

Summary Proof of Evidence

Councillor Peter Wilson

on behalf of Chorley Borough Council

**Lead Appeal A: Land off Carrington Road, Adlington, PR7 4JE Appeal Ref.
APP/D2320/W/21/3284692**

**Linked Appeal B: Land south of Parr Lane, Ecclestone, Lancashire Appeal Ref.
APP/D2320/W/21/3284702**

January 2022

1. Introduction

1.1. My name is Cllr Peter Wilson. I have been a Councillor for 13 years. I am the Deputy Leader of the Council. I was involved as a Councillor and member of the Executive Cabinet in the preparation of the adopted Chorley Local Plan and am familiar with the issues raised in this appeal through regular briefings to the Leader of the Council and myself. I hold the resources portfolio.

1.2. This Proof of Evidence is provided on behalf of Chorley Borough Council in relation to the refusal of:

- Appeal A - Land at Carrington Road, Adlington: outline planning permission (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing). All matters are reserved save for access; and
- Appeal B – Land off Parr Lane, Eccleston: outline planning permission (with all matters reserved) for the development of land off Parr Lane, Eccleston for up to 34 dwellings and associated infrastructure (including 35%¹ affordable housing).

1.3. This Proof of Evidence details the planning policy relevant to the appeals, explains the reasons for refusal, provides commentary in relation to material benefits and provides an assessment of the overall planning balance for each appeal. It specifically addresses the matters set out by the Inspector following the Case Management Conference:

- a. whether the proposal would conflict with the development plan (Chapter 2);
- b. whether the development plan policies most important for determining these appeals are out-of-date, with reference to (1) whether the local planning authority can show a 5-year supply of deliverable housing sites (Chapter 4) and (2) consistency with the National Planning Policy Framework (NPPF) (Chapter 2 and 4);
- c. whether the conclusions on b1 and b2 or any other material considerations would justify allowing these appeals (Chapter 6).

¹ Amended from 30% prior to the Council's decision on the application at committee.

- 1.4. Additional evidence is provided in response to the Inspector's questions around Housing Supply at Chapter 4 and Appendix A to this proof of evidence.
- 1.5. My evidence refers to a number of supporting evidence documents, all contained in the Core Documents for the inquiry. In this proof they are referred to by reference number in the Core Documents List to assist the Inspector's appreciation of the case.
- 1.6. I have not repeated information including a description of the sites and relevant planning history as these are contained within the Council's Statement of Case (CD10.1) and the Statement of Common Ground on Planning (CD10.5). A Statement of Common Ground on Housing Supply is provided at CD10.4.
- 1.7. The appeals will be discussed at the Public Inquiry due to commence at 10am, on Tuesday 15th February 2022.

2. Conflict with the Development Plan and National Planning Policy

The Development Plan

- 2.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that these appeals must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 2.2. The Development Plan comprises the Central Lancashire Core Strategy 2012 (CD6.1) and the Chorley Local Plan 2012-2026 (CD6.2).
- 2.3. Details of the most relevant policies for the appeals are set out in the Council's Statement of Case (CD10.1) and the Statements of Common Ground (CD10.4 & 10.5).
- 2.4. Both appeals have been refused on the basis that the proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. The proposals therefore conflict with policy BNE3 of the Chorley Local Plan 2012 – 2026. Chorley has a five-year housing land supply as required by the NPPF (CD5.1). It is not considered that there are material considerations put

forward in favour of the development sufficient to outweigh the presumption against it.

2.5. It is agreed within the Planning Statement of Common Ground (CD10.5) that there is conflict in respect of both appeals with Policy BNE3 of the Chorley Local Plan and that in context of NPPF paragraph 11 d), the most important policies for determination of the appeal are Core Strategy Policies 1 and 4 and Chorley Local Plan Policy BNE3. These policies are the starting point for considering the appeals and are considered by the Council to be up to date with reference to the 5 Year Housing Land Supply and consistency with the NPPF (CD5.1).

Other Material Considerations

2.6. There are a number of other material considerations that have to be factored in when assessing the proposals.

2.7. The NPPF (2021) and the PPG are key material considerations, as is the five-year housing land supply position. In particular, paragraph 143 d) of NPPF identifies that local *“plans should, make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”*.

2.8. NPPF and PPG confirm that the housing requirement in strategic policies should be used for the calculation of the five-year housing land supply where those policies are more than five years old but have been reviewed in the last five years. With regard to the relevant strategic policy, Core Strategy Policy 4, this policy was found to be sound and consistent with the NPPF when adopted as part of the Core Strategy in 2012. Evidence provided in this proof refers to locally specific issues in Chorley, which were reflected in Core Strategy Policy 4. Subsequently, a review in accordance with paragraph 74 of NPPF and footnote 39 took place in 2017 through MOU1 (September 2017) (CD6.9), and Core Strategy Policy 4 has therefore been reviewed within the last five years. The Council considers this review to remain relevant. Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation. Chorley has a Five-Year Housing Land Supply (CD6.15), and Core Strategy Policy 4 is therefore up to date in this regard.

2.9. The benefits which could arise from the proposed developments are also relevant, but in the Council's view these do not outweigh the conflict with the development plan and national policy in the planning balance.

3. Safeguarded Land and the Housing Requirement for determining the 5 Year Land Supply

3.1. The concept of Safeguarded Land is well established. It is an important tool in maintaining the permanence of the Green Belt, one of its essential characteristics (NPPF paragraph 137, CD5.1).

3.2. Safeguarded land is land which is protected from development now to ensure that future development needs can be met without altering Green Belt boundaries. Currently, approximately 72% of the land in Chorley borough is designated as Green Belt, and 0.7% of the land is designated as safeguarded.

3.3. During the drafting of the now adopted Local Plan, all areas of Safeguarded Land covered by Policy DC3 were reviewed again. The review included a sustainability assessment and consultation with both Lancashire County Council and United Utilities. Through this review, Safeguarded sites which were considered most suitable to meet Chorley's housing, employment, and open space requirements, specifically those which were natural extensions to the existing settlements, were most viable in terms of highways access and the characteristics of the sites, were removed from the Safeguarded Land designation and reallocated for housing, employment, or open space purposes. The remaining land was retained as Safeguarded Land under Policy BNE3 of the now adopted Chorley Local Plan 2012 to provide for potential future development needs beyond the plan period. The most sustainable, developable, and deliverable safeguarded land sites were allocated with the remainder being retained for potential future needs.

3.4. Policy BNE3 makes clear that land allocated as safeguarded is needed for potential future development needs beyond the Plan period (i.e., after 2026). Development other than that permissible in the countryside (whether Green Belt or Area of Other Open Countryside) will not be permitted on Safeguarded Land within the Plan period. Planning permission for the permanent development of Safeguarded land will only be granted following a Local Plan Review (as described above).

- 3.5. The appeal cases are not the only applications to be received by the Council on land that is safeguarded. Notably, since the Pear Tree Lane 2 appeal was allowed a further 11 applications seeking to develop a total of 766 houses on Safeguarded Land have been received in very short succession.
- 3.6. As each application (and appeal) is considered in isolation, there is a clear risk that the impact and implications of the scale of the loss of the Safeguarded Land is not being properly considered. Releasing Safeguarded Land now (during the Plan period), and outside of the Plan-led process is clearly contrary to both Development Plan policy BNE3 and NPPF paragraph 143, and to the plan-led system.
- 3.7. For the avoidance of doubt, the Council does not advance a prematurity objection to the Appeal Schemes (and no such allegation appears in its reasons for refusal), in relation to paragraphs 49 and 50 of the NPPF. Rather, its case is that the release of Safeguarded Land for development should be Plan-led (as clearly intended by national and local policy). The Council is concerned that the release of the Appeal Sites along with other areas of Safeguarded Land outside of the Local Plan process (and in breach of local plan and national policy), undermines the Plan-led process.
- 3.8. Paragraph 143 of the NPPF is the relevant and specific policy for judging the effect on the plan-led process in this case, given its focus on Safeguarded Land, rather than the more general paragraphs 49 and 50. Paragraph 143 (d) is clear that *“Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;”* (CD5.1).

Emerging Local Plan

- 3.9. The current Central Lancashire Core Strategy was adopted in 2012, and covers the three authority areas of Chorley, Preston and South Ribble. The Core Strategy is supplemented by three Local Plans, one for each of the authority areas and adopted in 2015. In line with the need to keep planning policies under review the Central Lancashire Authorities have been working together to review the adopted Plans.
- 3.10. I set out in my main proof a chronology of the plan making collaboration of the authorities, in particular with regards to establishing the housing requirement and distribution of housing need across the Core Strategy area.

3.11. In September 2017, following the completion of the Central Lancashire SHMA, a Memorandum of Understanding (MOU1) (CD 6.9) was entered into by Chorley Council with Preston Council and South Ribble Council in relation to the distribution of housing evidenced by the SHMA, prior to the adoption of a new Local Plan. **Given that the overall level of objectively assessed housing need in Central Lancashire was not found to be radically dissimilar to the housing requirements of Core Strategy Policy 4 (20 dwellings per annum extra in the OAN), the Councils agreed to a continuation of the use of the Policy 4 housing requirement and distribution in advance of the adoption of a new Local Plan, as set out in MOU1** (my emphasis). This is an entirely reasonable position.

3.12. This review of Core Strategy Policy 4 took place within the last five years (September 2017), and therefore is a review of a strategic housing policy under Footnote 39 of NPPF paragraph 74. The Council considers this review to remain relevant. **Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation** (my emphasis).

Preparation of the Central Lancashire Local Plan, Safeguarded Land and the Need for Green Belt Release

3.13. Over half (50.2%) of Central Lancashire is designated as Green Belt, with Chorley having the highest proportion of land covered by the designation (approximately 72% of the borough).

3.14. The considered approach to establishing future housing requirements, and importantly for Central Lancashire the distribution of these, through the plan making process is at risk of being substantially undermined by ad hoc decisions being taken through development management.

3.15. There is limited land available for development in Chorley outside the Green Belt. Developing Chorley's Safeguarded Land now, ahead of its potential release through the Plan making process, increases the likelihood of, and the scale of, Green Belt release having to be made through the joint Local Plan. I consider that the permanence of the Green Belt is undermined.

3.16. There is a real risk that individual development management decisions, taken independently, could collectively undermine the emerging spatial distribution being developed as part of the new joint Local Plan. The consequences of this are particularly significant in this joint planning area where Chorley is substantially constrained by Green Belt.

4. Five Year Housing Land Supply

4.1. Paragraph 74 of NPPF (2021) (CD5.1) states that Local Planning authorities need to maintain a supply of deliverable sites sufficient to provide a minimum five year land supply: *“Local Planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*. Footnote 39 states *“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance”*.

4.2. PPG on Housing Supply and Delivery notes that *“housing requirement figures identified in adopted strategic housing policies **should** be used for calculating the 5-year housing land supply figure where: the plan was adopted in the last 5 years, or the strategic housing policies have been reviewed within the last 5 years and found not to need updating”* (paragraph 005 Reference ID:68-005-20190722, my emphasis). This is the case in Chorley.

Past Housing Delivery in Chorley (2010-2021)

4.3. The current adopted housing requirement for Chorley is set in Policy 4: Housing Delivery of the Central Lancashire Core Strategy (CD6.1). This policy sets a minimum housing requirement for Chorley for the period 2010 – 2026 of 417 units per year. As shown in Table 4.1 from Chorley’s Housing Land Monitoring Report from May 2021 (Table 1, CD6.23), in every monitoring year of the plan period from 2010 until 2020 the Council has delivered net dwellings in excess of this requirement. This record of delivery shows the Council has consistently exceeded past identified housing requirements, and has resulted in a significant surplus against the requirement set in Policy 4 of the Core Strategy.

- 4.4. Indeed, this pattern of delivery was anticipated in the Local Plan housing trajectory. Table 1 of the Chorley Local Plan (CD6.2) identifies projected completions in excess of the 417-unit requirement through the earlier years of the plan (2012/13 – 2019/20) with projected completions tailing off towards the end of the plan period, where fewer units were then required to meet the overall targets for the plan period. The Council's Note on Housing Supply (Appendix A to my main proof) provides further detail on the delivery over the plan period compared to the housing trajectory set out in Table 1 of the Chorley Local Plan (CD6.2).
- 4.5. The Council has consistently exceeded past identified housing requirements. This level of performance has resulted in a significant surplus against the requirement set in Policy 4 of the Core Strategy. The excess housing delivered in Chorley since 2010 should not be disregarded but should rightly be taken into account as part of the 5-year land supply calculation.

Conclusions on 5-year Housing Land Supply

- 4.6. Based on the proper understanding of the NPPF and NPPG, the Council considers that its five-year housing land supply should be measured against the adopted housing requirement set out in Core Strategy Policy 4, as a review of this strategic policy (NPPF footnote 39) has taken place within the last five years (MOU1, CD6.9). **Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation.**
- 4.7. The Chorley Local Plan anticipated and planned for strong delivery in the early years of the plan period, reducing to lower levels in the later part of the plan period, as set out in the housing trajectory, which has been borne out in practice. The Local Plan Inspector found the Local Plan, and Policy BNE3 to be sound.
- 4.8. Inclusion of oversupply in the Five-Year Housing Land Supply calculation is a matter of planning judgement, and has been accepted by appeal Inspectors (CD8.10, CD8.11) as a reasonable approach to take account of strong housing delivery which has resulted in oversupply against a housing requirement set out in strategic policy.

4.9. Based on the inclusion of oversupply, the Council considers that it can demonstrate a 13.8-year land supply² (CD6.15, updated by CD10.4). As such the tilted balance is not engaged and policy BNE3 is to be regarded as an up-to-date policy.

4.10. If this argument is rejected and the solus standard method housing requirement is used, Chorley Council is not able to demonstrate a five-year deliverable land supply for housing.

Implications for Chorley and the plan-led process

4.11. If the Council's argument is not accepted, Chorley would be vulnerable to speculative applications for housing development not in accordance with the development plan and in particular, for housing developments on Safeguarded Land and Green Belt. This would undermine the plan-led process, and the importance of local governance, public consultation, and decision-making. The most appropriate sites for development should be decided through the Local Plan process. In a joint Local Plan area this consideration must take place on a Plan wide basis. Loss of Chorley's Safeguarded Land sites now would result in the Council having to consider significant Green Belt release in order to meet housing requirements in the emerging Central Lancashire Local Plan.

5. Benefits

5.1. The Council accepts that the appeal proposals would give rise to certain benefits, most notably in terms of housing provision and economic benefits. In my main proof I provide analysis of the weight to be attributed to these benefits.

6. Conclusions and the Planning Balance

Conflict with the Development Plan & National Planning Policy

6.1. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that these Appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

² The Council agreed a reduction of 61 units to the supply set out in the April 2021 statement at the conjoined appeals APP/D2320/W/21/3272310 & APP/D2320/W/21/3272314 which were heard in August 2021.

6.2. Paragraph 12 of the NPPF is clear: *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted.”*

6.3. The developments are plainly contrary to policy BNE3 of the Chorley Local Plan 2012-2026 and are also contrary to paragraph 143(d) of the NPPF. Both BNE3 and NPPF are clear that planning permission for the permanent development of Safeguarded Land should only be granted following an update to a plan which proposes the development.

6.4. The conflict with both the development plan and NPPF in relation to Safeguarded Land is clear and should be given significant weight.

6.5. Based on the inclusion of oversupply, the Council considers that it can demonstrate a 13.8-year land supply (CD6.15, updated by CD10.4).

6.6. The appeals fall to be determined using the normal (or flat) planning balance. The tilted balance of NPPF paragraph 11(d) is not engaged because the policies most relevant to the decision are up-to-date.

6.7. The up-to-date policies of the Development Plan and the NPPF taken as a whole provide clear and justifiable reasons for refusing the developments proposed.

Other Material Considerations

6.8. There are no other material considerations of sufficient weight to indicate that the appeals ought to be determined other than in accordance with the Development Plan and NPPF.

6.9. There are a number of benefits of the appeal proposals which I list below:

- The appeal sites would provide on-site affordable housing in line with policy requirements which is afforded significant weight.
- The appeal sites would provide market housing provision but as explained previously I afford this only limited weight.
- There is limited evidence to suggest or quantify the level of economic benefit that will result from development of the appeal sites, therefore only limited

weight is attached to the provision of economic benefits from both construction and occupation.

6.10. The Council does not consider there to be any material considerations of sufficient weight to indicate that the appeals ought to be determined other than in accordance with the Development Plan. Therefore, the appeals should be dismissed.

6.11. Releasing Safeguarded Land at such a scale means that both the potential for, and amount of, Green Belt that will be under pressure for development through the emerging Local Plan will increase. The relative performance of the appeal sites and other safeguarded sites in environmental, social, and economic terms should properly form part of the Local Plan review site identification and selection process. This assessment should be carried out in a comprehensive way across the integrated housing market area which covers Chorley, Preston and South Ribble (and which was reflected in the preparation of the adopted Central Lancashire Core Strategy). It should not be carried out in a piecemeal way through the development management process.

6.12. The Council is concerned that the release of the Appeal Sites along with other areas of Safeguarded Land outside of the Local Plan process (and in breach of local plan and national policy), undermines the Plan-led process.

6.13. If the Council's argument is not accepted, and the solus standard method figure is preferred (or over-supply is not discounted against the Policy 4 figure), the Council accepts that it cannot demonstrate a 5-year land supply. In these circumstances the tilted balance would be engaged and the most important policies for determining the application would be considered out of date. However, even if this were to be the case, the Council considers that the out-of-date policies, despite their reduced weight, would justify a refusal of the applications and the harm caused from their breach would significantly and demonstrably outweigh the benefits.

Section 106 Planning Obligations

6.14. Without prejudice to its position, the Council will present evidence regarding the necessity of a Section 106 planning obligations in the event that planning permission is granted and demonstrate that such obligations and contributions are compliant with the Community Infrastructure Levy Regulations 2010.

Planning Conditions

6.15. A list of draft conditions will be agreed with the Appellant.

