RE: CENTRAL LANCASHIRE LOCAL PLAN EXAMINATION

NOTE OF SUBMISSIONS

Introductory Matters

1. This note seeks to summarise the submissions made during matter 1 (predominantly in answer to Q1.9 & 1.12) on behalf of the Consortium, who variously are promoting draft allocations and some omission sites (eg the former Camelot Theme Park in Chorley.

Background

2. Following the most recent disclosure of Environmental Information it is now clear that the meeting of the Joint Advisory Committee on 9th June 25 had no decision making powers – it remains baffling as to why consideration of the Central Lancashire Local Plan ('CLP') was, in part, considered in confidential session.

3. The three Councils at the end of January 2025 separately approved the regulation 19 plan to be published for consultation. All three resolutions:

   - delegated the decision to submit the plan, following that consultation to the Secretary of State (which was don on 20th June 2025;
   - referred to the plan as a joint plan;
   - authorised the delegated officer (in consultation with senior members) to make minor modifications before submitting the plan.

4. However, the resolutions differ:
   - South Ribble and Chorley both make it clear that the decision to adopt the plan is a 'sovereign decision' of each council individually;
   - South Ribble and Chorley both delegated the power to the officer to make changes to the regulation 19 plan which go to soundness (something that Mr Ponter ('IP') considered that they couldn't do (!))
   - Only Chorley makes reference to s.28 in its officers report, and none make reference to the statutory implications of a joint plan.

Delegation

5. From the above it remains singularly unclear as to how the Council's purport to have complied with s20(2)(b) of the Planning and Compulsory Purchase Act 2004 ('PCPA'), that the draft plan is fit to be submitted – ie it is considered to be sound at the point of submission.

6. All of the 3 LPAs approved the regulation 19 plan as the publication plan, *subject to consultation*. Consultation to be lawful must be a meaningful exercise[1], which (obviously means) that the LPA (or a person with requisite authority) is required to consider whether or not in the light of the consultation, if the draft plan is indeed 'fit for submission', and if not could it be made fit or would there be a need to undertake a different approach, eg a second regulation 19 draft.

7. Potentially the officer with delegated power in SRBC and CBC ought to have considered whether the draft plan needs to be amended to address soundness issues – and then if it should be submitted. The officer with delegated power from PCC ought to be doing the same – but her/his power was constrained to only make minor amendments.

8. However, there is no record of any officer forming any of the above views pursuant to that delegation – no report – nor even an indication that they had. Initially it had been thought that this might have happened as part of the Jt. Advisory Committee deliberation on 9th June – but the most recent EIR advises that that committee had no such authority and made no such decision.

9. Mr Ponter's ('IP') response on behalf of the LPAs is to suggest the decision was in fact taken by the three Council's at the point of the resolutions in January. That patently cannot be right given that the resolutions were to authorise consultation *to a purpose* and there would need to be a meaningful consideration of the outcome of that consultation before a decision under s.20(2)(b) could be lawfully taken.

10. The consequence of IPs submission is either that the decision was (unlawfully) taken before the consultation exercise was done or that it didn't need to be taken at all. Neither of which can possibly be correct.

Is the CLP a Joint Plan or Separate Plans prepared in Parallel

11. The power to undertake joint local plans ('JLP') is to be found in s.28 of the PCPA. If LPA's engage s.28 then there is a formal **statutory** process to withdraw from a JLP (s28(6) to (9)); and for steps to be taken pursuant to a JLP, there is a statutory obligation as to how that is to happen s.28(3). In addition there are policy and guidance relating only to how to approach JLPs. Accordingly it is important therefore to know whether or not this a JLP or 3 LPs produce in parallel. Only 1 Council has advised its members of the fact that it was intended to be a JLP *within the meaning of s.28.*

12. If, the plan is a JLP within the meaning of s.28, then PPG advises that the Council's must elect[2] to approach the requirement, monitoring and 5 YHLS on the basis of a whole JLP basis or a district by district basis[3]. For the HDT this is also binary – there

[1] The so called "Gunning Principles" which derive from *R v Brent LBC ex p Gunning* (1985) 84 LGR 168, the principles are that:1) consultation must be at a time when proposals are still at a formative stage; 2) the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response; 3) adequate time must be given for consideration and response; and, 4) the product of consultation must be conscientiously taken into account in finalising any proposals

[2] See below.

[3] *"Where the 5 year housing land supply is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored jointly, any policy consequences of under-delivery or lack of 5 year housing land supply will also apply jointly.*
Paragraph: 019 Reference ID: 68-028-20240205"

is a requirement for the LP to fix whether the requirement is an aggregated or disaggregated one[4].

13. Here the plan impermissibly purports to do both (HS1).

14. That becomes relevant for the transitional arrangements under para 234(a) of NPPF (see below).

The Effect of the Transitional Arrangements

15. The LPAs claim to benefit from the transitional arrangements by reason of para 234(a) of NPPF because their joint requirement of 1314 is 80% of the standard methodology figure.

16. If the 3 LPAs have produced parallel plans and not a joint plan[5] then Chorley has only planned for 60% and therefore it would have to be examined under a different NPPF and against a different standard methodology. That would plain fatally undermine the current examination.

17. If the LPAs have in fact produced a joint plan then the issue is whether the requirement of 1314 is in fact 80% of the required standard methodology.

18. Mathematically 1314 is indeed 80% of the standard methodology of 1642 as it would have been calculated on the date referred to in para. 234(a) – ie 12th March 2025. IP contends that using any other date to assess the standard methodology figure would be absurd – with respect he is wrong and is arguing for an interpretation of the words of NPPF that the words cannot bear

19. However for reasons explained in a number of the Hearing Statements[6] new information in respect of Housing Stock was published in March and in respect of Affordability in May 2025 – the effect of which is that the 2024 std methodology figure *calculated in accordance with the PPG* is 1687. Which means that the aggregated figure of the CLP is less than the threshold of 80% (77.7%).

20. That is a consequence of the words which are used in NPPF does not help IP's argument. Adding in the words of footnote 83 to the relevant text of para 234, the policy states:

> *"…the policies in this version of the Framework will apply from 12 March 2025 other than where …:*
>
> > *the plan has reached Regulation 1982 (pre-submission stage) on or before 12 March 2025, and*
> > *its draft housing requirement meets at least 80% of local housing need …calculated using the standard method in national planning practice guidance, published on 12 December 2024."*

21. Neither the wording of para 234 nor the wording of footnote 83 say "*Calculated using the standard method in national planning practice guidance, published on 12*

[4] Paragraph: 035 Reference ID: 68-043-20190722 & Paragraph: 036 Reference ID: 68-044-20190722

[5] Which is why Mr Vickers' reference to how to calculate requirement for joint plans and the transitional arrangements (ie Paragraph: 041 Reference ID: 2a-041-20250224) is wrong. If the 3 LPAs have not prepared a single joint plan under s.28 then para 041 would be engaged. If they are producing 3 plans in parallel then it wouldn't.

[6] Eg Mr Robinson of Lichfields on behalf of Bloor Homes.

*December **and as calculated at 12th March**…"*. Which would have to be the text for IP's submission to be correct.

22. The text requires calculation *"using the standard method in national planning practice guidance, published on 12 December 2024…".* PPG includes the following paragraph dated 12th December 2024 (referred to by Mr Robinson on day 1 of the hearing):

    *"The **housing need figure generated using the standard method may change as the inputs are variable and this should be taken into consideration** by strategic policy-making authorities.*

    *However, **local housing need calculated using the standard method may be relied upon** for plan making for a period of 2 years **from the time that the plan is submitted** to the Planning Inspectorate for examination*

    Paragraph: 008 Reference ID: 2a-008-20241212"[7]

23. Calculating in accordance with the December 2024 PPG means having regard to changing inputs that may change the std methodology up to the point of submission *which has happened in this case.* It does not say that it is fixed at the point of the regulation 19 plan being published let alone 12th March.

24. IP argues for a wholly unrealistic interpretation which simply isn't borne out by the words of NPPF nor NPPG. The reason why he is bound to make such an optimistic submission is because otherwise the CLP cannot benefit from the transitional arrangements as it doesn't fall within para 234(a).

25. That, it was lightly suggested would result in prejudice to his client's interests. With respect, the Councils' are the authors of their own misfortune – had they appreciated the effect of the actual language of NPPF and NPPG and that the standard methodology figure could have increased then the Council could have included an uplift of more than 77 units. But as it is the Council's literally did the bare minimum to bring themselves within the transitional arrangements, and as a result of a foreseeable occurrence their gamble that this would be sufficient has failed. The question under para 234(a) is a binary one.

26. The effect is not that the plan fails – but rather that this plan does not fall within the exceptions in para 234 of NPPF – but rather falls within para 237, and becomes subject to a policy requirement for an immediate review within a very tight timescale.

[redacted]

Kings Chambers
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Paul G Tucker KC
26th November 2025

[7] Emphasis added.