

LONGRIDGE NEIGHBOURHOOD PLAN 2028

Longridge Neighbourhood Plan Examination,
A Report to Ribble Valley Borough Council

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October 2018



EST. 2011

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1. Summary

- 1 Subject to the modifications recommended within this Report, made in respect of enabling the Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Longridge Neighbourhood Plan meets the basic conditions¹ and I recommend to Ribble Valley Borough Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Longridge Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Longridge Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Neighbourhood Plan Steering Group on behalf of Longridge Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Ribble Valley Borough Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Longridge Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

- 6 Longridge Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. Chapter 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, is incorrect and confusing in this respect, as it states:

“This Submission Plan is being submitted by two qualifying bodies, Longridge Town Council.”

- 7 For clarity, Longridge Town Council is the (only) relevant Qualifying Body.

- 8 The Neighbourhood Plan relates only to the designated Longridge Neighbourhood Area and there is no other neighbourhood plan in place in the Longridge Neighbourhood Area. This is correctly confirmed in Paragraph 2.5 of the Basic Conditions Statement.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012²) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by Ribble Valley Borough Council, with the consent of the Qualifying Body, to conduct the examination of the Longridge Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

² A replacement National Planning Policy Framework was published in July 2018. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25th January 2019.

- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Longridge Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The front cover of the Neighbourhood Plan includes reference to the year that the plan period runs to, "2028."
- 18 Again, Chapter 2 of the Basic Conditions Statement includes an incorrect reference, in stating that the plan period:

"...is from the Plan being made (2017)..."
- 19 I note in this regard that the Neighbourhood Plan was not submitted for examination until 2018 and cannot be made until passed at Referendum. However, Paragraph 1.10 of the Neighbourhood Plan does provide clarity in respect of the plan period and its alignment with the Ribble Valley Core Strategy plan period.

"The Ribble Valley Core Strategy period runs to 2028 and in order to align with the strategic policies of this plan, the LNDP covers the same period."
- 20 Taking all of the above into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 21 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 22 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 23 Further to consideration of the information submitted, I confirmed to Ribble Valley Borough Council that I would not be holding a public hearing as part of the examination of the Longridge Neighbourhood Plan.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 24 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁴
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 25 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

⁴ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 26 Subject to the content of this Report, I am satisfied that these three points have been met.
- 27 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 28 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 29 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 30 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁶. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 31 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁷)
- 32 National advice then goes on to state⁸ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 33 This process is often referred to as a screening report, opinion or determination. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁶ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁷ Paragraph 027, *ibid*.

⁸ Planning Practice Guidance Reference ID: 11-028-20150209.

- 34 A screening report was prepared for publication in August 2016. This determined that:

"...the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required."

- 35 In addition to SEA, a Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

- 36 The screening report therefore also considered whether a Habitats Regulations Assessment would be required. The report identified the presence of a relevant protected European site within 15km of the Neighbourhood Area, the Bowland Fells Special Area of Protection (SPA). It noted that the Ribble Valley Core Strategy was subject to Habitats Regulations Assessment screening and that this determined that:

"...no significant effects would be likely on the Bowland Fells SPA as a result of the implementation of the policies and proposals in the Core Strategy."

- 37 Taking this into account, the Neighbourhood Plan screening report went on to conclude that its:

"...policies and proposals are in conformity with those in the Ribble Valley Core Strategy...no further work will be required in order to comply with the Habitat Regulations."

- 38 The statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the screening report. The Environment Agency stated that:

"...we agree with the conclusion...that the plan proposals will not have a significant environmental effect and that SEA is not therefore required (including that Habitats Regulations Assessment is not required)."

- 39 Historic England did not raise any concerns in this regard and Natural England stated that:

"...there are unlikely to be significant environmental effects...the plan will not have significant effects on sensitive sites..."

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- 40 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁹).

- 41 Ribble Valley Borough Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 42 Given all of the above, I conclude that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

⁹ Planning Practice Guidance Reference ID: 11-031-20150209.

4. Background Documents and the Longridge Neighbourhood Area

Background Documents

- 43 In undertaking this examination, I have considered various information in addition to the Longridge Neighbourhood Plan. I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, during the course of this examination. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 44 As noted above, Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25th January 2019. Whilst the timing of the publication of the replacement document was such that the Neighbourhood Plan was considered against both the original and the replacement versions of the National Planning Policy Framework, this is neither unusual nor inappropriate – Paragraph 214 of the replacement National Planning Policy Framework must be considered in order for it to apply !
- 45 I note that an earlier published version of this Examiner's Report (September 2018) included references and quotations from the replacement National Planning Policy Framework. This Report (October 2018) replaces that earlier published version.
- 46 Taking this into account, information considered as part of this examination has included (but is not limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "the Framework") (2012)
 - Planning Practice Guidance (2014)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Ribble Valley Core Strategy 2008-2028 (2014) (referred to in this Report as "the Core Strategy")
 - Basic Conditions Statement

- Consultation Statement
- SEA and HRA Screening Report

Also:

- Representations received

47 In addition, I spent an unaccompanied day visiting the Longridge Neighbourhood Area.

Longridge Neighbourhood Area

48 The boundary of Longridge Neighbourhood Area is shown in Figure 1, on page 6 of the Neighbourhood Plan. It is also provided on Map 1, included in the Basic Conditions Statement, as submitted.

49 Ribble Valley Borough Council formally designated the Longridge Neighbourhood Area on 26th September 2013. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 50 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 51 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Longridge Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to Ribble Valley Borough Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹⁰.
- 53 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Longridge Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework ("*the Framework*").
- 54 Longridge Town Council established a Steering Group, comprising volunteers and Town Councillors, in 2014. During the same year, a questionnaire was prepared and distributed, with responses informing the preparation of a Vision Statement and policy headings. The Vision Statement was consulted on via a Town Council newsletter, which was published in August 2015.

¹⁰ Neighbourhood Planning (General) Regulations 2012.

- 55 The first draft plan was produced during 2016 and was consulted upon between May and June that year. Copies were made available throughout Longridge, in various locations, and the draft plan was also published on the Town Council's web site.
- 56 Responses to this consultation period were recorded and informed the production of a Regulation 14 draft plan, which itself underwent public consultation in October and November 2016. All responses received were recorded and considered, and informed the production of the Submission Version of the Neighbourhood Plan.
- 57 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process, that matters raised were taken into account and that the reporting process was transparent.
- 58 Public consultation was well-publicised. Information relating to the Neighbourhood Plan, including minutes of meetings, was provided on-line, via a dedicated page of the Longridge Town Council website. Further information was provided via Town Council newsletters and the local press.
- 59 Taking all of the above into account, I am satisfied that the consultation process was robust.

6. The Neighbourhood Plan – Introductory Section

- 60 For clarity, I recommend that the reference on the front cover to the "*Submission Draft*" (now overtaken by events) be replaced with a reference to the plan period:
- **Front cover, replace "Regulation 16...2018" with "2018 - 2028"**
- 61 Similarly, the header to the top of each page of the Neighbourhood Plan has been overtaken by events.
- 62 I recommend:
- **Replace header with "*Longridge Neighbourhood Plan 2018-2028*"**
- 63 Paragraphs 1.7 and 1.8 have also been overtaken by events and I recommend:
- **Page 8, delete paras 1.7 and 1.8**
- 64 Part of Paragraph 1.11 appears confusing, as the Neighbourhood Plan does not allocate land for development. I recommend:
- **Page 10, para 1.11, first sentence change to "...will be used to guide *development and to help* determine future planning applications."**
- 65 For clarity and precision, I recommend:
- **Page 12, para 2.1, second sentence, change to "...the work to *date, the evidence, consultations and decision-making, so that...*"**
 - **Page 12, para 2.2, change to "The timeline below sets *out how the Longridge NP was prepared.*"**
 - **Page 12, para 2.4, second sentence change to "...that *accompanied the Submission version of the NDP.*"**

66 Paragraphs 3.20 and 3.21 contain typographical errors and I recommend:

- Change para 3.20 to “...well-established *employment areas*...This study found that *available* industrial...there was no *available industrial* land.”
- Change last sentence of para 3.21 to “...the town *centred* on...”

7. The Neighbourhood Plan – Neighbourhood Plan Policies

- 67 The Objectives of the Neighbourhood Plan are clearly set out in Chapter 4. Whilst the Policies that follow relate to these Objectives, the Objectives themselves do not comprise Policies. Taking this into account, I find that the use, in Chapter 5, of the same colour and font size for the Objectives and Policies, results in confusion, due to a lack of distinction between the two. This detracts from the clarity and precision of the Neighbourhood Plan and I recommend:
- **Chapter 5, change the colour of the Objective headings to black and change the font size to the same as that of the supporting text. The headings can be distinguished from the rest of the text using either bold print or underlining.**
- 68 Appendix C to the Neighbourhood Plan contains a number of Figures that are directly related to Policies contained within the Neighbourhood Plan. Given this, it would be more appropriate for these Figures to be contained within the Neighbourhood Plan, rather than appended to it.
- 69 I recommend:
- **Delete Appendix C. Move the Figures contained within it (excluding any Figures recommended for deletion in this Report) to the end of the Neighbourhood Plan (to follow on directly from page 59), under a new title “Policies Maps”**

Policy LNDP1 – Securing a Suitable Mix of House Types and Sizes in New Development

- 70 Core Strategy Key Statement H2 ("*Housing Balance*") requires residential development to deliver a mix of housing that accords with projected future household requirements and local need. This approach reflects the national policy requirement to meet:

"...the needs of different groups in the community..."
(Paragraph 50, the Framework)

- 71 Core Strategy Key Statement H2 goes on to set out, precisely, how applications for residential development will be determined, taking into account the requirement to deliver a housing mix that meets needs.
- 72 Policy LNDP1 refers to Core Strategy Key Statement H2. However, rather than going on to present a Policy in general conformity with the approach set out in the Core Strategy, Policy LNDP1 seeks to establish a new requirement – that the final mix of houses on all sites should be subject to pre-application consultation with Longridge Town Council.
- 73 The approach set out is not in general conformity with the Key Statement H2, nor with Key Statement H3 ("*Affordable Housing*") which is also referred to in Policy LNDP1, neither of which refer to the need for any such consultation to take place.
- 74 Further and fundamentally, Policy LNDP1's requirement is in direct conflict with national planning policy. Paragraph 189 of the Framework states that:
- "Local planning authorities...cannot require that a developer engages with them before submitting a planning application."*
- 75 Whilst early engagement and effective consultation in respect of planning applications comprises good practice and is generally encouraged by national policy in Paragraph 188 of the Framework, it is not a requirement that can be imposed upon developers.

76 Taking the above into account, I recommend:

- **Delete Policy LNDP1**
- **Create a new *“Community Action: Longridge Town Council will encourage developers to consult on and discuss the proposed mix of housing on all sites with the Town Council at pre-application stage.”***
- **The Community Action is not a land use planning policy, but it an aspiration of the Neighbourhood Plan. It should not be presented as a Policy (eg, in large blue text) but should be distinguishable from the supporting text. I therefore recommend that the Community Action is presented in a black font slightly larger than that of the supporting text.**
- **Para 5.3, delete last sentence (“The following policies have been developed to do this.”)**
- **Delete the heading “Background/Justification” on page 31**
- **Page 32, para 5.5, change to “...on development sites, *the Community Action set out above encourages developers to consult with the Town Council on the mix...*”**
- **Due to other recommendations elsewhere in this Report, reference in Para 5.5 to Appendix D should change to “Appendix C.”**

Policy LNDP2 – Affordable Housing

77 Policy LNDP2 repeats part of Core Strategy Key Statement H3. However, in so doing, it only presents a small part of that Key Statement and as a consequence, it appears significantly less informative and less detailed than the strategic Core Strategy policy.

78 Also, the second part of Policy LNDP2 appears unclear. It refers to Lifetime Homes, bungalows and properties suitable for first time buyers, but neither the Policy nor the supporting text provides any indication of how and why such housing can or should comprises affordable housing. The supporting text states that the Policy:

“..seeks to ensure that a proportion of this (affordable) housing goes to meet the needs...”

79 However, this is not the case as Policy LNDP2 does not set out any requirements in this respect. Rather, the Policy includes a very general reference to examples of various types of dwellings. As such, and taking all of the comments above into account, the Policy appears vague and ambiguous.

80 The policy is contrary to national guidance¹¹, which is explicit in requiring that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

81 I recommend:

- **Delete Policy LNDP2**
- **Delete Paras 5.7 to 5.9 inclusive**

82 In making the above recommendation, I note that Core Strategy Key Statement H3 provides a detailed policy approach to the provision of affordable housing across the Borough.

¹¹ Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

Policy LNDP3 – Infrastructure for New Development

83 Policy LNDP3 opens with the requirement:

“Any additional infrastructure needs generated by proposed new development should be addressed before planning approval is granted.”

84 However, no justification is provided for an approach that would effectively require investment to be made and works to be undertaken entirely at risk, with the chance that such investment or works might prove unnecessary, should planning permission not to be forthcoming.

85 Paragraph 173 of the Framework requires plans to be *“deliverable.”* There is no substantive evidence to demonstrate that the approach set out at the start of Policy LNDP3 is deliverable.

86 Further to the above, the Qualifying Body is not the local planning authority. It does not possess decision-making powers in respect of the determination of planning applications and cannot direct the local planning authority to impose conditions on a planning approval.

87 Core Strategy Key Statement DMI1 (*“Planning Obligations”*) determines that planning obligations will be used to deliver development that contributes to sustainable development. Key Statement DMI1 sets out an order of priority in respect of the contributions that will be sought.

88 Policy LNDP3 appears highly confusing in respect of planning obligations. It refers to a list of priorities *“along with those listed”* in Key Statement DMI1. However, the list provided in Policy LNDP3 refers to matters already included in Key Statement DMI1, including those relating to highway safety and education. No indication is provided in respect of how the *“priorities”* listed in Policy LNDP3 might be considered alongside the clear *“order of priority”* presented in Key Statement DMI1. This fails to have regard to the requirement for policies to provide *“sufficient clarity”* in line with Planning Practice Guidance, as referred to in respect of Policy LNDP2, above.

- 89 Policy LNDP3 also "*prioritises*" improvements to the waste water and sewerage system - matters that are beyond the control of a developer and taking this and all of the above into account, I find that the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states that:

"Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."

- 90 In respect of the above, I am conscious that to some degree, the supporting text to Policy LNDP3 conflicts with the Policy itself. Paragraph 5.11 of the supporting text refers to the "*assessment*" of infrastructure needs, as opposed to "*addressing*" infrastructure needs. Taking this into account, I recommend:

- **Policy LNDP3, change to "*Proposals for development that generate additional infrastructure needs, such as those relating to highway safety, access, education and sustainable drainage, should include an assessment demonstrating how these needs will be addressed.*" (Delete rest of Policy)**
- **Para 5.11, retain first two sentences and delete rest of Para ("*Policy LNDP3...completed.*")**

Policy LNDP4 – Developer Contributions and Community Infrastructure Levy

- 91 Core Strategy Key Statement DMI1 referred to earlier in this Report states that:

“The Council will develop, as appropriate, a Community Infrastructure Levy approach to infrastructure delivery.”

- 92 The Community Infrastructure Levy (CIL) is a planning charge introduced by the Planning Act 2008 (and brought into force by 2010 Community Infrastructure Levy Regulations) as a mechanism for local authorities to provide or improve infrastructure that will support the development of their area.
- 93 In England, where there is a neighbourhood development plan in place, the Neighbourhood Area is entitled to 25% of CIL revenues from new development taking place in the plan area (for areas without a neighbourhood plan, the neighbourhood proportion of CIL is a lower figure of 15%). In Longridge Neighbourhood Area, the money would be paid directly to Longridge Town Council.
- 94 Policy LNDP4 identifies the potential importance of the Community Infrastructure Levy to the Neighbourhood Area and is in general conformity with Key Statement DMI1. The Policy provides clarity in respect of the identification of community and infrastructure priorities.
- 95 Policy LNDP4 meets the basic conditions and no changes are recommended.

Policy LNDP5 – Longridge Design Principles

- 96 National planning policy dedicates a Chapter of the Framework to good design, Chapter 7 “*Requiring good design.*” Within this Chapter, Paragraphs 56 and 58 state that:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

...plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.”

- 97 In addition to the above, Core Strategy Policy DMG1 (“*General Considerations*”) sets out a requirement for a high standard of design for all development in Ribble Valley.
- 98 Policy LNDP5 promotes good design and requires all development to respond positively to its surroundings. The Policy has regard to national policy and is in general conformity with Core Strategy Policy DMG1.
- 99 The main body of Policy LNDP5 presents various criteria associated with good design. However, as set out, Policy LNDP5 would support any form of development, anywhere, subject only to it meeting the criteria set out. In the absence of any substantive evidence to the contrary, such an approach might unwittingly lead to support for unsustainable forms of development.
- 100 Taking this and the above into account, I recommend:

- **Policy LNDP5, change second sentence to “...surroundings. Proposals *should*: a) Conserve...”**
- **Para 5.17, second sentence, change to “*Policy LNDP5 provides design criteria against which proposals for development can be considered, with the aim of ensuring good design across the Neighbourhood Area.*”**

Policy LNDP6 – Conserving and Enhancing Our Designated Heritage Assets

101 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment,*" recognises heritage assets as an irreplaceable resource and goes on to require all heritage assets to:

"...be conserved in a manner appropriate to their significance."

102 Policy LNDP6 repeats the first part of Core Strategy Policy DME4 ("*Protecting Heritage Assets*"), but does not go on to provide the detailed policy approach set out in the Core Strategy. As a consequence, Policy LNDP6 appears significantly less detailed than the policy approach in the Core Strategy.

103 As well as repeating part of Core Strategy Policy DME4, Policy LNDP6 goes on to require development to accord with the requirements of Core Strategy. It is not the purpose or role of the Neighbourhood Plan to set out a Policy requirement for development to accord with existing, adopted Policies. Within the plan-led planning system, development is already required to comply with development plan.

104 Notwithstanding the above, I am mindful that the supporting text to Policy LNDP6 contains interesting, informative and helpful information. This in mind, I recommend:

- **Policy LNDP6, change to "*All of the town's heritage assets, including the three Conservation Areas, will be conserved in a manner appropriate to their significance.*"**
- **Para 5.18, change to "*...see below and Policies Maps.*"**

Policy LNDP7 – Development Affecting Non-Designated Heritage Assets

105 The carefully nuanced approach to the conservation of heritage assets, as set out in Chapter 12 of the Framework, does not require the enhancement of all non-designated heritage assets. Nor does it require the conservation of all non-designated heritage assets.

106 Rather, with specific regard to non-designated heritage assets, national policy states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
(Paragraph 135, the Framework)

107 Whilst the second part of Policy LNDP7 refers to this element of national policy, it does so under the unjustified expectation that all development affecting non-designated heritage assets is expected to conserve and enhance them. This approach fails to have regard to national policy, which does not place such an onerous requirement for enhancement on even the country's most important, designated heritage assets.

108 Further to the above, it is not clear, in the absence of any substantive evidence, how or why *“conservation elsewhere in the town”* might somehow comprise a *“suitable arrangement”* for the loss of a heritage asset. This part of the Policy is ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

109 Notwithstanding the above, I note that Policy LNDP7 lists eleven important non-designated heritage assets identified by the community and I recommend:

- **Policy LNDP7, replace with *“Proposals affecting the following non-designated heritage assets, also identified in Figures X to Y of the Neighbourhood Plan Policies Maps, will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset. 1. Former Crown Hotel...”***
- **NB, re: Policies Maps, please see recommendation earlier in this Report (Paragraph 68). Numbering of the Figures will be subject to the recommendation made in Paragraph 166, later in this Report**

Policy LNDP8 - Landscape

- 110 Core Strategy Policy DME2 ("*Landscape and Townscape Protection*") seeks to prevent significant harm to the Borough's landscape and to landscape features. Such an approach is very different to that set out in Policy LNDP8, which requires development to "*conserve and enhance*" the character of the town and its landscape.
- 111 To some degree, Policy LNDP8 seeks to apply AONB policies to land that is not within the AONB and no substantive evidence has been provided to justify such conflict with the approach to landscape as set out within the Core Strategy.
- 112 Further to the above, national planning policy, in Paragraph 173 of the Framework, requires plans to be "*deliverable.*" No substantive evidence, nor any detail at all, is provided to demonstrate that it would be possible for sustainable development to deliver the requirements set out in Policy LNDP8.
- 113 However, to some degree, Policy LNDP8 seeks to promote development that responds to local character and history, having regard to Paragraph 58 of the Framework:
- "...developments (should) respond to local character and history..."*
- 114 Taking this and all of the above into account, I recommend:
- **Policy LNDP8, change to "*Development proposals should, where relevant and appropriate, take the following into account: a) Protection of the area's...*"**
- 115 Whilst referred to in the Neighbourhood Plan, Core Strategy Key Statement EN2 ("*Landscape*") relates to the Ribble Valley Area of Outstanding Natural Beauty (AONB). Longridge Neighbourhood Area sits outside the AONB and no substantive evidence is provided to demonstrate that it contributes to the setting and character of the AONB.

- 116 However, I note that this does not necessarily rule out Core Strategy Key Statement EN2 being used in conjunction with the Neighbourhood Plan at some stage in the future and consequently, I do not recommend removal of the reference following Para 5.26 on page 44 of the Neighbourhood Plan.

Policy LNDP9 – Protecting Significant Views

- 117 Policy LNDP9 refers to various views. Taken together with Figure 18C, these comprise very general “*views*” and in the absence of substantive evidence it is not entirely clear what, precisely, the elements that “*make an important contribution*” landscape character actually comprise. The arrows on Figure 18C and the description of each view provided in Policy LNDP9 are open to wide interpretation – for example, some elements of the “*view*” might appeal to some people, but not others.
- 118 Given the above, it is not entirely clear when or how a development proposal might “*impact*” on a “*Significant View*.” The Policy is imprecise in this regard.
- 119 However, I am mindful that the Framework, in Paragraph 58, requires developments to respond to local character and Policy LNDP9, to some degree, has regard to this.
- 120 The supporting text to Policy LNDP9 refers to views being “*protected*.” Nowhere does Policy LNDP9 state that views will be protected.
- 121 The supporting text also refers to the Longridge Conservation Area Map, from which the views have been extracted. The related Longridge Conservation Area Appraisal does not provide any substantive detail in respect of each of the views in a manner that would relate directly to the requirements of Policy LNDP9. Rather, it simply identifies them as having a relevance in respect of the heritage asset itself.
- 122 I recommend:
- **Policy LNDP9, change to “*Development proposals should, where relevant and appropriate, have regard to the following general views (also identified in Figure 18, Policies Maps): 1. View north...*”**
 - **Para 5.27, retain first sentence and delete rest of Para (“*These views...Appraisal Map.*”)**

Policy LNDP10 – Longridge Main Centre

123 Paragraph 85 of the Framework seeks to ensure that planning policies:

“...recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.”

124 Further, Core Strategy Policy DMR2 (*“Shopping in Longridge and Whalley”*) supports retail development that is appropriate to Longridge town centre in terms of scale and proximity.

125 Generally, Policy LNDP10 provides a positive, supportive policy framework for Longridge town centre, having regard to national policy and in general conformity with the Core Strategy.

126 It is not the role of neighbourhood planning policies to repeat existing, adopted policies and the recommendations set out below ensure that the Policy is in general conformity with Core Strategy Policy DMR2.

127 Paragraph 5.29 refers to an emerging document in respect to the definition of Longridge main centre. In the absence of information to the contrary, it is not certain that emerging information will be adopted at any time in the future. Notwithstanding this, Policy LNDP10, in any case, refers explicitly to Longridge main centre as shown on Figure 19 in Appendix C. Consequently, it is unclear why a reference to an emerging document, in respect of Longridge Town Centre, is included in the Neighbourhood Plan. The Neighbourhood Plan appears confusing in this regard and this is a matter addressed below.

128 I recommend:

- **Policy LNDP10, change first line to “Within Longridge main centre (*Figure 19, Policies Maps*) development...”**
- **Policy LNDP10, change first criterion to “a) *Retail development that serves the needs of the Neighbourhood Area*; b) *Financial...*”**
- **Para 5.29, end sentence “...Longridge town.” (delete “as defined...Document.”)**

Policy NDP11 – Shop Fronts

129 Policy NDP11 seeks to promote good design in keeping with local character. It has regard to Paragraph 58 of the Framework, in respect of ensuring that development is sympathetic to local character and history; and is in general conformity with Core Strategy Policy DMG1, "*General Considerations*," which supports good design.

130 No changes are recommended.

Policy LNDP12 – Protecting Existing Community Facilities

131 Chapter 8 of the Framework, "*Promoting healthy communities,*" requires planning policies to:

"...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship)..."

(Paragraph 70, the Framework)

132 In addition, Core Strategy Key Statement EC2 ("*Development of Retail, Shops and Community Facilities and Services*") seeks to protect community facilities from development that may have an adverse impact upon them.

133 Policy LNDP12 identifies and protects community facilities in the Neighbourhood Area. Consequently, the Policy has regard to national policy and is in general conformity with Key Statement EC2.

134 However, the final part of Policy LNDP12 is reliant upon another Policy in another Plan, beyond the responsibility or control of the Neighbourhood Plan and this is a matter addressed in the recommendations below.

135 I recommend:

- **Policy LNDP12, change first sentence to "...and shown on Figures 20-24, *Policies Maps*, are..."**
- **Policy LNDP12, change last sentence to "...as an *exception where the proposal would bring defined...elsewhere for the community.*"**

Policy LNDP13 – Development of New and Improvement of Existing Community Facilities

- 136 Policy LNDP13 effectively splits into two parts. Its opening paragraph contains a land use planning policy requirement. However, the remainder of the Policy lists four possible things that might “*add considerable value*” to Longridge.
- 137 This list effectively presents four aspirations, rather than four land use planning policy requirements. Consequently, the second part of the Policy it does not comprise a land use planning policy. Rather, it identifies some local aspirations, that may or may not happen at some time in the future. This is a matter addressed in the recommendations below.
- 138 The first part of Policy LNDP13 sets out a positive approach to the development of new, or improvement of existing, community facilities. This approach has regard to Paragraph 70 of the Framework, as referred to earlier in this Report (Paragraph 131, above), in respect of planning positively for the provision of community facilities.
- 139 The start of Policy LNDP13 is also in general conformity with that part of Core Strategy Key Statement EC2 (referred to in paragraph 134 of this Report) which supports development that enhances the vibrancy, vitality and unique character of Longridge.
- 140 I recommend:
- **Policy LNDP13, retain the opening sentence and delete the rest of the Policy (“In particular...by the local community.”)**
 - **Page 52, Para 5.33, retain first sentence and delete rest of Para (“These areas...plan period.”)**
 - **Add a new paragraph of supporting text below Para 5.33 “*The Town Council is keen to explore the scope for specific additions and improvements to Longridge’s community facilities. For example, the Town Council has identified the Longridge Loop, Renovation of the Civic Hall, a Swimming Pool and the Station Buildings as possible future facilities worthy of investigation. These are considered in more detail below:***

1. A "Longridge Loop." Currently only identified as a possibility for consideration, a "Longridge Loop" might provide a safe route...disabled. A route might link to the Preston Guild Wheel.

2. Renovation of the Civic Hall...investment.

3. Swimming Pool. ...then consideration might be given to supporting the development of existing facilities. (delete "to ensure...facilities.")

4. Station Buildings. The Town Council will explore opportunities to improve Station Buildings to facilitate a wider range of uses by the local community."

- **Delete Figure 10 Appendix C**

Policy LNDP14 – Protecting and Enhancing Local Green Spaces

141 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“Local communities...should be able to identify for special protection green areas of particular importance to them. By designating land as local Green Space local communities will be able to rule out new development other than in very special circumstances.”

142 The Framework requires policies for managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 78, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

143 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself and I make a recommendation in this regard, below.

144 The designation of land for Local Green Space must meet the tests set out in Paragraph 77 of the Framework.

145 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

146 In addition to the above, Paragraph 76 of the Framework requires that the designation of land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

147 Policy LNDP14 seeks to designate ten areas of Local Green Space. The Neighbourhood Plan and supporting information provides evidence to demonstrate that the areas of Local Green Space proposed for designation meet the appropriate tests and no substantive evidence has been submitted to demonstrate the contrary.

148 I note that the title of Policy LNDP14 appears imprecise and confusing. It refers to the “*enhancing*” of Local Green Space. Nowhere does national policy refer to the enhancement Local Green Space and nor does Policy LNDP14 itself set out how any areas of Local Green Space might themselves be enhanced. As such, the inclusion of this reference detracts from the precision and clarity of Policy LNDP14.

149 I recommend:

- **Change Policy LNDP14 to “*The areas of Local Green Space identified below, shown on the Figure below this Policy, and shown in detail on the Figures on the Policies Maps at the end of the Neighbourhood Plan, will be protected from development in a manner consistent with the protection afforded to land in the Green Belt.*”**
- **Provide a new Figure, to follow the Policy, indicating the location of each Local Green Space on one plan.**

Policy LNDP15 – Protecting and Enhancing Open Spaces and Recreation Facilities

150 It is not the role of neighbourhood planning policies to repeat the provisions of existing policies, or to be dependent upon such provisions. The first part of Policy LNDP15 is reliant upon Core Strategy Policy DMB4 (*“Open Space Provision”*) upon another plan in another planning document not controlled by Neighbourhood Plan.

151 However, the second part of Policy LNDP15 seeks to protect existing recreation facilities. This has regard to Paragraph 74 of the Framework, which establishes that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on...”

152 I recommend:

- **Policy LNDP14, delete the first part of the Policy, up until the final Para. Change this final Para to *“Longridge Recreation Centre and Longridge Gym will be protected....”***
- **Page 56, Para 5.36, delete all apart from final sentence, *“Longridge Recreation...”***
- **Delete Figures 31 and 32**

Policy LNDP16

153 In Chapter 1, *“Building a strong, competitive economy,”* the Framework states that:

“...significant weight should be placed on the need to support economic growth through the planning system.”

(Paragraph 19, the Framework)

154 It goes on to recognise the need for a flexible approach:

“...Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”

(Paragraph 21, the Framework)

155 Whilst intending to provide for *“a full range of employment opportunities,”* Policy LNDP16 is set out in such a way that it would constrain large parts of the Neighbourhood Area to B1, B2 and B8 uses only. No substantive evidence is provided to demonstrate that this would meet the flexible approach required, having regard to national policy.

156 Further to the above, Core Strategy Policy DMB1 (*“Supporting Business Growth and the Local Economy”*) sets out a positive, flexible and appropriately detailed approach to economic growth. It focuses on providing for the appropriate economic and commercial use of employment land, but allows for changes in circumstance, in line with national policy. Policy LNDP16's more constrained approach lacks the appropriate flexibility and detail of Core Strategy Policy DMB1. As a consequence, it is not in general conformity with the strategic policies of the development plan.

157 Further to the above, as presented, Policy LNDP16 also relies upon Core Strategy Policy DMB1 – which comprises another Policy in another Plan, beyond the responsibility or control of the Neighbourhood Plan. Consequently, Policy LNDP16 is also reliant upon a Policy with which, to some degree, it is not in general conformity. This creates confusion and does not provide a decision maker with clarity, having regard to Paragraph 154 of the Framework, referred to earlier in this Report.

158 Notwithstanding the above, I note that, to some degree, Policy LNDP16 seeks to promote economic growth and recommend:

- **Policy LNDP16, change to “*The use of the following sites for business uses will be supported: 1. Shay Lane...*”**
- **Delete Para 5.41 which reads as though it comprises a policy requirement, but does not**

8. The Neighbourhood Plan: Other Matters

159 Chapter 6 has been overtaken by events.

160 It is not clear, in the absence of any detail, on what basis Longridge Town Council will “*produce updates and amendments*” to the Neighbourhood Plan. The process under which a Neighbourhood Plan can be made or altered is subject to statute.

161 I recommend:

- **Delete Chapter 6**
- **Delete Para 7.2**

162 The recommendations made in this Report will have a subsequent impact on Contents, page and Figure numbering.

163 I recommend:

- **Update the Contents, page and Figure numbering, taking into account the recommendations contained in this Report.**

9. Referendum

164 I recommend to Ribble Valley Borough Council that, subject to the modifications proposed, **the Longridge Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

165 I am required to consider whether the Referendum Area should be extended beyond the Longridge Neighbourhood Area.

166 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

167 Consequently, I recommend that the Plan should proceed to a Referendum based on the Longridge Neighbourhood Area approved by Ribble Valley Borough Council and confirmed by public notice on the 26th September 2013.

Nigel McGurk, October 2018
Erimax – Land, Planning and Communities



EST. 2011