

BROUGHTON-IN-AMOUNDERNESS

NEIGHBOURHOOD DEVELOPMENT PLAN

SECOND EXAMINER'S REPORT

R J Bryan B.A. Hons. M.R.T.P. I.
26 June 2018

ABBREVIATIONS and ACRONYMS

The following are the abbreviations used in this examination:

The City Council – Preston City Council

HRA - Habitats Regulation Assessment

NDP- Neighbourhood Development Plan

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

SEA - Strategic Environmental Assessment

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish.

4. I have been appointed by the Preston City Council (the Council) in consultation with the Parish Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. This report is the outcome of my examination of the submitted version of the Plan.

7. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Authority as the Local Planning Authority.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B

to the Town and Country Planning Act 1990 (as amended).

9.The examination must assess whether the Plan has satisfied certain procedural requirements and complies with “basic conditions”

10.The basic conditions¹ are as follows:

- a) The Plan has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) The making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).

11.This is the second examination I have carried out regarding this Plan.

My first examination related to the March 2017 Draft Neighbourhood Plan and my examination report issued on 07th September 2017, concluded that the plan did not meet the basic conditions² and was not in general conformity with the development plan or sustainable development principles set out in the NPPF. As a result, I recommended the Plan should not go forward for a referendum. The Council accepted this recommendation and refused the March 2017 Draft Neighbourhood Plan,

12.This current examination is in relation to the re-submitted Neighbourhood Development Plan, dated March 2018.

13.In the first examination, I recommended modifications to some policies in order to satisfy the basic conditions mainly to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plans policies. The Parish Council in this latest submission of the Plan has accepted these.

14.I concluded, however, that housing policy RES1 did not meet basic conditions as it effectively allows a level of development, which is contrary to strategic development plan policies, which seek to coordinate major growth in certain areas, which does not include Broughton village. As a result the Plan did not contribute to sustainable development.

15.The second examination is concerned only with assessing any new information that has come forward since the last examination and the application of my previous

¹ Paragraph 8 of Schedule 4 B of the Town and Country Planning Act 1990

² Basic conditions are explained below in paragraphs

recommended modifications in particular the measures taken to overcome my concerns regarding the housing policy RES1. In this report I make continual references to my previous examination report.

16. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

17. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

18. I visited the Plan area on the 22nd June 2018 and assessed the implications of the proposed Plan as part of the examination.

BACKGROUND DOCUMENTS

19. I have considered the following documents as part of this examination:

Examination Report of the March 2017 Draft Broughton-in-Amounderness NDP, submitted by R J Bryan, BA Hons. M.R.T.P.I. to the Council on 7th September 2017.

Draft Broughton-in-Amounderness NDP, March 2017.

Documents forwarded by the Council at the start of the examination:

Draft Neighbourhood Plan, Our Vision = Our future, March 2018,

Basic Conditions statement, February 2018,

Consultation statement-This includes a number of documents as follows:

- i) Broughton NDP, Population and Housing- Issues, Options, Preferred Development Strategy and Proposals,
- ii) Appendix D Additional evidence of consultation following on from the report of the Independent Examiner,
- iii) Appendix D additional evidence sections 1-10,

Landscape visual appraisal of small scale housing sites (including appendices and figures), October 2017, JBA Consulting,

Strategic Environmental Assessment and Habitats Regulations Assessment,

Screening Report October 2017, JBA Consulting,

Consultation Report, the Council, April 2018,

Timeline of key dates (as at April 2108), City Council,

The City Council's Regulation 16 Consultation letter, 7/3/18.

Responses to consultation under regulation 16³ (7/3/18-18/4/18).

Internal City Council email of 15/3/18 from M Aitchison, Principal Landscape Architect to T Wiggans, Senior Planning Officer,

Email from Natural England to the Council, 12/2/18,

Letter from Historic England to the Council, 12/3/18,

Letter from Environment Agency to the Council, 4/3/18,

Email from Ben Wallace, MP to the Parish Council, 16 April 2018,

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG),

Central Lancashire Core Strategy (adopted July 2012),

Preston Local Plan (adopted in July 2015),

The Council's adopted Supplementary Planning Documents as follows:

"Biodiversity and Nature Conservation", July 2015"

"Design Guide", October 2012.

"The North West Preston Masterplan", March 2017.

Other Documents

Report to Planning Committee of 5/4/18 regarding planning application (LPA ref: 06/2017/0941) for 101 dwellings and associated works on Land to the Rear of 126 Whittingham Lane, Broughton.

Questions forwarded by examiner to the City and Parish Councils, dated 10/5/18 and response titled "Combined LPA / Parish Council response to examiner's questions", May 2018.

Questions forwarded in an email of 30/5/18 by the examiner to the City and Parish Councils. Responses from the Parish and City Council, respectively in documents attached to an email of the 21/6/18 and 22/6/18. The documents attached to these emails are as follows:

³ Neighbourhood Planning (General) Regulations 2012

“Combined LPA/Parish Council Response to Examiner’s Additional Questions” June 2018,
Appendix 1 - Proposed Site Plan and LCC consultation response for current Park House app 06-2017-1104,
Appendix 2 - Approved site plan for Park House ref 06-2017-1104,
Appendix 3 - Amended Neighbourhood Plan Proposals Map,
Appendix 4 - Email of 20/6/18 from Pat Hastings (Parish Council) titled “Re-Redrow”
Appendix 5 - Email of 21/6/18 from Pat Hastings containing Lancashire County Council (LCC) response regarding the site access,
Appendix 6 “Suggested Response to Additional Questions from Examiner”, Parish Council.

“Further Questions regarding the Consultation Statement 8/6/18” issued by the examiner. The response of the 11/6/18 from the City Council by Mr. T Wiggins and the response by email of the 20/6/18 from the Parish Council (Pat Hastings) titled “Further Consultation in Preparation for a Second Examination”.

Email of the 22/6/18 from examiner to Parish Council (Pat Hastings) asking additional questions regarding the detail of the responses to the regulation 16 consultation carried out in December 2017 as listed in Appendix D of the Consultation Statement. Email response from the Parish Council (Pat Hastings) of the 23/6/18 containing an amended appendix D.

PROCEDURAL MATTERS

20. It is necessary to determine that the plan complies with the following procedural matters⁴:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

21. The Parish Council is authorized as the qualifying body⁵ to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

22. The whole Parish Council area was formally designated as Neighbourhood Area by the Council on the 17th March 2016.

⁴ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

⁵ as defined in Section 61K, of the Town and Country Planning Act 1990

23. The Plan clearly states that it relates to the period 2016-2026.

24. The Plan does not include any provision about development that is “excluded development”, such as minerals, waste disposal and major infrastructure projects.

25. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

26. It is necessary that Parish Council submit a Consultation statement giving details of persons and organisations consulted, details of how they were consulted, a summary of the main concerns and a description of how these issues and concerns were considered and addressed in the draft Plan

27. The Parish Council submitted a Consultation Statement, at the first examination stage and has now submitted a further addendum to explain the extra consultation carried out since then. This should explain the manner in which consultation was carried out and how the responses were dealt with.

28. I explained in my previous report that the Parish Council has through a dedicated team carried out a systematic and thorough programme of consultation from May 2016 until February 2017 aimed at residents, various community organisations and the business community. I concluded that the consultation exercise allowed an exchange of views on pertinent issues and properly informed the formulation of the Plan.

29. Following the first examination the Plan was revised and the City Council carried out a further consultation under regulation 16 from 1/11/17 to 15/12/17 and 10 responses were received. The publicity approach was then reconsidered and the Parish Council was advised to carry out a further consultation under regulation 14⁶ for consideration of responses to the Plan amendments before re-submitting the Plan to the Council for the final regulation 16 consultation.

30. The Parish Council carried out the further formal consultation (10/1/18-21/2/18) in accordance with regulation 14⁷ on the revisions to the draft Plan of March 2017 that were seeking to respond to the recommended modifications in the first examination report.

31. In the latest Consultation Statement it is explained that the community were kept informed of the issues and consequent amendments to the Plan by various means including an enews email system, updates on the facebook page documents posted on the Plan web site. In the autumn an enews newsletter containing details of the landscape appraisal done by JBA Consulting was circulated to every home in the parish.

⁶ Neighbourhood Planning General Regulations 2012

32.As part of the regulation 14 consultation hard copies of the revised Plan were deposited for public use at the District Club and garage in the centre of the village and hard copies were available on request.

33.On the 10/1/18 a news brief was posted on the web site and sent to the “Lancashire Courier and Garstang Gazette” explaining the process and the basic issues including Plan amendments.

34.A village information session was organized at the District Club on the 14/2/18. The addendum to the Consultation statement includes copies of presentation slides and other material indicating an effort was made to present alternative development options for the village to the meeting.

35.The Consultation statement does not examine in depth the responses to the regulation 14 stage and the Parish Council simply state that it was not considered necessary to amend the Plan as a result of these responses.

36.I therefore asked during the examination for further clarification regarding the responses and how the Parish Council considered them. I was then forwarded all the responses to the regulation 16 consultation carried out 1/11/17 to 15/12/17, which the Parish Council had effectively regarded subsequently as regulation 14 responses. The parish also forwarded to me the extra responses received as part of the regulation 14 consultations.

37.I analyse the technical nature of the responses below in greater detail below, particularly that of Emery Planning in relation to the assessment of the modified policy RES1. I am satisfied with the Parish Council’s response to the regulation 14 consultation. The previous Parish Council analysis of consultation on the Draft 2017 Plan covered similar issues to the Plan under this examination. Furthermore, the new issues raised in relation to the adequacy of the site allocation process and policies RES1 have been properly taken into account as I explain below, in further detail.

38.I am satisfied that the “Consultation Statement” on this revised Plan, demonstrates an adequate level of consultation and analysis of responses.

BASIC CONDITIONS

39. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁸ This element of the examination relates to the contents of the Plan.

⁸ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

40. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.

41. The Parish Council has submitted an updated "Basic Conditions Statement", February 2018, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

42. The Parish Council submits in the Basic Conditions Statement that the Plan complies with NPPF policies, which ensures the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

43. The Plan seeks to foster the local economy and has policies BE and BE1-6, which encourage economic development subject to criteria including the need to ensure development, is of a scale, which is appropriate to the settlement and wider parish.

44. In the previous examination I was concerned that by allowing scope for development on a number of sites adjoining the settlement in policy RES1 this may have led to a level of development, which was of a scale, not in accordance with the Core Strategy policy 1, and the strategy for development in the Council's area. This strategy only encourages limited development in the village. I was concerned that this could have led to a situation where the level of infrastructure in economic, social and environmental terms was incapable of satisfactorily accommodating the level of development despite planning obligations. Furthermore, development would have been piecemeal and unplanned which would be detrimental to the character of the fringes of the village and open countryside.

45. Policy RES 1 has been amended to extend the settlement boundary specifically to allow a limited level of development on three allocated sites. These specific allocations amounting to around 2.5 hectares in total now effectively limit the future extension of the village to a level that I consider is in general conformity with the

Core Strategy Policy 1 and Local Plan Policy AD1. The potential in the policy for development on the immediate edge of the village before this amendment was significantly greater. I note that the City Council has not raised an objection on these grounds.

46. The local community supports some modest additional housing development. There are the benefits of limited additional housing provision in meeting the needs of those requiring accommodation within the village, in supporting local facilities and to create a better balanced and more active, cohesive local village community.

47. I am satisfied that the Plan contributes towards sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

48. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

49. The City Council made a Strategic Environmental Assessment (SEA) Screening Determination in March 2017 and concluded that an Environmental Assessment of the emerging Neighbourhood Plan was not required. This was on the basis that the Plan supports the delivery of small-scale development within the existing settlement and development in the south of the parish, which is allocated in the Local Plan. This was subject to an SEA, which concluded no likely significant environmental effects were likely to arise from its policies. The Council also states that the neighbourhood plan includes policies, which offer protection to existing heritage and natural assets.

50. On the basis of the allocation of the three sites a further screening determination was carried out in October 2017 by JBA Consulting. This analyses the impact of the all the Plan's policies on the nearest European designated sites, which are the Ribble and Alt Estuary Special Protection Areas (SPA), and Ramsar sites⁹ approximately 8.3 kilometres to the nearest part of the Plan area. Other environmental receptors such as local SSSI's, Local Nature Reserves and the Forest of Bowland AONB and local listed buildings are taken into account. It is concluded there are no significant environmental effects on the basis of the distance of the Plan area from these designated sites and the relatively modest scale of proposed development, including the 3 new sites allocated for development in policy RES1.

51. It is important that alternative development strategies are considered in the SEA

⁹ **Ramsar sites** - Ramsar sites are wetlands of international importance designated under the Ramsar Convention.

Special Protection Area (SPA) - An area containing an assemblage of breeding populations of rare birds at a level of European significance, designated under EC Directive 79/409

process to help minimize environmental effects. In this case due to the lack of any anticipated significant impacts I am satisfied that although there is no comparative analysis in this case this SEA is a proportionate and reliable assessment.

52.I note that the statutory consultees, Natural England, Historic England and the Environment Agency have raised no objection to the screening opinion.

53.A Habitats Regulation Assessment (HRA) is required where a plan is deemed likely to result in any negative effects occurring on protected European Sites (also referred to as Natura 2000 sites).

54.The JBA Consulting Report concludes that the Plan together with related plans does not propose additional levels of growth of a scale that would likely impact these designated sites. The nearest site is approximately 8.3 kilometres from the Plan area and the potential for any impacts are therefore remote. On this basis, I support the screening opinion conclusion that an HRA is not required

55.I note that Natural England has not raised an objection.

56. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I refer above to the efficacy of the consultation process, which has built upon earlier efforts. It has kept the public informed and engaged in the re-evaluation and submission of the second version of the Plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

57. The “Basic Conditions Statement”, provides an analysis of how the Plan has taken into account national planning policies and guidance and is in general conformity with local strategic planning policies.

58.It explains in relative detail how the plan takes into account guidance in each of the main chapters and policies in the NPPF and demonstrates the plan conforms to the Secretary of States guidance.

59.The Statement submits that the plan’s policies are in general conformity with strategic policies in the development plan.

60.In the previous examination I concluded that the Plan was consistent with national policies and in general conformity with strategic development policies apart from policy RES1. I was concerned that policy RES1 had the potential to allow the inappropriate expansion of the village to an extent greater than proposed in the policy 1 of the Core Strategy and EN1 of the Local Plan. I also considered the plan did not support sustainable development as described in the NPPF. It could have resulted in unplanned development that is not aligned with social and economic infrastructure in the village and the growth plans for the area as expressed in the development plan.

61. I explain above in paragraph 45 relating to “Sustainable Development” the amendments to policy RES1 involving the allocation of three sites for development removes the potential to allow significant expansion of the village beyond that generally provided for in the development plan policies. I am now satisfied that the Plan takes into account the NPPF’s policy guidance regarding sustainability and is in general conformity with the strategic policies in the Core Strategy and Local Plan regarding the level of development appropriate for the village.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

62. The following section assesses whether the latest version of the Plan complies with basic conditions and has satisfactorily incorporated the modifications suggested in the previous examination to the draft Plan of March 2017 issued on the 7 September 2017. It also assesses any new issues raised as representations. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction.

63. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference as they do not in my view effectively raise a concern that the plan does not conform to basic conditions. I have concentrated on those matters, which in my view raise pertinent issues and merit a response.

64. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

65. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

66. The comments below are arranged in the order the subject matter appears in the Plan.

FOREWARD

67. Councillor Pat Hastings of the Parish Council refers to the date of the previous plan as January 2017 and the receipt of the examiner’s report as 9th September 2017. These dates are different to those used in other references and to avoid confusion should be altered.

RECOMMENDATION 1

In the last paragraph, first sentence of the Foreward after “initial version”, insert “March 2017” and delete “ received on the 9th September “ and insert “issued on the 7th September 2017”.

DESIGNATED AREA

68. The text refers to a blue boundary and it is yellow on the plan and there is a blue arrow that has no explanation.

RECOMMENDATION 2

On the map change yellow boundary line to blue and delete blue arrow.

HOUSING

RES1 Broughton Village- Housing Development Sites as an extension to the defined settlement boundary

Assessment of the Allocated Sites

69. Core Strategy policy 1 determines the strategic approach to housing development by setting the village at the bottom of the hierarchy where development will be “typically small-scale and limited to appropriate infilling and proposals to meet local needs unless there are exceptional reasons for larger scale redevelopment schemes”.

70. Policy 19 of the Core Strategy and Local Plan policy AD1 define a village settlement boundary within which small-scale and infill development will be allowed. Outside of the settlement boundary in the open countryside, Local Plan policy EN1 establishes that the only development that will be allowed is rural exception housing to satisfy local needs, rural workers dwellings, change of use of buildings and infilling within groups of buildings within small rural settlements. Local Plan policy EN4 establishes an area of separation in which development should not undermine the effectiveness of the gap between the village and Preston and maintain the distinct identity of settlements.

71. The previous draft Plan policy RES1 proposed a local interpretation of Core Strategy policy 1 and Preston Local Plan, policy AD1 by defining development, which may be acceptable outside of the village settlement boundary. It stated that small-scale development of up to 20 dwellings adjoining the boundary would be acceptable subject to a number of criteria and identified two potential site-specific “opportunities” but not formal allocations of sites for development. This was a response to the community’s desire for modest development to respond to local housing needs particularly to create a younger age profile in the village and encourage the development of community facilities and activity.

72. I considered that this policy had potential to allow, cumulatively, a significant number of dwellings adjoining the relatively large settlement boundary. The identification of two development sites was only notional and did not constitute formal allocations in the Plan. I was concerned this could have resulted in levels of development contrary to the Core Strategy policy 1 and the relatively limited level of

development envisaged for the village. Furthermore, this development could have been sporadic piecemeal and unplanned at various locations adjacent to the settlement boundary. Also, due to the individual proposals being small-scale these sites would not have delivered the desired community benefits via planning obligations.

73. On this basis I considered the policy did not comply with basic conditions. I recommended that a comparative analysis be required to identify a limited number of suitable sites for allocation in the Plan to create a clear strategy to meet the community's wishes and be in conformity with development plan policies. I commented that to conform to strategic policies development sites should round off the village form and not result in an intrusive projection into the area of separation and the open countryside.

74. The Parish Council subsequently commissioned JBA Consulting to carry out an appraisal of small/medium scale housing sites adjacent to the village boundary. This is submitted as evidence and defines three sites adjacent to the boundary, which are specified for development in the amended policy RES1.

75. The JBA report identifies 12 sites for a comparative analysis. The sites are chosen on the basis of opportunities for rounding off the village form in a sustainable and non-intrusive manner, as well as criteria based on the strategic policy context and the community's wishes identified in public consultation. These criteria relate to the need to protect the landscape setting and identity of the village, the need for a sustainable location minimizing traffic impacts and the scope to make a contribution to affordable housing needs by generation of planning obligations.

76. Scoring criteria were selected in order to best address the issues highlighted in the previous examination report, along with other non-landscape and visual constraints that are related to sustainability and plan objectives. The scoring criteria in landscape and visual terms has been informed, where appropriate, by *Guidelines for Landscape and Visual Impact Assessment*, 3rd edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013.

77. I am satisfied that the sites and criteria used for assessing them are acceptable. The JBA report describes a transparent process identifying sites and applying relevant criteria to their assessment. The process of allocation appears to be a proportionate technically competent exercise. The conclusions seem rational in planning terms based on the observations on my site visit.

78. Emery Planning has expressed concerns that the community was not involved in the selection of these sites. I am, however, satisfied that the community has had an opportunity via the regulation 14 and regulation 16 stages of consultation to express opinions on these sites and the proposed allocations. I deal with some suggestions below forwarded by owners and developers of alternative sites but there have been no further suggestions for the assessment of sites. I am content there has been

adequate public involvement in this site selection and appraisal process.

79.As part of the examination I asked further questions of the Parish Council and the City Council in a document dated 10/5/18. A response was received from them titled “Combined LPA / Parish Council response to examiner’s questions”, May 2018.

80.My questions were raised mainly as a result of the recent planning application and appeal decisions made after the commencement of the final stage of publicity of the Plan under regulation 16¹⁰.

81.During the regulation 16 consultation two appeals were allowed for residential development at (Ref: APP/N2345/W/17/3179177) Keyfold Farm, 430 Garstang Road, for up to 130 dwellings and (Ref: APP/N2345/W/17/3179105) and Land off Sandygate Lane for up to 97 dwellings. Furthermore, I am aware of the City Council’s resolution at Planning Committee on 5/4/18 to grant planning permission subject to a legal agreement for up to 101 dwellings and associated works on land to the rear of 126 Whittingham Lane, Broughton (LPA ref: 06/2017/0941.

82.These decisions raised the following issues that were the subject of responses from the City and Parish Councils during the examination.

83.The above applications and appeals were granted contrary to the Core Strategy Policy 1 and Local Plan policy EN1 to restrict large-scale development outside of settlement boundaries on the basis of the overriding NPPF requirement for Local Plan Authorities to demonstrate a 5-year supply of housing land. The City Council confirmed to me that there is still a lack of a 5-year supply of housing land in the City Council area.

84.I do not accept the contention from Emery Planning that it is a requirement of this Plan to fully address the shortfall in a 5-year supply of land across the Council’s area. Indeed the government guidance¹¹ is that a neighbourhood plan is not out of date if there is a 3-year supply. At the time of the appeals (3/4/18) there was over a 3-year supply of land and significant further residential permissions have been granted since then.

85.The Council also confirmed that it considers policy RES1 and its residential allocations complies with basic conditions relating to the need to have regard to national policies and advice, contribute to sustainable development and be in general conformity with the strategic policies contained in the development plan.

86.I agree with the City Council that the sites proposed in policy RES1 are on the edge of the settlement boundary and represent a reasonable rounding off of the village built form. Development on them would be significantly less intrusive into the

¹⁰ Neighbourhood Planning (General) Regulations 2012

¹¹ Written Ministerial Statement of 12/12/16

open countryside and Area of Separation than the sites recently granted permission. 87. I consider that whilst the policy in proposing these sites is not in strict compliance with Local Plan policies EN1 and EN4 relating to the open countryside and Area of Separation respectively it is in general conformity with strategic development plan policies to accommodate housing needs and provide limited sustainable development in certain areas.

88. The allocation of these sites would provide more certainty and assist the implementation of Local Plan policies EN1 and EN4 by reducing the scope for cases such as those supported recently at appeal for further development in the open countryside and Area of Separation, respectively.

89. I have considered the cumulative impact of the sites recently granted permission with those proposed in policy RES1. The basis for the extra development proposed in policy RES1 is to respond to the community's desire to provide more accommodation to satisfy housing need and help develop a sustainable community. Whilst the decisions on the recent planning applications were during the Regulation 16 consultation period, the draft Plan did explain that there were mounting development pressures and undecided formal proposals for development in the open countryside and Area of Separation. There were no objections from the community to the potential cumulative impact of these sites and those proposed in the Plan. I note that neither the Parish Council nor the City Council has expressed a desire to alter the Plan following the grant of these planning permissions. I consider therefore that the subsequent confirmation of the grant of these further planning permissions at the later stages of the Plan process has not altered the context in which the community wishes to provide for extra development immediately adjacent to the settlement boundary.

90. I consider the sites proposed under policy RES1 are acceptable as relatively modest and non-intrusive additions to the settlement and are consistent with the community's desire to have some expansion of the settlement in the interest of sustainability. The proposed developments will allow a modest extension of the village and will not be contrary to national guidance and conform generally with local strategic policies. The extra impact on top of the developments recently granted will also not be contrary to these policies. The provision of these planned sites will allow a more strategic approach to the consideration of any further proposals for large-scale residential development in the area.

91. I also took into account the representations from Pegasus Group on behalf of their client Story Homes and their desire to include the "larger" site at Helms Farm as a residential allocation. This representation states the Core Strategy was adopted prior to the NPPF and does not promote rural regeneration to the extent recommended in the NPPF. Furthermore, the three sites identified for development will not deliver the social and economic benefits to the area that a single larger development at Helms Farm is capable of. Whilst this may be correct in terms of the thresholds applied to planning obligations it does not account for the location, landscape impact and sustainability criteria that were adequately incorporated in the

JBA analysis. Furthermore, the larger developments recently granted on appeal will add to the potential for infrastructure improvement in the village obviating the need for further large-scale development.

92. It is further submitted that the Helms farm site is not within the critical area of separation between Broughton and Preston and achieves environmental improvement by removal of a slurry-pit and unattractive old farm buildings.

93. However, further to my site visit I consider the JBA report adequately assesses the smaller Helms Farm site and consequently the larger site. The JBA report states that the smaller Helms Farm site “*would represent a significant extension outside the settlement boundary and a change in character from agricultural to residential/suburban*”. I agree with the report which states development of the Helms farm site would be “*particularly visible from the east and north, along the bypass; and intermittently from the west, along the public footpath. On entering or leaving Broughton—an important ‘gateway’ location—it would represent a noticeable extension of housing beyond the existing threshold.*” The fact that this site is not within the Area of Separation is not sufficient to override this impact in my view.

94. I sought to establish during the examination that the proposed sites were viable, available and deliverable in accordance with the guidance in the NPPF.

95. I note that neither the City Council nor any of the statutory consultees have expressed any objections to the development of these sites. From my site visit I could not determine any apparent restrictions to the principle of residential development.

Site 1 522 Garstang Road –field to front of bungalow – 0.3 has.

96. I note that the owner of site 1, Garstang Road has no objections to the allocation of the site but there are no immediate plans to release it for development.

Site 2 Disused former football field to east of Park House and King George V Playing Fields and to south and east of Broughton District Sports and Social club

97. It is not clear from the draft Plan proposals map how access is to be gained to the site. I note the site is the subject of a current un-determined, planning application for residential development (ref 06/2017/1104). Site access for this application is taken from Garstang Road, across land to the west of Site 2 in the same ownership which already benefits from planning consent for a residential development (ref 06/2016/1020), with access from Garstang Road.

98. I note that neither the County Council Highway Authority nor City Council officers have an objection to the application (ref 06/2017/1104).

99. The Parish Council has amended the Plan proposals map to show site 2 as extended to Garstang Road and has the same boundary as the current application

(ref 06/2017/1104). This will allow for satisfactory independent access and also recognize the development that already has planning permission. The Parish Council submitted an amended proposals map to reflect this. This is acceptable apart from the annotation that refers to the existing housing site, which allows access to Garstang Road. The proposals map does not need to be referenced in this manner. It is sufficient and clearer to include all the land currently the subject of application ref: 06/2017/1104 as part of the allocated site.

100. The supporting text needs to be altered to reflect the approximate increase that may be represented by this larger site. This may be in the order of 12 dwelling units taking into account the permission for apartments that exists in the existing permission Ref: 06/2016/1020.

Site 3 (Land to east and south of Broughton District Sports and Social Club,

101. This site has been put forward to the local community as a potential housing site by Redrow Developments on behalf of the owner. However, to date no planning application has been submitted to the City Council, and there are currently unresolved issues in terms of achieving suitable access into the site. It is understood that LCC Highways would not be agreeable to access from the adjacent roundabout. I note from the response from the Club at the regulation 16 consultation that it has not expressed objections and is willing to discuss the potential for a combined access to serve the Club and the residential development. In order to be satisfied that access could be gained either via the Club's curtilage or possibly in combination with site 2, during the examination, I asked that the site areas be altered to connect to a highway in order for there to be a reasonable prospect of an access being achieved. The consent of the Club or any other owner affected by these site boundary alterations had to be demonstrated in writing.

102. Alternatively a combined access may be possible with sites 2 and 3, which again should be demonstrated on the proposals map and the consent of all the owners gained in writing and submitted to myself.

103. I also asked that the County Council be approached to seek their agreement in principle to any proposed access alteration.

104. The combined response from the Parish and City Councils was that "the unresolved definitive access point for Site 3 does not prejudice the deliverability of the site. Although Broughton Club do not want their land to be allocated as a residential allocation in the neighbourhood plan, they have no objection for a potential access point (to Site 3 and/or Site 2 as well) to be annotated on the neighbourhood plan proposals map." During the examination, I received copy of an email from Broughton club, confirming these matters.

105. The County Council Highway Authority has confirmed that the potential access to Site 3 and also via Site 2, if necessary, from Garstang Road would be considered acceptable.

106.I am satisfied that there is a reasonable prospect for vehicular access to this site and the requirements of the NPPF for allocation are met.

Other issues concerning Policy RES 1

107.Emery Planning has commented that the Plan should allocate their client's sites referred to above that have recently been granted permission following appeals. The City Council has responded that

“the appeal sites referred to (Keyfold farm and Sandygate Lane) should therefore be referenced in the Neighbourhood plan as “committed” sites, as well as the 126A Whittingham Lane site.

The site allocations proposed in the Neighbourhood plan should be shown as site “allocations”. However the settlement boundary should not be amended.

Any changes to the settlement boundary on the Local Plan Site allocations / Policies map will be made at the next Local Plan review.”

108.I agree that the 3 sites recently granted permission are not allocations in the Plan as they are not proposals that the community wish to put forward. Nevertheless they have to be referenced as commitments in the Plan. The supporting text to the Plan should be altered to reflect this.

109.I consider, however, that the settlement boundary, as proposed in the Plan is acceptable as it reflects the allocations in the Plan in order to establish clarity. I do not consider there is any reason for the alteration to the settlement boundary to await a Local Plan review.

RECOMMENDATION 3

On the proposals map alter site 2 such that it extends to include the whole area shown on the Parish Councils amended Proposals Map included as appendix 3 and attached to the “Combined LPA / Parish Council response to examiner’s additional questions, June 2018.”

Amend the reference to site 2 as it is written in the policy as appropriate to reflect this change.

In paragraph 8.5.11 amend “50-60” units to “ 62-72”.

On the proposals map include the reference to the potential shared access with the Broughton Club as suggested in the Parish Council’s amended Proposals map included in the appendix 3, referred to immediately above. Alter the annotation as shown on the amended proposals map to the following. “Potential shared access for the Club and residential development of site 3”.

Alter paragraph 8.3.3 as follows;

“ Fears that these positive attitudes will be threatened by large scale development have been heightened by recent planning permissions granted, on appeal, contrary to Local Plan policies EN1 and EN4 for large-scale residential development in the Open Countryside and Area of Separation. These were granted on the basis of guidance in the NPPF the Council could not demonstrate a 5-year supply of housing land. The City Council has also resolved to grant an application subject to signing of a legal agreement for a similar scale of development for the same reasons These are now sites that are commitments and are as follows:

**Planning permission at Keyfold Farm, 430 Garstang Road, for up to 130 dwellings, (Council reference: 06/2017/0097),
Land off Sandygate Lane for up to 97 dwellings, (Council reference: 06/2016/0736),
Resolution to grant planning permission on land to the rear of 126 Whittingham Lane, (Council reference ref: 06/2017/0941).”**

REMAINDER of the PLAN

110.The Parish Council state that it has applied the recommendations in my previous examination report issued on 7th September 2017 to the remaining policies and supporting text. I have checked the new variation of the Plan and find this is the case apart from the following instances for which I have specified appropriate recommendations in order to comply with basic conditions.

111.In some cases my recommended wording has been varied but unless stated below I am satisfied the Plan conforms to basic conditions.

Existing Development Plan Policy (8.2)

112.The Neighbourhood Plan should make a cross reference to the North West Preston Masterplan as it is a significant policy document relating to allocated sites within the plan area.

RECOMMENDATION 4

Insert a new paragraph after paragraph 8.2.5, as follows:

“The adopted supplementary planning document the North West Preston Masterplan provides an outline and guidance for the major development in North West Preston a significant portion of which is within this plan’s area.”

BUSINESS & EMPLOYMENT

113.Midas Land has suggested alterations to policies BE and BE1, relating to the village centre in order to provide for offices (B1) and care homes for the elderly (C2) as described in the Town and Country Planning (Use Classes) Order 1987.

114.Whilst these proposed uses may be more acceptable than some alternative uses in a village centre I do not consider the existing policy contravenes basic conditions. These proposed extra uses are not acknowledged as town centre uses in the NPPF definition. I cannot ascertain any conflict with development plan policies. There is flexibility within policy BE1 for these uses to be provided when it can be shown there is no demand for the specified uses.

115.The Midas Land suggestions to specify “specialist housing for the elderly” in policy BE3 is not necessary as this could be included within the definition of small scale housing development which is already specified in the policy. Institutional care for the elderly raises different issues to open market housing. Institutional care for the elderly whilst not excluded by the policy is not necessarily something the wider community wishes to support on this central site close to amenities that can be enjoyed by the more mobile elderly persons.

116. My recommended phrase in the previous examination “Other proposed uses will be considered on their merits” has not been included in the policies BE3 and BE4. I can accept this as the policy is worded flexibly to allow consideration of “other uses”.

RECOMMENDATION

Delete the unnecessary full stops at the end of paragraph 9.5.5 .

BE5 Northway Local Centre

117.In the interests of clarity it is necessary to explain the basis of the policy in the supporting text in relation to viability.

RECOMMENDATION 6

**Add a new paragraph after 9.5.9 in the supporting text, as follows;
“ There is a need to recognize that the preferred uses may not prove viable. The policy allows for alternative uses provided this is supported by professional evidence that there has been rigorous marketing that has not identified a formal offer of purchase or tenancy.”**

ACCESS and INFRASTRUCTURE

Policy AI 1 Garstang Road (former A6)

118.This policy is vague in the reference to “unnecessary additional vehicular traffic” and would create confusion in seeking to define what this phrase means.

Furthermore, there is no need for the policy, which covers the same issues as Local Plan policy ST2 General Transport Considerations. This policy can provide adequate protection to the environmental quality of the public realm of Garstang Road and other areas.

RECOMMENDATION

Delete policy A1 1.

**Amend the first sentence of paragraph 12.4.3 as follows:
Garstang Road (including the Guild Wheel) is about to be redesigned.**

Delete paragraph 12.4.7.

BUILT ENVIRONMENT and HERITAGE

General Policy HE

119. This policy seeks to protect heritage assets in accordance with national policy and policies EN8 and EN9 in the Local Plan relating to “Development and Heritage Assets” and “Design of New Development”.

120. I am concerned that the list as shown in the Plan and altered from the March 2017 version, does not effectively differentiate between designated and non-designated heritage assets. It is important that this distinction is made clear as the national and development plan policies are different between the types of heritage asset.

121. The Parish Council are committed to working with the City Council to establish a unified “Heritage Register” and “local list” of important heritage buildings, compiled under the procedures recommended by Historic England. In this context the “Heritage Register” in the Plan is referred to as a Draft. However, I consider the use of the word “draft” in the context of a neighbourhood plan is confusing as it questions the status of the Heritage Register. On the basis there has only been one objection that is dealt with below and there have been no objections to the Register from the City Council and Historic England I recommend the Register is accepted as a complete document but that the potential to review to unify with the “local list” is acknowledged in the policy.

122. I consider that although this is a “draft” Register it has merit in inclusion in the Plan as it identifies potential non-designated heritage assets. Historic England has encouraged this and neither they nor the City Council have raised an objection to the list.

123. Cassidy and Ashton on behalf of Midas Land Ltd. have submitted a representation that the property known as the “Touch of Spice” (formerly known as “The Golden Ball”) should not be in the “Heritage Register”. It is submitted the

original property has been altered and extended in manner that does not entitle it to the status of non-designated heritage asset. They state that it's current appearance bears little resemblance to the original building erected in the early seventeenth century as a coaching inn and the present building is probably late 19th century, with a substantial remodeling post 1925. Furthermore, its legibility as a coaching inn has been lost particularly as a result of the removal of the original stables to the rear and it has no architectural status.

124. I consider the building has lost some of its architectural interest at the expense of rebuilding and modern additions but it retains its early 19th century basic frontage façade, scale and fenestration details when comparing it with the photographs in the appendix to the Cassidy and Ashton report.¹² It represents one of two coaching inns in the village on the A6 an important historical transport route. The table in the plan notes the building contains a plaque celebrating that from 1787 the Broughton Catholic Charitable Trust used the building. I consider the building has group value with other heritage asset buildings located around the important historic central crossroads and Garstang Road.

125. It is not necessary that the building complies with the Historic England criteria for local listing as indicated in the Historic England response of 6th February 2017 to the regulation 16 consultation exercise. However, the criteria are relevant as a reference point for inclusion in the Plan's Heritage Register.

126. On balance, and taking into account my observations on my site visit, I consider the building has some historic importance and has enough architectural merit to represent a traditional coaching inn. In paragraph 6.2 of the appendix to the Cassidy and Ashton submission it refers to Historic England criteria for local listing. For the reasons referred to above I consider the building has sufficient basis to be considered for local listing and therefore inclusion on the Heritage Register. It is therefore a non-designated historical asset in my view and its inclusion in the Plan's Heritage Register is in accordance with basic conditions and has taken into account national guidance produced by Historic England.

127. During the examination the Parish Council informed me that there are currently discussions relating to the re-development of the site that could involve demolition of this building. The Parish Council considers the building is of no actual historic value but the site and vista are part of the Village heritage area. I consider it is still appropriate to include this building in the Register and note that the policy HE1 in the Plan does not preclude demolition of the building but in accordance with the NPPF paragraph 135 " a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

RECOMMENDATION

¹² "Heritage Assessment Contesting Application for Local Listing", Gary Miller, April 2018.

In the heading to the table relating to the Draft Heritage Register delete the word “Draft”.

In the Heritage Register establish headings that clearly differentiate between designated and non-designated heritage assets.

In the General Policy HE after “in this Plan” insert “and any subsequent reviews”.

SUMMARY

128.I have completed an independent examination of the Neighbourhood Development Plan.

129.The Parish Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received.

130.I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

131.I am satisfied the plan meets the basic conditions, as follows:

- a) Has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) The making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

132.I have recommended modifications to some policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and strategic development plan policies.

133. I am satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

134.I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

135. There is no evidence to suggest on the basis of the policies proposed that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

136.I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Preston City Council.

137.I am therefore pleased to recommend that this Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.