

# Central Lancashire Local Plan 2023–2041 Regulation 19 Publication Plan Consultation

## Land south of Factory Lane, Penwortham

On behalf of L&Q

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## Document Management.

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# Contents.

1. INTRODUCTION .....	3
2. SITE AND SURROUNDINGS .....	4
3. EVIDENCE BASE REVIEW .....	6
Strategic Housing and Economic Land Availability Assessment (SHELAA).....	6
Housing and Employment Allocations: Site Selection process .....	7
Density Study .....	7
Landscape .....	7
Level 1 SFRA 2024.....	9
Level 2 SFRA (2024).....	9
Heritage Impact Assessment .....	10
Habitat Regulations Assessment.....	10
4. CENTRAL LANCASHIRE LOCAL PLAN.....	12
Strategic Objectives.....	13
Strategic Objective 3 .....	13
Spatial Strategy – SS1: Development Patterns .....	13
Spatial Strategy – SS2: Settlement Hierarchy.....	14
Strategic Site Allocations .....	14
Policy HS1 Scale of Housing Growth and Distribution of Housing Requirements.....	14
Policy HS3: Housing Allocations in South Ribble .....	15
Policy HS6: Housing Mix and Density.....	16
Policy HS7: Affordable housing.....	17
Policy EN1: Well Designed Places .....	18
Policy EN6: Biodiversity Net Gain .....	19
Policy EN8: Trees, Woodlands and Hedgerows .....	20
Appendix 2 – Monitoring Framework .....	20
5. CONCLUSIONS .....	22
Appendix 1 – Wider Context Plan .....	23



# 1. INTRODUCTION

- 1.1. Pegasus Group is instructed by L&Q Group (L&Q) to make representations to the Central Lancashire Local Plan (CLLP) Regulation 19 Consultation (2025).
- 1.2. Pegasus Group has previously submitted representations to the Central Lancashire Local Plan in relation to the site controlled by L&Q, then Trafford Housing Trust, supporting the allocation of the entire site, and consequently its neighbouring parcel to the south, for residential development (Ref: 19S162).
- 1.3. L&Q welcome the production of the CLLP and wish to support the three Councils in its preparation.
- 1.4. Following the representations submitted previously, L&Q fully support the decision to elevate the site from its safeguarded status into a formal allocation for residential development. Nevertheless, modifications will however be required to the Plan in relation to the site.
- 1.5. This representation also sets out some comments in respect of various policies, to ensure all relevant policies are fully supported by the necessary evidence so the three Central Lancashire Authorities can go on to prepare and adopt a sound Local Plan and deliver against its requirements.
- 1.6. To assist the Local Plan process, the main aim of this representation to ensure that the Local Plan is consistent with national policy specifically addressing the tests in paragraph 35/36 of the 2023/2024 NPPF, just noting that the CLLP is submitted under the transitional arrangements of the 2024 NPPF.

## **Report Structure**

- 1.7. The structure of these representations takes the following form:
  - Section 2 describes the site and the surrounding area in more detail;
  - Section 3 reviews the evidence base;
  - Section 4 considers the CLLP;
  - Section 5 provides a conclusion.

## 2. SITE AND SURROUNDINGS

### L&Q's Site Interests

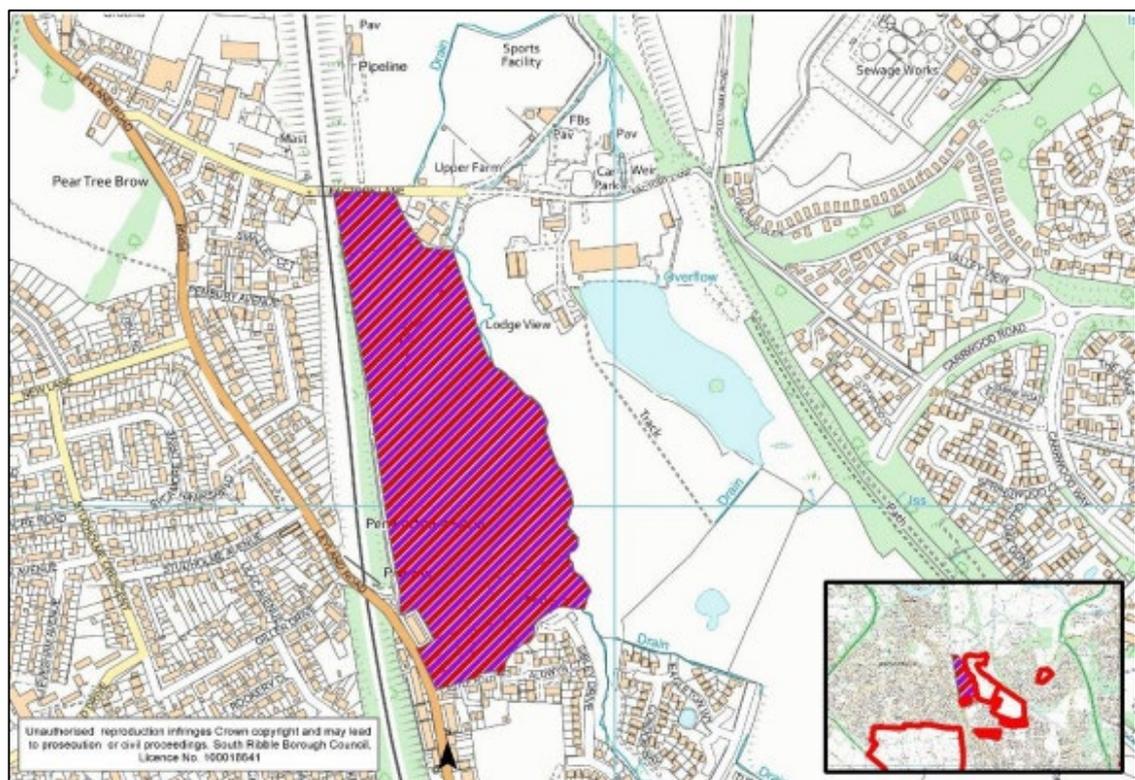
- 2.1. L&Q are a profit-for-purpose housing association, with their north-west operation based in Trafford. Their mission is to make society fairer for everyone. Their vision is to that everyone deserves a quality home that provides them with the opportunity to live a better life. Their purpose is to provide homes and neighbourhoods everyone can be proud of.
- 2.2. L&Q provide a range of home types, including homes for shared ownership and open market sale. In the north-west they currently manage approximately 9,000 homes for social and affordable rent and put their customers at the heart of everything they do. That's why, as well as building and managing quality homes; L&Q look after the families that live in them and their community.

*Figure 1.1 – THT's Interest – Land south of Factory Lane, Penwortham*



- 2.3. L&Q are in a promotion agreement with the landowners of circa 5.04ha of agricultural land to the south of Factory Lane, Penwortham. The balance of the site to be allocated and its access, the former Sumpter Horse, is owned by L&Q.
- 2.4. The site is located to the east of Penwortham, adjoining the existing urban area to the south and west. The site comprises a mix of grassland, intersected by small areas of tree cover and shrub. It lies in a highly sustainable location in relation to existing facilities and services.
- 2.5. The site is designated as 'Safeguarded Land' within the existing South Ribble Local Plan. The site is considered under 'Site Profile 33' under allocation ref: 19S162.

*Figure 1.2 – Site Profile 33 – Ref:19S162*



- 2.6. Within the CLLP the site is identified to be allocated as a residential development site. This is fully supported by L&Q.
- 2.7. L&Q have previously submitted a call for sites submission, including a Vision Document which sets out the site characteristics, constraints and development potential. A masterplan has also been prepared for the site which has the capacity to deliver approximately 250 new homes.
- 2.8. L&Q have also engaged in pre-application discussions with South Ribble Council in August 2024. An indicative layout was submitted in support of the pre-app, as well as a wider context plan (**Appendix 1**), flooding and drainage note and cover letter, which was based on the information known at that time. The principle of a residential was supported, but at that time a residential application on the site would have been premature.

### 3. EVIDENCE BASE REVIEW

- 3.1. Given the stage of the process of the CLLP, there is a reasonably well-developed evidence base to support the plan. An overview of this is provided below:

#### **Strategic Housing and Economic Land Availability Assessment (SHELAA)**

- 3.2. The overall purpose of the SHELAA is to identify a future supply of land that is:
- suitable for housing or economic development uses.
  - available for development now or at a point during the plan period.
  - achievable (i.e. likely to be viably developed during the plan period and at the point envisaged).
- 3.3. The opening site survey stage involved an initial overview of the sites identified at Stage 1(a) to be taken forward into a Stage 2(b) assessment. It was set up to identify those sites that are potentially suitable for, and which would warrant further detailed assessment at Stage 2.
- 3.4. Para 2.13 confirms that *“Sites that are somewhat affected by one (or a combination) of the above constraints (i.e. partially constrained sites) were taken forward to Stage 2 in order to gain a more detailed understanding of the extent to which they may or may not be suitable for development”*.
- 3.5. The potential density of sites is set out at paras 2.21–2.28, just noting the reference to the Lancashire Housing Density Study. The issues with the Density Study are covered further below, but it is a backwards looking assessment from 2022, so prior to many new requirements for sites including BNG. As such, the quantum of development for many sites will be overestimated and this needs to be factored into the overall supply of homes from the sites selected.
- 3.6. Stage 2 of the SHELAA assesses the suitability, availability, and achievability of sites taken forward following the Stage 1(b) assessment.
- 3.7. Thereafter, the SHELAA outlines an overall assessment for each site, based on the results of the suitability, availability, and achievability assessments. This seeks to identify the development potential of each site over the plan period. It does however set out in para 3.24 that *“Following the detailed assessments a number of sites were discounted as they were identified as not being suitable, available, and/or achievable. Appendix 3 includes a schedule of these sites along with the reason they were discounted”*
- 3.8. The conclusion within Appendix 4: suitable, available and achievable sites, confirms that parcel Ref:19S162, is simply confirmed as a proposed allocation ref: HS3.4.
- 3.9. L&Q have no particular concerns with the assessment of their landholding at Penwortham given it is proposed to be allocated in its entirety.

## Housing and Employment Allocations: Site Selection process

- 3.10. L&Q note the preparation of the site selection paper, which, as the introduction sets out, draws on the information in the SHELAA (para 1.3).
- 3.11. Just to clarify, para 3.4 seeks to set out that in accordance with Stage 1(b) of the SHELAA methodology, sites were discounted if they were 'affected by numerous constraints'.
- 3.12. This doesn't reflect the SEHLAA, as set out above. Para 2.13 of the SHELAA is clear in confirming that *"Sites that are somewhat affected by one (or a combination) of the above constraints (i.e. partially constrained sites) were taken forward to Stage 2 in order to gain a more detailed understanding of the extent to which they may or may not be suitable for development."*
- 3.13. L&Q consider this a minor point, but worthwhile pointing out so it can be clarified accordingly.

## Density Study

- 3.14. This evidence base is developed to understand the densities that have been achieved across residential sites, to inform assumptions about the potential development capacity of sites being considered for allocation under the new CLLP. As well as informing allocation capacity assumptions, the work will also be applied to the sites which the Councils identify and include within their Strategic Housing and Employment Land Availability Assessment (SHELAA), as we have set out above.
- 3.15. It needs to be noted that the study provides a retrospective review of completed sites and was completed in 2022.
- 3.16. The obvious issues this causes is that the sites developed in 2022 did not need to provide for the mandatory BNG requirements. This can have significant implications for site density. Furthermore, it does not appear to mention any M4 requirements, which will also have density implications for development sites.
- 3.17. This evidence should be fully updated to comply with current requirements for housing sites or be used with significant amount of caution to simply guide the potential development capacity of sites. It will likely overestimate capacity and therefore underestimate the amount of land that needs to be identified for development.

## Landscape

- 3.18. This was undertaken by LUC to provide strategic assessments of how land in the area:
- demonstrates valued landscape characteristics (including the identification of any areas where landscape quality can be considered of 'above ordinary' value);
  - provides landscape settings which are important to the character of settlements;
  - maintains gaps between settlements in the Preston City Council area that are not designated as part of its Open Countryside (policy EN1) area; and

- contributes to the Green Belt purposes as defined in paragraph 138 of the National Planning Policy Framework (NPPF)

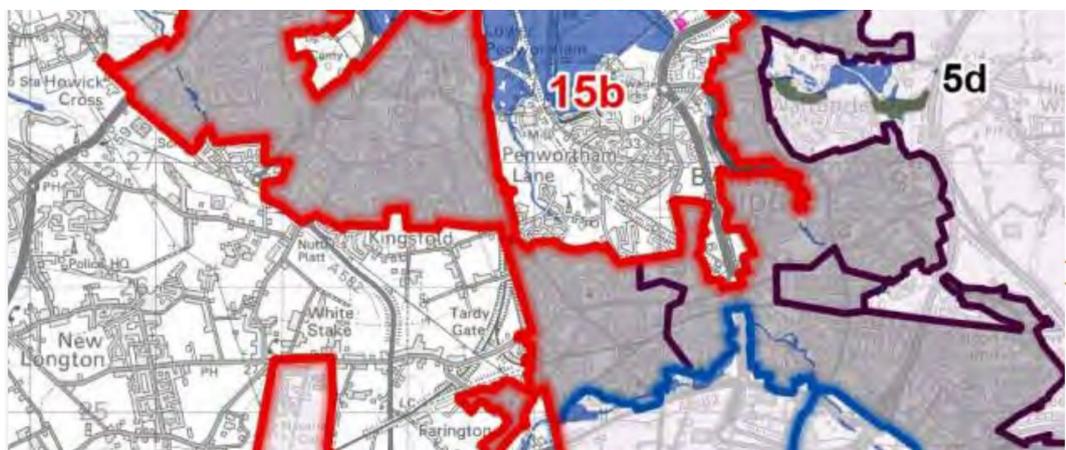
3.19. The main purpose of the analysis is to help determine whether an area-based policy identifying areas of local landscape value, such as South Ribble’s policy G3: Safeguarded Land for Future Development, is appropriate in the joint Local Plan and, if so, which areas might be considered for inclusion.

3.20. For each relevant village or larger settlements, the strategic assessment provides an overview of the settlement’s character/identity and the extent to which its relationship with the surrounding landscape is important in contributing to that character. It also summarises key elements of that setting and concludes whether the landscape setting makes:

- a particularly important contribution to the character of a settlement;
- a reasonably important contribution to the character of a settlement; or
- a limited contribution to the character of a settlement

3.21. Just looking at Penwortham site, this is located within the Longton–Bretherton area (LCA 15b), where the overview below confirms there are no absolute constraints on the site, just noting a watercourse heading north–south to the eastern edge of the parcel. Other constraints noted is a public footpath to the west of the site and the listed building beyond its northern boundary.

**Figure 6: Penwortham – Extract from Longton–Bretherton Assessment**



3.22. There are no sub-areas assessed, as have been for other areas, with the summary confirming that, “the landscape is not considered to have ‘above ordinary’ landscape value”.

3.23. Looking at Appendix B and the consideration of the settlement setting assessment, the site is not covered by any of the Penwortham, Lostock Hall nor Walton Dale assessments. Given it sits outside of all assessments, this area simply cannot be considered to provide any contribution to the setting of any settlement.

3.24. Overall, this specific site assessment does not indicate that the Penwortham site performs strongly from a landscape perspective.

## Level 1 SFRA 2024

- 3.25. The Level 1 Strategic Flood Risk Assessment (SFRA) was an update to the previous SFRA, completed in 2021. It was updated to use the latest flood risk information available at the time of writing, together with the most current flood risk and planning policy available from the National Planning Policy Framework (NPPF) (2024) and Flood Risk and Coastal Change Planning Practice Guidance (FRCC-PPG) (2022).
- 3.26. The supplied potential development sites are shown to be at varying risk from fluvial, tidal and surface water flooding. Development consideration assessments for all sites are summarised through four strategic recommendations within Appendix E and the development sites assessment spreadsheet in Appendix C.
- 3.27. It is fair to say that this is a generalised assessment, based on the initial sites selected and location plans drawn by the Council(s). This is the case for the Penwortham site, in so far as the overarching assessment identifies a small amount of the site to be within FZ 2 and 3b. However, upon closer inspection, it is clear that this area is acknowledged to be in narrow strips along the northern and western boundaries.
- 3.28. As set out in the recommended next steps for parcel Ref:19S162, the site boundary could be re-drawn to exclude areas subject to FZ2 (6%) and 3b (7%). This would only remove around 13% of the overall assessed site. In any case the area to be removed, given its topography, would be unlikely to be developable in any case, so this alteration would not reduce any realistic development quantum on the site.

## Level 2 SFRA (2024)

- 3.29. The site is assessed in detail, to include all forms of flooding, but also from a cumulative perspective to consider whether the site is safe for the lifetime of the development and that it would not increase flood risk, elsewhere.
- 3.30. The full Stage 2 SFRA assessment includes a summary and recommendation in para 77.2 for the L&Q parcel. This sets out that based on the evidence presented in the Level 1 SFRA (2025) and the Level 2 SFRA that:
- Based on current information, **this site could be allocated if development avoids the area at modelled fluvial risk along the eastern boundary of the site.**
  - An update to the Penwortham Lane 2006 model should be used to update this Level 2 SFRA at the earliest opportunity to provide a robust strategic assessment of flood risk to this site and the surrounding areas. This should be based on up-to-date hydrology, terrain data and channel and structure survey to inform on safe site design and layout.
  - It would be acceptable to use updated modelling to suitably assess risk through a site-specific FRA, as well as/instead of a Level 2 SFRA update.
  - There should be no development within the functional floodplain. There should also be no development within 8m of the unnamed watercourse adjacent to the eastern boundary of the site. The EA recommend for an 8m no development buffer for all

main rivers to enable access for maintenance activities. This should be converted to a blue / green corridor to provide ecological, amenity and social value.

- A detailed drainage strategy will be required given the large area of this site being converted from open space to development. The use of infiltration SuDS should be investigated.
- Any FRA should be carried out in line with the NPPF; FRCC-PPG; EA guidance; Central Lancashire Local Plan and LLFA policies; and national and local SuDS policy and guidelines.
- Throughout the FRA process, consultation should be carried out with the following, where applicable, the LPA; LLFA; emergency planning officers; EA; UU; the highways authorities; and the emergency services.

3.31. Given the approach within the evidence base in respect of the site, there are no matters that cannot or will not be resolved through the usual development considerations e.g. no development in the flood zone, which would have been likely, in any case, given the topography in that area.

## Heritage Impact Assessment

3.32. The purpose of the Heritage Impact Assessment (HIA) was to inform the site selection process of the Local Plan. Through the assessment of the historic environment, the potential impacts of an allocation on a site with designated or non-designated assets is identified and consideration is given as to what mitigation measures can be put in place.

3.33. Page 196 of the assessment covers the L&Q site (ref: 19S162) and this is clear that *“with mitigation measures in place, developing the site would result in limited / no harm to archaeological assets. The site provides some historical landscape context and setting to Middlethorpe Hall. With mitigation in place, the harm arising would be limited and less than substantial and could be outweighed by the public benefits of delivering housing and employment”*.

## Habitat Regulations Assessment

3.34. As set out in the open sections of the assessment, the purpose of the HRA was to determine whether the new Local Plan will have likely significant effects on any sites designated as Special Protection Areas (SPAs), Special Areas of Conservation (SACs), or Ramsar sites.

3.35. There are site specific assessments, and this includes the L&Q parcel. In summary the HRA sets out:

- Assessment of Suitability for Ribble and Alt Estuaries SPA and Ramsar Qualifying birds – Moderate;
- Assessment of Suitability for Morecambe Bay and Duddon Estuary SPA and Morecambe Bay Ramsar site Qualifying birds – Moderate; and



- Assessment of Suitability for Martin Mere SPA and Ramsar Qualifying birds – Moderate

3.36. L&Q do note that there is no specific commentary on wintering birds, despite the allocation specific requirement within the draft allocation.

## 4. CENTRAL LANCASHIRE LOCAL PLAN

- 4.1. The 2024 National Planning Policy Framework states that Local Plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.
- 4.2. The transitional arrangements set out in the NPPF<sup>1</sup> state that
- “for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025 and its draft housing requirement meets at least 80% of local housing need; . . .”*
- 4.3. As will be set out below, the CLLP, as drafted, fails to meet at least of 80% of local housing need.
- 4.4. Therefore, the Plan needs to be examined against the 2024 NPPF.
- 4.5. Paragraph 16 goes onto state that plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development
  - b) be prepared positively, in a way that is aspirational but deliverable;
  - c) be shaped by early, proportionate, and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
  - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
  - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
  - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework, where relevant).
- 4.6. Paragraph 26 is relevant in this situation, as it expects effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy.
- 4.7. Paragraph 32 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This section will assess the emerging Policies of the Local Plan against national policy, especially in relation to paragraph 32 and the evidence discussed further above. This paragraph also expects that the evidence should be

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<sup>1</sup> NPPF 2024 paragraph 234

adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals

4.8. Given the stage of the process of the Local Plan, paragraph 36 is relevant as this identifies that Local Plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- 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 this Framework and other statements of national planning policy, where relevant.

4.9. The policies and supporting text relating to the overall housing requirement and distribution strategy have been largely covered later in this report.

## **Strategic Objectives.**

4.10. L&Q is in general support of the strategic objectives, although we do have some specific comments on the wording.

### **Strategic Objective 3**

4.11. Firstly, SO3 (Sustainable Communities) states that the Council will be *"Providing a scale and mix of housing types and sizes and a variety of tenures in a range of locations to meet economic aspirations and local housing needs"*.

4.12. This suggests the Council intend to only just meet identified needs, which are less than the minimum requirements the Plan should be delivering, as identified in the NPPF.

4.13. The NPPF requires plans to be '*positively prepared*' and to '*boost significantly*' the supply of housing. As such, the Council should be seeking to surpass their needs, so we recommend that the wording be updated to reflect this.

## **Spatial Strategy – SS1: Development Patterns**

4.14. SS1 expects new housing, employment and commercial growth and associated infrastructure will be focused on the most sustainable locations in Central Lancashire. This is broadly supported.

- 4.15. For the strategy to be positively prepared and therefore sound, it needs to be sufficiently flexible. It is recommended that point 3 is amended to accommodate a scenario where needs are such that other locations and opportunities need to be considered for development, which comply with other policies in the CLLP.
- 4.16. The Councils will need to be able to demonstrate, with evidence, that this strategy is deliverable and developable over the Plan period, will meet the varied housing needs and will not lead to a shortage of homes being delivered, so some flexibility within the spatial strategy is needed.

## **Spatial Strategy – SS2: Settlement Hierarchy**

- 4.17. The hierarchy is noted and generally supported by L&Q given the status of Penwortham as a key service centre, but this needs to be justified by suitable evidence to demonstrate it is the most appropriate strategy. It needs to demonstrate that it supports a suitable and sustainable spatial distribution of sites and therefore provides an appropriate pattern of development. The evidence will also need to ensure suitable support for sustainable development within all market areas.

## **Strategic Site Allocations**

- 4.18. L&Q would just note that the strategic site allocations will need to be suitably justified to deliver the quantum of development expected, given that in total they are expected to deliver in excess of 5,400 homes, or around 20% of the current homes needed in Central Lancashire.
- 4.19. At this stage, the strategy is to direct development to these three locations, noting that Pickering's farm is two sites in essentially one location and North-West Preston/Bartle and Preston West are adjacent to one another and are in locations where there are viability concerns.

## **Policy HS1 Scale of Housing Growth and Distribution of Housing Requirements**

### **Overall Housing Requirement**

- 4.20. The plan period appears to be 2023 to 2041. As the Councils will be aware, the NPPF<sup>2</sup> states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery.
- 4.21. Given the stage of the Plan preparation and the anticipated lead in times for the potential submission, examination and adoption on the Plan, in order to ensure that the Plan covers the full 15 years on adoption, the Plan period should be extended until at least 2042. This needs to be monitored against the CLLP's progression through these stages.

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<sup>2</sup> NPPF December 2024 Paragraph 22

- 4.22. The policy seeks to deliver a minimum of 1,314 net new dwellings per annum (dpa) over the plan period, going on to report that a range of site sizes and locations will be provided and that a housing trajectory will set out the projected rate of housing delivery. This equates to a total requirement of 23,652 homes between 2023 and 2041.
- 4.23. Paragraph 4.19 of the Plan and various evidence base documents, state that following the publication of the revised NPPF in December 2024 the annual housing requirement for Central Lancashire has been increased slightly. The 1,314dpa proposed is claimed to achieve 80% of the LHN using the new standard method formula, in accordance with the transitional arrangements.
- 4.24. It is also noted that the supporting text within the plan at para 4.15 is also incorrect as it seeks to justify the housing figures with reference to the employment evidence. The employment evidence does not determine the housing figure.
- 4.25. As a result of the updated affordability ratios published on 24<sup>th</sup> March 2025, the LHN now identifies a minimum need for 1,662 homes per annum, or 31,578 homes over the plan period (to 2042) in Central Lancashire.
- 4.26. This position will also continue to change as housing stock data is updated annually in May and affordability data is updated annually in March. Indeed, once the housing stock data is updated in May, the results of the LHN standard method will almost certainly increase further, reflecting the additions to the dwelling stock from 2023–24.
- 4.27. As drafted, the proposed housing requirement meets only 79% of the minimum Local Housing Need. Therefore, the transitional arrangements of paragraph 234a of the NPPF would not be engaged.
- 4.28. In any case the transitional arrangements are not being appropriately used in this situation. The transitional arrangements should not be used as a way to reduce the housing requirement in Central Lancashire. The 77-dwelling addition to the employment led housing figure is largely arbitrary, simply trying to meet 80% of the LHN figure, which in any case it fails to achieve
- 4.29. As the Plan does not comply with the transitional arrangements, the minimum housing need figure in HS1 should therefore be calculated against the LHN. This will ensure that the Plan is positively prepared and would comply with the 2024 NPPF. The Plan period should also be extended to 2042.
- 4.30. Without these changes, this policy is not positively prepared and would not reflect national guidance so cannot be considered sound.

### **Policy HS3: Housing Allocations in South Ribble**

- 4.31. The pre-amble to this policy is noted within para 4.24, but this does not fully conform with the assessment as detailed in the SHLAA methodology and does not reflect the methodology in the site selection paper. Clarification on the actual approach needs to be provided and it should be consistent across the evidence base and within the CLLP.
- 4.32. Overall, L&Q fully supports the proposed allocation of the Penwortham site HS4.3.

- 4.33. It is also noted that there are two clarifications in relation to the site a \* and a #. The \* denotes that there is additional information enclosed at Appendix 4 of the Plan, which we cover further below. The # denotes a need for a wintering bird survey. This does not reflect the findings of the HRA assessment identified above and needs to be removed or additional evidence prepared to justify this requirement.
- 4.34. Just moving onto Appendix 4, this sets out the relevant development considerations for the site. L&Q would make the following comments on these requirements:
- Planning Obligations (ID2); needs to be subject to viability;
  - Wintering Birds (EN7); there is no evidence to support the requirement to provide a wintering bird survey. This element needs amending simply to require the submission of a necessary ecological survey at the planning application stage, which is covered by policy EN9;
  - Utilities (EN11) dialogue with UU is noted and updates on this can be provided verbally at the Examination;
  - Highways (ST2) discussions have been undertaken with LCC highways and there have been no issues raised to date;
- 4.35. L&Q would just note that the identified capacity of the site is 250 dwellings, but this appears to be based on the dated Lancashire Density Study. Following careful consideration of the development potential of the site this is broadly expected to be achievable, but there are now further policy requirements which may impact on this total figure.
- 4.36. Overall, the allocation is supported, but some further evidence and justification is required to support the requirements set out in Appendix 4 of the CLLP, as detailed above.

## **Policy HS6: Housing Mix and Density**

- 4.37. In relation to housing mix, L&Q recognise the need to provide a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. However, it is considered that there is a need to apply a flexible approach to the provision of housing. It should be recognised that the required mix, size, and tenure of homes will differ by location.
- 4.38. This policy also requires all residential schemes to be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations. There is no flexibility in this requirement. It also goes on to require 4% of new homes in Chorley to be wheelchair accessible in accordance with Part M4(3a).
- 4.39. The PPG<sup>2</sup> identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type, and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access

- 4.40. L&Q consider that the Council have not yet provided sufficient evidence for this policy to be considered justified or consistent with national policy.
- 4.41. This policy also proposes minimum densities for various location, of which the relevant density for the Penwortham location is 27dph. It is unlikely that the Penwortham site can achieve this density, indeed the Council's identified density is closer to 25dph, which should be achievable.
- 4.42. L&Q are not against density figures within policy but recommend that these density figures should only be used as a guide for development and the Council should be flexible in their use to take account of individual site characteristics, the development proposed and also viability. It also needs to be remembered that the evidence base for these figures was developed in 2022, so does not take into any account the implications biodiversity net gain, or the Council expectation of M4(2) and (3) properties on sites.
- 4.43. Overall, this policy should be supported by updated justification.

### **Policy HS7: Affordable housing**

- 4.44. L&Q supports the need to deliver affordable housing and agree that policies of this nature should be set within a Local Plan or other statutory planning policy. The housebuilding industry also recognises their obligations to assist in meeting such needs.
- 4.45. The evidence sets out an overall gross affordable need of 728 dpa. Given the Council's approach and seeking to deliver a suppressing housing requirement, affordable homes required would be in excess of 50% of the overall requirement.
- 4.46. As such, from the evidence presented, the CLLP will simply not deliver the affordable housing needed.
- 4.47. The NPPF<sup>3</sup> is, clear that the affordable housing policies must not only take account of need but also viability and deliverability.
- 4.48. As noted in the Council's evidence, there are some significant viability challenges set out within section 6 of the Viability Report (Feb 2025). This includes the Lower Value Brownfield typologies, lower value greenfield typologies and the Preston City Centre typologies are not viable; and that the medium value brownfield typologies, the medium value greenfield typologies, the higher value brownfield typologies and the higher value greenfield typologies are either not viable or marginal, when considered against a set of fully policy compliant appraisals, realistic land values and a 20% profit.
- 4.49. These locations are where a reasonable amount of housing sites are identified, although the exact supply of homes and their trajectory has been requested to be provided for further scrutiny at the Examination.
- 4.50. The Council should be mindful that it is unrealistic to negotiate viability on every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is

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<sup>3</sup> NPPF December 2023 Paragraph 34

simply set too high. This will jeopardise future housing delivery and could result in further shortfalls in the overall supply of houses.

- 4.51. In addition to this, L&Q have serious concerns about the requirement to comply with a Registered Providers Framework included at point 8. The Framework and its requirements have not been provided to allow scrutiny as part of the drafting of the CLLP, nor the process to accept registered providers onto the Framework and the criteria that they are bound by. There is no evidence to support the need for this, so it is simply not justified.
- 4.52. Increasing the housing requirement will help to address the identified need, as expected in the PPG (ID: 2a-024-20190220). The Policy should also remove the requirement to work to a registered providers framework, as this would help to increase the level of affordable housing that can be provided.
- 4.53. L&Q also object to criterion 17 of the policy, which states that a 20% supplement, calculated on the total value of the commuted sum, shall be payable to the Council in addition to the commuted sum to cover the cost of administration of an affordable housing commuted sum. This figure is not justified by evidence – and presents a significant cost which is not considered proportionate to its intended administrative use. It also raises viability further concerns, noting our earlier comments in respect of the viability evidence prepared to date.
- 4.54. As drafted, this policy is not positively prepared, justified, nor will it be effective in delivering much needed affordable homes.

## Policy EN1: Well Designed Places

- 4.55. Criteria 2 seeks to achieve a green light against all criteria for BHL assessments. It is unreasonable to expect all major developments to achieve a green light against each of the Building for a Healthy Life considerations. Indeed, the Building for a Healthy Life document itself accepts that there may be circumstances where amber lights cannot be avoided. It also acknowledges that a development only needs nine green lights to achieve a commendation and to use the Building for a Healthy Life logo. L&Q therefore recommends that this policy is amended to remove this requirement for all green lights and only seek nine green lights and above to better reflect BHL guidance
- 4.56. Criteria 3 expects all proposals to comply with NDSS and higher water efficiency standards. The nationally described space standards (NDSS), as introduced by Government, are intended to be optional and can only be introduced where there is a clear need, and they retain development viability. It should be a 'need to have' and based on evidence.
- 4.57. The PPG<sup>4</sup> identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be

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<sup>4</sup> PPG ID: 56-020-20150327

properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- **Viability** – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

- 4.58. If the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.
- 4.59. L&Q are also aware that Building Regulations includes a mandatory standard that all new homes must meet the requirement of 125 litres/person/day. If the Councils want to impose higher standards in policy than the PPG<sup>5</sup> sets out, evidence that should be used to establish a clear need and the specific case for the CLLP to justify the inclusion of these optional higher standards. Sufficient evidence has not been provided yet.
- 4.60. L&Q also considers that criteria 4 of this Policy needs to be removed. There is no definition as to what is considered a ‘significant scheme’ to require the additional requirements set out in this policy. Masterplans and parameter plans are also irrelevant for detailed planning applications.
- 4.61. The requirement for masterplans and/or design codes need to be set out in the relevant site allocations, most likely only for those allocations of a strategic nature. It is a largely onerous requirement for proposals, certainly given the scrutiny schemes will be subject to throughout the planning application process.
- 4.62. This policy is not justified, and it is not consistent with national policy.

## **Policy EN6: Biodiversity Net Gain**

- 4.63. This policy states that new development will be required to conserve and enhance biodiversity, geodiversity, and landscape features. It states that new development should ensure that biodiversity net gain of no less than 10% is achieved.
- 4.64. L&Q consider that the Council should adhere to the Government’s proposals on biodiversity gain set out in the Environment Act. This legislation and accompanying regulations require developments to achieve a net gain for biodiversity. This nationally required gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The mandatory national requirement will not be a cap on the aspirations of developers who want to voluntarily go further.
- 4.65. If this policy is going to be included within the CLLP then this is a matter that also needs to be fully considered as part of the site allocation process as it may result in some sites

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<sup>5</sup> PPG ID: 56-014-20150327

struggling to meet this requirement and not delivering at the density expected, certainly given the age of the density evidence as highlighted previously.

- 4.66. Overall, L&Q consider that this element of the policy is not necessary and provides unnecessary duplication with national policy.

### **Policy EN8: Trees, Woodlands and Hedgerows**

- 4.67. This policy states that where it has been demonstrated by the applicant that there will be an unavoidable loss of trees and / or hedgerow to facilitate the proposal, then appropriate mitigation via compensatory planting will be required. Tree planting shall be provided on-site at a ratio of 2 trees per 1 loss and loss of hedgerow shall be compensated for by planting of an equal or greater length of hedgerow to the length lost.
- 4.68. A policy with a direct replacement strategy for trees is not required. Any necessary tree loss would be addressed within any BNG assessment required by Policy EN6. Indeed, the loss of trees and hedgerow, certainly poor-quality trees and hedgerow, may be more than adequately off set by other forms of landscaping.
- 4.69. Overall, this policy is not justified, positively prepared and may not be consistent with national policy.

### **Appendix 2 – Monitoring Framework**

- 4.70. The Monitoring Framework provides a selection of Indicators, with their source and a monitoring target to monitor the Plan. In relation to housing this is simply to consider whether housing will be delivered against the trajectory.
- 4.71. Unfortunately, the housing trajectory included within the Plan is relatively high level, so it is difficult to understand the individual components of the supply. This needs to be provided in detail in respect of the allocated and non-allocated sites, as they are presented in Appendix 3.
- 4.72. There also needs to be some flexibility within the trajectory of sites to accommodate a lapse rate for the non-delivery of sites, certainly as it is unclear which of the allocated and non-allocated sites within the supply currently benefit from planning permission. This needs to be available to the examination to allow proper scrutiny.
- 4.73. In any case more detail needs to be provided as to how the plan will actually be monitored, and to identify when, why and how actions will be taken to address any issues identified by the Monitoring Framework.
- 4.74. There also needs to be an acknowledgement in the Plan that if this plan is adopted with only 80% of the LHN figures, as suggested by the Councils, there needs to be an immediate review of the Plan to deliver the Government's new LHN figure. This has already changed housing need significantly in Central Lancashire, which triggers the review requirement in



the PPG<sup>6</sup>. The shortfall is around 348p/a, which is in excess of 5,000 homes across a 15-year Plan period.

- 4.75. The monitoring proposed will not be effective and the Plan needs to be reviewed immediately in order to be positively prepared and remain consistent with National Policy.

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<sup>6</sup> Paragraph: 062 Reference ID: 61-062-20190315



## 5. CONCLUSIONS

- 5.1. Pegasus Group have prepared this representation to the Submission Local Plan (Regulation 19) consultation (2025) on behalf of L&Q.
- 5.2. L&Q welcome the production of the CLLP and wish to support the Councils in its ongoing preparation.
- 5.3. L&Q have previously prepared representations to the Central Lancashire Local Plan in relation to the site. The wider L&Q land holding is currently safeguarded for residential development in a future Plan. The time for this site to be allocated and delivered is now. Therefore L&Q fully support the allocation of the site Ref: HS4,3, subject to minor alterations to the detail in Appendix 4.
- 5.4. Following this, at the outset the CLLP, as prepared, would not comply with the transitional arrangements in the NPPF as its current drafting would not achieve 80% of the current LHN figure.
- 5.5. If modifications are suggested by the Council to address this, it is clear that the evidence base will need to be revised to reflect this. These modifications will be required to ensure a sound local plan can be delivered.
- 5.6. L&Q trust that the Councils will find these comments useful as it continues to progress its Local Plan and would be happy to discuss these issues in greater detail in order to assist the Inspector and the Examination in Public
- 5.7. L&Q and Pegasus Group would also like to be kept informed of all forthcoming consultations on the Local Plan and any associated documents.



## Appendix 1 – Wider Context Plan



Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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