main Issues	13
6.	Matters Raised by Interested Parties	31
7.	The Benefits of the Proposed Development.....	35
8.	The Planning Balance and Conclusions	39
9.	Conditions, Obligations and CIL.....	43

Appendices

Appendix 1	Letter from Homes England
Appendix 2	Indicative Phasing and Implementation Plan
Appendix 3	Technical Note by Matt Stooling of Isopleth
Appendix 4	Technical Note by John Lees of Lees Roxborough
Appendix 5	Technical Note by Tim Goodwin of Ecology Solutions
Appendix 6	Update Report on Affordable Housing by James Stacey of Tetlow King

Report title: Proof of Evidence

Prepared by: Craig Alsbury

Status: Final

Draft date: 25 July 2022

1. Introduction and Instructions

Qualifications and Experience

- 1.1 I am a member of the Royal Town Planning Institute and hold a Bachelor of Arts degree (with Honours) in Town & Country Planning, and a Bachelor of Town Planning degree, both from the University of the West of England. I have 26 years post-qualification experience.
- 1.2 After graduating in 1995, I joined the City of Stoke on Trent as a Planning Officer in Development Control. During my 4 years with the authority, I dealt with applications for planning permission, listed building and conservation area consent, advertisement consent and prior approvals for telecoms equipment, agricultural development and the demolition of dwellings. I also dealt with the majority of the Council's enforcement matters.
- 1.3 I joined Avison Young (then GVA Grimley) as a Senior Planner in 1999. I was then promoted on several occasions and was made a Partner of GVA Grimley in 2005. The ownership and structure of the Business has changed since then and I am now a Principal of Avison Young and Head of its Planning, Development and Regeneration team in the Midlands. I am also Chair the Executive which leads the Planning, Development and Regeneration division in the UK and I Chair the Executive which provides oversight of the work that Avison Young does across all service lines in the Midlands region. I have a team of 17 town planners servicing clients across England and into parts of Wales. I am based at 3 Brindleyplace in Birmingham.
- 1.4 I practice mainly in statutory planning work, that is: planning appraisals, planning applications, appeals and the promotion of sites through the development plan process. I advise both public and private sector clients and have extensive experience in a broad range of development types. However, the majority the work that I do is in the housing sector and I am currently advising on a number of large, complex proposals on both greenfield and brownfield sites.

Instructions

- 1.5 I am instructed by Homes England and Taylor Wimpey to act as lead consultant and town planning expert in this case. I have been working on the project since April this year, when I took over from a fellow Principal in our Manchester Office. He has since retired from the Business.
- 1.6 Since receiving instructions, I have: reviewed the development plan and the other material considerations that are relevant to this case; I have examined the 2020 and the 2021 planning applications that were submitted by Taylor Wimpey and Homes England; and I have visited the site and surrounding area. Therefore, I am familiar with the appeal sites, the surrounding area, the proposed development and the matters that are to be examined through this Appeal.

Structure of Evidence

- 1.7 The remainder of this Proof of Evidence is structured as follows:
 - in **Section 2**, I describe the background to the Appeals and the considerable time and effort that has been expended on the development of what is a sound set of application documents and an excellent masterplan;
 - in **Section 3**, I summarise the key matters in dispute between the main parties by reference to the Main Issues specified by the Inspector;

- in **Section 4**, I describe how planning decisions must be taken and provide a brief summary of the relevant provisions of the development plan and other material considerations;
 - in **Section 5**, I examine the merits of the appeal proposals having regard to the provisions of the development plan and other material considerations, in the process reaching conclusions on the merits of the reasons for refusal;
 - in **Section 6**, I provide comments on a range of other matters that have been raised by interested parties;
 - in **Section 7**, examine the benefits of the proposed development;
 - in **Section 8**, I examine the planning balance and set out my conclusions; and
 - in **Section 9**, I deal briefly with planning conditions, obligations and CIL
- 1.8 I do not, in any of the Sections that follow, describe the site and surrounding area or the appeal proposals as these are matters that I consider are adequately covered by the Main Statement of Common Ground (“MSoG”) (**CD10.4**), the Masterplan (**CD1.16**), the Design and Access Statement and Design Code (**CD1.17**) and the Planning Statement submitted with the Appellant’s planning applications (**CD1.18**).
- 1.9 Where appropriate and necessary, I cross refer to the Proofs of evidence of Mike Axon of Vectos on transport matters, and Adam Thornton of 5plus Architects on masterplanning. I also refer to several Statements and Technical Notes that have been produced by other experts advising the Appellants and which are appended to this Proof of Evidence.

Declaration

- 1.10 The evidence which I have prepared and provide for these Appeals (Refs: APP/F2360/W/22/3295498 and 3295502) in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. Background to the Appeals

The Appellants

- 2.1 The Appellants are Taylor Wimpey and Homes England. The parties have entered into a Collaboration Agreement to bring forward and deliver the appeal proposals.
- 2.2 Taylor Wimpey is one of the largest and most experienced housebuilders in the UK. It is listed on the London Stock Exchange and is a constituent of the FTSE 100 Index. Homes England is the Government's housing accelerator whose purpose is to drive positive market change by releasing more land to developers, ensuring the Government is able to meet its housing targets, help to improve neighbourhoods and grow communities. Both Appellants have extensive track records in working collaboratively with Councils and communities to create high quality development proposals and, critically, in the delivery of these to the benefit of local people and housing markets.
- 2.3 The Appellants have been working together on these proposals since 2018 and they will continue to collaborate through the implementation phases of the scheme. This is the first time that Homes England has appealed a refusal of planning permission in many years. The decision to do so has not been taken lightly. Homes England has provided a statement on the importance of the timely delivery of this site, which can be found at **Appendix 1**.

The 2019 Masterplan

- 2.4 A first Masterplan for the Pickerings Farm allocation (and safeguarded land to the south) was prepared by Mr Thornton and his team back in 2009, but the present Masterplan is an evolution of a version that was produced over a period of 18 months from mid-2018 to late 2019. An early 'draft' version of the Masterplan was prepared following a visioning exercise conducted with local people in June 2018 and was endorsed by the Council's Planning Committee in November 2018. The engagement at the visioning stage included written communications, social media, engagement with local schools, exhibitions and meetings. Between November 2018 and January 2019, there followed a further period of engagement and consultation with the local community and key stakeholders, including via a project website, additional exhibitions and meetings, and meetings held with a 'Steering Group' consisting of the Appellants, Officers of the Borough and County Councils, Borough Councillors and members of Penwortham Town Council. Margaret Smith (Conservative Leader of the Council prior to 2019) was also in regular attendance.
- 2.5 In the light of the feedback received, a more detailed version of the Masterplan was produced and this was presented to the Council for consideration approval in December 2019. The Masterplan was accompanied by a detailed commentary which explained how it had evolved in the light of input from interested parties. The Masterplan comprised 3 documents: a Masterplan; a Design Code and an Infrastructure Delivery Schedule.
- 2.6 The 2019 Masterplan was subject to a third extensive period of consultation between December 2019 and September 2020. Following an initial consultation organised by the Council in early 2020, the Appellants held several meetings with the Council and key stakeholders and various suggestions were made as to amendments.
- 2.7 In June 2020, the Council provided written feedback on the Masterplan which summarised its own comments and comments that it had received from others. It was explained that it was Officers' intention to present the Masterplan to planning committee in September 2020 and therefore a 'final' version of the Masterplan, which addressed the various comments that had been made, was submitted to the Council in early August 2020. The Council then ran a further consultation exercise

between 10 August – 4 September 2020. Detailed feedback was provided by Lancashire County Council (“LCC”) (as Local Highway Authority) on 3 September 2020. In that feedback, LCC identified matters that it considered required further discussion with the Appellants.

- 2.8 Officers presented the Masterplan to the Council’s Planning Committee in September 2020 as planned but recommended that a decision on whether to approve or reject it be deferred to allow discussions to continue on certain matters, predominantly relating to highways. Officers concluded in their report that the outstanding matters were capable of being resolved through further discussion with the relevant bodies. However, Members did not defer and instead resolved to reject the Masterplan against the recommendation of Officers.
- 2.9 Following the September 2020 committee, the Officers provided a written explanation of the reasons for the Committee’s rejection of the Masterplan. These can be summarised as follows:
- a) outstanding matters to be addressed in the Local Highway Authority response;
 - b) Network Rail are still to address the use of the Bee Lane and Flag Lane railway bridges;
 - c) Highways England are still to address issues of the impact on the Strategic Road Network;
 - d) Members were not satisfied with the wide spread of 3 and 4 storey buildings shown on the Building Heights Parameters Plan;
 - e) developers to provide certainty with regard to deliverability especially with regard to key infrastructure such as highways, sustainable access, education, community facilities, sports provision and affordable housing;
 - f) increase the amount of Green infrastructure and Public Open Space which respects the rural character of the area and protects the high quality elements such as the Orchard including firm commitment for the retention of Orchard site;
 - g) firm commitment to retain all existing hedgerows and trees of A and B category;
 - h) ecology surveys of whole of Masterplan site, regardless of ownership and including Safeguarded Land; and
 - i) further consideration of proposed to discharge surface water to Mill Brook.
- 2.10 The Appellants held a ‘workshop’ meeting with Officers in February 2021 to discuss proposals that the Appellants had for amendments to the Masterplan. Agreement was reached on some areas of further work that would be undertaken to support the Masterplan and Officers accepted that, in some instances, concerns that had been raised by Members had already been addressed (by the Masterplan, prior to the Committee Meeting).

The 2019 Applications

- 2.11 As work on the 2019 Masterplan progressed, the Appellants set about preparing an outline planning application for up to 1,100 dwellings on the land within their control (Appn ref: 07/2020/00015/ORM). Also, at the request of Members, an application was prepared for full planning permission for construction of that section of the Cross Borough Link Road (“CBLR”) from Penwortham Way in the west to Bee Lane in the east, connecting to the existing bridge over the West Coast Main Line railway (Appn. Ref: 07/2020/00014/FUL). The road passed through both land controlled by the Appellants and third party land. Both applications were submitted to the Council on 19 December 2019.

- 2.12 The applications were subject to consultation in early 2020 and the Appellants held a series of meetings with the Council on planning and highways matters in that period. During those meetings, the Council indicated that it intended to deal with the Masterplan, and any changes required to it, as a first step.
- 2.13 The applications were withdrawn by the Appellants on 31 March 2021, after receiving the Council's written feedback on the Masterplan following its rejection by Committee in the preceding September. The intention was to prepare fresh submissions based on an amended Masterplan.

The 2021 Outline Applications

- 2.14 The Appellants submitted the applications that are now the subject of this appeal on 9 August 2021. The submissions were referred to as 'Application A' (for up to 920 dwellings) and 'Application B' (for up to 180 dwellings). The applications were validated on 10 August 2021 and a target determination date set for 30 November 2021.
- 2.15 Most of the documentation submitted for Applications A and B is identical. Both applications are supported by the same amended Masterplan, DAS and Design Code, Environmental Statement, Planning Statement and other technical documents. Bespoke Parameter Plans were submitted for each site. Application A also includes detailed Access Plans for the primary access onto Penwortham Way and an access from the north eastern parcel of development onto Bee Lane.
- 2.16 Mr Thornton explains more fully the masterplanning process, the changes that were made to it for the purposes of the 2021 planning applications and, critically, what it illustrates and why. Suffice it to say here that several changes were made to the Masterplan in 2021 in response to the feedback provided by the Council's Planning Committee in September 2020 and Officers in February 2021. The full suite of changes made were summarised in the Planning Statement submitted in August 2021 (**CD1.18**).
- 2.17 The Appellants held two post-submission meetings with the Council in early and late October 2021, and also met with LCC (as LHA), National Highways, Network Rail, Penwortham Town Council, and Sport England. Although the majority of these meetings were largely positive and gave clear indications as to how any outstanding concerns might be dealt with, no such agreements could be reached in respect of highways and transport matters.
- 2.18 Both applications were refused at Planning Committee on 29 November 2021. The Decision Notices are **CDs 8.3** and **8.4**. They each contain 11 reasons for refusal ("RfR"). The Inspector has very helpfully distilled these down into 6 Main Issues and I return to these later.

The Appeals

- 2.19 The appeals were lodged on 16 March 2022 and were accompanied by a full Statement of Case (SoC) (**CD10.2**) and a Draft MSoCG.
- 2.20 Since then, the Appellants and their advisers have been working with the Council and its consultees to agree common ground, identify and narrow the issues between the parties and address areas of concern. A MSoCG was submitted to PINS on 8 June 2022 (**CD10.4**) and a Technical Statement of Common Ground ("TSoCG") on Air Quality was submitted on 12 July 2022 (**CD10.6**).
- 2.21 The Council's SoC was submitted to PINS on 25 May (**CD10.3**). I have reviewed it and note that it adds very little to the RfR.

2.22 I note that there are no Rule 6 Parties to the Appeals but that a number of Interested Parties have written to the PINS with comments on the proposals. I address these, insofar as it is necessary / relevant to do so, later in this Proof of Evidence.

3. Matters in Dispute

- 3.1 The principal matters that are in dispute in this case have been distilled down into 6 'Main Issues' by Inspector and these read as follows:
- i) whether or not the proposals are suitable in light of local and national policies for housing, with particular regard to masterplanning, design code, phasing, infrastructure delivery, and implementation programme (RfR 5, 6 and 10)
 - ii) whether or not the proposed development would have a severe adverse impact on the local highway network (RfR 1 & 2);
 - iii) the effect of the proposed improvements to the Bee Lane bridge on the safety of pedestrians and cyclists (RfR 3);
 - iv) whether or not the proposal makes adequate provision for highways improvements, with particular regard to the Cross Borough Link Road and the Bee Lane bridge (RfR 4, 7 & 11);
 - v) whether or not the proposal makes adequate provision for sports facilities (RfR 9 & 11); and
 - vi) whether sufficient information has been supplied to demonstrate how impacts on air quality will be mitigated and, if not, whether this matter can be satisfactorily addressed by planning conditions or obligations (RfR 8)
- 3.2 I return to all of these points, and issues raised by Interested Parties, later in this Proof of Evidence.

4. The Development Plan and Other Material Considerations

- 4.1 The main parties are agreed that these appeals must be determined in accordance with the development plan unless material considerations indicate otherwise¹. We are also agreed that the development plan, insofar as relevant to these appeals, comprises:
- a) the Central Lancashire Core Strategy DPD (adopted July 2012) (**CD5.1**);
 - b) the South Ribble Borough Council Local Plan 2012-2026 (adopted July 2015) (**CD5.2**); and
 - c) Penwortham Town Neighbourhood Plan (2017) (**CD5.6**).
- 4.2 The Inspector has copies of the relevant development plan documents and has made it clear that Proofs of Evidence should not recite the text of policies; they need only identify the relevant policy numbers. Moreover, the Inspector has noted that only policies which are needed to understand the argument being put forward, and are fundamental to an appraisal of the proposals' merits, need be referred to.
- 4.3 The MSoG records those development plan policies that are relevant to the proposals and highlights in bold text those that are referred to in the reasons for refusal. The MSoG does not contain a clear statement as to which of the relevant policies are fundamental to the appraisal of the merits of the proposals but in the light of (i) the wording of relevant policies, (ii) the matters that are agreed between the parties, and (iii) the way in which the RfR are defined, it is my view that the development plan policies that are fundamental to the appraisal of the merits of the proposals are as follows:

Central Lancashire Core Strategy

- a) Policy 1 – Locating Growth
- b) Policy 2 – Infrastructure
- c) Policy 3 – Travel
- d) Policy 7 – Affordable and Special Needs Housing
- e) Policy 17 – Design of New Buildings
- f) Policy 30 - Air Quality

South Ribble Local Plan

- a) Policy A2 – Cross Borough Link Road (Development Link Road)
- b) Policy C1 – Pickerings Farm, Penwortham
- c) Policy D1 – Allocation of Housing Land
- d) Policy G17 – Design Criteria for New Development

¹ s38(6) of the Planning and Compulsory Purchase Act 2004

- 4.4 The other Policies referred to in the MSoG concern matters that are either dealt with satisfactorily by the proposals as they stand, or matters of detail that will be addressed at the Reserved Matters or discharge of conditions stage.
- 4.5 Insofar as other material considerations are concerned, the most pertinent to these appeals are:
- a) the National Planning Policy Framework (2021) (**CD4.1**);
 - b) the National Design Guide (2021) (**CD10.15**);
 - c) the Central Lancashire Design Guide (2012) (**CD6.4**)
 - d) DfT Circular 02/2013;
 - e) SRBC Climate Emergency Action Plan (2021);
 - f) Create Streets Briefing Paper – Computer Says Road; Why outdated transport models ruin new developments and how to fix them (2022);
 - g) TCPA Garden City Standards for the 21st Century: Practical Guides For Creating Successful New Communities - Guide 13: Sustainable Transport;
 - h) RTPi Research Paper: Net Zero Transport (2021);
 - i) DfT: Decarbonising Transport (2021)
- 4.6 Documents (d) to (i) are examined by Mr Axon and are not referred to again in this Proof of Evidence.

5. Assessment of Main Issues

Main Issue 1 – The Suitability of the Proposals

- 5.1 The suitability of the appeal sites for housing development is not in question. The land is identified in the Core Strategy as a Strategic Location for development under Policy 1 and is allocated for housing development under Policy D1 of the Local Plan. The Core Strategy makes it clear that it seeks to ensure that growth and investment take place in the most sustainable locations and that the Strategic Locations identified in Policy 1 are central to the achievement of its vision and objectives (see **CD5.1** Strategy paragraphs 5.20, 5.26 and 5.27). The Local Plan also speaks of the importance of developing the Pickerings Farm site when it states that:

“To ensure delivery of the Council’s vision to manage economic growth, planning permission will be granted for a comprehensive scheme of development for a range of uses including housing, community service/facilities, delivery of employment opportunities and Green Infrastructure on the following major sites for development; which are residential led....Pickerings Farm, Penwortham” (**CD5.2**, paragraph 6.3) (my emphasis)

- 5.2 Notwithstanding the fact that the sites are allocated for housing development, and that the development of the allocation is central to the achievement of both strategic and local planning objectives, the Appellants’ proposals have been rejected because the Council claims that: the submitted masterplan does not satisfy certain development plan policy requirements; because the Phasing Plan and Infrastructure Delivery Schedule included with the applications were not sufficiently detailed; and because the proposals do not follow the 'proper planning approach' or represent good planning for the area. I address each of these points in turn.

Issues with the Masterplan

- 5.3 RfR5 states that:

“Policy C1 of the South Ribble Local Plan requires an agreed masterplan and design code for the comprehensive development of the site. The masterplan has not been formally agreed by South Ribble Council and the version submitted with the two applications does not meet the policy requirements.”

- 5.4 There are two issues here – the failure of the Appellants to agree the Masterplan before it was submitted with the planning applications and the failure of the Masterplan to satisfy the requirements of Policy C1, insofar as these describe what the Masterplan needs to do.

Compliance with Policy C1

- 5.5 As regards the first issue, the Council took Counsel’s Opinion on whether it would be appropriate for it to deal with the applications without having agreed the masterplan prior to it being submitted and the advice it received was that *“although the policy imposes a requirement in order for planning permission to be granted, there may be circumstances in which material considerations support the grant of consent notwithstanding a failure to comply with that requirement. The issue falls to be determined as part of the consideration of the planning applications”* (Committee Report (**CD8.1**), paragraph 10.2.10). It is considered that the position is more nuanced than this. Policy C1 reads as follows:

Planning permission will only be granted for the development of the Pickering’s Farm site subject to the submission of:

- a) *an agreed Masterplan for the comprehensive development of the site. The Masterplan must include the wider area of the Pickering's Farm site which includes the safeguarded land which extends to Coote Lane as shown on the Policies Map, and make provision for a range of land uses to include residential, employment and commercial uses, Green Infrastructure and community facilities;*
 - b) *a phasing and infrastructure delivery schedule;*
 - c) *an agreed programme of implementation in accordance with the Masterplan and agreed design code.*
- 5.6 That part of the Policy which states that *Planning permission will only be granted for the development of the Pickering's Farm site subject to the submission of: an agreed Masterplan for the comprehensive development of the site*, is a requirement that can be satisfied through the decision-making process on a planning application or these appeals. It does not require a masterplan to be agreed or approved before any planning application is lodged.
- 5.7 With regard to the second issue, it is clear from the above quote that Policy C1 requires the Masterplan to:
- a) provide for the comprehensive development of the allocated site;
 - b) include the wider area of the Pickering's Farm site which includes the safeguarded land extending to Coote Lane; and
 - c) make provision for a range of land uses to include residential, employment and commercial uses, green Infrastructure and community facilities.
- 5.8 I note that, in its SoC, the Council expands slightly on (b) by saying that:
- "The Council considers that, although the Masterplan covers the safeguarded land extending to Coote Lane, the land uses in this part of the site are not identified so it is not possible to assess if the Masterplan in its entirety meets the necessary requirements in respect of, for example, public open space."* (CD10.3, paragraph 8.12)
- 5.9 I also note that the SoC states that LCC (in its capacity as LHA) is of the view that the Masterplan provides insufficient information / clarity on matters such as: scale; form; deliverability; highway design (satisfying design criteria) and suitability (including CBLR); and how existing properties will be connected into the development and linked to the wider movement network.
- 5.10 Insofar as the requirements of Policy C1 are concerned, I note the following:
- a) the Masterplan covers the whole of the Pickerings Farm allocation (Site EE in the Local Plan) and the safeguarded land to the south of the appeal sites (Site S2 in the Local Plan) and it provides for the comprehensive development of Site EE (the allocated land);
 - b) the Masterplan stops short of indicating how the safeguarded land could be developed (that is it to say it does not identify development parcels and specify land uses) but it does clearly indicate where the land could be accessed (by footpath, exercise track and roads leading out from the appeal sites) and it also indicates how some of the structural green infrastructure proposed within the appeal sites could extend southwards to deliver the corridors and linkages referred to in Local Plan Policy G12;

- c) Policy G3 of the Local Plan states that land that is safeguarded is not designated for any specific purpose and that existing uses will remain undisturbed during the Plan-period or until the Local Plan is reviewed. It would have been premature and wholly inappropriate, in these circumstances, for the Masterplan to have made specific provision for the development of the land. Instead, it takes precisely the right approach which is to ensure that the proposals for the appeal sites do not in anyway prejudice or impact adversely on the ability of the safeguarded land to accommodate development and provides an indication as to how the development of the two areas might possibly integrate;
- d) by providing a new access from the appeal sites onto Penwortham Way and then delivering a road connection to the safeguarded land, the appeal proposals will actually facilitate, rather than prejudice, the development of the safeguarded land;
- e) insofar as matters such as the provision of open space go, the open space provision within the appeal sites exceeds Policy requirements (a matters agreed by the Council) and the safeguarded land itself extends to some 21ha – it is inconceivable that a promoter of development on that land could not design a scheme that satisfies relevant development plan requirements or that, somehow, the masterplan for the appeal sites makes achieving relevant Policy requirements on the safeguarded land more difficult; and
- f) the Masterplan includes a range of land uses including residential, education, employment and commercial uses, a mobility hub, a community concierge, a full range of formal and informal open spaces (save playing pitches which are to be the subject of off-site provision) and structural green Infrastructure. It is common ground between the Appellants and the Council that the proposed residential, local centre, two form entry primary school, employment provision and green infrastructure uses across the Sites meet the land use requirements of SRLP Policy C1 (**CD10.4**, paragraph 6.2(ii))

5.11 It is clear from the above that the submitted Masterplan satisfies the requirements of Local Plan Policy C1, insofar as they specify what it needs to do and contain.

The Concerns Raised by the County Council

5.12 To the County Council's comments, I respond as follows:

- a) the Masterplan states that it is accompanied by a Design Code and Design and Access Statement (**CD1.16**, Section 1). These are to be read together;
- b) the Masterplan is very clear about the amount of development that is proposed, the form it could take, and its scale (**CD1.16**, Sections 7, 8 and 9). It is also clear about the travel hierarchy that is embedded in the proposals (**CD1.16**, Section 5), the road hierarchy (Masterplan, Sections 7 and 9) and how connections will be formed between the appeal sites and the surrounding area, using existing and proposed links (**CD1.16**, Sections 7, 8 and 9);
- c) in addition, the Design Code (**CD1.17**) provides more detailed information on: the relationship between the proposed development and the existing Lanes (including the likely need for 3 crossovers); the proposals for internal circulation including green corridors and an exercise track; the proposed road hierarchy (including indicative routes for all roads in the hierarchy and typical design arrangements for the spine road and enhanced streets); and urban form, scale and massing;
- d) the applications seek outline planning permission. All matters of detail are reserved for approval later, save details of the principal point of access onto Penwortham Way. It is not the function of

the applications to provide detailed design information on roads, footways, cycleways and it is certainly not necessary for the application to detail how the road infrastructure will satisfy design standards. The purpose of the application documentation is to provide an indication as to how the site could be developed and an appropriate level of comfort that the development has the ability to deliver a movement network, and links to and from the sites, that meet relevant standards and provide the necessary level of connectivity. The Masterplan, DAS and Design Code do that and more, including, as noted above, describing a very clear travel hierarchy, how certain roads could be designed and setting a number of design principles that will be addressed at the Reserved Matters stage. I am very firmly of the view that there is ample information with the Masterplan, the Design and Access Statement and Design Code and the other documents provided with the application to determine whether an acceptable form of development can be delivered on these sites.

Other Issues Raised by the Borough Council

- 5.13 For completeness, I have also reviewed the Officers' Report to the Council's Planning Committee of November 2021 (the Report that examined the merits of the proposals and recommended that planning permission be refused) and have reflected on the discussions that I have had with the Council on the MSoCG, with a view to determining whether the Council has raised any other concerns about the Masterplan. I have also noted the email that the Council copied to PINS on 1 July 2022, in which it attempted to better clarify its case against the masterplan. From this, I have identified six other masterplan matters that the Council appears to have concerns about (that are not CBLR or Bee Lane Bridge related – as to which see later in this Proof). These concern:
- a) building heights and densities (both of which were raised with me during discussions on the MSoC. Neither were points taken against the Masterplan when the applications were determined but I address them below nonetheless);
 - b) connections ("*the lack of the spine road and the resultant single point vehicular access, insufficient information about how the existing Lanes will be integrated, how their use will be restricted*");
 - c) character ("*the lack of a local context study to underpin the decisions set out in the code*");
 - d) existing development ("*the integration of existing houses and business premises with the new homes*"); and
 - e) parking ("*an underestimation of the extent of the use of the private car, coupled with a lack of a coherent parking strategy that includes visitors and temporary parking*").

Building Heights

- 5.14 The parameter plans submitted with the planning applications (**CDs 1.2 to 1.5 and 1.10 to 1.120**) set 2.5 and 3 storey height limits for new buildings within the two sites. When the applications were determined back in November 2021, the Committee Report recorded Officers' views on this matter as follows:

"The proposed maximum building heights are shown on the submitted Parameters Plan Building Heights which shows the maximum building height zones with up to 2.5 storeys proposed around the existing properties on the site which are to be retained. This is greater than the previous Building Height plan which showed up to 2 storey adjacent existing residential properties.

Elsewhere on the site, the dwellings will be up to 3-storeys, with the previous plan showing up to 4-storeys. This was one issue that was identified by planning committee at its September 2020

meeting as being unacceptable. Whilst the commitment to the reduction in height of buildings is welcome, concerns still remains over the relationship between the existing properties and the proposal for up to 2.5 storey buildings. The details design would need to clearly demonstrate sufficient buffers between existing and new to ensure that there is no impact on existing residential properties in terms of overlooking, loss of privacy or overbearing appearance.....

.....However, as the Building Heights Parameters Plan indicates, the proposal is for maximum building heights of up to 2.5 storeys proposed around the existing properties, greater than the 2-storey previously proposed, with the aim to create a buffer to protect the amenity of the existing properties. With careful and sensitive design and with recognition of the Council's spatial separation distances at Reserved Matters stage, the development should not create overlooking or loss of privacy issues to existing properties in terms of the requirements of Policy G17

In terms of visual dominance, again at Reserved Matters stage, with careful siting and the use of buffers to existing properties, the proposal should not result in an overbearing and visually dominant development". (CD8.1, paragraphs 10.10.3, 10.10.4, 10.10.15 and 10.10.16)

- 5.15 However, during discussions in respect of the MSoG, Officers have said that they now object to anything in excess of 2 storeys, other than within and adjacent to the Local Centre where up to 3 storeys would be acceptable. This change in position has been articulated without explanation and without any reference to either the development plan or other material considerations.
- 5.16 The development plan contains no specific policy on building heights but Core Strategy Policy 17 and Local Plan Policy G17 both note the need for new development to take account of the character and appearance of the local area and be sympathetic to surrounding land uses and occupiers, avoiding demonstrable harm to neighbours and the local area by way of height, orientation overlooking and overshadowing. The NPPF notes that planning decisions should ensure that new developments are sympathetic to local character and history, including the surrounding built environment and that they create places that do not undermine the quality of life (CD4.1, paragraph 128).
- 5.17 As Mr Thornton notes, the Masterplan has been developed paying very careful attention to the character of the site and surrounding area and the presence of existing homes and businesses. There is no landscape impact or local character reason for not allowing buildings of up to 3 storeys on these sites and, subject to the layout of the development being carefully designed at the Reserved Matters stage, buildings of up to 2.5 storeys could quite happily sit alongside homes of 1 or 2 storeys without being overbearing or giving rise to issues in respect of privacy and / or amenity. I agree with the Officers' assessment in the Committee Report that all relevant privacy, amenity and visual impact issues can be addressed through design and there is absolutely no need to arbitrarily limit the heights of buildings in the way that now appears to be being suggested.

Densities

- 5.18 As far as densities are concerned, Policy 5 of the Core Strategy states that:

The authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.

- 5.19 And Policy G17 of the Local Plan states that:

Planning permission will be granted for new development.....provided that....(a) The proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density.....:

- 5.20 The NPPF states that planning decisions should support development that makes efficient use of land but that, in any event, where there is a concern about a proposal not making efficient use of a site, planning permission should only be refused in circumstances where there is an existing or anticipated shortage of land for housing (**CD4.1**, paragraphs 124 and 125). This is not the case in South Ribble.
- 5.21 During discussions on the MSoG, Officers refused to agree that the Masterplan provides for an efficient use of land yet:
- a) it agrees that the Masterplan provides for an appropriate range of uses and an acceptable quantum of green infrastructure (which is a key determinant of net developable area); and
 - b) although it is envisaged that the density of development would vary across the site, the average density envisaged (and which gets the proposals to 1,100 homes) is just over 40 dwellings per net developable hectare.
- 5.22 As Mr Thornton points out, the density envisaged by the Masterplan is comparable with that achieved in the adjacent urban area, is efficient and entirely appropriate for developments of this type and location. In my experience, densities much higher than 40dph tend only to be sought in urban settings and around transport nodes. In my view the proposals would deliver an efficient use of this site in accordance with the relevant provisions of the development plan and the NPPF.

Connections

- 5.23 The Council says it has concerns over the lack of the spine road, but the masterplan is clear about where the full extent of the spine road is expected to run and as I note elsewhere in this Proof, the Appeal proposals will deliver all but a very small section of it. There is no risk, in my view, that the remainder of the spine road will not be delivered by the adjacent landowner when he brings forward his land for development. Mr Axon describes how the movement network will function and how only providing through routes (between Penwortham Way and Leyland Road) for active and shared travel is (i) entirely consistent with Policy and guidance and (ii) would not give rise to a severe adverse effect in highway terms.

Character and Existing Development

- 5.24 It is clear from the very beginning of the Masterplan document, and the DAS/Design Code, that the proposals have been built on an analysis and understanding of (i) the existing buildings, uses and spaces within the allocated site; (ii) the Lanes and other existing routes / connections; and (iii) how the sites relate to the existing urban areas that lies to the immediate north and east (**CD1.16**, Sections 1 and 3 and **CD1.17**, Section 2). There is no context study of the Kingsfold or Tardy Gate areas in either of these documents, but I do not consider this to be problematic. Neither area contains development, or has a character of the type that it would be appropriate to replicate or emulate at Pickerings Farm. The Masterplan is though informed by an understanding of the character of the existing development and movement corridors within the allocated site and it is clear from the DAS and Design Code how this has shaped the Appellants proposals as regards character areas (**CD1.17**, Sections 3 and 9).
- 5.25 The Masterplan does not include precise details of how the new development will sit directly adjacent to existing homes and businesses but that is not its purpose and such information is not required at this stage in order to be able to make robust judgements about whether a development can be accommodated here that respects character, privacy and amenity and I am satisfied that the Masterplan documents provide the necessary level of comfort in this regard. As noted above, the Appeal sites comprise very large tracts of land. We are not grappling here with a scheme that attempts to squeeze new housing into a tight space between existing homes. The Appellants have the

space and therefore the flexibility to design bespoke solutions where new development will be juxtaposed with existing buildings and uses. The details of these relationships will be examined and assessed at the Reserved Matters stage. This, in my view, is the correct approach.

- 5.26 Core Strategy Policies 12 and 21 and Local Plan Policy G17 are the only development plan policies that reference matters of context, character and the integration of new and existing development and they merely note that there is a need for such matters to be taken into account. They are not prescriptive. Moreover, paragraph 130 of the NPPF, which is part of the Section dealing with the achievement of well-designed places, simply states that planning decisions should ensure that developments “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*”. I note that paragraph 112, on promoting sustainable transport also says that applications for development should “*respond to local character*”. I am satisfied that the proposals satisfy all of these requirements.

Parking

- 5.27 There is no part of the development plan, nor any other material consideration, that requires the Appellants to produce a parking strategy at the outline planning application stage. The development plan merely requires development proposals to provide parking and servicing spaces in accordance with Council standards, although it then goes on to note that the parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement (**CD5.2** Policy F1).
- 5.28 The Masterplan notes that parking should be provided in accordance with relevant standards (CDX, Section 8) but makes it clear throughout that the intention is to deliver a development that provides for, encourages and prioritises active and shared travel over the use of the private car. Mr Axon describes the approach that the Appellants have taken to the issue of movement in more detail.
- 5.29 The finer details of parking provision are matters that can and should be dealt with either by way of planning condition or Reserved Matters.

Other Council Comments of Note

- 5.30 Aside from the above, very minor and in my view inconsequential points, the Council has found the Masterplan to be acceptable. In its email to PINS of 1 July, it stated that “*the masterplan vision is a good one*” and in its assessment in the Committee Report it found as follows:
- a) the route taken by the spine road, although less direct than the (indicative) route for the CBLR shown on the Local Plan Proposals Map, is not a key issue (**CD8.1**, paragraph 10.3.13);
 - b) ensuring an appropriate relationship is achieved between the spine road and adjacent or nearby play spaces is something that is capable of being appropriately addressed at the Reserved Matters stage (**CD8.1**, paragraph 10.3.13);
 - c) the design of the proposed access to Penwortham Way is acceptable (**CD8.1**, paragraph 10.4.2);
 - d) sports facilities should be provided off-site and the appropriate way to deal with such provision is by way of further discussion, S106 obligations and Reserved Matters (**CD8.1**, paragraph 10.8.27);
 - e) the embedding of active design in the Masterplan is welcomed (**CD8.1**, paragraph 10.8.28); and

- f) the Masterplan is Policy compliant in terms of green infrastructure provision (**CD8.1**, paragraph 10.8.29)

Conclusions on the Masterplan

- 5.31 Ultimately, the Council has identified very few issues with the masterplan. Indeed, these have been limited to its suggested failure of the Masterplan to satisfy the requirements of Policy C1 and concerns about building heights, densities, the spine road, how the masterplan addresses existing properties and the character of the area, and car parking, none of which stands up to scrutiny. The County Council (as Local Highway Authority) has raised some general concerns about the Masterplan not providing enough information on certain matters but (i) it actually does provide the majority of the information that it has said is lacking and (ii) where detail is lacking this is normal for an outline planning application and is not a sound reason for refusing planning permission. I am satisfied that the Masterplan accords with all relevant policy and guidance and describes an appropriate form of development.

Issues with Phasing and Delivery

- 5.32 As with the Masterplan, the Council appears to have two issues with phasing and delivery - (i) that the documents included with the planning applications were not agreed or approved by the Council before they were submitted; and (ii) the documents contain insufficient information and so the proposals are at odds with Policy C1 of the Local Plan.

- 5.33 I quote Policy C1 in full above. Insofar as relevant to this part of my assessment, it states that:

“Planning permission will only be granted for the development of the Pickering’s Farm site subject to the submission of:....

b) a phasing and infrastructure delivery schedule;

c) an agreed programme of implementation in accordance with the Masterplan and agreed Design Code”.

- 5.34 The documentation provided with the planning applications included a Phasing Plan and an Infrastructure Delivery Schedule. The former provided an indication as to the way in which the site could be divided into sensible development parcels (Phases) for the purposes of implementation and the latter included: (i) details of the various pieces of infrastructure that the Appellants expect the development to require / deliver; (ii) the means by which the Appellants expect each item to be funded; and (iii) an indicative programme for the delivery of each item.

- 5.35 Neither of these documents was agreed with the Council before it was submitted with the planning applications but, for the reasons already explained, this is not what Policy C1 requires and the merits of the proposals, as regards phasing and delivery, is something that can appropriately be assessed through the determination of these appeals.

- 5.36 RfR6 asserts that the information submitted by the Appellants provides insufficient detail on how the development will be delivered. The Council’s SoC states that:

“The submitted documentation provided insufficient detail on how the site will be delivered; the phasing plan does not provide any detail and no programme of implementation has been agreed. As a result, this will cause harm by prejudicing the proper planning of the wider allocated site” (SoC, paragraph 8.9).

- 5.37 Although Local Plan Policy C1 is clear in its requirement for the submission of a phasing and infrastructure delivery schedule and a programme, it does not say what each needs to contain, how detailed they need to be and what, if anything at all, they need to say about any parts of the allocation that are not covered by the planning application. There is also no other Policy in the development plan, or any Supplementary Planning Document, that specifies what these types of documents need to contain. Accordingly, as long as relevant documents are provided, there is no breach of Policy. And the planning applications do contain information on phasing and delivery, including basic programming information. So whilst I note the Council's concerns, there is no harm to the development plan arising in this respect and, as noted above, the Masterplan clearly indicates how the those part of the allocated site not covered by the Appellants applications could be accessed and how, broadly speaking, they could be developed with the appeal proposals to create a single, comprehensive scheme.
- 5.38 In addition, I should add that, in my experience, the detailed phasing and delivery of a development is usually a matter that is addressed after outline planning permission is granted, at the discharge of obligation / condition stage and I note that the Council has proposed a planning condition which deals with this very point. The Appellants would rather this be an obligation sitting within the S106 Agreement than a planning condition, but they do not take issue with the principle of what the condition requires and is trying to achieve. Moreover, I note that, save in respect of highway matters, the Council is agreed that the proposals provide for the delivery of all of the infrastructure items that are required (**CD8.1**, paragraphs 10.20.1 – 10.20.3).
- 5.39 Finally, in June and July this year, we presented to the Council a document which, in words and drawings, provides more information on phasing and delivery (including more detail on the order in which development parcels will likely be developed, the timing of each phase, and what each phase will likely contain). This was developed to assist negotiations in respect of the infrastructure triggers that need to be embedded in the S106 Agreement but is a further indication of how the proposals could be implemented. This information will be expanded upon to address any phasing / delivery related obligation that is included in the Planning Agreement. A copy of the information supplied to the Council is attached at **Appendix 2**.

Issues with Proper Planning

- 5.40 RfR10 states that:

“Due to the lack of an agreed Masterplan and commitment to providing the cross borough link road, the proposals do not follow the 'proper planning approach' or represent good planning for the area as required by the NPPF paragraphs 126 and 132.”

- 5.41 The SoC (**CD10.3**) says something slightly different as follows:

The Council will demonstrate that the lack of an agreed Masterplan and commitment to providing the cross-borough link road result in a scheme which does not represent good and effective planning for the area as required by the NPPF and Development Plan, which will cause harm by prejudicing the proper planning of the wider allocated site.

- 5.42 Paragraphs 126 and 132 of the NPPF (**CD4.1**), referred to in RfR10, read as follows:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will

be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”

- 5.43 It is not clear to me how, by not agreeing the Masterplan with the Council before submitting it, or not providing for the delivery of the full extent of the CBLR between Penwortham Way and The Cawsey, the proposals do not represent ‘proper planning’ and are at odds with the above quoted provisions of the NPPF. As noted earlier, the Council has not taken issue with the design of the proposals per se. It has not said, for example, that there is a fundamental flaw in the Masterplan or something so completely objectionable about the design of the scheme that it does not satisfy either the development plan’s Policies on design or those set out in the NPPF. Indeed, it has noted in its most recent correspondence that the masterplan vision is a good one. Its concerns seem to me to be confined to the fact that the Masterplan does not provide for the full extent of the CBLR and that issues it has raised in respect of the level of detail that has been provided in certain respects. I have dealt with the points around the level of detail provided above and I return to the matter of the CBLR later. I have also dealt above with the fact that the proposals are in no way prejudicial to the delivery of a comprehensive scheme of development for the allocation as a whole, or the development of the safeguarded land to the south, indeed the proposals will facilitate the development of these areas. Ultimately, I don’t see anything in the Council’s analysis that indicated that the proposals represent poor design or planning.
- 5.44 In addition, it would be wholly inappropriate to suggest that the Masterplan has been developed without any (or appropriate) engagement with the Council or the local community. The submitted Masterplan is the product of a design process that began back in 2009 and was then revisited from 2018 and, throughout, it has been informed by extensive engagement with the Council and local people and key stakeholders. I described the background to the appeals, including the work undertaken in respect of masterplanning, at the beginning of this Proof, and Mr Thornton discusses the matter in more detail in his Evidence. It is clear from this that the Appellant’s engagement with the Council, and those affected by the proposals locally, occurred early on and has been maintained over an extended period. I am thoroughly satisfied that the approach that has been taken to the preparation of the Masterplan has been appropriate and consistent with the provisions of the NPPF.

Main Issue 2 – Traffic Impact

- 5.45 Main Issue 2 covers RfR 1 and 2. These read as follows:

It has not been demonstrated that the modelling methodology applied within the submitted Transport Assessment is acceptable. As such it has not been demonstrated that the proposed development would not have a severe adverse impact on the local highway network. The proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan (RfR1)

It has not been demonstrated that the scoping and composition of technical supporting evidence of the submitted Transport Assessment is acceptable. As such it has not been demonstrated that the proposed development would not have a severe adverse impact on the local highway network. The

proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan. (RfR2)

- 5.46 As the Inspector has noted, the only pertinent question raised by RfR 1 and 2 is whether the Appeal proposals would have a severe adverse impact on the local highway network. This is a matter that is dealt with by Mr Axon.
- 5.47 Mr Axon explains in considerable detail the approach that he has taken to assessing the types of movement that the developments will likely generate (including single occupancy car trips), and how such movement will impact on the local and strategic highway networks. He sets out his assumptions as regards trip generation at paragraph 6.7; his assessment of the road network at paragraphs 6.9 – 6.12; baseline conditions at paragraphs 6.13 – 6.20; and his approach to modelling (using a Paramics microsimulation model) and the outputs from the model at paragraphs 6.21 – 6.52. His assessment demonstrates that the proposals will not have a severe adverse impact on the local or strategic highway network.
- 5.48 In the light of his findings, I consider that the proposals satisfy the provisions of Policy 3 of the Core Strategy (**CD5.1**), and the provisions of paragraphs 104, 105, 110, 111, and 112 of the NPPF (**CD4.1**).

Main Issue 3 – The Proposals for the Bee Lane Bridge

- 5.49 RfR3 states that:

The proposed improvements to the Bee Lane bridge are not considered to be sufficient for the additional traffic, as well as increased number of pedestrians and cyclists, resulting from the development prejudicing highway safety and pedestrian safety. The proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

- 5.50 Mr Axon deals with this also.

- 5.51 He notes that there is no evidence to support the Council's assertion and that:

- a) the Bee Lane Bridge already operates as a shared surface and is used by vehicles, pedestrians, cyclists and equestrians (without segregation);
- b) there have been no recorded accidents at the Bridge in the last 5 years;
- c) the Bridge typically accommodates in the order of 30 vehicles, 10 pedestrians and up to 5 cyclists per hour;
- d) the proposed developments would likely increase the use of the Bridge by in the order of 15 vehicles, 15 pedestrians and 10 cyclists per hour;
- e) his proposals for the Bridge have been subject to independent safety audit and assessment by a safety risk assessor and the assessor's view is that the risks associated with the proposed use of Bee Lane Bridge are low and that the proposals are therefore acceptable;
- f) Network Rail has commented that they have a concern about vehicles possibly swerving to avoid other road users and striking the Bridge parapet. However, there is no evidence that this has happened to date and it recognised that the risk level is low; and

- g) notwithstanding the above, there are changes that can be made to the character of the Bridge and these have also been examined by the safety risk assessor and found to be low risk and therefore acceptable.
- 5.52 Mr Axon is satisfied that the way in which the proposals envisage Bee Lane Bridge being used is entirely safe and acceptable.
- 5.53 This element of the proposed development therefore accords with Policy 17 of the Core Strategy (CD5.1) (insofar as relevant – I note that it sets only one relevant requirement and that is where it states that new development should link in with surrounding movement patterns), Policy G17 of the Local Plan (CD5.2) and paragraphs 104, 110, 111 and 112 of the NPPF (CD4.1).

Main Issue 4 – The Provision of Highway Improvements

- 5.54 RfR4 and RfR7 make similar points. They read as follows:

The application fails to provide adequate certainty that the section of the Cross Borough Link Road within the site, together with the necessary physical upgrading works to the Bee Lane bridge, will be delivered. The proposal is therefore contrary to the requirements of Policy A2 of the South Ribble Local Plan.

Policy A2 of the South Ribble Local Plan seeks to ensure delivery of the Cross Borough Link Road through the major development site at Pickering's Farm. The two applications together with the Masterplan do not provide a firm commitment for the delivery of this key piece of infrastructure necessary to support the scale of development proposed. The scheme is therefore contrary to Policy A2.

- 5.55 RfR11 asserts that:

No viability evidence has been submitted to enable an assessment of whether necessary infrastructure can be provided to support this important housing land allocation. As such the proposals are contrary to Policies A1 and C1 in the South Ribble Local Plan

- 5.56 The Council's SoC says little more than the RfR although it does add the following:

Local Plan Policy A2 requires the provision of the Cross-Borough Link Road from Leyland Road through the Pickering's Farm site to join the A582. The submitted masterplan and refused planning applications subject to these appeals failed to provide adequate certainty that the CBLR or the necessary physical upgrading works to the Bee Lane bridge will be delivered, thereby prejudicing highway and pedestrian safety. (Soc, paragraph 8.5)

the Principles and Mobility Strategy as presented does not demonstrate the delivery of the infrastructure, including the CBLR, necessary to support the scale of development proposed. (Soc, paragraph 8.8)

It is the Council's view that by the applicant not taking a holistic approach to considering the required highway improvements to serve the wider, allocated site, this would prejudice the ability for some allocated parcels of land outside of the sites subject to this appeal to be delivered. (Soc, paragraph 8.15)

- 5.57 There are two important questions that need to be answered here. They are:

- a) whether the infrastructure referred to by the Council is needed to make the proposed development acceptable in planning terms; and
- b) whether development plan policy requires the provision of the CBLR in the way that the Council is asserting.
- 5.58 I have dealt with (a) under Main Issue 2 above. It is clear from Mr Axon's analysis that the CBLR is not required to make the development of the appeal sites, or the appeal sites together with the rest of the allocated land, or the allocation together with the safeguarded land, acceptable in planning terms.
- 5.59 As regards (b), this part of the Council's case is built on a fundamentally flawed application of development plan policy. There is no Policy within either the Core Strategy or the Local Plan that requires the developer(s) of the Pickerings Farm allocation to deliver any part of the CBLR, including any improved or new crossing over the railway line at or in the vicinity of the Bee Lane Bridge.
- 5.60 There are only two Policies in the Core Strategy that deal with infrastructure of the kind being referred to by the Council and they are:
- a) Policy 2, which simply notes that the Council's will work with infrastructure providers to identify infrastructure requirements and, where necessary / appropriate, will seek contributions from developers towards the cost of delivering these; and
- b) Policy 3, which, amongst other things, says that the Councils will improve the road network with 5 named highway schemes, none of which is the CBLR.
- 5.61 In the Local Plan, there is only one Policy that deals with the provision of infrastructure and that is Policy A2. This is concerned specifically with the CBLR and explicitly states that (i) land will be protected from physical development for the delivery of the CBLR and (ii) the Cross Borough Link Road comprises a road to be constructed from Carrwood Road to The Cawsey and a road to be constructed through the major development site at Pickering's Farm as shown diagrammatically on the Policies Map. Policy A2 does not, as the Council wrongly states in its SoC, require the provision of the Cross-Borough Link Road from Leyland Road through the Pickering's Farm site to join the A582.
- 5.62 It is possible that the Council is conflating Policy A2 with its supporting text and imagining that, together, they require more than Policy A2 does in and of itself but, if this is the case, there are two problems with the Council's approach.
- 5.63 First, I understand that the position in law is that supporting text cannot introduce policy tests or requirements that need to be satisfied by proposed development but which are not specified in the relevant policies themselves². Policy A2 is clear in its requirements as regards the CBLR and the appeal proposals satisfy these. Indeed, the proposals go further in that the Appellants are proposing to deliver those sections of the CBLR that sit within their land.
- 5.64 Secondly, and although not strictly relevant in the light of the law, I have examined the supporting text to the various relevant Policies, including Policy 5 of the Core Strategy (which defines the Strategic Sites and Strategic Locations and note these as being central to the achievement of the Core Strategy as referenced at paragraph 7.1 above) and have found nothing which says that the developers of the Pickerings Farm site will be required to deliver the entirety of that part of the CBLR between Penwortham Way and The Cawsey. The Core Strategy says that:

² *R (Cherkley Campaign Ltd) v Mole Valley District Council* [2014] EWCA 567 7

It is imperative that these Sites and Locations are accompanied by the timely provision of infrastructure otherwise these proposals will not be acceptable. The Infrastructure Delivery Schedule identifies the required essential strategic infrastructure – what it comprises and where it applies, when it will be needed as well as the likely providers and funding sources.

and

Under each Site/Location below major additional infrastructure requirements are set out (CD5.1, paragraph 5.28)

- 5.65 The Infrastructure Delivery Schedule referred to in the Core Strategy was prepared in 2012 (CD10.33). Its stated purpose was: *"to itemise infrastructure projects already envisaged or probably needed after taking account of the quantity and broad location of development proposed by the Central Lancashire Core Strategy and to record their likely implementation timescale, cost and sources of funding and the current deficits..."*. The CBLR was included in the list of highway improvements probably needed in South Ribble. Its cost was estimated at £12 and under *'possible sources of funding'* the schedule referred to *'developer contributions'*.
- 5.66 Where the Core Strategy described the South of Penwortham and north of Farrington Strategic Location (Pickerings Farm) later in Section 5, it made no reference to the CBLR.
- 5.67 In the Local Plan, the closest that any supporting text gets to describing the infrastructure requirement in the way that the Council is arguing is in the supporting text to Policy A2 which states:

A road is to be constructed from Carrwood Road to The Cawsey in order to open up land for development (Lostock Hall Gas Works) and to serve as a key part of the Cross Borough Link Road. This section of the link road will continue through the major development site of Pickering's Farm. Once both elements of the road are complete, they are to be linked to provide the full Cross Borough Link Road. The link road will improve accessibility in an east-west direction through the borough, increase community access to the range of services within the borough and help traffic flow on existing roads. The completion of the link road is to be delivered in the Plan period.

The section of link road through the major development site at Pickering's Farm (see Policy C1) will be implemented in accordance with an agreed phasing and infrastructure delivery schedule. It will be provided through developer contributions and completed within an agreed timescale. (CD5.2, paragraphs 4.20 and 4.21)

- 5.68 This does not say that the developer(s) of the Pickerings Farm will be required to deliver the entirety of that section of the CBLR between Penwortham Way and The Cawsey. It describes the CBLR as having three parts: (i) Carwood Road to The Cawsey; (ii) the section through Pickerings Farm; and (iii) a link between the two. Insofar as relevant to these appeals, the supporting text is clear that the section of the CBLR that is to pass through the allocated land is to be provided in accordance with an agreed phasing and delivery schedule and through developer contributions. I have dealt with the matter of phasing and delivery already and the Appellants intention is that the spine road that it will deliver will form that part of the CBLR that passes through the allocation and, rather than make a financial contribution towards the delivery of the spine road, the Appellants will deliver this direct, as part of their scheme. The very small section of the spine road that the Appellants cannot deliver (between their Phases 4 and 5) will be delivered by adjacent landowners when their land is developed.
- 5.69 I do not believe there can be any doubt about what the development plan requires insofar as the CBLR is concerned. It is explicit that it requires the developer to safeguard land for the CBLR through the Pickerings Farm site. The supporting text goes further, to reference the timing of the delivery of

this part of the road and developers helping fund it, but this is not Policy and is dealt with by the appeal proposals in any event.

- 5.70 Finally on this Issue, I do not accept that allowing the appeals *would prejudice the ability for some allocated parcels of land outside of the sites subject to this appeal to be delivered*. As already explained, the Masterplan describes a comprehensive scheme covering the entirety of the allocation and the appeal proposals would clearly facilitate rather than prejudice the development of the land that is not controlled by the Appellants. With specific regard to the section of the CBLR that passes through the allocation, if the appeal proposals are allowed, all that will be left to delivered is a very short length of spine road. There is no risk of the developer of the remaining parts of the allocation not being able to deliver this stretch of highway.

Main Issue 5 – Sports Facilities

- 5.71 I understand that the Council is no longer defending this RfR. However, for completeness and because the matter of sports facilities has been raised by Interested Parties, I deal with it here. Other matters raised by Interested Parties are dealt with later.

- 5.72 RFR9 states:

“The proposals will generate additional demand for sporting provision, and it is not clear how this would be addressed in the current planning applications. Nor is it clear how the concept of active design would be achieved in the scheme to deliver an active, healthy community and is therefore contrary to Policies G10 and G11 in the South Ribble Local Plan and Paragraph 100 of the NPPF.”

- 5.73 However, the Council's SoC makes it clear that this RfR derives from comments made by Sport England and notes that Sport England's concerns could be overcome with the provision of additional information / detail on how the sports infrastructure required by the development is to be provided and through the incorporation of the Ten Principles of Active Design into the scheme.

Provision for Sport

- 5.74 The Core Strategy states that the Councils will Ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities by, amongst other things, seeking developer contributions (either in the form of new provision or financial payment in lieu) where new development would result in a shortfall in provision (**CD5.1**, Policy 24).
- 5.75 The Local Plan has 2 Policies that deal with green infrastructure provision in residential developments, Policy G10 and Policy G11. The former is concerned with the provision of parks and gardens, natural and semi natural greenspace, amenity greenspace, children's play spaces and allotments. Notwithstanding RfR9, the Council is agreed that the Masterplan provides more than enough Green Infrastructure of the types required under Policy G10. This requirements of this Policy are, therefore, satisfied. Policy G11 deals with playing pitches (i.e. sports provision) and states that:

All new residential development resulting in a net gain of five dwellings or more will be required to provide playing pitches in South Ribble, at a standard provision of 1.14 ha per 1000 population. Contributions will also be sought to fund or improve associated facilities (eg changing rooms).

These standards are to be both flexible and appropriate for each individual development, dependent on whether it is for on or off-site playing pitch provision or for the improvement of existing facilities.

5.76 There is also a more generally worded Policy in the Local Plan, not referred to in either the RfR or the Council's SoC, Policy H1, which states that:

Proposals and schemes, for all developments especially major sites for housing, employment or a range of uses should ensure appropriate health, cultural, recreational, sport and education facilities are provided either on site or in the surrounding area through CIL and/or developer contributions.

5.77 The Council's SPD on Open Space and Playing Pitch Provision (**CD6.2**) goes further and states as follows:

All new residential developments will be required to pay a financial contribution towards either new playing pitch provision or improvements to existing playing pitches identified in the Playing Pitch Strategy Action Plan.

5.78 So the starting point, locally, is that where there is a need for additional playing pitch provision, this will be addressed by way of a developer contribution towards either new facilities or improvements to existing facilities off-site. Policy H1 allows for the same approach to be taken in respect of sports facilities generally.

5.79 As far as demand and supply is concerned, the most recent analysis is contained in a Playing Pitch Strategy undertaken for the Central Lancashire authorities by KKP in 2018. In South Ribble, this identified a need for: 1 3G football pitch (which is currently being delivered at Bamber Bridge Leisure Centre); cricket squares; grass rugby pitches (for Union and League); and improvements to existing tennis courts. The Council's do not have a strategy in place for built sports facilities.

5.80 Sport England was a non-statutory consultee on the planning applications and used its New Development Pitch Calculator ("NDPC") to estimate the additional demand that the proposed development could generate for playing pitch use across the different typologies. It then used its Sports Facility Calculator ("SFC") to estimate likely demand for sports hall and swimming pool use. Across the two applications, and using the two Calculators, it estimates that the development will give rise to a need for:

- the provision of 2.5 grass playing pitches;
- 2.75 changing rooms; and
- investment in sports halls and swimming pools to cater for additional visits

5.81 Sport England favours investment in existing facilities off-site, rather than the delivery of new pitches and facilities on-site. It calculates the cost of the necessary infrastructure to be £1,647,768.

5.82 The Appellants are happy with Sport England's assessment and calculations and are willing to make the level of financial contribution it has specified. They have included this within their Draft S106 Agreement and will work with the Council and Sport England as necessary to agree appropriate triggers for the draw down of funds relative to dwelling completions. Taking such an approach is development plan compliant and will ensure that the proposals make adequate provision for investment in sports facilities that the residents of the proposed development will likely access.

Active Design

5.83 The need to ensure that this development encourages and provides for active, healthy lifestyles has been a key factor in the evolution of the Masterplan. That is clear from both the Masterplan itself (see

Sections 2, 5 and 7 in particular) and also the DAS and Design Code (see Sections 4, 6 and 8 in particular). The intention is to create a development where it is easier to walk and cycle than it is to use the private car and in which all of the services and facilities and open spaces are accessible via traffic free routes. Again, this is clearly stated in the Masterplan and the DAS and Design Code.

- 5.84 LCC (Public Health) and Sport England both acknowledge and welcome the approach that has been taken by the Appellants but seek more detail in respect of how, exactly, the active design principles will be translated into detailed design. That, respectfully, is something that will need to be addressed at the Reserved Matters stage. There is sufficient within the submitted documents for the Inspector to be satisfied that (i) the Appellants have every intention to deliver a development that has active design and active travel at its heart and (ii) it has the ability, on these sites, to deliver it within the framework set by the illustrative masterplan.

Conclusions on Sport and Active Design

- 5.85 In the November 2021 Committee Report, Officers explained the conclusions that Sport England and LCC (Public Health) had reached on matters of sports provision and active design and said as follows:

It is officers view that the matters raised by Sport England can be resolved through further discussion, through a S106 contribution and by provision of further details at Reserved Matters stage.

- 5.86 I agree. With a suitably worded obligation in respect of sports provision and appropriate design control exerted at Reserved Matters stage, the proposals will satisfy Local Plan Policy G11 and the relevant provisions of the NPPF.

Main Issue 6 – Air Quality

- 5.87 RfR8 states:

“Inadequate information has been provided to address air quality impacts and insufficient mitigation has been identified to make the development acceptable. The proposal is therefore contrary to Paragraphs 185 and 186 of the NPPF and Policy 30 of the Core Strategy.”

- 5.88 The Council’s SoC notes that the Appellant’s Air Quality Assessment methodology, and its conclusions, are acceptable and that the Assessment identified an air quality damage cost of £252,046. It goes on to indicate that its problem is not with the analysis, or the damage cost, but an asserted lack of information in respect of the mitigation measures that may be deployed in order to address the identified air quality issues. However, the Council and the Appellants have since agreed a SoCG on Air Quality Matters (**CD10.6**) and this makes it clear that the only matter that remains in dispute is the volume of traffic that the proposed development will likely generate and, therefore, whether the inputs to the air quality assessment, and the conclusions drawn from this, are appropriate.
- 5.89 ENSAFE produced the Air Quality Assessment that accompanied the Appellants’ planning applications. This work has been peer reviewed by Matt Stooling of Isopleth Ltd and it is Mr Stooling that has been working to agree common ground with the Council on air quality matters and he that will represent the Appellants at the forthcoming Inquiry.
- 5.90 Notwithstanding the common ground that has been document by Mr Stooling and the Council’s Environmental Health Officer (“EHO”), Mr Stooling has compiled a Technical Statement which is attached at **Appendix 3** to this Proof and will be referred to during any roundtable discussion on this topic. In his Note, Mr Stooling summarises that work that has been undertaken by ENSAFE in respect of Air Quality, the findings of that work, and the matters agreed with the Council. He also comments

on the issues that have been raised by Interested Parties. For completeness, he also includes the results of additional calculations that he has undertaken to test the sensitivity associated with an increase in the amount of traffic generated by the proposed development. This confirms that the traffic generated by the proposals would have to be more than 500% higher than calculated by Vectos, on any single link, before the proposals caused anything more than a 'slight adverse' effect in air quality terms. As Mr Stoaling points out, a slight adverse impact is not 'significant' and is acceptable.

- 5.91 Based on the work that Vectos has undertaken in respect of traffic, the Appellants remain firmly of the view that the traffic data used by ENSAFE for the air quality assessment is appropriate and the air quality damage cost has been correctly calculated at £252,046. However, to allow for a situation where the Inspector concludes that a higher figure should be adopted, the S106 Agreement must have some in-built flexibility and the parties will collaborate to attend to this before the Inquiry closes.

6. Matters Raised by Interested Parties

Flood Risk and Drainage

- 6.1 The planning applications are accompanied by an Environmental Statement (“ES”), appended to which is a Flood Risk Assessment (“FRA”). Integral to the FRA is a Surface Water Drainage Strategy.
- 6.2 The submitted documents have been scrutinised by the Lead Local Flood Authority (“LLFA”) (LCC) and the Sewerage Undertaker (United Utilities) and both found the proposed development to be acceptable, subject to the Council (now the Inspector) imposing a number of standard planning conditions.
- 6.3 Attached at **Appendix 4** is a Technical Note on Flood Risk and Drainage that has been prepared by the Appellant’s expert on this matter, John Lees of Lees Roxborough. In his Note, Mr Lees explains the engagement that Lees Roxborough has had with the LLFA and UU, the flood risk and surface water drainage proposals for the site and then goes on to address the key points raised by Mr Hambilton for Keep Bee Lane Rural (“KBLR”). As Mr Lees points out, Mr Hambilton’s concerns are based on a misunderstanding of the proposals and the FRA. Correctly understood, the proposals accord with part (k) of Core Strategy Policy 17, Core Strategy Policy 29 and the relevant provisions of the NPPF and NPPG are, therefore, acceptable.

Wildlife, Ecology and Biodiversity Net Gain

- 6.4 Appended to the ES is an Ecology Desk Study Report, a Phase 1 Habitat Survey and surveys for: Bats; Badgers; Barn Owl; Breeding Birds; Water Vole; and Wintering Birds. There is also an Arboricultural Assessment and a Biodiversity Net Gain Assessment. The scope of the ES was defined by a Scoping Opinion issued by the Council in December 2018 following consultation with a large number of external bodies, including the Greater Manchester Ecology Unit (“GMEU”). The ES and the additional material referred to above has been examined by the Council, Natural England, GMEU and Lancashire Wildlife Trust. GMEU and the Wildlife Trust both raised concerns about aspects of the proposals but ultimately concluded that these could be addressed by planning conditions.
- 6.5 There is no reference to ecology or biodiversity in the Decision Notice and the MSoC records that there are no outstanding issues in respect of biodiversity, trees or hedgerows.
- 6.6 Notwithstanding all of this, Interested Parties have raised some concerns about both the impact that the development might have on habitats and species and the level of biodiversity net gain that the development might deliver. To address these and to give the Inspector additional comfort on these matters, the Appellants have commissioned a peer review of the ecological work submitted with the planning applications. This has been undertaken by Tim Goodwin of Ecology Solutions and a Technical Note produced by Mr Goodwin is attached at **Appendix 5**.
- 6.7 Mr Goodwin’s Note contains a summary of the work undertaken to date and a set of responses to the comments that GMEU, the Wildlife Trust and Natural England made on the planning applications. Within the section of the Note that deals with GMEU’s comments, Mr Goodwin examines the issue of biodiversity net gain. By addressing the issues raised by GMEU, the Wildlife Trust and Natural England, Mr Goodwin also covers all of the points made by Interested Parties. As the Inspector will note, all matters relating to habitats and species are appropriately dealt by the proposals. Subject to there being appropriate conditions and obligations, the proposals will be acceptable in all ecological respects.

- 6.8 As regards biodiversity net gain, Mr Goodwin notes that TEP, the authors of the ecological assessments that accompanied the planning applications, calculate that the proposed development will deliver a net gain of 2.07%. Mr Goodwin is satisfied that the net gain calculation is based on a robust methodology and is accurate. However, he also notes that baseline conditions can and probably will change over time and that it would be sensible to reassess the net gain offered by the proposed development prior to commencement. He also notes that the Appellants wish to ensure that the development achieves a net gain that is considerably better than TEP has calculated. Indeed, the Appellants are keen to achieve a net gain of at least 10%. Mr Goodwin goes on to explain how this could be achieved.
- 6.9 The concerns of Interested Parties are noted. However, these matters have been properly examined through the planning application process and the proposals have been found to be acceptable. The proposals comply with Core Strategy Policy 22 and Local Plan Policy G16. As regards biodiversity net gain, I note that there is only currently a development plan and NPPF requirement to deliver 'a net gain' and the acceptability of the proposals does not in any way hinge on whether the Appellants can achieve 10%. However, as Mr Goodwin points out, this level of gain can be delivered in this instance and the Inspector and Interested Parties may consider this a significant benefit of the proposals.

Education Infrastructure

- 6.10 LCC (as Local Education Authority ("LEA")) is the body responsible for assessing the capacity of existing schools and determining the extent to which students that are expected to live within proposed developments can be accommodated within existing facilities without the need for further investment. It conducts its assessments as follows:
- a) identify the primary and secondary schools in the vicinity of the site (for primary schools it adopts a 2 mile catchment and for secondary schools a 3 mile catchment);
 - b) working with the schools themselves, determine their capacity in 5 years' time (including capacity generated by any planned investment);
 - c) determine the current numbers of pupils on roll at each establishment and project numbers forward by 5 years based on (i) birth and migration data and (ii) factoring in pupil yields expected from developments that have planning permission and are referenced in the latest version of the Councils 5 year housing land supply assessment. It also then considers likely pupil yields from developments that have been granted planning permission since the housing land supply document was published and looks also at sites that are the subject of planning applications that have not yet been determined;
 - d) calculate the number of pupils likely to be generated by the proposed development. LCC basis its assessment of likely pupil yield on the results of a research project that it conducted in 2012, having regard to Rightmove data cross checked against School Census information. Where the LEA knows what the dwelling mix will be within a particular development, it calculates a pupil yield for each house type. Where mix is not known (i.e. outline planning applications), it assumes that all properties are 4 bed homes because, based on its formula, this would represent a worst case scenario;
 - e) add the forecast pupil numbers to the numbers expected to be generated by the development and compare this combined figure with the expected capacity of the schools within the 2 catchments; and

- f) in cases where the proposed development would take the forecast number of pupils on roll beyond the capacity of the schools in the area, the LEA will seek a financial contribution (formula based) to cover the cost of delivering the necessary capacity enhancements.
- 6.11 In the present case, the LEA assessed the proposed developments in September last year and again in May this year (for the purposes of these appeals). Because the Appellants have not yet fully designed the development, it has not been possible for the LEA to calculate the pupil yield from the development proposals based on a firm housing mix and so it has assumed that all 1,100 of the proposed dwellings will be 4 bed homes. On the basis of the above methodology, the LEA has calculated that there will be sufficient spare capacity within existing schools to accommodate both the primary and secondary pupils that are likely to be generated by the development (with considerable headroom remaining within the secondary setting). However, if all of the housing developments that are the subject of live planning applications are granted planning permissions, then there will be a slight shortage of primary school places. Accordingly, the LEA initially sought a financial contribution for primary school infrastructure.
- 6.12 However, as part of the masterplanning of the entirety of the allocation, and the safeguarded land, the LEA has requested that land be set aside for a new, 2FE primary school and the Appellants agreed early in the design process to integrate this into the scheme. The land for the school will be gifted to the LEA, as a serviced plot, at nil consideration. Because the value of this plot exceeds the scale of primary school contribution sought, the LEA has agreed to take the land in lieu of the financial contribution. The LEA has not yet confirmed when it might need the land and so it will be necessary for this to be safeguarded through the S106 Agreement.
- 6.13 Interested Parties have raised concerns about:
- a) the pupil yield ratios used by the LEA;
 - b) the various committed developments that have been factored into the analysis and whether a properly comprehensive assessment has been undertaken; and
 - c) the population (births and migration) data that the LEA has used.
- 6.14 I cannot speak for the LEA but based on the assessment that the LEA has produced for these proposals, I can say this:
- a) as regards (a), the LEA bases its pupil yield calculations on its own, bespoke research. It applies these ratios consistently to all development proposals across the County. The Interested Parties have compared the LEAs figures with those derived from a piece of research undertaken for Northamptonshire Council. I have not examined that research but I consider that it would be wholly inappropriate to suggest that Lancashire LEA should be applying ratios derived from that or any other study. Locally derived data is likely to be considerably more reliable;
 - b) in terms of (b), I believe that the Interested Parties have misread the LEAs assessment which clearly states that all developments that were 'committed' at the point the assessment was undertaken have been factored into the calculations. This includes all of the developments that are included in the 5 year land supply document that the Interested Parties have referenced and data on planning permissions granted since the publication of that document. As noted above, the LEA has also had regard to developments that are the subject of live planning applications but in respect of which planning permissions have not yet been granted; and
 - c) finally, insofar as the demographic data is concerned, the Interested Parties say that they can't reconcile a general trend of population growth with a forecast decrease in the number of primary

school age children. I am not an expert in demographics but as I understand it there are a number of reasons why the overall size of the population might grow but the % of young children within the population might not grow to the same extent or at all and migration is one. Again, though, we are talking about data here that the LEA has considerable experience in interrogating and applying consistently across the County and it would be wrong, in my opinion, to deviate from the LEAs position without very good cause and, with respect to the Interested Parties, they have not presented any evidence that suggests that the LEA has misunderstood or misapplied the relevant data.

- 6.15 It is my opinion that the appeal proposals make appropriate provision for education infrastructure in accordance with Core Strategy Policy 14 and Local Plan Policy H1.

Healthcare

- 6.16 Interested Parties have raised concerns about the capacity within local healthcare facilities. In South Ribble, developers make financial contributions towards the cost of maintaining and enhancing such infrastructure through the Council's Community Infrastructure Levy.

Interruptions to Utilities and Services During Construction

- 6.17 Interested Parties have said that they are concerned about the disruption that they may encounter as regards utilities and services during the construction period. I cannot guarantee that there won't be any such disturbance but, as noted at the beginning of this Proof of Evidence, the Appellants are highly experienced developers. They have processes, procedures and standards in place that ensure that disruption is kept to the absolute minimum and that if ever local people have any concerns about the way the development is being constructed, there will be mechanisms in place that they can use to have matters investigated and resolved quickly. There will also be a condition attached to the planning permissions which requires the submission of a CEMP which will almost certainly require the developers to agree with the Council matters such as construction traffic routing, hours of working, control of noise, dust and vibration, the monitoring of compliance and measures for communicating with local residents and businesses.

City Deal

- 6.18 KBLR has made extensive submissions on the City Deal but has incorrectly assumed that the Appellants will be inviting the Inspector to attach significant weight to the contribution that the proposed development will make to that programme. This is not the case. However, in its letter to the Inspector (**Appendix 1**), Homes England describes the City Deal, how the Partners to it pool resources and how Homes England has recycled income received from the sale of the 11 sites it invested into the City Deal in the form of loan and grant funding (amounting to £30.3m in loans and £24.2m in grants so far). This money has been / is being used to facilitate the delivery of major infrastructure, including the Preston Western Distributor, a new railway station at Cottam Parkway, improvements to the Lancashire Canal, health and safety works at Bamber Bridge. The Pickerings Farm site is also invested in the City Deal and so the proceeds that Homes England receives when it ultimately disposes of the land that it owns within the site, this will be recycled also, as part of its ongoing commitment to the programme.

7. The Benefits of the Proposed Development

7.1 The proposed development will deliver considerable economic, social and environmental benefits. I list the main benefits of the proposals below and, for each, provide my professional opinion on how much weight it should be afforded in the planning balance. At the end of this Section, I look at the benefits in the round and provide an opinion on the weight they should be afforded when considered collectively. As regards the weight to be applied, I use the following scale:

- a) limited weight;
- b) moderate weight;
- c) significant weight.

7.2 The benefits of the Appeal proposals are:

Economic

- a) during the construction period, the development will generate an average of 275 jobs per annum. At the end of December 2021, South Ribble was home to 52,300 economically active men and women, 1,900 of whom were unemployed. Creating jobs for over 14% of the Borough's unemployed would make a material difference to the local economy and I afford this significant weight to this in the planning balance;
- b) a development of 1,100 dwellings will have a population in the order 2,650. I estimate 70%, or around 1,850 of these residents will be of working age (16-64). The development is likely to encourage a higher skilled workforce to live in the area given the high quality of housing proposed. Higher skilled workers are generally more productive and have higher earnings potential, which is likely to translate into higher expenditure in the local economy. I attach moderate weight to this benefit;
- c) based upon the current New Homes Bonus policy, the proposed development could generate around £6.1m to the Council over 4 years (equivalent to £1.5m per annum), based upon current Council Tax levels and the Council achieving housing growth above its Band D equivalent baseline position. The development will also deliver long-term fiscal benefits through the Council Tax system. Once all new housing is occupied, annual Council Tax revenues would be in the order of £1.8m per annum. I attach moderate weight to these benefits;
- d) the development will result in new on-site job creation. New jobs will be created both within the two-form entry primary school and local centre (which will include the mobility hub, the community concierge and a range of uses within Use Classes A and E). However, the number of jobs created would be relatively limited for the scale of the project (because it is housing and not employment led) and so I afford this only limited weight in the planning balance; and
- e) the expenditure of new residents will help support employment in local businesses across South Ribble. It is estimated that household expenditure will be around £12.7m per annum, supporting 156 FTE jobs. This would be the single biggest economic boost to the local economy derived from a housing scheme in the Borough. I consider this to be a considerable benefit and afford it significant weight in the planning balance.

Social

- a) the delivery of 1,100 new homes. The Council is currently delivering new homes at a faster rate than required according to its local housing need assessment and is not in any immediate danger of having less than a 5 year supply of deliverable housing sites. However, the locally assessed need is a minimum requirement, the UK is in the grip of the worst housing crisis that it has experienced since the second world war, the Government is still mandating local authorities to boost significantly the supply of new homes and the Pickerings Farm allocation is central to the vision, strategic objectives and spatial strategy for Central Lancashire. The Appeal proposals will deliver on planning policy commitments that have existed since the Core Strategy was adopted in 2012 and will deliver a significant number of new homes in a time of a national crisis. These are factors that I consider should be afforded significant weight in the planning balance;
- b) the delivery of up to 330 affordable homes, including First Homes, in circumstances where the Council has failed, and continues to fail to deliver any like the number of affordable homes that the Borough requires (see updated Report produced by James Stacey of Tetlow King attached at **Appendix 6**).

As Mr Stacey explains, even on the Council's best case figures (i.e. comparing the number of affordable homes delivered between 2018 and 2022 and the 'need' calculated in the Central Lancashire Housing Study (2020))³, it has delivered 424 fewer affordable homes than the Borough needs, in just the last 4 years. If one takes the need figure from the Central Lancashire SHMA (2017)⁴, and looks at the period 2013 to 2022, the shortfall as at March 2022 is a staggering 1,428 homes. I should also add that Mr Stacey notes that, since 2009, only 19% of all housing completions in South Ribble have been affordable and only in 1 year has the Council achieved 30% or more⁵.

Looking ahead, the Council's latest assessment of housing land supply indicates that, over the next 5 years, only 373 affordable homes will be delivered. Comparing the forward supply with the 2020 need figure takes the shortfall up to 1,015 homes. Again, this is the best case figure. If one looks at the forward supply relative to the need identified in the 2017 SHMA, the shortfall will rise to 2,154 affordable homes by March 2027. So the situation is forecast to get worse rather than better. A step change in delivery is therefore required if the Council is to avoid the adverse effects that arise from failing to satisfy affordable housing needs and that Mr Stacey describes in his Section 7. In the light of the scale of this issue, the delivery of 330 affordable homes is something that I consider must be afforded significant weight in the planning balance;

- c) the delivery of a broad mix of homes which range in size and style, including 1, 2, 3 and 4 bedroom homes, bungalows, mews, semi-detached, detached and apartments. In addition, there is the opportunity for a proportion of these properties to provide specialist elderly accommodation within use class C2. I afford this benefit significant weight;
- d) the provision of serviced land for the construction of a new two form entry primary school which will serve the development and future demand arising in the local community. This is a benefit that will have a positive impact beyond the sites themselves and will drive sustainable and active patterns of travel and so I afford it significant weight;
- e) a new local centre which will provide retail, commercial, employment and community facilities, widening the choice of amenities for new and existing residents. The local centre will also include

³ 208 affordable homes per annum

⁴ 235 affordable homes per annum

⁵ 2019 / 2020 – 50% of housing completions were affordable

a mobility hub and community concierge. The centre will contribute to place making and be accessible for new and existing residents via active travel corridors, creating an attractive and desirable place to live, whilst also boosting the local economy. I afford the benefits that the local centre will provide moderate weight in the planning balance;

- f) a shared workspace will be created to provide for and encourage communal working in a modern, well specified environment that is close to home. I consider this to be an important element of a housing scheme that caters for the way that people are living now and are likely to live in the future and because of the place-making, community cohesion and sustainable travel benefits it will provide, I afford it moderate weight in the planning balance;
- g) the making of appropriate contributions, through CIL payments, towards the creation or improvement of existing local facilities, including the Kingsfold Medical Centre, to ensure there is adequate patient capacity. Financial contributions will also be made pursuant to S106 obligations towards improvements planned for Penwortham Community Centre and improved sports facilities in the local area. Given that a not insubstantial proportion of the obligations that will be agreed will benefit communities beyond the community that exists on site, I afford these benefits of the proposals significant weight;

Environmental

- a) the masterplan and the 'vision and validate' approach to movement will deliver sustainable and active travel and minimise reliance on motor vehicles for local journeys. The existing Lanes, many of which are already adopted highways and PRow, provide a unique opportunity to create an active travel network within the sites which respects the local setting and helps retain its rural character. Each of the pedestrian and cycle routes within the Sites (both new and existing) will be lit, surfaced, be generally overlooked and be of high quality to ensure access on foot and by cycle is easy, safe and convenient. Existing Public Rights of Way will be retained along existing alignments with consideration given to upgrading routes to bridleway status to be determined within future reserved matters detailed planning applications as the Sites are brought forward. I afford this significant weight in the planning balance;
- b) the delivery of a substantially greater level of biodiversity net gain than is required. The development plan and NPPF only require the development to deliver 'a net gain' whereas the Appellants will achieve at least 10%. I afford this significant weight in the planning balance;
- c) once the landscaping of the proposals has matured, the proposed development has the potential to deliver beneficial effects arising from the substantial improvement of these landscape features in the long term. I afford this moderate weight;
- d) changes to the onsite drainage strategy will significantly reduce surface water runoff rates. The volume of runoff to the northern boundary culvert will be reduced and diverted to outfall to the same system, but downstream of the existing development. The discharge of surface water via the onsite drainage network will have a major beneficial effect on the Mill Brook system. The effect on fluvial and surface water flood risk will result in moderate to major beneficial change from the existing situation with surface water managed via the drainage network and surface water flooding managed within a flood basin (with an inclusion of climate change allowance). Given the fact that the alterations to the site's hydrology will deliver a substantial betterment for local people, I afford this significant weight in the planning balance;
- e) play spaces, open spaces and footpaths / cycleways will be incorporated into the scheme with associated opportunities for physical recreation. The development will significantly over provide

on publicly accessible open space. This will provide benefits to more than just the on-site community and I afford it significant weight in the planning balance.

- 7.3 Overall, I given the number and range of benefits that the development will provide, some of which will impact positively on communities off-site, I consider that, together, they should be afforded significant weight in the planning balance.

8. The Planning Balance and Conclusions

- 8.1 S38(6) of the Planning and Compulsory Purchase Act 2994 provides that this appeal must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development, a policy which sits at the heart of the NPPF, and insofar as relevant to this appeal, the presumption means approving development proposals that accord with an up to date development plan without delay. I note also the important policy contained within paragraph 38 of the NPPF which reads as follows:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 8.2 I am not satisfied that the Council has acted in the spirit of paragraph 38 and it is unfortunate that the Appellants have had to seek out independent determination, but there is an opportunity through this process now to correct matters.

The Development Plan and Policy Compliance

- 8.3 There is no suggestion in this case that the development plan is out of date. It is nearing the end of the period that it was designed to cover and parts of it are based on data that has now been superseded (e.g housing need) but it remains consistent with the key policies within the NPPF and continues to deliver a sustainable pattern of growth.
- 8.4 The Pickerings Farm housing allocation is specifically referred to in the development plan as being central to the delivery of the spatial strategy for both South Ribble and Central Lancashire. The Council notes its importance in its SoC.
- 8.5 The RfR refer to only a handful of development plan policies that the Council says the proposals conflict with⁶. However, the evidence presented in this Proof (including my Appendices) together with the evidence contained in the Proofs prepared by Mr Axon and Mr Thornton very clearly demonstrates that the Council is wrong and that the actual position as regards development plan compliance is as follows:

Core Strategy

Policy Ref:	Subject	Compliance	Notes
1	Locating Growth	Y	
2	Infrastructure	Y	
3	Travel	Y	

⁶ Core Strategy Policies 17 and 30 and Local Plan Policies A1, A2, C1, G10, G11 and G17

5	Density	Y	
6	Housing Quality	Y	Only part (c) relevant. To be addressed at RM stage but Appellants committed to delivering an appropriate mix of homes and achieving ever higher standards of construction
7	Affordable Housing	Y	
14	Education	Y	
17	Design of New Buildings	-	To be addressed at RM stage but DAS and Design Code and Masterplan provide clear evidence of how Policy 17 will be addressed
18	Green Infrastructure	-	No relevant criteria applying
22	Biodiversity	Y	
23	Health	Y	
24	Sport and Recreation	Y	
25	Community Facilities	Y	
27	Sustainable Resources and New Development	Y	
29	Water Management	Y	
30	Air Quality	Y	

Local Plan

Policy Ref:	Subject	Compliance	Notes
A1	Developer Contributions	-	Not a Policy to be complied with. Provides a framework for the Council seeking Planning Obligations

A2	Cross Borough Link Road	Y	
B1	Existing Built up Areas	-	Not Relevant
C1	Pickerings Farm, Penwortham	Y	
D1	Allocation of Housing Land	Y	
D2	Phasing of Housing	-	Policy is a statement of Council intent. Compliance not required
F1	Parking Standards	-	To be addressed at RM stage
G3	Safeguarded Land	Y	
G8	Green Infrastructure Network	Y	
G10	Green Infrastructure Provision in Residential Developments	Y	
G11	Playing Pitch Provision	Y	
G12	Green Corridors / Green Wedges	Y	
G13	Trees and Woodlands	Y	
G14	Unstable or Contaminated Land	Y	
G16	Biodiversity and Nature Conservation		
G17	Design Criteria for New Development	Y	Only criterion (c) relevant at this stage. Remaining criteria to be addressed through RMs.
H1	Protection of Health, Education and Other Community Services and Facilities	Y	

8.9 As the table above indicates, the proposals accord entirely with the provisions of the development plan.

Other Material Considerations

- 8.10 As noted in earlier Sections, Mr Axon, Mr Thornton and I have had regard to a range of other material considerations and, where these contain policy (in the case of the NPPF) or guidance, we have assessed whether the proposals comply or conflict.
- 8.11 The NPPF (**CD4.1**) is the most important of the other material considerations in this case and, in my opinion, there is no policy in the NPPF with which the proposals conflict and nothing in it that would indicate that planning permission should be refused. In particular, I note that the proposed development is consistent with the NPPFs provisions on:
- a) delivering a sufficient supply of new homes (paragraphs 60, 63, 65 and 73 being of particular note);
 - b) promoting healthy and safe communities (paragraphs 92, 93 and 95);
 - c) open space and recreation (paragraphs 98 and 100);
 - d) promoting sustainable transport (paragraphs 104, 105, 110, 111 and 112 in particular);
 - e) making effective use of land (paragraph 120);
 - f) achieving appropriate densities (paragraphs 124 and 125);
 - g) achieving well designed places (paragraphs 128 and 130); and
 - h) conserving the natural environment (paragraph 174).
- 8.12 Beyond the NPPF, I and others have examined the relevant provisions of the NPPG and the Council's SPDs on Design, Open Space, Affordable Housing and Biodiversity and Nature Conservation. We have found the proposals to be in accordance with all relevant provisions within these documents.
- 8.13 Finally, as regards other material considerations, the proposals will deliver a significant number and range of economic, social and environmental benefits which, overall and as noted above, I consider should be afforded significant weight in the planning balance.

The Planning Balance

- 8.14 In this case, the planning balance is straightforward to assess. The proposals are in accordance with the provisions of the development plan when read as a whole and there are no material considerations which indicate that planning permission should be refused. Indeed, the other material considerations include the positive benefits that the proposals will generate in economic, social and environmental terms. All of these factors indicate that the proposals will deliver significant public benefits. Therefore, and in accordance with the provisions of paragraph 11 of the NPPF, planning permission should be granted without delay. Even if I am wrong about the extent to which the proposals comply with the relevant provisions of the development plan, and the conclusion were to be reached that they do not accord with the plan when read as a whole, material considerations and, in particular, the extensive benefits of the proposals would readily outweigh any such breach.

Conclusions

- 8.15 In the light of the above, I consider the case for allowing the appeals to be compelling. I respectfully request that they are allowed, subject to appropriate obligations and conditions.

9. Conditions, Obligations and CIL

- 9.1 The Appellants are in the process of trying to agree a set of planning conditions that can be attached to the planning permissions should the appeals be allowed. These will be submitted to PINS before the Inquiry opens and will be discussed at a roundtable session led by the Inspector.
- 9.2 The Appellants have compiled a Draft S106 agreement and this was shared with the Council on XX June 2022. The Appellants will attempt to agree this with the Council in the coming weeks, so that a settled document can be submitted to PINS before the Inquiry opens. I note that Policy A1 of the Local Plan deals with developer contributions and includes a list of the types of infrastructure that developments might be required to make financial contributions towards and notes also that, where appropriate, the Council will permit developers to provide the necessary infrastructure themselves instead of making such contributions. I understand that the S106 Agreement will also be discussed at a roundtable session.
- 9.3 The Appeal proposals will attract a CIL charge (**CD7.3**). As things stand, the Appellants are only expecting to have to make a Levy payment for the housing that is proposed as all of the other elements of the scheme appear to be zero rated or are not referenced in the Council's Charging Schedule at all. The base rate charge for new dwellings (excluding apartments which are zero rated) is £65 per sqm (GIA) of new floorspace created.
- 9.4 Because we do not yet know how much floorspace the homes within the development will provide, we cannot say for certain what the CIL charge for the proposals will be. However, to give the Inspector an indication is to the broad scale of charge that might be required, we have run a calculation assuming:
- a) 770 homes (1,100 less 330 affordable);
 - b) a SHMA compliant mix of 2 (25%), 3 (55%) and 4 (20%) bedroom homes (i.e. 193, 423 and 154 respectively);
 - c) total floorspace (based on average dwelling type floor space): 83,000 sq m; and
 - d) BCIS indexation rate for 2022: £92.22/sq m;
- 9.5 This gives a total estimated CIL charge of £7,654,260.
- 9.6 The balance that is to be struck between the use of CIL and contributions sought via any S106 Agreement is a matter that will need to be explored during the roundtable session.

Craig Alsbury BA(Hons) BTP MRTPI
Principal
Avison Young

Appendix 1

Letter from Homes England



The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
United Kingdom

Dear Sir,

Appeals by Taylor Wimpey UK Limited and Homes England
Site Address: Pickering's Farm Site, Flag Lane, Penwortham, Lancashire, PR1 9TQ

PINS Appeal refs: APP/F2360/W/22/3295498 & APP/F2360/W/22/3295502

My name is Nicola Elsworth. I am Head of Planning and Enabling (primarily covering North-West England) at Homes England, I have worked at Homes England and its predecessor bodies for 19 years.

I am authorised by Homes England to write to you explaining Homes England's interest in the Pickering's Farm allocated site, and to set out its position regarding the above Appeals.

The Role of Homes England

Homes England (the trading name of the Homes and Communities Agency) was set up by the Government under the Housing and Regeneration Act 2008, with its objects stated as being to:

- Improve the supply and quality of housing in England;
- Secure the regeneration or development of land or infrastructure in England;
- Support in other ways the creation, regeneration or development of communities in England or their continued well-being, or
- Contribute to the achievement of sustainable development and good design in England, with the view in all cases to meeting the needs of people living in England (section 3 of the Act).

Homes England's mission is to work proactively to ensure more homes are built in areas of the greatest need and to ensure the affordability of homes is improved. We intervene in the market where it is necessary, therefore driving positive market change. The

Government has made very clear that it expects Homes England to intervene and use its powers to deliver, or speed up the delivery of, housing and regeneration, where it is appropriate to do so.

The Homes England Strategic Plan 2018-23¹ is clear: unlocking land, making it available for development at the earliest opportunity and accelerating housing delivery are key strategic objectives of the Agency. To meet its objectives, Homes England works proactively to identify significant opportunities where it can use its resources and powers to work with developers and local authorities to deliver, or accelerate the delivery of, new homes and affordable homes.

The Pickering's Farm site is one such opportunity; it is a large (78.4ha), allocated housing site within the South Ribble Local Plan². Homes England has the freehold ownership of 17.04 ha of land and Taylor Wimpey has control over a further 35.19 hectares of land (under two option agreements). The remaining land is in third party ownership. As such, Homes England and Taylor Wimpey own or control over 52 hectares, with the potential to deliver 1,100 much needed new homes; presenting a major opportunity for housing delivery.

In order to bring the site forward for development in a comprehensive and integrated manner, Homes England and Taylor Wimpey have been working in partnership for 15 years. The two partners are committed to achieving high quality place making whilst meeting the requirements of the Council's Local Plan.

Through collaboration the parties bring together significant experience, expertise, and resources; having agreed to share costs (planning and de-risking, infrastructure, disposal and associated technical services) alongside the intended joint procurement of works, infrastructure and services. There is little doubt that if planning permission is granted pursuant to the Appeals, the development will proceed on the ground swiftly, creating 1,100 much needed new homes.

Site History

The Pickering's Farm site was identified for future housing development in local planning policy following the designation of Central Lancashire as a New Town in 1970. The location was identified for housing growth in the New Town's plan and a number of sites were acquired by the Central Lancashire Development Corporation in the mid 1970's. These sites have subsequently passed into the ownership of Homes England, as the statutory successor to the Development Corporation.

South Ribble Borough Council (SRBC) safeguarded the site for residential development in 2000³, prior to allocating it as a 'Major Site for Development' in the South Ribble Local Plan (2015)⁴. The Pickering's Farm housing allocation is specifically referred to in the

¹ Homes England Strategic Plan: www.gov.uk/government/publications/homes-england-strategic-plan-201819-to-202223

² As set out in Policy C1 – Pickering's Farm, Penwortham of the South Ribble Local Plan (2015).

³ As set out at paragraph 9.26 of the South Ribble Local Plan (2000).

⁴ As set out in Policy C1 – Pickering's Farm, Penwortham of the South Ribble Local Plan (2015).

development plan as being central to the delivery of the spatial strategy for both South Ribble and Central Lancashire. The site has therefore been a long-standing housing aspiration for the Council and for Homes England and its predecessor bodies.

Progress to date

Homes England and Taylor Wimpey have undertaken an extensive key stakeholder consultation exercise (with local residents, SRBC, Lancashire County Council (LCC), Penwortham Town Council, Network Rail and National Highways), in addition to detailed technical due diligence and formal pre-application meetings with both SRBC and LCC.

Following this, Homes England and Taylor Wimpey promoted an outline residential-led application for 1,100 residential dwellings (ref. 07/2020/00015/ORM) and a detailed application for a Cross Borough Link Road (CBLR) (ref. 07/2020/00014/FUL). Both planning applications and the Masterplan were submitted to SRBC in December 2019. SRBC's Planning Committee resolved to refuse the Masterplan in September 2020.

To seek to resolve the issues raised by the Planning Committee, several meetings were held with SRBC and LCC. Following the refusal of the masterplan, and with Taylor Wimpey and Homes England still hopeful of promoting a development which would gain the support of both SRBC and LCC, withdrawal of the applications was decided as being the most appropriate course of action.

In August 2021, following further significant engagement with the Councils, two new co-ordinated planning applications for comprehensive development were submitted. Unfortunately, again (as explained in the evidence of Mr Craig Alsbury) these applications were refused at SRBC's Planning Committee on 29th November 2021.

The decision to refuse the applications is disappointing for Homes England given the strategic nature of the allocated site and significant work undertaken by the Appellants (including investment of £2.35m by Homes England to date). Following careful consideration, the Agency has decided to pursue a planning appeal jointly with Taylor Wimpey. We consider that the decision to refuse the applications is ill-founded, given the site's allocated planning status and the merits of the submitted planning applications, including their compliance with local plan policy and the opportunity to create a sustainable high-quality community on a scale that will make a positive contribution to the area.

From the outset, both partners have been committed to undertaking significant technical work to inform the comprehensive approach to the masterplanning and design of the development. One of Homes England's objectives is to deliver and encourage high quality development, and this is a role the Agency takes seriously. This is achieved through compliance with national policy and guidance and the use of design quality assessment tools, such as Building for a Healthy Life.

The high-quality place-making proposals at Pickering's Farm have been subject to review by several experienced professionals, including Homes England's internal Master Development and Design Team (who are responsible for promoting and advocating high

design quality across England), with Building for a Healthy Life being used as the benchmark document to appraise the design qualities the site masterplan is seeking to achieve. This review concluded that the layout of the Pickering's Farm masterplan demonstrates significant design features that align to good place-making and transport planning / design.

In addition, the delivery of the development at the site will achieve a range of public benefits including:

- Delivery of 1,100 new homes on an allocated site, with a range of different house types and sizes
- Providing the opportunity for local people to get on the property ladder
- Providing 30% of the homes as affordable homes in accordance with Local Plan policy
- New on-site job creation - it is estimated that household expenditure will be around £12.7m per annum, supporting 156 FTE jobs
- A new local centre which will provide a mix of uses including retail and community facilities and sustainable transport opportunities, widening the choice of amenities for new and existing residents
- A new two form entry primary school – this will serve both the development and future demand arising in the local community
- A net gain in biodiversity
- New publicly accessible open space - the policy requirement is 8.97 hectares. However, the development will provide some 16.09 hectares of public open space
- Provision of a spine road which will be capable of forming part of a link road across the site, if the Council decide to proceed with such a road.

The Preston, South Ribble and Lancashire City Deal ('the City Deal')

As one of Homes England's 11 sites in the City Deal, should the appeal not be upheld then potential land receipts will not be paid into the Deal, nor will the site contribute to delivery of the City Deal's housing and economic targets.

Signed in 2013, the City Deal is an innovative collaboration agreement made between central Government, Homes England and four local partners: Lancashire County Council, Lancashire Enterprise Partnership, Preston City Council and South Ribble Borough Council, designed to achieve an ambitious step-change in the delivery of infrastructure, housing and employment, creating over 17,000 new homes and 50,000 new jobs over a 10-year period.

Through the Deal, Homes England works with partners to pool resources to accelerate the delivery of the above targets through the creation of new infrastructure which unlocks land for development. Homes England has committed 11 of its sites into the Deal. Income received from the sale of the 11 sites is invested into the City Deal in the form of loan and

grant funding. Grant funding is capped at £37.5m and both loan and grant are paid into the Deal to facilitate delivery of major strategic infrastructure (including the Preston Western Distributor, a new railway station at Cottam Parkway, improvements to the Lancashire Canal, health and safety works at Bamber Bridge and deliver future infrastructure proposals including the dualling of the A582).

To date, Homes England has been successful in securing planning permission on 10 of the 11 City Deal sites (with Pickering's Farm being the last remaining site). Progress of these sites has been positive; 1,229 homes (of 3,801 homes with planning consent) have been completed with development ongoing; and final terms are being agreed to deliver 62,500 sqm of commercial floorspace at the Preston East employment site.

Homes England's housing sites are delivering policy compliant levels of affordable housing either through on-site provision or off-site contributions⁵.

To date, Homes England has paid £30.3m of loan and £24.2m of grant funding into the Deal. As such, Homes England is fully committed to directly and purposefully supporting housing delivery in South Ribble and Lancashire. The grant of planning permissions pursuant to this appeal will support Homes England to continue its successful delivery track record and fulfil its part of the City Deal.

Homes England has carefully considered the decision as to whether to submit an appeal against the Council's refusal. It is a relatively unusual step for Homes England to take, because we pride ourselves on our ability to work closely, collaboratively and in harmony with our stakeholder and local authority partners. However, on this occasion, in light of the Council's disappointing decision and its impact for housing supply in South Ribble and Lancashire, we consider it necessary to take this approach for the reasons outlined in the case, and in the absence of any other way to bring about this much needed development.

Yours sincerely



Nicola Elsworth

Head of Planning & Enabling

⁵ Aside from the Whittingham site, where due to viability issues a lower affordable housing percentage was agreed.

Appendix 2

Indicative Phasing and Implementation Plan

**AVISON
YOUNG**

S.78 Town and Country Planning Act 1990 (as amended)

Appeals Against the Refusal of Planning Permissions

07/2021/00886/ORM and 07/2021/00887/ORM

Land at Pickering's Farm, Penwortham

**Indicative Scheme Phasing and Implementation Plan – Draft for
Discussion with SRBC**

July 2022

Contents

1.	Introduction.....	1
2.	The Phases.....	2

Appendices

Appendix 1 – Phasing Plans

Report title: Indicative Scheme Phasing and Implementation Plan

Prepared by: Taylor Wimpey and Homes England

Status: Draft for Discussion

Draft date: 19 July 2022

1. Introduction

1.1 A Phasing Plan was submitted with the Planning Applications, as was an Infrastructure Delivery Schedule which described all of the infrastructure that the Appellants expected the development to require, provided information on how each would be funded and gave an indication as to when it would be delivered. The Council concluded that the submitted phasing plan contained insufficient information and, in its Decision Notices, included the following reason for refusal:

Policy C1 of the South Ribble Local Plan requires the submission of a phasing and infrastructure delivery schedule and an agreed programme of implementation. The submitted documentation provides insufficient detail on how the site will be delivered and no detailed phasing plan has been submitted and no programme of implementation has been agreed. Therefore, the scheme is contrary to Policy C1.

1.2 This document builds on the plans and schedule provided with the planning applications. It provides additional information on how the Appellants envisage the development being delivered, including what each phase of the development is likely to contain and over what kind of period they would expect each phase to be delivered.

1.3 The information supplied in this document is indicative. The Appellants would expect there to be an obligation attached to each of the planning permissions which requires a fuller Delivery Strategy to be submitted and approved at an appropriate point before the development commences. Accordingly, and as is normal practice, a fully detailed Delivery Strategy will be produced after the outline planning permissions have been granted.

1.4 When it comes to matters of delivery, it is important to note that the Appellants comprise the Government's housing accelerator and one of the biggest housebuilders in the UK. Both are highly experienced developers and have delivered many schemes of this type and scale. They have also worked jointly on these proposals over a number of years and to ensure that the development proceeds and proceeds in a timely and appropriate manner, have entered into binding legal agreements. There should be no grounds for concern about the Appellants' ability to deliver this development in a manner and to a standard that achieves high quality, sustainable outcomes and satisfactorily manages impacts as the project progresses.

1.5 The phasing and implementation of the Appeal proposals is described in words and drawings. The words appear below and the drawings are contained within the pack attached at **Appendix 1**.

2. The Phases

Introduction

- 2.1 Immediately following the grant of the outline planning permissions, there will be a lead-in period during which Taylor Wimpey and Homes England will seek approvals for Reserved Matters, discharge relevant planning conditions and obligations, secure technical approvals (for matters such as roads and sewers), and prepare the site for construction. From the point that development commences, it is envisaged that it will proceed in five phases.
- 2.2 Phase 1 will deliver essential infrastructure, including roads, drainage, flood basins, footpaths and cycleways, and public open space. This will create key links within the development and will connect the development to the existing communities to the north, east and west. It will also deliver important open spaces and part of the public realm (including the Village Green) that will help create a sense of place from the outset. The road infrastructure provided within Phase 1 will enable bus operators to run services that either enter and exit the development by Penwortham Way or Bee Lane (i.e. in and out via each of those points), or through the site via the spine road, Bee Lane and a short road link which will be bus gated and connects the spine road and Bee Lane adjacent to the village green.
- 2.3 Phases 2-5 will each deliver a mix of homes, 30% of which will be affordable, as well as any additional infrastructure that each phase requires (i.e. infrastructure not already delivered as part of Phase 1). To create a community at the heart of the development as soon as possible, and to give early occupiers easy access into the existing urban area to the north, it is envisaged that the first homes will be delivered to the immediate east and west of the Village Green and that, to the south of the Green, where the Local Centre is proposed, an Interim Mobility Hub and Community Concierge will be established, either of which could also house a basic village shop. It is likely that, when fully operational, the site will have 4 sales outlets delivering approximately 150 dwellings per annum.
- 2.4 From the outset, land will be safeguarded for the primary school. As and when the County Council gives notice that it requires the land, it will be serviced and then handed over in accordance with the obligations agreed within the s106 Agreement. Land for the spine road will also be safeguarded from the outset, although work will commence on the delivery of that at the start of Phase 1 and will then continue as the development proceeds.
- 2.5 For each phase, we summarise below what it is expected to be delivered and over what period.

Summary of Phase Content and Timelines

Phase 0 (October 2022 – December 2024)

- Prepare and Secure Approval for Delivery Strategy (up to 6 months)
- Prepare Reserved Matters for Phases 1 and 2 (or parts of Phase 2) (6 Months)*
- Secure Approval for Reserved Matters (6 Months)
- Discharge Pre-Commencement Conditions as Required (6 Months)
- Safeguard land for Primary School
- Safeguard land for spine road
- Secure Technical Approvals (6 Months)
- Site Preparation (9 Months)

[Note: it is anticipated that some of the above workstreams will run in parallel rather than sequence. For example, it is likely that RMs for at least parts of Phase 2 (if not the whole of it) will be prepared alongside the RMs for Phase 1 and that, at the same time, work will be undertaken on the discharge of pre-commencement conditions. If the permission allows, some preliminary site preparation work could also be progressed during the early stages of Phase 0. The overall timeframe estimate for Phase 0 allows for the developers to obtain the approvals they will need to commence the Phase 1 works and, as and when the necessary infrastructure is in place, commence the delivery of new homes within Phase 2 parcels. RMs for any outstanding parcels within Phase 2 and RMs for subsequent Phases will be programmed to ensure that the development is built out in a seamless and continuous manner].

Phase 1 (January 2025 – December 2027)

- Construct spine road junction with Penwortham Way
- Construct offsite foul and surface water connections to Pope Lane and Penwortham Way culvert respectively

- Construct spine road from junction with Penwortham Way to point just beyond the village green space proposed adjacent to the Local Centre
- Construct bus only link between the spine road and Bee Lane to the immediate east of the village green
- Construct village green (see total quantum and breakdown of open space for this Phase below)
- Construct swale system alongside spine road
- Construct surface water attenuation basin adjacent to Penwortham Way
- Construct flood basin to the north and north west of school land
- Construct public open space and footpath and cycleway connecting the spine road to Cloughfield
- Construct footpath and cycle links from spine road to Bee Lane and Moss Lane
- Enhance footpath link from Nib Lane to Moss Lane as it crosses spine road corridor
- Enhance footpath link from Moss Lane to Mill Brook and then Penwortham Way
- Enhance adopted highway along Moss Lane north of Bee Lane
- Improvements to active travel infrastructure at Bee Lane/Leyland Road junction
- Improvements to pedestrian and traffic management infrastructure at Bee Lane bridge
- 4.5ha of amenity green space
- 0.075ha of equipped play areas
- 4.41ha of natural and semi natural green space

Phase 2 (June 2026 – December 2029)

- Enhance remainder of footpath link from Nib Lane to Moss Lane
- Construct road / footway and cycleway infrastructure from spine road into development parcels to east and west of spine road

- Make road / footway and cycleway connections between the east and west development parcels and adjoining networks and green infrastructure delivered as part of Phase 1
- 0.99ha of amenity green space
- 0.053ha of equipped play areas
- 1.09ha of natural and semi natural green space
- Approximately 410 homes (30% affordable)
- Deliver interim mobility hub and community concierge located to immediate north of the Dairy, on site of Local Centre
- Continue to safeguard land for spine road in future phases to the east of Phase 2
- Continue to safeguard land for Primary School if not required by LEA

Phase 3 (June 2029 – June 2032)

- Construct foul and surface water pumping stations to facilitate drainage of land parcels to the north of the spine road and to the immediate south in the vicinity of the Local Centre with connections to culvert and sewer system to north respectively
- Create footpath and cycle links to existing link to Kingsfold Drive
- Construct additional length of spine road and road / footpath / cycleway connections between existing and Phase 3 development parcels
- Enhance footpath links from Nib Lane to Mill Brook, the southern end of Moss Lane to Mill Brook and Mill Brook to Penwortham Way
- 0.58ha of amenity green space
- 0.079ha of equipped play areas
- 2.37ha of natural and semi natural green space
- Approximately 426 homes (30% affordable)
- Deliver permanent Local Centre including mobility hub before the end of Phase 3

- Continue to safeguard land for spine road in future phases to the east of Phase 3
- Continue to safeguard land for Primary School if not required by LEA

Phase 4 (January 2031 – December 2033)

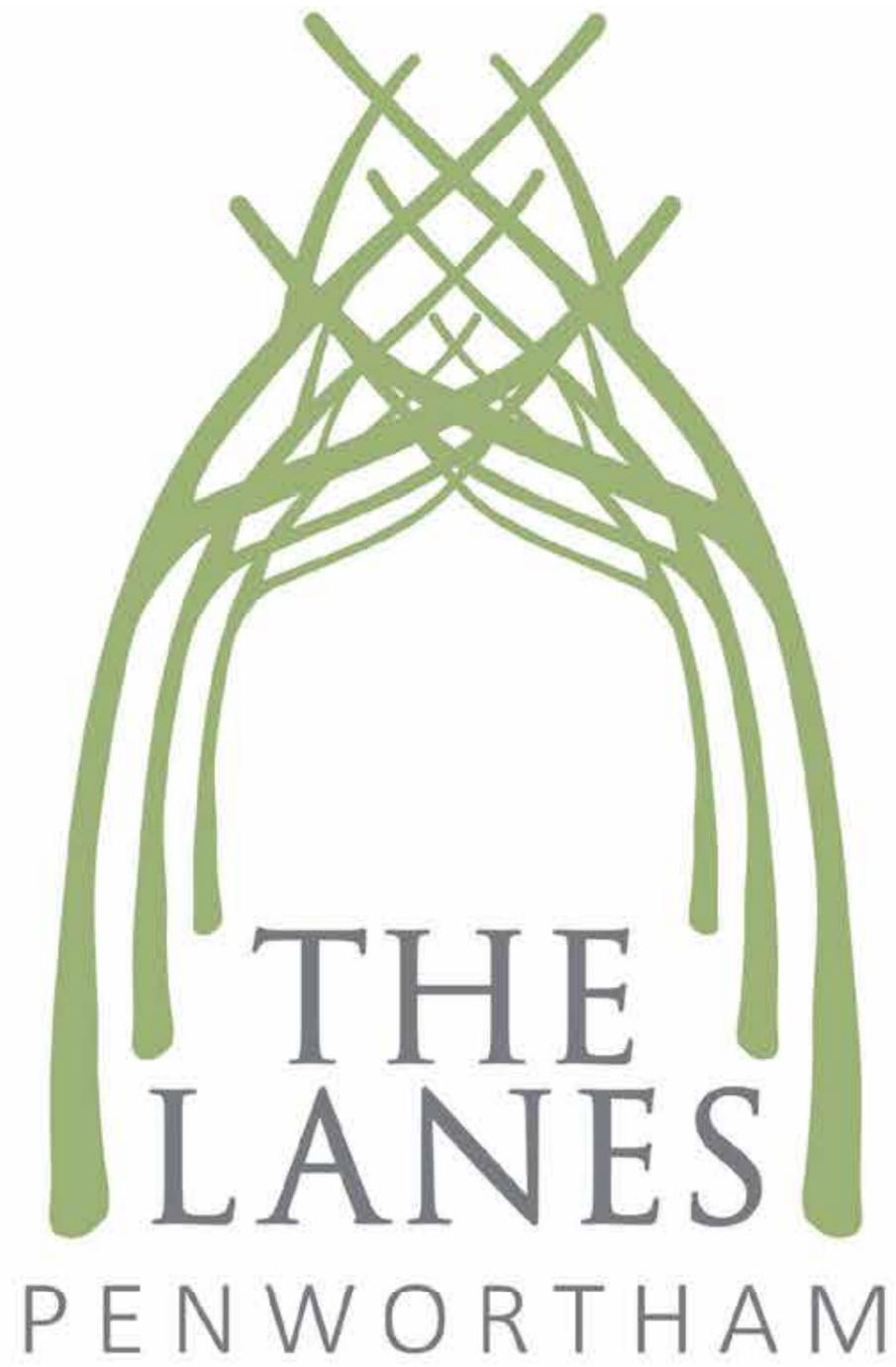
- Construct additional length of spine road and road / footpath / cycleway connections between existing and Phase 4 development parcels
- 0.17ha of amenity green space
- 0.084ha of equipped play areas
- 1.43ha of natural and semi natural green space
- Approximately 224 homes (30% affordable)
- Continue to safeguard land for spine road in Phase 5 land
- Continue to safeguard land for Primary School if not required by LEA

Phase 5 (June 2033 – December 2033)

- Construct foul and surface water connections into infrastructure provided on land lying between Phases 4 and 5
- 0.11ha of amenity green space
- 0.009ha of equipped play areas
- 0.14ha of natural and semi natural green space
- 40 homes

Appendix I

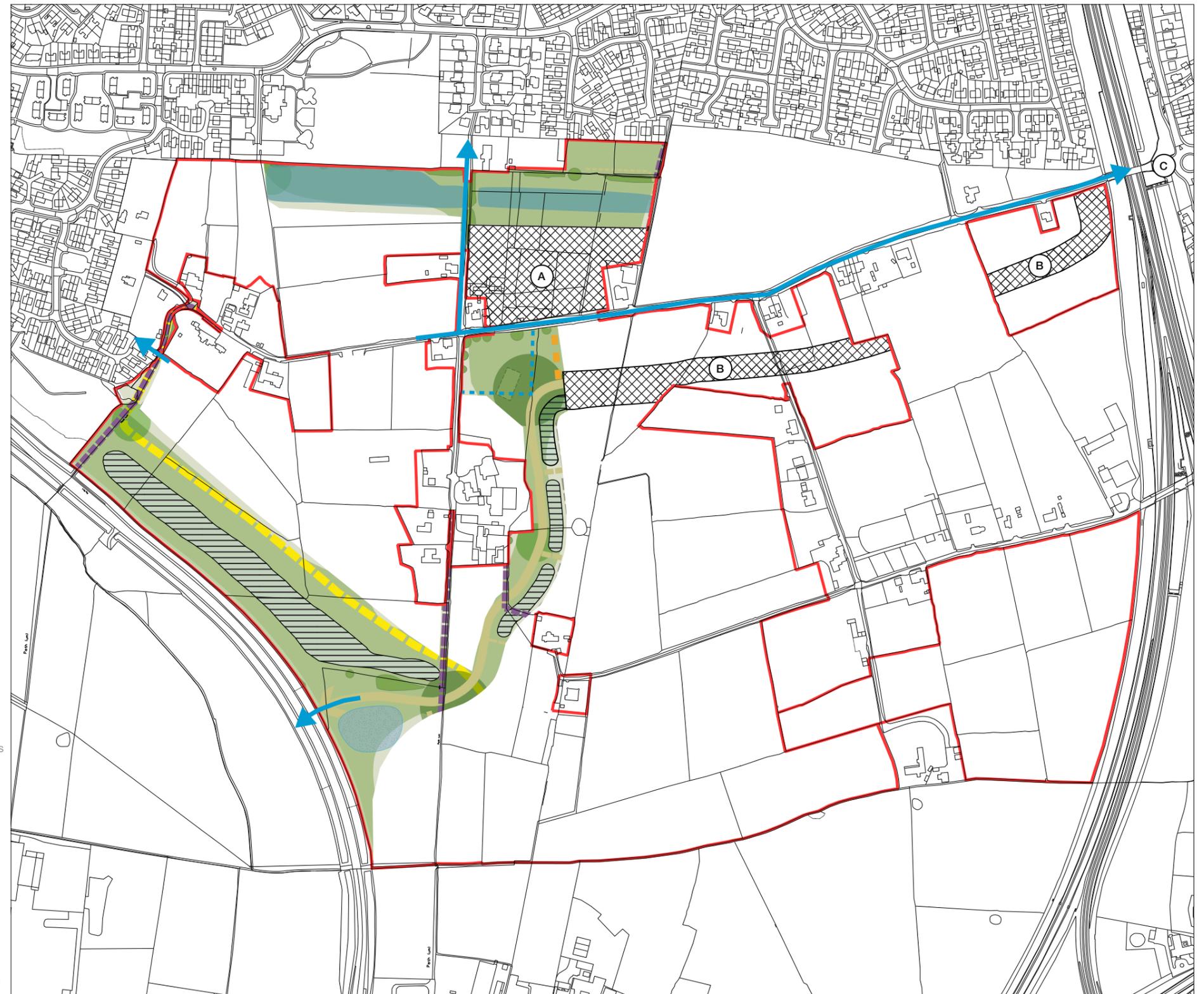
Phasing Plans



Indicative Phasing Plans

July 2022

Indicative Phasing Plans Phase 01



Key

Application Boundary A+B

Spine Road

Enhanced Streets

Informal Streets

Pedestrian Prioritised Streets

LEAPS

Network of Public Open Space

Flood Basin Area

Attenuation Basin/ Swale

Pedestrian/ Cycle Exercise Track (using existing lanes and infrastructure where available)

Bus only access

Footpath/ Cycle Links

Public Rights of Way

Pedestrian/ cycle connections into the existing network

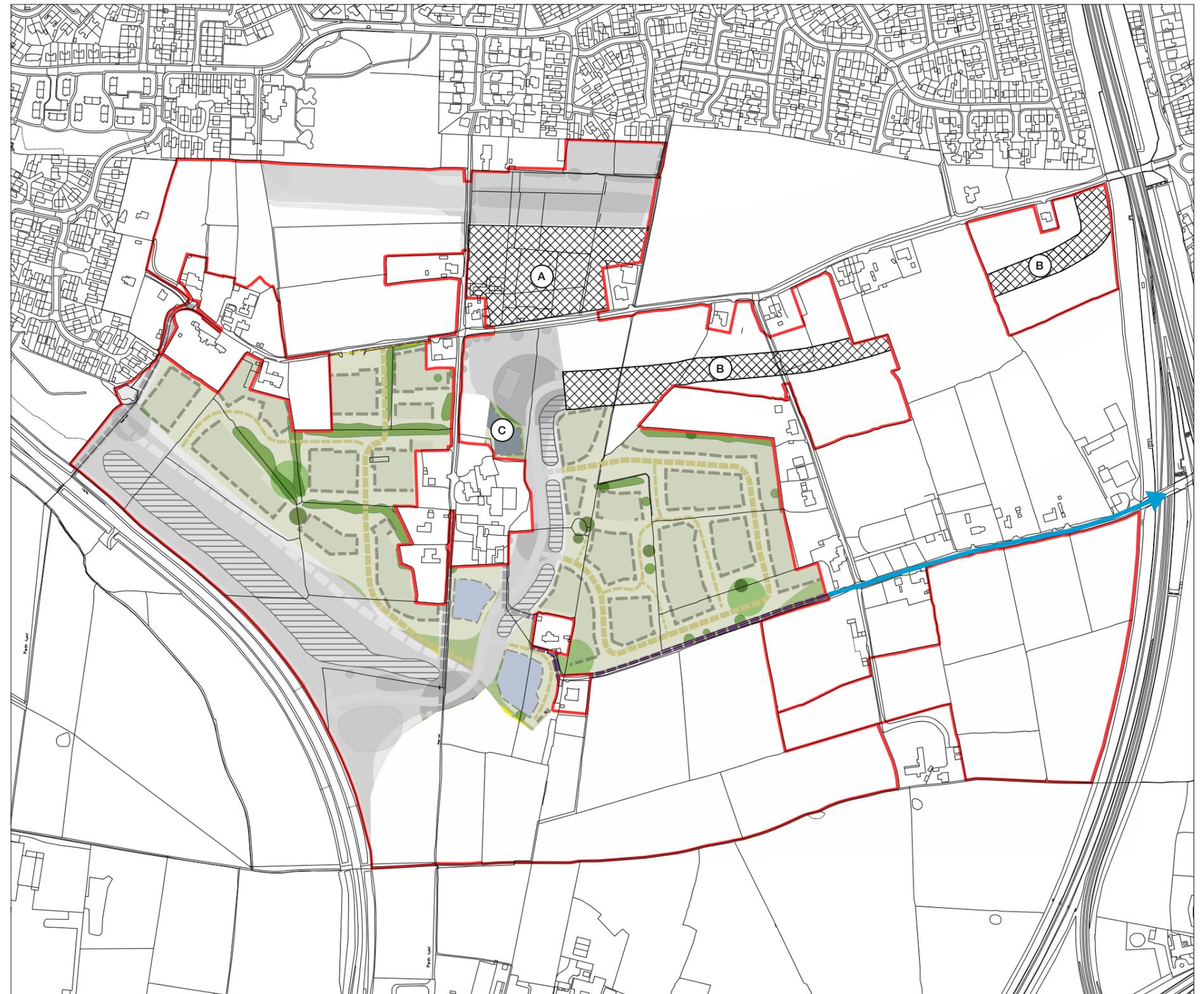
Key

A. Land safeguarded for Primary School

B. Land safeguarded for future phases of the Spine Road

C. Pedestrian bridge crossing safety improvements and new signalised junction & pedestrian crossing at Bee Lane/ Leyland Road to be provided in Phase 01

Indicative Phasing Plans Phase 02



Key

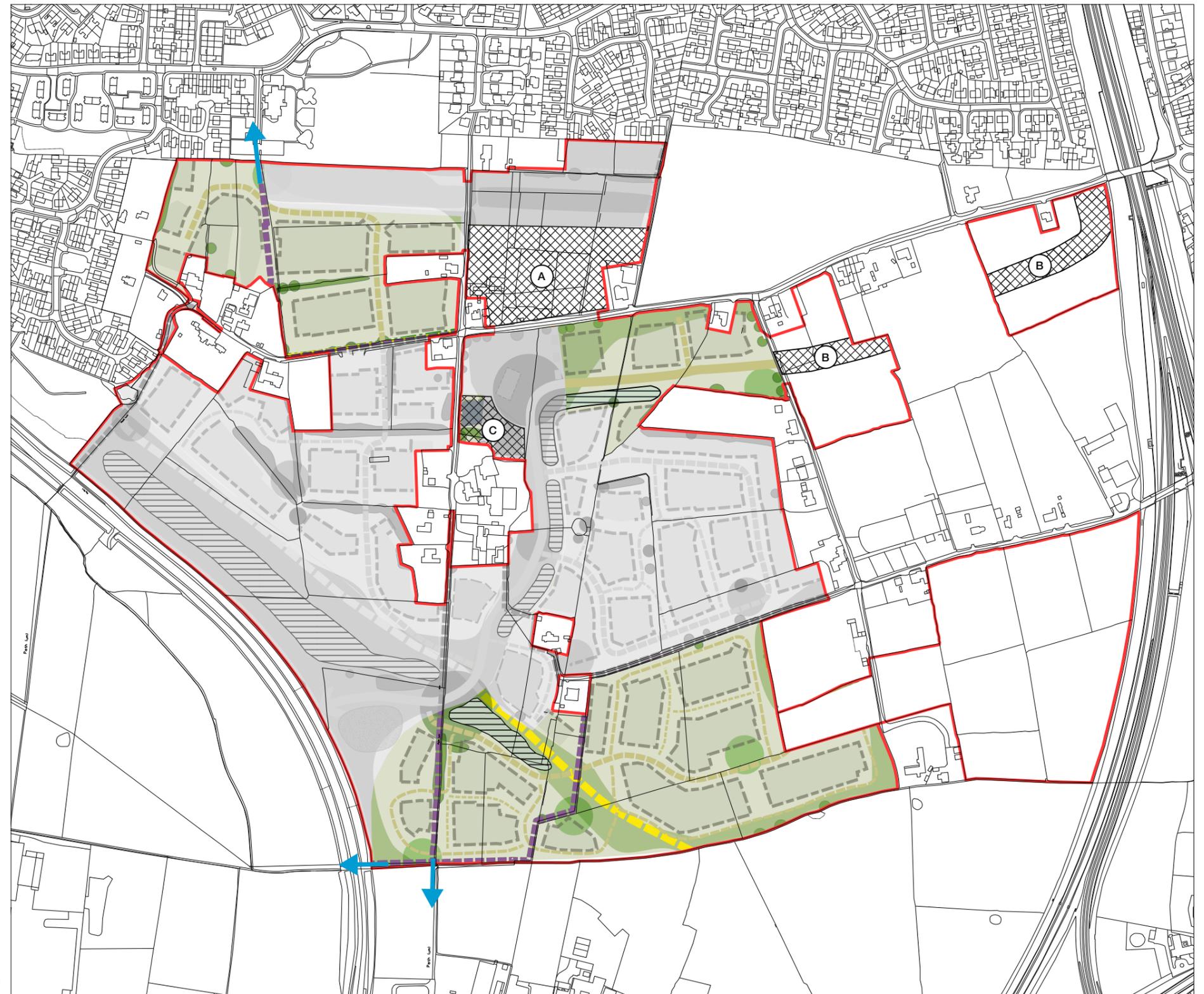
- Application Boundary A+B
- Enhanced Streets
- Informal Streets
- - - Pedestrian Prioritised Streets
- LEAPS
- Network of Public Open Space
- Public Rights of Way
- Dwelling Frontages
- Development Parcels
- Potential residential sales hubs

Key

- A. Land safeguarded for Primary School
- B. Land safeguarded for future phases of the Spine Road
- C. Interim mobility hub

- ➔ Pedestrian/ cycle connections into the existing network

Indicative Phasing Plans Phase 03



Key

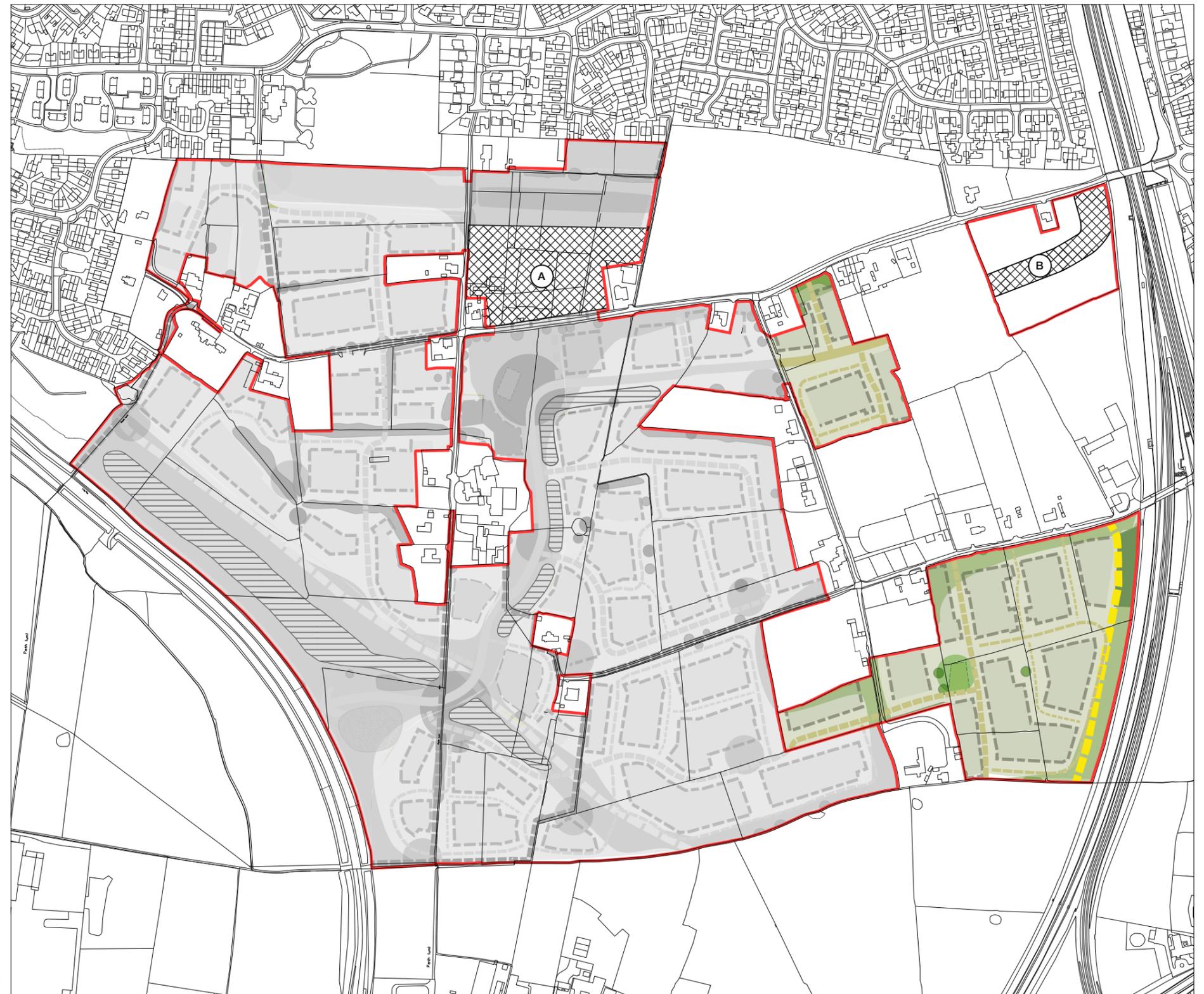
- Application Boundary A+B
- Spine Road
- Enhanced Streets
- Informal Streets
- Pedestrian Prioritised Streets
- LEAPS
- Network of Public Open Space
- Attenuation Basin/ Swale
- Pedestrian/ Cycle Exercise Track (using existing lanes and infrastructure where available)
- Public Rights of Way
- Dwelling Frontages
- Development Parcels
- ➔ Pedestrian/ cycle connections into the existing network

Key

- A. Land safeguarded for Primary School
- B. Land safeguarded for future phases of the Spine Road
- C. Full Local Centre delivered by the end of Phase 3



Indicative Phasing Plans Phase 04



Key

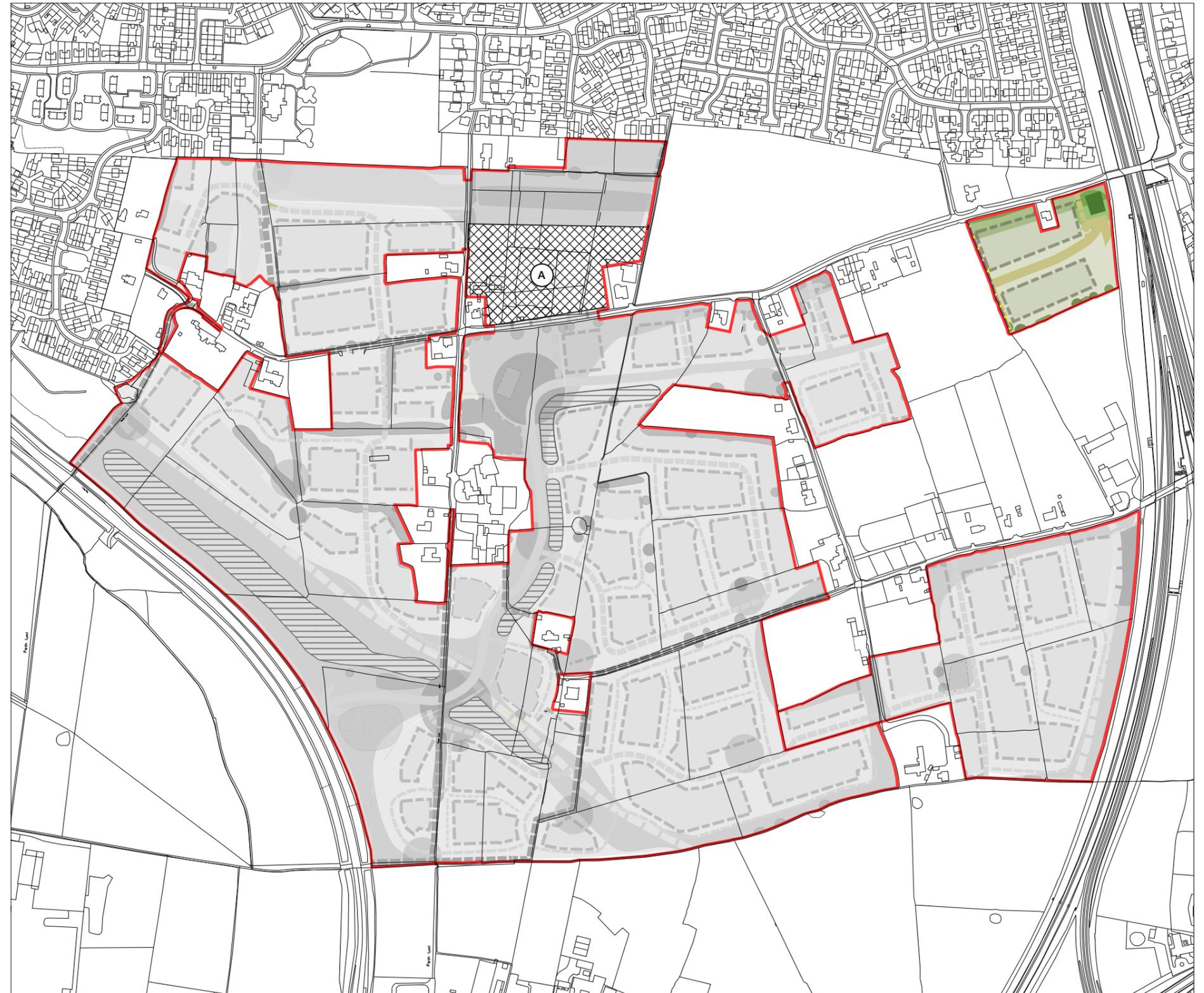
- Application Boundary A+B
- Spine Road
- Enhanced Streets
- Informal Streets
- Pedestrian Prioritised Streets
- LEAPS
- Allotments
- Network of Public Open Space
- Pedestrian/ Cycle Exercise Track (using existing lanes and infrastructure where available)
- Dwelling Frontages
- Development Parcels

Key

- A. Land safeguarded for Primary School
- B. Land safeguarded for future phases of the Spine Road

Indicative Phasing Plans

Phase 05



- Key**
- Application Boundary A+B
 - Spine Road
 - Enhanced Streets
 - Pedestrian Prioritised Streets
 - Allotments
 - Network of Public Open Space
 - Dwelling Frontages
 - Development Parcels

Key
A. Land safeguarded for Primary School



THE
LANES

PENWORTHAM



Taylor
Wimpey



Contact details

Enquiries

Craig Alsbury

craig.alsbury@avisonyoung.com

Visit us online

avisonyoung.com

Avison Young

Norfolk House, 7 Norfolk Street, Manchester M2 1DW

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.

Appendix 3

Technical Note by Matt Stouling of Isopleth

Matthew Stoling
AIR QUALITY



MS/AQ1

**Appeal by Taylor Wimpey and Homes England
Pickering's Farm Site, Flag Lane, Penwortham**

Technical Statement by Mr Matthew Stoling
BSc (Hons), MSc, FIAQM, MIEnvSci, CEnv

July 2022 (v4)

PINS Appeal refs:

APP/F2360/W/22/3295498

APP/F2360/W/22/3295502

CONTENTS

1.0 INTRODUCTION4
Qualifications and Experience..... 4
Appeal Background 4
Scope of Technical Statement..... 5
Air Quality: Common Ground 5
2.0 AIR QUALITY: TECHNICAL SUMMARY 6
Air Quality Dispersion Modelling Assessment Methodology 6
Assessment Results..... 10
Summary 10
3.0 MITIGATION MEASURES 12
4.0 AQ MATTER IN DISPUTE..... 14
Summary 14
Limits of Expertise..... 14
Calculation Method..... 14
Impact Descriptors and Significance..... 15
Modelling Predictions 17
Further Sensitivity Assessment..... 18
Summary 19
5.0 AIR QUALITY: RESPONSES TO 3RD PARTY COMMENTS 20
Appendix AQ1: AQ Statement of Common Ground 22
Appendix AQ2: Traffic Data (ENSAFE)..... 25
Appendix AQ3: Sensitivity..... 27

Referenced Documents

[CD7.6] SRBC '*Planning Advisory Note (PAN) – Low Emissions and Air Quality*'

[CD10.34] Institute of Air Quality Management (IAQM) guidance '*Land-Use Planning and Development Control: Planning for Air Quality*'.

[CD1.37] Environmental Statement: Chapter 13 – Air Quality

[CD1.72] Environmental Statement: Chapter 13. Appendix 13.1. *ADMS Inputs*

[CD1.73] Environmental Statement: Chapter 13. Appendix 13.2. *Sensitivity Analysis Impact Assessment*

[CD1.74] Environmental Statement: Chapter 13. Appendix 13.3. *Damage Cost Assessment*



1.0 INTRODUCTION

Qualifications and Experience

- 1.1 My name is Matthew Stooling. I am the founder of Isopleth Ltd, an independent air quality consultancy. I have worked as an air quality, dust and odour consultant for over 23 years. I hold a Bachelor of Science Degree with Honours in Agriculture and Environmental Science from the University of Newcastle upon Tyne. I also hold a Master of Science Degree from the University of Newcastle upon Tyne in Environmental Resource Assessment. I am a Fellow of the Institute of Air Quality Management (IAQM), a Member of the Institute of Environmental Science (IES) and a Chartered Environmentalist.
- 1.2 I have been involved with the Appeal Scheme since February 2022. I have therefore been instructed following refusal on a peer review basis and was not involved in preparation of the air quality assessments prepared in support of the planning applications. These were prepared by ENSAFE Consultants.

Appeal Background

- 1.3 For purposes of planning, The Pickering's Farm Site, Flag Lane, Penwortham has been divided into two applications sites, subject to 'Application A' and 'Application B':
- a) Application A: Planning Application Reference 07/2021/00886/ORM, PINS appeal reference APP/F2360/W/22/3295498
 - b) Application B: Planning Application Reference 07/2021/00887/ORM, PINS appeal reference APP/F2360/W/22/3295502
- 1.4 The applications were submitted to South Ribble Borough Council (SRBC) on 9th August 2021 and were validated on 10th August 2021. The determination deadline was set as 30th November 2021. Both applications were refused for the same reasons on 29th November 2021.
- 1.5 Full details of the appeal site(s) and proposed development are provided in the Appellant's Statement of Case and planning application documents.
- 1.6 For purposes of this air quality technical statement, reference to 'the application site', 'the appeal site' or 'The Pickering's Farm Site, Flag Lane, Penwortham' shall refer to the area encompassed by both applications (and both appeals) unless otherwise stated.

- 1.7 I have prepared this air quality Technical Statement to address matters not agreed with SRBC, any remaining third party objections and any other outstanding issues which may require clarification.
- 1.8 No concerns have been raised by either SRBC or 3rd parties in relation to (construction) dust and is therefore not covered within this technical statement, which relates to transport related air pollution only (i.e. exhaust emissions).

Scope of Technical Statement

- 1.9 This Technical Statement contains:
- a) A summary of the air quality technical work completed in support of the planning applications;
 - b) Details of areas of common ground between the Appellants and SRBC as they relate to air quality;
 - c) Details of air quality matters not yet agreed and my observations on these; and
 - d) Responses to comments made by 3rd parties relating to air quality.

Air Quality: Common Ground

- 1.10 A 'Scott' schedule of air quality common ground (SOCG) between the appellant and SRBC has been prepared. This is shown in **Appendix AQ1** of this technical statement.

2.0 AIR QUALITY: TECHNICAL SUMMARY

2.1 The air quality (and dust) assessment for the application site, issued as Environmental Statement Chapter 13 **[CD1.37]** and associated appendices, was prepared by ENSAFE Consultants. In this section I summarise the methods and results of this assessment.

Air Quality Dispersion Modelling Assessment Methodology

2.2 ENSAFE Consultants described in Chapter 13 that the assessment methodology for the road traffic emissions assessments was undertaken in accordance with the guidance outlined within SRBC's '*Planning Advisory Note (PAN) – Low Emissions and Air Quality*' **[CD7.6]** and the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) guidance '*Land-Use Planning and Development Control: Planning for Air Quality*' ('the IAQM Guidance' **[CD10.34]**). SRBC has confirmed that this was the case and that this methodology was acceptable [refer to SOCG, **Appendix AQ1**].

Air Quality Limits

2.3 The pollutants of relevance to traffic exhaust emissions are nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀ and PM_{2.5}). The limits for these pollutants, known as Air Quality Objectives (AQOs), are detailed in the UK Air Quality Strategy¹. In this Technical Statement I have focussed on annual average levels of nitrogen dioxide as this is the pollutant (and averaging time) for which SRBC has declared Air Quality Management Areas.

2.4 The relevant assessment AQOs used in the ENSAFE assessment are shown below².

Table 2-1: Air Quality Limit Values

Pollutant	Standard	Measured as	Equivalent percentile
NO ₂	40µg/m ³	Annual mean	-
	200µg/m ³	1 hour mean	99.79 th percentile of 1-hour-means (equivalent to 18 1-hour exceedences)
PM ₁₀	40µg/m ³	Annual mean	-
	50µg/m ³	24-hour mean	90.41 st percentile of 24-hour-means (equivalent to 35 24-hour exceedences)
PM _{2.5}	20µg/m ³	Annual mean	-

¹ DEFRA (2007) *The air quality strategy for England, Scotland, Wales and Northern Ireland*

² The April 2021 release of LAQM TG(16) has since replaced the PM_{2.5} limit with 'Work towards reducing emissions/concentrations of fine particulate matter (PM_{2.5})' rather than having a quantitative limit.

2.5 In accordance with DEFRA technical guidance Local Air Quality Management (TG16), the Air Quality Limit Values ('Objectives') and target values should be assessed at locations where members of the public are likely to be regularly present and are likely to be exposed for a period of time appropriate to the averaging period of the objective.

Table 2-2: Relevant Public Exposure

Objective Averaging Period	Objectives should apply at:	Objectives should not apply at:
Annual mean	All locations where members of the public might be regularly exposed. Building façades of residential properties, schools, hospitals, care homes etc.	Facades of offices Hotels Gardens of residences Kerbside sites
24-hour mean	All locations where the annual mean objective would apply, together with hotels. Gardens of residential properties.	Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term.
1-hour mean	As above together with kerbside sites of regular access, car parks, bus stations etc Any outdoor locations where members of the public might reasonably expect to spend one hour or longer.	Kerbside sites where public would not be expected to have regular access

2.6 Annual limits would therefore only apply at building facades of residential properties, and not at gardens of those same residences, bus stops, along roads or other similar locations. Any relevant public exposure areas where these limits exceed the objectives shown in Table 2-1 would be regarded as being subject to poor air quality.

Modelling Approach

2.7 Detailed dispersion modelling of road vehicle exhaust emissions from the local highway network was undertaken using ADMS-Roads³ in order to quantify relevant pollutant mean concentrations of NO₂, PM₁₀ and PM_{2.5} across the development site, as well as to quantify impacts upon nearby human sensitive locations associated with additional road vehicle exhaust emission generated by the Proposed Development.

³ Atmospheric Dispersion Modelling System, Cambridge Environmental Research Consultants Ltd.

- 2.8 Receptor locations were represented through the selection of:
- a) 'Grid' receptors along each road link, allowing a visual representation of impacts at all locations near the modelled roads. As listed in Appendix 13.1 to the ES [CD1.72] a total of 104 road links were modelled;
 - b) 'Discrete' receptors (49 in total) along specified road links; and
 - c) Receptors relating to council monitoring points (for model verification) and the within the Council Air Quality Management Areas (AQMAs).
- 2.9 ADMS-Roads is a software package commonly used for the prediction of traffic related pollutant dispersion and results are accepted by Local Authorities, DEFRA and the Environment Agency. SRBC has agreed that this model is suitable.
- 2.10 Modelling was undertaken using traffic data provided by Vectos (now SLR) and the Department for Transport (DfT) database for the 104 modelled road links. The modelling assumed vehicle speeds which account for peak hour congestion and junction slowdowns in accordance with the guidance provided within DEFRA document 'Local Air Quality Management Technical Guidance LAQM TG(16)⁴.
- 2.11 The ENSAFE assessment considered the following model scenarios, which SRBC has agreed are suitable:
- a) 2019 as baseline year for verification against Council monitoring data;
 - b) Completion year do-minimum (DM): predicted traffic flows in 2031 without the proposed development including cumulative developments flows up to the year 2031; and
 - c) Completion year do-something (DS): predicted traffic flows in 2031 of completed phasing including cumulative developments flows, with the assessment of total traffic generated by the completed Development in 2031.

⁴ <https://laqm.defra.gov.uk/documents/LAQM-TG16-April-21-v1.pdf>

- 2.12 The total number of vehicles generated by the operational phase would be present during the anticipated scheme completion year of 2031, with first occupation of site users expected in 2025. Due to the projected improvement of vehicle emissions in the future, guided by government policy and measures detailed within the SRBC PAN **[CD7.6]**, ENSAFE considered that it was a suitable approach to use a first occupation year emissions scenario (2025). This provided a robust approach where vehicle emissions would be higher than opening year emissions detailed for 2031.
- 2.13 The use of 2025 emission factors in combination with the total number of development vehicles, which is representative of the 2031 scheme completion year, during the operational phase therefore ensures robust approach (i.e. future modelled impacts will be higher than we would actually expect in 2031).
- 2.14 Additionally, two sensitivity scenarios were completed and the results presented in Environmental Statement Chapter 13, Appendix 13.2 Sensitivity Analysis **[CD1.73]**. SRBC has agreed that these are suitable:
- a) The first scenario used 2030 emission factors (the maximum output from the Emission Factor Toolkit (EFT) version 10) to represent predicted emissions in the development completion year of 2031; and
 - b) The second scenario considered the effects on traffic as a result of dualling of Penwortham Way (planning ref. LCC/2020/0014), should planning approval be granted.
- 2.15 Modelling results were 'verified' using SRBC monitoring data to adjust modelled concentrations in accordance with DEFRA Guidance. This process ensures uncertainties within the modelling parameters are investigated and minimised as far as possible. The verification process demonstrated suitable correlation between modelled and monitoring roadside concentrations, specifically in cases where monitoring locations provide true representation of conditions at existing and future receptor locations. The full model verification calculations are shown in Environmental Statement Chapter 13, Appendix 13.1 ADMS Inputs **[CD1.72]**.
- 2.16 The benefit of completing the model verification procedure is that any errors / assumptions in the baseline traffic data (2019) will be 'benchmarked' against monitored roadside concentrations. SRBC has confirmed that this methodology was acceptable [refer to SOCG, **Appendix AQ1**].

Effects and Significance

2.17 The magnitude of change in pollution levels was compared against the significance criteria provided in the Environmental Protection UK (EPUK) and IAQM guidance **[CD10.34]**. This provides an indication of the potential for development generated emissions to cause air quality impacts at sensitive locations. I describe this in more detail in paragraphs 4.9 – 4.16 of this technical statement.

Assessment Results

2.18 ENSAFE found that impacts for NO₂, PM₁₀ and PM_{2.5} at all 49 receptor locations along the 104 modelled road links were predicted to be ‘negligible’ and therefore ‘not significant’, even when assuming 2025 emission factors for the 2031 opening year (i.e. disregarding the ongoing improvements in vehicle technology and the adoption of low and zero emission vehicles). The table of results for annual average NO₂ is included in **Appendix AQ2** of this technical statement.

2.19 The additional traffic is therefore not predicted to result in significant worsening of the air quality at any sites, including Lostock Hall, Penwortham and Walton-le-Dale. All three areas are currently designated as AQMAs however the status of these sites will remain under review by SRBC in accordance with its Statutory Requirements for air quality review and assessment. In line with general improvements in air quality as a result of widespread adoption of low and emission free vehicles over the next decade these baseline levels would be expected to reduce through time.

2.20 Appendix 13.3 to the Environmental Statement **[CD1.74]** includes a ‘Damage Cost Assessment’ prepared in accordance with the SRBC PAN **[CD7.6]**. This identified an air quality damage cost of £252,046 which must be spent on air quality mitigation measures (either by the appellant, subsequent developer where different, or the Council). I discuss this further in Section 3 of this Technical Statement. SRBC has confirmed that the damage cost calculation was acceptable [refer to SOCG, **Appendix AQ1**].

Summary

2.21 ENSAFE used appropriate methods and software in order to predict the impact at all potentially sensitive locations in accordance with the SRBC PAN **[CD7.6]** and the Environmental Protection UK (EPUK) and (IAQM) guidance **[CD10.34]**.

2.22 ENSAFE found that impacts for all 3 pollutants at all receptor locations was predicted to be ‘negligible’ and therefore ‘not significant’.

- 2.23 SRBC agreed that the air quality report methodology and conclusions are acceptable, subject to the traffic data used [refer to SOCG, **Appendix AQ1**].



3.0 MITIGATION MEASURES

3.1 The SRBC PAN [CD7.6] states in paragraph 3.7 that:

The selection and design of further mitigation measures is informed by the use of an Emissions Assessment to quantify associated bulk emissions. This is used to determine whether the mitigation proposals represent a balanced and proportionate level of mitigation compared to the harm that would be otherwise caused by site emissions.

3.2 Mitigation measures were suggested by ENSAFE ([CD1.74] Appendix 13.3, page 4) which included standard requirements for all developments and some measures that are required by other regimes e.g. by the Highways authority. These are consistent with those detailed in the SRBC PAN [CD7.6] (Appendix B and Appendix C).

3.3 Given that the appeal applications relate to outline schemes for construction over a period from 2025 to 2031 I do not consider it unreasonable to suggest, as ENSAFE did in Appendix 13.3 [CD1.74], that:

'Additional measures may be implemented and will be fully discussed and agreed with SRBC before completion of the development.'

3.4 I would envisage that this would take the form of an on-site mitigation plan (or equivalent) for each phase of development to be prepared at the reserved matters stage.

3.5 I consider that this approach is consistent with the SRBC PAN [CD7.6] paragraph 3.6. Which allows for both targeted measures and also paragraph 3.6 (iv):

(iv) Off-Site Contribution: Where the emission impact can't be fully mitigated by measures on or in close proximity to a development, a financial contribution may be requested towards wider compensatory measures, typically including investment in local fleets, road networks or low emission infrastructure...'

3.6 I consider that the guidance is clear, that the damage cost on air quality for the development of £252,046 may be spent either on measures which directly benefit the development area or as a contribution to the Council towards wider air quality improvements in accordance with the SRBC PAN [CD7.6] paragraph 3.6 (iv), above.

3.7 Most importantly, given that the appeal applications relate to outline schemes for construction over a period from 2025 to 2031 it would be important to propose measures which are relevant at that time:

- a) consistent with those considered by SRBC as most effective given future Air Quality Action Plan measures;
- b) representative of technological advances which are relevant at that time. For example EV charging technology, alternative fuels (such as hydrogen); and
- c) consistent with applicable Regulations and Standards.

3.8 For these reasons (and as confirmed in the AQ SOCG) the Council is content, subject to a suitably worded S106 agreement, to defer identifying the specific mitigation measures that are to be deployed, and to enable mitigation to be dealt with either by the carrying out of works or the making of a financial contribution equivalent to the damage cost. This is being addressed within the S106 Agreement for the development and so subject to agreeing the wording of the relevant clauses in the S106, 'mitigation' is no longer a matter that is in dispute.



4.0 AQ MATTER IN DISPUTE

Summary

- 4.1 I understand that Lancashire County Council (as the Highways Authority in this matter) and the Appellant have not been able to agree the amount of traffic that the proposed development will likely generate. The Council's concerns are reflected in Reasons for Refusal 1 and 2. Mr Axon addresses these in his Proof of Evidence.
- 4.2 It is the case of the Council that this disagreement over vehicle trip numbers has the potential to materially change the conclusions of the air quality assessment. As I have noted earlier and as confirmed in the AQ SOCG, the Council has taken no issue with the assessment method or execution itself.
- 4.3 It is my view that this disagreement over vehicle trip numbers does not have the potential to materially change the conclusions of the air quality assessment unless they were found to be very significantly incorrect. I have presented evidence below to justify this view.
- 4.4 The model verification exercise that I have described in paragraph 2.15 and 2.16 of this technical statement ensures that the 2019 Baseline situation has been benchmarked against monitoring data. Therefore, even if the Council Highways Authority were to successfully argue that the 2019 baseline data was incorrect, this would not materially affect these baselines as related to air quality concentrations.

Limits of Expertise

- 4.5 For the avoidance of doubt, I am not qualified to present evidence in relation to matters of traffic prediction and therefore rely on the evidence of Mr Axon, and the traffic data provided by the appointed traffic consultants at the time that ENSAFE prepared the air quality assessment.

Calculation Method

- 4.6 In order to demonstrate that the disagreement over vehicle trip numbers does not have the potential to materially change the conclusions of the air quality assessment, I have prepared a table indicating the sensitivity of the air quality assessment to the traffic prediction numbers.
- 4.7 I have prepared a basic calculation for purposes of illustration. I have not considered it necessary to complete additional modelling scenarios such as those prepared by ENSAFE in Appendix 13.2 [CD1.73] of the Environmental Statement.

4.8 This draws data from (and expands upon) Chapter 13 of the Environmental Statement: Air Quality, *Table 13.22: Annual Mean NO₂ Concentrations at Existing Sensitive Receptors* ([CD1.37] page 30). This table is reproduced in **Appendix AQ2** to this PoE.

Impact Descriptors and Significance

4.9 The IAQM Guidance (**CD10.34** paragraph 6.27) describes that an air quality assessment:

‘may use its own set of criteria to define magnitude, but the important matter to be concluded is the likely significant effects of the impacts on air quality. There is, therefore, a two stage process to be followed in the assessment:

- *a qualitative or quantitative description of the impacts on local air quality arising from the development; and*
- *a judgement on the overall significance of the effects of any impacts’*

4.10 ES Chapter 13 Table 13.11: *Operational Traffic Exhaust Emissions – Assessment of Impact* presents impact descriptors for annual average concentration and this is consistent with those in Table 6.3 (p25) of the IAQM Guidance [**CD10.34**].

Table 4-1: Air Quality Impact Descriptors

Long Term Average Concentration	% Change in Concentration Relative to AQO			
	1	2-5	6-10	>10
75% or less of AQO	Negligible	Negligible	Slight	Moderate
76 - 94% of AQO	Negligible	Slight	Moderate	Moderate
95 - 102% of AQO	Slight	Moderate	Moderate	Substantial
103 - 109% of AQO	Moderate	Moderate	Substantial	Substantial
110% or more of AQO	Moderate	Substantial	Substantial	Substantial

4.11 It should be noted in relation to the % change in concentration that:

The Table is intended to be used by rounding the change in percentage pollutant concentration to whole numbers, which then makes it clearer which cell the impact falls within. The user is encouraged to treat the numbers with recognition of their likely accuracy and not assume a false level of precision. Changes of 0%, i.e. less than 0.5%, will be described as Negligible

4.12 Therefore, any result between 0.5% and 1.49% would therefore fall into the 1% column. A result of 1.5% to 5.49% would be the next column (labelled '2-5').

4.13 As described in Section 7 of the IAQM Guidance [CD10.34], the impact descriptor can then be used as the basis for an assessment of 'significance'. In relation to air quality, IAQM Guidance describes that significance will be a binary judgement with schemes being 'significant' or 'not significant' in terms of overall impact. Although there is no Statutory definition, the accepted threshold is described in paragraph 7.6 of the IAQM Guidance as follows:

'In those circumstances where a single development can be judged in isolation, it is likely that a 'moderate' or 'substantial' impact will give rise to a significant effect and a 'negligible' or 'slight' impact will not have a significant effect, but such judgements are always more likely to be valid at the two extremes of impact severity.'

4.14 The SRBC PAN [CD7.6] states that aim is the avoid significant impact on local concentrations. The text box on page 24 of the PAN [CD7.6] states that:

'The test metric is a percentage increase in pollutant concentration (usually NO₂), arising from construction, occupation and use of the site. An increase of 5% or more of the corresponding air quality objective or limit value is cause for concern.'

4.15 As examples of the IAQM approach:

- a) An annual pollutant increase resulting from the development of 6% - 10% of the objective when the future baseline is above 75% of the objective would be a 'moderate adverse' impact and therefore significant. This would also be a 'cause for concern' according to the SRBC PAN [CD7.6] as the increase is above 5%.
- b) An annual pollutant increase resulting from the development of 2% to 5% of the objective when the future baseline is below 94% of the objective would be a 'slight adverse' impact and therefore not significant. This would not be a 'cause for concern' according to the SRBC PAN [CD7.6] as the increase is below 5%.

- c) An annual pollutant increase resulting from the development of 1% of the objective when the future baseline is above 103% of the objective would be a 'moderate adverse' impact and therefore significant. According to the SRBC PAN [CD7.6], although impacts would be unlikely to lead to the worsening, creation or extension of an AQMA, they would nonetheless be a 'significant concern' and so would trigger a 'warning light'.
- 4.16 This is the standard approach taken by ENSAFE in Chapter 13 of the ES and agreed with SRBC (as confirmed in the SOCG).

Modelling Predictions

- 4.17 It can be seen from *Table 13.22* of ES Chapter 13 ([CD1.37] reproduced in Appendix AQ2 of this statement) that the greatest predicted increases in annual average NO₂ concentration are at the following receptors:
- a) R42 Residential - 149 Broad Oak Lane: 0.45µg/m³;
 - b) R47 Residential – 7 Watkin Road (AQMA): 0.40 µg/m³;
 - c) R17 Residential - 501 Leyland Road (AQMA): 0.39 µg/m³;
- 4.18 The greatest process contribution therefore represents 1% of the annual average NO₂ limit with the traffic flow predictions considered suitable by the traffic consultants for the scheme.
- 4.19 It can also be seen from *Table 13.22* that the 3 highest 'with development' concentrations (i.e. 'do something') are at the following receptors:
- a) R49 Residential -5 Browndedge Road (AQMA): 35.3 µg/m³;
 - b) R18 Residential - 19 Watkin Lane (AQMA): 33.4 µg/m³;
 - c) R47 Residential – 7 Watkin Road (AQMA): 32.8 µg/m³.
- 4.20 The greatest 'with development' concentrations therefore represents 88.3% of the annual average NO₂ limit with the traffic flow predictions considered suitable by the traffic consultants for the scheme.

4.21 ES Chapter 13 Table 13.23: *Predicted Annual Mean NO₂ Impacts at Existing Sensitive Receptors* uses the modelling results to determine impact descriptors from the IAQM Guidance [CD10.34] for each receptor. In all cases the impact is 'negligible' (and therefore 'not significant'). For the traffic data used in the assessment SRBC has agreed with these results (as confirmed in the SOCG).

Further Sensitivity Assessment

4.22 It is possible to perform a basic calculation to determine the effect that a linear increase in development traffic would have at each receptor point. The tables showing these calculations are included in **Appendix AQ3** which themselves draw on the reported annual average NO₂ results for all receptors as shown in **Appendix AQ2**.

4.23 In these tables the development contribution has been removed from the 'do something' scenario result and multiplied by a factor to represent additional traffic of the same composition and speeds before being added back to the future background. The model assumptions (aside from traffic) therefore remain consistent with those agreed by SRBC in the SOCG (Appendix AQ1). The tables show increases in development traffic flows as follows:

- a) 20% Increase: Appendix AQ3: Table AQ3a;
- b) 50% Increase: Appendix AQ3: Table AQ3b;
- c) 100% Increase: Appendix AQ3: Table AQ3c; and
- d) 200% Increase: Appendix AQ3: Table AQ3d.

4.24 Development related traffic impacts (annual average NO₂) would remain 'negligible' at all receptors until trips were to increase by a further 33% over those assessed by ENSAFE.

4.25 It can be seen in *Appendix AQ3: Table AQ3d* that impacts are, at worst, 'slight adverse' and therefore remain 'not significant' even if development traffic impacts were to be increased by 200% over those assessed by ENSAFE.

4.26 Development related traffic impacts (annual average NO₂) would remain at worst 'slight adverse' (and therefore 'not significant') until trips are increased by 551% of over those assessed by ENSAFE, at which point the impacts at R47 would reach 5.51% and the background 86.4%. At this point the impact would be 'moderate adverse' and therefore 'significant'.

Summary

- 4.27 The further sensitivity assessment above shows that, in relation to air quality impacts, the traffic generation figures for the development would have to increase by a very large factor (over 500%) before the impact would be described as 'moderate adverse' and therefore 'significant'. An even larger increase would be necessary before the impact would be described as 'substantial adverse' (and therefore overriding).
- 4.28 It is therefore my view that the disagreement over vehicle development trip numbers between the Country Council Highways Authority and the appellant does not have the potential to materially change the conclusions of the air quality assessment unless they were found to be a very large (>500%) underestimate.



5.0 AIR QUALITY: RESPONSES TO 3RD PARTY COMMENTS

- 5.1 Although 3rd party objectors correctly make general references to 'pollution' primarily as an issue associated with traffic movements, there are no specific references to Chapter 13 [CD1.37] of the Environmental Statement or any of the technical assessment work completed by ENSAFE. This is perhaps understandable given the technical nature of the air quality assessment. As such there are no specific points relating to air quality that I would be able to address in this Technical Statement.
- 5.2 As I describe above, I am not qualified to present evidence in relation to matters of traffic prediction. Statements made by 3rd parties in relation to traffic numbers will therefore be addressed by Mr Axon.
- 5.3 As detailed in Section 2 of this Technical Statement a full detailed assessment was completed and this demonstrated that the impacts of the proposed development are negligible, even when adopting a cautious approach to the modelling.
- 5.4 As detailed in the SOCG, SRBC has confirmed that:
- a) the ENSAFE technical assessment has been undertaken in line with the Councils low emissions strategy methodology; and
 - b) the air quality report methodology and conclusion are acceptable (subject to agreement on vehicle trip numbers).
- 5.5 I have undertaken a further sensitivity calculation in order to demonstrate that there is a significant margin for error in relation to development traffic data. The conclusions of the ENSAFE air quality assessment would not materially change (i.e. that air quality impacts are 'not significant' unless the development traffic numbers were to be increased by >500%.
- 5.6 It is common ground that further mitigation measures, such as charging points for Electric Vehicles in excess of those required by 2025 Building Regulations, would be able to be secured through a suitably worded S106 agreement.
- 5.7 I consider that there are no technical points raised by 3rd party objections in relation to air quality which have not already been addressed by ENSAFE at the application stage and subsequently agreed by SRBC.

The evidence which I have prepared and provide for this appeal reference APP/F2360/W/22/3295498 and APP/F2360/W/22/3295502 in this Technical Statement is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.



Appendix AQ1: AQ Statement of Common Ground



Appeal by Taylor Wimpey and Homes England: Pickering's Farm Site, Flag Lane, Penwortham

(PINS Appeal refs: APP/F2360/W/22/3295498, APP/F2360/W/22/3295502)

Reason for Refusal 8. Air Quality SOCG – Scott Schedule (Agreed 12th July 2022)

Table A: Common Ground (i.e. Matters Agreed)

Matter	The Agreed Position
AQ Assessment Method	<p>The ENSAFE technical assessment (ES Chapter and Appendices) submitted with the Planning Application(s) has been undertaken in line with the Councils low emissions strategy methodology: '<i>Planning Advisory Note (PAN) – Low Emissions and Air Quality</i>'.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16th November 2021.]</p>
AQ Assessment Findings	<p>The air quality report methodology and conclusion are acceptable, subject to traffic numbers (i.e. model inputs) being accurate, see 'matters not agreed' below.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16th November 2021.]</p>
AQ Damage Costs: Calculation	<p>The method for calculation of AQ damage costs is acceptable. The damage cost on air quality for the development amounts to £252,046.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16th November 2021.]</p>
AQ Damage Costs: Mechanisms for Investment	<p>SRBC's 'Planning Advisory Note (PAN) – Low Emissions and Air Quality' paragraph 3.6 allows for both targeted measures and also a financial contribution towards wider compensatory measures, typically including investment in local fleets, road networks or low emission infrastructure. Any monies should be ringfenced for spend on the Council identified AQ measures within the wider area of the development.</p> <p>[confirmed in N. Martin SRBC Environmental Health response to M. Stoaling, Dated 31st May 2022]</p>

S.106 agreement	<p>The provision of a S.106 agreement allowing the total damage cost sum to be payable to the Council at an agreed instalment rate based on the development progress would be acceptable as a way of dealing with the damage / mitigation measures for the air quality issue. Any monies would be ringfenced for spend on the Council identified AQ measures within the wider area of the development.</p> <p>[confirmed in N. Martin SRBC Environmental Health response to M. Stoaling, Dated 31st May 2022]</p>
-----------------	--

Table B: Matters Not Agreed

Matter	The Appellant's Case	The Council's Case
Inputs: Traffic Data  Signed	That the traffic input data used in the air quality assessment is appropriate for purposes of the air quality assessment. [Note: this is a matter for the Appellant's Highways Witness]	That the traffic input data used in the air quality assessment is not appropriate for purposes of the air quality assessment. [Note: this is a matter for the Lancashire Council / SRBC Highways Witness]

Signed

Neil Martin

Senior Environmental Health Officer

Signed

Matthew Stoaling
 Director, Isopleth Ltd.

Date: 12/07/22

Date: 12/07/22

On behalf of South Ribble Borough Council

On behalf of the Appellants

Appendix AQ2: Traffic Data (ENSAFE)

The table below is taken from ES Chapter 13: Air Quality, *Table 13.22: Annual Mean NO₂ Concentrations at Existing Sensitive Receptors* (page 30). **[CD1.37]**

Table AQ2a: Dispersion Modelling Results

Sensitive Receptor		Predicted 2031 Annual Mean NO ₂ Concentration (µg/m ³)		
		DM	DS	Change
R1	Residential - 7 Pinewood Road	17.00	17.16	0.16
R2	Residential - 1 Loxwood Close	13.06	13.21	0.15
R3	Residential - Carwood Road	14.31	14.50	0.19
R4	Residential - 3 Dovetree Close	11.21	11.29	0.08
R5	Residential - 239A Leyland Rd	22.00	22.20	0.20
R6	Residential - Leyland Road	20.58	20.76	0.18
R7	Residential - Carrington Court	24.87	25.11	0.24
R8	Residential - 297 Leyland Road	21.32	21.48	0.16
R9	Residential - 209 Leyland Road	20.85	21.04	0.19
R10	Residential - 45 Pembury Avenue	21.39	21.58	0.19
R11	Residential - 163 Leyland Road	18.56	18.65	0.09
R12	Residential - 316 Leyland Road	13.88	13.92	0.04
R13	School - Moor Hey School	14.18	14.21	0.03
R14	Residential - 388 Leyland Road (AQMA)	18.25	18.29	0.04
R15	School - St Gerad's RC Primary	13.89	13.95	0.06
R16	Residential - 471 Leyland Road (AQMA)	25.80	25.89	0.09
R17	Residential - 501 Leyland Road (AQMA)	30.13	30.52	0.39
R18	Residential - 19 Watkin Lane (AQMA)	33.09	33.44	0.35
R19	Residential - 55 Watkin Lane (AQMA)	22.31	22.54	0.23
R20	Residential - 80 Watkin Lane	18.53	18.67	0.14
R21	Residential - 57 Browndge Road	17.32	17.50	0.18
R22	Residential - 185 Browndge Road	22.09	22.23	0.14
R23	Residential - 55 Victoria Road (AQMA)	27.32	27.53	0.21
R24	Residential - Golden Way	14.51	14.78	0.27

R25	Residential - Golden Way	17.18	17.47	0.29
R26	Residential - Cloughfield	11.26	11.40	0.14
R27	Residential - Golden Way	12.41	12.57	0.16
R28	Residential - Chain House Lane	15.33	15.53	0.20
R29	Residential - Chain House Lane	11.22	11.28	0.06
R30	Residential - Chain House Lane	11.75	12.14	0.39
R31	Residential - Coote Lane	10.71	10.94	0.23
R32	Residential - 2 Marshall Brow	19.59	19.87	0.28
R33	Residential - Marshall Brow	14.68	14.82	0.14



Appendix AQ3: Sensitivity

Sensitivity Table AQ3a below shows the Predicted 2031 Annual Mean NO₂ Concentration ($\mu\text{g}/\text{m}^3$) that would be expected if the contribution from the development were to **increase by 20%** (i.e. the process contribution is 120% of that shown in Appendix AQ2). The 10 modelled receptors with the highest baseline and development impact are shown.

Table AQ3a

ID	Development Contribution	% of limit	Total Concentration	% of limit	Descriptor
R49	0.44	1.1%	35.39	88.5%	negligible
R18	0.42	1.1%	33.51	83.8%	negligible
R47	0.48	1.2%	32.85	82.1%	negligible
R46	0.38	1.0%	32.13	80.3%	negligible
R17	0.47	1.2%	30.60	76.5%	negligible
R23	0.25	0.6%	27.57	68.9%	negligible
R45	0.24	0.6%	27.34	68.4%	negligible
R42	0.54	1.4%	26.17	65.4%	negligible
R16	0.11	0.3%	25.91	64.8%	negligible
R7	0.29	0.7%	25.16	62.9%	negligible

All impacts are negligible and therefore remain 'not significant' when development traffic impacts are increased by 20%.

Sensitivity Table AQ3b below shows the Predicted 2031 Annual Mean NO₂ Concentration ($\mu\text{g}/\text{m}^3$) that would be expected if the contribution from the development were to **increase by 50%** (i.e. the process contribution is 150% of that shown in Appendix AQ2). The 10 modelled receptors with the highest baseline and development impact are shown.

Table AQ3b

ID	Development Contribution	% of limit	Total Concentration	% of limit	Descriptor
R49	0.56	1.4%	35.51	88.8%	negligible
R18	0.53	1.3%	33.62	84.0%	negligible
R47	0.60	1.5%	32.97	82.4%	slight adverse
R46	0.48	1.2%	32.23	80.6%	negligible
R17	0.59	1.5%	30.72	76.8%	slight adverse
R23	0.32	0.8%	27.64	69.1%	negligible

R45	0.30	0.8%	27.40	68.5%	negligible
R42	0.68	1.7%	26.31	65.8%	negligible
R16	0.14	0.3%	25.94	64.8%	negligible
R7	0.36	0.9%	25.23	63.1%	negligible

Impacts are, at worst, 'slight adverse' and therefore remain 'not significant' when development traffic impacts are increased by 50%.

Sensitivity Table AQ3c below shows the Predicted 2031 Annual Mean NO₂ Concentration (µg/m³) that would be expected if the contribution from the development were to **increase by 100%** (i.e. the process contribution is 200% of that shown in Appendix AQ2). The 10 modelled receptors with the highest baseline and development impact are shown.

Table AQ3c

ID	Development Contribution	% of limit	Total Concentration	% of limit	Descriptor
R49	0.74	1.9%	35.69	89.2%	slight adverse
R18	0.70	1.8%	33.79	84.5%	slight adverse
R47	0.80	2.0%	33.17	82.9%	slight adverse
R46	0.64	1.6%	32.39	81.0%	slight adverse
R17	0.78	2.0%	30.91	77.3%	slight adverse
R23	0.42	1.1%	27.74	69.4%	negligible
R45	0.40	1.0%	27.50	68.8%	negligible
R42	0.90	2.3%	26.53	66.3%	negligible
R16	0.18	0.5%	25.98	65.0%	negligible
R7	0.48	1.2%	25.35	63.4%	negligible

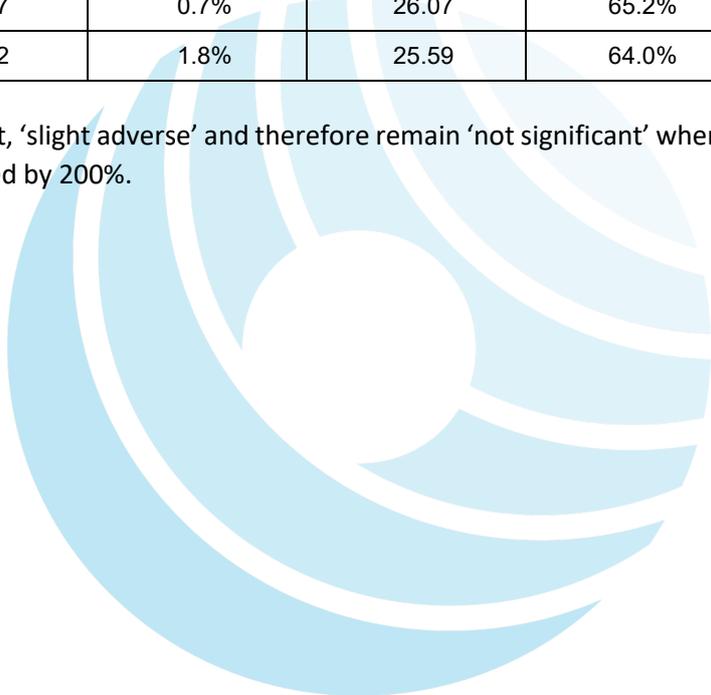
Impacts are, at worst, 'slight adverse' and therefore remain 'not significant' when development traffic impacts are increased by 100%.

Sensitivity Table AQ3d below shows the Predicted 2031 Annual Mean NO₂ Concentration (µg/m³) that would be expected if the contribution from the development were to **increase by 200%** (i.e. the process contribution is 300% of that shown in Appendix AQ2). The 10 modelled receptors with the highest baseline and development impact are shown.

Table AQ3d

ID	Development Contribution	% of limit	Total Concentration	% of limit	Descriptor
R49	1.11	2.8%	36.06	90.2%	slight adverse
R18	1.05	2.6%	34.14	85.4%	slight adverse
R47	1.20	3.0%	33.57	83.9%	slight adverse
R46	0.96	2.4%	32.71	81.8%	slight adverse
R17	1.17	2.9%	31.30	78.3%	slight adverse
R23	0.63	1.6%	27.95	69.9%	negligible
R45	0.60	1.5%	27.70	69.3%	negligible
R42	1.35	3.4%	26.98	67.5%	negligible
R16	0.27	0.7%	26.07	65.2%	negligible
R7	0.72	1.8%	25.59	64.0%	negligible

Impacts are, at worst, 'slight adverse' and therefore remain 'not significant' when development traffic impacts are increased by 200%.





Isopleth Ltd
Ulverston,
53 Englishcombe Lane,
Bath
BA2 2EE
www.isopleth.co.uk

Registered in England and Wales No. 9150373

Appendix 4

Technical Note by John Lees of Lees Roxborough

26th July 2022

Ref: 6337/3

THE LANES, PENWORTHAM

TECHNICAL NOTE ON FLOOD RISK, SURFACE WATER DRAINAGE AND FOUL DRAINAGE

1.0 Introduction

- 1.1 This technical note summarises the position on flood risk and surface water drainage matters all as set out in the approved Flood Risk Assessment (FRA) related to the proposed residential development of land at Penwortham by Taylor Wimpey and Homes England.

With respect to the FRA and surface water drainage this note has been prepared by the authors, John E Lees BSc, CEng, MICE, MCIWEM of Lees Roxburgh and Kyle Somerville BEng (Hons), CEng, MIEI of McCloy Consulting.

- 1.2 For completeness, this note incorporates a brief section on foul drainage prepared by John E Lees.

2.0 Consultations

- 2.1 The first Flood Risk Assessment (FRA) was prepared in 2019 (ref. 6337/R1) with the surface water drainage strategy being, and remaining, integral to the FRA and its conclusions.
- 2.2 In the preparation of the FRA, Lees Roxburgh (LR) consulted and liaised with Lancashire County Council as the Lead Local Flood Authority (LLFA) and United Utilities (UU) as the Sewerage Undertaker and the outcome of this process was incorporated into the FRA which was submitted with the Appellant's 2020 planning application (Appn. Ref: 07/2020/00015/ORM).
- 2.3 In their consultee response of 27th May 2020, the LLFA confirmed they had no objection subject to the proposed development being carried out in accordance with the FRA Ref. 6337/R1 of December 2019 with recommendations for 3 No. conditions. This outline application was subsequently withdrawn.
- 2.4 In August 2021 the FRA was updated (ref. 6337/R2) in support of two further outline applications which were submitted to South Ribble BC in August 2021. This update did not materially affect the contents of the December 2019 FRA.
- 2.5 Within this period, LR reviewed and responded to a number of consultee comments from UU with regard to the surface water drainage proposals which predominantly required clarification of matters already provided within the submitted FRA. The outcome of this process was that UU confirmed they had no objection to the drainage proposals as set out within the FRA which therefore remained unchanged.

- 2.6 In tandem with the above, LR consulted with UU on the foul drainage proposals. The outcome of this process was again that UU confirmed they had no objection to the foul drainage proposals, and which are summarised below.
- 2.7 The regulatory drainage authorities, the LLFA and UU as appropriate have therefore confirmed their agreement to the FRA, surface water drainage and foul drainage proposals.

3.0 Summary of Proposals

3.1 Flood Risk and Surface Water Drainage

- 3.1.1 Within the northern area of the site where there is extensive mapped and historic surface water flooding, levels will be set to create a flood basin which will manage and contain the extent of existing surface water flooding and from which a connection will be then made back into the culvert which runs alongside the north boundary of the site and is a tributary of Mill Brook.

Whilst the primary source of flooding in this area is due to runoff from the residential development within Kingsfold to the north, there will be a reduction in contributing run off from the south achieved by the proposal to redirect flows away to the north west into the attenuation basin alongside Penwortham Way as described in 3.1.2 below.

This flood basin will drain by gravity and is independent of the development drainage system.

It is intended that the management company for the development will be responsible for the long term maintenance of the flood basin.

- 3.1.2 Residual greenfield runoff from undeveloped land to the east and south (Catchment A) of the central link road will be redirected into a carrier drain system which will convey flows along the road corridor into an attenuation basin located within open space between Penwortham Way and the HV line corridor as demonstrated on the attached Drg. No. 6337/01-16 extracted from Appendix 5C of the approved FRA.

Surface water runoff from the development within Catchment A will be similarly directed via the roads and drainage infrastructure north west into the attenuation basin.

Thus, runoff which currently contributes to surface water flooding within the northern area of the site will be diverted away from this vulnerable area.

Flows from the basin will then be connected by gravity via Penwortham Way to a tributary of Mill Brook and restricted to 100 litres/sec.

It is intended that the development surface water drainage system will be adopted by United Utilities with the management company for the development responsible for the long term maintenance of the attenuation basin.

- 3.1.3 Whilst a significant and greater part of the proposed development area will be drained by gravity to the western attenuation basin as described above, levels are such that development of land to the north of Bee Lane (Catchment B) needs to be drained, and pumped, into the northern boundary culvert.

Attenuation of development flows will be provided within an oversized pipe network and therefore entirely separate from the flood basin.

Flows from this northern area will also be restricted to 100 litres/sec prior to connection into the Mill Lane tributary.

It is intended that the development surface water drainage system including the pumping station will be adopted by United Utilities.

3.2 Foul Drainage

3.2.1 Foul drainage from Catchment A will drain to a pumping station at a location to be confirmed, but alongside the main infrastructure on the approach to Penwortham Way, from which flows will be pumped alongside and into Penwortham Way with a rising main connection to the existing UU combined network at Pope Avenue to the north west.

3.2.2 Flows from Catchment B, as for surface water drainage, will need to drain north via a pumping station with a rising main connection into the UU combined sewer network in Kingsfold Drive.

3.2.3 It is intended that the development foul drainage system including the pumping stations and rising mains will be adopted by United Utilities.

4.0 Benefits

4.1 The proposed FRA and surface water drainage strategy delivers the benefits set out below.

4.2 Flood basin – will manage, contain and hence reduce the extent of existing surface water flooding within the northern area of the site. The impact of surface water flooding on existing property and land within the site will therefore be mitigated.

4.3 Surface water runoff to the northern boundary – the proposal to redirect to the north west development flows and residual greenfield runoff from land to the south and east of the spine road will reduce uncontrolled runoff reaching the vulnerable northern boundary thus providing additional mitigation of existing surface water flood risk in this area.

4.4 Catchment A Attenuation Basin and Offsite Flow Restriction – the proposal to provide an attenuation basin alongside Penwortham Way to contain development flows and residual greenfield runoff to the south and east of the spine road with a gravity flow restriction into the Mill Brook tributary will provide a significant reduction in surface water runoff into the watercourse network from that existing for all events up to the 1 in 100 year plus 40% climate change event.

4.5 Catchment B Piped Attenuation and Offsite Flow Restriction – the proposal to provide a piped attenuation system to contain surface water flows from the development with a pumped flow restriction into the Mill Brook tributary will again provide a significant reduction in surface water runoff from that existing for all events up to the 1 in 100 year plus 40% climate change event.

5.0 Response to Concerns Raised by the Keep Bee Lane Rural Group

5.1 It is noted that an objection to the appeal proposals has been prepared by Peter Hambilton on behalf of a local campaign group, Keep Bee Lane Rural (KBLR) comprising;

- Peter Hambilton email of 17th May 2022
- KBLR Report undated but attached to Peter Hambilton's email

These documents have been reviewed and an Item by Item response is attached.

5.2 In summary, the KBLR report provides no evidence of any experience in assessing and addressing flood risk, nor in the developing of robust drainage strategies for development. As a result it is littered with misunderstandings and references to a lack of information which is in fact readily identified in the FRA.

5.3 In particular, the FRA clearly identifies that the flood basin drains by gravity to the watercourse network, and that the development surface water drainage system is to be entirely separate from the flood basin and pumped into the watercourse network. However, the KBLR work has concluded that the flood basin is pumped and this unfortunate fundamental misunderstanding permeates through much of their work.

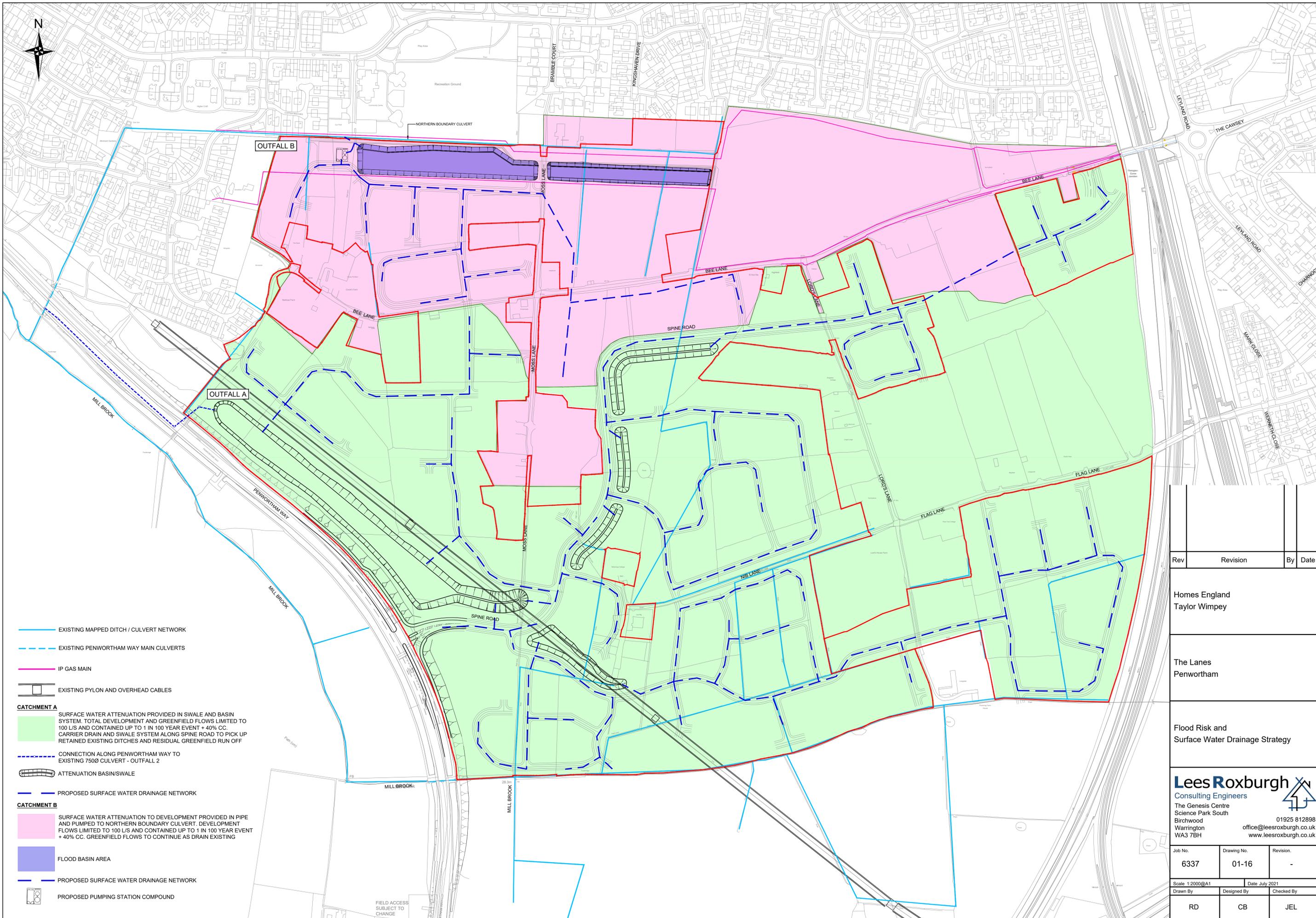
5.4 It is also noted that, in his email of 17th May 2022 Mr. Hambilton states his property will be severely affected by an exacerbated risk of flooding should this appeal be successful.

Reference to the mapping contained in the FRA clearly identifies that this is not the case. His property is not mapped as at risk predevelopment nor post development. Indeed reference to the latter demonstrates that the mapped surface water flood risk which currently extends towards his property from the north will be removed and contained within the proposed flood basin.

5.5 It is concluded that no amendments to the proposals contained in the approved FRA arising from the KBLR report are warranted.

John E. Lees BSc CEng MICE MCIWEM

Kyle Somerville BEng (Hons), CEng, MIEI



Rev	Revision	By	Date

Homes England
Taylor Wimpey

The Lanes
Penwortham

Flood Risk and
Surface Water Drainage Strategy

Lees Roxburgh
 Consulting Engineers
 The Genesis Centre
 Science Park South
 Birchwood
 Warrington
 WA3 7BH
 01925 812898
 office@leesroxburgh.co.uk
 www.leesroxburgh.co.uk

Job No. 6337	Drawing No. 01-16	Revision. -
Scale 1:2000@A1	Date July 2021	
Drawn By RD	Designed By CB	Checked By JEL

26th July 2022

Ref. 6337/3

THE LANES, PENWORTHAM

FLOOD RISK AND DRAINAGE

RESPONSE TO THE KEEP BEE LANE RURAL (KBLR) RESPONSE TO THE FLOOD RISK ASSESSMENT REF. 6337/R1 OF DECEMBER 2019 SUBMITTED IN SUPPORT OF THE MASTERPLAN APPLICATION

Points Raised by KBLR in Peter Hambilton email of 17th May 2022

I live directly under the proposed masterplan and my property will be severely affected by an exacerbated risk of flooding should this appeal be successful.

1. This statement is not correct.

Reference to Google identifies that Mr. Hambilton's caravan business is based at Thornlea which is located on Bee Lane.

Reference to existing surface water flood mapping (FRA Section 3.1.2 Fig. 1 and McCloy 3.8.3 Figs 3-10, 3-11 and 3-12 and Appendix C FL100, FL200, FL300 identify that Thornlea is not mapped as at present day risk of surface water flooding.

However, the mapping (FL300) for the 1% AEP + 40% climate change event does indicate the extent of present day flooding close to the north west corner of the property.

Reference to McCloy Appendix 3 FL1300 for the equivalent event shows Thornlea as free from flooding with the extent of flooding now contained away from the property within the proposed flood basin.

In essence the developers propose to completely re-order the site hydrology by constructing two large floodwater catchment basins. The first serving the drainage to the North of the site is approximately 400 x 20 m in area, the second serving the drainage requirements to the West is approximately 600 x 25 m in area.

2. This is a misrepresentation and an unfortunate fundamental misunderstanding of the proposed drainage and flood risk management strategy.

The northern basin has no site drainage attenuation function and is designed to accommodate pre-existing surface water/ordinary watercourse flooding. The efficacy of that basin has been demonstrated by detailed hydraulic modelling. Again, reference McCloy FL1300.

Development surface water drainage in the southern catchment (Catchment A) is to be contained within an attenuation basin located alongside Penwortham Way and discharged by gravity at a rate of 100 litres/sec to the watercourse to the north west.

Development surface water drainage in the northern catchment (Catchment B) is to be attenuated within a piped network and connected into the culverted ordinary watercourse at the north boundary at a rate of 100 l/sec. Site levels are such that this system will need to be pumped.

The total proposed restriction of the development runoff rate to 200 litres/sec is therefore considerably less than the pre development existing runoff rates (ref. FRA Section 4.3 and McCloy Table 4-2).

Boulder clay spoil from the Northern Flood basin, some 20,000 tonnes, is used to construct a long raised "berm" immediately south of this basin to a height of 1m+. This raised earthwork completely or partially surrounds a number of existing dwellings significantly increasing flood risk with detrimental impact to visual amenity.

3. It is not proposed to construct a berm but to generally raise levels by a maximum estimated amount of about 1m but generally reducing as the existing ground levels rise naturally to the west and south.

This very modest and localized ground raising will have a negligible effect in landscape terms, no effect on the amenity of nearby existing residents and will deliver significant benefits by managing currently uncontrolled surface water flooding within the northern part of the site.

More disturbing is the impact of the Northern flood basin design on the community of Kingsfold to the North. Diagrams extracted from the end of appendix 11.1 show the extent of flooding predicted for a 1 in 100 year flooding event. It shows the flood basin overflowing into Kingsfold to the North. Either by design or error, the raised earthworks to the South of the flood basin act to protect the site whilst sacrificing Kingsfold to the North, which is provided with no protective barriers to flooding induced by the proposed site drainage systems.

4. This is a misrepresentation and an unfortunate misunderstanding of the outcomes of the detailed flood modelling study.

The representation makes reference to an impact on Kingsfold to the north.

Reference to Baseline flood mapping (FL100 series, 200 series, 300 series) included in Appendix C to the McCloy Consulting Flood Study, confirms existing and substantial flooding to the subject site and to Kingsfold.

Reference to Proposed Scenario Flood Mapping (FL1100, 1200, 1300 series) included in the same report, demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect including on land in Kingsfold for all flood probabilities assessed.

Referring specifically to map FL1300 which demonstrates post development up to the most extreme flood assessed (1% AEP + Climate Change) and referring to the table of flood levels on that map, modelled flood levels in Kingsfold all demonstrate an effect of min. -0.1 m (i.e a reduction in flood level vs the comparable baseline scenario of 100mm). Referring to Figure 4-15 in the Flood Study report, comparison of the dashed outline representing the pre-development flood outline versus the solid shaded outline of the proposed development flood outline confirms that the proposal is likely to have a beneficial effect on offsite flooding in Kingsfold.

It is important to stress here that there is no requirement within the NPPF to alleviate pre-existing flood risk to adjacent land. The key planning test of not worsening pre-existing flood risk to adjacent land as a result of planned development is addressed by the FRA.

The second flood attenuation basin to the West and the associated swales are estimated to generate approximately 50,000 tonnes of boulder clay spoil. It is highly likely that this spoil will be used to raise significant areas of the site to the detriment of existing dwellings. The various documents make vague reference to raising parts of the site but there are no diagrams or text showing how this is to be achieved. This omission is unacceptable.

5. Noted that the KBLR Executive Summary refers to 40,000 tonnes, not 50,000 tonnes, but presumably a typo.

Irrespective no decisions have yet been taken in respect of levels and whether spoil might be used to create features, add interest or raise certain parts of the site. This is a matter that will be addressed at the discharge of condition stage before work on the development is commenced. However, the Appellants are not anticipating the need for any material changes in ground levels in the immediate vicinity of existing homes and businesses and any changes that are proposed across the site will be fully addressed for their effects in terms of landscape change and amenity. It should be noted that even 50,000 tonnes of spoil would be the equivalent of just 30,000m³ of material and this could be accommodated on a 520,000m² site such as the Appeal sites without noticeable land raising effects.

Both major revisions to the natural drainage of the site are entirely artificial and designed by the developer and their agents, indeed the Northern flood basin is discharged to Mill brook by pumping which is known to be a significant risk. Although the subject of the various documents is "Flood Risk" there is no attempt to quantify the impact of the risk or system failure, and who will be responsible for the consequences which will be severe, should there be failures in design or maintenance.

6. This is a fundamental misunderstanding of the proposals set out within the FRA.

The flood basin will be drained by gravity into the existing culvert. The basin therefore mimics existing arrangements other than the profiling of the ground to

provide increased flood storage and to contain the extensive uncontrolled surface water flooding which currently impacts on the site.

The FRA Section 5.5 sets out future maintenance responsibilities for the development drainage system, the flood basin area and associated infrastructure and land drainage. It is important to note here that under land drainage law, it is the riparian responsibility of land owners to maintain ditches and culverts which pass through their property.

Where such systems lie within the development area, these responsibilities will lie with, as appropriate, the management company or the purchasers of a new property. Outwith these areas and downstream, responsibilities will continue to lie with the relevant landowners. Should these responsibilities not be met, the Lead Local Flood Authority have powers to intervene.

With regard to the proposal to incorporate a pumping station for the development drainage system (not the flood basin), the FRA Section 5.3.5 states that the pumping station will incorporate a duty pump and a standby pump with the overall attenuation provision serving as emergency storage as it is considered that the risk of both pumps failing in conjunction with the attenuation being fully mobilised is so low as can be discounted.

As noted, United Utilities will adopt the system and will become responsible for its future long term maintenance.

Lastly although the main focus of the review is Flooding via ground water run-off it is also appropriate to reflect on the issue of sewage treatment from this proposed development. United Utilities who are responsible for providing this infrastructure have the worst record in England for the number and extent of routine discharges of raw sewage into our rivers and seas. This is directly as a result of an inadequate infrastructure that is not fit for purpose. It could be argued on these grounds alone this planning application should be refused as it will almost certainly increase the frequency and duration of local raw sewage discharges into our river and marine eco-systems.

7. UU are responsible for the adopted drainage work and are legally obliged to comply with regulatory standards for the capacity and quality of sewage management and treatment. Developers and the planning authorities are entitled to rely on UU meeting their obligations in this regard.

KBLR Executive Summary

The Flooding assessment Appendix 11.1 fails to state what the uncontrolled surface water runoff will be for the development. This information is essential to set a design baseline.(para 1.2)

8. The uncontrolled surface water runoff rates from the development are clearly set out within the FRA (Section 4.3) and the McCloy report Table 4.2.

By making reasonable assessment of impervious surfaces it is estimated that the post development run off from catchment A will be 4034 m³/hr and from catchment B 4076 m³/hr. (para 1.3, 1.4)

9. The rationale for the methodology adopted here is not clear but appears crude. Rates within the FRA have been estimated using well established methodology.

However as set out within Section 5.0 of the FRA it is proposed to restrict development runoff rates from Catchments A and B to 100 litres/sec for each catchment, a total of 200 litres/sec and a significant betterment as compared with predevelopment rates (FRA Section 5.1.2).

In order to control this excessive run off rate the developer proposes a large flow controlled gravity draining attenuation basin to the west of the site for catchment A, and a large flood basin with flow controlled pumped outflow to the North of the site for catchment B.(para 2.1, 2.2, 2.3, 2.4, 2.5)

10. For Catchment A, development surface water flows will be attenuated in a large attenuation basin which has been sized using established drainage techniques based on a flow restriction of 100 litres/sec to contain flows up to the 1 in 100 year plus 40% climate change event all as described within Section 5.3.4 of the FRA.

With regard to Catchment B, the response demonstrates an unfortunate fundamental misunderstanding of the proposals in that surface water attenuation of development flows will be contained within the pipe network and pumped into the boundary culvert (FRA ref. 5.3.5).

The flood basin is therefore solely proposed to manage existing surface water flood risk and will drain by gravity to the boundary culvert hence mimicking existing arrangements and providing betterment in managing and containing surface water and providing additional storage.

For catchment A the developer proposes that the new dwellings will have raised foundations with a minimum height of 0.15 m, however, tellingly the developer remains silent on the maximum height of foundations. Because of the need to dispose of 40,000 cubic metres of excavation spoil from the attenuation basin and associated swales it is almost certain that large areas of the site will be raised to the detriment of existing dwellings. (para 2.3).

11. Details of proposed ground and finished floor levels will be provided at the discharge of conditions stage and will be assessed then. However, the Appellants are not anticipating the need for any material changes in ground levels

in the immediate vicinity of existing homes and businesses and any changes that are proposed across the site will be fully addressed for their effects in terms of landscape change and amenity.

For existing dwellings at ground level this proposal will considerably increase flood risk relative to those with raised foundations.(para 2.3)

12. Reference to Proposed Scenario Flood Mapping (FL1100, 1200, 1300 series) in the McCloy flood study demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect with respect to existing dwellings

The developer states that property in catchment A will be protected up to a 1 in 30 year rainfall event. For structures designed for a 60 year life those structures will on average experience two flooding events in that time. Data produced by the Met office states that the probability of 1 in 30 flooding event has increased for all regions of the UK during winter and for Dorset and the North West of England in particular for summer periods, so it is highly likely that these properties will experience more than two flooding events on average in 60 years. (para 2.3)

13. As stated in the FRA (ref. 5.3.4 and 5.3.5) the proposals provide protection and betterment up to the 1 in 100 year plus 40% climate change event.

The catchment B flood basin is designed with significantly raised earthworks on the southern side of the basin. Again the developer states a minimum height of 0.63 m above the 1 in 100 year flood level. Note again no maximum is quoted and that the height is not relative to a ground level datum but to a flood level. It is quite possible that the earthwork berm could be 1-2 m in height. Note that this raised earthwork structure completely or partially surrounds a number of existing properties. Those properties will be at significantly increased risk of flooding and the environmental and visual impact will be severe. (para 2.6, 2.7,2.8)

14. The FRA (Section 5.0) does identify the ground level datum recommending that ground levels be raised to a minimum of 27.6m AOD. Ground level raising will be generally of the order of about 0.5m but locally higher to a maximum of about 1m. This can be established by relating the recommended level of 27.6m AOD to the topographical survey contained within Appendix 1C of the FRA.

Reference is made to McCloy FL1100 series, 200 series, 300 series within the FRA which demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect.

Details of proposed ground and finished floor levels will be provided at the discharge of conditions stage and assessed then taking into account any level raising required.

A graphic is provided in Appendix 11.1 that shows in a 1 in 100 flooding event plus a 40% global warming allowance the flood basin has insufficient capacity and it preferentially floods Kingsfold which is unprotected because of the absence of protective earthworks on the north side of the flood basin. Indeed it appears that the raised earthworks to the South of the flood basin are designed to protect the site to the South whilst sacrificing Kingsfold to the North. (para 2.8, 2.15)

15. Reference is made to McCloy FL1100 series, 200 series, 300 series within the FRA which demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect including on land in Kingsfold for all flood probabilities assessed.

The flood basin has a capacity of 16,205 cubic metres. At a run off rate of 4076 cubic metres per hour the basin will flood in just under four hours. It is suspected that this is the reason no post development run off rates are provided in any of the documents as this capacity appears inadequate. The pumps are limited to a rate of 100 litres/sec so they will have little impact on this flooding time. It is reported in a Defra/Environment Agency paper "Extreme Rainfall and Flood Event Recognition" Aug 2002 that for the majority of extreme rainfall events measured from 1930 to 2000, the duration ranged from 3-60 hours with the average ~20 hours. This data indicates that the flood basin design will be ineffective for the majority of extreme rainfall events as it has insufficient capacity. (para 2.13, 2.14)

16. The KBLR response again demonstrates an unfortunate fundamental misunderstanding in that the flood basin is proposed to deal solely with managing existing surface water runoff and will be drained by gravity and is completely separate from the development drainage system which will be pumped.

Again reference is made to McCloy FL1100 series, 200 series, 300 series within the FRA which demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect including on land in Kingsfold for all flood probabilities assessed.

The use of a pumped outflow from the flood basin provides another system vulnerability and is likely to be in continuous use to maintain a drained basin in the event that an extreme rainfall event should occur. If these pumps are electrically driven the electrical supply also needs flood protection, and no mention of this is made in the report. Indeed the Welsh Government states that for groundwater drainage solutions "because of the ongoing energy and maintenance requirements of pumping water and the risks associated with failure pumping should be avoided where possible" (para 2.9,2.10). Certainly the use of a pumped discharge system is not sustainable.

17. Again this comment demonstrates the misunderstanding of the function of the flood basin as noted above which will drain by gravity, not pumped.

It is the development drainage system which will be pumped and designed to adoptable standards which will include a stand by pump with telemetry integral to the proposals to alert UU of a failure of the working pump (FRA 5.3.5).

The requirement for pumping is simply a function of the topography and could only be avoided by significant raising of ground levels which would be constrained beyond the point of deliverability by the presence of existing property and The Lanes.

The pumping proposals are therefore confined to the development drainage and the reference to "groundwater drainage solutions," is not applicable and therefore not relevant.

There is no assessment, in any of the Flooding documentation, of the impact of system

failure either through poor design or maintenance. Indeed it unclear who will be responsible for the costs of system failure should this occur. The lack of clear accountability for system failure resonates with the situation apparent for the Grenfell Tower tragedy, with multiple design authorities involved but no clear accountability. (para 2.11 and section 4)

18. As clearly set out within the FRA (ref. 5.5) UU will become responsible for the piped development drainage system and the surface water pumping station (and also the foul pumping stations) with the management company for the development becoming responsible for open space areas including the attenuation basin and the flood basin

The rationale for reference to the Grenfell Tower tragedy is unclear.

There appears to be significant shortcomings regarding the hydrological model employed in the flood predictions. In the section of the appendix dealing with model validation the authors claim that the pictures of extreme flooding posted on the internet by scheme objectors represent a historic 1 in 30 year rainfall event and the model accurately predicts the extent of flooding observed in the photographs. Any local resident will point out that the flooding observed in the photographs occurs regularly and is not a 1 in 30 year event. This then raises serious questions regarding the integrity of the model and its ability to predict current regular flooding and a true 1 in 30 year event. (para 3.1, 3.2)

19. The submission states that FRA claims that the pictures of extreme flooding posted on the internet by scheme objectors represent a historic 1 in 30 year rainfall event and the model accurately predicts the extent of flooding observed in the photographs. This is incorrect.

It is normal and accepted flood modelling practice in instances where no calibratable data (i.e. accurate rainfall, flood extent and flood level data) is available to ensure that model predictions match or exceed what records are available, in order to ensure that the model results are precautionary. Section 3.10 sets out that the 3.3% / 1 in 30 year flood (the lowest flood magnitude assessed) matches or exceeds recorded flooding. The assessment does not seek to claim that the recorded flood is representative of a 30 year event.

The scheme is designed to be resilient to, and cause no adverse effect elsewhere for, the largest flood magnitude assessed (1% AEP + Climate Change) in accordance with Lead Local Flood Authority Requirements. No persuasive or other technical evidence has been put forward by any party to claim that the 1% + Climate Change flood extent established as a baseline for the assessment is an under-estimate. The assessment findings are therefore precautionary and suitably robust.

The authors also state “No detailed flood data is available for accurate validation or calibration of the model” yet this proposal has been promoted by developers since 2015. It is therefore remarkable that in the intervening period no attempt has been made to collect this critical data. (para 3.2)

20. The relevance of this comment is not clear.

Spoil disposal from the excavation of the attenuation basin and swale system to the west of the site will generate approximately 40,000 tonnes of waste boulder clay, requiring the equivalent of approximately 2,000 truck trips. This has the potential to generate a significant emission and transport problem. It is unclear how the developers propose to manage this spoil generation. (section 5)

21. It is noted that Section 5 refers to 50,000 tonnes, not 40,000 tonnes, presumably a typo.

Irrespective, no decisions have yet been taken in respect of levels and whether spoil might be used to create features, add interest or raise certain parts of the site. This is a matter that will be addressed at the discharge of condition stage before work on the development is commenced. However, the Appellants are not anticipating the need for any material changes in ground levels in the immediate vicinity of existing homes and businesses and any changes that are proposed across the site will be fully addressed for their effects in terms of landscape change and amenity. It should be noted that even 50,000 tonnes of spoil would be the equivalent of just 30,000m³ of material and this could be accommodated on a 520,000m² site such as the Appeal sites without noticeable land raising effects.

The matter of vehicle movements associated with the construction of the development, including the removal from the site of materials, is addressed in the Appellants' ES.

The utility company responsible for sewage treatment in the region is United Utilities. This company has a shocking record of underinvestment and routine discharge of untreated sewage to river and sea, indeed it has the worst record in England. This is symptomatic of a local sewage treatment infrastructure that is not fit for purpose. On this basis alone no new housing development applications should be approved in South Ribble until United Utilities can guarantee that routine discharges of untreated sewage to river and sea have been halted. Approving this application is almost certain to increase the frequency and duration of such discharges. This is totally unacceptable as it is maximising shareholder profit at the expense of our environment. (Section 6).

22. UU are responsible for the adopted drainage work and are legally obliged to comply with regulatory standards for the capacity and quality of sewage management and treatment. Developers and the planning authorities are entitled to rely on UU meeting their obligations in this regard.

1 Setting the baseline

1.1 Existing run off rates for the two main site catchment areas for the site, catchment A and catchment B are estimated by employing data from Figure 4.1 and Figure 4.4 and table 4.2, 4.3 and 4.4. Figures 4.1 and 4.4 are overlaid to provide a surface area weighted existing run off rate. Data for the 1 in 100 year rainfall event plus 40% global warming contingency is used.

1.2 Catchment B, 23.1 Ha total area, is covered entirely by existing catchment 3 and therefore has a total existing runoff rate of $23.1/54.5 \times 1335 \text{ litres/sec} = 566 \text{ litres/sec} = 2038 \text{ m}^3/\text{hr}$.

1.3 Catchment A, 54 Ha total area, area consists of approximately 50% existing in catchment 3, 30% in catchment 2 and 10% in catchment 1 giving a weighted run off rate of $((0.5 \times 1335) + (0.3 \times 376.5) + (0.1 \times 184.3)) \times 54/77.4 = 560 \text{ litres/sec} = 2017 \text{ m}^3/\text{hr}$

1.4 Appendix 11.1 states "Uncontrolled flows from the development will exceed existing run off rates" but the report fails to state what they would be.

23. The rationale for the methodology adopted here is not clear but appears crude. Rates within the FRA have been estimated using well established methodology and software.

The uncontrolled flows from the development have been estimated to inform the attenuation proposals but are not material to the main recommendations of the FRA that development flows be restricted to a total of 200 litres/sec.

1.5 Data from a drainage strategy paper for a site off Blackburn Road Longridge indicates that for a site of this nature with a total development area of 30,000 m², buildings occupy 10,090 m² and roads footpaths and parking occupy 12,310 m². Therefore the percentage impervious surface is $22,400/30,000 = 75\%$. Leaving a permeable surface for run off attenuation equivalent to 25% of the development area.

1.6 Taking a position assuming 50% permeable land remains for both catchments post development, the development run off flow is likely to be at least double the existing run off flow, which for catchment A is $2017/0.5 \text{ m}^3/\text{hr}$ or 4034 m³ per hour and catchment B is $2038/0.5 \text{ m}^3/\text{hr}$ or 4076 tonnes per hour. This is fundamental baseline information which was excluded from Appendix 11.1.

24. It is not known as to the nature of the development at Blackburn Road, Longridge which is being referred to. Irrespective, rates within the FRA have been estimated using well established methodology and software for this specific site and the nature of the development proposed to inform the attenuation design.

1.7 The site is essentially landlocked with only one watercourse available for drainage namely Mill Brook.

1.8 Mill Brook also serves to drain surface water from existing developments in Kingsfold and Penwortham and from the surface of the A582 and the Penwortham Bypass and from existing properties on site. There has been no attempt to calculate the run off flows from these existing sources for the 1 in 100 year design scenario above, and whether Mill Brook is capable of functioning under such circumstances and what the water levels are likely to be.

25. Mill Brook is indeed the ultimate point of connection for surface water flows from the development via the tributary which runs in culvert along the north boundary and continues west and then south west where it is culverted under Penwortham Way before linking into Mill Brook. An assessment has been made of runoff from existing properties and the lanes within the development site and this is covered in McCloy Table 4.4.

The requirements of the NPPF with respect to flood risk and drainage are predicated on, at minimum, mimicking existing arrangements. The proposals contained within the FRA not only mimic existing arrangements but also provide significant betterment in terms of runoff post development into Mill Brook, thus reducing flood risk within the brook and downstream in its catchment.

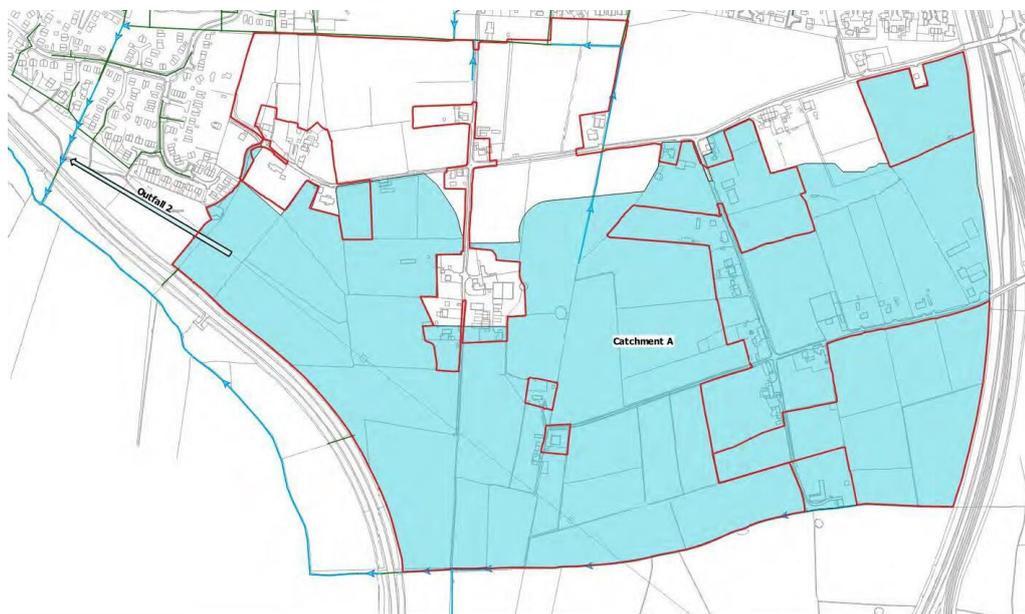
Land and development outside the site is therefore immaterial to the development proposals.

1.9 *The developers recognise that site run off needs to be controlled.*

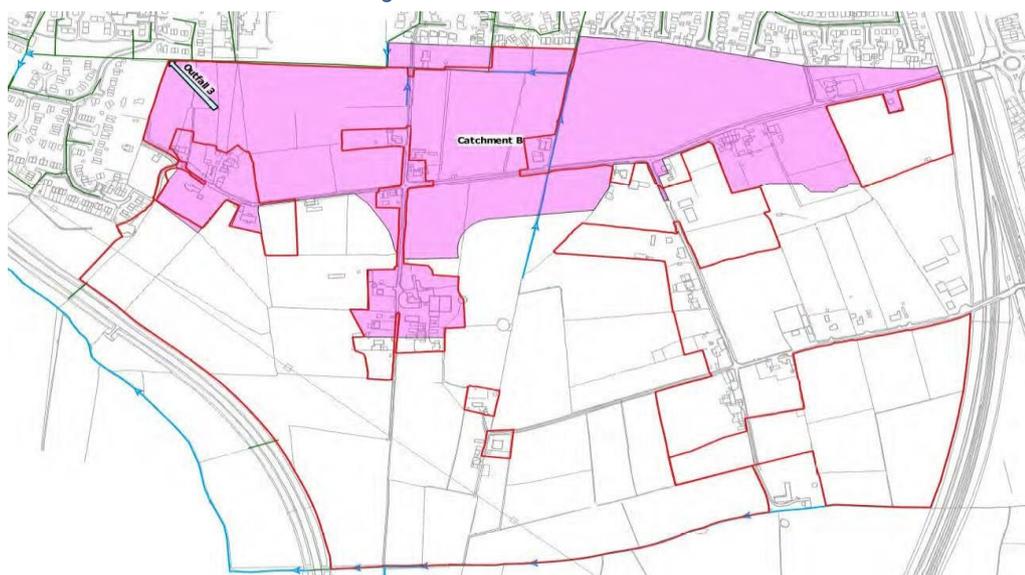
26. The requirement to control site runoff has been fully assessed within the FRA.

2 The proposed solution.

2.1 The developers propose the use of two outflows from site both draining to Mill Brook. One is to the North of Kingsfold using the Northern Tributary Boundary Culvert (Outfall 3). The second is to the South of Kingsfold where a drainage culvert crosses Penwortham Way (Outfall 2).



2.2 These outfalls will serve two drainage catchment areas A and B. Catchment B is the area of site



that has the seriously challenging flooding risk and drainage conditions and will be drained to Mill Brook via Outfall 3 (Northern Culvert). Catchment A is 54 Ha and existing drainage is 560 litres/sec for the 100 year plus 40% event. It is proposed to drain this via Outfall 2. Catchment B is 23.1 Ha and has a drainage rate estimated at 566 litres/sec for the 100 year plus 40% event. Because of the site topography and geology both catchments face considerable flooding risk. The diagrams below show catchment details.

27. There appears to be some confusion here in that the KBLR response combines reference to existing drainage rates for which Catchments 2 and 3 are referred into the FRA (Appendix 3) with Catchments A and B reflecting the post development proposals (FRA Appendix 5B). (It is noted here that there is a Catchment 1 identified but this drains south and directly into Mill Brook where it is then culverted under Penwortham Way. This area therefore makes no contribution to existing runoff reaching Outfalls 2 and 3).

Again the rationale for the calculation is unclear but appears to have combined the flows identified for Catchment 2 with those for Catchment 1.

This response demonstrates a misunderstanding of the proposals which are clearly identified within the FRA as referenced above.

2.3 *The proposed flood mitigation solution for catchment A is a large attenuation basin with an interconnected swale system. The development floor levels will be set to a minimum of 0.15 m above the ground level. The lack of any information on the likely maximum foundation elevation indicates extreme design uncertainty. In some areas it is likely that foundations could be raised to 0.5 m. Houses and hard surfaces will have piped surface drainage systems that will prevent flooding up to a 1 in 30 year event. That equates to a yearly probability of such an event occurring as 3.33 %. As these houses will be built to exist for a minimum of 60 years each property in this catchment is likely to experience on average two flooding events over sixty years. The probability of flooding for existing properties in this catchment without raised foundations is likely to be far higher. It is also noted that these “thirty year” events are becoming far more frequent as indicated in the met office report to Ofwat dated July 2010. It states all winter rainfall events for all areas of the UK are predicted to become more frequent, and that for the 20, 30, 50 and 100 year events the biggest summer increases are projected to occur over both Dorset and North-West England*

28. KBLR refer to the lack of any information on the likely maximum foundation elevation (level). The foundation levels will be set below existing ground level so it is assumed here that KBLR are in fact referring to development levels. However the basis upon which they speculate that these levels could be raised within Catchment A to 0.5m is not clear.

Irrespective as set out within the FRA the design standard adopted is up to the 1 in 100 year plus 40% climate change event, a far more onerous standard than the 1 in 30 year event referred to here by KBLR.



Catchment A attenuation ponds and swale system shown as feature 6.

2.4 The outflow from the catchment A attenuation basin is controlled to 100 litres/sec using a hydrobrake. These structures are vulnerable to silting and require regular maintenance. The reason for the outflow restriction is to prevent excessive demand on the outfall to Mill Brook. It is estimated that the attenuation basin has a surface area of approximately 600 x 25 m. Assuming it will be 2 m deep approximately 30,000 cubic metres of clay spoil will need to be disposed of either on or off site. Assuming the catchment A attenuation basin capacity is 30,000 cubic metres will take approximately 7.5 hours to fill. This appears insufficient given the likely duration of the 1 in 100 year rainfall event, please refer to para 2.13 below. The total spoil resulting from the excavation of the attenuation basin and the swales is over 40,000 cubic metres. If disposed of on site the implication is that significant areas of the site will be raised with an increased flood risk for the existing dwellings in the vicinity. Vague references are made in the documentation to the need to raise parts of the site but no specific values are given.

29. The proposals for maintenance are clearly set out within the FRA (5.5).

The area allocated for and the proposed depth of the basin have been assessed on a conservative basis via assessment of potential impermeable areas gained from experience on many hundreds of residential developments and using established industry standard software.

The management of spoil and any level raising required would therefore be considered in further detail at reserved matters stage.

2.5 The proposed flood mitigation for catchment B is far more complex because of the site topography and drainage catchment area. It is concluded in the Appendix 11.1 that there is insufficient gradient for gravitational flow from an attenuation basin as for catchment A. The approach proposed is to create an artificial flood basin at the north boundary of the site shown as feature 4 on the Illustrative Master Plan. The scheme is also shown in figure 4.12 of Appendix 11.1 and on McCloy drawing titled "Proposed Daylighting and Reprofiling" Fig No M01852-01.



The flood basin as shown on the Illustrative Master Plan (marked as feature 4)

30. Again this demonstrates the unfortunate misunderstanding in that the flood basin can be drained by gravity and is independent of the development drainage system and separately seeks to manage and contain existing flood risk and contribute to the overall betterment achieved by the development.

2.6 The drawing shows a flood basin with a capacity of 16,205 m³ Appendix 11.1 table 4.5. The estimated area of the flood basin is 400 x 20m. What is concerning is that water is channelled into the flood basin by employing raised earthworks to the south of the flood basin which are raised to a minimum level of 0.63 m above the predicted 100 year event water level. Ref page 40 of appendix 11.1. It is noted that no earthworks maximum height is given again demonstrating extreme design uncertainty. This statement leaves the developers with the freedom to raise earthworks significantly higher eg 1m+, with significant environmental detriment to the existing properties. This does not appear a credible solution given the impact the earthworks will have on existing property owners.

31. The FRA ref. 5.1.4 identifies a minimum development level of 27.6m AOD.

The development drainage system for Catchment B will be pumped so development levels will not be set by development drainage design criteria.

See comments above on levels changes and the effects of any changes contemplated in due course.

2.7 This artificial earth “berm” is not shown on the masterplan illustration. However a number of existing properties at the North end of the site are shown in the referenced McCloy drawing at the back of Appendix 11.1 partially or completely surrounded by raised earthworks. This is a wholly unacceptable proposal. The authors of the report only state a minimum elevation. The actual height of these earthworks could be far higher (1 m+). This will place these properties at significantly elevated risk of flooding and will adversely impact visual amenity.

2.8 The proposed arrangement is shown below extracted from the McCloy drawing.



Catchment B Flood Basin. The area shown in red is the raised earthworks. Note the existing properties that are totally or partially surrounded by the raised earthworks.

32. See comments above on levels and the effects of any changes that may be contemplated in due course. The Appellants are not proposing to raise levels on land outside the Appeal sites. As can be seen from the Masterplan, the Appellants are proposing housing development on the land shaded pink to the west of Moss Lane and the construction of a Primary School on the land shaded pink to the east of Moss Lane. The detailed relationships between proposed housing, the school and existing properties will be fully assessed at the discharge of conditions/Reserved Matters stage.

2.9 The design of the flood basin is such that it cannot gravity drain to Mill Brook via the Northern Culvert. What is proposed is a flow controlled pumping station. There is very little design information on the pumping station other than it will incorporate a duty and standby pump. If electrically powered it is critical that the sub-station providing the power is also flood protected. This requirement is not mentioned in the Masterplan documents. The Welsh Government Standard for the design construction and operation of surface water drainage systems 2018 states wrt pumped systems “Because of the ongoing energy and maintenance requirements of pumping water and the risks associated with failure, pumping should be avoided where possible”

33. This statement is incorrect.

The flood basin does drain by gravity to the Mill Brook tributary and the pumping

station is proposed for development drainage only.

It is not clear as the relevance of reference to the *Welsh Government Standard* but it is indeed desirable to avoid pumping of surface water unless site constraints dictate otherwise. In this case, ground levels dictate that without extensive and unacceptable level raising the development drainage needs to be pumped. This has been accepted by United Utilities who will be responsible for approving the detailed design with a view to their adoption of the system at which point they will become responsible for its long term maintenance.

The provision of surface water pumping stations is a recognized method for dealing with developments where levels dictate and specific design requirements are contained in the Sewerage Sector Guidance.

2.10 *The standard also states “Where the drainage system is to be adopted the developer should ensure that the adopting organisation has agreed in principle to adopt the pumping station before putting in the planning application” The appendix 11.1 section 5.5.1 simply states “It is proposed that the main piped system and pumping station will be adopted by United Utilities”. It is not clear if any agreement is in place with United Utilities. Clarification on this matter is the subject of an EIR with united Utilities.*

34. As background to the FRA consultations were held with United Utilities and the FRA who have agreed in principle to adopt the pumping station. United Utilities have been consultees to the planning application process and have made no objection to the proposal for pumping of surface water.

2.11 *There is little evidence in the report of a proper analysis of the economic impact of pump system failure either through poor design or maintenance, and it is unclear who will be financially responsible. The impact of system failure will be profound effecting existing and development properties. The authors simply state there is a very low probability of both duty and standby pumps failing and in any case the capacity of the flood basin is sufficient to absorb all flood water runoff. The paragraph below demonstrates that this is not true.*

35. To state that *“in any case the capacity of the flood basin is sufficient to absorb all flood water runoff”* again demonstrates a fundamental misunderstanding of the function of the flood basin as it is the development drainage which will be pumped.

Further the KBLR wording is a misrepresentation of the FRA which makes no reference to the flood basin in this context stating that *“the risk of both pumps failing in conjunction with the attenuation being fully mobilised is so low as can be discounted”*. In the context of that section 5.3.5, this refers to the development drainage system and not the flood basin and contained in Section 5.3 Development Surface Water Drainage Proposals.

2.12 *Assuming the current water runoff rate is 566 litres/sec for catchment B and the area when fully developed will consist of 50% impermeable structures such as houses, roads, parking, and gardens hydraulically isolated by road and housing foundations then the development run off rate for the 100 year event plus 40% global warming allowance is $566/0.5 = 1132$ litres/sec = 4075 m³/hr. On this basis the flood basin has sufficient capacity to absorb runoff for $16205/4075 = 4$ hours ~240 minutes. This is hardly sufficient as a one in 100 year flooding event is likely to last significantly longer than 4 hours. This capacity also appears insufficient to undertake emergency pump repairs should a common mode fault develop requiring either pump repairs, sump drainage or the installation of a diesel powered pump back up pump. In any case the proposed pumped outflow of 100 litres/sec which is hydrobraked, will have little impact in arresting the impact of predicted runoff water rates.*

2.13 *A Defra report published in 2002 “Extreme Rainfall and Flood recognition” provides data on extreme rainfall event durations from the 1930’s to 2000 shown in table 3 of the report. It lists 60 events of which 32 were of duration between 3 and 60 hours with the average being 20 hours. Should durations of this nature occur for the 1 in 100 storm the majority of catchment B would be flooded after a few hours as*

the flood basin will have insufficient capacity, and as the outfall pumps are constrained by a hydrobrake to 100 litres per second, which appears insufficient to make any impact on draining a flood basin capacity of 16,205,000 litres.

36. It is reiterated here that the flood basin is not pumped and drains by gravity.

2.14 *Appendix 11.1 section 3.8.1 outlines a “Critical Duration Analysis” which is an attempt to establish the duration of a flooding event (one in thirty and one in one hundred events plus 40% global warming allowance) over which flooding levels are at a maximum. The analysis results in table 3.2 show this to be 360 min (six hours). The authors do not state the duration of the rainfall event which was employed as the basis of this analysis. This result does not appear credible as it appears likely that most extreme rainfall events will occur over a much longer duration than 6 hours. Also after four hours the flood basin protection will have failed rendering this analysis meaningless.*

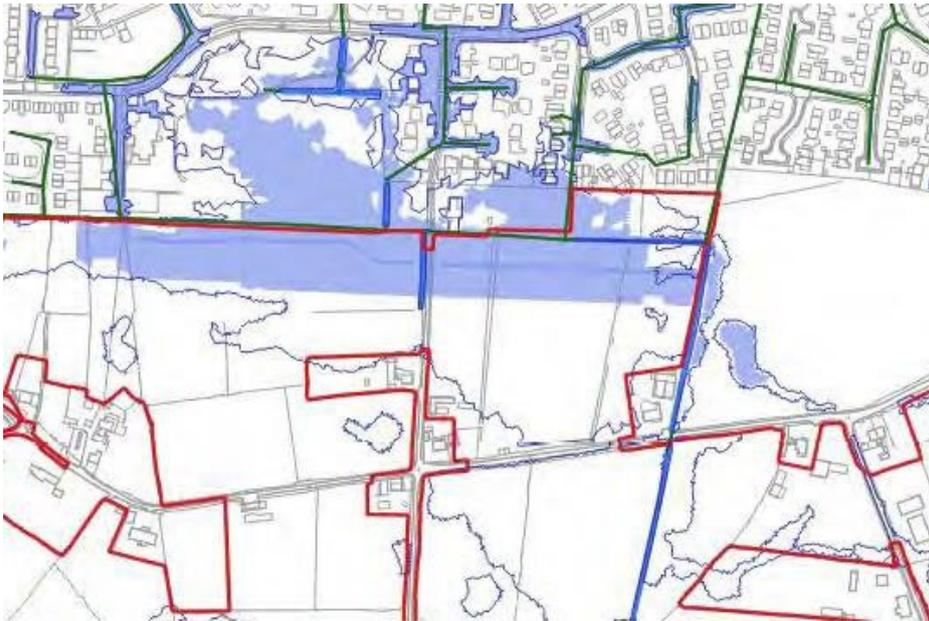
37. The rainfall duration assessed as causing the critical event (i.e. maximum flood extent / depth on the site) is the 360 minute (i.e. 6 hour) event and is stated in the section of the report noted by KBLR. Model simulations extend to 12hrs+ to ensure that the routing of surface water is captured and storage is assessed.

The rainfall probability (the flood protection standard) assessed is derived from rainfall depth-duration-frequency models in the Flood Estimation Handbook which is robust. With regards to longer duration events; for the 1% AEP storm (including climate change) with longer durations, rainfall intensity will reduce, and as such it is normal and reasonable to expect criticality (i.e. maximum flood depth or extent) to occur during a shorter duration flood.

The storm durations assessed are as per those used in the Environment Agency Surface Water Flood Map methodology, are standard best industry practice, and are proportionate and robust.

No evidence has been provided to indicate that the flood extent assessed for extreme (design) events is an underestimate.

2.15 *It is clear in the appendix 11.1 that the flood basin is designed to protect the site. What may not be apparent to the reader of the Masterplan documents is that the impact of the flood basin design is to considerably increase the risk of flooding to properties in Kingsfold to the north of the flood basin. The diagram below, next page, shows the impact of the proposed flood basin design on Kingsfold. It is unlikely that the residents of Kingsfold or the appropriate authorities are aware of this significantly enhanced flooding risk.*



Note this figure given as Fig 4.15 in the Appendix 11.1 shows the flood basin filled and overflowing into Kingsfold in the case of a 1 in 100 year event plus a 40% global warming allowance. Note the raised earthworks to the immediate south of the flood basin “protect” the site at the expense of Kingsfold which has no protective earthworks. Note the diagram does not show the full extent of flooding in Kingsfold; and that the Penwortham Town Council Building appears to be impacted by flooding.

2.16 *Not only has the flood basin been designed to flood Kingsfold in preference to the site it is also proposed to re-direct surface water that originates in Kingsfold and is currently managed via the Northern Culvert, to a more southerly culvert . Para 6.5 of the Lees Roxborough report Appendix 11.1 states “it is proposed to redirect flows (from Kingsfold) currently entering the system from upstream outfall B (Northern Culvert) to downstream (outfall A) of the existing development (More southerly Culvert under Penwortham way) and hence reducing the volume of water reaching the most vulnerable area of site”. In other words the proposal is to shift the current drainage route from Kingsfold to a more vulnerable upstream position on Mill Brook in order to reduce the volume of flow to the Northern Culvert and hence help protect the site, at the expense of Kingsfold. There is also no mention of how this re-routing is to be achieved and whether the developers have the agreement of all landowners or the Utility company responsible.*

38. Referring to Baseline flood mapping (FL100 series, 200 series, 300 series) included in Appendix C to the McCloy Consulting Flood Study (August 2021), the study confirms existing and substantial flooding to the subject site and to Kingsfold.

Referring to Proposed Scenario Flood Mapping (FL1100, 1200, 1300 series) included in the same report, the study demonstrates that the proposed flood management scheme will have a demonstrable beneficial effect including on lands in Kingsfold for all flood probabilities assessed.

Referring specifically to map FL1300 which demonstrates post development up to the most extreme flood assessed (1% AEP + Climate Change) and referring to the table of flood levels on that map, modelled flood levels in Kingsfold (X37.1, 30.1. B1.1) all demonstrate an effect of min. -0.1 m (i.e a reduction in flood level vs the comparable baseline scenario of 100mm). Referring to Figure 4-15 in the Flood Study report, comparison of the dashed outline representing the pre-development flood outline versus the solid shaded outline of the proposed development flood outline confirms that the proposal is likely to have a beneficial effect on offsite flooding in Kingsfold.

The flood map included in its submission by KLBR includes the pre-development flood outline (blue line) which is more onerous on 3rd party lands than the post-development flood. It is apparent that there is an unfortunate misunderstanding of the context of that map by KBLR, as the map clearly demonstrates betterment in terms of flood extent to Kingsfold post-development.

There is no requirement to alleviate pre-existing flood risk to adjacent land. The key planning test of not worsening pre-existing flood risk to adjacent lands as a result of planned development is met.

3 *The integrity of the hydrological model.*

3.1 *Appendix 11.1 section 3.10 deals with model validation. In this section the authors argue that pictures of "historic" flooding provided by "objectors" to the scheme in fact help validate the model. The authors imply that the two photos in question are from a one off historic event. By comparing the photos with what is predicted in the model they claim the model then accurately predicts such a "historic" event and proves the model is sound.*





Figure 3-18: Predicted on-Site Flooding (3.3% & 1% AEP)

Light blue is the 1 in 100 year event (1% AEP) and the dark blue is the 1 in 30 year event (3.3% AEP)

They also use the second photo below to “validate” the model.



Figure 3-20: Predicted on-Site Flooding (3.3% 1% AEP). The authors state; “Model predictions have been reviewed at the two locations to form a degree of model validation; however no dates were provided for the photographs and therefore no historical rainfall data could be obtained to determine the performance of the model under the same rainfall conditions. The model predicts a significant area of flooding at the locations of the photographs for the 30 year event that corresponds with the general outlines of flooding in the photographs and in the absence of more detailed historical data upon which to carry out verification, the model is considered to be sufficiently accurate.”

This statement beggars belief, in effect the authors are claiming that the flooding shown in the two photographs is as a result of a 1 in 30 year rainfall event, and thus the model correlates with observed flooding.

It is abundantly clear to the local residents that the flooding shown in the photographs occurs routinely and regularly with major flood events such as those shown in the photographs occurring at least once every five years, so it is false to claim this as a one in thirty year event as McCloy imply in their text.

This cynical misrepresentation of photographic evidence raises fundamental questions regarding the model accuracy and indeed the integrity of the whole report, as it appears to significantly underestimate the true extent of regular flooding that occurs in the development catchments.

39. The submission claims that the FRA relies on the pictures of extreme flooding posted on the internet by scheme objectors to represent a historic 1 in 30 year rainfall event and the model accurately predicts the extent of flooding observed in the photographs. This is incorrect.

It is normal and accepted flood modelling practice in instances where no calibratable data (i.e. accurate rainfall, flood extent and flood level data) is available to ensure that model predictions match or exceed what records are available, in order to ensure that the model results are precautionary. Section 3.10 sets out that the 3.3% / 1 in 30 year flood (the lowest flood magnitude assessed) matches or exceeds recorded flooding. The assessment does not seek to claim that the recorded flood is representative of a 30 year event.

The scheme is designed to be resilient to, and cause no adverse effect elsewhere for, the largest flood magnitude assessed (1% AEP + Climate Change) in accordance with Lead Local Flood Authority Requirements.

No persuasive or other technical evidence has been put forward by any party to claim that the 1% + Climate Change flood extent established as a baseline for the assessment is an under-estimate. The assessment findings are therefore precautionary and suitably robust.

3.2 *Some additional observations regarding the assumptions underpinning the model*

It appears that an assumption of 14% of the surface area of existing developments north of the site eg Kingsfold has been made to account for other impermeable surfaces eg driveways, footpaths, patios and parking. This appears to be a serious underestimation.

40. The submission claims that an assumption of 14% of the surface area of existing developments north of the has been made to account for other impermeable surfaces e.g. driveways, footpaths, patios and parking is a “serious underestimation”.

The Flood Study report section 3.7.7 sets out in detail the methodology for deriving that %-area and no factual or persuasive evidence has been put forward to challenge that methodology.

It is worth noting that the 14% variable is the additional area assumed impermeable, over and above impermeable land use defined in EA mastermap (i.e. roads, dwellings etc). Section 3.7.7 also details that sensitivity testing of this variable causes no measurable change to flood model results.

In demonstrating an appropriate means of assessing imperviousness and in demonstrating that the model results are not significantly sensitive to underestimation, the model findings remain conservative and appropriate for use.

Extract from section 3.4.4 “The buildings are represented as porous polygons with a porosity of 0.1. This allows the building to impact the flow route whilst allowing a proportion of ‘flow through’ which would occur in the property via doorways and air bricks and venting etc.”. In other words the model assumes that houses will be flooded and this beneficial impact has been accounted for in the model eg flooded houses increase the permeability of the development to water flow.

41. The submission claims that representation of buildings as porous polygons assumes that “houses will be flooded and this beneficial impact has been accounted for in the model eg flooded houses increase the permeability of the development to water flow.”

This represents an unfortunate fundamental misunderstanding; allowance of porosity is to ensure that floodwater is not held back unrealistically upstream and ensures a precautionous approach in allowing water to reach the Mill Brook and increase predicted flooding at and adjacent to the site.

In ensuring a precautionous approach, the model findings remain conservative and appropriate for use.

Extract from section 3.6

“No particular investigation has been made on the effect of land drainage, on the basis that the omission of field drainage provides conservative results.”

42. Section 3.6 of the report confirms that the effect of land drainage is omitted to ensure conservative results (i.e. erring toward overestimation of predicted flooding). Inclusion of land drainage would have the effect of increased removal of rainfall from runoff, and reduced flood flows.

The approach taken is conservative and is appropriate given the precautionary principle normally adopted in relation to assessment of flood risk; the 3rd party observation inference that the approach is deficient is incorrect.

In ensuring a precautionous approach, the model findings remain conservative and appropriate for use.

“All culverts and surface water drainage networks are modelled as free flowing with no sedimentation or blockages modelled for purposes of the baseline assessment.”

43. It is normal practice and reasonable for a party to expect that drainage assets operate as intended, and that reduced performance as a result of blockage is mitigated as exceedance.

Section 3.7.5 details that all culverts and storm sewers were stress tested to include +10% of the pipe depth as silted, resulting in a maximum increase of 0.12m in water level for the design event across the whole model dataset. There is sufficient information in the existing submission to demonstrate that the model findings are robust.

Section 5 of the report is dedicated to detailed stress testing of substantial blockages to critical drainage / culvert assets.

No evidence has been provided to indicate that the flood extent assessed for extreme (design) events is an underestimate or that flooding predicted by the assessment is an underestimate due to underrepresentation of blockages.

“No detailed flood data is available for accurate validation or calibration of the model (i.e. performance of the model prediction relative to a known rainfall magnitude and observed flood extent). The model is verified insofar as it ensures flooding is predicted in any areas where previous flooding has been recorded as discussed further in Section 3.10.”

Regarding the last statement it is strange that this development has been proposed for many years yet in all that time there has been no effort to obtain metrological and flood data from the site.

44. It is normal and accepted flood modelling practice to ensure that model predictions match or exceed what records are available, in order to ensure that the model results are precautionary.

Section 3.10 sets out that the 3.3% / 1 in 30 year flood (the lowest flood magnitude assessed) matches or exceeds recorded flooding.

The scheme is designed to be resilient to, and cause no adverse effect elsewhere for, the largest flood magnitude assessed (1% AEP + Climate Change) in accordance with Lead Local Flood Authority Requirements.

No persuasive or other technical evidence has been put forward by any party to claim that the 1% + Climate Change flood extent established as a baseline for the assessment is an under-estimate. The assessment findings are therefore precautionary and suitably robust.

Extract from section 3.7.3 ;

“In order to investigate the potential effect of the model downstream boundary, the downstream boundary level has been increased by 1.0 m. There was no measurable change to flood levels at the downstream site boundary.”

The data from climate central ref picture below shows that the annual flood level predicted for 2050 will have a significant impact on the Ribble and potential water levels in Mill Brook shown crossing the A59 South of John Horrocks Way. It is not clear if projected coastal flooding has been accounted for in the analysis described in Appendix 11.1.



45. The submission claims that the Flood Study is insufficient in testing the model boundary condition to coastal flooding. The site lies at an elevation $\gg 20\text{m OD}$, where coastal flooding (including for most pessimistic predictions in relation to climate change sea level rises) is typically $\ll 10\text{m OD}$, and coastal flooding is plainly not a consideration as demonstrated by the map tabled by the submission.

Extract from Appendix 11.1 section 3.7.6

“The use of dry clay soil parameters may underestimate flood levels for some flood events with more saturated antecedent conditions, however it is not possible to account for all antecedent conditions. It is considered suitable to assume dry antecedent conditions for design simulations.”

Bizarrely the authors have employed a dry clay soil as the basis for their model which appears to contradict the statement given in section 3.4.7 “Ground conditions across the site were noted to be very wet and were typical of a poorly drained soil.”

46. The submission claims that the Flood Study is deficient due to use of dry antecedent starting conditions within the rainfall runoff model. The rationale for this selection is set out in detail in the Flood Study report section referred to (Section 3.7.6).

By way of further explanation; the rainfall profiles used in the analysis are extreme; to assume “wet” starting conditions would infer prior rainfall, which would in effect be a larger magnitude rainfall event than the probability / magnitude intended to be assessed. The use of wet antecedent conditions would have been considered where there was an attempt to calibrate a model to a known rainfall event which occurred during a longer wet spell.

The approach adopted is consistent with best practice and the methodology used to develop Environment Agency Surface Water Flood Maps. The report section referred to also demonstrates that sensitivity analysis to stress test the effect of wet antecedent conditions (which would have a probability less than the design standard) would cause a maximum increase in water level of 0.07m for the design event.

No evidence has been provided to indicate that the flood extent assessed for extreme (design) events is an underestimate or that flooding predicted by the assessment is an underestimate due to underrepresentation of catchment wetness or ground conditions.

4. Responsibilities for Design and Maintenance of the Flood Management System.

The financial consequences of system failure through poor design or poor maintenance are significant. In none of the documents covering flooding and flood prevention is there any attempt to quantify the impact of system failure.

At this stage there appears to be a complex chain of third party contributors including McCloy consulting, Lees Roxborough, LCC as Lead Local Flood Authority and Taylor Wimpey as developer. Each third party appears to incorporate a number of disclaimers into their reports. Responsibility for system failure appears deliberately opaque.

It is unclear who is financially accountable for errors and omissions should the design principles be proven to be flawed, as they appear to be.

The systems proposed require regular and thorough maintenance and it is not clear who will be directly accountable for maintenance errors and omissions and who will be responsible for the substantial costs.

47. The FRA (5.5) clearly sets out the responsible parties for long term maintenance.

5. Spoil Disposal.

It is assumed that the flood basin spoil some 20,000 tonnes will be employed to construct the raised bank to the South.

It is unclear how the spoil generated from the excavation of the attenuation basins and swale system to

the west of the site will be managed. It is estimated that approximately 50,000 tonnes of impermeable boulder clay will need to be disposed of by transporting offsite or to other parts of the site.

If it is transported for use on site this implies that parts of the site will be raised significantly, increasing the flood risk for existing dwellings

This spoil volume is equivalent to 2,000 truck trips that will occur during construction. It is unclear how this problem will be managed, however the potential environmental impact will be significant

48. This is a matter that will be addressed at the discharge of condition stage before work on the development is commenced. Any material changes in ground levels in the immediate vicinity of existing homes and businesses and any changes that are proposed across the site will be fully addressed for their effects in terms of landscape change and amenity.

6. Sewage treatment and dispersal.

Although this review focusses on the management of surface water run-off from site it is worth also reflecting on another key element of development infrastructure seldom given sufficient consideration when planning applications of this nature are submitted. This relates to the adequate provision of sewage treatment for the development.

We estimate that the population increase associated with the committed developments in South Ribble will be in the region of 6,400 people. The majority of this population increase is likely to come from outside the South Ribble region.

For this planning application development the population of the site assuming 1100 dwellings is likely to be in the region of 3,600 people, again with the majority coming from outside the South Ribble region.

This is significant relative to the population of South Ribble measured as 110,527 in 2018.

The provider of the sewage treatment in the region is United Utilities. No doubt they will claim that there is adequate capacity to treat the arising sewage from the committed developments and this application in particular.

However it is worth reflecting on the fact that United Utilities is the Company that discharges the most sewage to rivers and the sea in England, having amassed a total of 726,450 hours of routine discharges of raw sewage in a total of 113,940 events during 2020.

The sewage treatment infrastructure in NW England is in a shocking state and is wholly inadequate for the intended purpose.

The committed developments in South Ribble and the current planning applications for the Lanes will significantly increase the volume and frequency of such environmentally damaging discharges as the current sewage treatment systems have insufficient capacity as evidenced by United Utilities appalling record in 2020.

On the lack of adequate sewage treatment facilities alone, no new planning applications should be agreed until United Utilities can guarantee sufficient sewage treatment capacity in the region, as demonstrated by the absence of routine discharges to river and sea.

49. UU are responsible for the adopted drainage work and are legally obliged to comply with regulatory standards for the capacity and quality of sewage management and treatment. Developers and the planning authorities are entitled to rely on UU meeting their obligations in this regard.

Appendix 5

Technical Note by Tim Goodwin of Ecology Solutions

Ecology Solutions Limited
Farncombe House
Farncombe Estate
Broadway
Worcestershire
WR12 7LJ

+44(0)1451 870767
info@ecologysolutions.co.uk
www.ecologysolutions.co.uk



10571: The Lanes, Penwortham, 07/2021/00886/ORM and 07/2021/00887/ORM.

TECHNICAL NOTE: Ecology and Biodiversity Net Gain

1. INTRODUCTION

Introduction

- 1.1. Ecology Solutions was commissioned in March 2022 by Taylor Wimpey and Homes England to undertake a Peer Review of previous Ecology work undertaken at Land at The Lanes, Penwortham (see Plan ECO1), hereafter referred to as 'the site', in order to assist the consideration of the Appeals.
- 1.2. This technical note has been prepared by Tim Goodwin. I hold a BSc (Hons) degree in Environmental Biology from Leicester University, an MSc in Environmental Resources from the University of Salford and I am a member of the Chartered Institute of Ecology and Environmental Management and the Institution of Environmental Sciences.
- 1.3. I have over 20 years' experience advising Ecology related matters at inquiry and I have been advising on Biodiversity Net Gain (BNG) for several years and have been the guest speaker for a number of Legal Firms, Planners and Clients including at this years National Conference for Taylor Wimpey and I am a member of their BNG advisory panel. I have given evidence at a number of schemes where BNG was a key issue in terms of its deliverability. To date, of those on which a decision has been made both the Inspectors and Secretary of State have agreed with my assessment.
- 1.4. I have been intimately involved in a number of complex projects relating to the ecology and/or BNG including, New Settlements, Mineral Workings, Water/Flood Alleviation Schemes, Power Generation, Highway Proposals, National Defence and Land Restoration Schemes. I have given evidence at numerous section 78 appeals, call-in inquiries and local plan inquiries, and I have prepared and given evidence for select committee and in the High Court for judicial review proceedings.

- 1.5. Given this experience I am now regarded as one of the leaders in my field for providing ecological expertise, particularly within the planning framework, with the main goal of many of the projects I have been involved in being an increase in biodiversity at the local and national scale
- 1.6. This note summarises the status of Ecology matters related to the proposed development which is the subject of the Appeals. The outline planning applications (07/2021/00886/ORM [920 dwellings] and 07/2021/00887/ORM [180 dwellings]) proposes a mixed-use development of largely residential units, comprising of 1,100 dwellings on land owned and controlled by the developers. The site is allocated as a major site for development in the adopted South Ribble Plan. The development proposals of these two outline applications are provided with the Core Documents at **CD1.6** and **CD1.13**. The applications were refused and the Appeals have been submitted, with a public inquiry to be held in August/September 2022.
- 1.7. This note will consider the ecological matters that have been raised with regards to the site both in regard to those findings presented by the previous ecology consultants and the concerns raised by third parties. This note will also consider the Biodiversity Net Gain (BNG) position of the proposed development both through a review of the data from previous work in addition to an updated walkover and measurements undertaken by Ecology Solutions (ESL). This review and updated survey work has been undertaken to ensure that the clearest picture with regards to the BNG work has been undertaken, that the site habitat areas and conditions are correct, and best reflects the potential for the site to provide the gains required.

Background

- 1.8. The site was subject to a suite of ecological survey work by The Environment Partnership (TEP) in the years of 2017, 2018 and 2021. This included a Phase 1 habitat survey of the site in addition to species surveys including Bats, Badger, Water Vole, Breeding and Wintering Birds, Barn Owl, Reptile and Great Crested Newt. The results of the survey work were submitted within an Ecology Chapter of the Environmental Statement of the site to support above planning application(s) (*Chapter 7 - Ecology and Nature Conservation CD1.31*), in addition to a number of standalone reports for each protected species (see **CD1.49** to **CD1.61**).
- 1.9. An assessment of the position regarding Biodiversity Net Gain (BNG) was also undertaken by TEP at the site, the details of which were assessed within a BNG Assessment report (see **CD1.22 Biodiversity Net Gain Assessment August 2021**).
- 1.10. The above work has been fully reviewed by ESL with results of these surveys providing the foundations upon which ESL has made its conclusions in relation to the assessment of the site.
- 1.11. Having reviewed all of the survey work, I am content that the level of previous ecological survey work has been undertaken to the required standards. This includes the scale of species surveys undertaken, the

seasonal windows in which these surveys covered and their recency and validity. I am also content with the survey methodology used was to best practice standards in line with the CIEEM guidelines. The level of assessment undertaken is correct and the conclusions drawn are valid and correct in my professional opinion. Overall, I am content that this survey work is appropriate and robust, and reflects the ecology matters present on site.

2. SITE CHARACTERISTICS AND SURVEYS TO DATE

Site Characteristics

- 2.1. The Lanes, Penwortham is a 51.86ha site located in South Ribble, Lancashire. The site comprises of a large number of arable fields surrounded by a network of hedgerows. There are also several buildings on site with a total of five ponds also present.
- 2.2. With regards to the wider surrounds, the site is bound by Penwortham Way to the west, with existing residential development to the north with further development in the form of Penwortham town to the wider north. The remainder of the site is largely surrounded by agricultural fields with the West Coast mainline railway located to the east.

Survey Work to Date

- 2.3. As explained above, a suite of Ecology related work has been undertaken at the site. The details of this survey work, peer reviewed as part of this technical note, are provided below along with the years of which each survey element was undertaken:
 - **Phase 1 Habitat** - 2018, 2021 (**CD1.50**).
 - **Hedgerow Assessment** - 2018, 2021 (**CD1.51**).
 - **Tree Survey** – 2018 (**CD1.52**).
 - **Bat Activity** - 2017, 2018 (**CD1.55**).
 - **Bat Roost** - 2018, 2021 (**CD1.56** and **CD1.61**).
 - **Badger** - 2019, 2021 (**CD1.53**).
 - **Water Vole** - 2017, 2019 (**CD1.60**).
 - **Breeding Birds** – 2018 (**CD1.57**).
 - **Wintering Birds** - 2017, 2018 (**CD1.58**).
 - **Barn Owl** - 2018, 2021 (**CD1.54**).
 - **Great Crested Newt** - 2017, 2019 (**CD1.59**).
- 2.4. A summary of each survey element is provided below.

Phase 1 Habitat Surveys

- 2.5. Phase 1 habitat surveys were carried out in April and May 2018 by TEP *The Lanes, Penwortham, Phase 1 Habitat Survey Report, - 2021 Update CD1.50*. These updated surveys were carried out in April 2021 and included areas that were previously not surveyed.
- 2.6. The vast majority of the site consists of improved grassland fields, many of which have been extensively grazed by cattle, creating a very short sward. Floral diversity is low with Perennial Ryegrass *Lolium perenne* being the most dominant species and herb content low. Damper regions of the site are of similar composition with Soft Rush *Juncus effusus* replacing Perennial Rye as the dominant species. Other habitats present on site include hedgerows at the field boundaries (see below), ditches, ponds, a stream and small areas of ruderal and scrub.

Hedgerow Assessment

- 2.7. Hedgerow Assessment surveys were carried out in April and May 2018, with updated surveys in April 2021. These were carried out by TEP *Hedgerow Assessment (July 2021)* **CD1.51**.
- 2.8. The Hedgerow Assessment undertaken by TEP, as referred to above, was to determine whether any hedgerows on site are “Important” under the Hedgerow Regulations 1997. The hedgerows on site are by far the most ecologically valuable habitat present, with the majority of them relatively species-rich with abundant Hawthorn *Crataegus monogyna* and Blackthorn *Prunus spinosa* and frequent Elder *Sambucus nigra* and Hazel *Corylus avellana*. Mature trees are also present within the hedgerow network include English Oak *Quercus robur*, Alder *Alnus glutinosa*, Ash *Fraxinus excelsior* and Sycamore *Acer pseudoplatanus*.
- 2.9. A total of 20 hedgerows on site were found to have sufficient species diversity and associated features to qualify as “important” under the Hedgerow Regulations in terms of the wildlife and landscape criteria. These hedgerows are detailed on the final plan of **CD1.51** - Hedgerows of Significant Importance, Drawing number: G6900.013A).

Bat Activity

- 2.10. Bat activity surveys, including transect and static detector surveys, were undertaken within the site by TEP August, September and October 2017 and April and June 2018 (see **CD1.55 Bat Activity Survey Report [August 2019]**). A total of 6 confirmed species were recorded on site including Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Noctule *Nyctalus noctula*, Brown Long-eared Bat *Plecotus auritus*, Myotis species and ‘big bat species’ (Noctule species *Nyctalus* and/or Serotine *Eptesicus serotinus*).
- 2.11. Activity levels were relatively consistent throughout the surveys and evenly spread across the site with Pipistrelle species being the most frequently recorded. Species such as Noctule were occasionally recorded and Myotis species less frequently. Bat activity was most frequently recorded along the hedgerow networks of the site, particularly those hedgerows that are more species rich and with mature trees.
- 2.12. Overall, bat activity was recorded to be relatively low throughout the site and the site was therefore concluded to be of low suitability to bats. Given the habitats present on site, and that there have been no changes to these habitats since the bat activity work was undertaken, the site remains of low suitability to bats. The largely arable nature of the habitats present (modified grassland) renders the site largely unsuitable for bats. Whilst the hedgerows at the field boundaries are of relative value, their managed nature quashes this somewhat. In absence of survey data my opinion of the site continues to be one that it is of low quality for bats and the previous survey work only confirms this.

Bat Roost

- 2.13. All trees and buildings within the site were assessed for their potential to support roosting bats in March and December 2018, with those trees identified as being of moderate to high potential for roosting bats subject to tree climbing surveys in July and August 2018. Such survey work was undertaken by TEP *Bat Roost Survey Report (August 2019)* **CD1.56**. No bat roosts were identified within any trees during the tree climbing surveys.
- 2.14. One building (B2) was identified as having moderate roosting potential with a total of 50 trees identified as having moderate and/or high roosting potential.
- 2.15. Following the tree climbing surveys, trees categorised as moderate or high potential for roosting bats were also subject to back tracking surveys in August and September 2018. These surveys entailed splitting the site into a number of zones, within which surveyors were stationed to observe bat activity among the trees in question. Following the back tracking surveys, no roosts were identified in any tree within the site. Bat activity was generally low within each zone during these surveys, again confirming the lack of any roosts in the area (lack of swarming) and corresponding to the findings of the bat activity survey work (which also revealed activity to be generally low).
- 2.16. Updated 'nocturnal roost surveys' were undertaken in 2021 by TEP (*Bat Roost Survey Report – 2021 Update [July 2021]* **CD1.61**). This included surveys on a number of trees and buildings within the site.
- 2.17. A total of 30 trees were surveyed as part of this survey work, on account of these trees being earmarked to be felled. Of these trees, 10 were identified as having low potential to support roosting bats and 8 identified as having moderate to high suitability for roosting bats. Bat emergence surveys were undertaken on these 8 trees in line with the BCT guidelines (one emergence and one re-entry survey for moderate trees and two emergence, one re-entry survey for high trees). None of the trees surveyed were identified to contain confirmed roosts of bats.
- 2.18. Whilst the recent survey work described above did not record any evidence of roosting bats within the trees on site, surveys on building B3 identified this building to support a day roost of Common Pipistrelle.
- 2.19. Given the findings of the recent survey work as detailed above, I am content that the trees on site are likely to continue to offer negligible roosting opportunities to bats. Whilst there has been a year since the survey work was undertaken, it is unlikely that the trees in question will be utilised given that previous absence reflects unsuitability of the features for roosting. Indeed, the low levels of bat activity across the site further supports this and is both indicative of the site being of low value to bats and reduces the likelihood of supply and occupation of these features.
- 2.20. With regards to building B3, it is considered likely that this building will continue to offer roosting opportunities to bats. Given that this building is

located outside of the site boundaries (see Bat Building Location Plan within **CD1.61**, it is not considered that the presence of this roost will have implications on the development proposals. The potential for indirect impacts (e.g. lighting) will be given full consideration and will be covered within a number of supporting documents for the site including CEMP, BMEP and LEMP documents as discussed further below.

Badger

- 2.21. Surveys for Badger were undertaken in March 2018, July 2019 and April 2021, with no evidence of this species recorded on site at all (see **CD1.53** *Badger Survey Report – 2021 Update*).
- 2.22. Given that no evidence of Badger has been recorded on site throughout the three years of survey work it is considered unlikely that this species would be present on site. Given the transient nature of Badger, it is recommended that an updated Badger survey is undertaken immediately prior to the works taking place.

Water Vole

- 2.23. A total of 22 ditches were identified within the site, all of which were surveyed in July 2017 and July 2019 (see **CD1.60** *Water Vole Survey Report*). The majority of ditches were identified as unsuitable for Water Vole on account of their heavily vegetated and shaded nature. Ditch 20 was the only ditch to be identified as suitable for Water Vole, however subsequent survey work did not record any evidence of this species.
- 2.24. Records of water vole (2021) were returned as part of the desk-based exercise, however, these were all located to the south of the site beyond major road barriers and no connectivity.
- 2.25. Given that the large majority of waterways within the site are unsuitable for Water Vole, and that no evidence of this species was recorded, it is considered that the site continues to be unsuitable for this species. Given that the only Water Vole population in the area is separated from the site by major barriers and that the habitats on site are unfavourable, it is not considered that this species is currently present on site.

Breeding Birds

- 2.26. Breeding Birds surveys were undertaken in April, May and June 2018 by TEP (see (see **CD1.57** *Breeding Bird Survey Report [August 2019]*). A total of 50 bird species were recorded within the site and a 100m buffer representing a medium species diversity. Six notable bird species were confirmed to be breeding within the site: Tree Sparrow *Passer montanus*, Starling *Sturnus vulgaris*, Mistle Thrush *Turdus viscivorus*, House Sparrow *Passer domesticus* and Dunnock *Prunella modularis*, with and additional three anticipated to be likely breeding: Bullfinch *Pyrrhula pyrrhula*, Song Thrush *Turdus philomelos* and Swallow *Hirundo rustica*.
- 2.27. No significant breeding bird concentrations or nationally rare breeding bird species were recorded during the surveys. Given the habitats present, and the largely arable nature of these, it is considered that the

site would continue to offer the same opportunities for birds and thus the sites remains of significance at the local level only.

- 2.28. The loss of trees, hedgerows, dense vegetation and buildings will result in a loss of nesting habitat for birds, the removal of which will need to be monitored and undertaken outside the breeding bird season wherever possible.

Wintering Birds

- 2.29. A total of 9 wintering bird surveys were undertaken between September 2017 and February 2018 by TEP (see **CD1.58** *Wintering Bird Survey Report [August 2019]*). Surveys concentrated on species of potential interest with regards to the nearby European protected sites (e.g. Ribble and Alt Estuaries Special Protection Area (SPA)/ Ramsar and Martin Mere SPA/ Ramsar) were present in significant numbers.
- 2.30. During the surveys no SPA or Ramsar qualifying species for the nearby designated sites were recorded within, or within 500m of, the site. Given the lack of these species present, it is not considered that any are reliant on the site and as such will not result to any impacts to these sites.
- 2.31. Given the arable nature of the grassland fields and that there have been no significant changes to this habitat, it is considered that the site continues to offer negligible opportunities to wintering birds associated with the nearby designated sites.
- 2.32. The loss of trees, hedgerows, dense vegetation and buildings will result in a loss of nesting habitat for birds, the removal of which will need to be monitored and undertaken outside the breeding bird season wherever possible.

Barn Owl

- 2.33. Buildings were assessed in 2018, with updated nocturnal surveys undertaken in 2021 by TEP (see **CD1.54** *Barn Owl Survey Report – 2021 Update*).
- 2.34. Following the survey work, no trees on site were considered suitable for nesting or roosting. A Barn Owl was however recorded roosting in building B3 but not nesting. This building is located off site (between the two applications) and as such will not be lost to the proposals, however suitable mitigation may be required.
- 2.35. Given the habitats present, it is not considered that there is any significant change in the value of the site to Barn Owl for roosting and/or nesting. Whilst it is considered likely that building B3 still offers opportunities for this species, given that this building is offsite and that suitable mitigation measures will be put in place, there are not considered to be any impacts.

Great Crested Newt

- 2.36. Two eDNA survey visits were undertaken on all suitable waterbodies on site, in addition to those within 500m of the site in 2017 and 2019 by TEP

(see **CD1.59** *Great Crested Newt Survey Report [August 2019]*). No positive eDNA results were returned from any waterbody over the two survey periods.

- 2.37. No records of great crested newts were found within 1km of the site during the desk-based assessment completed by TEP in June 2018.
- 2.38. Given that no evidence of GCN was recorded as part of the eDNA survey work, and that no records of GCN have been returned from the wider area, the site is not considered to offer any opportunities for this species.

3. CONSULTATIONS AND COMMENTS AGAINST THE APPLICATIONS

- 3.1. In response to the outline planning application(s) (07/2021/00886/ORM and 07/2021/00887/ORM), a number of objections have been raised with regards to the proposals. The vast majority of these concerns are raised within the 'Ecology and Nature Conservation' section of the Planning Committee report (see **CD8.1** - *South Ribble Borough Council, Planning Committee, November 2021*).

Comments Raised by the Greater Manchester Ecology Unit

- 3.2. The following consultation was raised by the Greater Manchester Ecology Unit (GMEU) following the updated 2021 survey reports as detailed at paragraph 2.3 of this note, in addition to the Ecology Chapter of the Environmental Statement. Their concerns are raised at Paragraph 7.16 of the Planning Committee Report, namely:

- 3.3. *'The validity of the surveys is confirmed, however there are a number of matters of evaluation and impact assessment which GMEU do not concur with and would advise the Local Planning Authority to take into consideration within the wider planning balance.'* These points have been summarised by ESL below:

- *The surveys of the application sites have consistently identified a number of features of substantive biodiversity value such as Species rich hedgerows and Bat roosts and potential bat roosts in trees.*
- *The site supports Japanese knotweed, Himalayan balsam, and Japanese rose which are all listed on Schedule 9 of the Wildlife & Countryside Act as invasive species (INNS).*
- *Features lie outside the application boundaries but are still of relevance to the proposals such as Orchards and Barn Owl.*
- *Should permission be granted, conditions will be required detailing the submission of a Construction Environmental Management Plan (CEMP); the submission of surveys for Badgers; and the submission of a Biodiversity Mitigation and Enhancement Plan.*
- *In respect of the updated bat report, GMEU recommend that for each phase at Reserved Matters there is cross reference with the Phase 1 Habitat Plans, the tree retention plan and any trees requiring tree surgery work.*
- *Any updated surveys should identify any changes in the conditions and any additional mitigation or compensation, along with an assessment for a need for a licence.*
- *For Biodiversity Net Gain (BNG), it is important to recognise that in order to achieve a high quality and biodiversity rich scheme for over 1,000 homes (Application A & B) it would be exemplary to demonstrate the achievement of 10% net gain. Currently the scheme shows just a 2% uplift across the whole scheme for habitats and GMEU question some elements of this, which would reduce the uplift to less than 2%.*

- 3.4. I will now consider each of the above points in turn and how each is addressed.

Species Rich Hedgerows

- 3.5. As detailed within the Hedgerow Assessment Report conducted by TEP (*Hedgerow Assessment [July 2021]*), a total of 20 hedgerows on site were found to have sufficient species diversity and associated features to qualify as “important” under the Hedgerow Regulations in terms of the wildlife and landscape criteria. The Ecology Chapter (**CD1.31**) also identifies the hedgerow resource within the site as of ‘County Significance’, and that all native hedgerows are “habitats of principal importance” under S4, are a Lancashire BAP habitat and fall under South Ribble Borough Council Local Plan Policy G13 (see **CD5.2**).
- 3.6. Whilst a number of these hedgerows qualify as important and all are priority habitat, it is recommended that it is aimed to retain the vast majority of the hedgerow network as part of the development proposals. Indeed, it appears that most of those hedgerows of significant importance as detailed at Appendix 1 of the Hedgerow Assessment Report (**CD1.51**, Hedgerows of Significant Importance Plan, Drawing Number: G6900.013A) will be retained as part of the development proposals.
- 3.7. ESL appreciate that there is some further information required with regards to hedgerows and their loss/replacement on site. Indeed, it is stated at paragraph 2 at page 72 of the Planning Committee Report that *‘Additionally, the Biodiversity Net Gain calculation is apparently based on the complete loss of hedgerows from the site. I would strongly suggest that some clarity is sought on this matter prior to determination’*.
- 3.8. With reference to the BNG report produced by TEP (see **CD1.22 Biodiversity Net Gain Assessment [August 2021]**), the vast majority of the hedgerow network onsite will be replaced with planting at a 1.5:1 ratio. Namely, the total length of baseline hedgerow is 8.59km with the total length of hedgerow provided post development to be 12.8km (8.59 x 1.5). It is the understanding of ESL that this loss to the hedgerows on site has been assumed as a ‘worst case scenario’ (100% loss with 150% replacement), however this scenario has only been assumed given that unfortunately there are no detailed landscaping proposals at this stage. As such, it is very likely that a large number of the hedgerows will be retained as part of the proposals, particularly those that qualify as “important” and the additional provision of planting at a 1.5:1 ratio will result in significant gains above those quoted within the BNG reporting. The 1.5 value has been used to ensure gains are in excess, in absence of more refined details at this stage.
- 3.9. As raised at the final paragraph at page 72 of the Planning Committee Report (**CD8.1**), it is agreed that each phase of the development will be accompanied by a tree and hedgerow retention plan to ensure that it is completely clear what areas will be retained versus lost. Again, this will comply with those concerns raised above.
- 3.10. Additional concerns relate to the short term versus medium term impacts to hedgerows. Whilst the BNG Metric takes into account a 30-year management and monitoring plan for each reserved matters application, it is appreciated that the time for trees to mature can be in excess of this time period. However, 30 years is a standard length of time for habitat

maturation and the Metric does accept this as a timespan for even the long-term establishing habitats such as woodland. As such, it is considered that the 30-year management period for hedgerows and trees will be a sufficient length of time for the site, and in any event it is recommended that mature trees will be retained wherever possible within the hedgerow networks on site.

- 3.11. In addition to the above, not only will the vast majority of the hedgerow network be retained, but there are also to be significant gains achieved as highlighted by the BNG hedgerow score. The BNG report produced by TEP states that there will be a significant gain of 18.8% for hedgerows.
- 3.12. Whilst there is potential for indirect impacts to any areas of retained hedgerows during construction, it is considered that the production of a CEMP (as detailed below) will be sufficient to ensure that hedgerows are protected, and no impacts incurred as a result. The production of a Biodiversity Mitigation and Enhancement Plan (BMEP) will also ensure that hedgerows are maintained in the long term to ensure maximum biodiversity value post development.

Bat Roosts

- 3.13. As detailed above and within the accompanying reports, a number of bat roosting surveys have been undertaken across the site by from the years of 2018 and 2021 (**CD1.56** and **CD1.61**). This included surveying 18 trees across the site, none of which were identified to contain confirmed roosts of bats. Of the buildings, only B3 was recorded to support a day roost of Common Pipistrelle. This building is now outside of outline application site boundary and thus will not be lost to the proposals.
- 3.14. These surveys concluded that the low activity recorded across the site indicated a lack of roosts present of significant conservation value.
- 3.15. The presence of potential roosts in trees on site will be given full consideration throughout the progress of the two applications(s). Those trees identified as having moderate and high roosting suitability for bats (**CD1.61**) will be re-assessed prior to each phase of the development to ensure that there have been no material changes to the features or evidence of bat use. Should further evidence be discovered, the trees in question will be followed up with further survey work in the form of tree climbing and/or emergence surveys.
- 3.16. With regards to lighting at the site, all retained bat potential trees will be fully considered to ensure that lighting in these areas is sympathetic to remove the potential for any impacts.

Barn Owl

- 3.17. As with bats above, concerns have been raised with respect to Barn Owl. Again, this species was recorded roosting in Building B3 which is located offsite. Whilst it is outside the redline, this building is located in close proximity, between the two outline applications and as such there is potential for indirect impacts and disturbance to this Schedule 1 species. It is considered that the potential for disturbance and opportunities for this

species will be detailed and mitigated for within the forthcoming CEMP and BMEP documents.

- 3.18. This will include the implementation of a sensitive lighting scheme as detailed below, in addition to the provision of a nest box for this species for each phase of the development (5 nest boxes in total).

Lighting Impacts

- 3.19. With respect to the presence of Bat and Barn Owl roosts as detailed above, there remains the potential for lighting impacts on these species' groups. Within the Planning Committee Report (**CD8.1**) it is suggested by GMEU that a sensitive lighting scheme is proposed. It is the intention of ESL to agree and provide this. This will be applied to all boundaries and/or retained hedgerows, to protect all potential commuting routes for both Bats and Barn Owl. A condition to this effect will be appended to both outline applications with further details at the Reserved Matters stage.

Landscape Proposals

- 3.20. GMEU are concerned over the landscape scheme at the site(s) and how the current outline applications offer little in the form of a detailed planting plan. ESL agree this is an important element that needs to be finalised at the reserved matters stage. Such details will be provided within the BMEP in addition to a Landscape Ecological Management Plan (LEMP) for the site. Both these documents will ensure that a clear map of the planting proposals are provided in addition to the methods and measures to be put in place to ensure that all retained and created habitats are managed and enhanced in the long term. It is considered that a separate LEMP will be produced for each phase of the development for both applications.

Protection of Biodiversity

- 3.21. GMEU recommend that each phase of the development is supported by tree and hedgerow retention plans, the details of which need to include fencing to the appropriate British Standard to root protection zones (of both hedgerows and trees). Again, ESL agree with this statement and it is anticipated that the measures of such will be fully detailed within the forthcoming CEMP(s) for the each phase of the site.
- 3.22. The CEMP and BMEP will also detail how the site proposals seek to rectify the presence of Invasive Non-native Species (INNS) such as Japanese Knotweed *Fallopia japonica*, Himalayan Balsam *Impatiens glandulifera* Japanese Rose *Rosa rugosa*, all of which have been recorded within the two application sites. All of these species are listed on Schedule 9 of the Wildlife Countryside Act on account that they pose a conservation threat to native biodiversity and habitats. The plan to map, isolate and remove these species, as detailed by GMEU in the Planning Committee report at paragraph 2 at page 73 (**CD8.1**), is wholly reasonable and necessary and will be detailed within the forthcoming CEMP(s).

- 3.23. Further points raised by the GMEU, including the protection of nesting birds during tree removal (pre-commencement checks), the soft felling of bat potential trees, and the consideration of reptiles and small mammals during vegetation removal and earthworks will be taken full consideration. The details of these will be provided within the CEMP.
- 3.24. In addition to the above, a number of further pre-commencement conditions for surveys are provided by GMEU at page 73 of the Planning Committee report including:
- *Badgers within 3-6 months in advance of the proposed start on each phase. This should include a 30m buffer around any boundaries.*
 - *The updated bat report includes results of surveys for a number of trees with high and moderate roost potential. The extent of these surveys (updated Appendix 7.13) does not seem to accord with the trees identified and shown within the Phase 1 Habitat Plan (GR6900.03.001 sheets 1 to 5). It is recommended that for each phase at Reserved Matters there is cross reference with the Phase 1 Habitat Plans, the tree retention plan and any trees requiring tree surgery work.*
 - *Updated surveys should identify any changes in the conditions and any additional mitigation or compensation, along with an assessment for a need for a licence.*

Badgers

- 3.25. Previous surveys for Badger in March 2018, July 2019 and April 2021, recorded no evidence of this species on site whatsoever. In any event, it is agreed with GMEU that updated surveys are necessary given the large size of the site and the transient nature of this species.

Trees with bat potential

- 3.26. It is agreed that all trees with bat potential including those highlighted in the updated reports, and the original Phase 1 surveys are cross referenced with those plans detailing trees to be removed and retained. Whilst there are some discrepancies in what constitutes a bat potential tree, in addition to the cryptic nature of some of these features, it is considered that the full compliment of any potential trees will be identified, and thus suitable mitigation and removal measures applied to all. It is likely that updated surveys will be required on all moderate and high bat potential trees identified within the Bat Report **CD1.61**.

Biodiversity Mitigation and Enhancement Plan

- 3.27. GMEU recommend that each phase of the development is supported by a BMEP. It is agreed that this would be necessary to ensure that all aspects of Ecology are fully equated for, for each phase and to ensure that mitigation of appropriate scale and precision is met. It is the agreement of ESL that the following points raised by GMEU at page 73 of the Planning Committee Report (**CD8.1**) are met, with full details provided within the BMEP:

- *Replacement bat boxes supplied as compensation at a ratio of 3:1 for each moderate or high potential tree roost lost.*
- *Additional bat boxes for houses and/or trees as enhancement.*
- *Bird boxes should be supplied as compensation at a ratio of 2:1 for trees and buildings lost. It is noted that this does not include compensation for lost nesting within hedgerows.*
- *Hedgehog/small animal highways through boundaries to create ecological permeability. This should also be reflected in the boundary treatment specification.*
- *Five barn owl boxes to be supplied as compensation for impacts to the roost area. It is suggested that one is required for each phase up to the maximum of 5.*

Biodiversity Net Gain

- 3.28. The BNG Report provided by TEP (**CD1.22**) states a gain can be achieved of around 2.07% for both applications. A review of this document has been undertaken by ESL and it is agreed that the BNG score is correct based on the habitats present and the condition assessments made.
- 3.29. Paragraph 179 of the NPPF (**CD4.1**) considers the strategic approach which local authorities should adopt with regard to the protection, enhancement and management of green infrastructure, priority habitats and ecological networks, and the recovery of priority species. It is noted that plans should *“identify and pursue opportunities for securing measurable net gains for biodiversity”* but there is no specific requirement for a certain measure of gain.
- 3.30. Paragraph 180 of the NPPF (**CD4.1**) sets out a number of principles which local authorities should apply, the most relevant being: encouraging opportunities to incorporate biodiversity improvements in and around developments, *“especially where this can secure measurable net gains for biodiversity”*.
- 3.31. The South Ribble Local Plan (**CD5.2**) (Policy G16 – Biodiversity and Nature Conservation), the Central Lancashire Core Strategy (**CD5.1**) and the NPPF (**CD4.1**) only require the development to deliver ‘a measurable net gain’. Given that the proposals have been shown to do this, they are policy compliant. However, although the proposals will provide a net gain of 2.07%, the appellant seeks to go beyond this with the aim of providing a net gain of 10% at the site, in line with the forthcoming Environment Act when section 6 on Biodiversity comes into force.
- 3.32. In light of the above, whilst the BNG work undertaken by TEP achieved a score of 2.07%, in order to achieve a net gain of 10%, an additional 9.12 habitat units are required post development.
- 3.33. Whilst there is some potential to achieve this score within the proposals on site, these could be delivered in one of four ways including on site habitat creation / enhancement; the acquisition and improvement of land off-site; the purchasing of credits through an organisation such as Environment Bank; or a combination of these three options.

- 3.34. Given the large area of the site, its current arable nature and the provision of a large area of central open space from south to north, there is opportunity to provide these gains within the site.
- 3.35. Whilst the proposals will aim to provide these, a more feasible alternative is to purchase 9.12 credits off site. With regards to potential candidate sites in the local areas which could be used to purchase these credits, there is Land at Howick Hall Farm. This is a circa 13ha site located approximately 4km to the northwest of the site. This land is currently owned by Homes England and subject to their approval has potential to offer parts of the site to ensure that the deficit is met. In its current state, Howick Hall Farm largely comprises of modified grassland and as such allows sufficient capacity to improve the quality of this habitat to meet a further 9.12 credits.
- 3.36. A report produced by Arcadis (*Land at Howick Hall Farm, Site Reference 1694, Site Assessment – Biodiversity and Environmental Net Gain Opportunities [November 2021]*) (see Appendix 1 of this note) details the quality of habitats present at Howick Hall Farm and indicates that there is substantial capacity for enhancements to be made through the transformation of modified grassland to neutral grassland. The report states that there is the potential for an expected uplift of 69.53 Biodiversity Units through this modification of grassland, in addition to the improvement of existing neutral grassland areas and ponds. As such, there is more than adequate room to accommodate the 9.12 biodiversity units to achieve a 10% uplift. Given the capacity of this candidate site, it is agreed that only a defined area of the site will be allocated, the area and habitats (to be improved) of which will be sufficient to ensure that the 9.12-biodiversity unit shortfall is met.
- 3.37. As stated above, the Environment Bank is an additional option that could be used as a means to ensure that gains are met. The Environment Bank is a nationwide network of habitat banks that allows the availability of credits to be sourced locally, providing a robust and efficient way to deliver net gain on development projects. It is commonly used by developers across the UK and is fully compliant with the Environment Act 2021 and the NPPF. The Environment Bank can also be signatory to section 106 agreements and will provide all certificates to demonstrate the meeting of biodiversity offset conditions.
- 3.38. In the light of the various options available, as detailed above, and the ability to deliver these in combination, I am satisfied that the Appellants will be able to deliver a net gain of at least 10% through the development. Indeed, given the size of the site, and the various options available, there is significant flexibility to ensure that 10% gain is both feasible and achievable.
- 3.39. GMEU go on to conclude at Page 23 of the Planning Committee report (CD4.1) that:
- *GMEU recommend that clarity is sought regarding tree and hedgerow removal prior to the determination of the application.*

- *It is suggested that a percentage Biodiversity Net Gain uplift is agreed prior to determination.*
 - *Following resolution of these matters a number of conditions are recommended to secure the implementation of appropriate mitigation and compensation for biodiversity impacts.*
 - *GMEU can provide examples as to how conditions/obligations can be framed to secure the quantum of the agreed uplift across the whole of the development as phases come forward.*
 - *The points raised above, and the recommended conditions apply to both the outline applications.*
- 3.40. With regards to the above points, ESL agree that the percentage BNG would need to be agreed prior to determination and will likely involve a revisit of the site at a later stage to ensure the habitats present and thus gains remain true. Indeed, the need for providing this upfront is proposed by Taylor Wimpey and Homes England and will be provided in an obligation in the section 106 agreement relating to the Appeals. This obligation will ensure that the proposals are in line with the National Planning Policy Framework (NPPF), the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity, and The South Ribble Local Plan Policy G16: Biodiversity and Nature Conservation (**CD 4.1**, **CD5.1** and **CD5.2**).

Comments Raised by Lancashire Wildlife Trust

- 3.41. The Lancashire Wildlife Trust (LWT) state that they have no objection in principle to the two applications but do have specific objections to some of the processes and assertions which lead them to believe the applications lead to unsound conclusions in respect of the required delivery of nature's recovery.
- 3.42. Essentially, the LWT consider that the applicant's ecology consultant has concluded that the development would, at best, only be net neutral for the site's biodiversity resource. The use of Natural England's Biodiversity Metric 3.0 would demonstrate this more quantitatively.
- 3.43. A number of specific points are raised by the LWT at page 75 of the Planning Committee Report. I set those out below in italics, and then provide a response:
- *'Natural / semi-natural spaces shown do not seem to be associated with a particular strategy linked to a wider ecological network or to the movement of wildlife within and through the site, or to any concept of a nature recovery network.'*
- 3.44. Whilst there are no specific and settled landscape plans for the site at this outline stage, the current masterplans, whilst broad in detail, demonstrate that there is a substantial amount of natural and semi-natural spaces available. This includes vast areas at the northern and southwestern boundaries, with a corridor of natural space linking these two areas in the centre of the site (see **CD1.6**). These areas include open greenspace in addition to flood basin and attenuation swales. It is considered that these areas of natural spaces provide sufficient linkage for wildlife to move through the site post development, particularly from a north-south

direction and vice versa. Further to this, the habitat provision within these areas and how they sufficiently connect to the wider ecological network will be detailed fully within the forthcoming BMEP and LEMP documents produced for each phase.

- *'Hedges retained are proposed to form part of house-boundaries and so susceptible to individual householders undertaking inappropriate or no management for biodiversity or even replacement of hedges by low fences or walls.'*

Hedges on the application site are assessed by the applicant's ecologist as major contributors to the site's current local significance for breeding bird communities – some of which are UK "Red" or "Amber" list species - and it will be important to secure such bird communities' habitats onsite or, failing that, offsite before development commences in order to maintain, preferably increase, the local avian population size and diversity.'

3.45. ESL agrees to the above concerns relating to hedgerows. Where hedgerows are retained, clarification will be provided as to whether they form garden boundaries. Should this be the case, it is likely that a condition will be imposed to ensure that future management of these hedgerows is not at the discretion of the homeowner.

- *'Similar considerations pertain to the site's current use by local bats, as confirmed by the applicant's commissioned assessment; "the hedgerows, trees, ditches and ponds within the site provide suitable foraging and commuting habitat for bats".'*

3.46. Whilst it was found that the hedgerows on site were utilised by bats, as detailed within the bat report for the site, overall, bat activity was recorded to be relatively low throughout the site with just six species recorded in total, and most registrations pertaining to Common Pipistrelle. It was concluded that the site was of low suitability to bats.

3.47. Whilst it was also concluded that the loss of hedgerows and light spill within the site would also have potential impacts through a reduction in foraging opportunities for local bat populations, it is considered that those details provided above for hedgerows and a sensitive lighting scheme (see paragraphs 3.5 - 3.12 and 3.19 above) will ensure that these impacts are removed. Indeed, the production of documents for each phase, including CEMP, BMEP and LEMP will ensure that sufficient habitat of scale and quality is provided for bats.

3.48. Additional comments raised by the LWT at page 75 of the Planning Committee Report (**CD8.1**) include the production of a CEMP, BMEP and LEMP (or related document(s) [*landscape and habitat management plan*]). As detailed above, these will be provided for each phase going forwards for the two applications.

3.49. Further comments raised by the LWT relate to BNG and the need for a more updated Metric to be used. Concerns are also raised with regards to net gains and the need for achieving 10% as required by the forthcoming Environment Act. Whilst the need for a 10% net gain is

presently neither required by statute or planning policy, (as detailed above in paragraphs 3.28 to 3.40), the development will seek both to ensure that measurable net gains are achieved in line with the NPPF, but also look ahead of the curve in seeking to provide a gain of 10% as a key aim for the development proposals at the two applications.

Comments Raised by Natural England

- 3.50. A number of comments have also been raised by Natural England (NE), however, much of this advice is 'generic'.
- 3.51. Based on the details submitted, however, NE agree that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 3.52. The generic advice raised by NE includes standing advice with regards to protected species, habitats and local sites, ancient woodland, and environmental gains. All of these have been covered in the above paragraphs of this note.

Comments Raised by Third Parties

- 3.53. A number of representations have also been raised by 'interested parties' as submitted as part of the appeal. These include several statements and evidence pieces submitted by Keep Bee Lane Rural (KBLR). These comments have been assessed by ESL and it is noted that none of them relate specifically to ecological matters, or raise matters that are not considered in this note.

Appendices

- Appendix 1 – Land at Howick Hall Farm, Site Reference 1694, Site Assessment – Biodiversity and Environmental Net Gain Opportunities (Arcadis, November 2021).

Ecology Solutions
July 2022

APPENDICES

APPENDIX 1

**Land at Howick Hall Farm, Site Reference
1694, Site Assessment – Biodiversity and
Environmental Net Gain Opportunities
(Arcadis, November 2021).**



Land at Howick Hall Farm

Site Reference 1694

Site Assessment – Biodiversity and Environmental Net Gain Opportunities

NOVEMBER 2021

Prepared By:

Brandon Murray
80 Fenchurch Street
London EC3M 4BY
United Kingdom
Tel: 07708 230662

Prepared For:

Phil Quigley
Manager – CAL (National) and Commercial
Disposals

Arcadis UK

80 Fenchurch Street
London EC3M 4BY
United Kingdom

Version Control

Issue	Revision No.	Date Issued	Page No.	Description	Approved By
1	0	17/11/2021	18	BNG Feasibility Report	Martina Girvan

This report dated 17 November 2021 has been prepared for Homes England (the “Client”) in accordance with the terms and conditions of appointment dated 14 July 2021 (the “Appointment”) between the Client and **Arcadis UK** (“Arcadis”) for the purposes specified in the Appointment. For avoidance of doubt, no other person(s) may use or rely upon this report or its contents, and Arcadis accepts no responsibility for any such use or reliance thereon by any other third party.

Contents

Executive Summary	iv
1 Introduction	1
2 Methodology	3
3 Results	10
4 Conclusions	17
5 References	18

Appendices

Appendix A

Site Map

Executive Summary

The habitats present on site mainly comprised modified grassland with small areas of other neutral grassland, ponds and scattered trees, with hedgerows and a line of trees forming field boundaries. There was a minor road in the western part of the site.

There is the potential for an expected uplift of 69.53 area Biodiversity Units (BU) on site with the improvement in the condition of the other neutral grassland and ponds and the replacement of the modified grassland with other neutral grassland. An uplift of 13.52 hedgerow BU is also expected from the improvement in the condition of the hedgerows and tree line on site, and the planting of new hedgerows on the site perimeter.

In addition to the fact that the site is suitable for biodiversity net gain (BNG) improvement, there is also some value to be obtained by maximising the social, educational and eco-therapy benefits of the land. Potential opportunities are presented within this report.

The adjacent charity, local schools, local golf club and a nearby nature reserve were noted as potential delivery partners. The local Wildlife Trust and the Local Planning Authority were noted as potential candidates for adoption of the Site. No impacts to any statutory or non-statutory sites of nature conservation importance are predicted.

The RAG (Red, Amber, Green) Table below shows that there is high potential for BNG with 69.53 area BU with an estimated value of GBP1.53 - 1.93 million, and a moderate ENG value.

Summary Recommendation	RAG Status
BNG Value	High
ENG Value	Moderate

*0-5BUs low, 5.1-10 BUs moderate and more than 10 BUs high, ENG qualitative value

1 Introduction

1.1 Overview

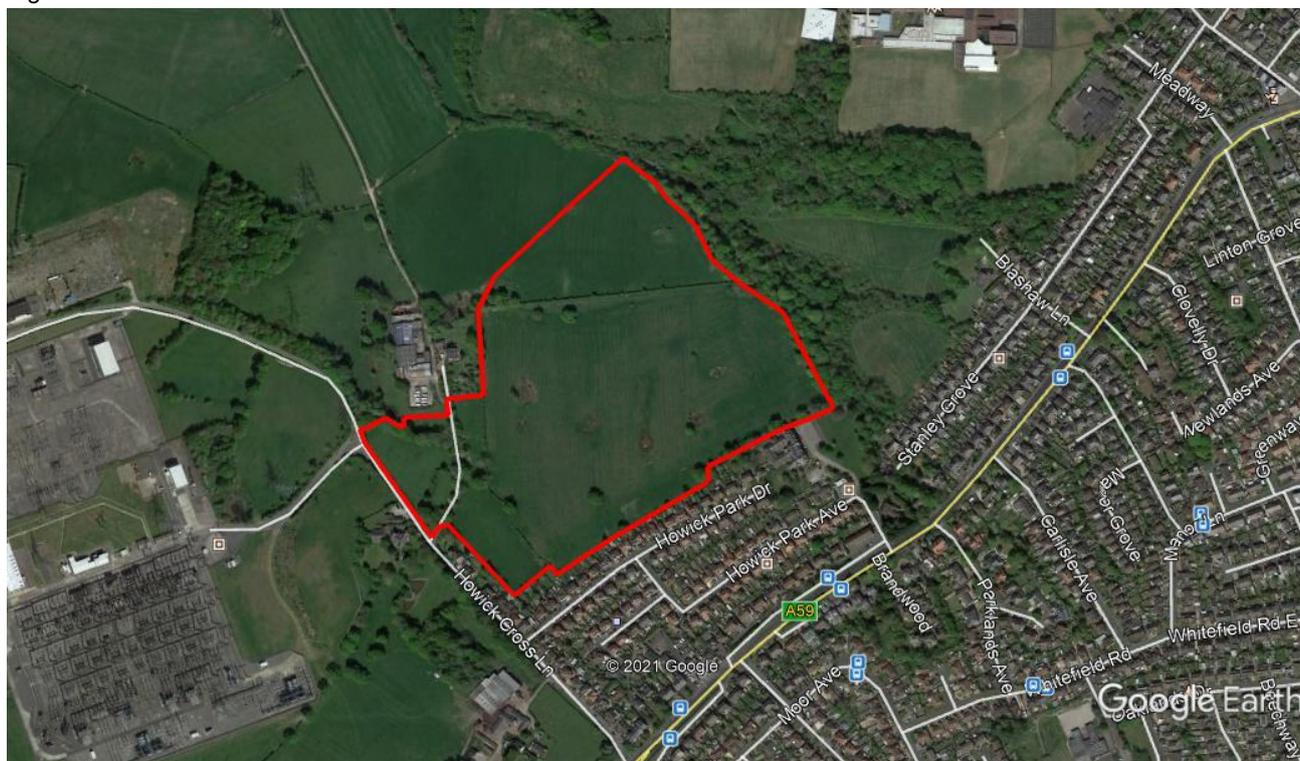
Arcadis Consulting Ltd. (UK) was commissioned by Homes England (HE) to undertake a Biodiversity Metric (BM) and Biodiversity Net Gain (BNG) feasibility exercise at land known as “Land at Howick Hall Farm” (Postcode, PR1 0LU; Ordnance Survey Grid ref: SD50812801), as shown in Figure 1.

HE owns sites across England that are currently not feasible for traditional redevelopment and HE would like to investigate options for disposal that maximise biodiversity and environmental benefits and minimise long term financial exposure. HE wishes to identify whether the emerging legislation and policy for Biodiversity Net Gain (BNG) can contribute to this goal.

1.2 Site Overview

The site is adjacent to woodland to the east, farmland to the north and west, and residential properties to the south. The site is accessed via Howick Cross Lane, to the west of the site. An overview of the site location plan is presented in Figure 1. The current land use is agricultural pasture.

Figure 1 Site Location Plan



1.3 BNG in policy and legislation

In line with the 25 Year Plan for the Environment (HM Government, 2018) and the National Planning Policy Framework (MHCLG, 2019), new development should identify and pursue opportunities for securing measurable net gains for biodiversity and for the wider environment. The Environment Bill 2019-2021 which was first introduced on 15 October 2019, it was re-introduced to parliament following a general election on 30

January 2020. The Bill had a carryover motion and day two of Report Stage and Third Reading took place on 26 May 2021 in the 2021-22 session. The Bill had its second reading in the House of Lords on 7 June 2021, which it passed without revision. It has now been committed to a Committee of the Whole House (Lords) for its next stage. The Environment Bill will help deliver the government's manifesto commitment to delivering the most ambitious environmental programme of any country. The Environment Bill introduces a mandatory requirement for 10% biodiversity net gain for new development to ensure that they enhance biodiversity and create new green spaces for local communities to enjoy. There will be a two year transition period following the enactment before the Environment Bill takes effect. In the meantime, increasing numbers of local authorities are asking for measurable biodiversity net gain for planning applications. Integrating biodiversity net gain into the planning system will provide a step change in how planning and development is delivered. There is also a strong focus on delivering environmental net gain. This would preferably be achieved onsite, however there are options to deliver these gains off-site and this would be demonstrated via the Biodiversity Metric 3.0 which was issued on 7 July 2021 (Panks *et al.*, 2021a and b).

2 Methodology

2.1 Desk study

A desk study was undertaken in August 2021 to identify any existing ecological information relating to the site and its surroundings. The following resources/sources were used/consulted.

- Aerial imagery of the site and the wider landscape was reviewed using Google Earth (Google Earth, 2021);
- The Multi-Agency Geographical Information for the Countryside website (MAGIC, 2021) was consulted to search for international designated sites of nature conservation importance (i.e. Special Areas of conservation (SACs), Special Protection Areas (SPAs), Ramsar sites and Biosphere Reserves) within 10km of the site boundary and national designated site (i.e. National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Sites of Special Scientific Interest (SSSIs) and conservation areas) within 5km of the site. It was also used to identify habitats within or adjacent to the site that are included on Natural England's Priority Habitat Inventory (PHI);
- The South Ribble Local Plan (South Ribble Borough Council, 2015) was consulted to identify non-statutory designated sites (i.e. Local Wildlife Sites, LWSs) within 2km of the site; and,
- A search of the National Biodiversity Network Atlas (NBN, 2021) was undertaken for records of protected species and other species of conservation concern within 2km of the site.

2.2 Site survey

An extended Phase 1 habitat survey of the site was undertaken by Andrea Cordon MCIEEM, Arcadis Senior Ecologist, on 18 August 2021. The survey involved a walkover of the site to identify and map habitat types using the UK habitat classification typologies (Butcher *et al.*, 2020) and GIS.

2.3 Biodiversity metric 3.0

The purpose of this document is to establish the biodiversity baseline of the site and assess the feasibility of the site for biodiversity enhancement. This approach utilises information on the habitats and features of the site to calculate a biodiversity value, utilising this information to calculate a change in the biodiversity value of the site post-interventions.

These calculations were undertaken using the Biodiversity Metric (BM) 3.0 issued by Defra and Natural England (details can be found at Panks *et al.* (2021a and b)) a spreadsheet-based tool into which data can be entered to carry out biodiversity net gain calculations. Current guidance states that projects that started using Biodiversity Metric 2.0 should continue to do so. This is due to the units not being tradeable between the two metrics and due to the complexity of reworking the calculations. Consequently, the results obtained from BM 2.0 and BM 3.0 are not interchangeable.

Data is entered into the metric using the UK habitat classification typologies (Butcher *et al.*, 2020). The BM 3.0 assesses area-based habitats (woodland, grassland etc) and linear features (hedgerows and rivers) separately, but through broadly the same methodology. As such, the following sections are of relevance to all of these habitat types.

When considering baseline conditions, the metric takes account of several factors, detailed below. The numbers in brackets show the multipliers used by the metric for each category.

- Habitat type;
- Size of habitat parcel;

- The distinctiveness of the habitat type;
 - Value predetermined for each habitat type on a scale of Very Low (0), Low (2), Medium (4), High (6) and Very High (8).
 - Distinctiveness considers the rarity of the habitat, the amount of the percentage of habitat protected in SSSIs, the UK Priority Habitat Status and the European Red List Categories for the habitat.
- The condition of each habitat parcel;
 - Value assigned based on a scale of Poor (1), Fairly Poor (1.5), Moderate (2), Fairly Good (2.5) and Good (3). For some habitat types this is pre-determined.
 - Condition sheets (provided in Panks *et al.* (2021b)) were used where possible to assess the condition.
- Whether the parcels are in locations identified as local nature priorities.
 - Value assigned based on a scale of Low (1), Medium (1.1) and High (1.15) strategic importance.

2.4 Unit calculation

To calculate the biodiversity units of the site as a whole, the unit for each of the habitat types is calculated and then multiplied by the size of this habitat. The unit number is based upon the habitat's distinctiveness, condition and strategic significance. For non-linear habitats, such as woodland or grassland, the area of the habitat is used to assess its size, whereas length is used for linear habitats, such as hedgerows and rivers. The biodiversity unit numbers of area-based habitats and linear hedgerows and/or rivers are separate and cannot be summed, as such they should be evaluated separately. Area based habitats and hedgerows are largely assessed in the same way and any differences are highlighted below.

This section describes how this proxy unit for biodiversity has been applied to the existing 'before' habitats and the proposed 'after' (post-intervention) habitats. Full details of the BM 3.0 can be found in Panks *et al.* (2021a and b).

2.4.1 Habitat size

The size of the different habitats was calculated in GIS based on the baseline habitat data collected during the site survey. Post-intervention habitat size was calculated after considering the feasibility of interventions and the most feasible option for biodiversity unit enhancement. The area taken up by scattered trees throughout the site was calculated by inputting the number of scattered trees identified during the survey into the 'Urban Tree Helper Tool', included in the Biodiversity Metric 3.0 calculation tool.

2.4.2 Habitat distinctiveness

The metric assigns a pre-defined distinctiveness band to each of the habitats and linear features.

2.4.2.1 Area based habitats

As detailed in Panks *et al.* (2021a), this assessment is based upon "species richness, rarity (at local, regional, national and international scales), and the degree to which a habitat supports species rarely found in other habitats". Table 1 provides detail of the bandings to which each area-based habitat is assigned.

Table 1: Area based habitat distinctiveness valuation bandings

Distinctiveness band	Multiplier	Typical habitats
Very High	8	Priority habitats as defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act (HMSO, 2006) that are highly threatened, internationally scarce and require conservation action e.g. blanket bog. Small amount of remaining habitat with a high proportion unprotected by designation. Endangered or Critical European red list habitats.
High	6	Priority habitats as defined in Section 41 of the NERC Act (HMSO, 2006) requiring conservation action e.g. lowland fens. Remaining Priority Habitats not in very high distinctiveness band and other red list habitats.
Medium	4	Semi-natural habitats not classed as a Priority Habitat, but with significant wildlife benefit, e.g. mixed scrub. One Priority Habitat (arable field margins).
Low	2	Habitat of low biodiversity value e.g. temporary grass and clover ley. Agricultural and Urban land of lower biodiversity value.
Very low	0	Little or no biodiversity value e.g. hard standing or sealed surface. Urban – artificial structures which are un-vegetated, sealed surfaces or built linear features of very low biodiversity value.

2.4.2.2 Hedgerows and lines of trees.

The distinctiveness of hedgerows and lines of trees is based upon their physical structure, the woody species composition and any association with physical features, such as banks and ditches. An assessment of ground flora is not included within the metric. Table 2 details the distinctiveness categories of each of the types of hedgerows and line of trees. Further detail is provided in Panks *et al.* (2021a).

Table 2: Hedgerow distinctiveness categories and multipliers

Distinctiveness band	Multiplier	Typical habitats
Very High	8	Native species rich hedgerow with trees -with bank or ditch.
High	6	Native species rich hedgerow with trees. Native species rich hedgerow - with bank or ditch. Native hedgerow with trees - with bank or ditch.
Medium	4	Native species rich hedgerow. Native hedgerow - associated with bank or ditch. Native hedgerow with trees. Line of trees (ecologically valuable). Line of trees (ecologically valuable) - with bank or ditch.

Distinctiveness band	Multiplier	Typical habitats
Low	2	Native hedgerow. Line of trees. Line of trees - with bank or ditch.
Very low	1	Any hedgerow containing 20% or more canopy cover of a non-native species.

2.4.3 Habitat condition assessment

The condition of the habitat is defined as: “the biological ‘working-order’ of a habitat type judged against the perceived ecological optimum state for that particular habitat.” (Panks *et al.*, 2021b). This provides a measure of variation in the quality of areas of the same habitat type.

2.4.3.1 Area based habitats

A habitat condition assessment sheet is provided for each habitat type within Panks *et al.* (2021b), which should be used to assign each habitat parcel to each of the categories detailed in Table 3. Each condition sheet is composed of a list of pass/fail criteria. The ratio of ‘passes’ to ‘fails’ is used to determine the habitat condition.

Table 3: Condition bandings for the habitats on the site

Category	Multiplier
Good	3
Fairly good	2.5
Moderate	2
Fairly poor	1.5
Poor	1
N/A – Agriculture	1
N/A – other	0

2.4.3.2 Hedgerows

A single condition sheet is provided for hedgerows, although lines of trees have a separate sheet. Both of these can be found in Panks *et al.* (2021b), along with the pass/fail ratios for both types of linear feature. The condition categories and multipliers are the same as shown in Table 3, but ‘fairly good’ and ‘fairly poor’ are not options.

2.4.4 Strategic significance assessment

Strategic significance assesses the value of habitats from the point of view of environmental objectives and preferred locations for biodiversity. Local and national policy was reviewed to quantify the strategic significance of each habitat area. Table 4, based upon Table 5-4 in Panks *et al.* (2021b), was used to assist with this assessment.

Table 4: Strategic significance categories and multipliers

Category	Description	Multiplier
High	High potential – area/action formally identified within a local plan, strategy or policy.	1.15
Medium	Good potential – location ecologically desirable but area/action not identified in local plan, strategy or policy.	1.1
Low	Low potential - area/action not identified in any local plan, strategy or policy. No local strategy in place.	1

2.5 Baseline calculations

The number of biodiversity units provided by each habitat currently within the site is calculated by multiplying the values for Distinctiveness, Condition, Strategic location and the size of each habitat in hectares (ha). Hedgerows are evaluated in the same way, but based upon their length (in km), rather than area. This value represents the baseline condition of the site, in terms of biodiversity units. Further detail can be found in Panks *et al.* (2021a and b). The site survey, satellite imagery (Google Earth, 2021) and MAGIC (2021) mapping were used to inform these baseline calculations.

2.6 Post-intervention calculations

The site is then reassessed for the conditions that will be present after the intervention actions are implemented. Details of the post-intervention action typologies are outlined in the associated BNG calculator. The number of biodiversity units provided by each habitat within the site is calculated in the same way as the baseline habitats, but with the additional multipliers detailed in **Error! Not a valid bookmark self-reference..** Further detail regarding these multipliers is presented in Section 2.7.

Table 5: Risk components included in post-intervention calculations

Risk factor	Description
Difficulty of creating or restoring a habitat	A standard score based on how difficult the habitat type is to create.
Temporal risk	A standard score based on how long the habitat type takes to establish.

2.7 Post-intervention delivery risks

2.7.1 Difficulty of creating or restoring a habitat

This ‘risk’ relates to the difficulty of the habitat restoration or recreation. There are four bands from Low difficulty, to Very high difficulty, with the value multiplier shown below in Table 6.

Table 6: Difficulty categories and multiplier

Category	Multiplier
Very high	0.1
High	0.33

Category	Multiplier
Medium	0.67
Low	1

Different habitat change scenarios are attributed different levels of risk (risk around the confidence in the successful establishment of habitats) and different multipliers are applied to reflect this. Three distinct habitat change scenarios are recognised in the Biodiversity Metric 3.0:

- **Habitat creation.** Where one habitat type is replaced by another or the habitat is destroyed (e.g. by development works) and the same habitat is recreated.
- **Habitat enhancement.** Enhancing habitat is where one improves its distinctiveness and / or condition. An example of enhancement would be the enhancement of a derelict chalk grassland dominated by scrub and non-calcareous grasses to a continuous area of chalk grassland with managed woody species and an abundance of calcareous grasses.

Enhancement carries less risk and therefore can provide a greater unit uplift.

2.7.2 Temporal risk

Temporal risk is a factor of the time it takes for the habitat to reach target condition. This can be reliant on soil nutrient status, soil type and pH, site preparation, climate and the neighbouring habitats and species matrix available to colonise the new or restored habitat. The timeframe is also resource dependent. With sufficient time and resources most habitats can be recreated more rapidly, but a more gradual process may be more beneficial to wildlife in the longer term.

For the purposes of the Defra Biodiversity Metric 3.0 average time estimates are used, accepting that there will be variation from this proxy estimate. For example, some sites will take longer, where conditions are more nutrient enriched or higher altitude or north facing. Average estimates of the time to target condition were largely expert driven and build upon the considerations that shaped judgements of the difficulty to create or restore a habitat. They were additionally informed by field experience, industry case studies and a body of practical experience. The time to target condition varies between 0 and greater than 30 years, with 0 years having a multiplier of 1. The multiplier decreases by 3.5% per year.

2.7.3 Spatial risk

A separate risk multiplier is applied to post-intervention sites outside of the site. This incentivizes the utilisation of sites near the site, for ecological and social reasons. Sites within the same local planning authority area (LPA) or National Character Area (NCA) are deemed sufficiently close to address ecological and social concerns. The LPA would need to provide agreement for any offset at distance from the site. Higher multipliers are assigned to more distant sites, as shown in Table 7, which results in a decrease in the value of an off-site location with increasing distance.

Table 7: Off-site risk categories (LPA – local planning authority area, NCA – National Character Area)

Category	Multiplier
Compensation inside LPA or NCA of impact site.	1
Compensation outside LPA or NCA of impact site but in neighbouring LPA or NCA.	0.75
Compensation outside LPA or NCA of impact site and beyond neighbouring LPA or NCA.	0.5

2.8 ‘Pseudo’ double counting of areas

The total area input into the tool can be greater than the total area of the site. This is due to the three-dimensional nature of certain habitats. For example, the area covered by a tree is approximately the area covered by its canopy, but if an area of grassland is underneath, both would be included in the metric. As such the area of the tree canopy is ‘counted’ twice, this can result in the area in the metric being larger than the area of the site.

2.9 Calculation of gains or losses

The net change in biodiversity or hedgerow units on and off-site is calculated within the tool by subtracting the baseline units from the post-intervention units. The overall net change is the sum of the change in units on-site and off-site. The percentage net gain is then calculated by dividing this overall net change by the number of baseline units on the site, as shown in the equation below:

$$\text{overall percentage net gain} = \frac{\text{change in units on site} + \text{change in units off site}}{\text{baseline units on site}} \times 100$$

A positive value indicates a net gain has been made and a negative value indicates a net loss has been made.

2.10 Changes in broad habitat type calculations

The UK habitat classification system is hierarchical in structure, so specific habitat types can be grouped into broad habitat types. The changes in area and biodiversity units associated with each of these broad habitat types was calculated using the baseline and post-intervention data.

2.11 Areas excluded from the assessment

The metric is not designed to assess impacts to habitats within statutory designated sites or “irreplaceable” habitats, as defined in Baker et al. (2019). There are no irreplaceable habitats, such as ancient woodland, or statutory designated sites present within the site, therefore all habitats are assessed.

2.12 Rivers assessment

No rivers are present within the site, so the rivers assessment section of the BM 3.0 is not required for this site.

2.13 Assumptions

The following assumptions, were made to complete the assessment:

- The post-intervention figures presented can only provide an indication of the potential value of the constructed development. The achievement of the predicted post-development unit scores will require appropriate installation and management plans to be created and followed in order to reach and maintain the targeted habitat quality.

3 Results

A desk study was undertaken to determine if any designated sites or protected habitats were present within the local area. A species records search was also undertaken using the National Biodiversity Network Atlas mapping tool. The results of this search are presented in Table 8 below.

Table 9 details the habitats identified on site and tables 10 and 11 detail the opportunities and constraints for the site with a particular focus on environmental net gain. This is the current assessment of the site.

3.1 Desk study

Table 8: Constraints associated with the site

Constraint	Results / Notes
International designated sites 10km (SAC, SPA, Ramsar sites, Biosphere Reserves)	Ribble & Alt Estuaries Ramsar site and SPA are located approx. 4km west of the site. There are no SACs or Biosphere Reserves within a 10km site radius.
National designated sites 5km (NNR, LNR, SSSIs, Conservation Areas)	There are no NNR in the vicinity of site. Newton Marsh SSSI is approximately 5km north-west of the site. There are 4 LNR within 5km of the site. Preston Junction LNR is located approx. 2km to the east of the site, Longton Brickcroft LNR is located approx. 4km to the southwest, and both Haslam Park – Preston LNR and Fishwick Bottoms LNR are located approx. 3km to the north. Penwortham Rawstone Road Conservation Area is located approx. 500m to the east of site. Other Conservation Areas within 2km of the site area are St Marys - Penwortham, Fishergate Hill, Avenham, and Winckley Square, all located to the northeast of site.
Non-statutory designated sites 2km (Registered parks and gardens, Registered battlefields, green belt areas, LWS)	The Willows registered heritage park and garden (Grade II) is approximately 1.6km to slightly northwest of site. Liverpool, Manchester and West Yorkshire Greenbelt is located approx. 1.1km to the southwest of the site.
Habitats	Deciduous woodland is adjacent to the site. Traditional orchards are also found within approx. 300m to the southwest of site. Coastal and floodplain grazing marsh is adjacent to western end of the site.

Constraint	Results / Notes
<p>Species 2km (Bats, Birds, Great Crested Newt (GCN), Reptiles, Dormouse, Water, Otter)</p>	<p>There are records of pipistrelle bats, notable bird species, GCN, Eurasian otters within 2km radius from the site.</p> <p>Most commonly recorded bird species was the blackbird.</p>
<p>Anything else</p>	<p>There are many biological heritage sites in the locality as shown on the local plan map. The map also shows that the area is categorised as a green infrastructure site in the local plan.</p>

Table 9: Habitats present on site

UK Hab Habitat	Habitat Description Notes
Other Neutral Grassland	Small area of more ruderal grassland in shallow depression, common nettle and spear thistle present through sward
Modified Grassland	Sheep grazed: Perennial ryegrass, Yorkshire fog, annual meadow grass, cow parsley, broadleaved dock and nettle
Standing Open Water	Field ponds, some of which were dry at the time of survey. Soft rush, spear thistle, nettle, redshank, duckweed
Line of trees	Mature tree line associated with ditch. Sycamore and ash.
Hedgerow	Hawthorn hedgerows with holly, elder, bramble. Field layer dogs mercury, great willowherb, greater plantain, cow parsley.
Developed Land; Sealed Surface	Area of hard standing

Table 10: Opportunities associated with the site

Opportunity	Results / Notes
<p>Are the surplus site/s suitable for BNG enhancement?</p>	<p>Yes –The modified grassland covering most of the site can be replaced with other neutral grassland. The areas of other neutral grassland and the ponds on site have potential to be enhanced to good condition. Improvement in the condition of the hedgerows and tree line present on site and the planting of additional hedgerows along the site perimeter would also yield hedgerow BU as well.</p> <p>Further survey work and a management plan for the site may enable the areas of modified grassland to be enhanced to grassland of a higher distinctiveness rather than being replaced, providing additional area BU and reducing the intervention cost. The current hedgerows on site may also be able to be improved if sites for trees can be carefully selected or the management altered to allow trees to grow, increasing the habitat distinctiveness and BU delivery.</p>
<p>Would this make it/them easier to dispose?</p>	<p>Yes – BU provide another option for site disposal.</p>
<p>Would the BNG enhancement unlock any other development opportunities in the area?</p>	<p>Yes, this site could be used for BNG offset for other local developments.</p>
<p>Would this intervention address other issues with the sites – i.e. anti-social behaviour?</p>	<p>No site issues noted</p>
<p>What would be the cost of the intervention for BNG/value of the intervention?</p>	<p>Costs are not possible to determine at the moment without a site management plan and contractor fees. 69.53 area BU is currently worth £1.53 – 1.95 million¹.</p>
<p>What would the potential uplift on the site/s be for BNG?</p>	<p>A potential uplift of 69.53 area BU has been calculated from improving the existing areas of other neutral grassland and ponds, along with the replacement of the modified grassland covering most of the site with other neutral grassland.</p> <p>A potential uplift of 13.52 hedgerow BU has been calculated from the improvement of the conditions of the hedgerows and tree line in addition to the planting of new species rich hedgerow with trees around the remainder of the site perimeter.</p>

¹ As per current market estimates from the Environment Bank of GBP22,000 for grassland and GBP28,000 for woodland

Opportunity	Results / Notes
What is the long-term management vision?	Unknown, but the adjacent Galloway’s Society for the Blind or nearby Penwortham Priory Academy School and Whitefield Primary School could be involved with the continued management of the site and the LPA could be approached for adoption of the site.
Is there a potential long term revenue stream or funding support for capital works?	None known
Are there more pressing needs or greater funding opportunities for ENG underpinned by maximised biodiversity?	Potential for woodland creation to sequester carbon but would deliver a lower biodiversity unit value.
Are there delivery partners that could expedite disposal or contribute funding within 1km?	Nearest potential delivery partner is Galloway’s Society for the Blind located adjacent to the southern site boundary. Penwortham Priory Academy is approx. 100m to the north-east of site and Whitefield Primary School is approx. 500m south of the site. Priory Meadow Nature Reserve is a small nature reserve located approximately 200m to the north of site and appears to be managed by Pencon (Penwortham Conservation Group). Penwortham Golf Club is located approx. 600m north-east of the site.
Overall BNG Potential Viability	High
Other Potential Opportunities	There is potential to provide social, educational and eco-therapy benefits from the site and to maximise the ecosystem service benefits. There is an adjacent charity, nearby schools, nature reserve and golf club, as detailed above, that could be potential collaborators.

Table 11: Environmental Net Gain Constraints and Opportunities

BNG / ENG opportunities	Results / Notes
BNG uplift (By HE, with LPA, with partner, with farmers, etc)	Potential uplift of 69.53 area BU and 13.52 hedgerow BU has been calculated.
GCN district licensing	Natural England leads a scheme in the Lancashire County. Ponds were noted on site and in the immediate vicinity. Creation of further ponds on site could present an opportunity for site disposal, however the site is well used by the public.
Nitrate / phosphate offset	No nitrate or phosphate issues (impacting European and or Ramsar designated sites) known in this area.
Contribution to local goal or BNG scheme	The site is identified in the local plan as an area of protected open space under policy G4 most of it is also a biological heritage site under policy G16.
Disposal through Environment Bank etc	Yes, there is potential. Economic viability would need to be explored.
Enhance for other benefits to enhance HE development opportunities (provision of SANGS etc)	There are six sites in South Ribble owned by HE that are proposed for residential or education development and don't have a disposal strategy. These may benefit from off-site BNG unit delivery provided by the Land at Howick Farm site.
Adoption, e.g., by Local Wildlife Trust	<p>Cop Lane Reserve is managed by Lancashire, Manchester and North Merseyside Wildlife Trust and is a reclaimed former railway-line which is approx. 1.3km to the south-east of the site. The Trust may consider adoption of the site.</p> <p>There is also the potential for the adjacent charity, local school or local nature reserve conservation group to adopt certain management elements of the site. The LPA could be a potential candidate for adoption of the site.</p>
Achievement of carbon credits	Yes, majority of site is currently grassland with suitability for tree planting.
Countryside or higher-level stewardship / ELMs	The site is within north-west region higher level stewardship theme area.
Local Stakeholder Benefit	The Local Wildlife Trust, adjacent charity, local school and local nature reserve could benefit from the use of the land. Social, educational and eco-therapy benefits could be enhanced. See detail in table above.

BNG / ENG opportunities	Results / Notes
Any other opportunities	The site is adjacent to Site Reference 520 so could be incorporated into a wider scheme for example a park with a circular walk.

4 Conclusions

4.1 Site Constraints

Ribble and Alt SPA and Ramsar site was noted approximately 4km west of the site. Potential impacts on this site will need to be considered from any works undertaken on the Site, but it is unlikely that biodiversity enhancements or increased recreational use of the site would have an adverse effect on the designated sites. The site falls within the impact risk zones for Newton Marsh SSSI as well as for the Ribble and Alt SPA and Ramsar. Planning applications affecting greenspace, farmland, semi-natural habitats or landscape features are listed as a concern as well as any discharge of water or liquid waste of more than 20m³/day. Given that the proposals are to maintain or improve the existing habitats on site no negative impacts are expected on any designated sites or priority habitats in the local area, although consultation with the LPA may be required.

4.2 Site Opportunities

The areas of other neutral grassland, ponds, hedgerows and tree line all offer opportunities to enhance their condition. The modified grassland areas can be removed with a topsoil strip and replaced with other neutral grassland. Native species-rich hedgerows with trees can be planted on the site perimeter. This approach will deliver an expected 69.53 area BU and 13.52 hedgerow BU. It is possible that with further survey work and a management plan for the site the existing modified grassland areas could be enhanced to a higher distinctiveness grassland type rather than being removed and replaced, increasing the BU yield further. Enhancement of the existing hedgerows may also be possible if trees can be planted within or associated with them, or the management altered to allow trees to grow, to increase the habitat distinctiveness and hedgerow BU total.

Generating BU from the site will provide another option for site disposal. The land is identified as protected open land and a biological heritage site in the local plan. Potential delivery partners in the form of an adjacent charity, local school and a nature reserve were noted in the vicinity of the site. The local Wildlife Trust and the LPA were also noted as potential candidates for site adoption. No designated nature reserves were noted in the local area.

5 References

- Baker, J., Hoskin, R. and Butterworth, T. (2019). Biodiversity net gain. Good Practice Principles for Development. A practical guide.
- Butcher, B., Carey, P., Edmonds, R., Norton, L., Treweek, J. (2020). UK Habitat Classification – Habitat Definitions V1.1. Available at <http://ukhab.org>
- Google Earth (2021). Available at: <http://www.earth.google.com> [Accessed 03/08/2021].
- HM Government (2018). 'A Green Future: Our 25 Year Plan to Improve the Environment'. Available at <https://www.gov.uk/government/publications/25-year-environment-plan>
- HMSO (2006). The Natural Environment and Rural Communities Act HMSO (as amended), London.
- MHCLG (2019). National Planning Policy Framework. Available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Multi-Agency Geographical Information for the Countryside (MAGIC) website (www.magic.gov.uk). [Accessed 03/08/2021].
- National Biodiversity Network (2021). NBN Atlas. Available at: <https://nbnatlas.org>
- Panks, S., White, N., Newsome, A., Potter, J., Heydon, M., Mayhew, E., Alvarez, M., Russell, T., Scott, S.J., Heaver, M., Scot, S.H., Treweek, J., Butcher, B., Stone, D. (2021a). Biodiversity metric 3.0: Auditing and accounting for biodiversity – User Guide. Natural England.
- Panks, S., White, N., Newsome, A., Potter, J., Heydon, M., Mayhew, E., Alvarez, M., Russell, T., Scott, S.J., Heaver, M., Scot, S.H., Treweek, J., Butcher, B., Stone, D. (2021b). The Biodiversity Metric 3.0: Auditing and accounting for biodiversity value: technical supplement. Natural England.
- South Ribble Borough Council (2015). Local Plan (Adopted July 2015).

Site Map

Appendix A

Site Map

Arcadis UK

80 Fenchurch Street
London EC3M 4BY
United Kingdom

T: +44 (0) 20 7812 2000

arcadis.com

Appendix 6

Update Report on Affordable Housing by James
Stacey of Tetlow King

Affordable Housing Appeal Statement

The Lanes, Penwortham

Affordable Housing Appeal Statement

The Lanes, Penwortham

Homes England and Taylor Wimpey

July 2022

PINS REF: APP/F2360/W/22/3295498 and APP/F2360/W/22/3295502

LPA REF: 07/2021/00886/ORM and 07/2021/00887/ORM

OUR REF: M21/0707-02.RPT

TETLOW KING PLANNING
UNIT 2, ECLIPSE OFFICE PARK, HIGH STREET, STAPLE HILL, BRISTOL, BS16 5EL
Tel: 0117 9561916 Email: all@tetlow-king.co.uk

www.tetlow-king.co.uk

Contents

Section 1	Introduction	1
Section 2	The Development Plan and Related Policies	3
Section 3	Affordable Housing Needs in South Ribble	8
Section 4	Affordable Housing Delivery in South Ribble	11
Section 5	The Future Supply of Affordable Housing in South Ribble	19
Section 6	Affordability Indicators Update	24
Section 7	Consequences of Failing to Meet Affordable Housing Needs	26
Section 8	Weight to be Attributed to the Proposed Affordable Housing	32

Appendices

- Appendix 1 Freedom of Information Correspondence
- Appendix 2 Appeal Decision: Aviation Lane, Burton-upon-Trent
- Appendix 3 Tetlow King Planning Review of Affordable Forward Supply
- Appendix 4 Shelter Report May 2021 - *Denied the Right to a Safe Home – Exposing the Housing Emergency*
- Appendix 5 Appeal Decision: Wheatley Campus, Oxford Brookes University (extract only)

Introduction

Section 1

- 1.1 This Affordable Housing Appeal Statement is prepared by James Stacey of Tetlow King Planning on behalf of the Appellants, Homes England and Taylor Wimpey. This Statement examines the need for affordable housing in South Ribble Borough, Central Lancashire.
- 1.2 Homes England and Taylor Wimpey is appealing against the refusal of outline planning permission for residential and mixed use development including up to 1,100 homes in total at The Lanes, Penwortham, application references 07/2021/00886/ORM and 07/2021/00887/ORM.
- 1.3 To recap, as part of the Proposed Development, Homes England and Taylor Wimpey propose to provide 30% affordable housing. This equates to up to 330 affordable homes. The provision of 30% affordable housing accords with the requirements of Policy 7 of the adopted Central Lancashire Core Strategy. The tenure mix will be 70% rented and 30% intermediate and will be secured in the planning obligation.
- 1.4 The Proposed Development forms the majority of a wider site (also known as Pickering's Farm) (Policies Map Ref: EE) totalling approximately 79ha and allocated to provide for the development of up to 1,350 dwellings, as set out in Policy C1 of the South Ribble Local Plan.
- 1.5 This Statement provides an update to Tetlow King Planning's original Affordable Housing Statement dated August 2021 (**CD1.19**) which accompanied the original planning applications for the proposed scheme. It reflects the latest affordable housing delivery statistics and affordability indicators. It also addresses matters raised through the Council's consideration of the applications, and examines the likely future supply of affordable housing in South Ribble over the next five years.
- 1.6 This Appeal Statement comprises the following seven sections:
 - Section 2 analyses the Development Plan and other material considerations;
 - Section 3 considers the need for affordable housing in South Ribble;
 - Section 4 considers the track record of affordable housing delivery in South Ribble;

- Section 5 sets out a review of the future supply of affordable housing in South Ribble;
- Section 6 considers the latest housing affordability indicators;
- Section 7 considers the consequences of not meeting affordable housing needs, with reference to research on the real-life impacts by government and voluntary sector organisations; and
- Section 8 considers the justification for the Proposed Development and the weight to be attributed to the proposed affordable housing¹.

1.7 In researching the information which underpins this Statement, a Freedom of Information (“Fol”) request has been submitted to South Ribble Borough Council on 13 June 2022 seeking a range of information in respect of affordable housing matters. At the time of writing, a response is awaited and is now overdue. Correspondence to date is provided at **Appendix 1**. I reserve the right to provide an update to this Statement on receipt of the Fol response.

¹ For the avoidance of doubt, the weightings I apply are as follows: very limited, limited, moderate, significant, very significant, substantial and very substantial. Very substantial is the highest weight in my weightings.

The Development Plan and Related Policies

Section 2

- 2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 Section 3 of the original Affordable Housing Statement sets out the policy context for the applications in detail, as matters stood at the time of the original submission in August 2021. The policy position remains unchanged since then. There is therefore no need to rehearse this in depth here, but it is useful to recap some of the key policy requirements for affordable housing in South Ribble.
- 2.3 The Development Plan for South Ribble currently comprises the South Ribble Local Plan (adopted 2015) and the Central Lancashire Core Strategy (adopted 2012). In Penwortham, the Development Plan also includes the made Penwortham Town Neighbourhood Development Plan (2017).
- 2.4 Other material considerations include the NPPF (2021) (**CD4.1**), the Planning Practice Guidance (“PPG”) (**CD4.2**), the Central Lancashire Affordable Housing Supplementary Planning Document 2012 (“SPD”) and the Review of the Central Lancashire Local Plan.

The Development Plan

Central Lancashire Core Strategy (2012) (CD5.1)

- 2.5 The Core Strategy was adopted in 2012 and covers the combined areas of Preston, South Ribble and Chorley for the period between 2010 and 2026.
- 2.6 Section 8 of the Core Strategy is titled ‘Homes for All’ and includes discussion and policy in relation to housing and affordable housing. Paragraphs 8.36 to 8.37 discuss affordable housing needs across Central Lancashire:

“The level of affordable housing required must take account of a current lack of provision for existing households, as well as the needs of newly forming households and future households. The Central Lancashire SHMA identified an annual average shortfall of 1,780 dwellings per year up until 2014, which is more than the Core Strategy

annual housing requirement. However, in affluent areas where house prices are high it is common for the need for affordable housing to outstrip the total housing requirement”.

- 2.7 The section goes on to note that the Housing Viability Study demonstrated that although levels of economic viability varied over the plan area in most locations, market housing developments could support 30% of the scheme being affordable.
- 2.8 Provision of a suitable mix is covered by paragraph 8.38 which states that “when delivering affordable housing there needs to be a suitable mix of housing types and tenures to suit the broad needs of the population requiring access to affordable homes, the SHMA advises on these matters”.
- 2.9 **Policy 7 ‘Affordable and Special Needs Housing’** is the primary affordable housing policy and seeks the delivery of 30% affordable housing in urban areas, and 35% in rural areas (i.e. those sites in or adjacent to villages). The full policy text is presented below in Figure 2.1.

Figure 2.1: Affordable housing policy requirements

Policy 7: Affordable and Special Needs Housing
<p><i>Enable sufficient provision of affordable and special housing to meet needs in the following ways:</i></p> <ul style="list-style-type: none"> <i>(a) Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley, and of 35% in rural areas on sites in or adjoining villages which have, or will have, a suitable range of services; on any rural exception sites including those in the Green Belt there will be a requirement of 100%.</i> <i>(b) Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.</i> <i>(c) Where robustly justified, off-site provision or financial contributions of a broadly equivalent value instead of on-site provision will be acceptable where the site or location is unsustainable for affordable or special housing.</i> <i>(d) Special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care</i> <p style="text-align: right;"><i>Continued overleaf...</i></p>

Policy 7: Affordable and Special Needs Housing

and other service provision and a proportion of these properties will be sought to be affordable subject to such site and development considerations as financial viability and contributions to community services.

(e) Special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.

(f) An accompanying Supplementary Planning Document will establish the following:

- i. The cost at and below which housing is considered to be affordable.*
- ii. The proportions of socially rented and shared ownership housing that will typically be sought across Central Lancashire.*
- iii. Specific spatial variations in the level and types of affordable housing need in particular localities.*
- iv. How the prevailing market conditions will affect what and how much affordable housing will be sought.*

South Ribble Local Plan (2015) (CD5.2)

2.10 The South Ribble Local Plan was adopted in July 2015. It allocates sites and sets development management policies pursuant to the overall strategy contained in the Central Lancashire Core Strategy. The Local Plan does not feature a specific affordable housing policy, since this is already contained in the Core Strategy.

The Lanes

2.11 The Lanes (also known as Pickering’s Farm) (Policies Map Ref: EE) is approximately 79 hectares in area and is allocated in Policy C1 to provide for the development of up to 1,350 dwellings. The application site does not extend to the full allocation area but instead covers the land held by the Appellants.

Penwortham Town Neighbourhood Development Plan (2017) (CD5.6)

2.12 The Penwortham Town Neighbourhood Development Plan covers a period 2016 to 2026 and sets out policies in the Penwortham area to address local planning priorities. There is no specific policy for affordable housing however Policy 3 ‘Types of Residential Property’ seeks for an element of affordable housing to be suitable for older

persons, stating that “*provision of 10% of units specifically for occupation by older people will be supported*”.

Other Material Considerations

Emerging Central Lancashire Local Plan Issues and Options (2019)

- 2.13 The emerging Central Lancashire Local Plan will cover the period 2021 to 2036 upon its adoption. An Issues and Options consultation was undertaken between November 2019 and February 2020. The consultation document does not seek any views on the wording of future policy or the future affordable housing needs for Central Lancashire. However the vision and objectives of the Plan identify that affordable housing delivery is a priority for the emerging Plan.

Central Lancashire Affordable Housing Supplementary Planning Document (2012) (CD6.5)

- 2.14 The SPD was adopted in October 2012 and is intended to provide advice on how the Council’s affordable housing policy is to be implemented. Its content is informed by the Strategic Housing Market Assessment 2009 (“SHMA”)².
- 2.15 Of particular relevance are paragraphs 35 and 36 which discuss the approach to tenure mix, with an overall aim of 70% affordable rented housing being sought. It also confirms tenure mix will be considered on a case-by-case basis.

Corporate Documents

- 2.16 Relevant corporate documents in South Ribble include the Corporate Plan 2019-2023; the Corporate Strategy 2020/21 to 2022/23; the Draft South Ribble Housing Strategy 2020-2025; and the Homelessness Strategy 2020-2025. These are discussed in more detail at Section 3 of the original Affordable Housing Statement. Together these documents show that affordable housing is a priority for South Ribble Borough Council at the corporate level.

Conclusions on the Development Plan and Related Policies

- 2.17 The evidence set out in this section clearly highlights that within adopted policy and a wide range of other plans and strategies, providing affordable housing has long been established as, and remains, a key priority for South Ribble Borough Council.

² The SHMA is discussed further at Section 3 of this Statement

- 2.18 Given the recognised shortfall in affordable housing across South Ribble, the application proposals provide a level of affordable housing which would contribute significantly towards addressing this key corporate priority.
- 2.19 Moreover, the Proposed Development secures 30% affordable housing in full compliance with the expectations of adopted Core Strategy Policy 7.

Affordable Housing Needs in South Ribble

Section 3

3.1 Since the preparation of the Central Lancashire Core Strategy (which was adopted in 2012), there have been several assessments of affordable housing need in South Ribble. This section of the Statement provides a summary of these assessments over time.

Central Lancashire Strategic Housing Market Assessment (September 2009)

3.2 The Strategic Housing Market Assessment (“SHMA”), used to inform both the Core Strategy and the Affordable Housing SPD, was published in 2009. The SHMA assesses the level of affordable housing need for the six years between 2009 and 2014.

3.3 Table 135 at page 239 of the SHMA 2009 sets out the summary calculation of affordable housing need across the three Central Lancashire authorities, including in South Ribble. The table shows that there is a net need in South Ribble for **660 affordable dwellings per annum between 2009 and 2014**.

3.4 In analysing the tenure split, table 139 at page 242 of the SHMA 2009 reported a need for 11% intermediate affordable homes and 89% social rented homes in South Ribble³.

3.5 It should be noted that the SHMA 2009 was prepared in accordance with national guidance which has since been replaced by the NPPF and the PPG. Whilst the SHMA 2009 is the only assessment of affordable housing need that has been tested through Examination, it is no longer an up-to-date reflection of affordable housing need.

Central Lancashire Strategic Housing Market Assessment (September 2017)

3.6 Section 6 of the SHMA 2017 contains a revised assessment of affordable housing need in South Ribble for the twenty year period between 2014/15 and 2033/34. The SHMA 2017 follows more recent guidance and practice for affordable housing needs assessments, although it should be noted it pre-dates the 2018 version of the NPPF which introduced wider definitions of affordable home ownership options.

³ It is noted that the Council currently typically seeks 70% affordable and social rent and 30% intermediate housing as the starting point for considering planning applications.

- 3.7 Table 59 at page 121 of the SHMA 2017 sets out the summary calculation of affordable housing need; it identifies a net need in South Ribble for **235 affordable dwellings per annum between 2014/15 and 2033/34.**
- 3.8 In analysing the tenure split, table 62 at page 129 of the SHMA 2017 reported a need for 12% intermediate affordable homes and 88% social/affordable rented homes in South Ribble. These findings are similar to those of the previous SHMA 2009.

Central Lancashire Housing Study (2020)

- 3.9 The Central Lancashire Housing Study Final Report dated March 2020 (“CLHS 2020”) addresses amongst other considerations the revised definitions of affordable housing set out in the NPPF (which have been carried forward into the July 2021 iteration) and the affordable housing need of the three Central Lancashire councils.
- 3.10 Table 5.6 at page 40 of the CLHS 2020 sets out the summary calculation of affordable housing need; it identifies a net need in South Ribble for **208 affordable dwellings per annum between 2018/19 and 2035/36.**
- 3.11 Unusually (and in contrast to the findings of the SHMA 2017), the CLHS 2020 does not identify any net need for affordable home ownership dwellings in South Ribble. This is summarised at table 5.10 at page 44 of the CLHS 2020, which shows that sales of 50% of lower quartile priced dwellings would be sufficient (and affordable) to meet the needs for affordable home ownership.
- 3.12 However, this appears to be significantly qualified in paragraph 5.45 which recognises particular difficulties in relation to the ‘deposit gap’ and states that, *“Given the analysis above, it would be reasonable to conclude, on the basis of the evidence, that in general terms there is no substantive need to provide housing under the new definition of ‘affordable home ownership.’ Overall whilst there are clearly some households in the gap between renting and buying, they in many cases will be able to afford homes below lower quartile housing costs. This said, it is important to recognise that some households will have insufficient savings to be able to afford to buy a home on the open market (in terms of the ability to afford both a deposit and stamp duty) and low cost home ownership homes - and shared ownership homes in particular - will therefore continue to play a role in supporting some households in this respect (my emphasis).*
- 3.13 Furthermore, the 2020 study identifies that, *“the evidence points to a clear and acute need for rented affordable housing from lower income households, and it is important that a supply of rented affordable housing – around 70% of which should reasonably*

be social rent - is maintained to meet the needs of this group including those to which the authorities have a statutory housing duty” (my emphasis).

Summary of affordable housing needs in South Ribble

- 3.14 The three assessments of affordable housing need in South Ribble since 2009 have each identified significant needs for affordable housing in the Borough:
- a. The SHMA 2009 found a need for **660 affordable dwellings per annum between 2009 and 2014** (although was prepared in the context of old guidance and data sources which have now been superseded);
 - b. The SHMA 2017 found a need for **238 affordable dwellings per annum between 2014/15 and 2033/34**; and
 - c. The CLHS 2020 found a need for **208 affordable dwellings per annum between 2018/19 and 2035/36**.
- 3.15 Section 4 of this Statement goes on to consider the extent to which these needs have been met.

Affordable Housing Delivery in South Ribble

Section 4

- 4.1 This section provides a review of section 5 of the original Affordable Housing Statement to reflect the latest data for the monitoring years 2020/21 and 2021/22, which were unavailable at the time the original Statement was produced.
- 4.2 The first part of this section sets out the level of affordable housing delivery in South Ribble, before going on to compare actual delivery with the identified needs contained in the SHMA 2009, SHMA 2017 and CLHS 2020 as discussed in section 3 of this Statement.

Past Affordable Housing Delivery in South Ribble Borough

- 4.3 Figure 4.1 illustrates the delivery of affordable housing in South Ribble since the start of the Core Strategy period in 2009/10.
- 4.4 Figure 4.1 shows that on average between 2009/10 and 2021/22, South Ribble has added just 66 affordable dwellings per annum, equivalent to 20% of the total number of housing completions. In the two most recent monitoring years, performance has been worse than average:
- in 2020/21 affordable housing delivery fell to just 37 dwellings or 9% of completions; this is the second-lowest recorded proportion over the entire Core Strategy period, and
 - in 2021/22 affordable housing delivery stood at 86 dwellings but only 17% of completions, which is still below the average for the Core Strategy period to date.

Figure 4.1: South Ribble Gross Additions to Affordable Housing Stock 2009/10 to 2021/22

Monitoring Year	Total housing completions (Net)	Additions to Affordable Housing Stock (Gross)	Gross affordable additions as a %age of total completions
2009/10	177	25	14%
2010/11	276	40	14%
2011/12	199	33	17%
2012/13	154	29	19%
2013/14	211	38	18%
2014/15	477	82	17%
2015/16	430	101	23%
2016/17	237	66	28%
2017/18	312	24	8%
2018/19	437	98	22%
2019/20	412	205	50%
2020/21	424	37	9%
2021/22	513	86	17%
Total 2009/10 to 2021/22	4,259	864	20%
Average 2009/10 to 2021/22	328	66	20%

Source: DLUHC Live Tables 691 and 1008C; Housing Land Supply Position Statement April 2022

- 4.5 The percentage provision compares poorly with the Council’s policy expectation of 30% to 35% affordable housing provision (depending on location) in the adopted Core Strategy Policy 7. The affordable completions figure is a gross figure and does not take into account any losses from the affordable housing stock.

Accounting for the Right to Buy

- 4.6 In light of the gross delivery figures outlined above, it is important to consider the impact of losses from the stock affordable housing that is available to be used for housing people in need. At a national level almost two million households have exercised their Right to Buy since it was introduced in 1980. In July 2015, the Conservative Government published ‘Fixing the Foundations: Creating a More Prosperous Nation’ which confirms that the Government is committed to extending the Right to Buy to housing association tenants, noting that “*since the Right to Buy for council tenants was reinvigorated in the last Parliament, the number of sales has increased by nearly 320%*”.

- 4.7 However, ongoing losses of dwellings from the affordable housing stock through Right to Buy sales are putting increasing pressure on the availability of affordable housing stock, underlining the need to deliver more affordable homes in South Ribble.
- 4.8 It is understood that South Ribble Borough Council does not hold its own affordable housing stock and that all affordable housing in the Borough is held by Registered Providers. Data on Registered Provider sales of affordable housing to tenants is contained in Statistical Data Returns for the period 2011/12 to 2020/21. Figure 4.2 below sets out the recorded Right to Buy sales in South Ribble for this period. A total of 57 Right to Buy sales was recorded, an average of 6 dwellings per annum over the ten years between 2011/12 and 2020/21 for which the Statistical Data Returns are available.

Figure 4.2: Registered Provider Right to Buy Sales in South Ribble, 2009/10 to 2020/21

Monitoring Year	Registered Provider Right to Buy sales
2009/10	data not available
2010/11	data not available
2011/12	0
2012/13	-7
2013/14	-12
2014/15	-5
2015/16	-4
2016/17	-6
2017/18	-5
2018/19	-7
2019/20	-7
2020/21	-4
2021/22	data not available
Total 2011/12 to 2020/21	-57
Average 2011/12 to 2020/21*	-6

Source: Statistical Data Returns

*Calculation of total and average excludes years 2009/10, 2010/11 and 2021/22 for which data is not available

- 4.9 Figure 4.3 below calculates the affordable housing delivery per annum since the start of the Core Strategy period in 2009, net of Right to Buy losses. The loss of 57 affordable dwellings over this period equates to over 6% of the gross affordable housing completions of 864 affordable dwellings over the Core Strategy period.

Figure 4.3: South Ribble Net Additions to Affordable Housing Stock 2009/10 to 2021/22

Monitoring Year	Total housing completions (Net)	Additions to Affordable Housing Stock (Gross)	Registered Provider Right to Buy sales	Additions to Affordable Housing Stock (Net of Right to Buy Sales)	Net affordable additions as a %age of total completions
2009/10	177	25	Not available	25	14%
2010/11	276	40	Not available	40	14%
2011/12	199	33	0	33	17%
2012/13	154	29	-7	22	14%
2013/14	211	38	-12	26	12%
2014/15	477	82	-5	77	16%
2015/16	430	101	-4	97	23%
2016/17	237	66	-6	60	25%
2017/18	312	24	-5	19	6%
2018/19	437	98	-7	91	21%
2019/20	412	205	-7	198	48%
2020/21	424	37	-4	33	8%
2021/22	513	86	Not available	86	17%
Total 2009/10 to 2021/22	4,259	864	-57	807	19%
Average 2009/10 to 2021/22	328	66	-4*	62	19%

Source: DLUHC Live Tables 691 and 1008C; Statistical Data Returns

*Calculation of average Right to Buy losses differs from Figure 4.2 above as it is calculated over 13 years here instead of 10 years as in Figure 4.2.

4.10 Whilst, on face value, the loss of six affordable dwellings each year through the Right to Buy appears modest, it nonetheless represents 9% of the average rate of 66 gross affordable housing completions per annum in South Ribble. Put another way, for approximately 11 affordable houses completed, one is lost to through the Right to Buy.

Affordable Housing Delivery Compared to Affordable Housing Needs

4.11 The only objectively assessed affordable housing need figure to have been tested at Examination is that of the 2009 SHMA which found a need for 660 net affordable homes per annum in South Ribble between 2009 and 2014.

- 4.12 The Central Lancashire SHMA (2017) found an annual net need of 235 affordable homes in South Ribble between 2014/15 and 2033/34. However, this has not been tested at Examination.
- 4.13 Most recently, the Central Lancashire Housing Study (2020) found a need for 208 net rented affordable homes per annum in South Ribble between 2018/19 and 2035/36, but in the same vein as the 2017 SHMA, it has also not been tested at Examination. Nonetheless it represents the most recent assessment of affordable housing need in the Borough.

SHMA 2009

- 4.14 Comparative analysis of net completions since 2009 shows that a substantial cumulative shortfall of -3,737 affordable homes had arisen by 2014, as illustrated by Figure 4.4.

Figure 4.4: Affordable Housing Delivery Compared to 2009 SHMA

Monitoring Period	2009 SHMA Affordable Housing Needs Per Annum (net)	Affordable Housing Completions (Net)	Shortfall
2009	660	25	-635
2010	660	40	-620
2011	660	338	-627
2012	660	22	-638
2013	660	26	-634
2014	660	77	-583
Total	3,960	223	-3,737
Average	660	37	-623

Source: DLUHC Live Tables 691 and 1008C; Statistical Data Returns; SHMA (2009)

SHMA 2017

- 4.15 When consideration is given to the needs identified in the 2017 SHMA (235 net per annum in South Ribble between 2014 and 2034) a substantial shortfall of -1,428 affordable dwellings has still arisen against this lower need figure by the end of 2021/22. This is shown in figure 4.5 below.

Figure 4.5: Affordable Housing Delivery compared to 2017 SHMA

Monitoring Period	2017 SHMA Affordable Housing Needs Per Annum (net)	Affordable Housing Completions (Net)	Shortfall
2013/14	235	26	-209
2014/15	235	77	-158
2015/16	235	97	-138
2016/17	235	60	-175
2017/18	235	19	-216
2018/19	235	91	-144
2019/20	235	198	-37
2020/21	235	33	-202
2021/22	235	86	-149
Total	2,115	687	-1,428
Average	235	76	-159

Source: DLUHC Live Tables 691 and 1008C; Statistical Data Returns); SHMA (2017)

4.16 The already accrued shortfall of 1,428 affordable homes is equivalent to over six times the annual need. I consider that any shortfall in delivery should be dealt with as soon as possible. This is also an approach set out within the PPG4 and endorsed at appeal.

4.17 The Inspector presiding over the appeal at land off Aviation Lane, Burton-upon-Trent (**Appendix 2**) which was allowed in October 2020 set out at paragraph 5 that:

“The annual requirement for new affordable housing contained within the East Staffordshire Borough Council Local Plan 2015 (Local Plan) is 112 units. This is based on the findings of the Strategic Housing Market Assessment 2013, updated 2014 (SHMA). It is agreed within the Affordable Housing Statement of Common Ground (AHSOCG) that since the start of the plan period, 638 affordable dwellings have been completed, equating to 80 dwellings per annum, leaving a shortfall of 258 dwellings.”

4.18 At paragraph 8 of her decision, she indicates that:

“In my view, the extent of the shortfall and the number of households on the Council’s Housing Register combine to demonstrate a significant pressing need for affordable housing now. As such, I consider that, the aim should be to meet the shortfall as soon as possible” (TKP emphasis).

⁴ Paragraph: 31 Reference ID: 68-031-20190722

4.19 The Inspector went on to set out at paragraph 11 that:

'My concern, given the nature of the development proposed, is whether the affordable housing needs of the Borough are being met. These are households in need of a home now. While the Council is of the view that there is not an overwhelming need for affordable housing which cannot be met within the settlement boundary, on allocated sites or through current planning permissions, just by excluding these three sites from its five year housing supply, the Councils expectation of 884 houses coming forward within five years is reduced to 768 which would be below the five year requirement of 818 dwellings including the existing shortfall.' (TKP emphasis).

4.20 If the accrued shortfall was to be removed in the next 5 years (the PPG approach to removing backlog) the annual need would increase to 521 affordable homes per annum. This assumes there are no further losses through the Right to Buy over the five year period.

4.21 Whilst the revised figure of 521 affordable homes per annum is a theoretical requirement to remove the accrued backlog, it nonetheless shows the extent of need now compared to the annual need in the SHMA.

CLHS 2020

4.22 Even when consideration is given to the lower-still needs identified in the 2020 CLHS (208 net per annum in South Ribble between 2018/19 and 2035/36) a shortfall of 424 dwellings has already arisen against this substantially reduced need figure over four years. The average shortfall has been 106 dwellings each year.

Figure 4.6: Affordable Housing Delivery compared to 2020 CLHS

Monitoring Period	2020 CLHS Affordable Housing Needs Per Annum (net)	Affordable Housing Completions (Net)	Shortfall
2018/19	208	91	-117
2019/20	208	198	-10
2020/21	208	33	-175
2021/22	208	86	-122
Total	832	408	-424
Average	208	102	-106

Source: DLUHC Live Tables 691 and 1008C; Statistical Data Returns); CLHS (2020)

- 4.23 The already accrued shortfall of 424 affordable homes is equivalent to more than two times of the annual need. If this shortfall was to be removed in the next 5 years (the PPG approach to removing backlog) the annual need would increase to 293 affordable homes per annum.

Conclusions on Affordable Housing Demand in South Ribble

- 4.24 There is an acute need for affordable homes in South Ribble but the Council is persistently failing to delivery enough affordable housing to meet its identified needs. Against the most recent figure, of 208 affordable dwellings per annum between 2018/19 and 2035/36 as set out in the CLHS 2020, the Council has already accrued a shortfall of -424 affordable dwellings.
- 4.25 It is therefore clear that a step change in affordable housing delivery is required in South Ribble.

The Future Supply of Affordable Housing in South Ribble

Section 5

- 5.1 As seen in Section 4 above, the Council has observed significant and ongoing shortfalls against all three of its most recently assessed needs figures. Against this backdrop, it is important to consider the extent to which the Council is able to meet its affordable housing needs going forward.
- 5.2 Tetlow King Planning has undertaken an assessment of the Council's stated housing land supply position, which is set out in the Housing Land Supply Position Statement dated 1 April 2022 (**CD-7.7**). This covers the five year period from 2022/23 to 2026/27. Based upon this trajectory, it is possible to calculate the pro-rated affordable housing contribution from qualifying sites.
- 5.3 The Tetlow King Planning assessment (provided at **Appendix 3**) has considered all sites in the Council's trajectory of five dwellings or more. This is in accordance with Policy 7 'Affordable and Special Needs Housing' which sets a policy threshold of five dwellings in rural areas, above which affordable housing will be sought. However, national policy has been to apply a threshold of fifteen dwellings and in practice, most sites within the trajectory below fifteen dwellings have not delivered affordable housing.
- 5.4 The assessment reveals that the future supply for the period 2022/23 to 2026/27 stands at just 422 affordable dwellings, or 17% of the total projected supply of 2,533 dwellings.
- 5.5 In addition, commuted sums totalling £3,268,941 have been secured to date through sites in the five year supply. In August 2018, the Government estimated that in the North West region, average build costs for dwellings for affordable housing schemes were £122,000 per dwelling⁵. The commuted sums secured through the five year supply would therefore secure around 27 additional dwellings (not accounting for any increase in build costs observed since 2018, or any land purchase costs).

⁵ "Use of Receipts from Right to Buy Sales: Consultation"; August 2018; Ministry of Housing, Communities and Local Government

- 5.6 Once combined with the 422 affordable dwellings secured to date, there is **a potential supply of around 449 affordable dwellings in South Ribble in the next five year period.**

Figure 5.1: Tetlow King Planning Assessment of South Ribble Affordable Housing Supply, 2022/23 to 2026/27

Monitoring year	Projected completions	Projected affordable housing completions	Percentage
2022/23	679	117	17%
2023/24	590	110	19%
2024/25	512	79	15%
2025/26	401	60	15%
2026/27	351	56	16%
Commuted sums	-	27 (estimated)	-
Total	2,533	449	17%
Average	511	90	17%

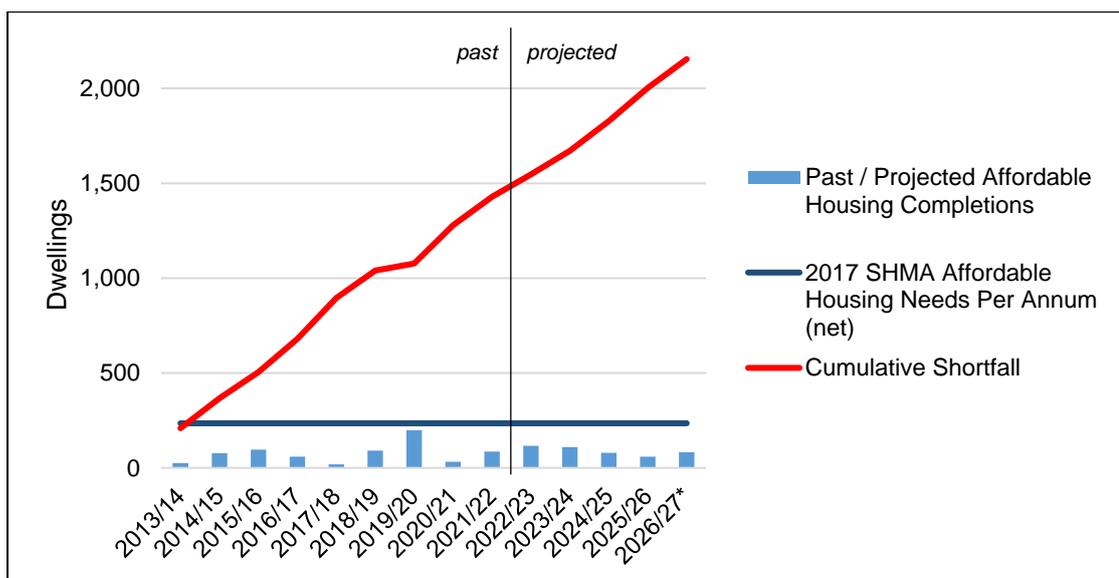
Source: Tetlow King Planning research based upon Housing Land Supply Position Statement 1 April 2022

- 5.7 The delivery of 449 affordable dwellings over the five year period equates to an annual average of 90 affordable dwellings per annum. This is an improvement on the gross 65 affordable dwellings per annum achieved between 2009/10 and 2021/22, but still falls very far short of meeting the identified affordable housing need of 208 dwellings per annum.
- 5.8 The position also does not take account of potential future Right to Buy losses, which have averaged 6 dwellings per annum between 2011/12 and 2020/21. At this rate, the net affordable housing delivery would stand at around 84 affordable dwellings per annum once Right to Buy losses are deducted.
- 5.9 As set out in section 4, if the Council is to recover the shortfall of -1,428 affordable dwellings that has already arisen against the SHMA 2017 need for 235 affordable dwellings per annum since 2018/19, then it will need to deliver 521 affordable dwellings per annum over the next five years. However, based upon the estimated future affordable housing supply, the shortfall will only continue to grow, reaching **-2,154 dwellings** by the end of 2026/27.

Figure 5.2: Projected Future Shortfalls in Affordable Housing Compared to SHMA 2017

Monitoring Period	2017 Affordable Housing Needs Per Annum (net)	Past / Projected Affordable Housing Completions	Shortfall
2013/14	235	26	-209
2014/15	235	77	-158
2015/16	235	97	-138
2016/17	235	60	-175
2017/18	235	19	-216
2018/19	235	91	-144
2019/20	235	198	-37
2020/21	235	33	-202
2021/22	235	86	-149
2013/14	235	26	-118
2014/15	235	77	-125
2022/23	235	117	-156
2023/24	235	110	-175
2024/25	235	79	-152
2025/26	235	60	-209
2026/27	235	56	-158
Committed sums	n/a	27 (estimated)	n/a
Total	3,290	1,136	-2,154
Average	235	71	-135

Projected data from 2022/23 onwards shown in italics



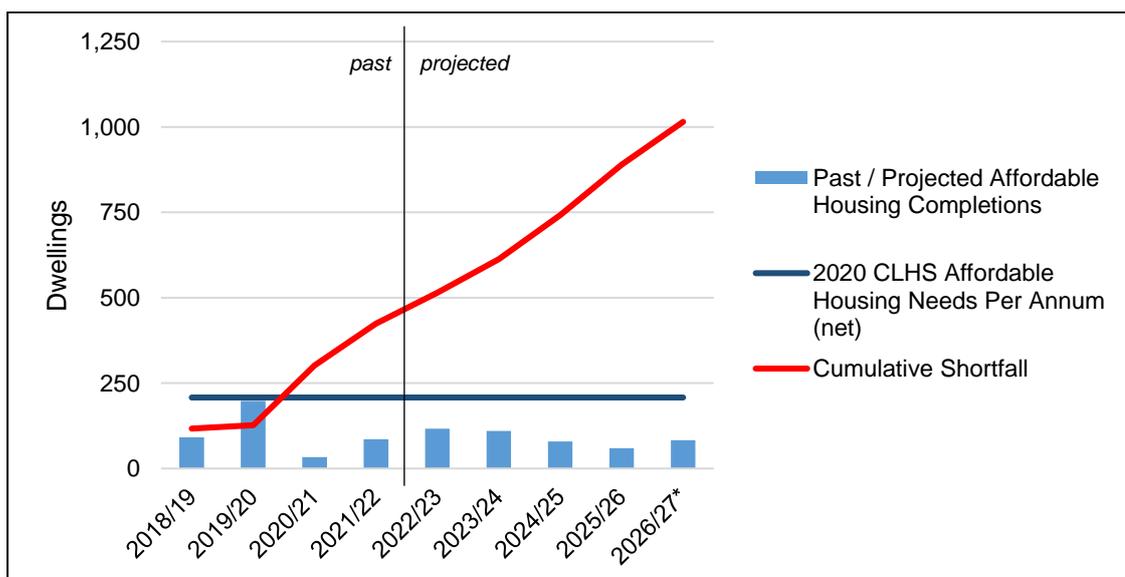
*2026/27 data in the chart includes the 27 projected affordable dwellings funded through financial contributions over the next five year period.

5.10 Similarly, if the Council is to recover the shortfall of -424 affordable dwellings that has already arisen against the CLHS 2020 need for 208 affordable dwellings per annum since 2018/19, then it will need to deliver 293 affordable dwellings per annum over the next five years. However, based upon the estimated future affordable housing supply, the shortfall will only continue to grow, reaching **-1,015 dwellings** by the end of 2026/27.

Figure 5.3: Projected Future Shortfalls in Affordable Housing Compared to 2020 CLHS

Monitoring Period	2020 CLHS Affordable Housing Needs Per Annum (net)	Affordable Housing Completions (Net)	Shortfall
2018/19	208	91	-117
2019/20	208	198	-10
2020/21	208	33	-175
2021/22	208	86	-122
2022/23	208	117	-91
2023/24	208	110	-98
2024/25	208	79	-129
2025/26	208	60	-148
2026/27	208	56	-152
<i>Committed sums</i>	<i>n/a</i>	<i>27 (estimated)</i>	<i>n/a</i>
Total	1,872	857	-1,015
Average	208	95	-113

Projected data from 2022/23 onwards shown in italics



*2026/27 data includes the 27 projected affordable dwellings funded through financial contributions over the next five year period.

- 5.11 It is therefore clear that the planned supply of affordable housing is woefully insufficient and will lead to ever-expanding shortfalls of up to -2,154 dwellings when assessed against the SHMA 2017 need, and of up to -1,015 dwellings against the CLHS 2020 need. Consequently, a 'step change' in affordable housing provision is urgently needed in South Ribble.

Affordability Indicators Update

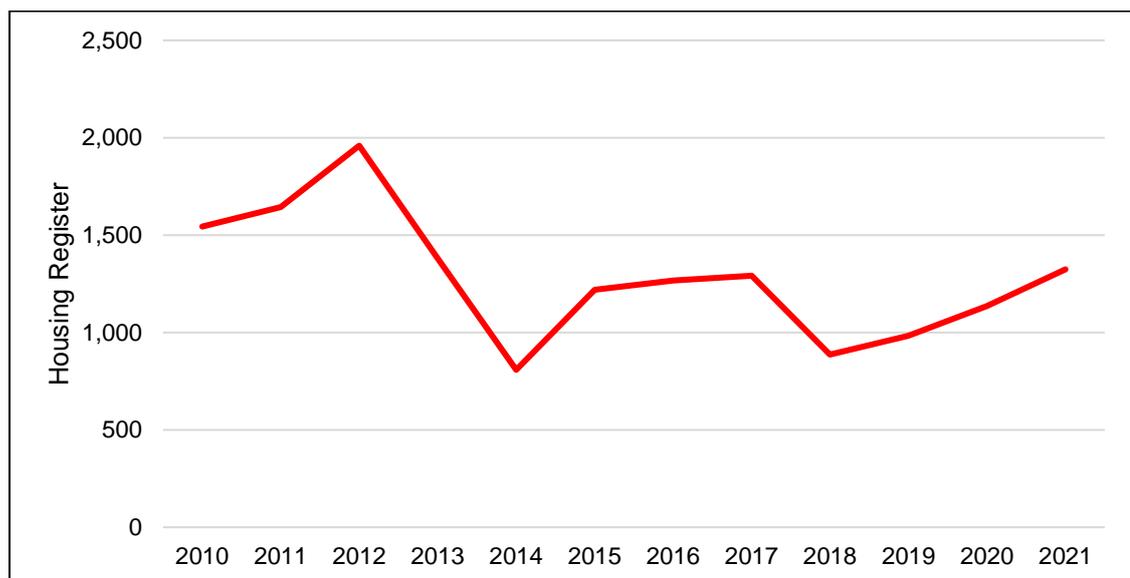
Section 6

6.1 This section provides an update to the affordability indicators discussed in section 6 of our original Statement, to reflect new data where this has become available.

Housing Register

6.2 On 1 April 2021, there were 1,324 households on the Housing Register in South Ribble. This an increase of 189 households, or 17%, in the one year since 1 April 2020, and is the third consecutive year where the housing register has increased.

Figure 6.1: South Ribble Housing Register



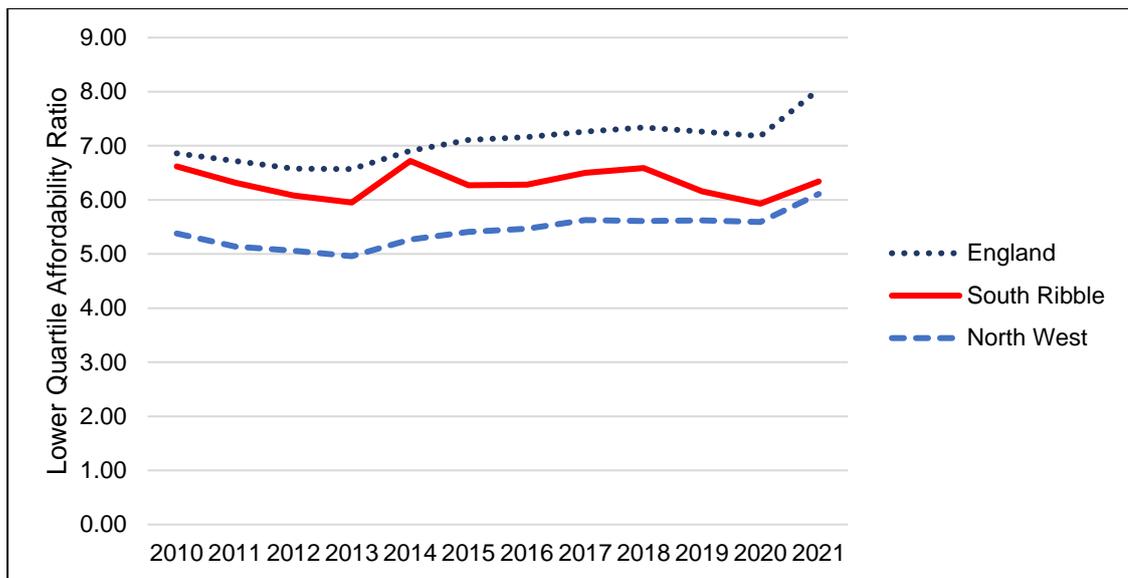
Source: DLUHC

Affordability ratios

6.3 The median affordability ratio in South Ribble in 2021 is 5.98 times earnings; an increase of 9% since 2020 when the ratio stood at 5.51 times earnings.

6.4 The lower quartile affordability ratio in South Ribble in 2021 is 6.34 times earnings, an increase of 7% since 2020 when the ratio stood at 5.93 times earnings.

Figure 6.2: Ratio of Lower Quartile Incomes to Earnings in South Ribble (2010 to 2021)



Source: ONS

Median house prices

- 6.5 Median house prices in South Ribble in 2021 stood at £175,000, an increase of £7,250 or 5% since 2020 when the median price was £167,250.
- 6.6 Lower quartile house prices in South Ribble in 2021 (i.e. more representative of the entry level of the housing market) stood at £136,000, an increase of £6,000 or 5% since 2020 when the lower quartile house price was £130,000.

Conclusions on affordability indicators

- 6.7 Our original statement showed that some affordability indicators in South Ribble had improved year-on-year to 2020 and were a cause for optimism. Unfortunately, between 2020 and 2021 several indicators have worsened, reversing some of the progress that had been made in recent years.
- 6.8 Of particular concern is the Housing Register which increased by 17% in a single year and now stands at 1,324 households – the highest since 2013.

Consequences of Failing to Meet Affordable Housing Needs

Section 7

- 7.1 The National Housing Strategy sets out that a thriving housing market that offers choice, flexibility and affordable housing is critical to our social and economic wellbeing.

Consequences of Failing to Meet Affordable Housing Need

- 7.2 This section highlights some of the evidence gathered in recent years demonstrating the significant consequences of failing to meet affordable housing needs.
- 7.3 In August 2019 the Children’s Commissioner produced a report titled *“Bleak Houses: Tackling the Crisis of Family Homelessness in England”* to investigate impact of homelessness and in particular the effect of this upon children.
- 7.4 The report identified that family homelessness in England today is primarily a result of structural factors, including the lack of affordable housing and recent welfare reforms.
- 7.5 It states that the social housing sector has been in decline for many years and that between the early 1980s and early 2010s, the proportion of Britons living in social housing halved, as a result of losses to stock through the Right to Buy and a drop in the amount of social housing being built.
- 7.6 The research found that the decline in social housing has forced many households, including families, into the private rented sector. High rents are a major problem: between 2011 and 2017 rents in England grew 60% quicker than wages. It states that *“Simply put, many families cannot afford their rent. It is telling that over half of homeless families in England are in work”*.
- 7.7 The report particularly focused on the effect on children. The report reveals that many families face the problem of poor temporary accommodation and no choice but to move out of their local area, which can have a *“deeply disruptive impact on family life”*. This can include lack of support (from grandparents for example) and travel costs.

- 7.8 It finds that a child’s education can suffer, even if they stay in the same school, because poor quality accommodation makes it difficult to do homework and that younger children’s educational development can also be delayed.
- 7.9 Temporary accommodation also presents serious risks to children’s health, wellbeing and safety, particularly families in B&Bs where they are often forced to share facilities with adults engaged in crime, anti-social behaviour or those with substance abuse issues.
- 7.10 Other effects include lack of space to play (particularly in cramped B&Bs where one family shares a room) and a lack of security and stability. The report found (page 12) that denying children their right to adequate housing has a “*significant impact on many aspects of their lives*”.
- 7.11 More recently in May 2021, Shelter published its report “*Denied the Right to a Safe Home – Exposing the Housing Emergency*” which sets out in stark terms the impacts of the affordable housing crisis. The report, attached as **Appendix 4**, affirms that Affordability of housing is the main cause of homelessness (page 15) and that “*we will only end the housing emergency by building affordable, good quality social homes*” (page 10).
- 7.12 In surveying 13,000 people, the research found that one in seven had to cut down on essentials like food or heating to pay the rent or mortgage. In addition, over the last 50 years, the average share of income young families spend on housing has trebled. The following statements on the impacts of being denied a suitable home are also made in the report:

“Priced out of owning a home and denied social housing, people are forced to take what they can afford – even if it’s damp, cramped, or away from jobs and support networks.” (Page 5)

“... people on low incomes have to make unacceptable sacrifices to keep a roof over their head. Their physical and mental health suffers because of the conditions. But because of high costs, discrimination, a lack of support, and fear of eviction if they complain to their landlord, they are left with no other option.” (Page 5)

The high cost of housing means the private-rented sector has doubled in size over the last 20 years. Most private rentals are let on tenancies of 6 to 12 months, and renters can be evicted for no reason because of section 21. This creates a permanent state of stress and instability. (Page 6)

If you live in an overcrowded home, you're more likely to get coronavirus. If you live in a home with damp and black mould on the walls, your health will suffer. (Page 9)

"14% of people say they've had to make unacceptable compromises to find a home they can afford, such as living far away from work or family support or having to put up with poor conditions or overcrowding" (Page 10)

"Spending 30% of your income on housing is usually the maximum amount regarded as affordable. Private renters spend the most, with the average household paying 38% of their income on rent, compared to social renters (31%) and owner-occupiers (19%)." (Page 14)

"19% of people say their experiences of finding and keeping a home makes them worry about the likelihood they will find a suitable home in the future." (Page 15)

"Families in temporary accommodation can spend years waiting for a settled home, not knowing when it might come, where it might be, or how much it will cost. It's unsettling, destabilising, and demoralising. It's common to be moved from one accommodation to another at short notice. Meaning new schools, long commutes, and being removed from support networks. Parents in temporary accommodation report their children are 'often unhappy or depressed', anxious and distressed, struggle to sleep, wet the bed, or become clingy and withdrawn." (Page 25)

"Landlords and letting agents frequently advertise properties as 'No DSS', meaning they won't let to anyone claiming benefits. This practice disproportionately hurts women, Black and Bangladeshi families, and disabled people." (Page 29)

"A lack of housing means landlords and letting agents can discriminate knowing there is excess demand for their housing." (Page 30)

- 7.13 Shelter estimate that some 17.5 million people are denied the right to a safe home and face the effects of high housing costs, lack of security of tenure and discrimination in the housing market (Page 33)
- 7.14 The Report concludes (page 33) that for change to happen, *"we must demand better conditions, fight racism and discrimination, end unfair evictions, and reform housing benefit. But when it comes down to it, there's only one way to end the housing emergency. **Build more social housing**"* (emphasis in original).
- 7.15 In April 2022 Shelter published a further report titled *"Unlocking Social Housing: How to fix the rules that are holds back building"*. The first paragraph of the Executive Summary is clear that:

“Our housing system is broken. Across the country, renters are stuck in damp, crumbling homes that are making them sick. Private renters are forced to spend more than 30% of their income on rent. As a result, nearly half have no savings. Desperate parents fighting to keep a roof over their heads are forced to choose between rent and food.”

7.16 The Executive Summary goes on to state that “**An affordable and secure home is a fundamental human need**” (emphasis in original) noting that one in three of us don’t have a safe place to call home and that finding a good-quality home at a fair price is impossible for so many people.

7.17 At page 6 the report considers the impacts of the Government plans to scrap developer contributions (Section 106 – s106) and replace it with a flat tax called the 'infrastructure levy'. It states that:

“This would mean that developers no longer build social housing on site, in return for planning permission, but instead pay a tax to the local council when they sell a home. The unintended consequence could add yet more barriers to social housebuilding and spell the end of mixed developments where social tenants live alongside private owners.”

7.18 In considering the impact of the PRS the report highlights at page 7 that nearly half of private renters are now forced to rely on housing benefit to pay their rent – “*That’s taxpayer money subsidising private landlords providing insecure and often poor-quality homes.*” The paragraph goes on to note that:

“The lack of social housing has not just pushed homeownership out of reach, it’s made it nearly impossible for working families to lead healthy lives and keep stable jobs. Poor housing can threaten the life chances and educational attainment of their kids. If we want to level up the country, we must start with home.”

7.19 With regard to the temporary accommodation (“TA”) the report notes on page 10 that number of households living in such accommodation has nearly doubled over the last decade and the cost to the taxpayer has gone through the roof. The page also notes that “*TA cost councils £1.45bn last year (2020/21). 80% of this money went to private letting agents, landlords or companies.*”

7.20 Page 11 goes on to highlight that “*Of the nearly 100,000 households living in TA, more than a quarter (26,110) of these households are accommodated outside the local authority area they previously lived in.*” This means that “*Families have been forced to*

endure successive lockdowns in cramped, unhygienic, and uncertain living conditions, away from jobs, family, and support networks.”

- 7.21 The page goes on to conclude that *“As a result, the national housing benefit bill has grown. Tenants' incomes and government money is flowing into the hands of private landlords, paying for poorer quality and less security. There are now more private renters claiming housing benefit than ever before.”*
- 7.22 Page 9 is also clear that *“Since 2011, freezes to Local Housing Allowance (housing benefit for private renters) and blunt policies like the benefit cap have been employed to limit the amount of support individuals and families can receive. As a result, many thousands of renters' housing benefit simply doesn't meet the cost of paying the rent.”*
- 7.23 In considering the consequences of this page 12 notes that *“With fast growing rents, mounting food and energy bills, and a dire shortage of genuinely affordable social housing, these policies have failed to curb the rising benefits bill. Instead, they have tipped people into poverty, destitution and homelessness.”*
- 7.24 Finally page 21 is clear that:

“For the over 1 million households on housing waitlists across England, who in the current system may never live with the security, safety, and stability that a good quality social home can provide, reforms cannot come any faster. Access to good housing affects every aspect of one's life and outcomes like health, education, and social mobility. More to the point, the outcomes and holistic wellbeing of an individual or an entire household is not only meaningful for their trajectory, but also contributes to the threads of society by helping people contribute to their communities.

The evidence is clear, the financial requirements to own one's home are out of reach for many. And many will spend years stuck in a private rented sector that's not fit for purpose. The answer is clear: build many more, good quality social homes for the communities that so desperately need them.” (My emphasis).

Conclusions

- 7.25 Evidently the consequences of failing to meet affordable housing needs in any local authority are significant. South Ribble is no exception to this issue with shortfalls against the identified needs in the CLHS 2020 amounting to some -424 affordable homes accrued in the last four years alone.

- 7.26 The future affordable housing supply in South Ribble will not come close to meeting affordable housing needs; meaning the existing shortfalls will only continue to widen and more households will be left with their housing needs unmet.
- 7.27 In addition to the shortfall in delivery against affordable housing need, other indicators further point increasing affordability problems in South Ribble. This includes increasing house prices, a large number of households on the housing register and a worsening in the housing affordability ratio.
- 7.28 It is clearly imperative that more affordable housing is delivered in South Ribble now to arrest the affordable housing emergency and prevent further worsening of the situation. The words of the Inspector at the Oxford Brookes University campus (attached as **Appendix 5**) ring true,
- “It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses.”*
- 7.29 I am strongly of the opinion that a step change in delivery of affordable housing is needed now.
- 7.30 The acute level of affordable housing need in South Ribble coupled with worsening affordability will detrimentally affect the ability of people to lead the best lives they can. The National Housing Strategy requires urgent action to build new homes, acknowledging the significant social consequences of failure to do so.

Weight to be Attributed to the Proposed Affordable Housing

Section 8

- 8.1 The Government attaches weight to achieving a turnaround in affordability to help meet affordable housing needs. The NPPF is clear that the Government seeks to significantly boost the supply of housing.
- 8.2 Tetlow King Planning's original Affordable Housing Statement in support of the application found that South Ribble Borough Council was approaching a 'turning point' in terms of housing affordability. Whilst there had been extensive past shortfalls of affordable housing, certain trends in affordability and delivery were improving.
- 8.3 Unfortunately, in the last year it has become apparent that matters have worsened markedly since 2021:
- a. The positive trend in affordable housing delivery has been reversed, with delivery in both 2020/21 and 2021/22 falling substantially short of meeting identified needs;
 - b. The shortfall in affordable housing delivery against the SHMA 2017 need figure of 235 affordable dwellings per annum from 2013/14 onwards has widened from -1,077 to -1,428 affordable homes (in other words, 1,428 more households whose needs have been left unmet);
 - c. The shortfall in affordable housing delivery against the CLHS 2020 need figure of 208 dwellings per annum since 2018/19 has widened from -127 to -424 affordable homes (in other words, 424 more households whose needs have been left unmet);
 - d. Analysis of the future supply of affordable housing shows that there will be a slight improvement in overall annual delivery of affordable housing over the next five years, but this is nowhere near enough to recover past shortfalls or to meet identified levels of need;
 - e. Against the SHMA 2017 need figure, the accumulated shortfall will increase to -2,154 dwellings by the end of 2026/27; against the CLHS 2020 need figure the accumulated shortfall will increase to -1,015 dwellings

- f. The Housing Register increased by 17% in a single year to 2021 and now stands at 1,324 households, the highest it has been since 2013;
 - g. The affordability ratios have worsened to 5.98 (median) and 6.34 (lower quartile), reversing the previous two years' trend of improving affordability;
 - h. House prices have worsened by 5% in a single year at both median and lower quartile levels.
- 8.4 Given the sizeable shortfall in affordable housing across South Ribble, the appeal proposals provide an affordable housing contribution of up to 330 affordable homes, which would contribute towards addressing this key corporate priority.

Affordable Housing Benefits of the Appeal Proposal

- 8.5 The affordable housing benefits of the appeal scheme are therefore:
- Policy compliant 30% (330 dwellings) of the scheme provided as affordable housing on-site;
 - A tenure split of 70% rented and 30% intermediate;
 - A deliverable scheme which provides much needed affordable homes, promoted by Homes England and Taylor Wimpey, both of whom have the resource and expertise to bring affordable housing forward;
 - In a sustainable location;
 - With the affordable homes managed by a Registered Provider;
 - Which provide better quality affordable homes; and
 - Greater security of tenure than the private rented sector.
- 8.6 In my opinion these benefits are substantial and a strong material consideration weighing heavily in favour of the proposal.

Summary and Conclusion

- 8.7 I consider that the evidence demonstrates that there is a clear need for affordable housing in South Ribble. The Council have failed to meet the identified needs in any of the three most recent assessments of housing need. The evidence clearly demonstrates that there has been a persistent under delivery of affordable homes to meet identified needs and demand across South Ribble. The future supply is set to continue the existing lacklustre levels of affordable housing delivery.

- 8.8 The appeal proposals offer 30% affordable housing on site which meets the requirements of Policy 7 of the Central Lancashire Core Strategy (2015). It is my view that this will make a substantial contribution to meeting the identified needs in South Ribble. The delivery of up to 330 affordable homes at the appeal site is the equivalent to 88% of the entire supply of affordable housing in South Ribble over the next five years.
- 8.9 In light of South Ribble's past record of affordable housing delivery, the insufficient future supply of affordable homes, in the context of annual needs and worsening affordability indicators, I consider that the 30% affordable housing offer (up to 330 affordable dwellings) on this site should be afforded **substantial weight** in the determination of this appeal.

Appendix 1

Freedom of Information Correspondence



Jamie Roberts

From: Conor Layton
Sent: 25 July 2022 09:53
To: foi - SRBC
Subject: RE: FOI Request - URGENT - SRBC 22 7035

Dear FOI team

Please could you respond to the below FOI request as a matter of urgency, the 20 day period elapsed some time ago.

Look forward to hearing from you

Many thanks

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



T: 0117 9561916 **M:** 07517106131 **W:** tetlow-king.co.uk

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

From: Conor Layton
Sent: 22 July 2022 14:36
To: foi - SRBC <foi@southribble.gov.uk>
Subject: RE: FOI Request - URGENT - SRBC 22 7035

Dear FOI team

I was wondering if you would be able to provide an update on timescales for the above FOI request.

Many thanks

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



T: 0117 9561916 **M:** 07517106131 **W:** tetlow-king.co.uk

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

From: foi - SRBC <foi@southribble.gov.uk>
Sent: 19 July 2022 17:00
To: Conor Layton <conor.layton@tetlow-king.co.uk>
Subject: FW: FOI Request - URGENT
Importance: High

Hi

Apologies you have not received an acknowledgement previously, I can confirm this has been received and logged as SRBC 22 7035 – we will respond as soon as possible.

Regards

FOI



01772 (62) 5625



southribble.gov.uk



From: Conor Layton <conor.layton@tetlow-king.co.uk>

Sent: 18 July 2022 09:40

To: Info@srbc <info@southribble.gov.uk>; SRPlanning <planning@southribble.gov.uk>

Subject: FW: FOI Request - URGENT

Importance: High

CAUTION! This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please see below - I submitted an FOI request over 20 days ago with no confirmation of receipt or response.

Please can this be looked at as a matter of urgency.

Many thanks

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



T: 0117 9561916 **M:** 07517106131 **W:** tetlow-king.co.uk

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

From: Conor Layton

Sent: 20 June 2022 10:08

To: info@southribble.gov.uk

Subject: RE: FOI Request

Dear Sir/Madam

Please can you confirm receipt of our FOI request on 15 June 2022 (see below).

Many thanks

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



T: 0117 9561916 **M:** 07517106131 **W:** tetlow-king.co.uk

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

From: Conor Layton
Sent: 15 June 2022 12:29
To: info@southribble.gov.uk
Cc: James Stacey <James.Stacey@tetlow-king.co.uk>; Jamie Roberts <Jamie.Roberts@tetlow-king.co.uk>
Subject: RE: FOI Request

Dear Sir/Madam,

Can you please provide the following data in line with the provisions of the Freedom of Information Act.

This request has not been submitted using your online portal as it does not allow for the inclusion of tables (see below) which we rely on for our own records. Please can you confirm this this is acceptable.

Questions 1 to 9 of this request relate to data held by the Housing Department.
Questions 10 to 13 of this request relate to data held by the Planning Department.

Housing Register

1. The total number of households on the Council's Housing Register at 31 March 2022.
2. The average waiting times at 31 March 2022 for the following types of affordable property across the Authority:
 - a. 1-bed affordable dwelling;
 - b. 2-bed affordable dwelling;
 - c. 3-bed affordable dwelling; and
 - d. A 4+ bed affordable dwelling.
3. The average waiting times at 31 March 2021 for the following types of affordable property across the Authority:
 - a. 1-bed affordable dwelling;
 - b. 2-bed affordable dwelling;
 - c. 3-bed affordable dwelling; and
 - d. A 4+ bed affordable dwelling.
4. The total number of households on the Council's Housing Register at 31 March 2022 specifying the following locations as their preferred choice of location:

Location	Household Preferences (31 March 2022)
----------	--

5. The average number of bids per property over the 2021/22 monitoring period for the following types of affordable property in the locations listed below:

Type of affordable property	Average Bids Per Property (1 April 2021 to 31 March 2022)
	Penwortham Civil Parish
1-bed affordable dwelling	
2-bed affordable dwelling	
3-bed affordable dwelling	
4+ bed affordable dwelling	

Social Housing Stock

6. The total number of social housing dwelling stock at 31 March 2022 in the following locations:

Location	Total Social Housing Stock (31 March 2022)
Penwortham Civil Parish	

Social Housing Lettings

7. The number of social housing lettings in the period between 1 April 2020 and 31 March 2021; and between 1 April 2021 and 31 March 2022 in the following locations:

Location	Social Housing Lettings	
	1 April 2020 to 31 March 2021	1 April 2021 to 31 March 2022
Penwortham Civil Parish		

Temporary Accommodation

8. The number of households on the Housing Register housed in temporary accommodation within and outside the South Ribble Borough Council region on the following dates:

Households in Temporary Accommodation	31 March 21	31 March 22
Households Housed within South Ribble		
Households Housed outside South Ribble		
Total Households		

Homelessness

9. The number of homelessness applications in the last 12 months (please specify 12 month period used) which the Council has assessed as having:

- a. a prevention duty; and
- b. a relief duty.

Housing Completions

10. The number of NET housing completions in the South Ribble Borough Council region broken down on a per annum basis for the period between 2000/01 and 2021/22.

11. The number of NET affordable housing completions in the South Ribble Borough Council region broken down on a per annum basis for the period between 2000/01 and 2021/22.

12. The number of NET housing completions in Penwortham Civil Parish broken down on a per annum basis for the period between 2000/01 and 2021/22.

13. The number of NET affordable housing completions in Penwortham Civil Parish broken down on a per annum basis for the period between 2000/01 and 2021/22.

Glossary of Terms

Housing Register	The housing register is a waiting list of households in a given authority area who are eligible and in need of an affordable home.
Affordable Property	Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions: a) Affordable housing for rent b) Starter Homes c) Discounted market sales housing; and d) Other affordable routes to home ownership. ^[1]
Housing Completion	A dwelling is counted as completed when construction has ceased, and it becomes ready for occupation. This includes new build dwellings, conversions, changes of use and redevelopments. Housing completions should be provided as net figures.
Net	Net refers to total (gross) figures minus any deductions (for example, through demolitions).
Monitoring Period	From 1 April in any given calendar year through until 31 March in the following calendar year.
Prevention Duty	The prevention duty applies when a local authority is satisfied that an applicant is threatened with homelessness and eligible for assistance.
Relief Duty	The relief duty applies when a local authority is satisfied that an applicant is homeless and eligible for assistance.
Parish	The smallest unit of local government.
Ward	A division of a city or town, for representative, electoral, or administrative purposes.

I look forward to hearing from you. If there are any issues with providing any of the data then please get in touch.

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



T: 0117 9561916 **M:** 07517106131 **W:** tetlow-king.co.uk

This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

From: Conor Layton
Sent: 13 June 2022 16:00
To: info@southribble.gov.uk
Subject: FOI Request

Dear Sir/Madam

I am trying to submit an FOI request using your online portal. However, the request is a template we submit to lots of LPAs and includes tables etc which cannot be uploaded onto your online portal. As such, please can you provide an email address for me to send the FOI request to.

Confirmation of receipt would be greatly appreciated.

Many thanks

Conor Layton BA (Hons) MSc MRTPI
Senior Planner
TETLOW KING PLANNING



Unit 2, Eclipse Office Park, High Street, Staple Hill, Bristol, BS16 5EL

E: conor.layton@tetlow-king.co.uk

T: 0117 9561916

M: 07517106131

W: tetlow-king.co.uk



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information. If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies. Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.

This e-mail and any attached files are confidential and may also be legally privileged. They are intended solely for the intended addressee. If they have come to you in error you must not use, copy or communicate them to anyone. Please advise the sender and permanently delete the e-mail and attachments. Please note that while South Ribble Borough Council has policies in place requiring its staff to use e-mail in an appropriate manner, any views expressed in this message are those of the individual sender may not necessarily reflect the views of South Ribble Borough Council. South Ribble Borough Council may monitor e-mails sent or received.

[1] As defined by Annex 2 of the National Planning Policy Framework (2021) which can be viewed [here](#).

Appendix 2

Appeal Decision: Aviation Lane, Burton-upon-Trent





Appeal Decision

Hearing held on 7 September 2020

Site visit made on 2 September 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/B3410/W/20/3245077 **Land off Aviation Lane, Burton-upon-Trent**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Partner Construction Ltd, Midland Heart, Inside Land (Burton) Ltd against the decision of East Staffordshire Borough Council.
 - The application Ref P/2018/01291, dated 5 October 2018, was refused by notice dated 18 July 2019.
 - The development proposed is 128 no. affordable dwellings off Aviation Lane.
-

Decision

1. The appeal is allowed, and planning permission is granted for 128 no. affordable dwellings on land off Aviation Lane, Burton-upon-Trent in accordance with the terms of the application Ref P/2018/01291, dated 5 October 2018 subject to the conditions set out below.

Procedural Matter

2. The development is described as the erection of 131 No affordable dwellings on the planning application form. However, during the course of the Council's consideration of the planning application the subject of this appeal, the number of units was reduced. Both parties confirmed at the hearing that the development proposed is for 128 affordable dwellings and it is on that basis that the Council determined the planning application. I have proceeded on that basis.
3. With agreement, after the Hearing, a legal agreement under S106 of the Town and Country Planning Act 1990 was submitted (the S106). This secures contributions towards education, health services, open space provision, refuse containers and the monitoring and review of a Travel Plan and the monitoring of the agreement by the County Council. It also includes for the provision of 100% affordable housing, the provision and management of open space and the submission and implementation of a Travel Plan. The S106 is a material consideration to which I return later in the decision.

Main Issues

4. The main issues relate to:
 - the weight to be given to the provision of affordable housing at this time; and

- whether the proposal would provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development.

Reasons

Affordable housing

5. The annual requirement for new affordable housing contained within the East Staffordshire Borough Council Local Plan 2015 (Local Plan) is 112 units. This is based on the findings of the Strategic Housing Market Assessment 2013, updated 2014 (SHMA). It is agreed within the Affordable Housing Statement of Common Ground (AHSOCG) that since the start of the plan period, 638 affordable dwellings have been completed, equating to 80 dwellings per annum, leaving a shortfall of 258 dwellings.
6. As well as the current shortfall, I understand that there are some 2,166 households on the Council's Housing Register. While the Council advised that not all are in priority need, which would relate to those with medical conditions, or homeless persons, all meet the relevant qualification criteria.
7. The Council states that the number of affordable houses that currently have permission and are anticipated to come forward (using the permissions as at March 2020) is around 1,076 units, some 884 of which would come forward over the next five years on sites that either have planning permission, or from planning applications that are awaiting determination. The appellant is of the view that only 625 would be likely to come forward within the next five years.
8. The appellant suggests that the Council should recoup the existing shortfall over the next five years, in line with the approach set out in the Planning Practice Guidance (PPG) for overall housing shortfalls.¹ That would result in the need to secure delivery of some 164 dwellings per year over the next five years. The Council, on the other hand, considers that the total amount of required affordable housing, constituting some 1,484 dwellings, would be provided over the whole plan period (2012-2031). In my view, the extent of the shortfall and the number of households on the Council's Housing Register combine to demonstrate a significant pressing need for affordable housing now. As such, I consider that, the aim should be to meet the shortfall as soon as possible.
9. Of the seven disputed sites within the five year affordable housing land supply figures, two do not have planning permission, with planning applications from 2017 still awaiting determination². Furthermore, on both there is no agreement to the exact level of affordable housing. Therefore, I am not convinced, in accordance with the guidance in the PPG and the Framework³, that there is clear evidence that the 108 dwellings relied on by the Council from these two sites would be deliverable within five years. There is nothing within the Framework or the PPG to suggest that this definition should not apply to affordable housing as well as market housing.

¹ Paragraph: 031 Reference ID: 68-031-20190722

² Nos 44 and 45 on Appendix 1 to the Affordable Housing Statement of Common Ground.

³ Paragraph: 007 Reference ID: 68-007-20190722 and Annex 2 Glossary to the Framework

10. One of the seven sites has outline planning permission only⁴. While the Council suggest that it is in advanced discussions with a developer, I have seen nothing conclusive to demonstrate an agreed timescale for the submission of a reserved matters, with no clear evidence that there is a reasonable prospect of the associated eight affordable houses coming forward within the next five years.
11. My concern, given the nature of the development proposed, is whether the affordable housing needs of the Borough are being met. These are households in need of a home now. While the Council is of the view that there is not an overwhelming need for affordable housing which cannot be met within the settlement boundary, on allocated sites or through current planning permissions, just by excluding these three sites from its five year housing supply, the Council's expectation of 884 houses coming forward within five years is reduced to 768 which would be below the five year requirement of 818 dwellings including the existing shortfall.
12. The Council suggested that the delivery of affordable housing through the local plan is not the only route to its provision, but it could only point to delivery through the private rented sector as an alternative. Whether this would be genuinely affordable in accordance with the National Planning Policy Framework (the Framework) definition is not guaranteed. The Council also stated that there would be turnover within the existing affordable housing stock, but I have no figures for this, and there has been no substantiated evidence to demonstrate that any reliance on turnover has worked to deliver a satisfactory supply to date.
13. The appellant suggested that the actual number of affordable units provided is likely to be less than the submitted totals due to the effect of Right to Buy legislation. However, no figures were presented in support of this argument.
14. There is no dispute that, in general, the delivery of market housing within the Borough has met the required rate in the Local Plan, following the proposed trajectory in increased delivery over the plan period. In fact, the Council has surpassed the expected levels of delivery in the last two years and there is agreement that the Council can demonstrate a five year housing land supply. However, this has not translated into the expected levels of affordable housing delivery. It is not clear why affordable housing delivery was not stepped to match that of overall housing and the Council was unable to advise me on this.
15. Even in the last two years where housing delivery has been high, the annual requirement for affordable housing has not been met and has only comprised, at most, some 13% of the overall housing provided. Indeed, over the plan period to date affordable housing has only been provided at an average of 16% of overall housing delivery or, on average, 80 dwellings per annum. I note that over the plan period, the average delivery of affordable housing is at 17% of total housing delivery. Even if I were to use this figure, for the Council to meet its annual affordable housing requirement it would need to deliver over 950 units per year, which has not been achieved to date and is not envisaged in the Council's trajectory contained in Policy SP3 of the Local Plan, which requires 682 dwellings per annum from 2018/19 onwards.

⁴ No 37 on Appendix 1 to the Affordable Housing Statement of Common Ground

16. Were this trend to continue, then it is unlikely that the required number of affordable homes would be provided in the long term. In any case there is a pressing need now, and the proposed 128 affordable dwellings would go some way to reducing the existing shortfall. I heard from the appellant that funding would be available from Homes England and the site would be delivered quickly, which was not disputed by the Council.
17. In addition, the Statement of Common Ground states that there is a worsening trend in the lower quartile house price to income ratio, as well as the cost of private renting. Furthermore, the average lower quartile monthly rent in East Staffordshire in 2018/19 was £495 per month, an increase of some 24% since 2013/14 and the latest average house price in the Branston ward is around £200,000, an increase of 48% since the start of the Plan period in 2012/13. These affordability factors have all worsened since the adoption of the local plan.
18. In coming to a view on this, I am mindful of the importance attached to the provision of housing and the requirement within paragraph 59 of the Framework to ensure that the needs of groups with specific housing requirements are addressed. In view of the significant number of households on the Council's Housing Register (which demonstrates a significant pressing need now) the current shortfall in affordable housing provision and the worsening affordability factors, I consider that the development proposal would be a significant benefit in terms of helping to address the shortfall in the supply of affordable housing in the Borough in the short term that, based on the evidence before me, there is no certainty will be met from existing or future planning permissions.

Location

19. Policy SP2 of the Local Plan sets out the settlement hierarchy for the Borough. This seeks to direct development towards the most sustainable locations in terms of the level of services and facilities and concentrate development within the designated settlement boundaries of those locations.
20. As the appeal site is outside of the settlement boundary of Burton upon Trent then the Council is of the view that there is clear conflict with Policy SP2. While the wording of the policy may be "open textured" as suggested by the appellant, I am satisfied, that when read in conjunction with Policy SP4 of the Local Plan, which states that "the Development Requirement assigned to the Main Towns and Tier 1 and Tier 2 settlements will be delivered within settlement boundaries or in accordance with a Made Neighbourhood Plan" then the thrust of the policy within the Local Plan is to direct development to within settlement boundaries. As the appeal site is neither a strategic allocation nor within the settlement boundary then there is conflict with Policies SP2 and SP4 of the Local Plan.
21. The Council confirmed that the purpose of the settlement boundaries, is not only to direct development to the most accessible locations, but also to protect the character and appearance of the countryside.
22. In this instance, no harm is alleged by the Council to the character and appearance of the area. The appeal site forms a large area of undeveloped land on the edge of Burton-upon-Trent, but is bound by housing on its north, east and west boundaries and, as a result, does not have a strong relationship with

the open countryside beyond. While its southern boundary is open to fields, the narrowness of the appeal site together with the containment of the proposed housing within the existing built form means it would be viewed in the context of existing development. So, while the appearance of the site would clearly change, there would be no harm to the character and appearance of the wider area.

23. Local residents suggest that future occupiers would be isolated due to the distance to services and facilities. While the appeal site is somewhat removed from the centre of Burton upon Trent, it is located on a main route into the centre (B5017) which is well served by bus routes and benefits from a constant, lit footway. The Branston Neighbourhood Plan as modified in 2020 (the NP) sets out that there are places where the B5017 is considered to be narrow, cars are parked on the footway and on refuse collection day pedestrians are hindered by bins left out on the footway. However, the parking of vehicles and placement of bins on the footway would not occur at all times.
24. I saw that facilities such as a local convenience store and school are within a convenient walking and cycling distance of the appeal site. I was also advised that the local bus service is now in operation every half an hour during the day. I appreciate that there may be no service after 7pm or on a Sunday. However, I am satisfied that while there may be sites which are in or nearer the centre of Burton-upon-Trent, there would be no conflict with paragraphs 8b and 103 of the Framework in that future residents would have nearby accessible services, with the location of the appeal site offering a genuine choice of transport modes.
25. Policy SP8 of the Local Plan states that development beyond settlement boundaries will not be permitted unless it sits within one of nine categories. It was agreed at the hearing that the only two categories which could be relevant to this proposal would be whether it was in accordance with a made Neighbourhood Plan, or whether it was development under the Rural Exception Sites policy (SP18).
26. The NP does not allocate any sites for development, as when it was made there were more than sufficient allocated sites to meet the Local Plan requirements. In as much therefore that the NP does not allocate any sites for development the proposal would not be in accordance with any allocation within it. This would be particularly so given that Policy SP4 of the Local Plan states that the development requirement assigned to main towns will be delivered within settlement boundaries or in accordance with a made Neighbourhood Plan. Therefore, purely for the purposes of Policy SP8, which deals with the location of new development, the development cannot be said to be in accordance with a made Neighbourhood Plan. Further discussion on individual policies is set out in paragraphs 37-41 below.
27. Policy SP18 is permissive of small developments of new affordable housing on suitable sites outside settlement boundaries where there is a need for such that would be not otherwise be met, subject to certain criteria. With regard to those criteria, the Council maintained that this is not a small development and that the need for affordable housing would be otherwise met within settlement boundaries. The Council also asserted that the policy is aimed at ensuring that affordable housing need arising in small rural villages is provided. However,

there is nothing in the policy itself, or the reasoned justification, that indicates that it only applies to small rural villages.

28. I accept that 128 dwellings may not be considered to be a small development and, with regard to the definition of Rural Exception Sites in the Framework, that this may not be a "small" site, although there is no definition of small in either the Local Plan of the Framework in this regard. However, having regard to the other criteria, the scale of development would, in this case, be appropriate given the size of Burton upon Trent. As set out above, I have found that it is not certain that the current and future identified need for affordable housing could be accommodated in the short term, by existing sites with planning permission some of which are within settlement boundaries.
29. The last of the pertinent criteria requires that the development comply with other relevant policies of the plan. In as much as the development and the site are not small, and I have found conflict with Policies SP2 and SP4 then there is conflict with Policy SP18. That brings the proposal into conflict with Policy SP8.

Other matters

30. Properties along Aviation Lane mainly present a side elevation to the appeal site. Those that do have a rear elevation facing the site are set well back from the boundary. Similarly, properties on Henhurst Hill have long rear gardens which would abut an area of open space on the proposed layout. Properties to the east are still under construction, but most on the proposed layout would have lengthy gardens adjoining the boundary. Therefore, I am satisfied that intervening distance between the houses would ensure that the proposal would not cause harm to existing residents' living conditions with regard to privacy, outlook and light.
31. The proposed development would be served from one access from Aviation Lane. At the hearing the appellant confirmed that both Aviation Lane and the immediate access point to the development are of sufficient width to allow cars and larger vehicles to pass and would include a footway. I take the point that cars may be parked on these roads which would narrow the carriageway. However, much of the neighbouring road network is subject to a one way system and, in any case, I have seen no substantiated evidence to suggest that parked cars lead to an unacceptable level of congestion. Moreover, their presence often helps to slow down traffic. Furthermore, the proposed layout, although only served by one access, would incorporate a looped or interconnected street pattern which is considered appropriate for developments of up to 200 dwellings in accordance with the Staffordshire County Council Residential Design Guide 2000.
32. The appellant also confirmed that the submitted Transport Assessment 2018 (TA) had regard to all existing and committed development to 2025, as well as the level of HGV movements on the roads, in reaching its conclusions. Furthermore, while there have been four personal injury collisions within the last five years, these appear to have been due to user error rather than any discernible pattern to the use of the carriageways and junctions in the area.
33. The TA concludes that the development does not have an adverse impact on the safety of all users of the highway. Staffordshire County Council as Highway Authority has assessed the TA and raised no objections to the development.

34. I accept that local knowledge is important, and that the NP acknowledges problems with the B5017 and that development in the locale should be carefully controlled. However, in the absence of any substantiated evidence to dispute that provided by the appellant within the TA, I am satisfied that the proposal would not have an adverse impact on highway safety.
35. The appellant's ecological report finds that the appeal site is mostly of low ecological value, but that the hedgerows and boundary vegetation and some trees have value in supporting some species. The landscape masterplan (500237/001B) shows that existing hedgerows would be mostly retained in the proposed layout.
36. Furthermore, a condition could be imposed both to seek an appropriate landscaping plan and ecological measures to improve the overall biodiversity of the site. I am satisfied therefore that the proposal would not be materially harmful to ecology and biodiversity.
37. The proposed layout provides the potential for linkages to both Aviation Lane and the development to the east under construction. Policy B1 of the NP requires that all new development, defined as major for planning application purposes, will be expected to include the provision of new, safe walking, and where appropriate cycling and mobility vehicle routes, linking into existing wider routes, creating an attractive pedestrian friendly neighbourhood in Branston which encourages travel by means other than the car for short journeys. While there is no guarantee that the pedestrian linkages between the different residential areas would be established, this would not in itself prevent occupiers walking to nearby facilities.
38. The design and layout of the proposed housing forms a development pattern not dissimilar to that in the adjacent housing estates. I am satisfied therefore that there is no conflict with Policy B2 of the NP regarding high quality design.
39. Policy B5 of the NP requires that overall a green infrastructure approach to design should be provided. Furthermore, Policy B7 states that new developments will be required to provide a mix of private space and open space uses which meets local need, including children's play areas, sports pitches, allotments and amenity green space in accordance with the most up to date guidance adopted by the Council. While there is a deficit in the overall level of open space that would be delivered on the appeal site when assessed against the requirements of the Council's Open Space and Playing Pitches Supplementary Planning Document 2019 (the SPD), a commuted sum, to be spent on facilities close by, would mitigate that. This is an approach supported in the SPD. The proposal would also provide children's play space and equipment. The central area of open space breaks up the two areas of development, with that to the north providing a buffer to the existing housing on Henhurst Hill.
40. It was agreed at the hearing there is no reason why trees could not be planted on the areas of green space and this could come forward as part of a landscaping scheme secured through the imposition of a condition.
41. The proposed parking provision is in accordance with the Council's Parking Standards Supplementary Planning Document 2017. However, amendments made to Policy B11 of the NP in February 2020, after the determination of the planning application, means that it would not meet the required one off-street

car parking space for each bed space provided. Nevertheless, the Policy goes on to state that the requirements may be varied where in the opinion of the Local Planning Authority, the additional parking likely to be generated by the development can be safely accommodated on-street, without causing obstruction to driveways or hindering the passage of emergency, refuse collection and delivery vehicles. The Council raised no objection to this part of the proposal. Furthermore, I heard from the appellant that the width of the road would be such that on street parking could be safely accommodated. I have seen no evidence to suggest any different. Therefore, I find no fundamental conflict with Policy B11 or any policies within the NP.

42. Concern was raised regarding the potential for the flooding of gardens of properties on Henhurst Hill given the slope of the land. However, the appellant confirmed that both the Lead Local Flood Authority and the Environment Agency have raised no objections to the development based on the submitted Flood Risk Assessment and Drainage Strategy. I see no reason to disagree.

S106 Agreement

43. All of the dwellings would be provided as affordable homes secured by the planning obligation. Since the justification for the development on land outside the settlement boundary, is reliant on the proven need for affordable housing, the arrangements secured are necessary.
44. The financial contribution of £9,600 towards refuse containers is in accordance with the £75 costs per unit which is the cost of providing the recycling wheelie bin and associated set up costs for each household.
45. The provisions for open space and children's play facility is in line with the requirements of the SPD. As there would be an increased population due to the proposal, I am satisfied that the proposed development would generate a requirement for the suggested level of open space, some of which would be met on site. The SPD allows for the payment of a contribution where the on-site provision would fall below the required amount of open space. Therefore, the financial contribution of £37,302 towards public open space is necessary. The agreement also includes provision for the maintenance of the on-site provision.
46. The statement from the education authority shows that existing education provision for primary, secondary and sixth form provision is at capacity, and the proposed development would increase demand for places. The S106 includes a sum of £376,534.32 towards primary, £85,570 towards secondary and £18,560 for sixth form provision at the closest facilities. I am therefore satisfied that the payment of the required contributions would adequately mitigate the impact of the proposal on the education infrastructure.
47. The evidence presented by the NHS East Staffordshire CCG demonstrates that the existing GP practices do not have the capacity to manage increased patient demand. Occupation of the 128 dwellings proposed would lead to an increase in demand for local health facilities. From the evidence before me, I am satisfied that the requested contribution of £55,020 towards a new facility in the locality of the appeal site is fairly and reasonably related in scale and kind to the development and necessary to make the development acceptable.

48. The S106 requires the submission of a Travel Plan, the appointment of a Travel Plan Co-ordinator together with its implementation and the production and submission of an annual performance report for approval to the County Council. This is necessary to ensure that the proposal contributes to sustainable development as required by Policy SP1 of the Local Plan. There is little detail before me regarding how the monitoring sum requested by the County Council has been calculated. I was advised by the Council that it is a standard sum requested for major developments. The PPG⁵ requires that the costs are proportionate and reasonable and reflect the actual cost of monitoring. Bearing in mind that there is an ongoing requirement for annual monitoring of the Travel Plan after its initial approval I am satisfied that the sum requested of £11,900 meets the requirements of the PPG.
49. The County Council has also requested the sum of £1,110 towards the cost of monitoring (including reporting under the CIL regs) the obligations contained in the Deed. From my understanding of the Deed this would relate to the three contributions to education for which there are two trigger points for payment. Based on this, the requested sum seems a reasonable amount and in accordance with the PPG.
50. Therefore, based on the evidence before me, these obligations, are necessary and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the Framework.

Planning balance and conclusion

51. To develop the appeal site as proposed would be contrary to Policies SP2, SP4 and SP8 of the Local Plan. I am mindful that the Framework recognises that the planning system should be genuinely plan led. However, I have found in this instance that the aims of the spatial strategy regarding accessibility and protection of the countryside contained in the development plan would not be unacceptably harmed and therefore any harm caused by the conflict with the development plan as a whole would be very limited.
52. Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case I have found that the delivery of the site for 100% affordable housing would be a very significant benefit. Indeed, the SOCG sets out agreement that the weight to be afforded to the provision of affordable housing is at least significant. On a straightforward development plan balance, I am firmly of the view that the provision of the affordable housing proposed is a significant material consideration which, in this instance, outweighs the development plan conflict.
53. The Council referred me to an appeal decision⁶ which it considers to be similar circumstances to the appeal before me now. The Inspector found that, in light of the Council being able to demonstrate a five year supply of housing, the material considerations were not sufficient to outweigh the conflict with the development plan, even though the scheme would amount to sustainable development for the purposes of the Framework. However, that scheme was for a market led housing scheme which did not accord with Policies SP2, SP4 and SP8 of the Local Plan. The proposal before me is different in providing

⁵ 036 Reference ID: 23b-036-20190901

⁶ APP/B3410/W/16/3150471

100% affordable housing as a material consideration which would outweigh the conflict with the development plan in this instance.

54. We spent some time at the hearing discussing which were the most important policies for determining the appeal and whether or not they were out of date for the purposes of paragraph 11d of the Framework. However, given my findings regarding the development plan balance I have not considered this matter further.
55. For the reasons given above I conclude that, on balance, the appeal should be allowed.

Conditions

56. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the PPG and have made such amendments as necessary to comply with those documents.
57. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans and details of a phasing plan are submitted for approval.
58. Conditions regarding materials, finished floor levels and landscaping (including landscape management) are necessary to protect the character and appearance of the area.
59. Details of protection of existing hedgerows and trees on site are required prior to work commencing on site to ensure that the existing landscaping is protected from construction damage.
60. A condition requiring details of an open space strategy and its implementation are necessary to ensure that such facilities are available on site for the future occupiers in accordance with the Councils SPD.
61. A condition requiring 10% of the dwellings to meet standard M4 (2) of the Building Regulations is necessary to ensure that a proportion of the proposed dwellings are accessible and adaptable. Details need to be submitted prior to work commencing on site to ensure that the required proportion are provided in a satisfactory manner.
62. Details of the disposal of foul and surface water are required prior to development taking place to ensure that the proper systems are in place and that the development does not cause flooding elsewhere.
63. Conditions regarding the implementation of boundary walls and fencing, a construction management plan and noise and dust mitigation are required to protect residents' living conditions.
64. A condition requiring details of ecological enhancement measures is necessary to ensure that biodiversity on the site is improved.
65. Conditions 14, 15 and 16 are required to protect highway safety. A condition regarding unexpected contamination and soil imported to the site are necessary to ensure that satisfactory living conditions are provided for future occupiers of the development.

66. An Air Quality Impact Assessment, including any mitigation measures is required to be submitted prior to work commencing on site to ensure that accurate details are submitted prior to construction works.

67. Details of cycle parking are necessary to encourage travel by an alternative means than the car.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Helen Kent

Associate Director LUC on behalf of East Staffordshire Borough Council (ESBC)

Naomi Perry

Planning Manager, ESBC

Kerry Challoner

Principal Planning Officer, ESBC

Michael Petter

Housing Officer, ESBC

FOR THE APPELLANT

Thea Osmund Smith of Counsel

Instructed by:

Andrew Gore

Partner, Marrons Planning

James Stacey

Senior Director, Tetlow King Planning

Annie Gingell

Senior Planner, Tetlow King Planning

Anna-Maria Edwards

Head of Business Development, Midland Heart

Dr Amer Halabi

IPRT Planning

INTERESTED PERSONS

Councillor Mike Ackroyd

Chair, Branston Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement by Councillor Ackroyd
- 2 Tenure Plan 41262/026G
- 3 Statement of CIL Compliance

DOCUMENTS SUBMITTED AFTER THE HEARING

- A Section 106 Agreement

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission: 41262/002A, 41262/006G, 41262/007F, 41262/008H, 41262/009G, 41262/010D, 41262/013E, 41262/014F, 41262/015F, 41262/016E, 41262/018F, 41262/019F, 41262/020H, 41262/021H, 41262/023F, 41262/024F, 41262/025G, 41262/026G, 41262/027F, 41262/028C, 41262 /029, SK1c, D3665-02, 500237/001B.

Phasing

- 3) Prior to commencement of development a phasing plan identifying all phases of development should be submitted to and approved in writing by the Local Planning Authority. The development will only be carried out in accordance with the agreed phasing plan.

Materials

- 4) No development above damp proof course shall take place until samples of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Landscaping and ecology

- 5) No development shall take place until a scheme of landscaping to include full details of National Forest Planting has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out for each particular phase in the first planting and seeding season following the first occupation of the building(s) of the same phase or completion of the same phase, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation
- 6) No development shall take place until a scheme of tree and hedgerow protection to include full details of measures for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 7) Prior to first occupation of the development hereby permitted details of ecological enhancement measures (including bird nesting and bat roosting facilities) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the 50% occupation of the development and thereafter made available at all times for their designated purposes.

- 8) No development above damp proof course shall take place until a landscape management plan for all phases of development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Boundary walls and fences

- 9) Prior to the first occupation of any of the residential units hereby granted permission the fencing and walling shown on plan ref 412/62/024F to serve the respective dwelling shall be provided.

Levels

- 10) Before the development hereby permitted is first commenced, details showing the existing and proposed land levels of the site including site sections and spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Open space

- 11) No development shall take place until an open space strategy, to include a timescale for implementation, for the development has been submitted to and approved in writing by the Local Planning Authority. The open space strategy shall be in line with the requirements of the Councils Open Spaces SPD and shall include full details of children's play area equipment. The children's play area shall be provided no later than the occupancy of the 80th dwelling within the development. The development shall only be carried out in accordance with the approved details.

Accessible and adaptable dwellings

- 12) No development shall take place until a scheme to provide 10% of dwellings on site to be constructed in accordance with Building Regulation 2010 Standard M4 (2) standards. Those dwellings shall be completed to the Building Regulation 2010 Standard M4 (2) prior to their first occupation.

Drainage

- 13) No development shall take place until a scheme for the disposal of foul and surface waters, including a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water Ltd. The scheme shall demonstrate:
- i) The surface water run-off generated by the 100 plus 40% (for climate change) critical storm is limited so that it will not exceed the 6.5l/s and not increase flooding off site.
 - ii) Provision of attenuation flood storage on the site to a 100 plus 40% (for climate change) critical storm.
 - iii) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a

range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- iv) The Simple Index Approach to the managing run off water quality has been followed as detailed within the CIRIA C753 SuDS manual.
- v) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- vi) Provision of acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

The development shall be completed in accordance with the approved details prior to its first occupation.

Highway Safety

- 14) No development shall take place until full details of road construction and street lighting, including longitudinal sections and a detailed surface water drainage scheme to demonstrate satisfactory means of draining the roads to an acceptable outfall, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 15) Prior to the first occupation of each dwelling hereby granted permission the access, turning and car parking provision to serve that dwelling shall be provided in a bound porous material, and thereafter shall be made available at all times for their designated purposes.
- 16) The visibility splays shown on drawing ref 41262 /029 shall be provided and thereafter maintained at all times for the lifetime of the development to retain visibility over a height of 600mm above the adjacent carriageway level.

Cycle parking

- 17) No dwelling hereby permitted shall be occupied until a scheme of secure weatherproof cycle storage facilities to serve all of the dwellings within the development has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided the approved secure weatherproof cycle storage facilities shall thereafter be retained as available at all times for their designated purposes.

Construction management plan

- 18) No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:
 - i) A site compound with associated temporary buildings
 - ii) The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
 - iii) The removal of demolition materials from the site
 - iv) The parking of vehicles of site personnel, operatives and visitors

- v) Arrangements for the loading and unloading of plant and materials
- vi) Areas of storage for plant and materials used during the construction of the development
- vii) Measures to prevent the deposition of deleterious material on the public highway during the construction of the development

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

Contamination

- 19) If during the course of development, contamination not previously identified is found to be present on the site, then no further development shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.
- 20) Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

Air Quality Assessment

- 21) No development shall take place until an Air Quality Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any air quality mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

Noise and dust mitigation

- 22) No development shall take place until a scheme of noise and dust mitigation has been submitted to and approved in writing by the Local Planning Authority which shall include details of any emissions of noise, vibration and dust controls during construction and earth moving works so as not to impact on nearby receptors. The noise and vibration control measures shall be devised according to BS 5228-1 & A1:2014 Code of Practice for noise and vibration control on construction sites or updated guidance. The scheme of dust control measures shall be devised in accordance with the 'Guidance on the assessment of dust from demolition and construction' produced by the Institute of Air Quality Management 2014. The development shall be undertaken in accordance with the approved details.

*******END OF CONDITIONS*******

Appendix 3

Tetlow King Planning Review of Affordable Forward Supply



Appendix 3: Tetlow King Planning Review of Affordable Forward Supply

Appendix 3 – Sites included in five-year supply

Please note, figures shown as Estimated Capacity at 1/4/22 take account of completions up to this date, so only represent outstanding dwellings.

Site	Application Refs Outline Reserved Full Other	Permissioned	Proposed Development	Position at 31/3/22	Ha	Dwellings Permissioned/ Estimated	Under Construction	Remaining Capacity	Projected total delivery					2022/23 - 2026/27 Est	Site Ref.	TKP Ref.	Affordable housing (percentage)	Affordable housing (numeral)	Commuted sum (if applicable)	Source / Notes	Estimated affordable delivery (pro-)					2022/23 - 2026/27 Est
									2022/23 Est	2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est								2022/23 Est	2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est	
New Mill, Wesley St - Phs 1 & 2 (Countryside - Wren Green)	07/2012/0728/OUT 07/2017/2333/REM	Y	Reserved matters application for the erection 188 dwellings following outline approval 07/2012/0729/OUT. Matters of layout, scale, appearance and landscaping are applied for (Amended Site Layout Plan)	A total of 151 dwellings have been completed on this site.	6.50	196	Y	45	45	0	0	0	0	45	BBE01 (eastern part)	TKP1	9%	18	n/a	07/2017/2333/REM - Planning statement 07/08/2017	4	0	0	0	0	4
McKenzie Arms, Station Rd	07/2020/00396/FUL 07/2021/01188/DIS	Y	Proposal for a 15 unit development consisting of three townhouses and an apartment block with a combination of 1 and 2 bedroom apartments	Under construction. Completion anticipated during 2022/23.	0.20	15	Y	15	15	0	0	0	0	15	BBE01 (western part)	TKP2	100%	15	n/a	07/2021/01188/DIS - Affordable Housing Scheme	15	0	0	0	0	15
52 School Ln, Bamber Bridge	07/2021/00978/FUL 07/2021/00979/FUL	Y	Conversion of existing public house into 4 no. 2bed and 2 no. 1bed flats OR Conversion of existing public house (sui generis) into 1x 6 bedroom house of multiple occupation (C4) and 2x 5bedroom houses of multiple occupation (C4)	Not commenced	0.08	6	N	6	0	0	6	0	0	6	2164/ 2165	TKP3	0	0	n/a	07/2021/00978/FUL - Application form 07/10/2021 indicates nil provision. Site below 15 unit threshold.	0	0	0	0	0	0
Brindle Rd, Bamber Bridge (Land adj Ctng Gdns) - Dorbcrest Homes	07/2020/00443/FUL	N	Erection of 11no dwellings with associated works	Application - refused at Planning Cttee 15/10/20. Appeal allowed 8/4/22 -	0.36	11	N	11	0	11	0	0	0	11	BBE02d	TKP4	0	0	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Land at Crownlee, Penwortham	07/2021/00797/FUL 07/2020/00922/FUL	Y	Erection of 8 x 2 two bed retirement bungalows, hard and soft landscaping scheme, COU of 1st floor Community Centre flat to office space and extension at ground floor level (resubmission of 07/2020/00922/FUL).	Under construction.	0.29	8	Y	8	0	0	8	0	0	8	2113	TKP5	0	0	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Land fronting to Langdale Rd, Lanley Homes (Woodlands)	07/2018/0334/OUT 07/2020/00373/REM	Y	Reserved matters application (namely layout, scale, appearance and landscaping) pursuant to outline permission 07/2018/0334/OUT for erection of 14 dwellings and associated landscaping and infrastructure.	Under construction - 10 dwellings complete.	1.63	14	Y	4	4	0	0	0	0	4	LSM03	TKP6	0	0	£286,580.56	07/2018/0334/OUT - Planning statement 17/01/2018 indicates the commuted sum to be provided. No on-site provision	0	0	0	0	0	0
East of Leyland Rd/Land off Claytongate Dr (Belle Wood View)	07/2021/00665/FUL	Y	Erection of 63 dwellings and associated roads, infrastructure, parking and landscaping.	Under construction. Developer anticipates first completions in 2022. No remediation work required.	1.74	63	Y	63	10	36	17	0	0	63	TG07b	TKP7	30%	19	n/a	19/08/2021 - Revised planning statement	3	11	5	0	0	19
Land at Olive Frm (Linden Homes - Olive Farm)	07/2017/3843/FUL	Y	Erection of 70 dwellings (including 18 Affordable rent and 12 shared ownership properties) details of access, landscaping and associated works (Amended description)	Under construction - 33 dwellings complete.	2.24	70	Y	37	20	17	0	0	0	37	CG03a	TKP8	43%	30	n/a	14/09/2018 - Planning statement & description of development	9	7	0	0	0	16
Brindle Rd, Bamber Bridge Ph 1 (Persimmon - Brindle Park)	07/2017/2325/FUL	Y	Erection of 261 dwellings including 30% affordable homes, associated road infrastructure, landscaping and open space following demolition of 215 Brindle Rd	Under construction - developer anticipates completion of approximately 32 dwellings during 2022/23. Dwellings currently marketed.	9.76	261	Y	261	32	44	56	56	42	230	BBE02b	TKP9	30%	78	n/a	Planning Statement 29/06/2018	10	13	17	17	13	70
Brindle Rd, Bamber Bridge (Bellway - Grey Gables Farm) - Ph 2	07/2017/2900/FUL	Y	Erection of 193 dwellings with associated parking, landscaping and public open space with access off Brindle Rd following demolition of Grey Gables Frm and associated buildings)	A total of 120 dwellings have been completed on this site.	6.39	193	Y	73	35	38	0	0	0	73	BBE02c	TKP10	22.50%	43	n/a	Planning Statement 12/02/2018	8	9	0	0	0	17
Rear of 247 - 251 Leyland Ln	07/2018/5911/OUT	Y	Outline application for a residential development of 7 dwellings following demolition of existing dwelling (access only applied for). December 2021 - under offer.	Not commenced - site for sale.	0.30	7	N	7	7	0	0	0	0	7	SS06	TKP11	0	0	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Farington Business Park, east of Wheelton Ln (northern section) - Ph 2 (Rowland Homes - Meadowgate)	07/2013/0288/FUL (234 dwellings outline) 07/2018/0865/REM	Y	Reserved Matters application for the erection of 199 dwellings following outline approval 07/2013/0288/FUL as varied by 07/2018/0868/VAR (Access, appearance, landscaping, layout and scale applied for)	A total of 152 dwellings have been completed on this site. It is anticipated the site will be completed during 2022/23.	6.30	199	Y	47	47	0	0	0	0	47	FW09b	TKP12	0	0	n/a	Outline application secure up to a minimum of 20 dwellings but RM planning statement 20/02/2018 states the site cannot deliver 20 AH units due to viability.	0	0	0	0	0	0
Cuerden Strategic Site (Part 2)	07/2017/0211/ORM - Part 2 Outline	Y	Part 2 of hybrid planning application including outline submission for employment floorspace (B1, B2, B8), hotel (C1), health & fitness (D2), creche/nursery (D1), retail (A1, A2, A3, A4, A5), car showrooms (Sui Generis), residential (C2/C3) and provision of associated car parking, access, public open space, landscaping and drainage.	Not commenced. Full permission outstanding. This permission is valid for five years.	5.13	128	N	128	0	0	0	0	20	20	FE06	TKP13	30%	38	n/a	Decision notice 20/12/2017 - condition 90 requires submission of affordable housing scheme concurrent with each RMA to deliver 30% AH.	0	0	0	0	6	6
59 Stanfield Ln, Farington (The Rose of Farington)	07/2021/01122/FUL	Y	COU from A4 to C3 - conversion and extension to create 10 apartments.	Not commenced. The design and planning statement submitted with the application states that the building will be adapted within 12-months.	0.07	10	N	10	10	0	0	0	0	10	2183	TKP14	0	0	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Brookhouse Frm, Stanfield Ln, Lostock Hall	07/2019/12523/OUT 07/2021/00973/REM	Y	Erection of 9 no dwellings including garages and infrastructure (access applied for).	Not commenced.	0.46	9	N	9	0	4	5	0	0	9	FE07	TKP15	0	0	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Land between Heatherleigh and Moss Ln, aka Croston Rd/Sth of Bannister Ln, aka Croston Rd Sth, aka Rear of 2 Leyland Ln - 420 Croston Rd north of Heatherleigh - North of Sthern Section (The Pastures - Tilia Homes - formerly Kier Homes)	07/2012/0627/ORM 07/2019/2313/REM	Y	Reserved Matters application for the erection of 174 residential units	Under construction - 59 dwellings complete.	6.00	174	Y	115	35	35	35	10	0	115	FW02g(i) and (ii)	TKP16	15%	27	n/a	07/2019/2313/REM - 25/02/2022 Affordable Housing Statement	5	5	5	2	0	17

Appendix 3: Tetlow King Planning Review of Affordable Forward Supply

Appendix 3 – Sites included in five-year supply

Please note, figures shown as Estimated Capacity at 1/4/22 take account of completions up to this date, so only represent outstanding dwellings.

Site	Application Refs Outline Reserved Full Other	Permissioned	Proposed Development	Position at 31/3/22	Ha	Dwellings Permissioned/ Estimated	Under Construction	Remaining Capacity	Projected total delivery						2022/23 - 2026/27 Est	Site Ref.	TKP Ref.	Affordable housing (percentage)	Affordable housing (numerical)	Commuted sum (if applicable)	Source / Notes	Estimated affordable delivery (pro-)					
									2022/23 Est	2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est	2022/23 Est								2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est	2022/23 - 2026/27 Est	
Land between Heatherleigh & Moss Ln (N, SW and NE of Northern Section) (Homes England/Keepmoat Homes - Farington Mews)	07/2014/0184/ORM 07/2020/00544/REM 07/2020/00552/FUL	Y	07/2020/00544/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 399 residential dwellings, internal access roads, garages, public open space and associated infrastructure 07/2020/00552/FUL - Demolition of existing farm buildings and construction of 121 dwellings (Use Class C3), including access, internal roads, garages, car parking and associated infrastructure	Under construction - 40 dwellings have been completed.	18.18	520	Y	480	48	48	48	48	48	240	FW02a(i)rv (previously FW02f(i), FW02f(ii) and FW02e)	TKP17	18%	96	£2,171,400	07/2020/00544/REM - Affordable housing statement 06/07/2020	9	9	9	9	9	45	
x'	07/2018/4134/FUL 07/2017/2632/FUL	Y	Erection of three dwellings to replace plot 4 of planning permission 07/2017/2632/FUL	Under construction.	0.22	6	Y	2	2	0	0	0	0	2	1808	TKP18	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0	
Land off School Ln/Old School Dr/Land to east of Reynard Cl, Longton (aka Kitty's Fm) - central part	07/2020/01063/FUL	Y	Erection of 14 self-build residential units with associated garages and works, and new access from Reynard Close.	Conditions about to be discharged. Due commence summer 2022. Plots currently advertised.	1.53	14	N	14	0	7	7	0	0	14	LHU02a(i)	TKP19	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0	
Lostock Hall Primary School, Avondale Dr	n/a	N	Planning permission does not currently exist for the residential development of the site, but it is estimated as being able to accommodate approximately 30 dwellings in the adopted Local Plan. The development must provide for an appropriate area of on-site open space to mitigate against the loss of the school playing field. (Excerpt from Local Plan - adopted July 2015.)	Demolition work complete and site has cleared. HE have entered into a conditional contract with a developer for the development of the site. Developer has commenced pre-application discussions with the council currently, drawing up plans to submit an application for approximately 50 homes.	1.40	20	N	20	0	0	0	10	10	20	TG05	TKP20	n/a	n/a	n/a	No planning reference number given - not possible to identify likely affordable housing provision	0	0	0	0	0	0	
Middleforth Hall Fm, Factory Ln	07/2019/5266/FUL	Y	Erection of 6 dwellings, following partial demolition and conversion of the existing agricultural buildings and barns.	Not commenced.	0.33	6	N	6	6	0	0	0	0	6	2068	TKP21	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0	
Moss Side Test Track, Aston Way/Titan Way (Ph 2) (Centurion Village) (Barratt and David Wilson Homes)	07/2017/3361/ORM	Y	Hybrid planning application comprising of Full and Outline development - Environmental Impact Assessment (EIA) development Part A FULL - ... (Ph 1) and 197 dwellings and associated internal access roads, public open space, green infrastructure, an acoustic barrier and highway infrastructure (Ph 2)	Under construction - 11 dwellings complete.	15.44	197	Y	186	45	68	73	0	0	186	MS02 (Ph 2)	TKP22	30%	59	N/A	Planning Statement 30/01/2020 indicates that AH provision is subject to viability and does not specify a quantity. Marketing information on Barratt and David Wilson Homes websites show a total of 59 affordable units across both parcels of Phase 2 (equates to 30% AH)	14	20	22	0	0	56	
Moss Side Test Track, Aston Way/Titan Way (Phs 3 - 5)	07/2017/3361/ORM	Y	Hybrid planning application comprising of Full and Outline development - Environmental Impact Assessment (EIA) development Part B OUTLINE - for the remainder of the proposed development site for the development of between 653 and 753 new homes, up to 5,000 sqm of Use Classes B1 accommodation; up to 15,000 sqm of Use Class B2 accommodation and up to 8,000 sqm of Use B8 accommodation, local centre comprising up to 3,000 sqm of accommodation for occupation within any combination of uses within Classes A1,A2,A3, A4,A5,B1 or D1 (including health centre/clinic) (which shall not exceed 2,500 sqm of main town centre uses), a primary school and associated public open space and green infrastructure (Phs 3-5)	Not commenced. Reserved matters outstanding.	29.36	753	N	753	0	0	0	43	45	88	MS02	TKP23	30%	223	n/a	07/2022/00106/REM - Affordable Housing Statement - 01/03/2021 confirms 30% affordable on phases 3 to 5	0	0	0	13	14	27	
Roach Bridge Paper Mill	07/2011/0813/FUL	Y	Residential development for the erection of 9 No. dwellings (two detached 2.5 storey and a terrace of eight 2 storey) opposite the Mill fronting the west side of Roach Rd following demolition of an existing outbuilding together with associated access (Amended scheme).	Under construction.	1.03	9	Y	2	2	0	0	0	0	2	SW19	TKP24	0%	n/a	n/a	07/2011/0813/FUL - Application form 07/10/2021 indicates nil provision. Site below 15 unit threshold.	0	0	0	0	0	0	
Land between Altcar Ln and Shaw Brook Rd (Wade Hall), Leyland (Redrow) aka Worden Gdns	07/2016/0591/OUT 07/2018/1674/REM 07/2020/00935/REM	Y	Application for Reserved Matters for residential development for 232 dwellings (Appearance, Landscaping, Layout and Scale applied for) - for part of site only, overall number unaffected - 07/2019/0300/REM altered this to 246 dwellings. Permission 07/2020/00935/REM reduced this to 236.	Under construction - 62 dwellings complete.	11.53	236	Y	176	40	40	40	40	16	176	LOW01b(i)	TKP25	20%	46	n/a	07/2018/1674/REM - Proposed site layout 11/07/2018	8	8	8	8	3	35	
Land between Altcar Ln and Shaw Brook Rd (Wade Hall) aka Land to Sth of Shaw Brook Rd and Nrth of Altcar Ln (Redrow)	07/2016/0591/OUT 07/2021/01247/REM	Y	Reserved Matters application (appearance, landscaping, layout and scale) for the erection of 154 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 07/2016/0591/OUT	Not commenced. Reserved matters approved March 2022.	8.83	154	N	154	0	0	40	40	40	120	LOW01b(ii) & (iii)	TKP26	20%	31	£6,758 per market dwelling constructed on each phase. First 120 units to yield £810,960	AH statement - 15/12/2021 confirms 20% AH + financial contribution in lieu of an additional 10%	0	0	8	8	8	24	

Appendix 3: Tetlow King Planning Review of Affordable Forward Supply

Appendix 3 – Sites included in five-year supply

Please note, figures shown as Estimated Capacity at 1/4/22 take account of completions up to this date, so only represent outstanding dwellings.

Site	Application Refs Outline Reserved Full Other	Permissioned	Proposed Development	Position at 31/3/22	Ha	Dwellings Permissioned/ Estimated	Under Construction	Remaining Capacity	Projected total delivery					2022/23 - 2026/27 Est	Site Ref.	TKP Ref.	Affordable housing (percentage)	Affordable housing (numerical)	Committed sum (if applicable)	Source / Notes	Estimated affordable delivery (pro-)					2022/23 - 2026/27 Est
									2022/23 Est	2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est								2022/23 Est	2023/24 Est	2024/25 Est	2025/26 Est	2026/27 Est	
Land between Altcar Ln and Shaw Brook Rd (Wade Hall), Leyland (Homes England/Lovell), aka Shawbrook Manor	07/2016/0591/OUT 07/2018/3247/REM	Y	Application for Reserved Matters for residential development for 200 dwellings (Appearance, Landscaping, Layout and Scale applied for) (Outline 07/2016/0310/OUT)	Under construction - 149 dwellings complete	9.32	200	Y	51	51	0	0	0	0	51	LOW01a	TKP27	30%	60	n/a	AH statement - 17/05/2018	15	0	0	0	0	15
Land at Butlers Frm Crt, Leyland	07/2021/00864/OUT	Y	Outline application for residential development of up to 6no Town Houses with associated parking with all matters reserved (amended description)	Not commenced - REM outstanding. (07/2018/4782/FUL - expired)	0.15	6	N	6	0	0	0	6	0	6	2012	TKP28	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
The Old Police Station, Golden Hill	07/2020/00765/PIP	Y	Application in Principle for change of use from restaurant and hair and beauty salon to residential for up to 9 apartments	Not commenced.	0.06	9	N	9	0	9	0	0	0	9	2100	TKP29	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Lloyds TSB, 7 Chapel Br	07/2021/00115/FUL	Y	COU from bank to 6 apartments	Not commenced.	0.01	6	N	6	0	6	0	0	0	6	2128	TKP30	0%	n/a	n/a	Affordable housing not mentioned in application documents. Site below 15 unit threshold.	0	0	0	0	0	0
Land Sth of Hampshire Rd (Eccleston Homes - Holland House Farm)	07/2021/00532/FUL 07/2021/00869/DIS 07/2021/00916/DIS	Y	Erection of 48 no. dwellings together with associated infrastructure, access, internal roads and landscaping.	Under construction - several at slab level, no completions.	1.36	48	Y	48	11	32	5	0	0	48	BBN07	TKP31	30%	14	n/a	07/2021/00916/DIS Planning Layout - 27/08/2021 07/2021/00532/FUL DAS - 06/05/2021	4	7	2	0	0	13
Lostock Hall Gas Works, Leyland Rd/The Cawsey/Land at Leyland Rd, Lostock Hall (Morris Homes - St Mary's Park) aka Land between Lyme Rd and The Cawsey	07/2013/0008/ORM 07/2015/0315/REM	Y	Reserved matters application for the erection of 281 dwellings with associated infrastructure and landscaping (amended plans) AND Variation reducing by one dwelling	Under construction - 110 dwellings completed.	12.00	280	Y	170	35	35	35	35	30	170	TG03	TKP32	10%	28	n/a	Affordable Housing Statement - 6/08/2015. 28 dwellings total	4	4	3	3	3	17
Land off Carrwood Rd, Lostock Hall (Lancet Homes - The Copse)	07/2020/00440/FUL 07/2021/00353/DIS	Y	Erection of 61 No. dwellings, formation of associated site accesses, roads, footways, parking areas, drainage, services, landscaping, walls and fences	Under construction.	1.83	61	Y	61	30	31	0	0	0	61	WLDW02	TKP33	30%	18	n/a	Decision Notice - 26/05/2021, condition 2 requires affordable housing scheme to deliver 30% AH	9	9	0	0	0	18
The Crest, 121 Duddle Ln	07/2020/01037/FUL 07/2021/00823/DIS	Y	Erection of 8 affordable dwellings with associated infrastructure work (resubmission of 07/2020/00496/FUL)	Under construction.	0.22	8	Y	8	0	8	0	0	0	8	WLD02	TKP34	100%	8	n/a	Affordable Housing Statement - 2/07/2021	0	8	0	0	0	8
TOTAL																					117	110	79	60	56	422

Appendix 4

Shelter Report May 2021

*Denied the Right to a Safe Home – Exposing the Housing
Emergency*



DENIED

THE RIGHT TO A SAFE HOME

Exposing the housing emergency



CONTENTS

03

WHAT IS
THE HOUSING
EMERGENCY?

11

HOMES ARE
UNAFFORDABLE

17

DAMP. DISREPAIR.
OVERCROWDING.

24

LIVING IN
PERMANENT
INSTABILITY

27

DISCRIMINATION
IS RIFE

31

WE NEED MORE
SOCIAL HOUSING

WHAT IS THE HOUSING EMERGENCY?



17.5 MILLION PEOPLE ARE TRAPPED BY THE HOUSING EMERGENCY¹

The housing emergency is millions of people denied a safe home.

The housing emergency is thousands of families stuck in temporary accommodation.

The housing emergency is people living on the streets.

It's thousands of private renters paying too much for too little², unable to complain in case they are evicted.

And it's all those denied a home through discrimination because of their race, sexuality, gender or disability.

Unaffordable. Unfit. Unstable. Discriminatory. This is our housing system.

We commissioned research with 13,000 people to bring to light the extent of the housing emergency.

One in seven had to cut down on essentials like food to pay the rent or mortgage.

6% lived in a home that harms their family's physical health.

And structural racism means Black and Asian respondents were more likely to experience discrimination than white respondents.

This is why we fight: to defend the right to a safe home for everyone.

How did we get here?

Successive governments have failed to build enough social homes.

With not enough housing, thousands of people are forced into homelessness, having to live in poor-quality temporary accommodation or on the streets.

At the same time, the shortage of social homes has fuelled the growth of the private rental sector.

A lack of regulation means private renters must navigate a minefield of sky-high rents, poor conditions and the threat of unfair eviction. And these problems are compounded by a welfare system that fails to properly support people when they're struggling.

UNAFFORDABLE HOUSING

Private renters have watched the cost of rent rise faster than their earnings.

Priced out of owning a home and denied social housing, people are forced to take what they can afford – even if it's damp, cramped, or away from jobs and support networks.

The high cost of housing is the main cause of homelessness³. Housing benefit was designed to 'take the strain'⁴ of unaffordable rents but restrictions mean it's well below what's needed.

This is a recipe for rising poverty and homelessness. Too many are forced to choose between rent and feeding their families. Action must be taken now.



14%

of people say they regularly have to cut spending on household essentials like food or heating to pay their rent or mortgage payments⁵

UNFIT HOMES

The cost of housing forces people into unsafe, overcrowded, poor-quality homes.

Priced out of decent private housing, and with no access to a social home, people on low incomes have to make unacceptable sacrifices to keep a roof over their head.

Their physical and mental health suffers because of the conditions. But because of high costs, discrimination, a lack of support, and fear of eviction if they complain to their landlord, they are left with no other option.

7%

didn't have enough bedrooms for everyone in their home

23%

are living in homes with significant damp, mould and condensation

7%

reported safety hazards such as faulty wiring, fire risks, or areas that could cause a fall

30%

of Black people and 22% of single parents said they didn't have enough bedrooms for everyone in their home

UNSTABLE AND INSECURE HOMES

The high cost of housing means the private-rented sector has doubled in size over the last 20 years. There are now more than 11 million private renters in the UK, including more than one million families with children. Many will spend their whole lives renting.

But regulation hasn't substantially changed since 1988. Most private rentals are let on tenancies of 6 to 12 months, and renters can be evicted for no reason because of section 21. This creates a permanent state of stress and instability.

In temporary accommodation, families are moved by the council from one temporary home to another, time and time again, for years on end. This has a devastating impact on mental health and children's prospects.

Some children in private rentals and homeless accommodation have moved home as many as 10 times. Living in a state of chronic instability affects children's cognitive skills, academic performance, social ability, and behaviour.⁶



I don't think, as a renter in the private sector, you ever feel particularly safe because there's always something that can happen that will mean your home is taken from you."

COUPLE WITH DEPENDANT CHILDREN, SOUTH WEST

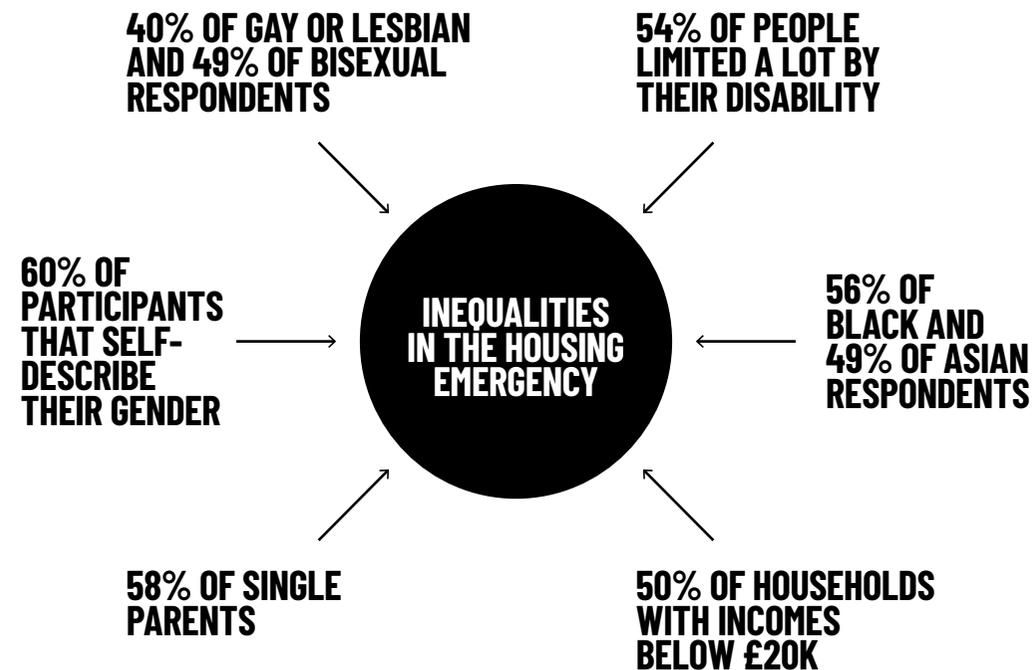


OUR HOUSING EMERGENCY IS AN EQUALITIES ISSUE

But these problems don't affect us equally. People from socially and economically marginalised groups – whether related to their class, disability, gender, sexuality or race – are disproportionately affected by the failures of our housing system.

If we want to tackle inequality, we have to tackle the housing emergency. The fight for social justice starts in our homes.

WHO IS IMPACTED BY THE HOUSING EMERGENCY?



DISCRIMINATION IN OUR HOUSING SYSTEM

Two million adults in Britain say they've faced discrimination when looking for a home.

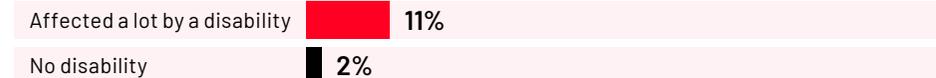
If you're Black or Asian, gay or bisexual, disabled, or a single mum, the housing emergency is much more likely to impact you. Structural racism and discrimination mean the odds are stacked. For example, many marginalised groups are more likely to be on a low income, so are forced into unsuitable homes.

The government's 'no recourse to public funds' policy stops many migrants from accessing Universal Credit and homelessness assistance, and disproportionately affects people of colour.⁸

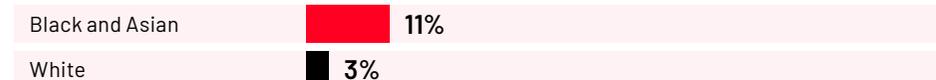
And 'No DSS' policies and practices from private landlords and letting agents create huge barriers to accessing private rented homes. This discrimination is more likely to affect women, disabled people and Black and Bangladeshi families.

% OF PEOPLE WHO FOUND IT HARD TO FIND A SAFE AND SECURE HOME

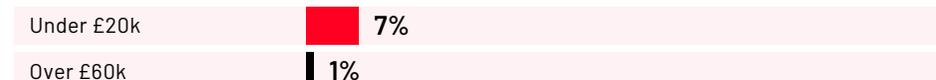
Disability



Race



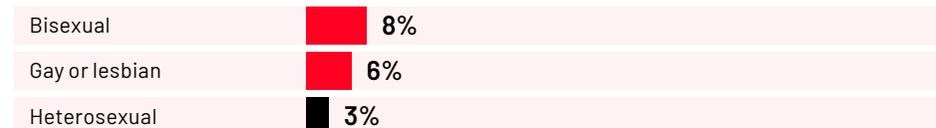
Income



Single/non-single parent



Sexuality



HOUSING AND HEALTH

If you live in an overcrowded home, you're more likely to get coronavirus.⁹

If you live in a home with damp and black mould on the walls, your health will suffer.

People who live in temporary accommodation have to deal with cramped living spaces, infestation, poor washing and cleaning facilities, accessibility issues, and the knock-on effect these conditions have on their physical and mental health.¹⁰

Housing insecurity turns everyday life into a nightmare. The threat of losing your home or building up spiralling rent debt is terrifying.

Housing and health go hand in hand. You can't fix one without fixing the other.

Laura lives with her mother and sister in temporary accommodation in the West Midlands. They have been there for a year, being forced to share beds and live in poor conditions.



I feel like I'm losing myself. My mum and sister feel the same. We're losing our sanity.

People will say, 'Oh, it's not that bad,' but we've been here for almost a year. It sounds naive, but we didn't even know things like this went on."

WE NEED SOCIAL HOUSING

Something needs to change.
We need to end the housing emergency.
We need social housing.

For the thousands stuck in bad homes. For the renters terrified of losing their home. For everyone facing discrimination. For everyone denied the right to a safe home.

We will only end the housing emergency by building affordable, good quality social homes. That's why we're calling on the government to commit to building at least 90,000 new social homes in England a year.



HOMES

ARE

UNAFFORDABLE

THE HIGH COST OF HOUSING IS AT THE HEART OF THE HOUSING EMERGENCY.

Over the last 50 years, the average share of their income young families spend on housing has trebled.¹¹

If we can't afford a decent, stable, and suitable home, then we have to take whatever we can afford. That's why so many of us have no option but to live in overcrowded or sub-standard conditions – or are forced to uproot our children to cheaper locations.

14%

of people say they've had to make unacceptable compromises to find a home they can afford, such as living far away from work or family support or having to put up with poor conditions or overcrowding

MORE PEOPLE ARE RENTING

Most of us priced out of home ownership have to rent privately. Between 2000 and 2019, the number of households renting privately more than doubled from 2 million to 4.4 million – or 1 in 5 of us.

EXPLAINER: WHAT'S HAPPENED TO THE PRIVATE RENTED SECTOR (PRS)?

The lack of social housing has pushed many low-income people out of the social rented sector and into the private rented sector. That means that the PRS has more than doubled in size over the last 20 years; there are now 11 million people living in it.

The type of people living in the PRS has changed too – it used to be a temporary place for young professionals beginning their careers. But that hasn't been the case for a long time.

Today many of us are raising children in private rentals. There are now more than one and a half million families renting privately, more than double the number 15 years ago.

And more of us are growing old in private rentals. In the coming decades, hundreds of thousands more older people could be renting privately, facing unaffordable rent increases at a time when most owner-occupiers are starting to be mortgage-free.

THE COST OF RENT IS OUT OF CONTROL

Spending 30% of your income on housing is usually the maximum amount regarded as affordable. Private renters spend the most, with the average household paying 38% of their income on rent, compared to social renters (31%) and owner-occupiers (19%).¹²

To make matters worse, private renting has become increasingly unaffordable, with rents rising significantly more than earnings. The average private rent has increased by 29% in the decade since 2009/10, compared to only 18% in average earnings.

The cost of rent leaves private renters with no chance to save. Six in ten have no savings at all, so they can't weather sudden losses of income or rent increases, putting them at greater risk of arrears, eviction, and homelessness.

The situation is untenable. And, without intervention, it will only get worse.





HIGH HOUSING COSTS FUEL THE EMERGENCY

Affordability of housing is the main cause of homelessness.¹³

Affordability causes homelessness in two ways. People struggle to pay rent, get into arrears, then have to leave or are evicted. Then, they can't find another affordable home in the area, even with the help of the local council or organisations like Shelter.

Housing costs are also a major driver of growing poverty.¹⁴

People prioritise paying rent or their mortgage, even if the costs are too high. This forces them to cut back on other spending like childcare or essentials like food and fuel.

19%

of people say their experiences of finding and keeping a home makes them worry about the likelihood they will find a suitable home in the future

14%

of people say they regularly have to cut spending on household essentials like food or heating to pay rent or mortgage payments

HOUSING BENEFIT ISN'T DOING ENOUGH

Housing benefit should help prevent homelessness – but government after government have cut and restricted it.

Since the 2010 austerity budget, homelessness has doubled.¹⁵ In 2017, over half (55%) of homeless families in temporary accommodation were in work but couldn't afford or access a suitable home.¹⁶

45% of private renters now claim local housing allowance, and in some areas, such as Sefton and the Wirral, it's as high as 80%. But for many, housing benefit doesn't cover the cost of their rent.

Local housing allowance is meant to cover the cheapest 30% of rents in each area.¹⁷ A recent rate freeze means it now fails to cover the cost of a modest two-bedroom home in 67% of areas in England.

The system is broken. Housing benefit is no longer fit for purpose. Change is needed.



DAMP.
DISREPAIR.
OVERCROWDING.

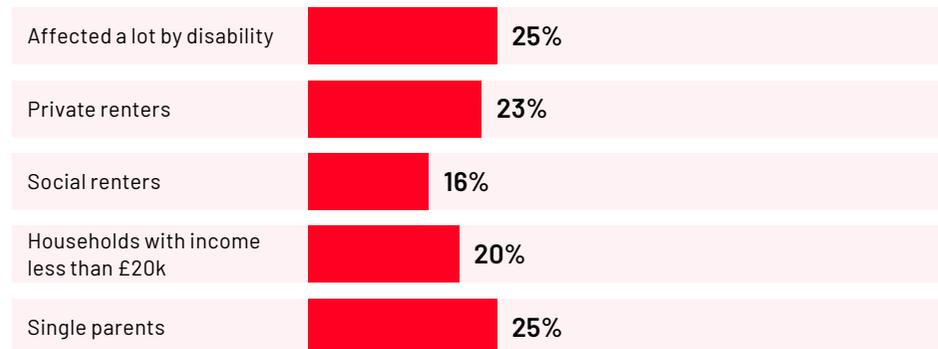
PEOPLE ARE LIVING IN UNFIT HOMES

FORCED TO LIVE IN BAD HOMES

The sky-high cost of housing is pushing people into destitution. It's as simple as that.

Even when families make sacrifices – like choosing between food and rent – they still can't afford a suitable home in a good state of repair. This means they're forced to live in a place that's in poor condition instead.

% OF PEOPLE WHO HAVE HAD TO MAKE UNACCEPTABLE COMPROMISES TO FIND A HOME WITH A RENT/MORTGAGE THEY CAN AFFORD



Meet Imogen

Imogen's house has mould, damp, infestations and appliances that don't work. She can't afford a home in good condition, so she's forced to compromise and raise her children here.



I was limited because I was a single parent and didn't have work. I had to paint the bathroom with mould-free paint because otherwise it would just turn black. I had to have a dehumidifier on constantly in there. We also had a spike of rats at one point. They gnawed through the wooden door."



PRIVATE RENTER? YOUR HOME IS MORE LIKELY TO BE UNFIT.

The English Housing Survey shows that 23% of private rented homes fail the Decent Homes Standard, compared with 16% of owner-occupied homes and 12% of homes in the social rented sector.¹⁸

Shelter's research corroborates these findings and shows these problems are distributed unequally across the population.

PEOPLE WHO REPORTED ISSUES WITH THE CONDITION OF THEIR HOME

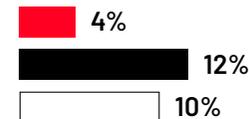
My home has a significant **mould, condensation or damp** problem



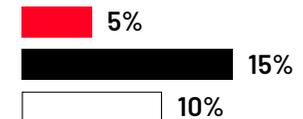
I cannot keep my home **warm** in winter



My home has **safety hazards** such as faulty wiring, fire risks, or hazards that could cause a fall



The home I live in is not **structurally sound** (i.e. it has significant defects/ issues to the walls and/or roof)



- Owner occupier
(7,936 people)
- Private renters
(2,270 people)
- Social renters
(1,426 people)

UNFAIR AND UNEQUAL



SOCIALLY AND ECONOMICALLY MARGINALISED GROUPS ARE MORE LIKELY TO BE IMPACTED BY THE HOUSING EMERGENCY

Disability



Race



Income



Single/non-single parent



Sexuality



In our discriminatory housing system, people from marginalised groups are more likely to live in poor conditions.

On a combined measure of housing conditions,¹⁹ 27% of people said they had at least one of these four issues in their home – damp, thermal efficiency, hazards in the home or an issue with structural integrity. But when we look at the demographic breakdown, we see that marginalised groups are more likely to be stuck in unfit homes.

These issues are linked to structural inequalities in housing.

For example, a person with a disability might find it harder to secure work and might be on a lower income, forcing them to compromise on their home.

There is a long history of structural racism in housing. Historically, Black, Asian or other minority ethnic households were more likely to be offered poorer quality homes or ‘steered’ into certain neighbourhoods.²⁰

Many of these – already run down – neighbourhoods haven’t seen the investment they need and have declined even more over the years.

SOCIALLY AND ECONOMICALLY MARGINALISED GROUPS ARE MORE LIKELY TO BE LIVING IN A HOME WITH POOR CONDITIONS

Disability



Race



Income



Single/non-single parent



Sexuality



CONCLUSION: TOO MANY PEOPLE ARE IN UNFIT HOMES

People are suffering because they can't afford a home in a good state of repair, with enough space, and with enough heat. Already marginalised groups are more likely to be living in poor conditions like these.

The pandemic has shined a stark light on the state of the housing system. We believe home is a human right. It's time to end the housing emergency.

LIVING IN
PERMANENT
INSTABILITY

TEMPORARY ACCOMMODATION IS HURTING CHILDREN

Families in temporary accommodation can spend years waiting for a settled home, not knowing when it might come, where it might be, or how much it will cost. It's unsettling, destabilising, and demoralising.

It's common to be moved from one accommodation to another at short notice. Meaning new schools, long commutes, and being removed from support networks.

Parents in temporary accommodation report their children are 'often unhappy or depressed',²² anxious and distressed, struggle to sleep, wet the bed, or become clingy and withdrawn.

The instability affects a child's education, with around 90% of teachers reporting its effects on absences or lateness, which can affect behaviour and attainment.²³

At the end of December 2020,

121,340

children were homeless and living in temporary accommodation in England²¹



PRIVATE RENTING LEAVES MILLIONS IN PERMANENT INSTABILITY

Private renters may have a home. But they live with a constant feeling that home – and the stability that comes with it – is temporary.

43% of families worry about their landlord ending their contract early, and section 21 means this is a constant possibility.²⁴

And moving is expensive. You might lose your deposit, you have to pay moving costs, and rents might have risen since you last moved – so you might have to move away, or into a smaller place.

Living in an insecure home has an impact on mental health. Children who moved once in the past year were almost 50% more likely to have lower wellbeing than those who hadn't.²⁵

Chronic instability is particularly detrimental to children, affecting cognitive skills, academic achievement, social competence and behaviour.²⁶

Children living in private rents and homeless accommodation may have to move frequently (as many as 5-10 times), disrupting their education and affecting their grades. Government research found that frequent movers are significantly less likely to obtain five A*-C GCSEs, or to be registered with a GP.²⁷

Our broken private renting system is overdue serious reform.

The sector has more than doubled in size in the last twenty years. But regulation hasn't been updated for over 30 years.²⁸ This must change.

Susan lives with her partner in a private rented home in London. She is a carer for her partner who has a disability. They have been served a section 21 eviction notice.



**It's a constant anxiety.
I wake up every morning
thinking, 'I need to move.
Where on earth am I going
to go? How on earth are
we going to do it?'"**

SUSAN, LONDON

DISCRIMINATION IS RIFE

A thick, horizontal red brushstroke underline is positioned below the text 'IS RIFE', extending from the left edge of the text towards the right.

RACISM AND DISCRIMINATION

Unfit housing. Unaffordable housing. Instability and insecurity. People from marginalised backgrounds get hit hardest by the housing emergency.

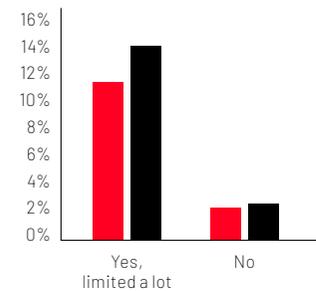
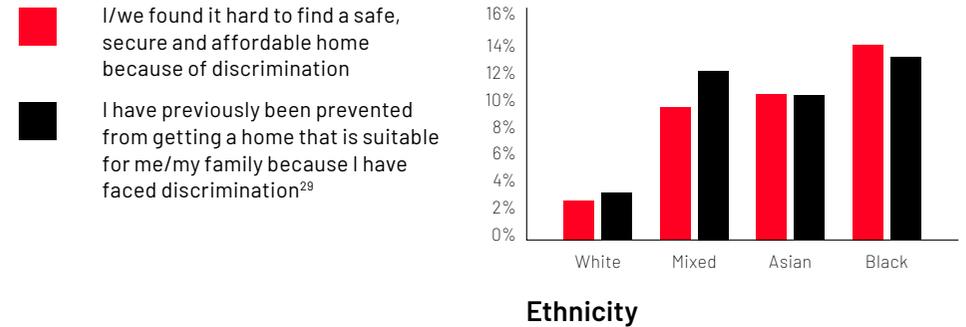
Inequality in education and the workplace drives inequality in the housing system. But our survey and interviews also show how people are discriminated against. In the charts below, you can see how consistently discrimination impacts already marginalised people.



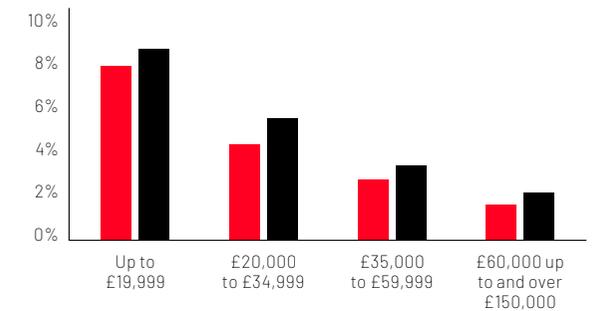
There's no understanding. The whole world is set up for able-bodied people. He's stuck in a pokey flat with no outside space just to be off their books."

ELDERLY FEMALE CARER AND DISABLED MALE PARTNER

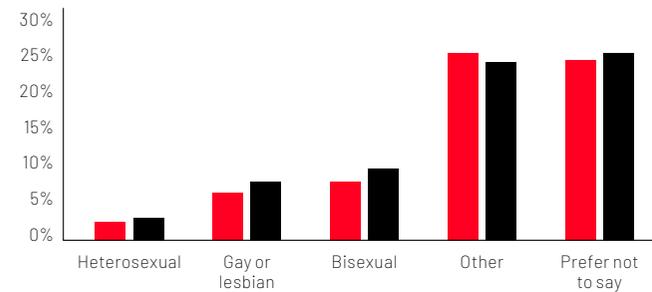
PEOPLE WHO REPORT EXPERIENCING HOUSING DISCRIMINATION



Limited by a disability



Household income



Sexuality

GOVERNMENT POLICIES DENY PEOPLE A SAFE HOME

Nearly 1.4 million people are affected by the 'no recourse to public funds' policy.

No recourse to public funds stops migrants with time-limited leave to remain in the UK from accessing statutory homelessness assistance or welfare benefits.

The policy disproportionately hits people of colour³⁰ and is directly responsible for forcing people into homelessness.

DSS DISCRIMINATION IS DENYING PEOPLE ACCESS TO A SAFE HOME

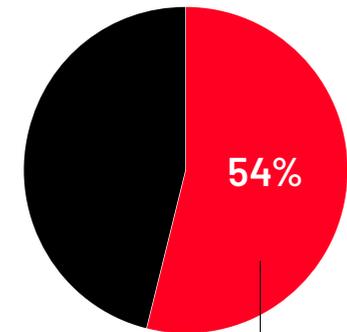
And, thanks to years of stigmatisation of people on benefits, discrimination is rife in the private rented sector.

Landlords and letting agents frequently advertise properties as 'No DSS', meaning they won't let to anyone claiming benefits.³¹

This practice disproportionately hurts women,³² Black and Bangladeshi families,³³ and disabled people.³⁴

People depend on housing benefit for a safe and secure home. Right now, the system is failing them.

RENTERS DENIED A HOME BY A 'NO DSS' ADVERT³⁵



54% of renters currently claiming housing benefit

CONCLUSION: THE FIGHT FOR SOCIAL JUSTICE STARTS IN OUR HOMES

Discrimination is not an isolated issue. It has a material impact on people's homes. When comparing those who said they'd faced discrimination in the past with those who said they didn't, the difference in the conditions of their housing is stark.

If you've experienced discrimination, our survey suggests you are nearly three times more likely to live in housing with at least one issue related to poor conditions.

It can be hard to identify discrimination, and even harder to show it statistically – because small groups are harder to represent in survey data. But the evidence shows what we see and hear from the people we help: that Britain has a problem with inequality and successive governments have not done enough to tackle it.

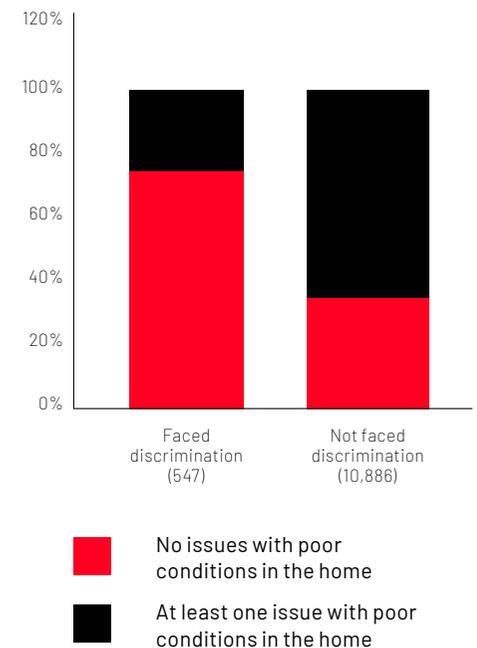
The situation is dire. A lack of housing means landlords and letting agents can discriminate knowing there is excess demand for their housing.

And 'Hostile Environment'³⁶ policies like the Right to Rent, which aim to limit or reduce immigration, compound the injustice. By requiring landlords and letting agents to make time-consuming checks on immigration status before renting out a property, it excuses discrimination – to the point of incentivising it.

And, thanks to policies designed to make it harder to claim benefits, landlords hesitate to rent their properties to people on benefits, for fear of losing income.

We should be helping those at the sharp end of society. Not making their lives worse. We need to fight racism, homophobia, transphobia, classism, sexism, and ableism in our housing system. We must end discrimination in all its forms.

PEOPLE WHO HAVE BEEN PREVENTED FROM GETTING A SUITABLE HOME BECAUSE THEY HAVE FACED DISCRIMINATION



WE NEED MORE

**SOCIAL
HOUSING**

A SAFE HOME FOR EVERYONE. THAT'S WHAT WE FIGHT FOR.

But right now, 17.5 million people are denied that right. Whether because of the cost of rent, being forced to live in unsafe conditions, or because they've been discriminated against because of their class, disability, gender, sexuality or race.

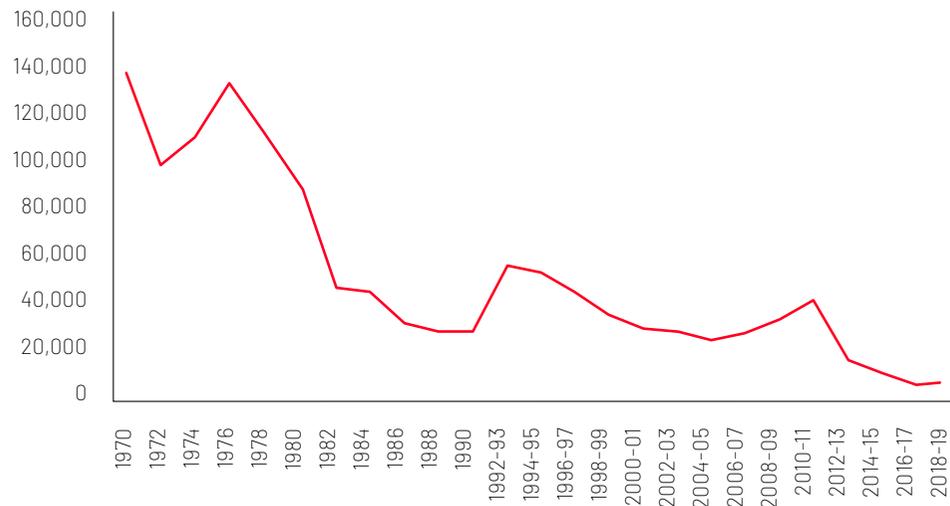


For change to happen, we must demand better conditions, fight racism and discrimination, end unfair evictions, and reform housing benefit.

But when it comes down to it, there's only one way to end the housing emergency. **Build more social housing.**

For generations, this country has failed to build enough social homes. There are over one million people in England on the waiting list, and the lack of social housing has pushed people into expensive and insecure private renting.

THIS GRAPH SHOWS THE DECLINE OF HOW MANY SOCIAL HOMES HAVE BEEN BUILT SINCE THE 1970S³⁷



Social housing is more affordable. It's linked to local incomes. It's significantly lower than private rents. And rent increases are limited by the government.

It's more stable. People in social homes have longer and more secure tenancies. Families can plan for the future without fear of losing their home.

And it's quality controlled. Social homes are more likely to meet the standard for 'decent' housing. A new generation of quality social homes could set the gold standard for liveable housing.

That's why we're demanding the government build at least 90,000 social homes in England a year.

For the million people on the social housing waiting list. So no-one has to choose between paying for rent or paying for food. To build a better future.

HOME IS EVERYTHING.

Join the fight to protect the right to a safe home for everybody.

REFERENCES

¹All figures are from YouGov Plc. Total sample size was 13,268 adults. Fieldwork was undertaken between 6th - 14th April 2021. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+). Where our results refer to specific demographic groups within the survey, the base for these groups are as follows:

Housing tenure: Owner occupation 7936; Private Rented Sector 2270; Social Renters 1426

Ethnicity: White 11839; Mixed/Multiple ethnic groups 211; Asian/Asian British 397; Black/African/Caribbean/Black British 122; Other ethnic groups 32

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Yes, limited a lot 1210; Yes, limited a little 2302, No 9561.

Single parent household (with child 16 years or younger): Single parent 535, not a single parent 12733

Gross Household income before tax: Up to £19,999 2467; £20 - £34,999 2760; £35 - £59,999 2806; £60 + 2069.

Gender: Female 6749; Male 6286; prefer to self-describe 84; prefer not to say 104; Other 45.

Sexuality: Heterosexual 11166 ; Gay/ Lesbian 629 ; Bisexual 632 ; Other 197; Prefer not to say 554.

²42% of private renters think that they pay too much for their home given its quality.' YouGov survey of 5,177 adults, including 827 private renters in England, Online, 18+, weighted, Sept 2020.

³Pennington, J., 2016, Green Book 50 Years On: the reality of homelessness for families today, Shelter

⁴Sir George Young, 30 January 1991: when the then housing minister was asked what the government was going to do about unaffordable rents, he replied: 'If people cannot afford to pay that market rent, housing benefit will take the strain.'

⁵Base - 8,027; owner occupiers without a mortgage excluded

⁶The Children's Society, 2020. 'Moving, Always Moving: The normalisation of housing insecurity among children in low income households in England'

⁷ibid

⁸Citizens Advice. 2020. 'Citizens Advice reveals nearly 1.4m have no access to welfare safety net'.

⁹Tinson, A. & Clair, A., 2020. 'Better housing is crucial for our health and the COVID-19 recovery', The Health Foundation

¹⁰Pennington, J. & Rich, H., 2020. 'Homeless and Forgotten: Surviving lockdown in temporary accommodation'

¹¹Corlett, A. and Judge, L., 2017. 'Home Affront: Housing Across the Generations', Resolution Foundation.

¹²MHCLG, English Housing Survey 2019/20, Annex table 1.12.

¹³Pennington, J., 2016, Green Book 50 Years On: the reality of homelessness for families today, Shelter

¹⁴People are defined as destitute when they (i) do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met) or (ii) have adequate accommodation or the means of obtaining it but cannot meet their other essential living needs, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/845235/assessing-destitution-v3.0-ext.pdf; JRF annual review of poverty

¹⁵The number of households living in temporary accommodation has increased from 48,010 in 2010 Q4 to 95,370 in 2020 Q4. MHCLG, Live tables on homelessness, Statutory homelessness live tables, Table TA1

¹⁶Shelter analysis of government data. Pennington, J. and Weekes, T., 2018. 'In work, but out of a home', Shelter.

¹⁷The Local Housing Allowance rate was recently raised to the 30th percentile - having been cut severely during the austerity years.

¹⁸MHCLG, English Housing Survey: Headline Report, 2019-20.

¹⁹Using responses to the questions on housing conditions - damp, thermal efficiency, hazards in the home and structural integrity - we have created a measure identifying anyone that agrees they have at least one problem with the condition of their home.

²⁰Gulliver, Kevin, 2017. 'Racial Discrimination in UK housing has a long history and deep roots'.

²¹MHCLG, Live tables on homelessness: Table TA2 - Number of households in temporary accommodation at the end of quarter by household composition England, 2006 Q2 to 2020 Q3

²²Mitchell, F., 2004, 'Living in Limbo: survey of homeless households living in temporary accommodation', Shelter

²³Pennington, J. & Banks, C., 2015, 'This is no place for a child', Shelter.

²⁴YouGov survey of 3995 private renters in England, 18+, online, weighted, Aug-Sept 2019)

²⁵Children's Society, 2012. 'The Good Childhood Report'.

²⁶The Children's Society, 2020. 'Moving, Always Moving: The normalisation of housing insecurity among children in low income households in England'.

²⁷Shelter, 2012. 'Homes Fit for Families: The case for stable private renting'.

²⁸The Housing Act 1988 was the last substantive legislation regulating the PRS.

²⁹ibid.

³⁰Citizens Advice. 2020. 'Citizens Advice reveals nearly 1.4m have no access to welfare safety net'.

³¹M. Moore. 2020. 'No DSS: Landmark court ruling declares housing benefit discrimination is unlawful'.

³²Women are 1.5 times more to be in receipt of housing benefit than men. 12% of adult women in England claim HB whereas 8% of adult men in England claim. Numbers of housing benefit claimants are from analysis of Housing benefit caseload, DWP Stat-Xplore, data is as at March 2018 to avoid UC rollout influencing the numbers, social and private combined, England.

³³Bangladeshi and Black families respectively have rates of 20% and 17% of families receiving housing benefit, compared to an average rate of 10%. Source: DWP, 'Family Resources Survey: 2019/20'.

³⁴Disabled people are three times more likely to be in receipt of benefit than those without disabilities. Source: Disability data is taken from wave 9 of Understanding Society and covers the UK. Total unweighted base is c.29,750. Disabled respondents have a base of c3,592. Data was collected January 2017 - January 2019. We have defined those who are disabled as those who say they are claiming either the disability living allowance or the severe disablement allowance. 44.6% of households who claim DLA or SDA claim Housing Benefit compared to 15.1% of households who do not claim DLA or SDA. This means that, in the private rented sector, disabled households are almost three times as likely to rely on Housing Benefit, and thus be excluded by a No DSS policy, than non-disabled households.

³⁵Source: YouGov survey of 3995 private renters in England (828 currently claiming Housing Benefit), online, 18+, weighted, Aug-Sept 2019

³⁶Liberty Human Rights, 2019. 'A Guide to the Hostile Environment'.

³⁷MHCLG social housing completion and affordable housing supply'.

**We exist to defend the right to a safe home
and fight the devastating impact the housing
emergency has on people and society.**

We work in communities to understand the problem and change the system. We run national campaigns to fight for change at the top and we offer a diverse range of support services on the ground.



Shelter, 88 Old Street, London EC1V 9HU
0300 339 1234 | shelter.org.uk

Appendix 5

Appeal Decision: Wheatley Campus, Oxford Brookes University
(extract only)



Ministry of Housing,
Communities &
Local Government

Miss S Eastwood
Avison Young
3 Brindleyplace
Birmingham
B1 2JB

Our ref: APP/Q3115/W/19/3230827
Your ref: P17/S4254/O

23 April 2020

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY OXFORD BROOKES UNIVERSITY
OXFORD BROOKES UNIVERSITY, WHEATLEY CAMPUS, COLLEGE CLOSE,
WHEATLEY, OXFORD OX33 1HX APPLICATION REF: P17/S4254**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young BSc(Hons), Ma MRTPI MIHE, who held a public local inquiry between 22 and 31 October 2019 into your client's appeal against the decision of South Oxfordshire District Council to refuse your client's application for outline planning permission with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths, in accordance with application ref: P17/S4254/O dated 19 January 2018.
2. On 12 July 2019 this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions except where stated, and agrees with his recommendation. He has decided

Ministry of Housing, Communities & Local Government
Andrew Lynch, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 43594
Email: PCC@communities.gsi.gov.uk

to allow this appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement addendum dated October 2018, and the ES Addendum Review letter dated 6 June 2019. Having taken account of the Inspector's comments at IR1.8, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The Secretary of State considers that the matters described in IR1.6 have been overtaken by events since the Inquiry, and he deals with these matters in paragraphs 13-16 of this letter below. The Secretary of State agrees with the Inspector for the reasons given in IR1.7 that no injustice would be caused due to consideration of the plans as amended after the Council's decision was issued.

Matters arising since the close of the inquiry

7. The Secretary of State received a representation from John Howell MP dated 10 March 2020, sent on behalf of a number of residents of the village of Wheatley subsequent to the issuing of the Wheatley Neighbourhood Plan Examiner's report dated 27 February 2020. A further representation was received by email dated 6 April from South Oxfordshire District Council confirming their decision to accept the modifications recommended by the Examiner and proceed to referendum.
8. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these representations may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of saved policies in the "*South Oxfordshire Local Plan 2011*" (the LP) adopted 2006 and the "*South Oxfordshire Core Strategy 2012*" adopted 2012 (the CS). The Secretary of State considers that relevant development plan policies include those set out at IR3.12-3.15 and in the Planning Statement of Common Ground.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Oxfordshire Housing and Growth Deal (OHGD) updated 14 September 2018 and the Written Ministerial Statement "Housing Land Supply in Oxfordshire", published on 12 September 2018. The revised National Planning Policy

Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

13. The emerging local plan (eLP) comprises “*Local Plan 2034*”. On 3 March, the Secretary of State lifted the holding direction he issued on 9 October 2019. This had prevented the Council taking any further action in relation to their submitted Local Plan, including withdrawal of the plan, whilst he considered use of his intervention powers. His letter of 3 March also made legally binding directions that require the Council to progress their plan through examination and adoption by December 2020, pursuant to powers in section 27(2)(b) of the Planning and Compulsory Purchase 2004 Act.
14. The Examiner’s report on the emerging “*Wheatley Neighbourhood Plan*” (eWNP) was issued on 27 February 2020, and concluded that, subject to modifications, the Wheatley Neighbourhood Plan meets all necessary legal requirements. South Oxfordshire District Council has made the decision to progress the plan to referendum. Policy SPOBU – WHE25 of the referendum version of the emerging Neighbourhood Plan states that the comprehensive redevelopment for residential purposes of the Wheatley Campus site will be supported where they conform with certain development principles, including:
 - the development of the site is underpinned by a masterplan addressing infrastructure, access, landscaping, and recreation/open space issues;
 - the layout, design and height of the new buildings take account of the openness of the Oxford Green Belt and as identified generally in national planning policy (NPPF145g);
 - the development of the site should incorporate the provision of affordable housing to the most up-to-date standards of South Oxfordshire District Council;
 - the development of the site should incorporate high quality public realm and open space; and
 - the development of the site should address opportunities to incorporate safe, convenient and attractive pedestrian and cycling access to and from Wheatley
15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
16. In light of the lifting of the Holding Direction on the eLP, the Secretary of State considers that it carries limited weight, given that it is yet to proceed to Examination. In accordance with the revisions to Planning Practice Guidance of 7 April 2020, the Secretary of State

considers that the emerging Wheatley Neighbourhood Plan is now a material consideration of significant weight.

Main issues

17. The Secretary of State agrees with the Inspector that the main issues with regard to the determination of this case are those set out at IR13.2.

Most important policies

18. For the reasons given in IR13.3-13.17 the Secretary of State agrees with the Inspector at IR13.17 that the majority of the most important policies for determining this appeal are out of date. He therefore concludes that paragraph 11(d) of the Framework is engaged which indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole. The appeal site is located outside the built limits of Wheatley and Holton where large-scale development would not normally be appropriate, and would therefore conflict with policies CSS1 and CSH1. However, the Secretary of State finds these policies to be out of date where they are used to restrict development outside settlement boundaries (IR13.8-13.9). He also finds the following policies to be out of date: Policies relating to Landscape, Protection and Enhancement of the Environment and Green Belt CSEN1 (IR13.10), G2 (IR13.10) and GB4 (IR13.12); Policies relating to heritage and archaeology CSEN3 (IR13.13); CON5 (IR13.14) and CON11 (IR13.14).

Green Belt

19. The Secretary of State agrees with the Inspector at IR13.18 that, although the site is proposed to be removed from the GB and allocated for development in the eLP, given that Plan has yet to proceed to Examination and attracts only limited weight, the site currently remains in the Green Belt. He also agrees with the Inspector at IR13.18, that, in the absence of up to date Green Belt development management policies, the proposal should be considered against advice in the Framework.
20. For the reasons given in IR13.22-13.24 the Secretary of State considers that the central and eastern sections of the proposal site, together with the sports pitches and circulation areas around them can be considered previously developed land (PDL) and can therefore be considered against para 145g and Annex 2 of the Framework.
21. Further he agrees with the Inspector at IR13.25 that, as no development is proposed in the north-west quadrant, the principle Green Belt objection relates to the south-west quadrant only which accounts for approximately 14% of the site. The Secretary of State agrees with the Inspector for the reasons given at IR13.26 that the south-west quadrant is not curtilage and cannot therefore be considered PDL as defined in the Framework.
22. For those parts of the site that are considered to be PDL, the Secretary of State agrees with the Inspector for the reasons given in IR13.27-13.33 that the development would address an affordable housing need, would have a broadly neutral effect on openness as experienced from within the appeal site, and that there would be a significant net-beneficial effect on the openness of the wider Green Belt through the removal of the tower. He concludes that, save for the south-west quadrant, the development would not

be inappropriate development in the Green Belt. Like the Inspector at IR13.110, the Secretary of State finds that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site carries very substantial weight in favour of the scheme.

23. The Secretary of State agrees with the Inspector at IR13.34 that the proposed development in the south-west quadrant would be inappropriate development, and that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Secretary of State considers that the harm arising from that part of the development which would be inappropriate must be afforded substantial weight, in line with the Framework.

Character and Appearance

24. The Secretary of State has carefully considered the Inspector's assessment at IR13.35-13.48. He notes at IR13.38 that the site is not a designated or a 'valued' landscape in the terms set out in the Framework, and that it was common ground between the parties that the removal of the tower and other dilapidated structures would be beneficial in landscape terms.
25. For the reasons given in IR13.39-13.41, the Secretary of State agrees with the Inspector that the illustrative masterplan does not necessarily conflict with the requirement to "focus" development on the previously developed area. While Policy STRAT14 of the eLP indicates that development on the western part of the site will not be considered appropriate with the exception of an access route and functional green space, given the progress of the eLP, this is a consideration of only limited weight.
26. For the reasons given in IR13.42-IR13.45 the Secretary of State agrees with the Inspector that the scheme is in general accordance with the recommendations of the Kirkham Study, and that the character of the southwest quadrant is not particularly sensitive in landscape or visual terms such that it should be excluded from development. For the reasons given in IR13.46-13.48 he further agrees with the Inspector that there would be an overall net-gain in landscape and visual terms over the wider area, that the development would not therefore harm the character and appearance of the area, and that there would be no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the district's countryside and settlements from adverse development.

Heritage assets

27. For the reasons given in IR13.50-13.60 the Secretary of State agrees with the Inspector that while there would be some limited harm to the setting of the Scheduled Monument (SM) arising from the encroachment of housing and from the spine road on its southern flank, this would be towards at the lower end of "less than substantial" harm, and would be clearly outweighed by a combination of the proposed landscape improvements in the north-west quadrant, the SM improvement scheme and also the removal of the existing university buildings which form a stark backdrop in eastward views of the SM. Accordingly, the Secretary of State concludes that there would be an overall heritage benefit to the SM.
28. For the reasons given in IR13.61-13.65 the Secretary of State agrees with the Inspector at IR13.66 that as houses would not encroach into the sensitive open area between Holton Park and the SM, and as the appeal scheme would retain and enhance the

openness of the north-west quadrant through a landscaping scheme that would return this part of the site to something more akin to its original parkland setting, the appeal scheme would lead to an enhancement to the setting of Holton Park.

29. For the reasons given in IR13.67-13.69, the Secretary of State agrees with the Inspector that the removal of the tower would improve views southwards from the churchyard of St Bartholomew's Church, and would represent a heritage benefit.
30. The Secretary of State therefore concludes, like the Inspector at IR13.73, that no overall heritage harm has been found. He has not therefore found it necessary to undertake the heritage balancing exercise required by paragraph 196 of the Framework. Like the Inspector at IR13.113, he concludes that the heritage benefits arising from the on-site mitigation, the removal of the existing buildings and the opening up of the site and the SM to public appreciation, carries significant weight in favour of the proposal.

Accessibility

31. For the reasons given in IR13.75-13.84, the Secretary of State agrees with the Inspector that, bearing in mind the rural nature of the area, the site and particularly the south-west quadrant are well located to services and facilities in Wheatley, and that accordingly, there would be no conflict with CS Policies CS1, CSS1, CSM1 and CSM2 of the CS or Policies T1, T2 and T7 of the LP. He further agrees that the extensive nature of the off-site highway works, and the bus service contribution mean that there would be accessibility gains to the local community. He concludes that these benefits should carry significant weight in favour of the scheme.

Housing Land Supply – Housing Need

32. The Secretary of State notes at IR13.86 to 13.90 that there is no dispute over the Council's ability to demonstrate a 5 year housing land supply.

Other considerations

33. In paragraph 23 of this letter, the Secretary of State has concluded that the proposed development in the south-west quadrant would be inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Like the Inspector at IR13.93, the Secretary of State has not identified any other harm in addition to the harm by virtue of inappropriateness.
34. The Secretary of State has concluded in paragraph 22 of this letter that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site is a consideration that carries very substantial weight.
35. While he has concluded that the council are able to demonstrate a 5 year supply of housing land, the Secretary of State agrees that, for the reasons given in IR13.97 to 13.102, the proposed development would contribute significantly towards the Council's affordable housing shortfall. Given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, he agrees with the Inspector at IR13.111, that the delivery of up to 500 houses, 173 of which would be affordable, are considerations that carry very substantial weight.

36. The Secretary of State also agrees with the Inspector's assessment of the economic benefits of the scheme at IR13.103, except in relation to New Homes Bonus revenues, where, as he has seen no evidence of the proposed usage of the Bonus, he does not give them any weight in relation to his decision. He agrees with the Inspector at IR13.112 that the economic benefits of the scheme should be afforded significant weight.
37. At paragraphs 27 to 31 of this letter, the Secretary of State has considered the development in terms of its impact on heritage assets and on accessibility. For the reasons given in IR13.104 and 13.106-13.107, he has concluded, like the Inspector at IR13.113-114 that both issues are benefits which should be afforded significant weight.
38. For the reasons given in IR13.105, the Secretary of State considers, like the Inspector at IR13.115, that the net benefit to biodiversity that would be delivered by the scheme is a consideration of moderate weight in favour of the scheme. He also finds for the reasons given in IR13.108, that the reinvestment of the proceeds arising from the sale of the land into the education sector is a benefit of the proposal which should be afforded significant weight (IR13.115).
39. The Secretary of State agrees with the Inspector at IR13.116 that the overall benefit to the openness of the Green Belt alone would be enough to outweigh the harm by reason of inappropriateness. Like the Inspector at IR13.117, he considers that the 'other considerations' identified above clearly outweigh the 'definitional harm' to the Green Belt by virtue of inappropriateness identified in this case. He therefore concludes that very special circumstances exist, which would justify development in the Green Belt, and that the proposal would not conflict with CS Policy CSEN2, LP Policy GB4 or Green Belt policy in Section 13 of the Framework.

Planning conditions

40. The Secretary of State has given consideration to the Inspector's analysis at IR11.1-11.8, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

41. Having had regard to the Inspector's analysis at IR12.1-12.14, the planning obligation dated 15 November 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given that, with the exception of:

- the £96,001 active communities contribution in Schedule 2 (IR12.5-12.7);
- the street naming contribution of £134 per 10 dwellings in Schedule 2 (IR12,8); and
- the provision of "expert advice" in relation to the construction of the sports pavilion, bowling green and cricket pitch (IR12.10-12.11);

the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

42. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with the following policies of the development plan: CS Policy CSEN2, LP Policy GB4. He has identified an overall benefit to heritage assets, so has found no conflict with heritage policies CSEN3, CON5 and CON11. He has found no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the district's countryside and settlements from adverse development. While he has found conflict with policies CSS1 and CSH1 regarding the amount and spatial distribution of housing, he has found these policies to be out of date. He has therefore concluded that the appeal scheme is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
43. At IR13.118, the Inspector, having concluded that the proposed development would not conflict with the development plan, states that it should be approved without delay in accordance with paragraph 11c) of the Framework. The Secretary of State disagrees. Paragraph 11 c) of the Framework refers to "development proposals that accord with an up-to-date development plan". As the Secretary of State has concluded that the policies which are most important for determining this appeal are out-of-date, he considers that paragraph 11 c) of the Framework does not apply.
44. Paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
45. The Secretary of State considers the harm to the Green Belt on that part of the site where development is considered inappropriate carries substantial weight.
46. The Secretary of State considers that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt and the delivery of up to 500 houses, 173 of which would be affordable, are both considerations that carry very substantial weight.
47. The Secretary of State considers that the economic benefits of the scheme should be afforded significant weight.
48. The Secretary of State has considered the development in terms of its impact on heritage assets and on accessibility and considers that both offer benefits that should be afforded significant weight.
49. The net benefit to biodiversity that would be delivered by the scheme is a consideration of moderate weight, and the reinvestment of the proceeds arising from the sale of the land into the education sector should be afforded significant weight.
50. Given his findings in this letter, the Secretary of State considers that the proposal meets the emerging Neighbourhood Plan site-specific development principles in respect of Green Belt, affordable housing and accessibility, and public open space.
51. Having concluded at paragraph 39 of this letter that very special circumstances exist the Secretary of State considers that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. He also concludes that any adverse impacts of granting

permission do not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

52. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan.

53. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted.

Formal decision

54. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission subject to the conditions set out in Annex B of this decision letter, with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths, in accordance with application ref: P17/S4254 dated 29 January, amended as described in IR1.7.

55. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

56. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

57. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

58. A copy of this letter has been sent to South Oxfordshire District Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf

cleared without a substantial and sustained boost to housing delivery in the district. [7.65,8.104] In terms of Wheatley and Holton Parishes, the Appellant's figures suggest there has also been a persistent shortfall in delivery against identified needs and targets. The eWNP itself identifies that "*the main housing needs are for affordable housing, starter homes and supported housing for the elderly*". [3.21]

13.101 There are some 2,421 households on the Housing Register in South Oxfordshire at the present time. Of that total, 126 have an identified need for affordable housing in Wheatley Parish. It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses in South Oxfordshire. It is also evident that the seriousness of the affordable housing shortage in South Oxfordshire is having wider consequences for economic growth in the area. [3.27,8.100,8.101]

13.102 Although affordable housing need is not unique to this district, that argument is of little comfort to those on the waiting list. The proposed development would provide 173 affordable homes. [8.87,8.107] This would contribute significantly towards the Council's affordable housing shortfall. Given the importance attached to housing delivery that meets the needs of groups with specific housing requirements and economic growth in paragraphs 59 and 80 of the Framework, these benefits are considerations of substantial weight.

13.103 Third, there would be a range of economic benefits from the purchase of materials and services in connection with the construction of the dwellings, local employment during the construction period, an increase in local household expenditure and revenues to the Council from the New Homes Bonus. [7.69]

13.104 Fourth, as the eLP evidence base confirms, the appeal site is located in an accessible and sustainable location on the edge of a larger village which CS Policy CSS1 states will be supported and enhanced as a local service centre. Future residents, particularly those in the south-west quadrant would have good access to local services and facilities in Wheatley, and with sustainable transport choices that would provide access to higher order services in Oxford. There would be material benefits to the local community from the off-site highway works, increased bus frequencies and new routes across the site. The eWNP acknowledges the importance of bus services to Wheatley. [3.22]

13.105 Fifth, there would be an overall net-benefit to biodiversity, which would be consistent with the Framework and the requirements of the Development Plan.

13.106 Sixth, there is currently no formal public access to the appeal site and therefore the opportunity for the local community to use and enjoy the extensive areas of open space, heritage assets and enhanced sports facilities created by the development on and off-site would be a benefit of the scheme.

13.107 Seventh, I have identified benefits to all 3 heritage assets on or close to the appeal site arising from on-site mitigation and the removal of the existing buildings.

13.108 Finally, the Appellant (OBU) is not a housebuilder but rather a charity. Accordingly, the proceeds arising from the sale of the land would be reinvested

into the education sector in the local area. The Council accepts this would be a benefit of the development. [7.69,8.107]

Planning balance

13.109 I have found that a small proportion of the development would be inappropriate development in the Green Belt. This is the area in the south-west quadrant which equates to approximately 14% of the site. Within this area, the illustrative masterplan indicates that there would be generous areas of open space such that not all the area would be developed. Nonetheless, the harm by way of inappropriateness must be afforded **substantial weight**, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations. I have not identified any other matters weighing against the proposal which could not satisfactorily be addressed by conditions or at reserved matters stage.

13.110 In favour of the scheme, I have identified 8 '*other considerations*'. A balancing exercise therefore needs to be undertaken where these are weighed against the harm. Firstly, the release of the site from the Green Belt and its allocation for a development of 'at least 300 dwellings' is supported by a significant amount of work which forms the evidence base for the eLP. The redevelopment of the site is also supported by the eWNP. Although the development would have a roughly neutral effect on spatial openness within the site itself, I have found there would be a significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site. Given the importance attached to the Green Belt in the Framework I give this matter **very substantial weight**.

13.111 The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded **very substantial weight** irrespective of the fact that the Council can demonstrate a 3/5YHLS.

13.112 Given the scale of the development, the economic benefits collectively carry **significant weight**.

13.113 The heritage benefits arising from the on-site mitigation, the removal of the existing buildings and the opening up of the site and the SM to public appreciation, carries **significant weight**.

13.114 The enhanced sporting facilities, public access to the appeal site, off-site highway works, and the additional bus services are social benefits arising attracting **significant weight**.

13.115 The bio-diversity benefits attract **moderate weight**. Finally, the Appellant's status as a charity and major education provider in the local area is a consideration of **significant weight**.

13.116 There would be an overall benefit to the openness of the Green Belt, and this alone would, in my view, be enough to outweigh the harm by reason of inappropriateness.

Contact details

Enquiries

Craig Alsbury
0121 609 8445
craig.alsbury@avisonyoung.com

Visit us online

[avisonyoung.com](https://www.avisonyoung.com)

Avison Young

3 Brindleyplace, Birmingham B1 2JB

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.