

Response ID ANON-XXXX-WAFV-C

Submitted to Central Lancashire Local Plan Regulation 19 Representation Period
Submitted on 2025-04-11 15:08:36

Part A: Personal Details

1 What is your title?

Mr

2 What is your first name?

First Name:
Philip

3 What is your last name?

Last name:
Carter

4 What is your job title? (if relevant to the representation)

Job title:
[REDACTED]

5 What is your organisation? (if relevant to the representation)

Organisation:
[REDACTED]

6 What Authority do live/work in?

[REDACTED]

7 What is your address?

Address line 1:
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 What is your email address?

Email:
[REDACTED]

Part B: Representation

9 Which part of the Central Lancashire Local Plan would you like to make a representation about?

Chapter 7: High Quality Environment (EN1-EN19)

Chapter 7: High Quality Environment

154 Which policy would you like to make a representation for?

EN10: Development and Flood Risk

EN6: Biodiversity Net Gain

175 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:
Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

176 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy EN6: Legal Compliance:

Part 3 of Policy EN6 refers to "compensation" in relation to BNG delivery, however BNG is not compensatory; the provision of BNG is in addition to any compensation for ecological impacts of the proposed development. Consequently, any reference to BNG as compensation for ecological impacts of a proposed development is inconsistent with the relevant national policies on BNG requirements.

177 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

EN6: Modifications:

We would recommend that part 3 of Policy EN6 is reworded to remove any reference to compensation, i.e.

3. Applicants are to provide justification for where any deviation from the above hierarchical approach occurs. Where on-site provision of BNG is not possible and opportunities to deliver on-site have been exhausted, or on-site delivery does not generate the most benefits for nature, off-site BNG provision shall be considered acceptable.

178 Do you wish to make a representations about a different section of the Plan?

Yes

EN9: Species Protection

187 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

188 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy EN9: Legal Compliance:

At paragraph 7.63, the document states that "Natural England is the statutory consultee on all the planning applications affecting protected species" however having regard to the Schedule 4 of the Development Management Procedure Order 2015, this is incorrect.

189 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

EN9: Modifications:

We would recommend either removing this wording or updating it to reflect Natural England's statutory responsibilities under Schedule 4 of the DMPO if required.

190 Do you wish to make a representations about a different section of the Plan?

Yes

EN10: Development and Flood Risk

191 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

192 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy EN10: Legal Compliance:

There are several elements of Policy EN10 and the supporting text that are inconsistent with national policy, and we have identified the following concerns:

a) Part 2 of Policy EN10 is as follows:

"2. Development will be required to demonstrate that it is safe from all types of flooding and that it will not exacerbate flood risk onsite or elsewhere within the plan area, including neighbouring agricultural land. Where appropriate, applications should be supported by a site-specific flood risk assessment and flood risk issues are clearly considered, and flood resilience is addressed, accounting for climate change."

The policy seeks to prevent any increase in flood risk off-site, but specifically refers to the protection of agricultural land. In some instances, increased flood risk off-site on agricultural and may be proposed in the form of Natural Flood Management measures or compensatory flood storage for neighbouring development, but the proposed policy wording would potentially prevent the delivery of such features which is contrary to national flood

risk management policy.

The policy also identifies that Flood Risk Assessments (FRAs) should consider flood risk issues and flood resilience but this is incorrect; FRAs identify appropriate mitigation depending on the site specific proposals and risk, with mitigation including flood resistance and resilience measures as necessary. The proposed policy wording does not reflect national flood risk management policy in this respect.

b) Part 4 of Policy EN10 is as follows:

"4. In Flood Zone 3b (the functional floodplain) only proposals for 'Water Compatible' development will be considered appropriate - designed and constructed to remain operational and safe for users in times of flood, and not impede water flows or result in significant loss of floodplain storage."

This wording is inconsistent with national planning policy guidance as it fails to identify that "essential infrastructure" is also acceptable in in Flood Zone 3b subject to satisfaction of the Exception Test.

c) At paragraph 7.66, the first sentence is as follows:

"Due to areas at highest risk of flooding across Central Lancashire, the plan seeks to direct development away from these areas."

The wording of this sentence could be clearer in relation to guidance in national policy – it is the presence of areas of flood risk that dictates the need to direct development away from them.

d) Paragraph 7.67 seeks to summarise paras 068 and 069 of the Flood Risk and Coastal Change section of the PPG. However, it only considers flood resistance, it does not consider / highlight flood resilience. This will be a significant consideration where development has to take place in higher risk areas and will be expected to flood.

193 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

EN10: Modifications:

We would request that Parts 2 and 4 of Policy EN10 are reworded as follows:

a) "2. Development will be required to demonstrate that it is safe from all types of flooding and that it will not unacceptably increase flood risk on or off-site. Where appropriate, applications should be supported by a site-specific flood risk assessment that identifies the risk of flooding to the site and what mitigation is required to ensure development will be safe for its lifetime and will not increase flood risk elsewhere, taking account of climate change."

b) "4. In Flood Zone 3b (the functional floodplain) only proposals for 'Water Compatible' development and 'Essential Infrastructure' (that satisfies the Exception Test) will be considered appropriate - designed and constructed to remain operational and safe for users in times of flood, and not impede water flows or result in significant loss of floodplain storage"

c) We would request the sentence is reworded as follows: "The plan seeks to direct development away from those areas at the highest risk of flooding across Central Lancashire."

d) Expand paragraph 7.67 to include reference to and a summary of flood resilience considerations in addition to flood resistance.

194 Do you wish to make a representations about a different section of the Plan?

No

EN14: Environmental Quality

207 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

208 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy EN14: Legal Compliance:

Policy EN14 considers environmental quality, however there is no consideration of water quality. NPPF policy 187, part e) confirms that planning policies should contribute to avoiding unacceptable risks of pollution from new development, and this is not reflected in Policy EN14.

209 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

EN14: Modifications:

We request that Policy EN14 be amended to include reference to the protection of water quality and make specific reference to expectations around the management of foul drainage in new development to avoid harm to the water environment. We would suggest the addition of the following point to part 2:

f) result in significant harm to water quality

We would also suggest the following as part 4:

4. Applications for development that propose the use of non-mains drainage systems shall be supported by sufficient evidence to demonstrate why a connection to the public sewerage network is not possible.

210 Do you wish to make a representations about a different section of the Plan?

Yes

Chorley Site Allocations

270 Which site allocation would you like to make a representation for?

site allocation reference:

EC5.7

271 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

272 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Chorley site allocations: soundness/legality/DtC:

Allocation EC5.7 has areas of medium and high flood risk within the site boundary. A Level 2 SFRA has been completed to support the allocation and Policy EC5 states that 1.19ha of the site is available for housing (32 units) which avoids the areas of risk identified in the Level 2 SFRA. However, in March 2025 the Environment Agency updated the Flood Map for Planning and this has resulted in more of the site being classified as having a high risk of flooding. As such, the developable area of 1.19ha for housing will have reduced and based on the current policy, would allocate at least some land for residential development in what is now a high flood risk area, which would be contrary to national policy.

273 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Chorley site allocations: modifications:

To ensure that any future residential development is not allocated in a high flood risk area, the Level 2 SFRA should be updated to account for the increase in risk and the total area of 1.19ha that allocated for residential use in Policy EC5 should be reduced to ensure all new housing within the mixed use allocation would not be located in areas of high flood risk. The developable area for housing and the expected residential yield in Policy EN5 can then be revised to take account of the new flood risk evidence.

274 Do you wish to make another representation?

No

Preston Site Allocations

275 Which site allocation would you like to make a representation for?

site allocation reference:

HS4.4

276 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

277 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Preston site allocations: soundness/legality/DtC:

Allocation HS4.4 has areas of medium and high flood risk within the site boundary. While a Level 2 SFRA has not been completed for this, given the extent of the Flood Zones on site, we are satisfied that a site layout could be delivered which avoids inappropriate development in areas of high flood risk but more information is required to demonstrate the risk to the site is manageable.

278 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Preston site allocations: modifications:

To ensure that any future development takes account of flood risk and it avoids inappropriate areas of high flood risk, we request that HS4.4 is included in Appendix 4 to identify site specific flood risk constraints that developers need to be aware of and which will inform future planning decisions. Alternatively, the allocation boundary could be redrawn to match the approved planning application boundary which avoids the flood risk areas.

279 Do you wish to make another representation?

Yes

South Ribble Site Allocations

280 Which site allocation would you like to make a representation for?

site allocation reference:

EC4.1

281 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:

Yes

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

Yes

Spatial Vision: Soundness/legal/DtC - b) Justified:

Yes

Spatial Vision: Soundness/legal/DtC - c) Effective:

Yes

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

282 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

South Ribble site allocations: soundness/legality/DtC:

Allocation EC4.1 has areas of medium and high flood risk within the site boundary. While a Level 2 SFRA has not been completed for this, the allocation is for less vulnerable development and flood risk as a constraint is identified in Appendix 5 – Key Development Considerations on page 252 and it makes the following statement in relation to flood risk:

"The site boundary could be redrawn to eliminate high flood risk areas, or it may be possible to incorporate functional floodplain into the site layout as open greenspace."

It is not clear what is required as part of a future development, i.e. is the expectation to exclude the flood zones from the site (which is supported by the fact that the developable area identified in Annex 5 is equivalent to the extent of Flood Zone 1 and 2) or is it saying that development can take place in the higher risk areas as long as the functional flood plain is retained in an area of greenspace? While less vulnerable development is not inappropriate in Flood Zone 3, it should still avoid it if possible, to ensure compliance with national policy.

283 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

South Ribble site allocations: modifications:

To ensure that any future development takes account of flood risk and it avoids inappropriate areas of high flood risk, we request that the above wording is revised as follows to give greater clarity over what is expected:

"Proposals for any future scheme shall be accompanied by a Flood Risk Assessment that demonstrates the development would be safe without increasing flood risk elsewhere and that no inappropriate development will be in areas at a high risk of flooding or in the functional floodplain."

284 Do you wish to make another representation?

Yes

Declaration

300 This is the final page of the Regulation 19 Consultation survey. After completing this page, your response will be submitted. If you wish to go back and make a representation on another part of the survey, please click 'go back' below.

Not Answered

301 If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

302 If you have answered 'yes' to the question above, wishing to participate in the hearing session(s), please outline why you consider this to be necessary:

why participation is necessary:

303 By completing and submitting this representation, I agree to my name (and other relevant details necessary) and representation(s) being shared and made available for public viewing.

I agree to my name (and other relevant details necessary) and representation(s) being shared and made available for public viewing.

304 If you wish to be contacted further at future stages of the Local Plan process and to be added to the Central Lancashire and/or district individual consultation databases, please select the relevant option below

Future stages on the Local Plan - I wish to be contacted at future stages of the Local Plan process and added to the Local Plan Consultation database for Central Lancashire:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the Chorley Consultation database.:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the South Ribble Consultation database.:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the Preston Consultation database.:

Yes