

Matter 1 – the Council’s Response to the Inspector’s Questions

Has the Plan been prepared with due regard to the appropriate procedures and regulations? Is the approach of the Plan consistent with the Core Strategy and national planning policy?

1. Has the Plan been prepared in accordance with the statutory procedures of the 2004 Act (as amended) and the associated regulations, including in respect of the publication and availability of documents, advertisements and notification?

1.1. Yes, the Plan has been prepared in accordance with the statutory procedures of the Planning and Compulsory Purchase Act 2004 and associated regulations. The Plan has also been prepared in conformity with the Council’s Statement of Community Involvement (SCI) (SRSD004) March 2006. This is discussed further in a later question within this response. At all stages the preparation has followed the required process and the Council has been clear and transparent in its publication of the Plan and the availability of documents, advertisements and notification at the appropriate stages of its development. Included within an appendix to CD2.2 (the Council’s response on 05 December 2012) was a report detailing the specific process at each stage and who was consulted, how they were notified, full details of the availability of documents at deposit points and the approach towards advertising and notifying both the Plan and associated consultation events that took place across the Borough during the development of the Plan.

1.2. At all stages the Council has been compliant with the regulations and with the SCI.

2. To what extent has the Sustainability Appraisal (SA) informed the content of the Plan? Is the Council satisfied that the SA adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?

2.1. The Council is satisfied that the Plan accurately and adequately includes sites and policies that have been subject to a full and thorough sustainability appraisal and that the reasons for the inclusion and rejection of specified sites are still valid. The Sustainability Appraisal Report (SA) (SRSD005) has appraised all of the sites including those proposed allocations at publication stage and those

alternatives filtered out at issues and options, preferred options or publications stages. The SA has influenced the decision making process in regards of alternative sites, as have a number of other policy considerations such as the NPPF (CD 4.7) which the Plan needs to be in conformity with.

- 2.2. In terms of evidence within the SA to support the Council's reasoning behind alternative sites from a sustainability appraisal perspective, details are included within this response to highlight where considerations have been made. The text within the main body of the sustainability appraisal report specifically between pages 23 to 27 give further details of the alternative sites and the reasons for these options not being taken forward into the Plan. Likewise, Appendix Five of the preferred options sustainability appraisal report refers to the sustainability appraisal proformas for sites that are considered appropriate options to bring forward in terms of their sustainability assessment. Text within the main body on pages 28 to 47 provides evidence of why these options are supported through the sustainability appraisal. All preferred policies were subject to a full sustainability assessment including whether local plan policies were still relevant for inclusion or not, impacts of the Core Strategy policies, new policies that might be needed to cover policy gaps or particular issues identified through the Plan preparation stage.
- 2.3. The section titled 'What has changed as a result of this SA' on page 82 aims to provide further clarity on the sustainability process and how it has shaped the Plan/is responsible for the inclusion or exclusion of sites and policies at this stage.
- 2.4. A number of changes occurred between the preferred options and the publication stages as a result of further work, representations received and responses to the duty to cooperate process which meant there was a need for additional sustainability appraisal assessment to ensure the Plan was up-to-date and valid. The amendment to the sustainability appraisal at the Publication stage includes assessment of these changes such as inclusion or deletion of new site options, changes to policies or the options for new policies to be included. This has been fully examined through the amendment to the sustainability appraisal report.
- 2.5. The Authority has been in contact with Natural England with regards to the sustainability appraisal and habitats regulations assessment, since the emergence of a joint working Central Lancashire Core Strategy (SRE002). In discussion with Natural England the methodology and approach was set and consultation and engagement between us has been ongoing. We have received a letter in response to the 'duty to cooperate' process stating that we have complied in full with this regulation. We did not receive any representations at the publication

stage highlighting any outstanding issues they may have with either of the sustainability appraisal or habitat regulations assessment documents. We have subsequently received a letter from Natural England stating that they do not have any outstanding concerns with either the sustainability appraisal or habitats regulations assessment, submitted to the Inspector as CD 4.4.

- 2.6. An SA is an iterative tool that informs the development plan process through appraisal of options to guide policy formulation and site allocations to appropriate locations taking account of economic, social and environmental issues. Alongside the Plan, an SA was undertaken at Preferred Options stage to assess the impacts of the preferred site allocations and their potential uses and the preferred development management policies contained within the DPD.
- 2.7. An SA proforma was created for each of the preferred site allocations covering a range of indicators that assess the economic, social and environmental benefits and disadvantages of each site such as distance to public transport options, distance to amenities, current designation/use of site, constraint issues etc. These SA Proformas are included within the Site Portfolios referenced as an appendix to Matter 3 and included within the SA referenced SRSD005.
- 2.8. These indicators which were derived during the Central Lancashire Core Strategy preparation process and accompanying SA were deemed sufficient in outlining the key issues surrounding each preferred site allocation. A traffic light approach was undertaken ranging from 'green' which was seen as positive, 'amber' which was seen as neutral and 'red' which was seen as negative. Some preferred site allocations scored well in some areas, and less so in other areas and an informed judgement as to the overall sustainability of the site needed to be taken.
- 2.9. The results from the proformas, including additional information relating to previous use, site background, planning applications, infrastructure appraisals including water, transport, were used to inform the decisions made on the proposed use of the site and any potential development management policies linked to a site or an identified issue.
- 2.10. A full SA was also undertaken at Publication stage detailing any changes in proposed allocation of sites and development management policies. As a result of public consultation during the preferred options stage there were a number of sites where their identified use was altered or the number of dwellings anticipated to be developed were amended which required an assessment through the sustainability appraisal process. Additionally, there were a few minor policy

amendments which were subject to the sustainability appraisal process.

- 2.11. Included within an Appendix to the Matter 3 issues are the updated site portfolios which included the Sustainability Appraisal proforma assessments. These site portfolios have been fully updated to provide a reliable aid to the Inspector with all the relevant information and decisions made relating to each site. The evidence contained within these site portfolios is up to date and supports our reasons for rejecting the 'alternatives' which were suggested at a previous stage.

3. Has the production of the Plan followed the Statement of Community Involvement?

- 3.1. Yes, the Plan was produced in accordance with the requirements, as agreed and set out by the Council in their Statement of Community Involvement (SCI March 2006) (SRSD004) in all stages of its preparation. Since the authority published its SCI in 2006 some bodies with whom we have consulted at all stages of the process have changed, for example the Countryside Agency and English Nature have combined to become Natural England. Additional engagement and cooperation has emerged over and above that set out in the SCI to take account of the regulation requirement on a 'duty to cooperate' as detailed further in question 5.

Has this led to timely, effective and conclusive discussion with key stakeholders on what option(s) are deliverable?

- 3.2. The requirements of the SCI have enabled ongoing cooperation with a range of key stakeholders throughout the preparation process from Issues and Options through to the Publication Stage. The Town and Country Planning (Local Planning) (England) Regulations 2012 introduced the requirement of a 'Duty to Cooperate' with a range of identified key stakeholders which the authority has endeavoured to achieve. Accompanying our previous response to letters in December on 05/12/12 CD2.2 and CD 2.6 14/12/12 were attached a full list of 'duty to cooperate' responses received from the prescribed bodies.
- 3.3. Ongoing conversations with key stakeholders have been part of the process leading on from close working partnerships developed in part through the Central Lancashire Core Strategy process. Representations made through the formal consultation and representation period and ongoing communication have influenced the preparation of the Plan.
- 3.4. During the consultation stages of the Plan and during evidence base research such as through the Strategic Housing Land Area

Assessment (SRE15 a-e) it has been possible to gain evidence relating to the deliverability of options presented within the Plan which will be further discussed in later matters, especially Matter 2 and Matter 3.

4. To what extent has the production of the Plan followed the Local Development Scheme (LDS)?

- 4.1. The Plan was prepared in the main alongside the Central Lancashire Local Development Scheme (LDS) March 2011 (within CD2.2) which set out the key timescales for its production and was publically available on the Council's website. The Issues and Options stage of preparation and consultation was carried out as anticipated through the previous LDS. The Preferred Options document was scheduled for preparation between February and August 2011; however, due to a higher than expected number of representations received at the Issues and Options stage, this timeline was extended and preparation was completed by October 2011 and an ensuing consultation phase took place between November and December 2011.
- 4.2. The Publication stage of preparation was scheduled between November 2011 and February 2012, and representations sought scheduled between March and April 2012. Unfortunately, the timescales slipped slightly due to uncertainty caused through the delay of the Central Lancashire Core Strategy and awaiting an outcome on the strategic priorities. The Publication document was finalised by June 2012 and representations on this document were sought between July and August 2012. A new South Ribble LDS was published on the Authority's website in October 2012 (SRE035) which set out revised timescales for the production of the Plan taking into account the slippages that had occurred over the previous 12 months. This current LDS details timescales for the submission stage, hearing stage and adoption stage of the Plan. As a result of slippages to the hearing stage the Authority is slightly behind the anticipated timescales within the current LDS, though hopefully the adoption stage can still occur within the anticipated timeframe. An updated LDS was submitted alongside an earlier response on 05 December 2012.

To what extent is the Plan consistent with the Core Strategy (CS)?

- 4.3. The Plan has been prepared with its parent DPD (the Central Lancashire Core Strategy) in mind and is fully compliant with the Core Strategy. Particular regard has been had to: Policy 1: Locating Growth whereby sites have been allocated as far as is practical alongside the hierarchy identified within the policy. Policy 4: which sets out South Ribble's housing requirement of 417 homes to be delivered per annum

(this has been multiplied by the plan period to set the level of allocations in terms of housing across the borough up to 2026).

- 4.4. The Council considers that the Plan is essentially consistent with the Central Lancashire Core Strategy. The authority recognises there is a technical inconsistency between the term 'green wedges' in the Central Lancashire Core Strategy Policy 18: Green Infrastructure and associated justification text in paragraph 10.12 and Policy G12 – Green Corridors in the Plan and associated justification text in paragraphs 10.64 – 10.67.
- 4.5. The technical inconsistency has arisen by not updating the term within the Core Strategy to reflect a change of approach whereby green wedges are seen as having a broader purpose acting as green corridors for buffer zones between new developments as well as acting as links to the open countryside and wildlife corridors. The Plan has taken forward the technical change by re-designating these areas as Green Corridors; however the Council accepts that this may lead to policy confusion and a potential legal challenge at an application stage.
- 4.6. The Council proposes the following minor amendment to overcome this particular issue:

10.64 The existing green corridor network across South Ribble (as shown on the Proposals Map) includes land designated as green wedges in the South Ribble Local Plan and referenced in the Central Lancashire Core Strategy Policy 18: Green Infrastructure and associated text.

Policy G12 Green Corridors (Green Wedges)

5. Has the Plan been prepared in accordance with the relevant legal requirements, particularly with regard to the Duty to Co-operate on strategic matters? What evidence exists in support? Has the Plan taken account of the plans of adjoining local authorities and the County Authority?

- 5.1. Yes, the Plan has been prepared in accordance with the relevant legal requirements including the 'duty to cooperate' with a prescribed set of bodies in relation to strategic matters. We have received confirmation from all listed bodies that we have 'cooperated' with them on strategic matters, to a degree that they are satisfied with. We have provided the letters/emails we have received as evidence of this during our earlier response to letters on 5 and 14 December 2012 (CD2.2/.3/.4).

- 5.2. Yes the Plan has taken account of the plans of adjoining authorities and the county authority, through the 'duty to cooperate' requirement as one mechanism. Evidence letters exist from all adjoining authorities and the county authority to stipulate that they agree we have 'cooperated' with their authorities (these have been provided with our response in December 2012). As mentioned within our initial response on 5 December 2012 there are a number of other mechanisms through which engagement has occurred such as the Development Plans Officer Group (DPOG) which is a Lancashire wide group made up of representatives from each of the Lancashire authorities and Lancashire County Council which meet to discuss their local plan preparation, significant cross boundary issues, evidence base research and studies and offer an opportunity to raise any specific areas of concern or interest. The Council regularly sends a representative along to the group to be aware of any cross boundary issues where either our proposals or other authorities may have an impact.
- 5.3. During our consultation/representation stages of the Plan we have sought comments from adjoining authorities and the county authority and wherever practical and reasonable have taken on board these comments and made amendments to the Plan.

6. Is the Plan consistent with the National Planning Policy Framework (NPPF)? Does the content of the NPPF supersede any part of the CS?

- 6.1. Yes consideration has been given to the National Planning Policy Framework (NPPF) (CD 4.7) and its relationship with both the Central Lancashire Core Strategy and the Plan. The Central Lancashire Core Strategy underwent a further examination in March 2012 which took account of its relationship with the NPPF at this stage. The Planning Inspector on this case included the 'Model Policy' into the Central Lancashire Core Strategy as a way of ensuring compliance with the NPPF. The Model Policy references aims to ensure compliance between the NPPF and Local Plan DPDs by ensuring that regard is had to the presumption in favour of sustainable development. The Inspector's Report (CD 5.1.1) received in respect of the Central Lancashire Core Strategy states that 'the model policy be set out at the start of the Local Plan, *accompanied by some factual text to simply explain that the national policy situation was revised during the Strategy's preparation and that the model policy has been included to clarify the operational relationship between the plan and national policy*' (Paragraph 4, Page 4).
- 6.1.1. Further points are made within the Inspector's report to assess the conformity between the NPPF and the Central

Lancashire Core Strategy. Of particular note and significance are the following comments:

- 6.1.2. 'The City, towns and villages of Central Lancashire have a distinctive character, and the vision is to reflect their particular historic and cultural heritage, enhancing their character with a high quality of design of any new buildings permitted within them. This approach accords with national policy in the Framework wherein the Government attaches great importance to the design of the built environment. Good design, it says, is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. The openness and special character of the countryside will be protected, consistent with the need for sustainable development, and there will continue to be a presumption against inappropriate development in the Green Belt. Residents will have easy access to public services, good jobs and decent, high quality affordable homes. Energy use will be minimised with an emphasis on sustainable sources, including mitigation measures and, where possible, adaptation to climate change. These important considerations, too, accord with national policy in the Framework' (Paragraph 15, page 6).
- 6.1.3. 'Although circumstances have changed, with garden land not now treated as previously-developed land, the record shows that 53% to 96% of dwellings completed (gross) in Central Lancashire during 2003/04 to 2010/11 have been on previously-developed land. Other evidence gained from site inspections throughout the plan area is consistent with the Councils' view that this type of land continues to come forward, and the extent of this well-located resource makes 70% a realistic aspiration. It corresponds with national policy in paragraph 111 of the Framework of encouraging the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value' (Paragraph 17, Page 7).
- 6.1.4. 'The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement and the present and/or future range of its services, including public transport. It accords with the principles which underpin the RS. In particular, it promotes sustainable communities and sustainable economic development, it makes the best use of existing resources like existing infrastructure and well-located previously-developed land, it manages travel demand,

marries opportunity with need, promotes environmental quality and serves to reduce emissions. In these ways it is fit for purpose and therefore effective. The extent to which it is deliverable will much depend upon the economic climate throughout the plan period, especially with regard to housing and economic development. Its clarity, the Councils' praiseworthy achievements so far in securing infrastructure and the reasonable prospect of more of the right sort of infrastructure being provided in the right place at the right time is conclusive evidence of realistic deliverability. Its strategy accords with national policy, particularly of facilitating and promoting sustainable and inclusive patterns of urban and rural development. It will, for example, ensure that development supports existing communities and facilitates the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It will contribute to global sustainability by addressing the causes and potential impact of climate change, for example by encouraging a pattern of development which reduces the need to travel by private car and by taking climate change impacts into account in the location of development. It accords with the Government's commitment to protect and enhance the quality of the natural and historic environment in both rural and urban areas. In all these respects, it accords with the purpose of planning which is to help achieve sustainable development. The presumption in favour of sustainable development is the golden thread which runs through the Local Plan. The general approach of the Local Plan, its vision and proposals, particularly as expressed in the policies identified, are justified, effective and accord with national policy. It has been positively prepared. In these respects, it is sound' (Paragraphs 37 – 39, Page 12).

- 6.1.5. 'The IDS (Infrastructure Delivery Schedule) and the PMF (Performance Monitoring Framework) are essential management tools in delivering the strategy of the Local Plan. They will give the Councils and their partners the opportunity to review progress, identify funding priorities and gaps and make any necessary adjustments. The length of the plan period and the present financial climate make aspirations, rather than guarantees, inevitable but this should not be construed as raising false hopes. The IDS takes a pragmatic approach in uncertain times and is clear, comprehensive and convincing. There is a realistic prospect of the infrastructure being in place in a timely fashion to support the strategy. The provisions for the delivery of infrastructure, supported by the IDS and PMF, are justified, effective and comply with national

policy. In these respects, the Local Plan is aspirational but realistic; and sound' (Paragraph 14, Page 14).

6.1.6. Approach to employment land Conclusion - 'The evidence base is comprehensive, thorough and convincing. It includes the ELR, the BTP and the well-ordered Note for Inspector. The Councils have closely consulted the RPB which accepted *that the additional provision to 2026 figures generally complies with the approach undertaken in Table 6.1 of Policy W3 of the RS*. The Local Plan sets out a clear economic vision and strategy for Central Lancashire which positively and proactively encourages sustainable economic growth. It is effective, justified and accords with national policy, particularly those aimed at fostering economic growth and employment. In these respects it is sound' (Paragraph 75, Page 22).

6.1.7. 'Policies relating to City, Town and District Centres are founded on a robust and credible evidence base. They clearly set out their role in the hierarchy and serve to enhance their vitality and viability. There is no convincing evidence to demonstrate serious harm to any other centres. The Policies are justified, effective and consistent with national policy. In these respects, the Local Plan is sound' (Paragraph 87, Page 25).

6.1.8. 'The Local Plan includes detailed contents on water management and flood risk, as well as Policy 29: Water Management. The evidence base is convincing. It includes a Phase 1 Strategic Flood Risk Assessment, a Water Cycle Study and the result of discussions between the Councils and the Environment Agency and United Utilities. The documents were prepared on the basis of national policy in PPS 25, but there is no conflict with the Framework. Policy 29 (d) as proposed to be changed following consultation with the EA suitably relies on its *appraisal, management and reduction* approach for the consideration of development proposals' (Paragraph 100, Page 28).

6.2. Overall it can be demonstrated that the Central Lancashire Core Strategy accords with the NPPF. The Plan has been prepared in relation to the Central Lancashire Core Strategy and taking account of the NPPF during its latter stage of preparation. It is the Council's position that the Plan is in broad conformity with the NPPF. Further specific comments will be made in this regard when discussing particular issues and themes.

7. Has adequate consideration been given to the Habitat Regulations? Will the Plan, alone or in combination, effect adversely any Natura 2000 sites? Is Natural England satisfied with the content of the Plan?

7.1. Yes, a Habitat Regulations Assessment (SRE008) has been produced during the development of the Plan at both preferred options and publications stages. The methodology was discussed and approved in liaison with Natural England for both the assessment for the Central Lancashire Core Strategy and the Site Allocations and Development Management Policies DPD (the Plan). Natural England was satisfied with the methodological approach chosen and the format to display the results and analyse the information. We have also received a letter from Natural England confirming that they are satisfied that there are no outstanding issues with the Habitat Regulations Assessment or the Sustainability Appraisal which we passed onto the Inspector with our response submitted on 14 December 2012.

8. What robust flood risk evidence supports the Plan and its allocations? Is the Environment Agency satisfied with the content of the Plan?

8.1. The Plan has been developed using up to date information held by the Environment Agency, in this case on Flood Risk Zones. It was decided that any suggested site wholly within a flood zone 3 would be filtered out through this process. Any sites which were partially within a flood zone 3 or a flood zone 1 or 2 were brought forward within this process in the Plan and proposed for appropriate allocation where mitigation and/or siting of development could overcome flooding concerns at an application/masterplanning stage.

8.2. The Environment Agency have had sight of the proposals through all stages of the consultation process and have confirmed that they have no outstanding concerns at this stage, although they would welcome involvement at application/masterplanning stage on a number of proposed allocations, as would be entirely appropriate. A letter received from the Environment Agency and confirming their position was forwarded to the Inspector on 14 December 2012 (CD2.4).