

Ag 16



HED DPD Reg 19 Publication Consultation
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

9 June 2017

LBA007/dc

Dear Sir/Madam

**Town and Country Planning (Local Planning) (England) Regulations 2012:
Notice of Consultation**

**Local Plan for Ribble Valley 2008-2028: Housing and Economic Development
– Development Plan Document (HED DPD)**

Thank you for notifying us of the above consultation on the Publication Version of the Council's Housing and Economic Development (HED) Development Plan Document (HED DPD), which supports the Council's adopted Core Strategy.

We write to submit representations on the HED DPD on behalf of our clients, Barrow Lands Company Limited and Gedlew Limited, who own some 18 hectares of land at Whalley Road, Barrow. We set out the background to these representations before focusing on the DPD itself.

Background

Our clients' land has outline planning permission for the development of up to 504 dwellings and associated development. The original outline planning permission (3/2012/0630/P) was allowed by the Secretary of State on appeal on 20 February 2014 (APP/T2350/A/13/2190088) following a public inquiry. This permission was subsequently varied under s73 of the Town and Country Planning Act, 1990 (as amended) by planning permission 3/2016/0820, which was approved by the Borough Council on 17 January 2017 subject to a Supplemental Agreement.

Since this time, reserved matters approval has been granted for the central spine road and utilities corridor (3/2017/0140) and 183 dwellings and associated works on the northern part of the site - Parcel A (3/2017/0064). Our clients' reserved matters application for 252 dwellings and associated works on the southern part of the site (3/2017/0050) is currently the subject of detailed discussions with the Council.

From this it can be seen that development of the land at Whalley Road, Barrow is in the process of being brought forward and will shortly start to deliver high quality, new homes, affordable housing and related facilities on this site and in the Barrow area.



Proposals Map

We are pleased to note that this is reflected on the HED DPD Proposals Map, which shows our clients' land within the Existing Settlement Boundary for Barrow (Map 2) and Sheet 6 (Inset 18) as a Committed Housing Site that is consistent with Policy DS1 of the Adopted Core Strategy. The site is not subject to any other designations except for a very small part of Flood Zone 2 (Policy DME6) that is not affected by any proposed built development on the site.

See also objection below to the identification of the allotments on our client's land as existing open space.

Context for HED DPD

This is reflective of the overall strategic context for the HED DPD and spatial development strategy for the Borough, which is set out in the adopted Core Strategy and therefore unaffected by the Draft HED DPD. Under Key Statement DS1: Development Strategy of the Core Strategy (CS), Barrow is identified as a Tier 1 Village, being one of the most sustainable of the 32 defined settlements in the CS, with our clients' site being adjacent to Barrow Enterprise Site, the main location for employment in the Borough.

Housing Allocations

We make no comment on the proposed housing allocations at Mellor and Wilpshire.

In general, on housing, for the HED DPD to be found 'sound' we encourage the Council to ensure that adequate provision is made for sufficient housing in the Borough to deliver 5600 dwellings in the period to 2028 (some 280 dwellings per annum). Whilst the Borough has delivered in excess of this target for two years in recent times (2014-15 - 345; 2015-16 - 300) this needs to be sustained in the long-term along with an adequate 5-year supply of deliverable housing land to satisfy Paragraph 47 of the National Planning Policy Framework. Therefore, every encouragement should be given to the development of land that is sustainable, deliverable and committed, such as at Whalley Road, Barrow, which is in accordance with the CS Development Strategy and the principles of sustainable development enshrined in the CS and the National Planning Policy Framework (NPPF).

Employment Allocation Policy (Policy EAL)

We make no comment on the proposed allocation of 4 hectares of employment land at Mellor, Simonstone and Longridge, which does not run counter to the CS Development Strategy or Key Statement DS1 of the CS.

Retail Allocations

We make no comment of these policies, which seek to reinforce the role of Clitheroe as the key retail and leisure centre in the Borough.



Open Space - Proposals Map

We object to the identification of the allotments on our client's site as 'existing open space' as the members of the Barrow Allotment Holders Association were served with termination notices in March 2016 and given a year to quit the land. Our clients offered to find the former allotment holders an alternative but this was not accepted resulting in some finding other allotments and others losing interest.

This is supported by the decision of Judge Peter Lane who at a tribunal at Blackburn Magistrates' Court in March 2017 ruled that the allotments should not be listed as an asset of community value under the Localism Act, 2011.

Judge Lane said the 'incongruity' of leaving the allotments out of the overall development of our client's land was obvious and it was 'not realistic to think that use of the listed land as allotments could continue' after building work started. Judge lane added there was 'such a strong likelihood of the listed land never reverting to allotments as to make the contrary proposition entirely unrealistic'.

The land is needed as a site compound for imminent development of the adjacent land and therefore there are also health and safety reasons why the allotments could not remain in use.

In light of this change in circumstances, we request that the Proposals Map be amended to delete the reference to the allotments as 'existing open space'.

Open Space - Policy OS1

Notwithstanding that it is based upon Policy DMB4: Open Space Provision of the CS, we have significant concerns about the 'soundness' of Policy OS1 as it does not take into account Paragraph 43 of the NPPF. This states that:

'Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.'

We are aware that the Council has produced an 'Open Space and Sports and Recreation Provision Topic Paper (2016)' and Essential Open Space Report (2011) but there is no detailed Needs Assessment that satisfies national guidance and that can be used to decide: which sites should be protected/enhanced; which sites can be either allocated for a different type of open space or be developed; or where new open space should be focused.

The identification of 'existing open space' as shown on the Proposals Map (DMB4) should be based upon an up-to-date, robust assessment that fairly, reasonably and accurately reflects the character and qualities of such existing space and new space being brought forward via residential development over the Plan period so that it can underpin Policy OS1. Without this, the Policy is seriously flawed, unjustified and unsound.

The wording of Policy OS1 is also inconsistent with Paragraph 74 of the National Planning Policy Framework. Without prejudice to our earlier comments, if the DPD is



found sound in other respects, we suggest that the Policy should be amended to read:

Development leading to the loss of open space of whatever type (identified on the Proposals Map), will only be permitted where:

a) an assessment shows that the site is no longer required for or is demonstrably unsuitable for its original intended purpose;

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location readily accessible and convenient to users of the former open space area, including the possible improvement of existing facilities;

c) there is no viable or reasonably practicable means of re-using it for an alternative form of open space; and

d) the loss would be justified due to the social, economic or environmental benefits the development would bring to the community/area.

Conclusion

Overall, we consider the HED DPD to be 'sound' with the exception of the identification of the allotments on our clients' land on the Proposals Map as 'existing open space' and Policy OS1, which we consider to be unjustified, ineffective and not consistent with national policy. As a consequence of this, we have set out the changes we consider are necessary to make the HED DPD sound.

We would ask to be notified about future stages of the HED DPD plan-making process and the examination of the Plan. At this stage, we feel that it would be necessary to participate in the oral part of the examination in light of our comments, our previous involvement in the CS examination and to assist the Inspector in the scrutiny of the HED DPD.

We would be grateful if the Council would take these comments into account before submitting the HED DPD to the Secretary of State for examination.

Yours sincerely