

PENWORTHAM TOWN NEIGHBOURHOOD PLAN

Penwortham Neighbourhood Plan Examination,
A Report to South Ribble Borough Council

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1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This Report provides the findings of the examination into the Penwortham Town Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Penwortham Town Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by South Ribble Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Penwortham Neighbourhood Area.

Role of the Independent Examiner

I was appointed by South Ribble Borough Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Penwortham Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies the plan period as “2016 - 2026.”

For clarity, having regard to the above requirement, I recommend:

- **Page 4, Introduction, Para 1, add “...development and growth *up to 2026.*”**

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to South Ribble Borough Council that I was satisfied that the Penwortham Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions. I note that Page 4 of the Neighbourhood Plan provides a clear, accurate and helpful summary of the basic conditions.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, national policy states that:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

South Ribble Borough Council undertook a Strategic Environmental Assessment Screening Report in August 2015. This concluded that:

“...it is unlikely there will be any significant environmental effects arising from the PTNDP that were not covered in the Sustainability Appraisal of the Central Lancashire Core Strategy. As such, the PTNDP does not require a full SEA to be undertaken.”

Further to the above, the statutory consultees, Natural England, Historic England and the Environment Agency, have all been consulted on the Neighbourhood Plan and none have raised any objections to the conclusion above.

A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. In undertaking its Screening Report, South Ribble Borough Council identified the presence of the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site around two kilometres west of the Neighbourhood Area. However, South Ribble Borough Council noted that although:

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, *ibid*

“...the PTNDP refers to large scale residential development, it does not allocate any sites not included, and therefore already assessed, in the South Ribble Local Plan.”

South Ribble Borough Council goes on to state that;

“The Habitats Regulations Assessments for the Central Lancashire Core Strategy/South Ribble Local Plan considered the impact of development in Penwortham and development in the town will accord with that identified in the Core Strategy. A Habitats Regulations Screening was undertaken and no significant effects were noted on European protected sites.”

In addition to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the Screening Report and reaching the conclusions that it has, South Ribble Borough Council has clearly considered the Neighbourhood Plan’s compatibility with EU obligations and, like the statutory consultees named above, it has no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

3. Background Documents and the Penwortham Neighbourhood Area

Background Documents

In undertaking this examination I have considered various information in addition to the Penwortham Town Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Central Lancashire Core Strategy Development Plan Document (DPD) (2012)
- South Ribble Local Plan (2015)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment Screening Opinion

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Penwortham Town Neighbourhood Area.

Penwortham Town Neighbourhood Area

Page 6 of the Neighbourhood Plan refers to there being a plan showing the boundary of the Penwortham Town Neighbourhood Area in the Appendices. For clarity, I recommend that the boundary plan be included within the Neighbourhood Plan itself:

- **Move the boundary plan from the Appendices to page 5 of the Neighbourhood Plan, following on from the “*Area Designation*” section.**

The Neighbourhood Plan states that the Neighbourhood Area is co-terminus with the boundaries of the electoral area of Penwortham Town.

Further to an application made by Penwortham Town Council, South Ribble Borough Council approved the designation of Penwortham Town as a Neighbourhood Area on 26 February 2014.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Penwortham Town Neighbourhood Plan Consultation

The Consultation Statement submitted to South Ribble Borough Council alongside the Neighbourhood Plan set out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

The information provided, in respect of the consultation carried out, demonstrates that community engagement was at the heart of the plan-making process and that it was carried out in a comprehensive manner.

Further to the decision to produce a Neighbourhood Plan, a Steering Group, comprising elected members and representatives of community groups, businesses and interested parties within the town, was created. The Steering Group was supported by professional planning advice, both from South Ribble Borough Council and through expert advice. The benefits of this support are clear to see in what is a well-produced Neighbourhood Plan.

The inaugural meeting of the Steering Group was held in January 2014 and this was followed by the distribution of 9,500 newsletters to every household and business address in the Neighbourhood Area. The newsletter contained a questionnaire, which was also available electronically and in various venues throughout the town.

The questionnaire was supported by "*roadshow events*" held at seven separate venues, providing opportunities for questions and comments. A further 2,500 questionnaires were disseminated at these events. All of the responses to the questionnaires were analysed and informed the production of the draft plan.

⁷Neighbourhood Planning (General) Regulations 2012.

Pre-Submission Consultation took place over a six week period between 1st September and 16th October 2015. The consultation was supported by four separate consultation events held across the Neighbourhood Area. All comments received were considered and further to a meeting on 22nd October 2015, responses were published.

The Consultation Statement provides evidence to demonstrate that community engagement was encouraged, matters raised were considered and the reporting process was transparent.

Taking everything into account, I am satisfied that the Neighbourhood Plan has emerged through robust public consultation.

5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

I note earlier in this Report that the Introduction provides a clear and accurate summary of the basic conditions. I also make a recommendation with regards including the plan of the Neighbourhood Area as part of the Neighbourhood Plan itself.

The Local Character section is concise and provides helpful background. It is also interesting and distinctive, including references such as the Methodist chapel on Pear Tree Brow being the scene of the “*original treacle tart accident*” that created the “*Penwortham Bunnock (a parkin-type cake)*.”

Neighbourhood plans are unique to the communities that produce them and the more unique and interesting their presentation, the more likely it is that people will read them.

Page 6 of the Neighbourhood Plan includes a reference to a “*Marine Conservation Zone*” along the River Ribble. However, the government has decided not to progress with this. Consequently, I recommend:

- **Page 6, delete the sentence beginning “All along the Marine Conservation Zone...” (I also note that this sentence does not make sense, in any case)**

No other recommendations are proposed to the non-Policy section of the Neighbourhood Plan. I note that this is indicative of the generally high standard of the document produced.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Policy Section – Introduction

Unlike other Policies in the Neighbourhood Plan, there is no title to the supporting text to Policy 1. It appears that the general “Policies” heading has inadvertently replaced this.

The Policies are the most important part of the Neighbourhood Plan. Taking the above into account, and in the interests of clarity and emphasis, I recommend:

- **Start the Policy Section on a new page following the Vision, under the heading “*Penwortham Town Neighbourhood Plan Policies*”**
- **Following this, provide a new heading, “*The Penwortham List*”**

Policy 1: Development affecting property included in the Penwortham List

Chapter 12 of the National Planning Policy Framework (the Framework), “*Conserving and enhancing the historic environment*,” recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.

With regards non-designated heritage assets, the Framework goes on to state that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” (Paragraph 135)

Policy 1 identifies a number of properties that, whilst not formally Listed or designated as heritage assets, make a significant contribution to the quality of the Neighbourhood Area. Each of these non-designated heritage assets are identified and their qualities described in the Appendices to the Neighbourhood Plan. Generally, in seeking to conserve the properties on the Penwortham List, Policy 1 has regard to national policy.

However, as worded, the first part of Policy 1 goes well beyond the requirements of Paragraph 135 of the Framework. It requires any harm or loss of any part of the listed non-designated heritage assets to be justified by “*substantial public benefits*.” By way of contrast, national policy simply requires the balanced consideration of the significance of the heritage asset against harm or loss. No substantive evidence has been provided in support of Policy 1’s requirement for proposals to bring about public benefits. Furthermore, there is no indication of what, in this context, “substantial” actually means and consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

In addition to the above, no detail is provided with regards what a “*convincing justification*” comprises, how this will be judged, on what basis and who by. Taken as a whole, the first part of Policy 1 seeks to provide a greater degree of protection to non-designated heritage assets than national policy does to heritage assets, without justification.

The second part of Policy 1 effectively prevents the removal of any “*special feature*” that contributes to a property on the Penwortham List’s significance. The description of the properties on the Penwortham List provides very little detail in this regard and consequently, this part of the Policy is imprecise and fails to have regard to Planning Practice Guidance, which requires land use planning policies to be precise and concise⁸.

Furthermore, it is not clear when it would be appropriate to “*re-instate*” rather than “*replace*” a “*special feature*” and why, in all circumstances, retention or re-instatement would be necessary. This part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal. There is insufficient evidence to demonstrate that this part of Policy 1 would necessarily contribute to the achievement of sustainable development – for example, it may well be that, on balance, not retaining a “*special feature*” would be more than compensated for by the overall benefits of a scheme proposed, and there is no evidence to the contrary.

Taking the above into account, neither Policy 1i) nor Policy 1ii) meet the basic conditions.

Generally, the third part of Policy 1 seeks to conserve heritage assets and has regard to national policy. It is not clear what the phrase “*competing with*” actually means in practice, although the preceding sentence provides some detail as to the overall intention of Policy 1iii) and I make a recommendation in this regard below. Also, as worded, the Policy could be taken to relate to any extensions or alterations, even permitted development, which does not require planning permission. No justification for such a departure from national policy has been provided.

To some considerable degree, the last two parts of the Policy largely seek to achieve the same thing – to conserve the setting of properties on the Penwortham List. Taken together, they go well beyond the requirements of national policy by requiring all development in the setting of a non-designated heritage asset to protect, conserve and enhance the setting of that asset. The Policy goes even further by suggesting that, somehow, new development should help promote the significance of properties on the Penwortham List.

Paragraph 135 of the Framework is clear. It does not require all development in the setting of a non-designated heritage asset to promote their significance. As worded, the final parts of Policy 1 could prevent sustainable development from coming forward.

Taking all of the above into account, I recommend:

- **Policy 1, delete Criteria i) and ii)**

⁸ Ref: Planning Practice Guidance 41-041020140306.

- **Policy 1, Criteria iii), change to “i) Extensions or alterations requiring planning permission to any property named on the Penwortham List should be designed sympathetically and not detract from the appearance of the property. Proposals should...materials.”**
- **Policy 1, delete Criteria iv) and v) and replace with “Proposals within the setting of a property on the Penwortham List must demonstrate that they have taken into account its significance.”**

Subject to the above, Policy 1 contributes to the achievement of sustainable development and meets the basic conditions.

Policy 2: Requirements for new large scale residential development

As set out above, national advice, in the form of Planning Practice Guidance requires planning policies to be precise⁹. Policy 2 seeks to promote development that adds to the “*small-scale distinctive feel of Penwortham.*” Such an approach has regard to national policy and is in general conformity with South Ribble Local Plan Policy G17, as together, both documents seek to protect local character. However, in order to achieve this, as worded, Policy 2 sets out a vague and imprecise requirement.

The Policy states that phases of development should be small in scale or broken up into smaller parcels. However, other than a broad reference in the supporting text to a parcel possibly comprising 50-150 dwellings, there is little clarity as to what a phase or parcel is. Notwithstanding this, I note that, by definition, a phase of a development already represents a splitting up of a larger development.

Further to the above, it is unclear how the requirements of Policy 2, as imprecise as they are, would impact on the delivery and viability of a development, or on matters such as developer contributions/Section 106 agreements etc. For example, there is no detailed information to demonstrate that the Policy has regard to Paragraph 173 of the Framework, which:

“...requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable.”

In addition, there is nothing to demonstrate that it would be possible and appropriate in all circumstances for phases or parcels to have their own individual design and place characteristics, nor any indication of what these may be.

Taking all of the above into account, Policy 2 fails to have regard to national policy. However, the supporting text clearly sets out that much of Penwortham’s character is derived from its differing characteristics. Taking this and the above into account, I recommend:

- **Policy 2, change to “*The phased delivery of allocated large scale residential sites, such that each phase has a distinctive character of its own, will be supported.*”**

⁹ Ref: Planning Practice Guidance 41-041020140306.

Range of residential properties

Policy 3: Range of residential property

Chapter 6 of the Framework supports the delivery of a wide choice of high quality homes. Whilst the aspiration of Policy 3, which requires residential development to contribute towards a wide range of dwellings, has regard to this, the Policy itself is so general as to be imprecise. It appears as a general statement, rather than a precise land use planning policy.

The Neighbourhood Plan already establishes that Penwortham has a wide range of dwellings. By its very nature, residential development will make a contribution to the Neighbourhood Area's wide range of dwellings. The Policy does not set out any requirements in terms of size, design or tenure and consequently, it fails to provide a decision maker with a clear indication of how to react to a development proposal.

I recommend:

- **Delete Policy 3**
- **Delete supporting text and the heading "Range of Residential properties"**

Types of Residential Property

Policy 4: Types of Residential property

It is not the role of neighbourhood planning policies to repeat policies contained in current, adopted planning documents. Further, a neighbourhood planning policy should not be reliant upon policies in other documents that are beyond the control of the neighbourhood plan. There is also no need for policies to cross reference other policies within the same neighbourhood plan, as the neighbourhood plan should be read as a whole.

Part of Policy 4 relies upon Policy 7 of the Central Lancashire Core Strategy and cross-references a previous Policy (which is, in any case, recommended for deletion). I make recommendations in this regard below.

In supporting the provision of a wide choice of high quality homes, the Framework promotes planning:

“...for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as...older people...)”
(Paragraph 50, the Framework)

Policy 4 seeks to meet the need identified by the community for more housing for older people. However, it is not entirely clear why this should result in the specific requirement for 10% of affordable housing to be specifically for occupation by older people; and 10% of every development to comprise single storey properties suitable for use by older people. There is no clear evidence base to demonstrate that these specific requirements relate to specific identified needs.

Further to the above, no evidence has been provided to demonstrate that, in all cases, it will be appropriate for 10% of residential development to comprise single storey property, or that such a requirement will be viable and deliverable, having regard to Paragraph 173 of the Framework.

However, the general aims of Policy 4 have regard to national policy. Taking this and all of the above into account, I recommend:

- **Policy 4, change to *“On development sites where affordable housing is provided, the provision of 10% of units specifically for occupation by older people will be supported. On all residential developments, the provision of 10% of units as single storey properties suitable for use by older people will be supported.”***

Middleforth Shopping Centre

Policy 5: Middleforth Shopping Centre

Policy 5 seeks to designate Middleforth Shopping Centre. Given this, it is appropriate to show the area designated within the Neighbourhood Plan. I recommend:

- **Move the plan from Appendix 10 into the Neighbourhood Plan, to follow Policy 5**

Chapter 2 of the Framework, “*Ensuring the vitality of town centres,*” recognises town centres as the heart of their communities and supports policies to promote their vitality and viability. In addition, Paragraph 70 of the Framework states that planning policies should:

“...ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.”

In seeking to retain the majority of uses in Middleforth Shopping Centre in retail use, whilst allowing for some flexibility, Policy 5 has regard to the Framework. However, the Policy also requires retail uses to be enhanced, without providing a mechanism to deliver this. Consequently, this part of the Policy is unclear and fails to have regard to Paragraph 173 of the Framework.

The second part of the Policy is imprecise, to the extent that it fails to provide a decision maker with a clear indication of how to react to a development proposal. It simply states that various possible uses “*may be appropriate.*” By the same token, they may not be appropriate, and consequently this part of the Policy does not provide for clarity.

I recommend:

- **Policy 5, change to “*To support the vitality and viability of the Middleforth Shopping Centre, as defined in the plan below, development proposals that would result in less than 60% of units remaining in A1 (Retail) uses will not be supported.*” (delete rest of Policy)**

Sporting Facilities

Policy 6: New Sporting Facilities

Paragraph 73 of the Framework recognises that:

“...opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”

Generally, part of Policy 6, in supporting new sporting facilities, has regard to national policy.

The first part of Policy 6 sets out a general aspiration of Penwortham Town Council. It is not a land use planning policy. However, rather than lose sight of a locally important aspiration, I make a recommendation below that recognises the potential for community benefits to arise from development.

The second part of the Policy is imprecise. It refers to *“additional sporting facilities requirements arising.”* This is something that has not yet occurred and which, consequently, may or may not occur at some stage in the future. The Policy then goes on to refer to possible, undefined financial contributions towards the equally undefined *“additional sporting facilities requirements.”* This part of the Policy is unclear and fails to meet the basic conditions.

In making the recommendation below, I note that Penwortham Town Council has identified a specific area of land for new sporting facilities.

I recommend:

- **Policy 6, delete and replace with *“The provision of new sporting facilities adjacent to Penwortham Community Centre will be supported.”***
- **Provide a new “Community Action” (NB, this is not a land use planning policy), with the text *“The Town Council will, where possible, seek to work together with partners to locate new sporting facilities adjacent to the existing Community Centre.”***

Community Facilities

Policy 7: Penwortham Community Centre

Paragraph 70 of the Framework states:

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities...”

Generally, in seeking to extend Penwortham Community Centre, Policy 7 has regard to national policy. However, the first part of the Policy relates to the promotion of the wider usage of the Community Centre, rather than a land use planning matter. I recommend the introduction of a Community Action below, to take account of this aspiration.

The Policy goes on to state that *“...the Town Council will commit its resources...”* and again, this is not a land use planning matter, but a statement relating to the future intention of Penwortham Town Council.

I recommend:

- **Policy 7, change to *“The extension of Penwortham Community Centre, to include the provision of a multi-use hall and cafeteria, will be supported.”***
- **Create a new “Community Action” with the following text *“The Town Council will promote the wider use of Penwortham Community Centre. To support this, the Town Council will commit its resources to future improvements.”***

Subject to the above, Policy 7 contributes to the achievement of sustainable development and meets the basic conditions.

Penwortham Cycling and Walking Route

Policy 8: Penwortham Cycling and Walking Route

Paragraph 75 of the Framework establishes that:

“Planning policies should protect and enhance public rights of way and access.”

In addition, Chapter 4 of the Framework, *“Promoting sustainable transport,”* states that developments should be designed to:

“...give priority to pedestrian and cycle movements...” (Paragraph 35)

Policy 8 has regard to national policy. It supports the provision of a new circular route for walkers and cyclists.

However, as set out, the Policy comprises a general statement, is reliant upon third parties and reads as an aspiration rather than a deliverable land use planning policy. Further, it relates to a plan that is not included within the Neighbourhood Plan, but is appended to it.

Taking all of the above into account, I recommend:

- **Policy 8, change to *“The route shown on the plan below will be safeguarded for a dedicated circular route for cyclists and walkers. Proposals for development within the Neighbourhood Area that would prejudice the delivery of the route will be resisted.”***
- **Move the plan from Appendix 12 to the Neighbourhood Plan, below Policy 8**

7. The Neighbourhood Plan: Other Matters

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents page (page 2) to reflect the recommendations above**

8. Summary

I have recommended a number of modifications further to consideration of the Penwortham Town Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Penwortham Town Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to South Ribble Borough Council that, subject to the modifications proposed, the **Penwortham Town Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Penwortham Town Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Penwortham Town Neighbourhood Area approved by South Ribble Borough Council on 26 February 2016.

Nigel McGurk, September 2016
Erimax – Land, Planning and Communities

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