

Hearing Statement – Matter 1a and 1b (Legal Compliance and Overarching Issues)

Central Lancashire Local Plan Examination

On behalf of L&Q

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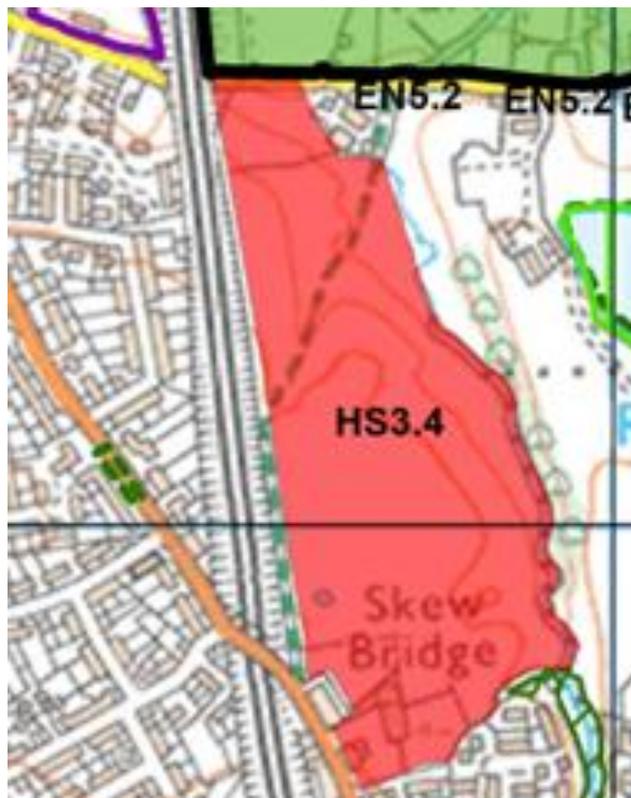
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1. Introduction

- 1.1. Pegasus Group has been instructed on behalf of their client, L&Q, to prepare Hearing Statements to the Central Lancashire Local Plan Examination (EiP) in support of their land interests in South Ribble. Namely, L&Q has a development option on the draft South of Factory Lane allocation (Reference: HS3.4). The site is currently allocated for development of circa 250 dwellings – which L&Q fully support.

Figure 1: South of Factory Lane Allocation (HS3.4)



- 1.2. This Statement deals with Matter 5, which addresses the following issues:
- “Issue 1: Has the Council complied with the duty to co-operate and other relevant procedural and legal requirements in the preparation of the Local Plan”.**
- 1.3. To confirm, L&Q only seek to make comments on the draft HS3.4 South of Factory Lane allocation. No comments are made in respect of other draft allocations, albeit we reserve the right to do so at a later date in respect of other allocations.

2. Matter 1a – Legal Compliance

1.1 In preparing the Plan did the Councils engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Co-operate?

What engagement with neighbouring authorities has taken place as to the scale and form of development proposed and any strategic matters arising from this? What are the cross-boundary issues relating to economic growth and employment land provision? What was the outcome?

Are there any strategic cross-boundary issues in relation to any of the proposed site allocations and any general policies, and if so, how have they been considered via the Duty to Co-operate?

2.1. No comment

1.2 Has the Plan been prepared in accordance with the adopted Local Development Scheme (CD12)?

2.2. L&Q consider that the LDS has been complied with and L&Q were notified as and when relevant consultations on the Plan were to commence and close.

1.3 Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement and the requirements of the 2004 Act (as amended) and the 2012 Regulations?

2.3. No Comment

1.4 Does the Integrated Assessment (IA) provide a comprehensive and robust basis to inform the strategy and contents of the Plan, particularly in terms of:

Its assessment of the likely effects of the plan's policies and allocations?

Its consideration of reasonable alternatives, including the development quantum and spatial distribution options? Does it capture all reasonable alternative site options put forward in the Plan preparation process? Can these be compared on a like for like basis?

Its explanation of why the preferred strategy and policies were selected?

Its assessment of the amount of development that would arise as a result of the provisions in the Plan?

2.4. In terms of HS 3.4 identified to accommodate around 250 homes, the evidence base supporting the allocation and the IA considers the full site and allocation. It is therefore sufficiently robust to inform the proposed allocation of the site.

2.5. It is also sufficiently robust in directing new development towards Penwortham, as part of the South Ribble Urban Area, and therefore this site's contribution towards the overall Plan strategy.

Is the Habitats Regulations Assessment adequate and does the Plan include all the recommendations identified in the assessment as necessary to ensure compliance with the Habitats Regulations? Is it robust and convincing in its conclusion that the Plan will have no significant effects on the integrity of any European sites? In particular, how will cumulative effects be addressed on a site by site basis?

2.6. No comment

Does the Plan include policies to address the strategic priorities for the development and use of land in Central Lancashire? How are these identified in the Plan?

2.7. Yes, in so far as allocation HS3.4, which is detailed in the Plan and identified on the Proposals Map

Does the Plan include policies designed to ensure that the development and use of land in Lancashire contributes to the mitigation of, and adaptation to, climate change?

2.8. No comment

How have issues of equality been addressed in the Local Plan?

2.9. No comment

Does the Plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

2.10. No comment

Does the Policies Map (CDO2) correctly illustrate geographically the application of policies of the Plan?

2.11. Yes, in so far as allocation HS3.4

3. Matter 1b – Overarching Matters

Is the Plan period (2023 – 2041) justified, effective and consistent with national policy which requires strategic policies to look at least 15 years ahead from adoption? Should the requirements/timescales for review of the Plan be set out in policy?

- 3.1. Assuming that the Plan proceeds through examination, which there is no reason why it cannot, and is capable of being adopted in 2026, the Plan would comply with Para 22 of the NPPF.

What are the implications of the transitional arrangements set out in paras 234 and 235 of the NPPF (Dec 2024) for the examination of the Plan?

- 3.2. No comment

How have made and emerging Neighbourhood Plans been taken into account and where is this evident?

- 3.3. Neighbourhood Plans and their interplay with the Local Plan is covered in Paragraphs 29 and 30 of the NPPF, noting that:

In accordance with the NPPF [2023 and 2024], once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

- 3.4. The evidence supporting the Penwortham Neighbourhood Plan has been superseded not only by the evidence prepared to support the emerging Local Plan, but also as there has been a further significant change in circumstances i.e. the introduction of Standard Method, which affects requirements.
- 3.5. From reviewing the consultation comments on the Reg 19 plan, it does not appear that the Penwortham Neighbourhood Plan Group have requested an indicative requirement for the Neighbourhood Plan Area for consideration as part of this Local Plan preparation.
- 3.6. Accordingly, upon adoption existing Neighbourhood Plans, such as that covering Penwortham, will be superseded by the Local Plan.
- 3.7. No request has been for an indicative development for the Neighbourhood Plan area, so there is no need to take the Penwortham Neighbourhood Plan into account as part of the Local Plan in order to comply with Para 35 of the NPPF.

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

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