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Your Ref:
Our Ref: PINS/F2360/429/2
Date: 1 April 2014

Dear Ms Hockenhull

South Ribble Site Allocations and Development Management Policies DPD

Thank you for your letter dated 12 March 2014 and the attached Duty to Co-operate (DTC) Supplement. I have some remaining concerns with the information in that supplement which I set out below. Given the cross-boundary working between South Ribble and Chorley Councils, I have also had regard to the response, dated 6 March, from Chorley Council to their Local Plan Inspector on their DTC Supplement.

DTC Supplement

Paragraph 37 of the draft February 2014 DTC Supplement is dismissive of Blackburn with Darwen Council's approach to surrounding authorities to absorb some of their need. The response of Chorley Council indicated that matters have moved on and that Blackburn with Darwen Council has now published their own Local Plan. For the purposes of transparency, this should be made clear in South Ribble's DTC Supplement.

The Council should set out the on-going processes and procedures which are in place to ensure future co-operation on this matter, please see Chorley Council's response to the Inspector.

There is no reference to meeting the need for transit provision in the document. Please see paragraph 39 of Chorley's updated DTC Supplement.

I note that South Ribble did receive an objection from Heine Associates at an early stage in the Plan indicating that there was a perceived need in the area. This information does not need to form part of the DTC for the Plan. Nevertheless, I would recommend that the Council include this respondent in consultation on the GTAA and Gypsy and Traveller DPD in due course.

Proposed modifications and LDS

The LDS should be updated as per the timescale in table 2, Appendix 1 of the Council's letter dated 24 February 2014. However, in light of your joint working arrangements, you may wish to reconsider this in the light of the timescale submitted

by Chorley Council. In particular, the commissioning stage seems drawn out given that the results will be due in November 2014. That timetable also refers to updating the LDS, but the Council have now agreed to do this in April 2014. A copy of the updated LDS should be sent to me as soon as it is available.

I can confirm that the suggested modification to the Plan as set out in your letter (dated 12 March) is now acceptable and, subject to the matters set out below, the Council can undertake a consultation on this modification.

Practice Guidance

You will be aware that the Government published practice guidance on 6 March 2014, replacing a raft of previous documentation. With this in mind, the public consultation on the above modifications should also afford an opportunity to comment upon the implications of the guidance for the Plan. However, it should be made clear that the guidance does not change existing Government Policy as iterated in the Framework.

I would be grateful if the Council could prepare a short document identifying the extent to which it considers the guidance may affect the content of the Plan. From my own assessment, I would suggest that the Council may wish to reconsider the wording of policy B2 in the light of paragraph 001 of the guidance (Reference ID: 50-001-20140306) which confirms that "blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...". Having regard to policy B2, I would suggest that paragraph (b) should be removed from the policy together with the words "Other development will not be permitted on these sites" from the justification. As those villages, identified in the policy, are constrained by Green Belt boundaries, other development would thus be considered having regard to national Green Belt policy.

In addition, the Ministerial Statement accompanying the practice guidance referred to forthcoming reforms relating to the flexibility for changes of use. The Council may wish to consider whether this flexibility is reflected in the wording in the retail chapter (as modified). I appreciate that this is, at the moment, a *proposed* change. However, I have no doubt that the Council would wish to avoid further delay to the Plan if this change is introduced in the near future, before the Plan is adopted. I have made some suggestions below which the Council may wish to consider. I should stress that these are not main modifications at present as they are not required for soundness as things currently stand. But that might change depending on the timing of the introduction of the changes relative to the final finding of soundness of the Plan. Accordingly, should you accept these suggested changes, it would be prudent to consult on them at the same time as the consultations on the modification to the gypsy and traveller matters.

The suggested wording for the Council to reconsider would be as follows:

Policy E3:

Part c) delete "subject to a 6 month marketing assessment" and replace with "where this would not harm the sustainability of the shopping area".

Secondary Retail Frontage: delete "However, applications for the change of use of A1.....to provide evidence for this change of use".

Justification: delete paragraph 8.38.

Policy E4:

Delete: "will need to include a six month.....for a change of use from A1 (Retail)" and insert wording along the lines of that suggested for E3 c) above.

Delete: paragraph 8.49.

Policy E5:

Delete: "minimum A1 retail target as identified above" and replace with "sustainability of the shopping area".

Delete: paragraph 8.53.

Other modifications

Finally, I would remind the Council of the contents of your letter dated 7 October 2013. This related to modifications being undertaken in relation to the Enterprise Zone boundary and the comments of BAE Systems. Can the Council confirm that the consultation on these modifications was undertaken and whether there were any responses (please provide copies if so). Are any alterations proposed to the previously suggested modifications as a result?

I appreciate that the Council has a tight deadline for the consultations. I would therefore request the following at the latest by 5pm on Thursday 3rd April:

- confirmation of the Council's responses to the suggested modifications to the Plan identified above;
- confirmation that these will be consulted upon at the same time as the consultation on the modifications to the gypsy and traveller section.

The following can be submitted as soon as possible thereafter, but no later than Friday 2nd May:

- the paper relating to compliance with the practice guidance; the Council will wish to undertake this exercise before the consultation takes place in order to ensure that any other modifications which you consider to be necessary are also consulted upon;
- the amended DTC supplement;
- an updated LDS timetable;
- the updated LDS;
- confirmation of the current situation regarding the EZ boundary and the comments of BAE Systems.

For your information, I will be unavailable after 4th April until 23rd April.

Yours sincerely

Susan Heywood

Senior Housing and Planning Inspector