

1	<p>Many thanks for your email and letter dated 11th December 2014.</p> <p>We have now had the opportunity to consider the possible further modification to policy C4 set out in the letter and can confirm on behalf of Land Securities Group Plc that in principle we are content with the suggested wording changes.</p> <p>I would be grateful if you could confirm receipt of this email and keep we informed of any future progress.</p>
2	<p>Further to our previous correspondence, we would like to make a suggestion in order to assist in progressing the adoption of the South Ribble Site Allocations and Development Management Policies DPD.</p> <p>Our fundamental concern remains to ensure that the policy does not allow for a very large scale retail development with the potential to impact significantly on other centres in Lancashire. Our concern with the policy as drafted is that it would in principle allow this to take place - notwithstanding statements made elsewhere, outside the development plan, by your Council about the desire only to allow enabling development.</p> <p>As such, our view is that if the objective is to allow enabling development only, and for this to be clearly predicated on securing the delivery of a strategic employment site, this needs to be more accurately reflected in the wording of the policy itself.</p> <p>We therefore consider that a reasonable alternative is to suggest that the policy should be revised as follows:</p> <p><b>Policy C4 – Cuerden Strategic <u>Employment Site</u></b></p> <p><b>Planning permission will be granted for development of the Cuerden Strategic Site subject to the submission of:</b></p> <ul style="list-style-type: none"> <li>a) an agreed Masterplan for the comprehensive development of the site <u>to provide a strategic employment site, to include [delete retail] employment, [delete ‘commercial’], industrial and Green Infrastructure uses;</u></li> <li>b) a phasing and infrastructure delivery schedule;</li> <li>c) An agreed programme of implementation in accordance with the Masterplan and agreed design code.</li> </ul> <p><b>Alternative uses, <u>such as retail, leisure and housing</u> may be appropriate where it can be demonstrated that they [delete ‘may’] help deliver the strategic employment aspirations for the site. <u>The scale of any alternative enabling development will be limited to that which is clearly demonstrated to be necessary to fund essential infrastructure.</u> Any proposed main town centre uses must satisfy</b></p>

	<p>the sequential and impact tests set out in the National Planning Policy Framework (NPPF), relevant policies of the Core Strategy and this Local Plan.</p> <p><b><u>In all cases where an alternative use is proposed within the site which does not fall into Use Classes B1, B2 or B8, planning permission will only be granted where it is demonstrated that the development, in isolation or in combination with other completed or committed development, will not prejudice the delivery and maintenance of employment development as the primary function of the site, having regard to the overall objective of Policy C4 to provide land for a Strategic Employment Site.</u></b></p> <p>We hope this suggestion assists, and welcome your comments. As a next step we would also welcome further work to quantify the scale of any infrastructure funding gap and hence the nature and scale of any enabling development. We are happy to offer any support that we can in developing this picture.</p>
3	<p>Thank you for contacting Blackburn with Darwen Borough Council regarding the proposed further modification to Policy C4.</p> <p>Unfortunately, the revised policy as set out in your letter of 11<sup>th</sup> December 2014 does not overcome our concerns. C4 as proposed to be modified is still a wholly vague and unworkable policy, which could potentially open the door for substantial out of centre retail (or indeed other main town centre) development without the benefit of any proper consideration of the appropriateness or impact of such uses in this location at the policy-making stage.</p> <p>As a general principle, to suggest a policy to facilitate an unspecified amount or type of enabling development is a contradiction in terms. Enabling development is normally treated as non-policy compliant development which is allowed so as to facilitate a beneficial planning objective. To enshrine "enabling development" in policy in the way proposed is at odds with this principle. In our view the policy as framed effectively allocates the site for mixed uses – an interpretation which is reinforced by the proposed masterplan for the site on which we have commented separately. A mixed use allocation would have been a legitimate approach to consider had it been informed by a full consideration of the proposed mix of uses and the wider planning implications of delivering them on this site, but this has not happened.</p> <p>We do not consider that it is possible or appropriate to seek to retrospectively address these issues through the development management process in the way that the policy currently envisages.</p> <p>We suggest that if the objective remains to allow large scale retail uses on this site as a means of meeting the cost of the required infrastructure, this is informed by a full assessment, <u>at the policy making stage</u>, of the potential impact of doing so on centres in Lancashire and the implications for the sequential approach required by national policy; and, dependent on the outcome of this</p>

	<p>assessment, the inclusion of a clear indication in development plan policy of the nature and scale of uses that will be permitted on the site as part of a mix.</p> <p>Thank you for continuing to engage with us on the development of this policy. We welcome the opportunity to comment on any further modifications or additional technical work that is proposed.</p>
4	<p>Thank you for your letter dated 11 December 2014 requesting BLLLLP’s informal views on a possible further modification to Policy C4 to address the objections we have submitted previously.</p> <p>The modification involves the inclusion of further text relating to the site being a strategic employment site and the deletion of “retail” as an allocated use in the policy. The modification also clarifies the tests that would be applied to alternative uses, such as retail, leisure and housing, where it can be demonstrated that they deliver the strategic employment aspirations for the site. The policy specifically refers to the NPPF sequential and impact tests in this regard.</p> <p>I confirm that the proposed further modifications to Policy C4 as set out in your letter address the objections previously submitted by BLLLLP, in particular in relation to the deletion of “retail” from the policy, thus removing the presumption in favour of retail that such a specific allocation would have afforded.</p> <p>On the basis that the proposed modification is taken forward by the Inspector BLLLLP does not consider it would be necessary to re-open the Examination hearing to deal with this matter and if consulted on formally by the Council, BLLLLP would support the proposed further modification as now put forward.</p> <p>Thank you for sending this to BLLLLP for an informal view prior to publication. If you have any further queries please do be in contact with me.</p>
5	<p>Further to the attached invitation to comment on the proposed changes to the above, and following a telephone discussion with Helen Hockenhull, we attach a note setting out our requested modifications and a justification for each. The note includes both modified and track-change versions for convenience of review.</p> <p>We believe the changes reflect the intent of the inspector, whilst removing ambiguity from the council’s current draft modification.</p> <p>We would be grateful if the note as well as this cover email were made available to the inspector please.</p>

	<p>We would reiterate the point made in our lawyer’s (JMW) letter of 19 December 2014 to Ms Hockenull that it is clear policy C4 and the masterplan are inextricably linked, and C4 must be adopted in its final form before the masterplan (currently out to consultation) can be considered for approval.</p> <p>Planning Permission will be granted for development of the Cuerden Strategic Site subject to the submission of:</p> <ul style="list-style-type: none"> <li>a) an agreed Masterplan for the comprehensive development of the site, to provide an employment – led development site, to include employment, commercial, industrial and green infrastructure uses;</li> <li>b) a phasing and infrastructure delivery schedule;</li> <li>c) An agreed programme of implementation in accordance with the Masterplan and agreed design code.</li> </ul> <p>Alternative uses, such as retail, leisure and housing may be appropriate where it can be demonstrated that they help deliver employment generating development for this site. Any proposed main town centre uses must satisfy the sequential and impact tests set out in the NPPF, relevant policies of the Core Strategy and this Local Plan.</p> <p>Justification</p> <ol style="list-style-type: none"> <li>1. The insertion of “employment” to the policy C4 title leaves ambiguity as to whether the intention is for ‘strategic employment (such as a single regionally important employer, for example BAE systems), or instead for this strategic site to deliver employment (of all varieties, including smaller scale start up units). Following a conversation with Helen Hockenull on 18 December 2014, it would appear that whilst the LPA would welcome a strategic employer, it would not want to preclude smaller local employers, start-ups, or university incubation units, and the like. As such, the intention for the site to be ‘employment generating’ is therefore best dealt with in the body of the policy text and the word ‘employment’ deleted from the policy title.</li> <li>2. As the policy title sets the context of this site being a Strategic Site, it is not necessary to re-iterate the word ‘strategic’ in the body of the policy, as this leads to ambiguity. The body of the text should instead focus on making clear the intention for this to be a predominately employment generating development site.</li> <li>3. The use of the words ‘strategic’ and ‘aspirations’ in the final paragraph introduce unhelpful ambiguity to the policy.</li> </ol>
6	I write in response to your letter dated 11th December 2014 to us in connection with the above and which follows our initial representations made on behalf of First Investments Real Estate Management (Fi-rem).

	<p>I understand that following the recent consultation on a further modification to the above policy, the responses were submitted to the Planning Inspector for her to consider and identify a way forward, and in order to assist her in this regard the Inspector has asked the Council to consider the merit of a further modification to the Policy which is as set out in your letter.</p> <p>By way of a response I can confirm that Fi-rem is of the view that the further modification pushes the policy closer to what it regards as acceptable given precedents set through NPPF but feels that the changes don't go far enough.</p> <p>In this regard Fi-rem feels that consideration should be given the following re-wording of the policy. This version represents its preferred form of wording.</p> <p>If this version were to be agreed and form the version of the policy that will feature in the plan going forward then Fi-rem would be prepared to remove its objection:</p> <p><b><i>Policy C4 – Cuerden Strategic Employment Site</i></b>  <b><i>Planning permission will be granted for development of the Cuerden Strategic Employment Site subject to the submission of:</i></b>  <b><i>a) a masterplan and design code for the comprehensive development of the site to provide a strategic employment site to include employment, commercial, industrial and Green Infrastructure uses;</i></b>  <b><i>b) a phasing and infrastructure delivery schedule; and</i></b>  <b><i>c) An agreed programme of implementation in accordance with the agreed masterplan and agreed design code.</i></b>  <b><i>Alternative uses to the proposed employment, commercial, industrial and green infrastructure uses might be supported where it can be demonstrated that viability is an issue and they are required to enable the strategic employment aspirations for the site to be delivered. Any such uses must be appropriate in scale and satisfy other relevant policies of the Core Strategy, the Local Plan and NPPF.</i></b></p> <p>I understand that our response will be forwarded to the Inspector to assist her determine whether a further hearing session is necessary or whether the Council should proceed to consult on the above modification.</p> <p>As an alternative DPP/Fi-rem would be prepared to meet with you and the Inspector to hold an informal and without prejudice discussion on the changes we propose and support.</p>
7	<p>Thank you for your letter dated 11 December 2014 inviting informal views on a possible further proposed modification to the above policy. I understand that the proposed further changes seek to address objections that were received as part of your previous</p>

	<p>consultation.</p> <p>The matter has been given due consideration and I can confirm that the County Council supports the proposed further changes to the Policy. I consider the changes to represent a reasonable and proportionate response to the representations received which provides a sound and compliant policy framework to guide development of the Cuerden Strategic Site.</p>
8	<p>With regards to your letter of the 11<sup>th</sup> December relating to the above site and your further modifications to Policy C4 of the South Ribble Site Allocations and Development Management Policies DPD.</p> <p>I can confirm that Lancaster City Council welcome the proposed amendments suggested in your letter. The modifications provide greater clarity in confirming that the main use of the Cuerden site will be primarily for employment purposes with ancillary uses (such as retail) only being required to assist in the delivery of wider strategic employment aspirations. Should these draft modifications be formalised through the examination process then Lancaster City Council would support the revised Policy C4.</p> <p>We trust that these further changes will be made to the policy and that this will be forwarded to the Inspector for their consideration.</p> <p>Please do not hesitate to contact me if you have any further queries.</p>
9	<p>Further to your letter dated 11 December 2014, inviting additional comments on the further main modification to Policy C4 – Cuerden Strategic Employment Site, Nathaniel Lichfield and Partners makes the following observations on behalf of Aviva investors.</p> <p>The further main modification is:</p> <p><b>Policy C4 – Cuerden Strategic Employment Site</b></p> <p><b>Planning permission will be granted for development of the Cuerden Strategic Site subject to the submission of:</b></p> <ul style="list-style-type: none"> <li><b>a) an agreed Masterplan for the comprehensive development of the site <u>to provide a strategic employment site, to include [delete retail] employment, commercial, industrial and Green Infrastructure uses;</u></b></li> <li><b>b) a phasing and infrastructure delivery schedule;</b></li> </ul>

**c) An agreed programme of implementation in accordance with the Masterplan and agreed design code.**

**Alternative uses, such as retail, leisure and housing may be appropriate where it can be demonstrated that they [delete 'may'] help deliver the strategic employment aspirations for the site. Any proposed main town centre uses must satisfy the sequential and impact tests set out in the National Planning Policy Framework (NPPF), relevant policies of the Core Strategy and this Local Plan.**

Aviva Investors fully supports the amendment to specify that Cuerden is a Strategic Employment Site, which clearly identifies the purpose of the allocation for Class B uses as set out in the Town and County Planning Use Classes Order 1987 as amended. Aviva Investors also supports the deletion of retail at point 'a'. Aviva Investors considers that in its previous drafting, the proposed policy was neither legally compliant nor sound.

It follows that the policy text need not refer specifically to retail or other town centre uses, as it is not intended that these will be principal uses at the site. National Planning Policy and Central Lancashire Core Strategy Policy 11 both require a town centre first approach, and any proposal for retail/town centre uses development at this location would be subject to the NPPF tests of the sequential approach and impact, the policy need not say this explicitly. Accordingly, Aviva Investors objects to the concluding paragraph on the basis that it is superfluous. The sequential and impact tests are a requirement of the NPPF for all town centre uses proposed outside of defined centres or that are not in accordance with an up to date development plan and it is reasonable for any future development of this nature in whatever form to be subject to these tests.

In conclusion we would suggest that Policy C4 is amended to read as follows:

**Planning permission will be granted for development of the Cuerden Strategic Site subject to the submission of:**

- a) an agreed Masterplan for the comprehensive development of the site to provide a strategic employment site, to include [delete retail] employment, commercial, industrial and Green Infrastructure uses;**
- b) a phasing and infrastructure delivery schedule;**
- c) An agreed programme of implementation in accordance with the Masterplan and agreed design code.**

~~Alternative uses, such as retail, leisure and housing may be appropriate where it can be demonstrated that they [delete 'may'] help deliver the strategic employment aspirations for the site. Any proposed main town centre uses must satisfy the sequential and impact tests set out in the National Planning Policy Framework (NPPF), relevant policies of the Core Strategy and this Local Plan.~~

	<p>We trust that the further objection made by Aviva Investors will be shared with the Inspector in context with consideration of the further proposed Main Modification to the Site Allocations and Development Management Policies DPD.</p>
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Aviva Investors reserves the right to add to, alter or amend this objection.