Central Lancashire Local Plan Representations

Regulation 19 Consultation

Soundness Representations

Rowland Homes Limited

09 April 2025

LICHFIELDS

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places for over 60 years.

lichfields.uk

67650/03/BOC/AKn
33609610v1

Contents

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 are made in the context of one of Rowland's specific development interests in Chorley at Land at Bagganley Lane, Chorley [the site]. The site is identified as a draft mixed use allocation in the CLLP (reference EC5.3). A masterplan of the site is attached at **Appendix 1.** In addition, Urban Green has prepared a Development Statement on behalf of Rowland to support the promotion of the site for mixed use development in the draft Central Lancashire Local Plan. A copy is included alongside this representation and these representations should be read in parallel with the Development Statement.

1.3 It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). S.19 of the 2004 Act stipulates that, 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 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 NPPF 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."*

1.6 This report provides representations on Local Plan Policy EC5 (Mixed Use Allocations Chorley) and Appendix 6 Mixed Use Allocations – Key Development Considerations - EC5.3 (Land at Bagganley Lane, Chorley) only.

1.7 A separate representation is submitted on behalf of Rowland with respect to other non-site specific development interests across the three authority areas but both representations should be read together.

2.0 Policy EC5 (Mixed Use Allocations Chorley)

Introduction

2.1 Policy EC5 (Mised Use Allocations Chorley) identifies 7 sites that are allocated for mixed use development for housing and employment in Chorley. In total, the 7 sites identified in the policy have a combined site area of 45.29ha and can accommodate 722 dwellings and 12.66ha of employment.[1] Rowland has an interest in the site at Bagganley Lane, Chorley (allocation reference EC5.3) which has been identified for a mixed-use allocation in the CLLP.

2.2 Policy EC5 identifies that allocation EC5.3 has capacity for 200 dwellings and 2.65ha of employment use (Use Classes E(g), B2, B8). The accompanying Development Statement which covers the allocation as a whole demonstrates that the site can accommodate the quantum of development envisaged by the specific requirements of the Policy.

Consideration of Policy

2.3 Rowland strongly support the allocation of EC5.3 for housing and employment use and welcomes the Council's acknowledgment that the site is suitable, achievable and deliverable as stated in the Strategic Housing and Economic Land Availability Assessment [SHELAA] (January 2025) which forms part of the Council's evidence base. The delivery of this site will support the housing and employment needs of Chorley and Central Lancashire and Rowland consider that the site can come forward early in the Plan period to assist in boosting the supply of development land in Chorley.

Deliverability

2.4 As set out in the accompanying Development Statement prepared by Urban Green, the site is fully deliverable and all technical and environmental constraints have been given due consideration in the formulation of the masterplan. Technical due diligence has been undertaken by Rowland to ensure that the development can come forward at the site in line with the policy aspirations. The technical assessment undertaken to date include transport, ecology, landscape and drainage and all indicate that the site is deliverable and can come forward during the early stages of the Plan.

2.5 The residential element of the site is being promoted by a regional housebuilder with significant local experience and expertise. Rowland is committed to this site and considers that it is capable of delivering residential development at the earliest opportunity. Rowland has an option agreement on the land identified for residential development and there are no impediments which would preclude the delivery of homes early in the CLLP Plan period.

2.6 The site is sustainably located and has good access to community facilities and public transport options. The site lies within walking distance (within 400m) of a wide range of local facilities including local shops, a primary school, bus routes and public footpaths. Employment development at Botany Bay is also accessible on foot or bike.

[1] The Table within policy EC5 identifies that in total there are 2.66ha of employment land identified in Chorley but this should be 12.66ha

2.7 Further detail on the key development considerations for identified allocations is contained at Appendix 6 of the CLLP. Within Appendix 6, is a table of the key development considerations for mixed use allocation EC5.3. Each consideration is discussed in turn below with respect to Rowland interest in Land at Bagganley Lane, Chorley.

Key Development Considerations

Planning Obligations (ID2)

2.8 Rowland acknowledges that planning obligations will be required to be included to mitigate the impact of the development including the delivery of affordable housing. However, Rowland would reiterate that the planning obligations pursued by the Council need to be reasonable and proportionate to the development.

2.9 Policy ID2 states that a monitoring fee will be charged by the Council to cover the cost of monitoring and delivery of S.106. Rowland is aware that Councils can charge monitoring fees but it is imperative that the monitoring fees are fair and reasonable and the sum paid cannot exceed the authority's estimate of its costs for monitoring over the lifetime of the planning obligation (Regulation 122 (2A) of the CIL Regulations 2010). Recognition of the specific requirements of the CIL regulations should be referenced within Policy ID2.

Flood Risk and Drainage (EN10 & EN11)

2.10 Rowland considers that the wording of this element of the policy is misleading and needs to be revised. This element of the policy state that *'the site is within Flood Zone 3b, …',* however this is misleading as only a small proportion of the site is located within Flood Zone 3b and no residential development (a more vulnerable land use) is to be located in this area. As such, we strongly encourage the Council to revise the wording of this element of the policy to indicate that a small proportion of the overall site is located within Flood Zone 3.

2.11 Setting aside the aforementioned point, Flood Modelling has already been undertaken by Betts on behalf of Rowland which confirms that parts of the site, mainly to the west and southern boundary are located in fluvial Flood Zones 2 and 3 along the boundary of Black Brook. As identified in the accompanying Illustrative Masterplan at **Appendix** 1 and Development Statement, any future planning application at the site will avoid residential development in these areas of flood risk as set out in table EC5.3 of Appendix 6 and up to 200 units can be accommodated on land outside this area.

2.12 In accordance with the recommendations of the Level 2 SFRA (which forms part of the evidence base for the CLLP), to inform the Flood Risk Assessment and Drainage Strategy that will accompany a future planning application, consultation will be carried out with the following, where applicable, the LPA; LLFA; emergency planning officers; EA; UU; the highways authorities; and emergency services. The site specific flood risk assessment will also include a detailed assessment of the risk from reservoir flooding.

2.13 Finally in terms of utilities, Rowland intends on entering into dialogue with United Utilities at the appropriate stage when an application is being prepared/determined for the site and do not consider that this policy requirement will be an issue.

Heritage Assets and Archaeology (EN13)

2.14 As set out in Appendix 6, a Heritage Impact Assessment has been prepared which identifies that the impact of the development of the site on the Grade II listed building (The Rough) located to the north of Heapey Road (adjacent to the northwest corner of the site) and the Leeds Liverpool Canal (of local historic significance) to the west of Bagganley Lane is negligible. Nonetheless, a future application at the site will be accompanied by an Archaeological Desk Based Assessment, as requested at Appendix 6 but Rowland does not consider that this will hinder the development of the site subject to potential appropriate mitigation.

Highways (ST2)

2.15 Appendix 6 states that suitable vehicular access should be achievable from Heapey Road. As set out in further detail in the accompanying Development Statement, the site has been assessed by SCP Transport. Vehicular access to the development will be provided from Heapey Road to the north of the site, the proposed access will take the form of a priority-controlled junction designed to accommodate both residential and commercial traffic with a 7.5m wide carriageway, 2m footways and 6m junction radii.

2.16 The development will provide a main internal spine road with a 7.5m wide carriageway (to accommodate both residential and commercial traffic) and 2m wide footways within the site.

2.17 Any future planning application will be accompanied by a detailed Transport Assessment and Travel Plan and this will also consider any highway or public transport mitigation which may be required as part of the development proposals too.

Nature Conservation and Trees (EN7)

2.18 In accordance with the recommendations in Appendix 6, potential ecological impacts have been considered through the development of the site's Illustrative Masterplan and any planning application will be accompanied by a full suite of technical ecological detail.

2.19 As illustrated on the accompanying Illustrative Masterplan, the development will be set back from Black Brook and the woodland (a priority habitat), and an appropriate landscaped buffer will be put in place which will form an attractive edge to the development. Trees and hedgerows will be retained where possible.

2.20 A wintering bird survey will accompany a future application at the site.

Housing Mix, Density and Affordable Housing (HS6 & HS7)

2.21 Further detailed information and commentary on Policies HS6 and HS7 is provided in the second representation letter prepared on behalf of Rowland which should be referred to.

2.22 As demonstrated in the accompanying Illustrative Masterplan and Development Statement, it is considered that the site can provide up to 175 dwellings in a range of tenures and sizes appropriate to the needs of Chorley alongside 2.65ha of employment land. Rowland has concerns with Policy HS6's reference to table D8 which sets out the proposed market Housing Mix for the sub-area of Chorley provided in the Chorley Housing Needs and Demand Assessment (HNDA).

2.23 Rowland considers additional flexibility should be provided within the policy by presenting the mix as ranges which allows site-specific considerations to be taken into account.

2.24 Rather than apply a prescriptive approach to each sub-area of Chorley, 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, taking into consideration 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.

2.25 There are times when restrictive housing mix policies can restrict the development of a site including impacting negatively on the viability of a development. Although Rowland does not consider that the proposed mix in this instance would affect viability, the Council should not apply the mix as stringently as the table in the HDNA stipulates as it may not appropriately respond to site-specific housing needs and characteristics. Further detail on the recommended changes to Policy HS6 is provided in Rowland's second representation letter which should be read in conjunction with these representations.

2.26 Rowland will provide affordable housing in line with adopted policy.

Open space and Playing Pitch Requirements (HS5)

2.27 Rowland has a number of issues and concerns in relation to the specific requirement of Policy HS5 and does not consider that the requirements of this policy are sound. Although Rowland does not have any concerns with the specific wording of this section of the site-specific policy, we have concerns with the overall requirements of Policy HS5 which need to be addressed before submitting the Plan for examination.

2.28 As demonstrated above, the technical and environmental considerations at the site have been fully considered by Rowland who is committed to developing this site to meet the future housing and employment needs of Chorley and the three Central Lancashire authorities. It is therefore requested that the Council continues to support the site and its allocation in the CLLP on account of its suitability, deliverability and sustainability.

Proposals Map

2.29 The accompanying draft proposals map demonstrates that site EC5.3 will be removed from the 'Open Countryside' and included within the settlement boundary of Chorley.

2.30 Rowland considers that the inclusion of this land within the settlement boundary of Chorley is appropriate and aligns with the land Rowland's controls. The area to the southeast of EC5.3 is also within their control which could be used for potential biodiversity enhancements.

Test of Soundness

2.31 Rowland strongly supports the allocation of land at Bagganley Lane, Chorley for residential development on the basis it meets the tests of soundness subject to the recommended changes requested below. Rowland has raised some other non-site-specific issues

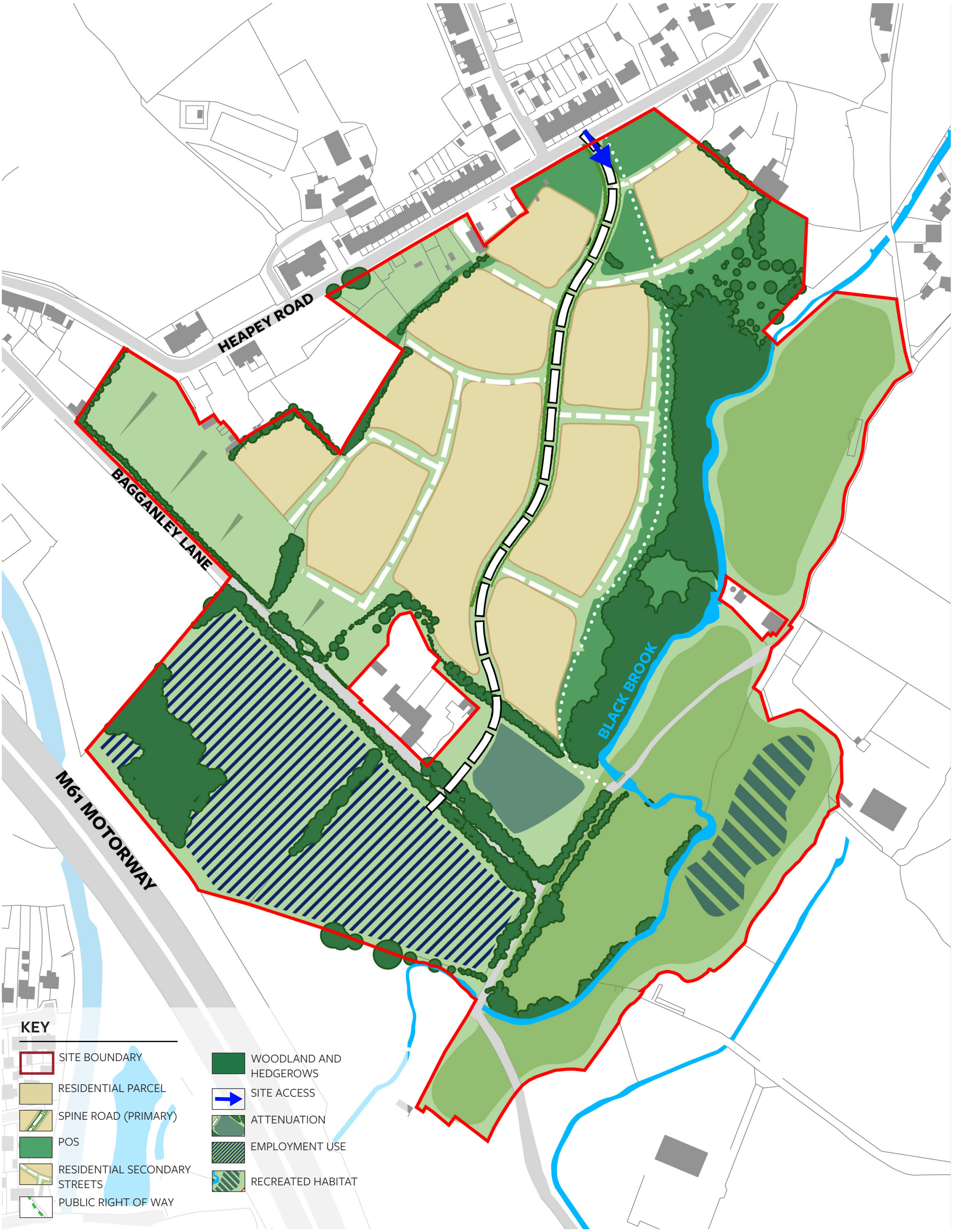
associated with the Plan's policies within their overarching representation and both sets of representations needs to be read together.

Recommended Change

2.32 Rowland do not consider that Policy EC5 and the site specific policy requirements in Appendix 6 requires any substantial changes. However, they do consider that the wording within the table associated with site reference EC5.3 at Appendix 6 of the CLLP requires amending. The section relating to Flood Risk and Drainage requires amending to provide clarification that only a small proportion of the site is located within Flood Zone 3b. This will ensure that the table is reflective of the site's flood zone designations and is not misconstrued when read. In addition, reference is made to Policy HS6 in Appendix 6. As set out in Rowland's second representation letter, additional flexibility should be added to the policy wording to reflect site specific considerations.

2.33 Further detailed representations on the policies referred to in Appendix 6 – EC5.3 is provided in Rowland's separate representation letter.

Appendix 1 Illustrative Masterplan



URBAN GREEN

DEVELOPMENT FRAMEWORK

BAGGANLEY LANE

CLIENT: ROWLAND **DRAWN:** EJ **CHECKED:** TR **APPROVED:** MK

DATE: 02/04/25 **DRAWING NO:** UG_2777_URB_DFP_DRW_01

Birmingham
0121 713 1530

Bristol
0117 403 1980

Cardiff
029 2043 5880

Edinburgh
0131 285 0670

Leeds
0113 397 1397

London
020 7837 4477

Manchester
0161 837 6130

Newcastle
0191 261 5685

Thames Valley
0118 334 1920

@LichfieldsUK

lichfields.uk