

Central Lancashire Local Plan 2023-2041

Representations on behalf of Rowland Homes

Rowland Homes Limited

14 April 2025

LICHFIELDS

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1.0 Introduction

Purpose

- 1.1 Lichfields is instructed by Rowland Homes [Rowland] to make representations to the Central Lancashire Local Plan Regulation 19 Consultation [CLLP] published for consultation by the three Central Lancashire local planning authorities of Chorley, South Ribble and Preston.
- 1.2 These representations should be read in conjunction with the site-specific representations also prepared and submitted by Rowland's for their development interest at Land at Bagganley Lane, Chorley. The other representations relate to a site identified as a draft mixed-use allocation in the CLLP (reference EC5.3). The separate representation on behalf of Rowland is submitted specifically in relation to identification of the Bagganley Lane site in Policy EC5 and provides further details on the suitability of the site in accordance with Appendix 6 of the CLLP.
- 1.3 It is a statutory requirement that every development plan document must be submitted for independent examination to assess whether it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [NPPF].
- 1.4 There is no statutory definition of "soundness". However, the NPPF states (para. 36) that to be sound a Local Plan should be:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and,
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.
- 1.5 In addition, the Framework (para.11) states that:
- "Plans and decisions should apply a presumption in favour of sustainable development.*
- For plan-making this means that:*
- a *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve*

the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

- b *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Structure

1.6 This report provides detailed representations in relation to the following Local Plan policies:

- Policy HS5 (Open Space and Playing Pitch Requirements in New Housing Developments)
- Policy HS6 (Housing Mix and Density)
- Policy HS7 (Affordable Housing)
- Policy EN1 (Well Designed Places)
- Policy EN2 (Design Criteria for New Development)
- Policy EN7 (Designated Sites for Nature Conservation)
- Policy EN10 (Flood Risk)
- Policy ID2 (Developer Contributions and Planning Obligations)
- Policy ST2 (Sustainable Travel)

2.0 **Policy HS5 (Open Space and Playing Pitch Requirements in New Housing Developments)**

Introduction

- 2.1 Policy HS5 requires all major new residential development to make provision for open space. As a point of principle, Rowland supports the provision of onsite open space on new developments and understands their importance from a place making, design and creating healthy communities' perspective.

Consideration of Policy

- 2.2 Part 3 of the Policy requires provision to be made in accordance with the standards set out in the accompanying table. The policy sets out that a methodology is set out in supporting paragraph 4.27¹.
- 2.3 Rowland acknowledges the importance of new development providing open space and playing pitch provision and welcomes the provision of a financial off-site contribution if providing certain typologies is unfeasible on the site. However, the table within Policy HS5 sets out the number of hectares of each typology of open space per 1,000 and there are considerable differences between the three authority areas. For example, in Chorley 6.51ha of natural and semi-natural greenspace is required per 1,000 population compared to just 1.80ha in South Ribble. It is not clear from the evidence presented by the Council how the figures in this policy have been derived and there is no account of the existing context to a development site (i.e. proximity to existing open space typologies).
- 2.4 The evidence base released to support this policy on open space includes the Central Lancashire Playing Pitch Strategy (2018), the Chorley Council Open Space Study (2019) and Central Lancashire Open Space Assessment Report (2019). The only justification for the approach being used by the Council is that *'the recommendation for open space is for the current provision levels to be used as the recommended quantity standards for Chorley.'* (page 12). However, just because current provision is high in Chorley does not automatically correlate into there being a similar need for future developments particularly when the current provision is disproportionately high.
- 2.5 Furthermore, on natural and semi-natural open space for example, the Central Lancashire Open Space Assessment concludes that the existing provision in Chorley East and Chorley Central is well in excess of the FIT standards and there is no underlying issue relating to this open space typology in Chorley.
- 2.6 The quantum of open space per typology set out in policy HS5 is completely unjustified and is not supported by up-to-date, relevant or proportionate evidence. It is also not clear why the figures set out in previous adopted policies have been moved away from despite the complete lack of evidence. For example, adopted Local Plan Policy HS4A in Chorley proposed onsite provision of amenity open space of 0.73ha per 1,000 (0.86ha in emerging

¹ The policy should reference paragraph 4.28, not 4.27.

policy), 0.08ha per 1,000 for children play provision (0.10ha in emerging policy) and 4.64ha per 1,000 for natural and semi-natural greenspace (6.51ha in emerging policy).

- 2.7 Ultimately, the quantum of land required for each typology will reduce the developable area of each site and significantly have a direct impact on the cost per dwelling for developments in Chorley as the additional land will need to be purchased by the developer and managed by future residents.
- 2.8 Not only that, as set out at Page 24, the Viability Report has adopted a blended rate of open space contributions across the Central Lancashire authorities to factor into the Viability Assessment (£2,339). This is significantly lower than the cost per dwelling for Chorley (£3,303). As such, it is not considered that the Viability Report, which averages open space contributions across Central Lancashire, has properly evidenced whether off-site open space contributions in Chorley are viable.
- 2.9 Furthermore, Step 3 of the Council's approach at 4.28 states that '*costs for the typologies of open space in the table below have been calculated per dwelling using average costs per m² rounded to the nearest pound for each typology*'. Although it also states that the costs per dwelling varies for each authority as the standards are different, this does not justify why the cost per dwelling for natural/semi natural greenspace in Chorley is three times more expensive than the same typology in Preston and South Ribble. No calculations have been provided in the evidence base to clearly set out where these figures have been derived.

Tests of Soundness

- 2.10 Rowland consider that Policy HS5 fails to meet the tests of soundness because:
- 1 **It is not justified:** the quantum of open space per typology is unjustified and is flawed as it is based on current provision rather than derived from needs generated by new developments.

Furthermore, the cost per dwelling for financial off-site contributions has not been evidenced in the Viability Assessment specifically for Chorley which has a higher cost per dwelling requirement compared with Preston and South Ribble.

Recommended Changes

- 2.11 In order to address the conflicts above, and ensure that Policy HS5 is sound it is requested that the Council:
- 1 Reviews the evidence base and the proposed table set out within Policy HS 5 to be proportionate and reflect needs generated by future schemes.

Update the Viability Report to account for Chorley's financial off-site open space contributions rather than take a blended rate across Central Lancashire.

3.0 **Policy HS6 (Housing Mix and Density)**

Introduction

- 3.1 Policy HS6 sets out the proposed housing mix and optional standards to meet identified needs required in the three Central Lancashire authorities.

Consideration of Policy

- 3.2 Rowland is supportive of the need to provide a range of homes to meet the local needs of Chorley and Central Lancashire provided this is based on robust and sound evidence and incorporates appropriate levels of site-specific flexibility.

Housing Needs and Demand Assessments

- 3.3 Part 1.a of Policy HS6 requires that on housing developments of 10 or more dwellings or on sites of 0.4 hectares of greater, the development provides provision of '*a mix of dwelling types and sizes to address the needs for that location as identified in the Housing Need and Demand Assessments*'.
- 3.4 To support Policy HS6, Central Lancashire has prepared three Housing Need and Demand Assessments published in 2024. With regard to Rowland's interest at site EC5.3 in Chorley, table D8 of the Chorley HDNA summarises the overall dwelling type/ size and tenure mix recommendations for each sub-area of Chorley. Site EC5.3 is located in the sub-area of 'Chorley' for the purposes of table D8, of which a small range for each dwelling type/ size is provided.
- 3.5 Rowland has concerns with the market mix ranges provided at table D6 - D8 of Central Lancashire's three HNDAs and considers that additional flexibility should be provided within the Policy by presenting the mix as wider ranges which allows site-specific considerations to be taken into account.
- 3.6 Rather than apply a very prescriptive approach to each sub-area of the three LPAs, site-specific considerations should also be a material consideration for a site's proposed housing mix whilst being in broad alignment with the recommendations in the Housing Needs Demand Assessments. For example, factoring local market considerations and the site's proximity to schools and other community services when formulating an appropriate housing mix. This will ensure that future development responds to the specific needs of a local area and does not compromise appropriate site-specific housing mixes from coming forward in Central Lancashire.
- 3.7 Rowland is supportive of supporting policy paragraph 4.41 which states that '*the dwelling type and size mix needs identified in the HNDAs must be met unless it can be evidenced that there are site specific considerations that justify an alternative mix*' as this provides an opportunity for alternative mixes where justified. However, Rowland consider that site specific considerations should be made reference to in the policy wording itself to make this clearer.

Optional Standards

- 3.8 Part 1.b of Policy HS6 requires that all sites of 10+ dwellings are built to a M4(2) accessible and adaptable standard which would include bungalow/ level access accommodation.
- 3.9 Rowland is supportive of providing housing for people with additional needs but considers that a blanket requirement for all properties to be built to an M4(2) standard is not justified. The three HNDAs have evidenced the need for 100% of dwellings to be built to M4(2) standard based on the ageing demographic of Central Lancashire and the identified levels of additional needs amongst the population.
- 3.10 Optional standards for dwellings were introduced by the Government in 2015. The Practice Guidance makes reference to a number of factors that can be taken into account when evidencing a need to set higher adoptable standards². Of the factors referred in the Practice Guidance, Rowland does not consider that the overall impact on viability has been fully addressed in the evidence base for the CLLP.
- 3.11 It is noted at the policy recommendation summary (page 11) of the three HNDAs that all new affordable and market dwellings are to be built to M4(2) **where possible** [Lichfields emphasis]. This recommendation has not been reflected in the wording of part b of Policy HS6, which requires M4(2) to be provided in all cases.
- 3.12 For example, Rowland and other housebuilders often provide a number of 2-3 storey apartments on development sites to accommodate smaller units and ensure that the policy mix is met. In these instances, it is not economically viable to provide lifts in 2-3 storey apartment blocks and as such, a degree of flexibility is required in this policy rather than a prescriptive requirement on all dwellings.
- 3.13 Part 5 of the Viability Report makes a construction cost assumption on M4(2) properties. A baseline assumption of £1,109 per unit is made for flats, and £626 per unit for houses. This demonstrates that there are higher costs associated with providing flats at an M4(2) standard than houses. It is assumed that this higher cost is factored on the need to provide a lift to allow for upper floors of flats to have level access. However, the cost of providing a lift would be significantly higher than that assumed by the Council. If houses are more viable to deliver on site than flats, this could compromise the Council's density aspirations and make it more difficult to abide to the proposed housing type mixes proposed at tables D6 - D8 of the three Councils HNDAs.
- 3.14 Therefore, a lower M4(2) requirement or flexibility within the wording of the Policy should be provided in order to ensure that appropriate densities can be maintained on site in order to not compromise future housing delivery in the Borough.

Tests of Soundness

- 1 **It is not justified:** The Local Plan evidence states that M4(2) dwellings should be provided 'where possible', this has not been factored into the wording of Policy HS6, nor has it been fully justified as to why a blanket approach is considered necessary other than reference to changing demographics in the Borough. The viability impact of

² Planning Practice Guidance - Paragraph: 007 Reference ID: 56-007-20150327

providing 100% M4(2) dwellings should be thoroughly considered with regard to housing mix and density.

- 2 **It is not effective:** the wording of Policy HS6 will fail to ensure that the Council can meet its recommended density requirements and housing mixes as the cost of delivering flats to an M4(2) standard is considerably more than dwellings.

Recommended Changes

3.15

In order to address the conflicts above and ensure that Policy HS6 is sound, it is requested that the Council:

- 1 Ensure that part 1.a of the Policy is appropriately worded to make certain that housing mixes can respond to site specific considerations and local market evidence;
- 2 Ensure that part 1.b of the Policy has fully considered the viability of providing 100% M4(2) properties on sites of 10+ dwellings and the impact this may have on density and mix. Flexibility should be provided in the Policy to allow for instances where providing 100% M4(2) dwellings may not be possible due to site specific circumstances.

4.0 **Policy HS7 (Affordable Housing)**

Introduction

- 4.1 Policy HS7 (Affordable Housing) sets out the affordable housing requirement and tenure for each of the Central Lancashire authorities and their respective settlements.

Consideration of Policy

- 4.2 Rowland understands the need to provide affordable housing in Central Lancashire. It is acknowledged that a minimum of 30% affordable housing is required in the Tier 1, 2 and 3 settlements and a minimum of 35% in all other locations. However, the affordable tenure split must be based on robust and sound evidence that takes into account viability.
- 4.3 A table is provided under part 5 of the Policy which sets out the proposed tenure split for affordable housing across the three Central Lancashire authorities. The Policy states that the tenure split in the table must be provided unless it can be robustly demonstrated that an alternative split meets an independently assessed proven need, or it is demonstrated to the Council that the development would not otherwise be financially viable.
- 4.4 For Chorley, a tenure split of 71% social rent and 29% affordable home ownership (including first homes) is proposed as part of the Policy. This split differs from Preston (76% social rent / affordable rent and 24% affordable home ownership) and South Ribble (77% social rent / affordable rent and 23% affordable home ownership).
- 4.5 Paragraph 5 of the Chorley HNDA 2024 states that the recommended affordable tenure mix based on latest evidence is 47% social rent, 24% affordable rent and 29% affordable home ownership. Therefore, it is unclear what has evidenced the Council's proposed tenure split for Chorley that excludes affordable rent from the mix when Preston and South Ribble have followed the recommendations for affordable tenure mix in their respective HNDAs. In addition, it is not clear in the evidence base whether the affordable tenure mix for Chorley has been considered in terms of viability.
- 4.6 Paragraph 17 of the policy seeks to apply a 20% supplement on the total value of the commuted sum for affordable housing, payable to the Council to cover the cost of administration. However, this requirement is unjustified and not consistent with national policy. The PPG is clear that monitoring fees can be charged but they '*must be proportionate and reasonable and reflect the actual cost of monitoring*' (23b-036-0190901).
- 4.7 A catch all set percentage of 20% is not proportionate or reasonable and in some instances, particularly larger sites, will not reflect the actual cost of monitoring. This percentage is not advocated in national policy or guidance, is not consistent with the CIL tests set out in NPPF para. 58[2] and the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. As such, this percentage needs to be revised considerably and capped in accordance with the PPG. This element of the policy is not required as Policy ID2 (5) also requires a monitoring charge to be paid to cover the cost of monitoring all S.106 obligations.

Tests of Soundness

4.8 Rowland consider that Policy HS7 (Affordable Housing) fails to meet the test of soundness based on the following:

- 1 **It is not justified:** it has not been clearly evidenced why the proposed tenure mix for Chorley has been chosen. In addition, the affordable tenure mix has not been fully considered in terms of viability.
- 2 **It is not consistent with national policy:** the requirement for a 20% supplement on the total sum of the commuted value for affordable housing is not in line with the guidance in the PPG nor the CIL tests.

Recommended Changes

4.9 In order to address the conflicts above and ensure that Policy HS7 is sound, it is requested that the Council:

- 1 Provide evidence to justify the proposed affordable tenure mix for Chorley or revise the mix to align with the recommendations of the HNDA.
- 2 Update the Viability Assessment to take into account the affordable tenure split for Chorley.
- 3 Revise and cap the proposed 20% monitoring fee in line with the PPG.

5.0 Policy EN1 (Well Designed Places)

Introduction

- 5.1 Policy EN1 seeks to ensure that development creates high quality and sustainable buildings and places that reflect the character and appearance of the area they are located in.
- 5.2 Part 3 of the Policy requires all new dwellings to comply with the nationally described space standards [NDSS] and higher water efficiency standards.

Consideration of Policy

- 5.3 As set out in the Practice Guidance, local planning authorities have the option to set additional optional nationally described space standards³. The Local Planning Authority is required to provide evidence to determine whether there is a need for additional standards in the area and provide justification for setting appropriate policies in their Local Plan. It should be highlighted that NDSS standards are optional and have not been made mandatory by the Government.
- 5.4 Supporting Policy paragraph 7.14 states that the Councils expect developments to comply with the nationally described space standards. However, this statement is not backed by sufficient further evidence nor does it allow for flexibility if full NDSS compliance is not achievable or viable on site. The three Central Lancashire HNDAs do not refer to, nor recommend a blanket approach to all homes being NDSS standard, therefore it is unclear what has evidenced a requirement for 100% NDSS properties.

Tests of Soundness

- 5.5 Rowland is concerned that Policy EN1 would not meet the test of soundness because:
- 1 **It is not justified:** robust evidence has not been provided setting out why all new dwellings are required to comply with NDSS standards. The requirement should be satisfactorily justified in line with the Practice Guidance.

Recommended Changes

- 5.6 In order to help ensure that the policy is sound it is considered that:
- 1 The requirement for all new dwellings to be NDSS compliant is removed unless robust evidence can be provided demonstrating the need. As a minimum, a degree of flexibility should be incorporated into part 3 of the Policy to take into consideration viability and other site specific considerations.

³ Practice Guidance Paragraph: 002 Reference ID: 56-002-20160519

6.0 **Policy EN2 (Design Criteria for New Development)**

Introduction

- 6.1 Policy EN2 seeks to provide the key design principles for the public realm in Central Lancashire.

Consideration of Policy

- 6.2 Rowland is supportive of providing new developments of a high design quality and is broadly supportive of the principles of Policy EN2. However, Rowland has some reservations over the wording of the Policy which is vague in how it would be assessed against development proposals.
- 6.3 The Policy requires all major development amending existing or proposing new streets to be climate change resilient. However, limited guidance is provided on how the public realm can be made climate change resilient other than the provision of blue and green infrastructure and heat/drought resistant soft landscaping. It is considered that to be effective, the Policy should provide further guidance on how the public realm can be climate change resilient to effectively assess proposed developments against the policy.
- 6.4 Part d seeks to *'include active frontages to encourage natural surveillance, particularly along key routes'*. Supporting paragraph 7.17 defines active frontages as *'building frontages with opening onto the space that generate activity and engagement between the building interior and the space outside, particularly entrances'*. Further guidance is not provided with regard to residential developments, and in particular does not consider impact on residential amenity. To be effective, part d should define 'key routes' and provide further wording on what constitutes an active frontage for residential properties.
- 6.5 Part h requires development to *'integrate parking and service routes sensitively, through positioning behind or under development where possible'*. It is not clear how this part of the policy would apply to housing developments focused on family housing where underground parking is unlikely to be feasible or viable. Positioning parking behind developments does not appear to take into consideration natural surveillance either. The current wording of this part of the policy is vague and ineffective.

Tests of Soundness

- 1 **It is not effective:** As currently worded the Policy is too vague (in particular parts f and h) and it is not clear how developers should address compliance with the Policy.

Recommended Changes

- 6.6 To ensure the Policy is sound it is requested that the Council consider whether the Policy is necessary and justified and provided it is, add clear criteria for developers to demonstrate how improvements to, or new public realm development can be made climate change resilient.

7.0 **Policy EN7 (Designated Sites for Nature Conservation)**

Introduction

- 7.1 Policy EN7 seeks to ensure that developments avoid adverse impacts on designated sites and their qualifying features.

Consideration of Policy

- 7.2 Part 1 of the Policy wording refers to a list of designated sites of international, national and local importance within Central Lancashire. Annex 2 (Glossary) of the NPPF defines international, national and locally designated sites of importance for biodiversity as ‘*All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.*’ It is therefore unclear why ‘Wildlife Corridors’ have been identified as a locally designated site as they do not fall under the NPPF definition. The CLLP does not provide a definition for Wildlife Corridors, nor do they appear to have been identified on the accompanying policies map. Therefore, it is not understood why Wildlife Corridors have been listed in part 1 of the Policy.
- 7.3 Part 2 of the Policy wording states that ‘*Developments shall aim to achieve no net loss of the ecological or conservation value of designated sites and deliver net gain where appropriate. Developments shall protect, conserve and enhance the existing Wildlife Corridors and ecological network (including the emerging LNRS), Priority Habitats and Irreplaceable Habitats.*’
- 7.4 It is not clear from the wording of part 2 of the Policy how a loss of ecological or conservation value would be measured and evidenced and how a net gain on designated sites would be achieved and delivered. Part 2 does not provide an indication as to what developments would need to demonstrate no net loss on designated sites i.e what the catchment area would be for a development to need to demonstrate no net loss. It is also not clear from the wording whether Part 2 of the Policy is referring to statutory biodiversity net gain which is addressed in further detail at Policy EN6 (Biodiversity Net Gain).

Tests of Soundness

- 1 **It is not consistent with national policy:** ‘Wildlife Corridors’ are not defined as a local designated site in the NPPF.
- 2 **It is not effective:** Part 2 of the Policy is vague as to what no net loss/ net gain on a designated site would entail and what locations would be captured in this Policy. There are no measures identified as to how no net loss/ net gain would be assessed and in what instances a net gain would be appropriate.

Recommended Changes

- 7.5 In order to ensure that Policy EN7 is sound it is recommended that the following changes are made:

- 1 Wildlife Corridors are removed from the list at Part 1 of the Policy.
- 2 Review part 2 of the Policy to provide further detail on what locations would be captured by the need to demonstrate no net loss/ net gain and how this would be measured.

8.0 **Policy EN10 (Development and Flood Risk)**

Introduction

- 8.1 Policy EN10 provides guidance on directed development from areas at highest risk of flooding across Central Lancashire.

Consideration of Policy

- 8.2 Part 1 of the Policy states:

‘Proposals for development shall avoid areas at higher risk of flooding (as defined in the PPG) from all sources, considering the current and future impacts of climate change – so as to avoid any increased flood risk to people and property during the design flood.’

- 8.3 Rowland notes that Part 1 is not fully consistent with the wording in the Practice Guidance on flood risk and coastal change. As set out in the Practice Guidance, proposals for development shall avoid current and future areas of medium and high flood risk, **so far as possible** [Lichfields emphasis]⁴.

- 8.4 The wording contained in the policy as drafted is also not clear in defining that there are instances where development is appropriate in areas at higher risk of flooding, for example SUDS features and green infrastructure. The wording of Part 1 of the policy is therefore unclear and could be misinterpreted.

- 8.5 Updates to the PPG on flood risk are expected to be published later this year, as such, Part 1 of the Policy wording should refer to its compliance with future updates to the Practice Guidance.

Tests of Soundness

- 1 **It is not consistent with national policy:** the wording of Part 1 of Policy EN10 does not fully align with the Practice Guidance.

Recommended Changes

- 8.6 Rowland considers that Part 1 of the Policy should be deleted or reworded to ensure that it is compliant with the wording in the Practice Guidance and to avoid the Policy being misinterpreted.

⁴ Planning Practice Guidance Paragraph: 023 Reference ID: 7-023-20220825

9.0 **Policy ID2 (Developer Contributions and Planning Obligations)**

Introduction

- 9.1 Policy ID2 requires new development to contribute to mitigating its impact on infrastructure and services and the environment and to contribute to the requirements of the community.

Consideration of Policy

- 9.2 Rowland acknowledges that financial contributions may be required to mitigate the impact of development proposals on infrastructure and services. However, requirements for financial obligations should enable the development to be deliverable in accordance with the NPPF.
- 9.3 Part 2 of the Policy provides a list of different instances where developers may be required to provide contributions. Rowland notes that the requirement for financial contributions must be: fully justified and based on a credible and robust evidence base which identifies an actual need for facilities; reasonable in terms of the relationship to the development; and, not unduly restrictive so as to affect the viability and deliverability of the development. The financial contributions requested by the Council should meet the tests as set out in Paragraph 58 of the NPPF:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 9.4 Rowland requests that the Policy is updated to make reference to the aforementioned tests and that it is made clear than any financial contributions required by the Council will be considered in this context.
- 9.5 Rowland is also concerned with the list of potential contributions listed at Part 2 of the Policy. Section j) 'biodiversity offsetting' is not clear as to what contributions could be required. Under biodiversity net gain legislation, a 10% net gain in biodiversity is required to be delivered on new developments. Therefore, there is concern that contributions towards 'biodiversity off-setting' could be unviable if developers are seeking to purchase off-site units/ credits to meet a 10% net gain in biodiversity for their developments and being requested to provide contributions towards 'biodiversity offsetting'. Rowland does not consider that this has been fully addressed and evidenced in the Viability Report.
- 9.6 The Councils are CIL charging authorities, CIL must not result in developments being subject to double charging.
- 9.7 As set out in response to HS7, in principle Rowland does not object to the Council seeking to charge a monitoring fee for S.106 obligations. However, it is imperative that this fee is proportionate and reasonable and reflect the actual cost of monitoring.

Tests of Soundness

- 1 **It is not effective:** Part 2 (j) is not clear on what contributions are required for 'biodiversity off-setting' and there is a concern that this could be unviable when taking into consideration statutory biodiversity net gain.

Recommended Change

- 9.8 In order to address the concern raised above, Rowland would suggest that further guidance is provided on what constitutes 'biodiversity off-setting' to ensure the policy is effective and reasonable and to fully consider this within the Viability Report. In addition, Rowland considers that the Policy is updated to provide justification in line with the tests set out in the NPPF.

10.0 **Policy ST2 (Sustainable and Active Travel)**

Introduction

- 10.1 Policy ST2 requires development to contribute towards the delivery of a sustainable transport network, prioritising Active Travel and reducing reliance upon private motor vehicles.

Consideration of Policy

- 10.2 Rowland is supportive of integrating Active Travel within new developments but have some concerns over the current Policy wording.
- 10.3 Part 2 of the Policy lists a range of measures that development should implement where appropriate.
- 10.4 Part 2 (d) states that development should *‘deliver walking, wheeling and cycling routes that seamlessly integrate with public transport’*.
- 10.5 It is not clear from the wording above how these routes are supposed to seamlessly integrate with public transport and whether this is in reference to connections to existing public transport. The wording should be made clearer in order to be effective and allow proposals to assess their compliance with the Policy. It is also not clear whether this refers to existing public transport within a reasonable catchment of development sites.
- 10.6 Part 5 of the Policy lists a range of measures to facilitate the safe and efficient movement of vehicles where appropriate.
- 10.7 Part 5 (c) states *‘that access by public transport is catered for either by providing for bus access into the site (including contributions towards new bus stop infrastructure) where appropriate and/or by ensuring that safe and convenient access exists to the nearest public transport facility’*.
- 10.8 Rowland has concerns with the wording of Part 5 (c) given that bus access into residential developments is unlikely to be feasible and is also dependent on private bus companies. Facilitating bus access into the site is therefore likely to be a delayed and lengthy process and could compromise the fast delivery of housing in Central Lancashire. This is not in line with Paragraph 117 of the NPPF which requires development to, so far as possible, facilitate access to high quality public transport, with layouts that maximise the catchment area for bus and other public transport services, and appropriate facilities that encourage public transport use. Bus access onto residential sites is therefore not considered a reasonable policy request.
- 10.9 With regard to contributions, Part 4 states that contributions may be sought towards projects identified within the Central Lancashire Local Cycling and Walking Infrastructure Plan and Part 7 states that where significant impacts are identified within a Transport Statement, contributions may be sought towards mitigation projects. In this context, it is important to highlight that financial contributions requested by the Council should meet the tests as set out in Paragraph 58 of the NPPF:
- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

10.10 Rowland requests that the Policy is updated to make reference to the aforementioned tests and that it is made clear than any financial contributions required by the Council will be considered in this context.

Tests of Soundness

- 1 **It is not effective:** It is unclear from the wording of Part 2 (d) how active travel routes should integrate with public transport making the wording of this part of the policy ineffective.

Recommendations

10.11 Rowland consider that the Policy is updated to provide justification in line with the tests set out in the NPPF.

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