

**LANCASHIRE COUNTY COUNCIL**  
**TOWN & COUNTRY PLANNING ACT 1990**  
**TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE) RULES 2000**

**Statement of Compliance with Community Infrastructure Levy (CIL)  
Regulations 2010**

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**Planning Inspectorate Reference– 6002485**

**Ribble Valley Borough Council Reference – 3/2025/0196**

**Appeal in respect of the refusal by Ribble Valley Borough Council of Outline planning application for up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems (all matters reserved except for access).**

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**This statement is structured as follows:**

- 1) Introduction
- 2) Legislation
- 3) Justification in respect of highway contributions
- 4) Compliance
- 5) Conclusion

## **1.0 Introduction**

1.0 Planning Obligations are being sought in respect of the appeal proposals. This document is a statement of compliance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) in respect of those planning obligations; taking into account the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Planning Inspectorate's Planning Obligations: Good Practice advice.

1.1 This statement has been prepared by Lancashire County Council acting as the Highway Authority, by officers of the Highway Development Control team on the 5<sup>th</sup> May 2026.

1.2 Ribble Valley Borough Council has not yet published/adopted a charging schedule pursuant to the CIL Regulations.

1.3 During the course of the public inquiry further evidence has been requested by the Inspector regarding the planning obligations requested by Lancashire County Council meeting the required tests and this statement sets out the evidence in more detail.

## **2.0 Legislation**

2.1 Section 106 of the Town and Country Planning Act 1990 (as amended) provides for the use of planning obligations and the NPPF sets out the Government's policy for their usage, including the tests which obligations should meet to be acceptable.

2.2 Regulation 122 of the CIL Regulations introduced three legal tests for planning obligations in respect of developments which give rise to infrastructure contributions that would be caught by CIL. In line with the CIL Regulations and paragraphs 57 and 58 of the NPPF, obligations may only constitute a reason for granting permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

2.3 It is considered that the impact of the appeal development would result in an increase in the number of residents in this location which could only be mitigated through the provision of the obligations set out in this Statement.

2.4 Paragraph 110 of the NPPF indicates that "*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*".

Paragraph 111 (b) of the frameworks says, "*be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and*

*investments for supporting sustainable transport and development patterns are aligned" and (c) of the framework says, " identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development".*

*Paragraph 117 (a) "states give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use".*

2.5 Paragraph 115 of the NPPF indicate that planning decisions should take account of whether:

- (a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location
- (d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach*

2.6 As part of the reforms of planning policy, the Department of Community and Local Government published the National Planning Policy Framework (NPPF). In terms of Transport, the NPPF sets out the principles that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

2.7 Pre-application discussions between Lancashire County Council as the local highway authority and the appellant and their transport consultant have confirmed there was a need to deliver accessibility improvements to/from the site and the wider network. It is LCC Highways position that these are necessary. This will be delivered through a combination of works to be undertaken within the boundary of the adopted highway such as pedestrian and cycle route enhancements that can be secured by planning condition (delivered through a S278 agreement), and other enhancements which cannot be secured by that mechanism.

2.8 Without the mitigation measures Lancashire County Council did not consider the Composite site proposals would ensure the use of sustainable transport modes would be maximised and as such the proposal could be expected to result in a car dominated development.

### **3.0 Highways Requirements**

3.1 LCC Highways have worked closely with the developers Transport Consultants (Hydrock Fore and subsequently Tetra Tech) to agree a way forward whereby LCC could offer support for the application. This has resulted in the developer agreeing to a package of measures that overall were considered by LCC highways to go some way to mitigate the impact of the proposal. This required both sustainable provision (such as public transport (PT) provision to overcome

existing and future service deficiencies that would result with development) to provide real alternatives to the private car minimising its impacts and also infrastructure to support non-motorised modes. This information was drawn together in LCC's final statutory consultation comments dated 9<sup>th</sup> May 2025 sent to the LPA. These comments set out clearly the approach agreed and what was to be delivered by developer.

3.2 The necessary improvements to the transport network, fall into three categories and further details are set out below under the respective headings:

- **(i) Infrastructure Improvements in the A59 Corridor (S278), and**

- **(ii) Public Transport serving the site (S106)**

- **(iii) Provision of a Travel Plan (S106)**

3.3 **(i) Infrastructure Improvements in the A59, Whitehalgh Lane and Whalley Road (S278)**

3.3.1 These measures within the extent of the highway maintained at public expense are sought to be secured by planning condition and delivered through a S278 agreement with Lancashire County Council and constructed prior to first occupation. These measures include the provision of a signalised crossing on A59 for pedestrians and cyclists and associated linking shared footways/cycleway and reduction of speed limit, reduction of speed limit on Whitehalgh Lane and associated lighting and traffic calming, upgrade of zebra crossing and pedestrian island on Whalley Road near the primary school and upgrade of 4 bus stops to LCC quality bus stop standard.

3.4 **(ii) Public Transport to Serve the Site (S106)**

3.4.1 This funding request is principally to provide financial support towards the provision of improved public transport services to the site (from that which will be available at the time that houses are built and occupied), whether daytime, evening and or weekend.

3.4.2 LCC Highways statutory consultation responses on this application, set out in detail the existing public transport accessibility and provision and what was considered necessary to support this development.

3.4.3 Improvements to bus services (frequency/routeing) and bus stops to Quality Bus Standard, in line with guidance, will be necessary to support this development.

3.4.4 The current bus services on A59 are services 25 (Clitheroe – Blackburn) and 280 (Preston – Skipton). There are no bus stops within 400m walking distance of the site therefore additional stops are sought to be secured.

3.4.5 Service 25 is subsidised by Lancashire County Council and provides an hourly service Monday – Saturday between 07:45 and 19:14, Service 280 is also subsidised by Lancashire County Council and provides an hourly service Mon-Fri between 07:11 and 18:53, Saturday 07:25 and 18:45 and Sunday a 2 hourly service between 09:08 and 17:08.

- 3.4.6 Service 22 (Clitheroe – Shadsworth) runs on Whalley Road and provides a half hourly service between. The direct route to the nearest bus stops travels beneath the railway line and has steps present so it is not accessible by all users. This service is subsidised by an 'external subsidy' via Government funding at £105,000 per year to support the evening service which is due to end in 2026. No additional funding has been identified to provide this evening service; therefore, it is unfortunate this element of the service is at risk of being discontinued.
- 3.4.7 The other numbered bus services are all serving secondary schools.
- 3.4.8 LCC's request for S106 funding toward Public Transport improvement is specific to serve this development site.
- 3.4.9 The funding will be used to enhance the existing provision increasing frequency as available at the time that houses are built and occupied best serving the development requirements whether to access large employment areas such as BAE Salmesbury or the Enterprise Zone or connecting to the large built environments of Preston City, Blackburn, Clitheroe and Skipton centres etc (with their facilities) or others in-between.
- 3.4.10 As highlighted above, PT services for this development are not profitable for operators to be self-funding and currently requires a level of subsidy as highlighted, with 'external subsidies' cannot be guaranteed. However, what is important to highlight is that operator subsidy needs will reduce with additional patrons making them more sustainable as a consequence of new development such as this residential site. The requested funding will provide improved PT services, to that which will be available at that time when required by the development site offering day, evening and weekend provision (ie an improvement on existing services). **To be clear the funding will NOT be used to allow the transport authority to remove existing subsidies.**
- 3.4.11 It is estimated that such a service will require £175k per annum (this level of funds was at the time of statutory comments (May 2025) sufficient to provide an additional bus to a service route improving daytime frequency) or split between evening and or weekend maximising opportunities that benefit the developments residents and also ensuring that provided can best be maintained post financial pump priming. The first trigger point for £175k at first occupation of the 40unit with further £175k at the first anniversary of this date and thereafter totalling 5 payments.
- 3.4.12 The latest operator costs to provide an additional bus on a service have significantly increased to circa £250,000 per year. The County Council does not propose to increase the original ask but will work with PT operators to maximise the use of this PT contribution to best satisfy the needs of the new residents.
- 3.4.13 LCC Highways consider the PT contribution as requested is proportionate to the scale of development (with its impacts, maximising the use of PT), are directly related to the development, and are necessary to ensure that their residents have access to and from a range of destinations using the development funded enhanced service.

*Note: To support the PT service, Quality Bus provision will be required (stops and shelters) on the A59. (Note: These measures are to be*

*delivered through s278 agreement and do not form part of the s106 funding request.)*

- 3.4.14 The request for PT funding is considered by LCC Highways to be site specific to address issues raised. In particular LCC consider a planning principle in the NPPF is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Further, the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 3.4.15 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Also they should ensure that opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure and that cost effectively limit the significant impacts of the development.
- 3.4.16 With regard to this proposal an undertaking has been offered for PT improvements. However, the scenario where the developer had not taken up opportunities for the improvement of PT, and not provided a suitable undertaking/financial contribution, then LCC would not consider the proposal to satisfy NPPF as highlighted above in paragraphs 3.1, 3.2. and 3.4.

### **3.5 (iii) Provision of Travel Plan (Support)**

- 3.5.1 To support the use of bus services and other sustainable modes, the County Council have promoted the introduction of a Travel Plan for the development, with recognition of the guidance in paragraph 118 of the NPPF. The preparation and implementation of a Travel Plan is capable of being secured through a planning condition, but it is appropriate that a financial payment is also secured from the development to allow guidance and support from LCC to the applicant's representatives as they develop the interim Travel Plan into a Full Plan. Also, this funding would allow centralised monitoring of the implementation of the Travel Plan and in the event that the monitoring of the Travel Plan highlights that the targets within it are not being achieved further support and advice to deliver sustainable targets.
- 3.5.2 In line with LCC Policy Document 'Planning Obligations in Lancashire Policy', a contribution of £18,000 to enable LCC to provide a range of services as outlined below paid prior to first occupation.

The requested Section 106 contribution will primarily be used to enable LCC to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Interim to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Work with developers appointed TP coordinator on leaflets, publicity, maps and information

- Advise and offer appropriate support with suitability and implementation of specific elements or measures
  - Assist with the development of sustainable travel directions for web pages and other appropriate content.
- 3.5.3 This is a further matter that the main parties are in agreement over, with the s106 agreement expected to confirm a proportionate payment of £18,000 as agreed to provide for this related to the scale of the development.
- 3.5.4 In future years, should modal shift targets not be met as set out in the Travel Plan (TP), further incentives for residents to achieve the modal shift would be required (as included in the approved TP) and funded by the developer. With this it is important that the developers appointed travel plan coordinator has sufficient funds available for each new dwelling for a period of 5 years to fund any necessary meaningful incentives that include the provision of a bicycle or bus pass it is suggested up to the value of £250 per dwelling to promote modal shift with the view to embedding new patterns of travel for the future years.  
*Note: the suggested funding available for the developers TP coordinator is simply to highlight what could be required to satisfy TP needs.*
- 3.5.5 Taken together these public transport and Travel Plan support contributions together with a developer's commitment to the Travel Plan and its funding will assist in addressing to some extent limitations of the site in regard to sustainable transport. Therefore, in this regard this aspect is also in accordance with the requirements of the CIL regulations.

#### **4.0 Compliance**

- 4.1 Ribble Valley Borough Council is yet to produce a charging schedule in relation to the Community Infrastructure Levy and therefore is not in a position to require the provision of infrastructure or related payments through a CIL charging schedule.
- 4.2 It is the County Council's position that Section 106 obligations are necessary to make the development acceptable through the provision of facilities and/or contributions which cannot be secured through conditions attached to any permission which may be allowed.

#### **5.0 Conclusion**

- 5.1 For the reasons outlined above, the Council considers that the obligations set out in the draft s106 agreement and detailed within this statement meet the relevant tests in the CIL Regulations and NPPF.