

**APPEALS BY TAYLOR WIMPEY UK LIMITED  
AND HOMES ENGLAND**

**LAND AT PICKERINGS FARM,  
PENWORTHAM**

**PINS REFERENCES:  
APP/F2360/W/22/3295498  
APP/F2360/W/22/3295502**

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**OPENING SUBMISSIONS ON BEHALF OF  
THE LOCAL PLANNING AUTHORITY**

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1. By these 2 appeals Taylor Wimpey UK Limited and Homes England seek outline planning permission (with all matters reserved save for the principal means of access) for the development of land to the South of Penwortham in Lancashire. Together, the proposed development amounts to up to 1,100 dwellings (30% of which will comprise affordable housing). Other components of the proposed development include a local centre and primary school (within Appeal Site A) as well as green and other infrastructure.
2. The 2 Appeal Sites are located within a wider site that benefits from allocation within the Council's Development Plan. Within the Central Lancashire Core Strategy<sup>1</sup> ("the Core

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<sup>1</sup> CD5.1

Strategy”), land to the South of Penwortham is identified as a strategic location and a focus for growth within Policy 1.

3. The Core Strategy records that the strategic location comprises, “a broad area of search”, and that the South Ribble Site Allocations DPD will identify the extent of land to be brought forward<sup>2</sup>.
4. The Council’s Local Plan<sup>3</sup> identifies 3 major residential led development sites. Pickerings Farm is the largest of those 3 sites and appears on the Policies Map as Site EE (“the Allocated Site”). Land to the South of the Allocated Site is identified as safeguarded land<sup>4</sup>.
5. The Local Plan anticipates the development of up to 1,350 dwellings from the 79ha Allocated Site<sup>5</sup>.
6. Paragraph 6.7 of the Local Plan states that;

“The comprehensive development of this site is crucial due to its size and strategic importance as well as to ensure delivery of essential infrastructure and local services...”.

7. That observation is reflected in Policy C1 of the Local Plan that makes it clear that in order to benefit from the grant of planning permission;
  - (a) there must be an agreed Masterplan for the Allocated Site (extending to cover the safeguarded land to the South),
  - (b) a phasing and infrastructure delivery schedule must be submitted<sup>6</sup>, and,
  - (c) an agreed programme of implementation (that accords with the Masterplan) and an agreed design code must also be submitted.

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<sup>2</sup> at paragraphs 5.49 and 5.50.

<sup>3</sup> CD5.2

<sup>4</sup> and is the subject of Policy G3 in the Local Plan.

<sup>5</sup> at paragraph 6.6 of the Local Plan.

<sup>6</sup> that in accordance with paragraph 6.10 of the Local Plan is to be secured through a legal agreement.

8. The Appeal Schemes together comprise just over 52ha. Significant parcels of land outside of the red line boundaries for the Appeal Sites are interspersed across the Allocated Site. It is understood that much of this land (that falls outside of the Appeal Sites) is in the hands of third parties.
9. Following the adoption of the Local Plan (July 2015), work commenced on producing a masterplan for the Allocated Site in 2018. That process culminated in the submission of a masterplan to the Council by the Appellants in August 2020. The Council was not satisfied with its adequacy and rejected it.
10. In tandem with the preparation of that masterplan, the Appellants prepared and submitted 2 planning applications; one for outline consent for the development of up to 1,100 dwellings, and another for a section of the Cross Borough Link Road (“CBLR”) from Penwortham Way (to the West of the Allocated Site) to Bee Lane (to the East of the Allocated Site). Those planning applications were withdrawn by the Appellants (in March 2021).
11. The Appellants have followed a similar approach in respect of the Appeal Schemes. Whilst they have not made a further planning application for the section of the CBLR across the Allocated Site, they have pursued planning applications for the development of land under their control within the Allocated Site whilst, at the same time, advancing a masterplan.
12. The Council recognises that the masterplan submitted in support of the Appeal Scheme (“the Masterplan”) has moved on from that rejected by the Council in September 2020. However, it remains deficient. Those deficiencies form part of the basis for the Council’s refusal of planning permission for the Appeal Schemes in November 2021.
13. The Council’s refusal of consent was not confined to concerns about the Masterplan. 11 reasons for refusal were advanced in respect of the Appeal Schemes. One of those reasons for refusal (numbered 9) was the result of statutory consultation with Sport England, and expressed concern about how additional demand for sporting provision would be met.

That concern has now been addressed, and that element of the Council's reasons for refusal is no longer pursued.

### **Highways Impacts**

14. Another statutory consultee, namely Lancashire County Council in its role as Local Highway Authority ("the LHA"), was also concerned about the adequacy of information submitted in support of the Appellants' development proposals (as was National Highways). Those concerns have not been addressed notwithstanding the provision by the Appellants of further information on the subject of highways impacts during the course of these Appeals<sup>7</sup>.

15. The LHA still considers the Appellants' approach to the assessment of highways impact to be deficient<sup>8</sup>. In an effort to assist the inquiry, the LHA has undertaken its own assessment of impact of the Appeal Schemes on the local highway network. There are important points of difference between the Appellants' and LHA's approach to assessment including;

- base traffic flows (both current and future),
- trip generation and distribution, and,
- the assessment of impact at individual junctions (as opposed to the Appellant's approach of modelling likely changes in journey time across a limited number of defined routes).

16. The LHA's approach demonstrates that, at certain junctions on the local road network, the Appeal Schemes generate a level of impact that requires mitigation. Those requirements are not accepted by the Appellants.

17. Quite apart from the methodological differences between the Appellants and the LHA, there are points of principle that appear to be in dispute, namely;

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<sup>7</sup> specifically, the evidence prepared by Mr Axon on behalf of the Appellants.

<sup>8</sup> It appears that National Highways ("NH") also remains of that view. However, NH has reached a conclusion, based on its own analysis, that the impact of the Appeal Schemes on the Strategic Road Network is acceptable. In its letter dated 28 July 2022 (at Mr Axon's Rebuttal Appendix 4), NH records that, "The outcome of the discussions [with the Appellants] to date is that National Highways has been unable to form a view on the proposals based upon evidence that is acceptable to us." NH goes on to explain that it has had to undertake its own analysis in conjunction with the LHA.

- (i) what weight should be given to additional delays for drivers during peak hours, and,
- (ii) the likely success of measures advanced by the Appellants in an effort to reduce the reliance of future residents on the private car.

18. In respect of both of those points, and contrary to the Appellants' repeated assertions, the LHA does not advocate what has been termed a "predict and provide" approach. Instead, in this case (as with all others), and in discharging its statutory duties, the LHA seeks to;

- (i) prioritise active travel, and in doing so, reach a realistic view about the likely success of active (and shared) travel measures advanced by developers<sup>9</sup>, and,
- (ii) assess robustly the Appeal Schemes' likely impacts.

19. Accordingly, it is not the LHA's approach to promote the convenience of the car-borne commuter above other interests. However, with these Appeal Schemes, as with all others, a balanced and realistic assessment is required recognising that delays generated on the local road network are relevant, and, in some circumstances, should be addressed.

### **The Bee Lane Bridge**

20. One part of the Appeal Schemes' impact on the local road network raises a specific concern about safety. The existing Bee Lane bridge currently carries little motorised traffic as well as some pedestrians and cyclists. Its use is proposed to increase as a result of the Appeal Schemes. The LHA is not satisfied that the interventions proposed by the Appellants for the Bee Lane bridge safely address that increased level of use.

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<sup>9</sup> No part of a "vision and validate" approach supports an approach that is either unrealistic about its likely success (in other words, not sufficiently validated), or ignores significant delays generated on the local highway network during peak hours.

### **Masterplan, Design Code, Phasing and Infrastructure**

21. The LHA's other concerns are directed at the question of the Allocated Site's comprehensive development. Accordingly, they overlap with the Council's objections to the Appeal Schemes.

22. The LHA's concerns about the Masterplan (addressed in Mr Stevens' evidence) are that it fails to address properly;

- east/west movements across the Allocated Site (including through the completion of the section of the CBLR between Penwortham Way and Leyland Road to the east of the West Coast Main Line),
- the safe use of the Bee Lane bridge,
- adequate proposals for shared travel (i.e. buses),
- adequate proposals for active travel (in particular, pedestrians and cyclists), and,
- potential highways issues associated with the use of a new primary school on Appeal Site A.

23. In addition, and on behalf of the Council, Dr Price's evidence conducts a critical appraisal of the Masterplan. His assessment is even-handed and whilst he records a number of areas in which the Masterplan (and Design Code) would have benefitted from greater detail and analysis, he also notes the positive components of the Appellants' approach. However, concerns remain. In particular;

- (i) the disjointed nature of the Appeal Sites means that the Masterplan fails to deliver proposals that achieve acceptable levels of connection (in particular on an east/west axis), and,
- (ii) the extent to which the Appellants' proposals for active travel, and in particular, the proposed use of the Lanes, are realistic and deliverable.

### **Delivery of the CBLR**

24. The failure to achieve satisfactory east/west connections across the Allocated Site within the Masterplan would be resolved by the Appellants demonstrating how their Masterplan provides for the CBLR from Penwortham Way to Leyland Road (crossing the West Coast Main Line). The Masterplan does not do that.
25. The importance of completing the CBLR is recognised in the Local Plan. Policy A2 of the Local Plan requires land to be protected for the delivery of the CBLR, and Policy C1 (in respect of the Allocated Site) requires a phasing and infrastructure delivery schedule in order for permission to be granted for development of the Allocated Site. The central item of infrastructure specifically identified in the supporting text to Policy C1 is the CBLR (at paragraph 6.11).
26. Other than the section of road within the red line boundary of Appeal Site A, the Appellants' Masterplan (and phasing and infrastructure delivery information) makes no provision for the delivery of the CBLR from Penwortham Way to Leyland Road. The Council's evidence (Mr Lloyd) demonstrates that such an approach means that development of the rest of the Allocation Site (over which the Appellants have no control) will not include completion of the CBLR (since that development would be rendered unviable if the CBLR was to be delivered).
27. Accordingly, the Appellants approach means that delivery of the CBLR is put at significant risk.

### **Air Quality**

28. The parties agree that mitigation measures are required in order to address the Appeal Schemes' likely impact on air quality. The level of that impact, and as a consequence the level of mitigation required is not agreed in light of the disagreement between the Appellants and LHA on predicted traffic generation. Accordingly, the proposed planning obligation is required to allow for mitigation measures to be adjusted in light of likely traffic generation, and if done, the Council's air quality objection will have been addressed.

## **Conclusion**

29. The Allocated Site is of strategic importance in South Ribble. It is vitally important that its proposed development gives confidence that when built out, it achieves a comprehensive, well-connected scheme, the impacts of which are acceptable. The Council considers that the Appeal Schemes fail to deliver that outcome (and put at risk its delivery for the Allocated Site as a whole). For those reasons, the Council will request that the Appeals are dismissed.

Ian Ponter

23 August 2022