



The Planning Inspectorate

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# Report to Preston City Council

**by John R Mattocks BSc DipTP MRTPI FRGS**

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

**Date: 4 June 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE PRESTON LOCAL PLAN 2012-26**

**(SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES)**

Document submitted for examination on 11 July 2014

Examination hearings held between 21 and 30 October 2014

File Ref: PINS/N2345/429/01

## Abbreviations Used in this Report

AA	Appropriate Assessment
AoMOS	Area of Major Open Space
AOS	Area of Separation
Central Lancashire	Preston, South Ribble and Chorley administrative areas
CLHTM	Central Lancashire Highways and Transport Masterplan
CS	Core Strategy
DtC	Duty to Co-operate
DPD	Development Plan Document
EL	Examination Library document (with number)
GPDO	The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
HCA	Homes and Communities Agency
HMA	Housing Market Area
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework ('the Framework')
OAN	Objectively Assessed Need
PC	Proposed Change (as in Council doc. PCCSD)
PWDR	Preston Western Distributor Road
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SM	Suggested Modification (as in doc. EL1.018)
SPD	Supplementary Planning Document

## **Non-Technical Summary**

This report concludes that the Preston Local Plan provides an appropriate basis for the planning of the City, providing a number of modifications are made to the plan. The Preston City Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were either proposed by the Council, or discussed with them, and where necessary I have amended detailed wording and/or added consequential modifications. I have recommended their inclusion after considering the representations from other parties on these issues.

There are 30 Main Modifications in total, although some contain linked modifications between policy and text. A number of these are of a relatively minor nature but, nevertheless, necessary to make the plan sound for the reasons given in the body of this report. The more significant of these can be summarised as follows:

- The base date for the statistical information contained in the plan, including those for housing (policy HS1) and employment allocations (policy EP1), is updated to 2014;
- Policies IN1 and IN2 are modified to provide for the safeguarding of land for the construction of road schemes;
- Policy IN4 relating to the provision of a railway station at Cottam is deleted;
- Policy HS2 relating to the phasing and delivery of housing, and monitoring, is deleted;
- Policy MD2 (N W Preston) is re-written to provide detail of the principles included in the approved masterplan and requirements for infrastructural provision;
- Additional sites are allocated in policy HS1 to recognise recent permissions;
- Policy HS5 is modified to clarify its implementation;
- The role of Cottam District Centre is clarified by a modified policy EP3;
- Policy EP7 on telecommunications development is re-written;
- Policy EN2 on Green Infrastructure is re-written;
- The last part of Policy EN4, Areas of Separation, is re-worded for clarity;
- It is clarified that policy EN1 applies in Areas of Separation;
- An additional policy (GB1) is included to clarify that national policy will be applied in the Green Belt;
- Policy WB3 on hot food takeaways is re-written to provide a degree of flexibility with the 400 m. zone applying only to secondary schools.

## Introduction

1. This report contains my assessment of the Preston Local Plan<sup>1</sup> in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It is considered firstly whether the plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It is then considered whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be: positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the draft plan submitted in July 2014 which is the same as the document published for consultation at the end of September 2013.
3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness or legal compliance all relate to matters that were discussed during the Examination, including the hearings. Following these discussions, the Council prepared a schedule of proposed main modifications, carried out sustainability appraisal and made the schedule subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the plan's preparation. This relates to the development or use of land including the provision of strategic infrastructure which would have a significant impact on at least two planning areas, and involves adjoining local planning authorities and Lancashire County Council as planning authority. Furthermore, the duty extends to the 'prescribed' bodies set out in Regulation

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<sup>1</sup> Also known as the Site Allocations and Development Management Policies Development Plan Document

- 4 of the Local Plan Regulations.<sup>2</sup> One such body is the County Highway Authority.
6. The Council have prepared a statement of compliance with the Duty to Co-operate<sup>3</sup> which sets out in some detail the nature of the joint working which has been undertaken between the Central Lancashire Authorities in the preparation of the joint Core Strategy. The joint arrangements have continued through the work of the Joint Advisory Committee.
  7. Preston City Council has worked with South Ribble Council and the County Council to secure the 10 year 'City Deal' signed by the three councils with the Lancashire Enterprise Partnership and the Government in September 2013 to finance the delivery of the significant infrastructure improvements required to support the development of the strategic location of North West Preston. The Highways and Transport Master Plan for Central Lancashire (CLHTM) prepared by the County Highways Authority in conjunction with the district authorities provides for the construction of the Preston Western Distributor Road which passes through Fylde district as well as Preston. The road is of strategic significance and there has clearly been close co-operation between the respective authorities in drawing up the proposals.
  8. The production of the North West Preston Masterplan has been supported and contributed to financially by the Homes and Communities Agency (a 'prescribed' body) which is a major land owner in the area as a successor to the Central Lancashire Development Corporation.
  9. The Council have furnished copies of letters from adjoining authorities and prescribed bodies confirming their satisfaction with the co-operative arrangements made. This includes the Ribble Valley District Council which contains the key settlement of Longridge for which provision is made for housing on the western (Preston) side of the joint boundary.
  10. The Marine Management Organisation (MMO), who are a 'prescribed' body, wrote to the Council only in August 2014 (after submission of the plan) in connection with the effect of plan proposals on the tidal frontage of the River Ribble and also the tidally influenced Savick Brook. In particular, their interest focuses on the proposed Preston Western Distributor Road. However, the southern section of the original 'corridor of search' crossing the River Ribble has, effectively, been withdrawn as it is no longer proposed to construct the road beyond the A583. The MMO's concerns appear to be matters of detail in relation to the nature of any construction works rather than the strategic implications addressed by the Duty to Co-operate. Furthermore, the MMO confirm that they have 'no significant issues to raise at plan level'.
  11. Taking account of all of the evidence presented I am satisfied that the local planning authority has complied with the duty imposed on them by section 33A of the 2004 Act in relation to the preparation of this local plan.

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<sup>2</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Ref. PCCSD009

## Assessment of Soundness

### Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 30 main issues upon which the soundness of the plan depends. These are discussed in this report under the chapters of the plan to which they relate.

### Chapter 2 – Vision

#### Issue 1: Whether the vision for Preston provides a sound basis for the application of the policies in the plan taking account of national policy and ensuring consistency with the adopted Core Strategy for Central Lancashire.

13. The Core Strategy for Central Lancashire was adopted in July 2012, a few months after the introduction of the National Planning Policy Framework ('the NPPF'). To reflect Government policy, policy MP was introduced in the Core Strategy to reflect the positive approach advocated in the NPPF and a commitment to the speedy determination of applications which accord with the plan.
14. Preston Council have chosen to repeat Core Strategy policy MP in this plan in the form of model policy V1. It is almost word-for-word the same as in the Core Strategy except that in section a) there is reference to the Core Strategy as well as the Framework. The two policies are not in conflict with one another in any respect and it appears that the only reason it is necessary to include such a policy in this plan is that the second paragraph of CS policy MP is worded 'Planning applications that accord with this Local Plan ...' so it does not apply to policy areas not covered by the Core Strategy or to more detailed policies in subsequent local plans.
15. Unfortunately, the phrase at the start of the third paragraph 'Where there are no policies relevant to the application ...' is somewhat ambiguous. It begs the question 'no policies in which document?' For clarity this needs to apply to all of the policies in the statutory development plan applying to the area. Therefore, for consistency with paragraph 154 of the NPPF and to be sound, the words 'statutory development plan' need to be inserted before 'policies' in the first line of the third paragraph (**MM1**).

#### Issue 2: The adequacy of the treatment of key service centres, especially Longridge

16. The submitted plan includes a very short paragraph, 2.12, under the heading 'Key Service Centres' which simply repeats the wording in Core Strategy Policy 1(b)(iii). It does not expand upon it in any way or identify the implications in terms of cross-boundary planning. Since publication, the Council have suggested (SM24 and 36) a significant increase in the size of the housing allocation HS1.14 on the edge of Longridge, from 90 to 488 dwellings and to remove land from the Area of Separation. The area is contiguous with Longridge and well-contained. The additional allocation would satisfy concerns expressed by Ribble Valley Borough Council and should assist in reducing

pressure for other village development.

17. In view of the importance of this cross-boundary issue, the submitted plan is unsound in this regard but would be made sound by the addition of text (PC21) to set out the role and function of the key service centre of Longridge and Preston's relationship with it. PC21 is recommended for inclusion in its entirety (**MM2**).

### **Chapter 3 - Delivering Infrastructure**

#### Issue 3: Whether plan policies for the delivery of key transport infrastructure would assist in the delivery of sustainable development

18. In paragraph 5.51 of the adopted Core Strategy it is expressly stated that a comprehensive assessment of the transport network improvements is required to deliver the development of the strategic locations and wider development strategy for Central Lancashire and that this provides a clear opportunity to identify a strategic and integrated solution through the provision of major additional transport infrastructure. Reference is made to a Highways and Transport Masterplan (the CLHTM) which will be led by the Highway Authority and 'complement' master planning and 'inform and support' the selection and delivery of sites through this (site allocations) DPD.
19. In this case the transport planning work has been undertaken by the County Highways Authority rather than the City Council, as Local Planning Authority. That does not entirely fit with the approach envisaged in either NPPF paragraph 41 or the PPG. The CLHTM indicates the options considered and taken forward in the masterplan for N W Preston although none of that work has been part of the statutory local plan process. Nevertheless there has been no serious challenge to the robustness of the evidence base which supports the strategic choice of the construction of the Preston Western Distributor Road (PWDR) not simply to serve residential development but also providing a link to the M55. There is, however, some criticism of the justification for the detail of the alignment eventually chosen by the County Council as their 'preferred route'. (See paragraph 21 below)
20. The only reference in national policy guidance to the treatment of road schemes in development plans is in paragraph 41 of the NPPF which states that LPAs should 'identify and protect', where there is robust evidence, the sites and routes which could be critical in developing infrastructure to widen transport choice. A whole section was introduced in Planning Policy Guidance in October 2014 on developing an evidence base to support transport proposals in plans.
21. The consultation processes for the road scheme were not undertaken as part of the plan-making process. Instead, the County Highways Authority carried out their own non-statutory consultation on alternative alignments from which one has been selected. The County Council have now requested<sup>4</sup> that their 'preferred route' be protected in the development plan. A road is a land use which requires planning permission for its construction but the policy now

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<sup>4</sup> Lancashire County Council resolution of 11 November 2014, document EL7.018d.

being suggested (SM31) is to protect the route from development which might prejudice the future construction of the road. That could result in planning blight but it is not the same as an actual proposal to construct the road on the preferred route. That will come when a planning application is made for the scheme at which time an Environmental Assessment may be required. A landowner might also contest land acquisition through compulsory purchase. The evidence submitted is sufficient to support a safeguarding policy even though possible alternative alignments, such as those to the west of Bartle Hall, have not been evaluated through the planning process.

22. Policy IN1 in the submitted plan is not sound because it gives no indication, in accordance with the guidance in paragraph 154 of the NPPF, of what action a decision-maker might take in response to a development proposal. That would be remedied by the wording proposed in SM31, which is recommended **(MM4)**, linked to the depiction of the road route on the policies map (PM1). The textual additions and amendments in PCs 23, 26 (part) and 28-32 inclusive are of a factual nature.
23. Nowhere in the submitted plan is there reference to the Cottam Link Road. Nor is there reference to it in the CLHTM. I am informed that it does not form part of the planning proposals for the Cottam Strategic site (policy MD1) because it is not necessary for that development to take place. It may well only be a short section of road off the PWDR to provide access from the Cottam development and would allow access to the now proposed 'Parkway' station (see below) and it appears to have been treated by the Highway Authority as part of the PWDR scheme. It first appears on the suggested amendment (PC01) to the Policies Map and so has not been consulted upon in any form through the planning process. There is no robust planning evidence to support it in accordance with paragraph 41 of the NPPF and, consequently, no justification to 'safeguard' the route for it. It is for the Council to consider whether they might include a factual reference in paragraph 4.10 to the link road providing access from Cottam Hall to the proposed parkway station.
24. The East-West Link Road (EWLR) is different. It is evident from the transport assessment work carried out as part of the master planning work for N W Preston that the full development could not take place without the construction of a distributor road through the development area. However, because the masterplan was not complete at the time of submission there is no reference whatsoever in the Local Plan to the EWLR. As it has been recognised, and is evidenced, to be a critical piece of infrastructure, the plan is unsound without a reference to the road. To that end PC 24 and the Council's proposed new paragraph 3.23 (PC26) are necessary for the plan to be fully effective, linked to the recommended replacement policy MD2. For completeness, PC25 relating to social infrastructure is of a similar nature. PC27 is also fundamental in explaining the source of finance critical to delivery of these aspects of infrastructure provision. All of those changes are, therefore, formally recommended as a main modification **(MM3)**. I accept, by way of amendment to MM3, that the reference should be to the 'East-West Link Road'.
25. The route for the EWLR as shown in the masterplan is stated to be 'indicative' (if it were not the masterplan could not progress as an SPD) but the County Council included the road in their final stage consultation on a 'preferred route' for the PWDR even though it extends well outside the 'corridor of search'

shown on the submission Policies Map. The County Council resolution of 11 November 2014 asks that the route be protected in the development plan and shown as such on the Policies Map.

26. Making reference to the road in the text of the plan and in policy MD2 is sound but there would be procedural complications in 'safeguarding' an actual route. No 'robust' evidence has been presented at this examination, in the terms of paragraph 41 of the NPPF, to justify the alignment which is now preferred by the Highway Authority.
27. It is a matter of concern that what would amount to a completely new policy would be introduced only by way of modification at the very end of the plan-making process. To do so runs directly counter to the front-loaded nature of that process. Not only that but there has been no consultation through the planning process on possible alternatives. It is clear that developer interests in N W Preston have concerns over the effect of not only the road but also the location of other elements of social infrastructure such as schools and open space. Decisions on the distribution of such land uses are normally taken through the planning process, in an integrated manner. It is not sound planning to pre-determine a road alignment because the nature and form of that road should be the result of a detailed consideration of the design of the residential areas that adjoin it. For good design, as promoted in the NPPF, the road should be planned in conjunction with those residential neighbourhoods.
28. The Highway Authority state that they intend to carry out detailed discussions with landowners and developers to determine how the road would fit in with adjoining residential developments. Yet, in that situation it is difficult to see what would be achieved by 'safeguarding' a particular line for the road, especially if it is not intended to precisely 'fix' the route. It would seem highly unlikely that development would be permitted which would prejudice the construction of the road when it is regarded as an essential element of supporting infrastructure. Provided there is a clear policy intention to construct the road, the absence of a safeguarding policy and omission of the road from the policies map should not alter the nature of discussions with landowners or developers. I recognise the Highway Authority's concerns about community perception and the desire to 'signal' the intention to construct the road but I hold to the view that it is sufficient for the plan to include a reference to the road in text and as a specific requirement of Policy MD2, as subject to Main Modification 8.
29. For all of these reasons, I conclude that the plan should not be modified to include the East-West Link Road as a safeguarded route in policy IN1.
30. Policy IN2 in the submitted plan relating to the Broughton bypass is differently worded because the Highway Authority proposals for it were already more advanced at the time of submission. The policy 'safeguards' the route although the term is not defined. A similar wording to that for IN1 is needed (SM33) to make the policy fully consistent with paragraph 154 of the NPPF. **(MM5)** PC29 is of a factual nature.
31. Policy IN3 relates to the 'safeguarding' of sites for park and ride facilities at Broughton and Riversway. There is no definition in the plan as to what 'safeguarding' actually means in practice. As in policies IN1 and in IN2 a

sentence should be included to make it clear how a decision taker should react to any proposal on the sites. **(MM6)**

32. Policy IN4 in the submitted plan safeguards land at Cottam for a new station to act as a rail based park and ride facility (called a 'Parkway' station). The site shown as on the Policies Map is the same as that shown on the Proposals Map of the adopted 2004 Local Plan. It is easily within walking and cycling distance of existing residential areas and would be accessed from the Cottam area without a requirement for a new link road. However, it is to be noted that the station proposal has not been delivered during the currency of the 2004 Local Plan and it is understood there may be signaling constraints for a station so close to the junction with the East Coast main line.
33. At submission, but not consulted upon nor made subject to sustainability appraisal, the Council indicated (PC33) that Lancashire County Council has been in discussion with Network Rail about the optimum location for a new Cottam Parkway railway station which would be at the intersection of the railway line with the PWDR. An amended policy IN4 is proposed (PC34) to state that a 'general location' for such a station is indicated on the Policies Map. Linked to that (PC10) the site shown on the submission Policies Map, off Tom Benson Way, would be deleted and the land shown as part of the existing residential area to which policy AD1(a) applies.
34. This would be a significant change to the plan. The provision of a new station would be part of the balance to achieve a sustainable transport package but the concept of a 'parkway' station accessed from a major new road is one which relies primarily on access by private motor vehicle even if the site might also be served by buses and can be accessed by cycle. It would not be within such an easy walking distance of residential areas.
35. At my request, the Council undertook a sustainability analysis of the proposal which suggests that although there would be disadvantages in encouraging greater use of cars overall, taking account of accessibility, the effect of the 'move' would be neutral.
36. Nothing should detract from the importance of negotiations with Network Rail to reach agreement on the proposal and to identify a site for the development, especially as the railway line to Blackpool North is programmed for electrification. However, a policy which simply states that a 'general location' for the station is shown on the Policies Map achieves nothing. It does not protect any area of land and could cause a more general blighting around the possible site. It would not provide a certain basis for the planning authority to refuse permission for development which might prejudice the proposal. It would not be consistent with paragraph 154 of the NPPF and, therefore, would not be sound.
37. The wording of PC33 also suggests that policy IN4 would have a very short 'shelf life'. It might be expected that the discussions with Network rail on the optimum location might be concluded relatively quickly. The proper way forward in this matter is for the plan to include a factual statement as in the first sentence of PC33 but continuing to the effect that an option under consideration is for the station to be located at the intersection of the railway line and the PWDR **(MM7)**. It is premature to include a policy and policy IN4

has to be deleted for the plan to be sound although the matter will need to be kept under review. To reflect this, the cross-reference in paragraph 7.6 (PC70), if it is to remain, would require re-wording. As the safeguarding of the Tom Benson Way site is no longer justified it will need to be deleted from the policies map (PM2).

#### **Chapter 4. – Areas for Development**

Issue 4: Whether the plan policies for major development (MD1 and MD2) will deliver viable housing development together with associated transport and social infrastructure.

38. Policy 1 of the adopted Central Lancashire Core Strategy (Locating Growth) indicates that growth and investment will be concentrated on Central Preston together with the northern suburbs of Preston, including the Cottam Strategic Site and the North West Preston Strategic Location. The latter two sites /location make up the majority of the land allocated for new housing development in this local plan and are subject to policies MD1 (Cottam) and MD2 (N W Preston). They are clearly of major strategic importance and their delivery is key to the effectiveness, and thus the soundness, of the plan.

##### *Policy MD1 – Cottam*

39. The larger part of the allocated site (Cottam Hall) has the benefit of outline planning permission subject to conditions and a s106 agreement. A masterplan has been agreed and reserved matters applications will accord with it. Development has commenced on site. As the circumstances envisaged in paragraph 4.12 have, in the Council's words been 'largely overtaken by events' it is not clear what the policy is intended to achieve.
40. The allocation also includes a former brickworks site, as mentioned in paragraph 4.9 of the plan text. Outline planning permission for 206 dwellings was granted in 2009 as well as full permission for a 4300 m<sup>2</sup> retail superstore. There has been no reserved matter submission and there is debate as to when development might start. Policy EP3 in the plan provides for a new district shopping centre at the Cottam Brickworks site and a new outline permission has been submitted to cover that aspect.
41. After some discussion, the Council have suggested an addition to criterion c) of policy MD1 to make reference to the district centre proposal. However, the plan should be read as a whole and it is not necessary for soundness to include cross-references between policies. A plan user would also reference the Policies Map which, as in PC05, would show the approved uses for the Brickworks site. For the same reason it is not necessary to include reference to the Biological Heritage Site in the policy (PC35) because it is covered by policy EN10 in any event. For clarity, the Council may wish to consider the inclusion of additional text to cover these factors but the policy itself is sound without additions.

*Policy MD2. North West Preston*

42. The Council have proposed that this policy be completely re-written. It is because, at the time of publication in July 2013, a masterplan for the comprehensive development of the whole area was still in the course of preparation. The land is in multiple ownerships with several different developers involved and there is clear need for co-ordination, especially in the provision of supporting infrastructure including an east-west distributor road. The submission plan policy sub-divides the allocated site into four parcels (A) to (D) with an east to west phasing starting with parcel (A), and placed what amounted to an interim restriction on parcels (B) to (D) on highway grounds. The policy became out-of-date with the Council's approval of the masterplan in February 2014. It is not positively framed and could no longer be effective.
43. After consideration of representations made on the publication draft plan the Council put forward substantial changes at submission to both policy MD2 (PC40) and the accompanying text from paragraph 4.13 to 4.15 (PC37 & 38) with paragraphs 4.15-26 deleted (PC39) to be replaced by new text. There have also been some minor changes to the area covered by the policy as indicated on the submission policies map (PC02) to align with the boundaries shown on the masterplan, with parcels A-D also removed. None of these changes were consulted upon prior to submission of the plan.
44. For the plan to be effective it should provide a realistic framework for the proposed development giving clear guidance on what is required and the basis for decisions on planning applications, as required by paragraph 154 of the NPPF, but the policy as in PC40 is brief and would not fulfil this a role. Most significantly, it would relegate all detail to a masterplan through a wording 'New development proposals must adhere to the principles set out in the agreed Masterplan'. There is no indication of what those principles are. It would not be a sound policy.
45. In recognition of this, since submission the Council have withdrawn PC40 and put forward a more detailed policy (SM27). That has been further amended after discussion (SM39) with revised supporting text (SM40) which sets out the infrastructure requirements. Additional (minor) textual amendments would remain in PCs 37 and 38. However, PC39 is of a more substantive nature and is discussed below.
46. Suggested Modifications (SMs) 39 and 40 are a step in the right direction in so far as they bring into the plan important principles derived from the master-planning work. However, as drafted, SM39 has rightly been criticised for being very generalised in its approach and for not specifically identifying the range and nature of the uses proposed, particularly the areas required for local retail, community and open space uses. Nor is it very specific about infrastructure requirements other than that of the east-west link road. As a result of the disparate land ownerships, the exact location within the development area of non-residential uses and the relationship to the link road is of importance to the viability and hence deliverability of individual parcels. Hence the demand for the 'burden' of costs to be spread equitably between developers and for the proposed land uses to be examined independently and tested through the development plan system. Questions have been raised in representations, in

connection with the effect on the viability of the development of individual landholdings but I am satisfied that looking at the development as a whole, drawing on the evidence in the 'Glover' report<sup>5</sup>, adequate account has been taken of the potential effect on viability of individual elements within the masterplan proposals. 'Equitability' is the key with which the Council propose to deal in policy terms through a statement within part 8 of SM39. See paragraph 51 below.

47. The masterplan has been subject to consultation but is before me only as part of the Council's evidence base<sup>6</sup>. Despite what it says in paragraphs 1.1 and 6.1 it is not, in itself, a Local Development Document. It does not contain land use policies as such and the layout plans at figures 5 and 6, although detailed and on an Ordnance Survey base, are stated to be 'indicative'. This raises an issue as to whether this Local Plan, together with what the Council intend should be a Supplementary Planning Document (SPD), would provide sufficient guidance to developers in the terms of paragraph 154 of the NPPF to ensure timely delivery of the proposed development. If the policy does not achieve that aim, for a strategic site at the centre of the plan, then the whole plan would be unsound.
48. It is not for me to take a view as to whether the masterplan should form the basis of an Area Action Plan. Interpretation of the Regulations is a legal matter. Moreover, it is not appropriate to specify in a plan policy that the masterplan should be an Area Action Plan. That is a matter for the Local Development Scheme. However, although the statements in suggested paragraphs 1.11 (PC18), 2.10 (PC22) and 4.17 (PC39) would be factually correct, bearing in mind the debate about the issue, it would be better to use the statutory generic term 'Local Development Document' to cover all eventualities. That applies to all references to the status of the masterplan.
49. Should there be unresolved disagreement on the exact scale and location of uses within the strategic location such as local centres, schools and open space there is a risk of delay in the development process. An SPD cannot resolve such issues. Nevertheless, there is clearly a need for a more detailed document to be read alongside an over-arching policy in this DPD which provides sufficient detail to enable decisions on planning applications to be taken. Such a 'twin-track' approach is sound but there has to be flexibility to facilitate early development and over-prescription within the policy should be avoided. For that reason, whether there should be a central 'boulevard' is a matter of detail which should not be prescribed by policy. Also, existing adjacent residential areas may not be an appropriate model should 'garden city' principles be adopted.
50. Having considered the written representations made after the relevant hearing on this matter and the Council's responses to them I conclude that SM39 together with SM40 do not go far enough to form the basis of a sound policy. On the other hand, the list of community land uses and infrastructural requirements, suggested by the Council (SM40) to be within the supporting text, warrants inclusion in the policy itself to strengthen it. There are also merits in certain parts of the alternative policies suggested by the participating representors. I recommend a main modification to make the plan sound which

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<sup>5</sup> Within the Delivery and Implementation Plan, Doc. PCCED042

<sup>6</sup> Docs. PCCED038-042 inc.

would replace policy MD2 by a composite of these positive suggestions avoiding overlap and cross-references to other policies (**MM8**). As part of this a modification to the introductory text to the policy is needed, based on PC39, to clarify the status of the masterplan and without which the plan would not be sound. Suggested paragraph 4.19 is omitted because it adds little to the plan and would be covered in part by PC38. The Council may wish to consider integrating the first sentence with PC37 at the end of paragraph 4.13 as an additional modification.

51. Some of the text in SM39 is in the nature of a statement of operational intent by the Council, for example with regard to the 'equalisation' issue, which would be more appropriately placed in the supporting text than in the policy itself. That applies to most of the suggested part 8 of the policy. Delivery is central to the soundness of the plan and it is clear to me that a satisfactory resolution to the equalisation issue is fundamental to this. An expansion of part 8 based upon suggestions put forward by representors would provide the necessary support to the policy and is incorporated within MM8 for that reason.
52. As the new policy recommended in MM8 relates to the masterplan area without subdivision the Policies Map will need to show the amended area, as in PC02 (PM3). There is an area of land in the eastern part of the MD2 allocation, part of area MD2(A) in the submission plan and described in paragraph 6.23 as 'land north of Eastway' and listed under policy EP1 as site EP1.7. A cross-reference within policy MD2 itself is not necessary for the plan as a whole to be sound but, for clarification, it will need to be shown separately on the adopted Policies Map (PM4).
53. The submission plan policy makes no reference to retail uses but the masterplan suggests that there should be a 'main' local centre supplemented by smaller neighbourhood centres which should be accessible by walking and cycling. Policy 11 in the adopted Core Strategy specifies a District Centre at Cottam and that is followed through by policy EP3 in this plan. The location of the District Centre is shown on the submission Policies Map but, for consistency, a larger scale plan might be included in Appendix C (SM18). The proposed centres at Strategic Locations are stated in part e) of CS Policy 11 to 'appropriately serve local needs'. This appropriately includes community uses, including nurseries.
54. It is stated in paragraph 5.4 of the masterplan that an alternative to provide an 'all-encompassing larger centre' was not chosen as the preferred option. As the Council have clarified, it is Cottam which will provide the higher order retail services; the 'main' local centre will remain a 'local centre' as defined in the plan glossary which provides some flexibility with no specific floor space limitations. This approach is consistent with the Core Strategy and I find it to be sound. However, there does need to be a reference to the local centres within policy MD2 as recommended to be modified.
55. With such an addition to the policy it is logical that the additional explanatory text (paragraph 6.48) suggested by the Council as PC65a, amended by SM29, should be inserted within the introductory section to policy MD2. It is new paragraph 4.18 as incorporated within MM8.

56. MM8 would be a significant amendment to policy MD2 as included in the submitted plan. The substantive nature of the representations on it reflect the central role the policy plays in securing the delivery of the majority of the housing development in Preston over the next 10+ years. My attention is drawn to guidance in the PPG<sup>7</sup> which states that the Local Plan should make clear, at least for the first five years, what infrastructure is required, and how it relates to the anticipated rate and phasing of development. That level of detail would not be included in policy MD2 as subject to MM8 and in response to my supplementary question on the issue the Council draw attention to the detail contained in the masterplan and City Deal Infrastructure Delivery Plans, which form part of the evidence base for the Local Plan. The Council have also confirmed that they are progressing the masterplan as an SPD, not as an Area Action Plan. It will not, therefore, be part of the statutory development plan.
57. As the Council have also pointed out the PPG is guidance, not policy. I take the view that MM8 will significantly strengthen the policy context for decisions governing development in N W Preston. It sets out the principles drawn from the masterplan. A balance needs to be struck between the need for clarity in policy to aid delivery and the inclusion of overly detailed and unduly prescriptive policies. I consider that MM8 represents the correct balance. This is especially the case when it is considered that the planning permissions needed to deliver the required housing for the first five years of the plan period have already been granted subject to a package of s106 agreements. It is therefore not essential that the policy should include triggers for major infrastructure provision which might signal the holding back development pending that provision.
58. Furthermore, from the additional information supplied by the Council on the background to the decision to refuse permission for the Hoyles Lane site, I am satisfied that there were particular circumstances on that site such that it does signal an across-the-board intention by the Council not to grant further permissions until completion of the EWLR in 2019 or thereabouts. In any event, there is a variety of mechanisms in place to fund construction of the EWLR. I accept that a ransom situation would be unlikely to arise given the application of the 'Pointe Gourde' principle, as explained in the Council's written response. Overall, I am satisfied that the Council's (October 2014) housing trajectory remains reasonably robust, including assumptions as to delivery rates in N W Preston.
59. An issue is also raised in the representations on the inclusion of a requirement for a secondary school within the package of community infrastructure provision in MM8. This is on the basis that it is a rather late addition and that there is uncertainty as to how it is to be funded because it is not included in the Council's CIL Regulation 123 list<sup>8</sup>. However, it is recognized in the N W Preston Delivery and Implementation Plan<sup>9</sup> that there will be a funding gap which will need to be discussed with the Department for Education. The scale of development proposed in N W Preston in addition to demographic forecasts indicates that an additional secondary school will be required after 2019. It is an important element of infrastructure and the inclusion within an amended policy MD2 has been adequately justified.

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<sup>7</sup> Reference ID: 12-018-20140306

<sup>8</sup> Document PCCED058

<sup>9</sup> Document PCCED042, paragraph 2.1.4

## Chapter 5 – Homes for All

### Issue 5: Whether the plan should meet objectively assessed housing needs

60. It is stated under the first bullet point in paragraph 47 of the NPPF that, in preparing local plans, councils should use their evidence base to ensure that the plan, through the identification of key sites, meets the full objectively assessed needs for housing in the housing market area, as far as that is consistent with the policies in the Framework. Other bullet points in the same paragraph set out the expected approach to the delivery of housing over the plan period, including during the first five years of the plan period. Those sub-paragraphs are not specific to the plan-making process but for a plan to be positively prepared and fully consistent with national policy in accordance with paragraph 182 of the Framework it needs to be clearly demonstrated that the allocations in the plan for housing will meet the required housing requirement. That includes making up for any shortfall at the plan base date through under-supply against earlier targets and allowing for a 'buffer' to ensure choice and competition in the market for land.
61. Representations were made to the publication plan on the basis that the objectively assessed housing need in the Borough, based upon recent ONS population and household projections, is higher than the requirement for Preston set by policy 4 of the (2012) adopted Central Lancashire Core Strategy (CLCS). The CLCS requirement is for a minimum of 507 dwellings<sup>10</sup> a year to be delivered over the 16 year period 2010-2026 and is the same annual requirement as that of the now revoked Regional Spatial Strategy, 2003-2026. A Council commissioned 'SHMA type' study in 2013<sup>11</sup> suggested a requirement of 615 dwellings a year to meet affordable housing needs.
62. Nevertheless, the Preston Local Plan, as a site allocations DPD, does not purport to re-assess the need for housing in the city as against the Core Strategy. One of the purposes of the plan is to identify and allocate sites for housing specifically to meet the housing requirements of the Core Strategy. As such the circumstances of this plan very closely mirror those considered by the High Court in a judgment dated 11 July 2014<sup>12</sup> in which it was ruled that there is no requirement for an Inspector, when examining a site allocations document, to consider whether an objective assessment of housing need would disclose a need for additional housing.
63. Not only is there a statutory requirement for the plan-making body to 'have regard' to any other local development document for the same area but also the proper medium for any re-assessment of overall housing need would be through a review of the Core Strategy either jointly for the three Central Lancashire authorities or individually through the preparation of a fully comprehensive local plan for Preston. This DPD is not such a document. The Core Strategy was approved a little under 3 years ago and was examined after the issue of the NPPF. The housing requirements derived from it may or may not represent the current objectively assessed need but it is necessary to move forward to secure implementation of the strategy. In this regard, the Council may wish to re-consider their suggested revised wording of paragraph 5.6 in the plan text

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<sup>10</sup> Net of demolitions

<sup>11</sup> Housing Needs and Demands Assessment (Doc. EL1.011)

<sup>12</sup> Gladman Developments Ltd. and Wokingham Council (CO/1455/2014)

(PC42, last part). The minimum requirement is for land to be identified in this plan to ensure the delivery of 7605 dwellings over the 15 year plan period from April 2011 until the end of March 2026 (6084 from April 2014) plus a figure for making good past under-supply.

64. Somewhat late in the examination the Council suggested that a 'stepped approach' might be taken to housing delivery in the early part of the plan period taking account of the poor local market in recent years, reducing the annual requirement accordingly. They cite the situation in West Lancashire. I find no sound basis for applying such an approach in Preston. There is no evidence that the housing need has been reduced through demographic factors nor that there are major policy constraints, such as green belt, which would warrant such an approach.

Issue 6: What allowance, if any, might be made for bringing long-term empty homes back into use.

65. The Council have identified the extent of under-supply since the RSS base date of 2003. This equates to 547 dwellings at the 2011 plan base date but it had increased to 1217 dwellings by 1 April 2014<sup>13</sup> which is the latest comprehensive monitoring data available. However, in the Council's calculation the under-supply figure has been reduced by making an allowance for bringing long-term empty homes back in to use. Between April 2006 and March 2014 498 homes had been created in that way. If no such reduction was made the under-supply figure would be 1715 at the same date.
66. Clearly the Council's empty homes strategy<sup>14</sup> has brought positive results with a steady decline in the number of long-term empty homes since 2009 matched by a noticeable increase in the numbers of homes brought back in to use. The strategy fully accords with paragraph 51 of the NPPF although specific guidance on the treatment of empty housing in relation to calculations of five-year housing supply is given in the PPG<sup>15</sup>. For empty homes brought back into use to be counted against housing need, as if they were new dwellings, there should be robust evidence that such dwellings were not counted as part of the existing stock when the overall need for dwellings was calculated.
67. There is some difficulty in this regard because the housing target derives from the RSS. There is justifiable criticism of the approach the Council have taken in simply adding the number of long-term empty homes<sup>16</sup> brought back into use annually since 2006 to the completions of new homes in each year. However, the Council have drawn attention to a report by NLP for the then NW Regional Assembly which clarifies that household projections took no account of supply-side factors<sup>17</sup>. Also policy L3 in the former RSS set an objective to reduce the vacancy rate in the existing stock to 3% across the region. That allows for the normal 'churn' in the stock and will have been taken into account in the overall housing requirement figures.

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<sup>13</sup> Council's statement for Matter 1, table on page 8

<sup>14</sup> Document EL1.012

<sup>15</sup> PPG reference ID: 3-039-20140306

<sup>16</sup> Defined as empty for 6 months or longer for Housing Strategy statistical returns

<sup>17</sup> Document EL1.017, appendix 2

68. In their final written response on examination matter 1<sup>18</sup> the Council have supplied a table putting together DCLG tables 615 (empty stock) and 125 (total stock) which shows the position in Preston since 2004. This shows that the proportion of the total stock which had been vacant each year had been consistently above 4% between 2004 and 2009 since when it has declined (with something of a 'blip' in 2012), falling to 3.62% in the last year 2013/14 when the number of long-term vacant properties brought back into use was a record 112. Even so, there remained 766 long-term vacancies out of a total of 2193.
69. Preston has a legacy of terrace housing dating from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. There has been a clearance programme but without public intervention it is likely that more of the stock would become vacant and, eventually lost to the stock. On that basis I consider it reasonable to set an overall 3% vacancy rate as a target. The Council have suggested a monitoring criterion related to that with long-term empty stock brought back into use counted only as long as the total proportion of empty stock remains above the 3% level. As at March 2014 that remained the position, if only by 375 units. In all of the circumstances, I conclude that the Council's evidence on the subject is as robust as might reasonably be expected and that the 498 dwellings brought back into use since 2006 may be counted as additions to the stock reducing the under-supply factor to 1217 dwellings as at March 2014.

Issue 7: Whether past under-supply should be 'made good' in the first five years or over the remaining plan period (2014-26).

70. A further factor in determining what should be the plan requirement for housing supply in the first five year period is how quickly any previous under-supply is made good. The options are either to aim to make good any shortfall entirely during the first five years (the 'Sedgefield' approach) or, alternatively, to spread the requirement over the whole plan period (the 'Liverpool' approach). Neither approach is advocated as policy in the NPPF although paragraph 035<sup>19</sup> in the PPG states that Local Planning Authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. As indicated in paragraph 65 above, the under-provision situation in Preston actually grew during the first three years of the plan period to April 2014. Realistically, any correction can only be applied from the latter date.
71. Policy 4 in the adopted Core Strategy makes specific reference to the treatment of 'prior under-provision'. The policy states that it is to be made up over 'the remainder of the plan period', which is given as 2010-2026. So that covers the whole of the period of this local plan. It would not be logical to apply a different approach to under-supply arising since 2011 with that which occurred earlier. The Inspectors report into his examination of the Core Strategy was issued in June 2012 and it is clear that he took the NPPF into account in making his recommendations<sup>20</sup>. Adoption was in July 2012. The PPG is guidance not policy and, although the 'Sedgefield' approach is consistent with the thrust of the Framework in positively seeking to increase housing supply, the Courts have indicated that the 'Liverpool' approach is equally valid. This local plan, by making provision for a significant quantum of housing development on the

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<sup>18</sup> Document ref, EL7.015

<sup>19</sup> Reference ID: 3-035-21040306

<sup>20</sup> Prior under-provision is dealt with in paragraph 48 of the report (Doc. EL1.010a)

strategic site of Cottam and in the North West Preston Strategic location in accordance with Core Strategy Policy 1, makes positive provision for increasing housing supply in the future.

72. It is undoubtedly desirable to make up for past under-supply as quickly as possible but, as discussed below, the evidence suggests that the constraints to the delivery of housing are now primarily due to market considerations rather than the result of there being insufficient land either with planning permission or through the allocation of sites in the local plan, especially in NW Preston. As the requirement figures in CS Policy 4 are minima there would be no policy bar to provision over and above those set in the plan. The September 2014 figures<sup>21</sup> based on an updated portfolio of sites suggest capacity to make up for the full under-supply within the first five years should market conditions improve.
73. Taking the above factors into account I do not find there to be a compelling reason to require a higher level of housing provision during the five years from April 2014 than that provided for in the adopted Core Strategy. In other words, the prior under-provision at the start of the plan period should be made good over the remaining plan period. It follows that the plan should make provision for the development of a minimum of 7301 dwellings<sup>22</sup> over the remaining 12 years of the plan period to 2026, that is 608 dwellings a year. In that regard, there are references in the submitted plan to a plan period of 2011-2026 with statistics, for example on prior under-supply, relating to the 2011 base date. Other statistics on housing supply relate to a 2013 base with proposed changes to update to 2014. In putting forward changes, PCs 41, 42, 45-48 and SMs 21-24 inc., the Council recognise the need to remove text which would become out-of-date. For the plan to be fully effective, all essential statistics to explain the background to allocations made in the plan should be as up-to-date as possible. At the time of writing that is a March 2014 base date **(MM9)**.

Issue 8: Whether an adequate supply of land for housing has been identified in the plan and will be maintained over the plan period taking account of the requirement for a 'buffer'

74. It is stated under the second bullet point in paragraph 47 of the NPPF that local planning authorities should identify a supply of 'specific deliverable' sites for housing sufficient to provide five years' worth of housing against their housing requirements plus a 'buffer' of 5% (moved forward from later in the plan period) to ensure choice and competition in market for land. Furthermore, where there has been a record of 'persistent under delivery of housing, the buffer should be increased to 20%. The third bullet point in the same paragraph indicates that 'specific, developable' sites or broad locations should be identified for years 6-10 and, where possible, for years 11-15.
75. The question as to whether it would be appropriate to apply a 5% or 20% buffer to the housing supply during the first five-years period (2014-19) was the subject of considerable debate during this examination. The issue had been considered during the examination of the Core Strategy when the Inspector concluded that the annual under-provision between 2003 and 2010 had been

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<sup>21</sup> Doc. EL6.002a

<sup>22</sup>  $507 \times 12 = 6084 + 1217 = 7301$

'varied' rather than 'persistent'<sup>23</sup>. The under-supply has been cumulative since April 2008 and is almost certainly a reflection of the depressed state of the housing market in the recession, albeit that the statistics show no sign of any upturn in completions even latterly to March 2014. It may reflect initial slow progress on the release of sites in N W Preston but there has been a significant increase in the rate at which planning permissions for housing development have been granted in the last year with over 2000 dwellings permitted in the period.

76. The Council conceded at several planning appeal inquiries during 2013 and 2014 that there had been a 'persistent' under-supply and that a 20% buffer should be applied. However, the appeal decisions and some taken by the Council themselves, pre-dated advice in the PPG which is to take a longer-term view to allow for peaks and troughs in the housing market cycle<sup>24</sup>. When that is done, even though there have been only 4 years since 2003 (2004-2008) in which the completion rate has been above the RSS requirement, the annual under-supply has not been 'persistent' by the strict (dictionary) definition of the term. That points towards a 5% buffer being sufficient to meet Government policy objectives on land supply. Furthermore, as discussed below, there are a number of special factors to be taken into account.

#### *The overall housing land supply position*

77. The Council's Housing Position Paper<sup>25</sup> lists sites with planning permission as at 1<sup>st</sup> April 2014 together with sites allocated in the plan with estimates of delivery dates by five year bands extending beyond the end of the plan period in 2026. After discussion at an examination hearing about individual sites the Council agreed to amend their assumptions for delivery in the first five years and produced a trajectory<sup>26</sup> showing a total supply of 3234 dwellings 2014-19 and 7437 dwellings overall 2014-2026 with a further 2837 dwellings after 2026 on sites within the NW Preston strategic allocation (policy MD2). However, there remains disagreement over a site at Cottam Brickworks for which the Council had assumed 90 completions by 2019 with the developers indicating 30-45 at most. On the other hand, although the Council have included supply from sites with planning permission and prior notification office conversion approvals in the City Centre this Local Plan excludes that area. The City Centre Local Plan was published for consultation in late October 2014 and submitted to the Secretary of State in February 2015. Although subject to examination, it is indicated in the plan that there is potential for some 600 dwellings in the City Centre, with allocations for some 400 dwellings<sup>27</sup>.
78. The figure for housing supply also includes student accommodation. Advice is given in paragraph 038 of the PPG<sup>28</sup> that this may be counted but only in so far as there is a release of housing stock back into the general market. The Council have provided statistics to show that, since the start of the plan period, the release of stock back into the general market has exceeded the new build. On that basis it seems reasonable to assume that proposed new build student

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<sup>23</sup> Inspector's report, Doc. EL.1.010a., para. 53.

<sup>24</sup> Reference ID: 3-035-20140306

<sup>25</sup> Doc. PCCED034

<sup>26</sup> Doc. EL7.006

<sup>27</sup> Doc. EL1.015, policy SP4

<sup>28</sup> Full reference ID: 3-038-20140306

accommodation should release the equivalent back into the general housing stock.

79. The Council also assume a net gain of 75 dwellings a year throughout from empty homes brought back into use. As stated in paragraph 65 above the DCLG returns show that as at March 2014 a further 375 vacant dwellings needed to be brought back into use to reduce the vacancy rate in the stock to the 3% level and that there were 766 long-term empty dwellings at that time. It is reasonable to make an allowance for the 375 to be brought back into use in the first five years but not beyond that because the expectation should be that the vacancy rate will have fallen below 3% by that time. That reduces the overall provision by 525 dwellings. As that aspect has not been adequately justified paragraph 5.16 in the plan text requires amendment. It is part of **MM9**. I do not consider it requires further qualification as a monitoring indicator.

#### *The five-year supply*

80. From the above analysis, based on the adjusted March 2014 supply position, the five year housing supply would be around 3180<sup>29</sup> dwellings. That is just 12 dwellings short of the requirement (608 a year) plus 5%. Furthermore, since March 2014 significant additions have been made to the portfolio of immediately deliverable sites through the grant of planning permissions, some on appeal, for sites not allocated in the published plan<sup>30</sup>.
81. The Council have provided an update of the Housing Position Paper which includes all additional permissions to the end of September 2014<sup>31</sup>. This is a somewhat unconventional approach in that it makes no allowance for completions in the intervening 6 month period so is not a true picture of actual availability but a retrospective addition to supply as at April 2014. It is, however, a factual recognition that the supply of sites has increased to provide more choice and flexibility in the market. Furthermore, as the general approach taken by the Council is to identify all sites for 5 dwellings or more as allocations in the plan, for overall consistency and soundness the additional sites should be shown in a revised and updated (to April 2014) policy HS1 and also included on the policies map (PMs 5-8 inc.). For consistency, updated information on the additional sites needs to be included in the following 'site description' section (**MM10**).
82. The figure given for five-year availability in the September position paper is 4733 dwellings, but the Council conceded at the hearing of matter 1 that it should be reduced by 678 to 4055. With a further reduction of 55 for Cottam Brickworks (paragraph 77 above) the 4000 dwelling figure includes a possible 316 dwellings on unconfirmed allocations within the draft City Centre Plan area. If those are also excluded the resultant figure is 3684 dwellings, thus providing a comfortable margin to ensure the delivery of at least 608 dwellings a year 2014-19, also providing potential to make up the prior under-supply in the first five year period should market conditions allow.

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<sup>29</sup> If 34 completed at Cottam Brickworks

<sup>30</sup> In recognition of permissions granted, the Council suggest that an allocation at Longridge (HS1.14) be increased in area to accommodate an additional 208 dwellings

<sup>31</sup> Doc. EL1.018c

83. From this it is concluded that, taking the recent permissions into account, there would be nothing to gain by delaying the adoption of the plan for further sites to be identified. The new (additional) sites have been subject to sustainability analysis and consultation in a draft modification to policy HS1.
84. My conclusion on this is not altered by the submissions made as the result of the consultation on the draft Main Modifications. The officer comment in a committee report that the five-year supply is 'fragile' relates to the nature of the housing market in Preston. It does not warrant re-evaluation of the position as explained above.

*Housing land supply over the total plan period, 2014-2026, and beyond*

85. The final version of the housing trajectory produced by the Council indicates that the total supply taking account of planning permissions and all plan allocations would be around 11,200 dwellings. However, 525 of that is an assumption relating to empty homes brought back into use after 2019 which needs to be deducted. Also, it is not unreasonable to assume 600 completions in the city centre (a reduction of 15), leaving 10,660 dwellings of which the Council now expect 2837 to be delivered after 2026. The resulting balance to 2026 is 7823 compared to a requirement of 7300 dwellings from 2014.
86. Thus the overall provision of housing land in the plan, taking account of all extant planning permissions is more than sufficient to meet Core Strategy requirements to 2026 with a sizeable contingency beyond that date. The additional land identified as part of the NW Preston strategic location is given in policy HS1 as those 'expected to be delivered' after 2026. It is clear that this is no more than an estimate which has increased considerably since submission. The land is shown as allocated on the Policies Map as subject to policy MD2. The timing of its delivery is linked in earlier years to the provision of major transport infrastructure, including the Western Distributor Road funded through the City Deal. In part, the east-west distributor road is also so funded. Otherwise, the delivery rate is largely based on a marketing assumption of 225 completions a year from 7 outlets.
87. As the Council have agreed that there is no policy intention to limit the number of houses completed in N W Preston to the number given in policy HS1 there is no reason to include a statement in the policy of the kind included in the second paragraph, even in the form promulgated by SM21. The reference, by way of explanation, in paragraph 5.12 as subject to SM22 is sufficient (**MM9, part**). However, for the plan to be sound in the sense of giving a positive indication of the approach to housing delivery the wording of the paragraph needs to be revised to give emphasis to the total plan allocation with the 'expectation' for 2026 a secondary consideration (**MM10, part**).
88. The Council's housing trajectory suggests that delivery towards the end of the plan period, 2024-26, might be somewhat below the annual requirement derived from the current Core Strategy. That is not a matter of great concern in that should the numbers in the trajectory actually be achieved there would be a slight over-supply by 2024 even allowing for the current under-supply situation. Subject to MM9, there would be no policy barrier to the contingency land being developed earlier if required to maintain a five-year supply. It also seems highly

likely that there would have been a plan review well before 2024 including an evaluation of objectively-assessed housing needs. Options available for other land in NW Preston between the Western Distributor and the M55 to be brought forward might be evaluated in such a review. The land is not required now.

Issue 9: Whether additional site allocations should be made for housing

89. Representations have been made seeking the allocation of additional sites in the plan, largely on the basis that insufficient land had been identified in the plan to meet the requirements of Government policy, especially in terms of the five-year supply. However, as indicated above, should new sites which have been given planning permission since plan publication be included, as allocations in accordance with the Council's standard practice, the modified plan would meet NPPF requirements and be sound in that regard. Consequently, I will deal briefly with the additional sites put forward.

*Dodney Drive, Ingol*

90. This site is well located on the urban fringe with good access to the city centre, within easy walking distance of bus routes. Although the traffic generated from the site could be accommodated on the local network there remains an environmental concern, in terms of noise and disturbance for residents on North Syke Avenue and Dodney Drive as the result of additional traffic flows. Alternative means of access remain to be fully investigated and may not be resolved until completion of the Western Distributor Road. In the circumstances it would be premature for the site to be allocated in this plan.

*Ingol Golf Course*

91. This site is within an AoMOS, subject to policy EN5, as discussed in paragraphs 142 - 147 of this report. In view of my conclusion on housing land supply there is no pressing requirement for the land to be developed for housing and, in view of the status of the AoMOS, the plan would not be sound were the site to be allocated for housing. Any proposals remain to be considered on individual merit under the provisions of policy EN5.

*Additional sites at Grimsargh*

92. In view of the overall conclusion on housing land supply there is no justification for a further 'rolling back' of the settlement boundary of the village of Grimsargh or for incursions into the Area of Separation around it. The sites suggested do not represent appropriate infilling in accordance with Core Strategy policy 1(f). The plan is sound as submitted in this regard. My conclusion on this is not altered in any way by the recent determination of a planning application for development of a site off Preston Road in Grimsargh.

Issue 10: Whether the plan should include a phasing policy

93. Policy HS2 in the published plan is a phasing policy. Representations have been made that the policy is too much of a reflection of the 'Plan, Monitor and Manage' approach of PPS3 and is not compliant with the positive approach of the NPPF. In response, the Council have, in effect, accepted that the submitted plan was not sound by proposing that the policy be deleted in its entirety (PC53) along with much of the associated text (PCs 42 and 52) and with Appendix A to be replaced by a list of sites with permission (PC60).
94. I agree that policy HS2 is not consistent with current Government policy and should be deleted for that reason along with all of the text which supported the approach taken in the policy (**MM11**). However, the Council's proposed change, PC52, would leave paragraphs 5.40, 5.42 and 5.44 in place with a continued reference to phasing. There appears to be scope for bringing those paragraphs together to clarify the scope of the Annual Housing Position Paper, as background information. I have considered the representations on draft MM11 which seek the retention of the policy in some form linked to the timing of infrastructure delivery such as that of the EWLR. However, at best, such timing would be no more than an estimate and, as the Council do not seek to constrain development pending such delivery, a policy to that effect would have little practical value.
95. At the end of this report I deal generally with the status of the appendices. Appendix A, in its revised form as in PC60, would have some value in providing information on the scale of existing commitments for housing in terms of planning permissions granted. However, its usefulness is primarily as part of the evidence base in support of the allocations made in the plan; to demonstrate that the Core Strategy requirement is met. It relates to the April 2014 situation and will be out-of-date once information for April 2015 becomes available. The appendices are part of the plan and to be effective the whole plan should be as up-to-date as possible for it to be sound. Therefore, the deletion of Appendix A is recommended, as is the deletion of Appendix B which is historic information relating to sites considered at an earlier stage in the plan-making process of no relevance in an adopted plan (**MM12**).

Issue 11: Whether policy HS5 on agricultural dwellings is consistent with Government policy guidance and is likely to be effective in terms of its requirements

96. National policy, as stated in paragraph 55 of the NPPF, is that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The first of these is when there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. However, the third such circumstance is 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'. It also has to be borne in mind that the conversion of agricultural buildings to residential use, subject to a prior notification procedure and provided certain conditions are met, is permitted development under class MB of the General Permitted Development Order 1995 ('the GPDO') as amended in March 2014<sup>32</sup>.

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<sup>32</sup> SI 2014 No. 564

97. Policy HS5 has been brought forward from the adopted Local Plan and its provisions largely reflect the approach which has been taken by the Council in determining planning applications for rural dwellings in recent years. However, it pre-dates the shift in policy on conversions represented by the NPPF and the recent changes to the GPDO<sup>33</sup> which permit the conversion of agricultural buildings of under 450 m<sup>2</sup> to residential use subject to certain restrictions. The policy applies to the conversion of existing buildings as well as new buildings and states that conversions will only be permitted where it is to meet the essential need for a worker to live in the vicinity. The third bullet point in paragraph 55 of the NPPF is not linked in any way to the first bullet point; they are separate and distinct 'special circumstances'. The only caveat applied by the NPPF is that the proposal should enhance the immediate setting. The Council's response, that the conversion of an agricultural building would be preferred over a new building in the countryside, is not a justification to take a more restrictive policy stance than advocated in national policy and, in view of the new permitted development rights is likely to be largely ineffective. The policy is not, therefore, sound in that regard but can be made so by the deletion of the reference to conversions. The representations on the draft Main Modification do not alter this conclusion.
98. The first part of the policy is not restricted to agricultural workers' dwellings but applies also to 'other rural employment'. In line with the NPPF the last part of the policy on the removal of conditions should also do so and the heading requires amendment.
99. The Council were not able to justify the five year requirement in criterion b) of the last part of the policy. However, the addition of an 'exceptional circumstances' clause (PC55) would make the policy more flexible, and hence sound in that regard. A representation suggests that the requirement under criterion (c) that a property should be offered for sale on the open market for at least 12 months before an occupancy condition might be removed might be illegal should the occupant wish to retain the property for their own use but no longer comply with the original condition. There may also be Human Rights implications. Accordingly, criterion c) requires re-wording to make the plan sound in terms of its effectiveness, i.e. the Council's ability to apply the policy without challenge. A wording based on SM43, but somewhat re-structured, is recommended. Any application for the 'removal' of an occupancy condition in these circumstances would be under s73(1) of the 1990 Act. The reference has to be to 'development' in general, not to a change of use which may, or may not, have been involved **(MM13)**.

Issue 12: Whether the wording of policy HS6 – University of Central Lancashire – provides sufficiently clear guidance to the decision maker

100. This policy is only of relevance to the University. Nevertheless, it needs to be clear, in accordance with paragraph 154 of the NPPF, how a decision maker would react to a development proposal. The Council's proposed changes (PCs 58 and 59) have been arrived at after discussion with university representatives and would assist in clarifying the intentions of the policy. The final sentence referring to seeking the views of the University on student accommodation proposals is no more than a statement of intent, not policy. The changes are recommended **(MM14)**.

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<sup>33</sup> Class Q in Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015

## **Chapter 6 – Delivering Economic Prosperity**

### Issue 13: Whether the plan provides sufficient deliverable sites for employment development

101. Paragraph 14 in the NPPF applies equally to the identification and bringing forward of land for employment as it does for housing. There is a requirement to meet objectively assessed needs as far as is consistent with the policies in the Framework. The third bullet point in paragraph 17 of the NPPF sets a core planning principle to 'proactively drive and support sustainable economic development' given further emphasis in paragraph 20.
102. As with housing provision, the Site Allocations plan looks to identify sites to ensure that land is brought forward for development for employment purposes to meet the adopted Core Strategy requirement for Preston of 118.5 hectares of land 2010-2026. That figure is derived from the Central Lancashire Employment Land Review of 2009<sup>34</sup>. Although somewhat dated, the review has clearly taken account of likely losses of poorer industrial sites to other uses and takes a realistic view on the opportunities for maximising the use of existing sites as a priority to the use of greenfield sites. CS policy 10 provides a criteria for the retention of the better sites. As explained in the plan text at a paragraph 6.35 further guidance on controlling the re-use of employment premises is given in an SPD<sup>35</sup>. Despite the lapse of time the overall approach is consistent with NPPF advice and a sound basis for plan making.

### Issue 14: Whether the sites allocated for employment are the most appropriate in all the circumstances

103. In line with positive approach required by the NPPF the Council sought to identify a wide variety of sites which must include green field sites suitable for modern employment premises. They have evaluated alternatives put forward in a 'search for sites' exercise, although those were somewhat limited. That was done before the proposal for a Western Distributor Road came forward as a result of the 'City Deal' agreement (see paragraph 7) and in the context of a Core Strategy which also does not take account of the PWDR. The construction of the road might well open up additional opportunities for employment related development in the western part of the city, not necessarily restricted to the southern end of the road. However, that is a matter which would properly be the subject of a review of the Core Strategy or in a new full Local Plan, although I note that no such review is currently proposed in the Local Development Scheme.
104. Core Strategy policy 9 identifies, in part (d)(ii), Preston East/Millennium City Park as one of two 'sub-regionally significant developments for employment' in Preston, the other being Riversway. Allocations EP1.10 and 11 have been made in accordance with this policy and are 'new' in the sense that they are not in the existing local plan or otherwise committed. They total just over 50 hectares and are needed to satisfy the 118.5 hectare land requirement. Site EP1.10, close to Cow Hill is the subject of a number of representations against the proposal. An alternative site is suggested at Three Mile Cross Farm off the Longridge Road,

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<sup>34</sup> Document PCCED025

<sup>35</sup> Document PCCED027

immediately to the north-west and contiguous with the EP1.11 allocation, both sites lying to the north-east of the Roman Way Industrial Estate. The alternative site has been considered by the Council at the options stage, under the reference NP099.

105. The Council are concerned that, because NP099 is smaller than EP1.10, taken together with EP1.11 it would result in a shortfall against the CS requirement. However, any such statistical shortfall is likely to be of only marginal significance in real terms. It is well within the margin of error in the calculation of employment yield using job density assumptions and applied to the gross site area rather than the net developable area.
106. Allocated site EP1.10 (Preston East) lies to the north of areas allocated for employment use in the adopted Local Plan (EP1.3) and would have access off the eastern loop to the M6 motorway at junction 31A. Allocation EP1.3 is in part occupied by a very large recently constructed distribution warehouse which is located in a prominent position and about which many adverse comments have been made in representations, especially about noise and light pollution at night. That is not a matter for this examination but for the Council to investigate compliance with conditions on the permission.
107. The allocated site is an undulating area of farmland with a group of farm buildings, or former farm buildings, at Little Rough Hey Farm in the south-western part of the area. The farm, which on a secure tenancy, provides a form of community facility with a horse livery and a small garden centre with five people employed on the site including a farrier and gamekeeper. Many representations support the retention of these facilities. There are also concerns about the environmental impact of the development of what is currently open countryside. Indeed, the site presents a very rural aspect from within the adjacent hamlet of Cow Hill and there are justifiable concerns about the compatibility of the proposal with residential uses.
108. Although the site is farmland it has a history as part of the former Central Lancashire New Town and is now vested in the Homes and Communities Agency (HCA). They have prepared a development statement<sup>36</sup> in support of their proposals for the site which show possible access and layout arrangements and, significantly, the creation of landscape buffer zones to protect adjoining residential uses which could also provide additional screening of the distribution warehouse to the south. A strengthening of the supporting text is required to ensure compliance with these requirements (see below).
109. I am assured by the HCA that the nature of the tenancy of Rough Hey Farm does not present an undue encumbrance to the delivery of the site as a whole. Indeed, it is a relevant consideration that the HCA is a public body and would actively provide a financial return to assist in regeneration within the city. The involvement of such an agency also increases the confidence that delivery may be achieved within the timescale envisaged to meet local employment needs. The loss of the existing small business on the site would be more than counter-balanced by the potential for significant employment provision on the site as a whole. Although currently pleasant open farmland it is not of any particular

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<sup>36</sup> Document PCCED043

landscape value, certainly not such as to suggest that the proposed allocation would be unsound on such grounds.

110. Those representations in favour of the allocation of the Three Mile Cross site state that the site is equally deliverable, being in the hands of a single owner. It is also claimed that the site would be less environmentally intrusive than EP1.10 because it would be seen as a natural extension to allocation EP1.11. I agree that the site is hidden to a degree behind the ribbon of development along the Longridge/Preston Road but it is visible from the public footpath skirting the eastern side of the Roman Way Industrial site. It is, in essence, part of the same landscape tract as EP1.11.
111. If site NP099 were to be developed as proposed the effect would be to consolidate the built form on the northern fringe of Preston, in depth as opposed to the single ribbon of housing currently along the eastern side of Preston Road. There are occasional glimpses of open countryside through the gaps between houses. There is a similar ribbon of housing on the southern edge of Grimsargh with only a short gap, intersected by the drive to Grimsargh Hall Farm, before the Preston Road ribbon begins. Policy EN4 on the Area of Separation is discussed in paragraphs 127-134 below and the comments made on the issue in the decision on the Wainhomes appeal are noted but although the frontage gap would be as described therein the effect of developing NP099 as well as the Wainhomes site would be to consolidate both built-up areas thus reducing the effectiveness of the Area of Separation. The urban edge of Preston would be perceived as encroaching that much closer to Grimsargh thus reducing the individual identity of the latter settlement.
112. Gaining access to NP099 directly from the B6243 is not an acceptable option in highway safety terms although it transpires it may be possible to link through allocation EP1.11 and the Roman Way estate with some junction improvements. But that is not the main issue in highways terms. The Three Mile Cross site is further from the M6 at junction 31A than EP1.10 and heavy goods vehicles would be added to the already congested Longridge Road, which is also a bus route. The spur to junction 31A has been improved and is suitable for use by commercial traffic. It may be that the Highway Authority has concerns about the capacity of the junction (which provides access for the M6 to and from the south only) but any constraints of that nature would apply equally to NP099 as to EP1.10.
113. In terms of the approach to soundness outlined in paragraph 182 of the NPPF, for the plan to be unsound it would need to be demonstrated that the choice of sites for employment listed under policy EP1 in the plan did not represent the most appropriate strategy and, hence, that the submitted plan had not been adequately justified. In other words, for an alternative site to be substituted for the one allocated in the plan it would have to be shown firstly that the submitted plan was unsound and secondly that it would be made sound if the alternative site were to be substituted for it.
114. That is not the case here. NP099 does not have any significant advantages over EP1.10. Both sites have an overall 'D' ranking in the Sustainability Appraisal of the plan (as does EP1.11). Indeed, the reduction in the effectiveness of the Area of Separation militates against the Three Mile Cross site. I conclude, therefore, that the sites allocated under policy EP1 are not only consistent with the adopted

Core Strategy but they are justified in the sense of representing the most appropriate strategy. The plan is, therefore, sound in this regard.

115. There are, however, certain details in the application of policy EP1 which require amendment for there not to be any uncertainty for the decision-taker in seeking to implement the plan, in accordance with paragraph 154 of the NPPF. Unless the policy itself or supporting text which qualifies the application of the policy is clear and unambiguous the plan is unsound and main modifications are required to rectify the deficiency. The Policies Map is also required to correctly depict the area to which the policy applies otherwise the plan would be unsound. Other suggested textual amendments and corrections of a factual nature are additional.
116. The first of these amendments is in respect of allocation EP1.5. The Council accepted (PC08) in response to a representation that additional land should be included and shown on the Policies Map (PM9). To be sound, consequential amendments are needed to the site area given in the policy table and to Table 2 of the plan. For consistency within the plan the figures should be based on the most up-to-date information available in 2014 (**MM15**). Furthermore, the Council have accepted that B1(b) uses might be permitted and this needs to be stated in the policy (PC61). The correction to state that the allocation is made up of two sites (SM05) is of a factual nature only.
117. Although policy EP1 as a whole applies to employment, or Class B uses, the table shows that site EP1.6 includes a proposal for a hotel (C1) use. There is no explicit reference to this in the plan text, paragraphs 6.21 and 22. Nevertheless, the site has good access to the M6 and the location is one identified in the Hotel Needs Assessment<sup>37</sup>. For consistency, and to be sound, the area of roughly 1 ha. estimated as required for the hotel should be deducted from Table 2 and the area column in policy EP1 and the C1 reference removed but the full allocation of 3.37 ha. should be shown on the Policies Map as mixed use (PM10). All updates and corrections to policy EP1 mentioned above and required for the plan to be sound are recommended as a main modification (**MM16**). Paragraph 6.22 of the plan text needs to be amended to clarify that 2.37 ha. of the total area is for employment use but that a hotel and other ancillary uses would also be permitted on the site (**MM17**).
118. Allocation EP1.7 is shown on the submission policies map as within a mixed use site and subject to policy MD2(A). However, PC39 and the consequent amendment to the Policies Map (PC02) do not refer to any employment use within this area, which is incorrect. As I indicate in paragraph 53, a cross-reference within a revised policy MD2 is not necessary as policy EP1 applies to it but the area of land needs to be clearly identifiable from the Policies Map (SM08)(PM4) and the correct area (2.1 ha.) given in policy EP1 (and Table 2) to reflect the permission granted, as in SM09.
119. As indicated in paragraph 103 above the plan text in support of policy EP1.10 (paragraph 6.31) requires strengthening to clarify the policy constraints which will apply derived from the HCA Development Statement. PC64 and SM10 are incorporated within SM42 which makes clear the nature of the uses which may be permitted on the site and the requirements for screening buffers to protect

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<sup>37</sup> PCCED053

nearby residential areas. The text in SM42 is necessary for soundness but not minor further amendments put forward in a representation **(MM18)**.

120. Textual amendments (SMs 11 and 12) to paragraphs 6.32 and 6.34 are of a factual nature. However, PC65 together with the original text of paragraph 6.32 would go further to provide a specific policy requirement for EP1.11 relating to the nearby SSSI and nature reserve. Bearing in mind the application of policy EN10 it is not appropriate to seek to apply policy in this way and not necessary for soundness. However, the reference to the existence of the SSSI and Nature Reserve as an explanation for the need for a development brief would be clarified by additional explanatory text.

Issue 15: Whether the plan is sufficiently clear in the identification of a retail hierarchy and in the application of policies EP3 and EP4.

121. The application of the retail hierarchy is defined within policy 11 of the adopted Core Strategy. Its application within the N W Preston Strategic Location is discussed in paragraphs 54-56 above.
122. The Council have suggested a number of amendments to the supporting text for policies EP3 and EP4. For the most part these are factual corrections, including those to paragraph 6.45 (SM14) and Suggested Modifications 13, 16, 18 and 19.
123. I have concluded in paragraph 55 above that the suggested new paragraph 6.48 (SM41) would be better placed within the text dealing with the N W Preston masterplan, in section 4 of the plan and not under the heading 'District Centre' in section 6. However, as it stands the original paragraph 6.48 adds little to the plan. It also does not make clear that the Cottam District Centre is intended to serve the whole of the N W Preston area, not just Cottam. Submitted policy EP3 is also somewhat vaguely worded with the words 'will be encouraged' and thus not providing clear guidance for the decision-maker in accordance with paragraph 154 of the NPPF. The amended wording in PC66 is necessary to achieve that but the reference to a 'range of appropriate uses' is really only giving examples of what is meant by 'mixed use retail and commercial development'. Therefore, in tandem with PC66, which I recommend **(MM19)**, the last sentence of the original policy EP3 would be better added to paragraph 6.48. When the adopted plan is printed it may be better if policy EP3 were moved up to follow paragraph 6.48.
124. It is suggested (SM17) that paragraph 6.49 should be amended to state that policy EP4 will be applied to the proposed new centre in N W Preston. It would be appropriate, for clarity, to add a statement to the effect that new local centres are proposed as part of the N W Preston development under policy MD2, but that is all. Policy EP4 applies to existing local centres which are identified on the Policies Map with larger scale plans in Appendix C, as stated in paragraph 6.42 of the plan text. Policy EP4 could not be applied in its entirety to centres which do not yet exist and precise sites have not been agreed but are merely 'illustrative' in the master plan. Neither could the sites be 'allocated' in an LDD unless it is a DPD. Having said that, I agree that the submitted plan policy EP4 does not entirely reflect NPPF guidance and that PC67 would achieve that, thus making the plan sound **(MM19)**. I suggest that, for clarity, the Council may wish to

consider the addition of the word 'existing' before 'Local Centres' in the first sentence of the policy.

Issue 16: Whether Policy EP7 for telecommunications development is fully consistent with national policy (NPPF)

125. National policy on telecommunications development is set out in section 5 of the NPPF, paragraphs 42 to 46 inclusive. The Council accepted that the policy as submitted is not entirely consistent with the NPPF in so far as criterion a) might be interpreted as questioning the need for the development contrary to paragraph 46. The Council have put forward a replacement policy (PC69) which is broadly consistent with national policy. However, the suggested criterion e) refers to 'undertakings' with regard to dismantling the equipment when the use has ceased. SM20 proposes to remove that criterion because the matter might be dealt with by condition rather than by obligation. Subject to that the proposed replacement policy is sound and is recommended **(MM20)**.

126. The Council have stated that policy EP7 is intended to apply only to proposals for cellular (mobile) telephone network and other commercial telecommunications infrastructure. The NPPF guidance clearly applies only to that category but there are other forms of development which also come within the definition of 'telecommunications' under the Telecommunications Act. The term also covers amateur radio installations which are not uncommon within the residential environment. The Council may wish to consider the addition of a note to clarify their position, perhaps to state which policy(ies) might be applied to such development.

## **Chapter 8 – Protecting and Enhancing the Built and Natural Environment**

Issue 17: The consistency of policies EN2 (Green Infrastructure) and EN3 (Future provision of green infrastructure) with national policy and their relationship with policy EN10 (Biodiversity and Nature Conservation)

127. The term 'green infrastructure' is stated in paragraph 8.5 of the plan to be 'the network of natural environmental components used for sport, leisure and recreational purposes'. There follows a list of land uses which are regarded as making up green infrastructure ('fishing' is an activity not a land use). The Council have clarified that the list is not intended to be exhaustive and intend to amend the paragraph to say that the list 'includes' the examples (SM34).

128. In the NPPF, section 8 deals with Health and Wellbeing with paragraph 74 covering sport and recreation. It is section 11 which deals with conserving and enhancing the natural environment wherein paragraph 109 deals with biodiversity. Paragraph 114 covers the role of local plans with reference to both.

129. In so far as the list in paragraph 8.5 includes nature reserves there is a degree of overlap but it is policy EN10 which is primarily dealing with biodiversity for its own sake. As the Wildlife Trust point out ecological networks provide functional and connected infrastructure for all wildlife. Unlike the uses listed as green

infrastructure ecological networks would not necessarily be subject to human recreational pressure, although they may be.

130. Policy EN2 is more closely aligned with the approach taken in paragraph 74 of the NPPF and it needs to be consistent with it, recognising that any loss should be replaced by equivalent or better provision – mainly of recreational open space. To achieve this, and thus render the plan sound, a modification along the lines of the Council's SM35 is necessary (**MM21**). However, the NPPF refers to the 'restoration' only in the context of biodiversity (paragraph 117); otherwise it is a form of enhancement. In view of the degree of overlap, a cross-reference to policy EN10 within policy EN2 is acceptable to avoid any possible mis-application of the policy.
131. Criterion b) of Policy EN3 covers environmental assets, natural resources and biodiversity and thus directly overlaps with policy EN10 and duplicates it to a degree, although there is no conflict. To be consistent with the NPPF, and thus be sound, it should refer to enhancement of the resource but 'restore' would be tautologous (**MM22**). Reference to the City's Ecological Network is not necessary for soundness and is covered by policy EN10. Its inclusion is a matter for the Council.

Issue 18: Whether the areas of separation, subject to policy EN4 and as shown on the submission Policies Map, have been adequately defined

132. Core Strategy policy 19 provides for 'areas of separation' to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods and to ensure that those places at greatest risk of merging are protected. In Preston, the wording is that Areas of Separation (AoS) will be designated 'around' Broughton, Goosnargh/Whittingham and Grimsargh.
133. In the Local Plan, policy EN4 reflects the above wording although it refers to the areas 'between' Broughton and the Preston Urban Area and, similarly, between Grimsargh and Preston. That is a reasonable interpretation of the diagrammatic representation of the areas to be covered shown on the Core Strategy key diagram which, of course, is not on an Ordnance Survey base.
134. However, the submission policies map shows, in addition to the small area between Broughton and the M55 motorway, a wide swathe of countryside stretching eastwards from the M6 as subject to the policy. It covers the whole area between Goosnargh/Whittingham and Grimsargh right up to the boundary with Ribble Valley district, north-eastwards to the edge of Longbridge. It is far more than the 'small amount of open countryside' envisaged by CS paragraph 10.14.
135. The inner edges generally abut the respective settlement boundaries and the outer edges are stated to be based on readily identifiable landscape features which are likely to be permanent. The boundary to the south of Three Mile Cross Farm does not obey that rule but nevertheless performs the function of protecting the gap between Grimsargh and the Preston Urban edge where there is pressure for employment related development. As discussed in paragraph 106, that gap has been reduced somewhat by the permission granted on

appeal<sup>38</sup> for an extension of housing to the south of Grimsargh, although not such as to limit its effectiveness. It has not been established that any alternative outer boundary to that shown on the submission policies map would be any more sound. Indeed, any boundary drawn further north would potentially narrow the gap remaining.

136. The general approach taken by the Council is to show larger unimplemented planning permissions for housing as allocations on the policies map and to list them under policy HS1. The plan would not be up-to-date, and thus fully sound, unless the Grimsargh appeal site was so depicted. Linked to that the site would be excluded from the Area of Separation (SM37). Also, it is represented that it would be logical to exclude a further area to the east on the southern edge of Grimsargh, which forms part of Wood Top Farm. It is argued that the gap between Grimsargh and Preston (employment site EP1.11) widens to the east but I find there to be no sound case for moving the inner boundary away from the settlement edge. This local plan should be consistent with the adopted Core Strategy in which policy 1 provides only for small scale development and infilling within smaller villages such as Grimsargh. Given a number of relatively recent permissions granted for housing development there is now no over-riding requirement in terms of housing land supply to justify further development. Furthermore, a review of the Core Strategy would be necessary to assess the sustainability of options for accommodating additional development before development in this location might be justified. Similar considerations apply to other sites suggested on the edge of villages within the Area of Separation.
137. Policy EN4 does not preclude development. As has been shown in a number of appeal decisions, as well as those taken by the Council themselves within the last year, it allows for the positive consideration of development proposals on their individual merits, as stated in the policy itself. It certainly does not take the very restrictive 'green belt plus' approach which might be suggested by paragraph 10.14 of the Core Strategy. Such an approach has not been accepted in other parts of Central Lancashire and there would be no justification for it in Preston. It would have no basis in national policy.
138. In view of the permissive nature of the policy, the washing over of wider areas of countryside on the policies map than might be envisaged from a strict interpretation of the wording in CS policy 19 has clearly not prevented the Council from granting permission to development which is not judged to contravene the stated purpose of the policy. The approach is not, therefore, unsound. A case in point is to the west of Longridge where, for similar reasons to the Grimsargh site, allocated site HS1.14 is recommended to be extended to reflect permissions granted (PC03 and SM36).
139. Nevertheless, the detailed wording of policy EN4, in terms of 'assessing impact' and 'resisting development' is not consistent with paragraph 154 of the NPPF in that it doesn't provide clear guidance to the decision-taker as to how applications should be determined. The Council have suggested (SM38) that the text in paragraph 8.9 might be expanded to clarify the factors which would be taken into account in implementing policy EN4. For the plan to be sound, I recommend that the wording be incorporated in the policy itself rather than only within the

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<sup>38</sup> Land off Ribblesdale Avenue, Grimsargh, appeal ref. APP/N2345/A/13/2208445

plan text (**MM 23**). That is not a weakening of the policy intent and has found support.

Issue 19: Whether policy EN1 (Development in the Open Countryside) applies within the Areas of Separation

140. By definition, the Areas of Separation are in the open countryside. There is nothing in the plan itself to suggest that policy EN1 should not also apply within the Areas of Separation, as it does within the Bowland AONB (policy EN6). The two policies are not mutually exclusive and deal with different policy topics. It is not analogous to 'green belt plus'. As explained in plan paragraph 8.4 there are smaller settlements and 'clusters' of buildings to which policy EN1 (criterion c.) and Core Strategy policy 1(f) apply. However, the coloured annotation on the submission policies map might suggest that there is no overlap between the two policy areas.
141. Policy EN1 is sound in its own right. It is a proper reflection of the provisions of paragraph 55 of the NPPF dealing with development in the countryside as it permits agricultural and forestry developments and the diversification of the rural economy as well as the re-use of existing buildings and infilling within groups of buildings in smaller rural settlements. It is clear from the submission policies map that there are several such settlements within the Areas of Separation. Infilling within them would be most unlikely to run counter to the aims of policy EN4. Furthermore, should policy EN1 not apply within the Area of Separation an anomalous situation would arise with no policy covering, for example, conversions of existing buildings within those areas. In discussion the Council have accepted that this is an error in drafting and I consider that the plan is unsound in this regard. An addition to the text in paragraph 8.9, as in SM45, would remedy this (**MM24**). In due course this will need to be shown on the 'adopted policies map' (PM11)<sup>39</sup>.

Issue 20: Whether there is a sound basis for the identification of all of the land to the south of Tom Benson Way as being part of an Area of Major Open Space (AoMOS) subject to Policy EN5.

142. Policy 19 of the adopted Core Strategy also applies to areas of open land within the Preston Urban Area. There are two such areas, the first is between Ingol/Tanterton and Greyfriars/Cadley and the second is between Sharoe Green and Fulwood. CS Policy 19 states that these areas 'will be designated' and in paragraph 10.16 it is indicated that the detailed boundaries are to be set out in the Site Allocations Development Plan (this plan). Paragraph 10.16 also makes clear that these areas 'are valued as part of the local Green Infrastructure'; that the (open) spaces 'help to maintain the distinctiveness of the adjoining neighbourhoods' and help protect Central Lancashire 'as a place with room to breathe'. Those phrases effectively set the objectives for the identification of the AoMOS.
143. The second part of Policy EN5 is a development management policy which sets criteria against which proposals for development within the AoMOS may be

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<sup>39</sup> Regulation 9, Local Plans Regulations 2012

judged. The operation of the policy has been amply demonstrated by the Council's consideration, in September 2014, of a planning application for the development of up to 164 houses on land to the south of Tom Benson way. The officer recommendation, after assessment against the policy criteria and the housing land supply position, was for approval, although that was not accepted by Council members. What it shows is that inclusion within an AoMOS does not necessarily preclude development.

144. By law a planning application has to be determined in accordance with the development plan (taken as a whole) unless material considerations outweigh. It is a different process to the consideration of the soundness of the development plan. For example, there is no dispute that the re-structuring of the Ingol Golf Course has resulted in the land in question effectively becoming surplus to requirements as part of the active golf course, thus satisfying criterion b) of policy EN5. However, although the use of land in the AoMOS has primarily been as golf course, the effect on that as a sports facility is covered by CS Policy 24, not Policy 19. The objectives of AoMOS designation are wide, as indicated above, and are about the value of land in its own right as open space, whether or not there is public access. The area of land in question has continued amenity value as an undeveloped area within the interstices of an urban area, whatever its intrinsic landscape value might be as identified in a Landscape and Visual Impact Analysis (LVIA).
145. Evidently, there is a long history to the development of this area as part of the former Central Lancashire New Town proposals. A concept of a golfing village was taken forward with islands of housing within the golf course itself. It would seem, though, that proposals for the designation of some parts as public open space, including the land immediately to the south of Tom Benson Way (as now is) were never pursued. There may now be no public access to the land although there were signs on the ground (paths) of public usage. As part of the 'green infrastructure' of the city the land may rightly be described as 'semi-natural green space'.
146. Whatever the access rights might be, the land abuts and wraps around the residential 'inlier' of The Avenue, Tanterton and thus helps to protect the 'local distinctiveness' of that area. The open nature of the land also contributes significantly to the semi-rural character of Walker Lane which is an important pedestrian route between Tom Benson Way and residential areas to the south. That walkway is likely to be used increasingly as a link to the large residential development to take place in N W Preston during the plan period. The land provides 'room to breathe' in that context.
147. For all of these reasons, I conclude that the area of land in question properly fulfils the function of an AoMOS as envisaged by the Core Strategy and that the plan is sound in that regard, as is Policy EN5 even though the cross-reference to policy EN2 is not strictly necessary.

Issue 21: The need to 'conserve and enhance' the natural beauty of the Forest of Bowland AONB (policy EN6)

148. Paragraph of the NPPF states that great weight should be given to conserving scenic beauty in National Parks and Areas of Outstanding Natural Beauty. Reference is also made in paragraph 109 to protecting and enhancing valued landscapes. Therefore, as in SM03, the inclusion of the words conserve and enhance within the policy rather than only in the plan text, paragraph 8.13, would bring the policy into line with the NPPF and thus be sound **(MM25)**.

Issue 22: Whether policy EN10 is fully consistent with national policy guidance

149. The policy guidance in paragraphs 117 and 118 of the NPPF is most directly applicable to the factors set out under policy EN10. It is a comprehensive policy covering a wide range of protected sites and also refers to protected species, thus overlapping to a degree with policy EN11, although that does not, in itself, make it unsound. Habitat protection is of recognised importance and not all 'Habitats of Principal Importance'<sup>40</sup> are within protected areas. The inclusion of a reference to such habitats within the policy (PC79) would bring it more closely in line with Planning Policy Guidance<sup>41</sup>. The Council's suggested additional explanatory text in PC77 is of a useful factual nature. However, part of PC78 would have the nature of a policy statement and should, therefore, be included within criterion e. for the policy to be fully consistent with the guidance in paragraph 118 of the NPPF and is recommended **(MM26)** for the plan to be sound. The reason would remain as part of the policy justification in paragraph 8.57.

Issue 23: Whether there is a need for a Green Belt policy

150. The submission policies map shows the extent of the statutory green belt in the south-eastern part of the Borough. However, the function of the policies map at submission stage is only to show the areas subject to policies in the plan or to denote saved policies which would be superseded by a new policy once the plan is adopted. As indicated in Appendix G, saved Policy DC1 in the 2004 Local Plan, which is a Green Belt policy, is intended to be deleted but there is no policy to supersede it. This was an oversight and the plan would be unsound without some form of policy statement.
151. The Council have suggested a modification (SM04) to introduce a new policy in Chapter 8 of the plan stating that national green belt policy will be applied. It will be for the Council to decide where it might best be placed but, for convenience, I have labelled it Policy GB1 **(MM27)**.

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<sup>40</sup> As indicated in PC77 this is under s41 of the Natural Environment and Rural Communities Act, 2006.

<sup>41</sup> Paragraphs 8-007 and 8-008

## Chapter 9 – Promoting Health and Wellbeing

Issue 24: Whether the site allocation WB2.1 for a pharmacy and medical centre with sheltered or extra care housing for the elderly on a site off Preston Road, Grimsargh, is sufficient for the purpose intended

152. It is represented that certain development constraints on the site and revised requirements, particularly for the care element, means that the allocation needs to be enlarged. However, the area sought for expansion to the west is within the Area of Separation. The information supplied does not categorically establish that unless the larger site is allocated the proposed development would be unviable or undeliverable and thus undermine the effectiveness of policy WB2. Also, as indicated above, policy EN4 is permissive and requires only an assessment of the impact of the development on the effectiveness of any gap between settlements. Any such effect would need to be balanced against a justifiable requirement for a larger site. That is an issue which is better considered in the context of a planning application.

Issue 25: Whether a limitation on the location and operation of hot food takeaways is justified in the light of national and Core Strategy policy on health and well-being with regards especially to problems of obesity in school children

153. The emphasis in section 8 of the NPPF on creating healthy communities is in the provision of facilities and open space in order to promote a healthy lifestyle through sport and recreation. However, the PPG includes a paragraph<sup>42</sup> on the links between health and planning and lists the range of issues that could be considered through the plan-making process one of which is 'promotes access to healthier food'. There is a link to a March 2014 report from Public Health England entitled *Obesity and the environment: regulating the growth of fast food outlets*. In part 4 of that report there is a section on school food and a reference to a recommendation by NICE<sup>43</sup> which encourages planning authorities "to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)". There is, therefore, a researched basis for such a policy approach.

154. Core Strategy policy 23 deals with health issues in which part e) refers to the need to 'manage the location of fast food takeaways'. As submitted, policy WB3 permits hot food takeaways within district and local retail centres in accordance with policy EP4 but only if they are not within a defined 400 m. 'exclusion zone' around primary and secondary schools and sixth form colleges. Such a restriction is excessive and more than is necessary to deal with the problem being addressed which is only related to older school children permitted to leave school premises unaccompanied at lunchtime walking to a takeaway instead of eating healthier school meals. It is not supported by the NPPF. The submitted policy is not sound.

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<sup>42</sup> ID 53-002-20140306

<sup>43</sup> NICE public health guidance, 'Prevention of Cardiovascular Disease'

155. The Council in effect accepted that by putting forward amendments to both the policy and the supporting text in PCs 81-88 inclusive. PC88 would significantly re-write the policy to make clear that takeaways may be permitted in any district or local centre provided it meets the requirements of policy EP4, including that it would not threaten the viability and viability of the centre. There is no reference to 'over-concentration' in the policy.
156. PCs 81-84 properly correct and amplify paragraphs 9.14 and 9.15 of the plan text to provide a factual background and introduction to policy WB3. However, paragraph 9.16 largely repeats the policy wording and is not entirely consistent with it. Deletion of the paragraph is recommended with wording incorporated in the policy itself for it to be sound. A replacement paragraph (PC86 as amended) is of an explanatory nature, as would be the amended (PC87) paragraph 9.17.
157. The second part of the policy, as in PC88, would no longer preclude the development of hot food takeaways in district or local centres within 400 m. of a secondary school or sixth form college provided that they are subject to a condition restricting opening and over-the-counter sales before 17.00 hrs. Such a restriction would directly address the justifiable concerns about access to, and availability of, hot food outlets during school lunch breaks and is entirely consistent with the Government guidance mentioned above as well as Core Strategy policy 23. The policy would therefore be sound if modified to include this provision (**MM28**).
158. A representation on the draft version of MM28 rightly draws attention to the need to reference the sequential test within the policy in accordance with Government policy and MM28 is amended to that effect. However, the evidence does not support the retention of exclusion zones around primary schools as favoured by the County Council. An amended plan showing the 400 m. zones to which the policy applies is at Appendix F (**MM29**).

## Plan Appendices

159. Although the text and plans on pages 80-110 inclusive are described as 'appendices' (A-G) they are between the front and back covers and part of the plan as submitted for examination. Appendices A and B are recommended for deletion by MM12. Appendices C, D and F are directly related to the implementation of policies in the plan whilst Appendix G is the monitoring framework which is an important aspect of the plan process setting key indicators and targets. Although not related directly to a policy the assumptions on housing delivery include an allowance for bringing empty homes back in to use. The additional indicator of the number of empty homes as a proportion of the total stock requires monitoring (see paragraph 65 of this report).
160. Appendix E is headed 'Schedule of Development Management Policies' and, undoubtedly, is of value to the plan user. However, it fails to make clear, as required by Regulation 8(5), which policies in this plan are intended to 'supersede' which saved policies in the 2004 adopted Local Plan. That is needed to meet the statutory requirement (**MM30**).

## The Policies Map

161. A fully coloured and detailed Policies Map was submitted with the Local Plan. The Policies Map is not part of the Local Plan itself but accompanies it. In due course, the 'adopted Policies Map' should illustrate geographically the application of the policies in the adopted development plan<sup>44</sup>. The Regulations do not empower me to recommend modifications to the Policies Map but unless it is amended by the Council so that it is consistent with the recommended Main Modifications the plan would be ineffective and therefore unsound. Therefore, in this report I have included a numbered reference in brackets, for example (PM1) to indicate that an amendment to the Policies Map will be consequential upon a recommended Main Modification. A list of these Policy Map amendments is set out in Appendix B to this report.

## Assessment of Legal Compliance

162. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Preston Local Plan 2012-2026 is identified within the approved LDS dated June 2014, as previously entitled the 'Site Allocations and Development Management Policies DPD. The plan was submitted only marginally later than expected, in July 2014. The timing of the examination stage has not been within the Council's control and adoption will clearly be significantly later than envisaged in the LDS (February 2015). However, in terms of content the Local Plan is fully compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and updated at each stage of plan preparation including the MM stage. A concern expressed by Historic England in relation to the treatment of Heritage Assets has been satisfactorily resolved. The SA is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report of June 2013 concluded that the plan would not have a significant effect on any European sites and that, consequently an Appropriate Assessment would not be required. An addendum report issued in June 2014 does not alter that position. A further screening report was prepared relating to the Main Modifications. Natural England have not taken issue with the conclusions of the HRA screening.

<sup>44</sup> Regulation 9(1)(c) of the Local Plans Regulations 2012

National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	An Equality Impact Assessment demonstrates that the LPA have complied with the Duty in preparing the plan.
2004 Act (as amended) and 2012 Regulations.	The submitted Local Plan complies with the Act and the Regulations with the exception of Regulation 8(5) but that is a matter which can be remedied (see MM30) .

## Overall Conclusion and Recommendation

163. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean **that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.** These deficiencies have been explored in the main issues set out above.
164. The Council have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. **I conclude that with the recommended main modifications set out in the Appendix the Preston Local Plan 2012-26 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*John R Mattocks*

Inspector

This report is accompanied by Appendix A containing the Main Modifications and Appendix B which lists the changes to the submission policies map which will need to be made consequentially upon the Main Modifications.