

**THE CENTRAL LANCASHIRE
LOCAL PLAN EXAMINATION**

**NOTE OF SUBMISSIONS ON BEHALF OF
THE CENTRAL LANCASHIRE AUTHORITIES
IN RESPONSE TO THE NOTE OF SUBMISSIONS
ON BEHALF OF THE CONSORTIUM**

Introduction

1. This Note records a summary of the response of the Central Lancashire Authorities (“the CLA’s”) to the submissions made on behalf of the group of housebuilders known as “the Consortium”. Whilst those submissions have evolved (for example, from those set out in the Consortium’s hearing statement¹), their final iteration is summarised in a Note of Submissions prepared by Paul Tucker KC (“PTKC”) and received by the CLA’s on 9 December 2025².

2. 3 arguments are now advanced by the Consortium in an apparent effort to demonstrate that either;
 - (i) there has been some legal error in the run up to submission of the Draft Local Plan for examination, or,
 - (ii) the Draft Local Plan should not be examined pursuant to the transitional arrangements at §234 (specifically, sub-paragraph (a)) of the Framework (2024).

¹ Doc M1.13

² The document is dated 26 November 2025 (presumably an error).

3. None of those 3 arguments has any merit. All are advanced by the Consortium in a thinly-veiled attempt to disapply the Framework’s transitional provisions with the effect that an increased national policy requirement for housing land supply will then apply (to the benefit of the Consortium’s housebuilding interests).

Argument 1: “Delegation”

4. The first of the Consortium’s arguments refers to section 20(2) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). For convenience, the relevant terms of section 20 are as follows;

“20 Independent examination

(1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.

(2) But the authority must not submit such a document unless–

(a) they have complied with any relevant requirements contained in regulations under this Part, and

(b) they think the document is ready for independent examination.”

5. First, the “relevant regulations” referred to in section 20(2)(a) are the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”). It is important to record that the Consortium does not allege that there has been any failure to comply with any aspect of the 2012 Regulations.

6. Instead it is now suggested by the Consortium that the decisions of the CLA’s to submit the Draft Local Plan were unlawful because they pre-dated its publication (pursuant to Regulation 19 of the 2012 Regulations), or alternatively, the CLA’s did not reach decisions to submit the Draft Local Plan for examination.

7. The argument proceeds on the Consortium’s complete misapprehension of the 2012 Regulations.

8. Again, for convenience, we set out the terms of Regulation 19;

“19. Publication of a local plan

Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
- (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).”

9. Regulation 20(1) then allows any person to make representations to a local planning authority about, “the local plan which the local planning authority propose to submit to the Secretary of State” (emphasis added).

10. In other words, the local plan that a local planning authority publishes pursuant to Regulation 19 is the local plan that the local planning authority proposes to submit for examination. That distinction between the consultation process pursuant to Regulation 18 and the publication exercise pursuant to Regulation 19 has been long understood³.

11. Accordingly, the decisions of each of the CLA’s to publish the Draft Local Plan in accordance with Regulation 19 (each taken at the end of January 2025), and to grant delegated powers then to submit the Draft Local Plan for examination accords with the 2012 Regulations and were entirely lawful.

³ see e.g. the case of *R. on the application of CK Properties (Theydon Bois) Limited v Epping Forest District Council* [2018] EWHC 1649 (Admin), at §84;

“Regulation 18 concerns the preparation of local plans and the requirement relating to consultation. Regulations 19 and 20 (and also 22 and 23) are relevant to the examination stage of plan-making. I agree...that regulation 19 publication is not a consultation exercise. It is the mechanism by which interested persons are provided with an opportunity to make representations on the draft plan under regulation 20 to enable them to participate in the process of independent examination.”

12. For the avoidance of doubt, any challenge brought on adoption of the Local Plan (pursuant to section 113 of the 2004 Act) on the basis that the CLA's decisions to submit the Draft Plan for examination were unlawful because they preceded publication pursuant to Regulation 19 will be obviously misconceived⁴ and will be robustly resisted by the CLA's.

Argument 2: "Joint Plan or Not?"

13. There appears to be 2 parts to the Consortium's second argument;

- (i) it is suggested that there is doubt about whether or not the Draft Local Plan is a joint local development document pursuant to section 28 of the 2004 Act, and,
- (ii) if it is a joint plan, it is contended that its approach to treatment of the housing requirement is impermissible.

14. Bizarrely, the Consortium draws attention (at §11 of PTKC's note) to the provisions of section 28 of the 2004 Act that are relevant to a local planning authority withdrawing from a joint planning process.

15. None of the CLA's is withdrawing from the joint planning process.

16. The Consortium (and PTKC's note) fails to refer to the provision of section 28 addressing how to enter into the joint planning process. Section 28(1) simply records;

"Two or more local planning authorities may agree to prepare one or more joint local development documents."

⁴ being inconsistent with the 2012 Regulations and contrary to the High Court decision cited above (*R. on the application of CK Properties (Theydon Bois) Limited v Epping Forest District Council*).

17. That is precisely what has happened here. The 3 CLA's have agreed to prepare the Draft Local Plan as a joint Plan⁵. The relevant (and simple) requirement of section 28 has been satisfied.

18. As for the Draft Local Plan's approach to housing requirement, draft Policy HS1 is clear;

- it identifies a requirement for the Plan area for the Plan period (23,652 dwellings), and,
- it distributes that requirement across the 3 CLA's (Chorley – 6012, Preston – 9,360, and South Ribble – 8,280).

19. That approach is entirely consistent with relevant national policy and guidance. In particular;

- (i) §67 of the Framework (2023) states that strategic policy-making authorities should establish a housing requirement figure for their whole area, and,
- (ii) planning practice guidance (“PPG”) confirms that;

“Areas which have a joint plan have the option to monitor their 5 year housing land supply and have the Housing Delivery Test applied over the whole of the joint planning area or on a single authority basis. The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in the strategic policies.

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.”⁶

⁵ Links to the CLA's decisions to that effect are set out in their response to the Consortium's latest request for environmental information (Examination Document OD04, pdf p72.

⁶ under the heading, “How will areas with joint plans be monitored for the purposes of a 5 year land supply?” at paragraph: 028 Reference ID: 68-028-20190722 of the version of PPG available from December 2019. This was re-numbered to paragraph: 019 Reference ID: 68-028-20240205 in February 2024 revisions to the PPG.

20. The Draft Local Plan;

- Establishes a housing requirement figure for the whole area in accordance with §67 of the Framework (§67), and,
- apportions that requirement across each of the CLA's in accordance with PPG.

21. Its approach is obviously consistent with relevant national policy and guidance.

Argument 3: “the Transitional Arrangements”

22. The Consortium accepts that the Draft Local Plan's annualised housing requirement of 1,314 dwellings, “is 80% of the standard methodology of 1,642 as it would have been calculated on the date referred to in para. 234(a) – i.e. 12 March 2025” (emphasis added)⁷.

23. On any sensible reading of the Framework (2024), and on any sensible approach to plan-making, that acceptance (on the part of the Consortium) is the end of any argument as to whether or not the Framework's transitional provisions apply to this Draft Plan and its examination.

24. Paragraph 234 of the Framework (2024) states 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...”. It sets out 5 circumstances which, if any are met, mean that a draft plan will be examined under the previous version of the Framework (i.e. 2023)⁸.

25. Each of those 5 circumstances is defined by reference to a key date (12 March 2025 for circumstances at (a), (b), (d) and (e)). For example, if a draft plan has been submitted for examination by 12 March 2025, then, in accordance with §234(b) examination will proceed under the Framework (2023).

⁷ §18 of PTKC's Note.

⁸ as stated at §235.

26. In order to satisfy §234(a), it must be shown that the plan has reached Regulation 19 stage on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.

27. Any plain reading of the words at §234 of the Framework means that the question of whether or not the Draft Local Plan is to be examined under the previous version of the Framework is to be judged at the key date of 12 March 2025.

28. In addition to being the obvious plain meaning of the words, that approach makes sense. The suggestion made by the Consortium is that a draft plan can meet the terms of §234(a) on the key date of 12 March 2025⁹, allowing the examination to proceed under the Framework (2023), but on (say) 1 December 2025 §234(a) no longer applies (because the figure for local housing need has increased), and as a result the examination must thereafter proceed under other national policy provisions¹⁰. That suggestion is obviously absurd.

29. §234 and §235 of the Framework (2024) are designed to allow local plans that have met certain conditions by 12 March 2025¹¹ to proceed through the examination process without the obvious disruption of applying new national policy. If the Consortium's approach was applied, then that purpose would be entirely undermined.

Conclusion

30. None of the Consortium's arguments (including within their latest iteration) has any merit and none justifies a finding that the Draft Local Plan is anything other than lawfully prepared.

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IAN PONTER
10 December 2025

⁹ as it accepts the CLA's Draft Local Plan does.

¹⁰ potentially meaning that the examination would have to re-start with the receipt of different and updated evidence.

¹¹ including having reached advanced stages of preparation in the case of circumstances (a), (b), (d) and (e).