

added 5/9/14

VERNON PROPERTY LLP

RIBBLE VALLEY CORE
STRATEGY

PROPOSED MAIN
MODIFICATIONS

SEPTEMBER 2014

VERNON PROPERTY LLP
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PROPOSED MAIN MODIFICATIONS

1. Introduction

- 1.1 These representations are made on behalf of Vernon Property LLP ("Vernon Property")
- 1.2 Vernon Property has an interest in land to the west of "The Woodlands, Brockhall" ("the Site").
- 1.3 Ribble Valley Borough Council ("the Council") has published main modifications to the Submission Core Strategy ("Main Modifications") which is out for consultation until Friday 5th September 2014.
- 1.3 These representations are submitted in relation to Proposed Main Modifications and for the reasons set out in section 4.

2. Background

- 2.1 The Core Strategy was formally submitted on 28 September 2012 to the Secretary of State. The appointed Planning Inspectorate, in a letter dated 31st January 2014 (as attached at Appendix 1) advised the Council that a main modification was necessary in order to address the areas of concern and to ensure the soundness of the Plan.
- 2.2 Primarily, the Inspector advised that a main modification was necessary to increase the proposed level of housing growth to an annual average of at least 280.
- 2.3 The Inspector then raised concerns regarding the failure to apportion of the required 732 homes within Tier two (containing 32 villages). The Council suggested that this should be done through the forthcoming land allocations document, however the Inspector disagreed on this point and stated "*It is the role of the Core Strategy to tackle strategic spatial issues of this kind*".
- 2.4 The Inspector considered the Council had given little justification for grouping the 32 villages together, when they vary greatly in terms of their size, the level of facilities and services they have and their accessibility. At the Core Strategy hearing it was accepted by the Council that some of these villages are clearly more sustainable than others and their sustainability is wide ranging.
- 2.5 Consequently, a main modification should include a refined differentiation between the villages in Tier two on the basis of their sustainability, capacity to accept growth and other pertinent factors: allocating specific figures to each of the individual villages.

3. Legal Context

- 3.1 Section 20(5)(b) of the Planning and Compulsory Purchase Act 2004 requires an inspector (at an independent examination) to determine whether a Development Plan Document is "sound".

4. National Planning Policy

Soundness

- 3.1 Paragraph 182 of the National Planning Policy Framework ("NPPF") deals with examining Local Plans and states:

"The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework."

- 3.2 We note that the existing guidance published by the Planning Inspectorate entitled 'Examining Development Plan Documents: Soundness Guidance August 2009' remains the approved guidance to Inspectors and still refers to the guidance contained within PPS12, which although withdrawn is still to be relevant to the Inspectors.

- 3.3 In particular we note that with regard to the test of "justified", PPS12 requires Plans to be:

- *founded on robust and credible evidence; and*
- *the most appropriate strategy when considered against reasonable alternatives.*

- 3.4 The concept of justification is expanded at paragraphs 4.37 and 4.38 of PPS12. Paragraph 4.37 deals with evidence base and states:

"... It is therefore essential that core strategies are based on thorough evidence. The evidence base should contain two elements:

Participation: evidence of the views of the local community and others who have a stake in the future of the area.

Research/fact finding: evidence that the choices made by the plan are backed up by the background facts.

Evidence gathered should be proportionate to the job being undertaken by the plan, relevant to the place in question and as up-to-date as practical having regard to what may have changed since the evidence was collected."

3.5 Paragraph 4.38 of PPS12 deals with the issue of 'alternatives' and states:

"The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process. There is no point in inventing alternatives if they are not realistic. Being able to demonstrate that the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of an easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy."

3.6 PPS12 also provides guidance on the test of "effective". The concept of effectiveness is expanded in paragraphs 4.45 to 4.47 in relation to Core Strategies but also applies to other development plan documents. Paragraph 4.45 deals with deliverability and advises:

"Core strategies should show how the vision, objectives and strategy for the area will be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support the strategy will be provided and ensuring that what is in the plan is consistent with other relevant plans and strategies relating to adjoining areas. This evidence must be strong enough to stand up to independent scrutiny..."

General Policies

3.7 The NPPF contains a presumption in favour of sustainable development. Paragraph 14 provides:

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted..."*

3.8 One of the Core Planning Principles contained in the NPPF (at paragraph 17) is to:

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities"

3.9 Having regard to the above policies and statutory context we do not consider that the Strategy Document is sound for the following reasons.

4. Representations to the Proposed Main Modifications

Housing Distribution

4.1 Policy DS1 of the Core Strategy sets out the settlement hierarchy for focusing development. The Policy defines the principal settlements as: Clitheroe, Longridge and Whalley. In addition to the boroughs principal settlements there are 32 defined settlements.

4.2 The 32 defined settlements are then divided into two Tiers, with Tier 1 considered to be the most sustainable and Tier 2 considered to be the less sustainable settlements. Brockhall is listed in Tier 2.

4.3 However, we consider that Brockhall should be listed in Tier 1 and brought forward for housing development before the less sustainable settlements in Tier 2.

The evidence base for the settlement hierarchy in the Core Strategy is reliant upon a paper produced in September 2008 entitled "Settlement Hierarchy". However this paper was produced 6 years ago and is now out of date. And it is therefore not sound. The fundamental intention of the NPPF is that the council should rely upon a robust and credible evidence base.

- 4.5 Furthermore, Brockhall was not considered within the Settlement Hierarchy as it did not have a defined settlement boundary. However the Settlement Hierarchy does go onto confirm that the settlement:

"Does have a larger population than some others settlements that have been included in the hierarchy, but however its current facilities and services would put it at the lower end of the scale"

- 4.6 As stated above, the Settlement Hierarchy is now 6 years old and the facilities and services within Brockhall have expanded in recent years, given the development of housing in the area (following the closure of the Brockhall hospital. Please see the attached sustainability appraisal (at Appendix 2) which took place in June 2014.
- 4.7 The level of services and facilities at Brockhall now make the settlement sustainable. However the Council has failed to update its evidence base from 2008 to reflect this. The Core Strategy Policy DS1 is therefore not based on a credible evidence base.
- 4.8 Finally, Brockhall is well connected and within close proximity of the surrounding settlements of Whalley (a principal settlement), Billington and Langho. In particular it is no more than two miles from two railway stations. In the context of Ribble Valley, Brockhall is a highly sustainable settlement and forms part of a larger agglomeration of settlements.

5. Changes Required to the Core Strategy

- 5.1 Having regard to the objections set out in section 4 above, we consider that the following amendment is required to the Core Strategy:
- Brockhall should be a Tier 1 Settlement in Policy DS1

LA.DRW
05 September 2014

Appendix 1

Examination of the Ribble Valley Core Strategy

Inspector: Simon Berkeley BA MA MRTPI

Colin Hirst
Head of Regeneration and Housing
Ribble Valley Borough Council

By email only

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31 January 2014

Dear Mr Hirst

Examination of the Ribble Valley Core Strategy

Further to closing the Hearing sessions last week, I have now had the opportunity to give close consideration to the evidence and points raised. I have reached the firm view that further modifications are necessary for soundness, in addition to those previously discussed.

Overall level of housing

The *Housing Requirement Update* by NLP ('the Update') [Post 5.8] aims to provide the objective assessment of housing need. It considers a number of scenarios and gives an annual average dwelling requirement for each. These assessments are clearly as objective as one can realistically expect.

Section 4 of the Update discusses other factors which have a bearing. Paragraph 4.19 refers to the NPPF, which makes it clear that "every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth". On this basis, paragraph 4.20 of the Update says "it is important that the identified level of economic growth aspired to in the emerging Ribble Valley Local Plan dovetails with the level of housing provision therein".

In the case of this Core Strategy, I agree that housing and economic growth should 'dovetail'. For this to genuinely occur, from the Update's objective assessment, an annual average of 280 dwellings per annum is necessary.

Paragraph 4.22 of the Update says:

"In particular, if the Council were to pursue a figure significantly lower than 280 dpa whilst also planning for annual job growth of 100 per annum to 2028 despite an ageing population, it would need to explain how it would mitigate or avoid the adverse housing, economic and other outcomes that a lower-growth approach would give rise to. It would also need to evidence how the adverse impacts of meeting housing needs, would 'significantly and demonstrably outweigh the benefits' [The Framework, para 14] as well as make provision, through the duty-to-cooperate, for those needs to be met in full elsewhere within the housing market area."

I concur. But as I see it, 250 dwellings per annum is significantly less than 280. The significance is that it would only, as the Update's paragraph 4.25 puts it, "*meet the majority of national policy objectives ... and the majority of economic needs*". To put it another way, neither the NPPF nor the economic needs of the borough would be fully met.

I note the points about 'clawing back' out-commuting for employment purposes, increasing economic activity in the borough and providing affordable homes for those with a connection to the Ribble Valley. However, there is little to substantiate the argument that these measures would adequately "*mitigate or avoid the adverse housing, economic and other outcomes that a lower-growth approach would give rise to*". I am not persuaded that they would. In addition, in this regard I am particularly mindful of Ribble Valley's ageing population and the implications of this for housing provision.

Furthermore, there is no clear evidential basis that "*the adverse impacts of meeting housing needs would significantly and demonstrably outweigh the benefits*". The Sustainability Appraisal Addendum Report by Hyder Consulting (UK) Ltd (the SA) [Post 5.16] appraises both the 250 and 280 options. At the Hearing, Mr Hourd of Hyder Consulting confirmed that the SA indicates little difference between the two options. Indeed, from my reading of it, the SA shows that 280 dwellings per annum would have only a marginally greater impact in terms of two objectives, being protecting and enhancing landscape and townscape character and quality, and promoting the use of more sustainable modes of transport. In this context, the additional adverse impacts of planning for 280 dwellings per annum are not sufficient to justify the 250 proposed by the Council. Even if they were, it would be necessary for the shortfall to be provided elsewhere, in a neighbouring district.

Overall, it seems to me that the Council has opted for a 'hybrid' option which has no clear or fully objective analysis to validate it. While there must be room for pragmatism in plan making, this cannot be at the expense of meeting objectively assessed needs, particularly in relation to housing. As you are aware, the Government's clear aim is to "*boost significantly the supply of housing*" (NPPF paragraph 47). In the context of this, the Core Strategy's economic objectives and the Council's own evidence of housing requirements, the 'hybrid' option falls short of meeting needs and is not a sound basis for the plan. Consequently, a main modification increasing the level of housing growth to an annual average of at least 280 is necessary for soundness.

The settlement hierarchy/spatial distribution of housing

Between them, Key Statement DS1 and the table at paragraph 4.11 of the Core Strategy set out the settlement hierarchy and spatial distribution of housing. The second tier of the hierarchy includes 32 villages. With the modifications you have already put forward and from your figures, the Core Strategy indicates that 1440 new homes will be provided across these villages during the plan period. The residual figure is 732.

The problem here is twofold. Firstly, I can see little justification for grouping these villages together. They vary greatly in terms of size, the level of facilities and services they have and their accessibility. At the Hearing, it was accepted by the Council that some of these villages are clearly more sustainable than others. From all the evidence, points made at the Hearing and from my visits, I consider their sustainability credentials to be wide ranging.

Moreover, the Core Strategy leaves one guessing about how the 732 homes apportioned to this tier might be distributed among the villages. I note the Council's

point that this will be resolved through the forthcoming land allocations document. But it is the role of the Core Strategy to tackle strategic spatial issues of this kind. At present, the Core Strategy is insufficiently clear for local residents, Council officers drawing up the land allocations document and those seeking to bring developments forward. In short, it is not adequately effective in this regard.

To address all this, a main modification is necessary. This should include a more refined differentiation between the villages in the second tier on the basis of their sustainability, capacity to accept growth and any other pertinent factors. It should also identify the level of new housing anticipated in a more finely grained manner. Allocating specific figures to each of the individual villages would be the ideal situation. However, it might be that you can conceive of other justifiable and effective solutions. Much may depend on the modified hierarchy and how you propose to single out or group the villages. Given this, for the time being at least, I keep an open mind about the precise level of detail needed.

Finally, I do not consider that the re-allocation of 200 homes through the 'Longridge adjustment' to the second tier villages is justified. Taking account of their varying sustainability credentials, I am of the firm view that this figure should be re-distributed amongst the more sustainable settlements. The most obvious options to consider are the principal settlements and the most sustainable of the villages presently in the second tier. It is necessary for soundness to modify the plan in this respect.

The way forward

I now ask that you consider the content of this letter. While I recognise you will be disappointed, you will also understand that I can only support the plan if I am satisfied that it is sound. Unfortunately, as it stands at present, I am not persuaded that it is sound in the above respects. I should say that this is not to imply any guarantee that no other modifications will be needed. Naturally, I reserve my position in this regard until the examination process is complete.

I appreciate that the points I have raised here may well lead to the need for additional work to be undertaken. With this in mind, I ask that you draw up an outline of the main tasks associated with addressing the points raised in this letter along with the additional work arising from the discussions at the Hearings, including the timescales involved with each. This is to assist me, the Council and all other interested parties in the likely timing of consultation on the modifications proposed to the plan. I would be grateful to receive this document at the earliest opportunity.

In the spirit of assistance, I am happy to answer any questions you may have in relation to procedural issues. I will do all I can to help the Council in relation to the way forward, although you will appreciate the restricted nature of my role in this regard and that any advice given is without prejudice.

Yours sincerely,

Simon Berkeley

Inspector

Appendix 2

SUSTAINABILITY APPRAISAL FORM

Client: Vernon Property Developments

Matter: Brockhall

Date: 26 June 2014

	Within boundary []	Location/Name	Distance/Comments
Essential Services/Facilities			
Primary School		St Joseph's Roman Catholic Primary School, Hurst Green, Whalley Road, Clitheroe, BB7 9QJ	1.18 miles away
Doctors Practice		Langho & Billington St Leonards Church of England Primary School, Whalley Road, Blackburn, BB6 8AB	1.29 miles away
Local Convenience Store		Whalley Medical Group, 42 Kings Street, Whalley, Clitheroe, BB7 9SL	3.1 miles away
Public Open green space		SPAR, 9 George Street, Whalley, Clitheroe, BB7 9TH	3.2 miles away
Other Services/Facilities			
Secondary School		St Augustine's Roman Catholic High School, Elker Lane, Clitheroe, BB7 9JA	1.25 miles away
Post Office		Langho Post Office, Langho, Lancashire	2.4 miles away
Church		St Leonards Vicarage, Standridge, Whalley Road, Clitheroe, BB7	2.4 miles away

		9NA		
Bank		Barclays Bank, 8-14 Darwen Street, Blackburn, BB2 2BZ		7.5 miles away
Hospital		Royal Blackburn Hospital, Blackburn with Darwen, BB2		9 miles away
Chemist		Langho Pharmacy, E View Terrace, Langho, Blackburn, BB6 8BX		2.2 miles away
Health Centre/Clinic		Whalley Medical Group, 42 Kings Street, Whalley, Clitheroe, BB7 9SL		3.1 miles away
Supermarket		SPAR, 9 George Street, Whalley, Clitheroe, BB7 9TH		3.2 miles away
Job Centre		Jobcentre, Oakbank House, Oak Street, Accrington, BB5 1PJ		10.6 miles away
Dentist		Clavell-Bate & Nephew, 89 King Street, Whalley, Clitheroe, BB7 9SW		3.2 miles away
Benefit Centre		Jobcentre, Oakbank House, Oak Street, Accrington, BB5 1PJ		10.6 miles away
Petrol Station		Texaco, Blackburn, BB1 9DA		4.7 miles away
Tertiary College		Oakhill College, Wigwell Lane, Whalley, Clitheroe, BB7 9AF		4.6 miles away
Public House		Black Bull Inn, Old Langho Road, Old Langho, Blackburn, BB6 8AW		0.8 miles away
Library		Whalley Library, Whalley, Lancashire		3.5 miles away

Nearest Bus Stop	Travelling to (Direct)	How Often	Journey Time
Old Langho Road, opposite Brookside Close, Brockhall	Blackburn Town Centre	1 every 2 hours (Bus no: 25)	35 minutes
	Clitheroe Town Centre	1 every 2 hours (Bus no: 25)	28 Minutes

NB: All bus services are direct services only