

Our ref: DAL05/13  
LPA ref: 3/2012/0913  
PINS ref: APP/T2350/A/13/2194601

**APPENDICES 6 to 10 - VOLUME C  
to  
Proof of Evidence  
Of  
Jane Dickman**

**Planning Appeal  
Against the refusal of consent for residential development  
and crèche**

Land off Waddington Road  
Clitheroe  
Lancs.

On behalf of  
**The Huntroyde Estate/Clitheroe Auction Mart/Mr J Taylor; Ms Sarah Howard  
and Ms Samantha Howard**

Dickman Associates Ltd

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**July 2013**

**CHARTERED TOWN PLANNER**

Director: J Dickman BSc (Hons) DipTP MRTPI FRGS FRICS  
Company No 6874283, a company registered in England and Wales **VAT No 152 2106 58**  
Registered office: 11 Riverside, The Embankment Business Park, Vale Road, Heaton Mersey, Stockport, SK4 3GN

## Appendices

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APP/T2350/A/13/2190088

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**APPENDIX 6**

**Appeal decision Mitton Road, Whalley APP/T2350/A/12/218887**



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## Appeal Decision

Inquiry held on 15-17 & 21-23 May 2013

Site visit made on 24 May 2013

**by Louise Crosby MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 June 2013**

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**Appeal Ref: APP/T2350/A/12/218887**

**Land at Mitton Road, Whalley, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by David Wilson Homes North West and AC Surveyors & Valuers against Ribble Valley Borough Council.
  - The application Ref: 3/2012/0637, is dated 18 July 2012.
  - The development proposed is for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads at Mitton Road, Whalley, Lancashire in accordance with the terms of the application, Ref: 3/2012/0637, dated 18 July 2012 and subject to the schedule of conditions set out in the attached Annex.

### Procedural matter

2. A draft Unilateral Undertaking (UU) was submitted at the inquiry. By the close of the inquiry the UU, although agreed, still required signing. I gave the appellants time to submit it after the close of the inquiry. A signed version was received by me on 20 June 2013. The UU secures an education contribution of £297,011; a transport contribution of £105,000; and a Travel Plan contribution of £50,000. It would ensure that 30% of the dwellings are 'affordable units' and that 15% of the total number of dwellings are single storey, single bedroom dwellings for the elderly. Also, 50% of this type of dwelling would be 'affordable units'. I shall deal with this in more detail below.

### Main issues

3. The main issues are:
  - i) the effect of the proposal on the character and appearance of the surrounding area;

- ii) the effect of the proposal on the setting of the Whalley Conservation Area;
- iii) whether the proposal would preserve the setting of Whalley Viaduct, Whalley Abbey and Whalley Abbey Gatehouse; and
- iv) the effect of the proposal on housing land supply.

## **Reasons**

### *Background and policy context*

4. The North West Regional Spatial Strategy has recently been abolished and so in this case the only relevant adopted development plan is the Ribble Valley Districtwide Local Plan (1998) (LP). It was agreed at the inquiry that its housing policies and policy ENV19 are out of date and so carry very little weight. The emerging Core Strategy: 2008-2028 – A Local Plan for Ribble Valley is due to be examined in July this year. Given the stage that this plan has reached the Council say that the policies within it should be afforded only limited weight in this decision and I agree.
5. The site is identified in the Council's Strategic Housing Land Availability Assessment (2009) (SHLAA). It assesses numerous sites in Whalley and after consideration, in line with an adopted methodology, some were excluded and others included. The appeal site was included and identified as being available within the next 5 years and deliverable within a 6-10 year period. It also says that there is a reasonable prospect that housing will be developed on this site and that in determining any future planning applications the impact on the Viaduct, but mainly on the open nature of the countryside, should be borne in mind.
6. The appeal site is located outside, but adjacent to, the settlement limits for Whalley as defined in the LP. However the main parties agree that the settlement boundary is out of date and will need to expand to accommodate the projected growth within the borough and therefore more weight should be placed on the emerging Core Strategy in this regard. This identifies Whalley as being a key service centre expected to accommodate a significant level of growth over the plan period (2008-2028). While Clitheroe is at the top of the hierarchy of most sustainable settlements, Whalley and Longridge both rank 2<sup>nd</sup>. Importantly, unlike Longridge, Whalley has a railway station that is very close to the appeal site.

### *The effect of the proposal on the character and appearance of the surrounding area*

7. The site is currently an agricultural field that is divided by a belt of trees. It is contained within existing clearly defined boundaries. To the west of the site is the elevated A59, to the north the existing traditional dwellings on Mitton Road, to the south Ridding Lane and to the east Broad Lane and Whalley Viaduct. The Viaduct, Whalley Abbey ruins and Whalley Abbey Gatehouse are all listed buildings; and Whalley Abbey ruins and Whalley Abbey Gatehouse are also scheduled ancient monuments (SAMs). In addition, the site lies adjacent to Whalley Conservation Area. The main parties agree that the central most visible part of the Viaduct, part of which is within Whalley Conservation Area, is the most important section to be taken into account when considering this scheme. Having visited the site and the surrounding area, I agree.

8. The appeal site is located in the River Calder valley bottom, close to the river. The appeal site can be seen from many near and elevated, distant vantage points. I shall discuss what I consider to be the most important ones below. The proposal would consist of a mix of single storey, 2 storey and 2/3 storey dwellings. The western corner of the site would contain a play area and open green space. The single storey dwellings would be mainly located in the area around Cross House, an existing 1½ storey traditional dwelling on the corner of Broad Lane and Ridding Lane. The 2/3 storey townhouses would be positioned along the eastern boundary of the site, adjacent to Broad Lane. These dwellings have been designed with staggered roofs and elevations which greatly reduces their overall scale and mass.
9. This part of the site is closest to the grade II listed Viaduct which is an important landscape feature here. The highest part of the 2/3 storey dwellings would be around 4m lower than the Viaduct and the distance from the rear elevation of these dwellings to the Viaduct would be between 30m and 37m. Those set farthest away would be screened by existing mature trees located along the boundary of the site.
10. It seems from evidence before me that the Council encouraged the general design principles that have been adopted here i.e. a gradual increase in height of development across the site towards the Viaduct and leaving part of the site undeveloped. This would result in the greatest impact being on Broad Lane, but from here the dwellings would still appear modest in scale compared to the Viaduct, particularly when their distance from Broad Lane is taken into account, along with their detailed design and landscaping.
11. The development would be set back from Ridding Lane by an area of landscaped green space and a play area. Also, the dwellings on this part of the site would be 2 storeys high and on the opposite side of Ridding Lane there are open fields with the river beyond. Some views towards the Viaduct from the part of Ridding Lane close to Cross House would be interrupted by the 2/3 storey dwellings close to Broad Lane, but the best views (where one can see through the arches) near Cross House, would be preserved as this part of the site would contain bungalows. From further back along Ridding Lane (towards the A59), the taller dwellings would interrupt views of part of the Viaduct, but not the central most visible section. As such, the rural character and appearance of this lane would not be unduly harmed and views of the central most visible part of the Viaduct would, in the main, be preserved.
12. Ridding Lane also extends eastwards, under the Viaduct, and eventually joins with The Sands. From here limited views of the appeal site are available because of the angle of view through many of the arches and their depth. Where there is a clear view through the arches this would be to the part of the site near Cross House which would contain bungalows. Some of the taller houses beyond would be visible to a very limited degree, but overall from here the proposal would not result in any discernible visual impact.
13. On the busy elevated A59 the main view of the site is from a lay-by where people are likely to stop for short periods. From here, views of the proposed development (which would be set back from this road and embankment), would be filtered by trees and hedges along the edge of the carriageway and thus not appear unduly harmful.

14. Clearly, when viewed from Mitton Road (close to the entrance to the site), the landscape would change by virtue of the introduction of housing. However, from Mitton Road the development would be experienced in the context of existing residential development along this road. Views from here of the Viaduct would be greatly reduced, but the current view is very much shielded by trees and there are far better views of the Viaduct from other parts of Whalley and the surrounding area. From the rear gardens and windows of the existing dwellings on Mitton Road, abutting the appeal site, again the views would change greatly. Nevertheless, some views of the Viaduct would still be available.
15. From various points along public footpaths on The Nab and the area around Painter Wood, some of the finest views of the Viaduct are available, with the appeal site beyond. From these elevated vantage points the sheer length and uniformity of the arches can be more readily appreciated. Also from here existing development can be seen at either end of both sides of the Viaduct. From slightly lower down, on Whalley Road and Longworth Road, closer views are available although it is the central section spanning the river that is most prominent. From here it is generally seen in the context of a flat rural landscape with the river running through it and The Judge Walmsley Mill Complex beyond.
16. The appellants' photomontages show that from the distant, elevated views on The Nab the proposed development would be visible and appear as a sizable extension to the housing that currently exists in this area. However, it would not appear as an alien feature in this landscape which is already layered with built development. Importantly it would not detract from the character and appearance of the surrounding area, the overall dominant features would be the Viaduct, the remaining (most prominent) fields, the river and the hills in the distance. From lower down, on Whalley Road and Longworth Road, the proposed development would be barely noticeable beyond the viaduct.
17. Taking all of the above into account, including the position of the site on the edge of the existing village with clear defensible boundaries the proposal would have only a moderate adverse impact on the character and appearance of the surrounding area. Nevertheless, conflict with LP policy ENV3 occurs, in so far as it aims to conserve and enhance the open countryside and only allow development that benefits the area<sup>1</sup>.

*The effect of the proposal on the setting of Whalley Conservation Area*

18. As a consequence of Whalley Conservation Area being extended in 2007, part of the central most visible section of the Viaduct; Cross House; and parts of Broad Lane fall within it. Whalley Conservation Area Appraisal (2005) (CAA), which recommended this extension describes the Viaduct as a local landmark and a dominant feature within the landscape to the west of Whalley and says that this particular area has a rural, open character which relates well to the first part of The Sands and the medieval route out of the Abbey to the west. The Sands area is identified as having a number of principal positive features and these include views to the west through the arched openings of the red brick Viaduct; a rural open character with trees and open green spaces; and little traffic and peaceful character.

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<sup>1</sup> Para 4.2.13 of Ribble Valley Districtwide Local Plan

19. The CAA highlights as an opportunity the open fields to the west of The Sands and south of the River Calder. Two of these are adjacent to the Viaduct. It identifies them as particularly valuable assets which should be included in the extended conservation area and protected from development. However, I note that in doing this it did not seek to protect the appeal site, at the other side of the Viaduct, in the same manner or indeed at all.
20. English Heritage<sup>2</sup> advises that setting is the surroundings in which an asset is experienced. The appeal site lies adjacent to the western edge of the conservation area. It is within its setting and has an open rural character. Clearly the open setting of the conservation area, provided by the appeal site, would be greatly reduced if the appeal site were developed.
21. The development would be experienced mainly from the area around Broad Lane and Ridding Lane (west of the Viaduct), but some limited glimpsed views through the arches would be available when travelling along The Sands/Ridding Lane (east of the viaduct). From Broad Lane and Ridding Lane some of the proposed 2/3 storey dwellings along the eastern boundary of the site would appear dominant when viewed from this small part of the Conservation Area.
22. The tranquillity in the part of the conservation area along Broad Lane would be reduced as the area would generally become busier and noisier. However, I saw when I visited the site that Broad Lane already carries a limited number of vehicles. From time to time these break the solitude in this area along with the passing trains and the noise of traffic from the elevated A59 road and Mitton Road. Importantly Broad Lane would only be used as an emergency access from the site for motor vehicles. So the main increases in noise along Broad Lane would be from within the appeal site. Following the construction phase, this is not likely to be excessive.
23. Given the overall scale of the proposal, in comparison to the open rural character that exists at present, the proposal would have a moderate adverse effect on the setting of this discrete part of the conservation area and thus its character and appearance. This harm would be ameliorated to some degree by the existing and proposed landscaping which would soften the effect of the built development. The proposal would lead to a modest degree of harm to the setting of the Whalley Conservation Area (and thus lead to much less than substantial harm to the significance of this designated heritage asset). As such, it would conflict with LP policy ENV16.

*Whether the proposal would preserve the setting of Whalley Viaduct, Whalley Abbey and Whalley Abbey Gatehouse*

24. Whalley Viaduct is a Grade II listed building. It is the longest in Lancashire with 48 round headed arches on battered piers. It is an impressive structure and feat of engineering. It was opened in 1850 and its purpose was and still is to span the River Calder valley floor. Unusually, it has 2 'blind' arches at either side of the arch that spans The Sands (a narrow road). These are ecclesiastical in style and reference the historical route to the Abbey through the Gatehouse.
25. The Viaduct is clearly important as a local landmark and is very dominant in views into and out of Whalley village. Indeed, images of it appear in numerous places including on a mural at Whalley Railway Station (painted by local school

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<sup>2</sup> English Heritage Guidance – The Setting of Heritage Assets

children); in magazine articles about Whalley; and in the opening credits of a local television news programme.

26. Since the function of the Viaduct is to span the open valley floor, this landscape is integral to its design, although it is a functional structure with no formal or indeed designed setting. It is the landscape features that made the Viaduct necessary in the first place and these contribute towards the setting of the asset and are an integral part of its significance. Both main parties agree that the Viaduct has a linear setting and that the appeal site falls within it and I agree.
27. Turning to consider the degree to which the setting makes a contribution to the significance of the heritage asset. Clearly the open countryside setting is important to its significance. The contrast between the undeveloped open countryside to the west of the Viaduct (including the appeal site) allows one to appreciate the sheer height and scale of the Viaduct. The close up views from Broad Lane, the appeal site and Ridding Lane allow for a comparison with the human scale, which is undoubtedly striking. With the proposed development, these would, on the whole, still remain as would the way in which one experiences the Viaduct from these places.
28. This Viaduct and its setting are best appreciated in long distance elevated views, such as from The Nab and Painter Wood. From these elevated areas the Viaduct is extremely striking and impressive because one can clearly see the central section of the Viaduct spanning the valley floor with the open countryside (including the appeal site) beyond. The proposal would lead to the appeal site being partially developed with dwellings, associated infrastructure and amenity space. This would lead to a reduction in the open green space which contributes towards the setting of the Viaduct. However, as I have already found, from these elevated areas the proposed development would be seen in the context of other development and more important open aspects of the valley floor, closer to the river, would remain.
29. The Council agree that, in principle, some development could take place here. The amount of development proposed in this case would have a modest effect on the setting of the designated heritage asset. Overall, given the distance between the Viaduct and the proposed dwellings and the dominant scale of it, which would still prevail, this small degree of harm to the setting of the designated heritage asset and thus to its significance would be less than substantial.
30. I will now consider the effect of the proposal on the setting of Whalley Abbey and its Gatehouse, both of these are grade I listed buildings and scheduled ancient monuments. They lie to the east of the appeal site, beyond the Viaduct. The Cistercian Abbey ruins enable visitors to observe the plan form of the development and understand how individual buildings would have related to one another. According to the list entry for Whalley Abbey building work began on the site in c.1320. The Abbey has formed part of an established community since it was founded.
31. The Gatehouse was built in 1480 and is likely to be the oldest remaining building within the Abbey complex and is significant as the main entranceway to the Abbey and as the last remaining component of the precinct walls. It is a functional and fortified Gatehouse and is visually prominent because it is a standalone feature separate from the main Abbey complex. The Sands/Ridding

Lane and Broad Lane are elements of the setting of the Gatehouse that contribute to its significance as they formed the medieval route to the Abbey. While the development would be clearly visible from Broad Lane, the historic route would still exist and Broad Lane would still appear as a narrow lane although its semi-rural character would be diminished slightly.

32. Consequently the character of this part of the setting would be affected to a minor degree, but I am not convinced that this would result in material harm to the significance of the setting of these heritage assets. Moreover, this would be the only harm to the setting as the important undeveloped area around The Sands/Ridding Lane and its major contribution to the significance of the heritage assets would be largely unchanged by the proposal. Overall the proposal would preserve the setting of Whalley Abbey and its Gatehouse and result in less than substantial harm to the significance of both these listed buildings.

#### *Housing land supply*

33. The main parties agree that even if the Council can demonstrate that they have a 5-year supply of housing land that would not in itself be a reason to prevent other housing sites being approved. The Council accepts that the housing policies in the LP are out of date and so the default position in paragraph 14 of the National Planning Policy Framework applies. This advises that where the development plan is out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies (such as those protecting designated heritage assets) in the Framework indicate development should be restricted.
34. Both main parties have reached different conclusions in relation to the Council's current housing land supply. This is principally because of the different calculation methods used. The appellants favour the Sedgfield approach<sup>3</sup> and the Council the residual method. The other variables which are in dispute are firstly whether a site in Whalley, with outline planning permission, (Lawsonsteads) should be included in the supply side of the calculation; and secondly whether the non-delivery discount to be applied should be 10% or 20%.
35. Dealing first with the calculation method, the key difference is that the residual method spreads the existing shortfall, which is agreed, over the plan period (around 15 years in this case), whereas the Sedgfield approach deals with the shortfall over the first 5 years. The Framework requires a 20% buffer (in cases where there has been persistent undersupply) to be brought forward from later in the plan period. To my mind it must then follow that the historic undersupply should be given the same priority. In doing this it is envisaged that a greater supply would increase the prospect of delivery and ensure choice and competition in the market for land<sup>4</sup>. This is critical if the supply of housing is to be significantly boosted.
36. So, taking the Sedgfield approach, regardless of whether Lawsonsteads is included or whether a non-delivery discount of 10% or 20% is applied the Council cannot demonstrate a 5-year supply of housing. At best, they have a

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<sup>3</sup> This refers to the methodology used by Sedgfield Borough Council in calculating its 5-year supply requirement.

<sup>4</sup> Para 47 of the Framework

4.5 year supply, based on the inclusion of Lawsonsteads and a 10% non-delivery discount. This scheme would provide 116 dwellings on the edge of one of the most sustainable locations in the borough and even more importantly 30% of them would be affordable units. When considered in the context of the unmet housing need in this area and in particular the need for affordable homes, this benefit attracts significant weight in the overall planning balance.

*Other matters*

37. Third parties have expressed concerns about a number of other matters not already dealt with above and so I shall deal with the principal ones now. In terms of highway safety and traffic issues, the planning application was accompanied by a traffic impact assessment and this was subsequently added to at the request of Lancashire County Council (LCC). On the basis of this information the County Highway Engineer concluded that there was sufficient capacity on the relevant part of the road network to accommodate the additional traffic from this development. Taking this into account as well as my observations when I drove around Whalley during the morning peak-time, I agree.
38. In reaching this conclusion I have also had regard to the fact that the proposed dwellings would be within a very short walking distance of Whalley railway station and bus stops. Between them they provide regular services to a number of places including Clitheroe, Preston, Bolton, Blackburn and Manchester. This is likely to reduce the number of trips made by car and Whalley village centre contains a variety of shops and services, within walking or cycling distance of the appeal site. Moreover, 30% of the dwellings would be 1 bedroom bungalows for the elderly and these residents would be less likely to be using the roads at peak times than younger people travelling to school and work.
39. In terms of highway and pedestrian safety, while there is a footpath in front of the appeal site it terminates in front of the dwellings on Mitton Road. At this point pedestrians would have to cross to the footpath on the other side of the road via a new traffic island in the road. Given that the road is in a built-up area with a speed limit of 30mph I am satisfied that this would be safe.
40. Moreover, there would be a network of paths within the site leading onto Broad Lane, close to No 4. Although Broad Lane also has no footpath, it is a short walk to the one on Mitton Road and Broad Lane is restricted to 'access only' for motorised vehicles. Some additional works are proposed by the appellants to improve highway and pedestrian safety in this area. I am also content that the visibility splays at the junction of the site and Mitton Road would be adequate.
41. I appreciate that car parking in Whalley village is also of concern to local residents. It seems that free car parking is at a premium and in high demand, but on the day I carried out my site visit I saw that the pay and display car park in the centre of the village was not full. Overall, on the basis of the evidence before me the proposal would not be detrimental to highway or pedestrian safety or overload the existing highway network.
42. The amount of available school places in local schools is of real concern to local residents. However, following lengthy negotiations between LCC Education Department and the appellants, LCC have confirmed that there is likely to be

sufficient capacity at the local secondary schools to accommodate need arising from the proposal. At Whalley Primary School there would be a lack of places in some years, based on projections. LCC have raised no objection to the proposal subject to a contribution being secured to fund additional primary school places. The submitted UU satisfies this requirement.

43. In relation to flooding and drainage the planning application was supported by a detailed flood and drainage assessment and the proposed dwellings would be placed within the area of the site at the lowest risk of flooding. On this basis the Environment Agency and United Utilities have raised no objections subject to the imposition of planning conditions. These would ensure that, among other things, finished floor levels are set at a certain level, surface water run-off is controlled and the site is developed with a drainage scheme based on sustainable drainage principles. I agree with this approach.
44. Local residents have suggested that the site may contain archaeology linked to the fact that the site is close to the original medieval entrance to the Abbey. However, following some investigative trial trenching by the appellants, the County Archaeologist is content that the site could be developed without the need for any further investigative work. While I can understand local residents' concerns in this regard, on the basis of the work that has been undertaken already, I concur with this professional advice. As such, it would be unreasonable to impose an archaeology related condition.
45. Turning to the matter of living conditions, the residents of the dwellings on Mitton Road, which abut the appeal site, would have a different outlook if the appeal site were to be developed. However, the separation distances between existing and proposed dwellings would be ample and so no harmful levels of overlooking would occur. Moreover, the fact that the view for existing residents would change is not in itself a reason to withhold planning permission. While there would be some increase in noise and disturbance during the construction of the dwellings and associated infrastructure this could be controlled to an acceptable degree with the use of a planning condition to ensure that development takes place within the parameters of an agreed construction management plan.

#### *Unilateral Undertaking*

46. A UU under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of the contributions and matters set out above. The UU binds the owner to covenants with both Ribble Valley Borough Council and LCC. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
47. The covenants with Ribble Valley Borough Council relate to the provision of the number and proportion of affordable dwellings, as set out above. This is in accordance with the Council's document '*Addressing Housing Need in Ribble Valley*' (January 2012) which sets out the type and tenure of affordable housing that is required. On the basis of the advice in this document and the data from the Whalley Housing Needs Survey 2011, I am satisfied that the need for affordable housing in this development is justified.

48. As already mentioned there is insufficient capacity within the local primary school to be able to accommodate the additional pupils the proposed new housing is likely to generate. Specific information and calculations have been provided in an open and transparent manner by LCC to show where the deficit in school places would occur as a result of this development. The commuted sum is derived from this evidence and based on the LCC document '*Lancashire County Council - Planning Obligations in Lancashire Methodology – Contributions towards education places – Update December 2012*'. The owner covenants with LCC to provide a commuted sum (as set out above) towards the provision of the necessary primary school places.
49. The owner also covenants with LCC to provide commuted sums in relation to off-site highway improvement works and Travel Plan funds. Detailed evidence has been provided to show how the contributions have been arrived at, including a break down of off-site works. These are in accordance with '*The Lancashire County Council document: Planning Obligations in Lancashire Policy 2008*'.
50. I am satisfied that the provisions of the submitted UU would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework.

#### *Conditions*

51. In addition to the standard time condition, and those already mentioned, a number of other planning conditions are required. An implementation condition is reasonable to ensure that the development is carried out in accordance with the approved proposed plans, for the avoidance of doubt and in the interests of proper planning. External materials will require the prior written approval of the Council to ensure that they respect the character and appearance of the surrounding area. Conditions in respect of renewable energy and the code for sustainable homes are necessary to comply with the policies in the Council's LP and emerging Core Strategy.
52. Landscaping and tree conditions are important since this existing site contains some fine mature landscaping and along with additional planting this will help settle the built development into its surroundings. Ecology related conditions are necessary to protect nature conservation issues and avoid the disturbance of habitats of protected species. Because of the proximity of some of the dwellings and gardens to the elevated A59 road a condition is necessary to ensure that the noise environment is satisfactory and thus the living conditions of the future occupiers of these units are protected.

#### **Overall Conclusion**

53. The appeal site is identified in the Council's SHLAA as being suitable for housing and is located on the edge of one of the most sustainable locations in the borough where there is a historic and current unmet need for both market housing and affordable housing. In addition, the Council cannot demonstrate that they have a 5-year supply of specific deliverable sites for housing. The proposal would also bring some economic benefits in terms of construction jobs and to the local economy from the increased population.
54. While the development would result in some moderate harm to the character and appearance of the surrounding area; and only minor harm to the settings of a number of designated heritage assets these would not significantly and

demonstrably outweigh the benefits, summarised above, when assessed against the policies in the Framework taken as a whole; or specific policies which seek to protect heritage assets. So, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Louise Crosby*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Cannock	Of Counsel. Instructed by the Solicitor to Ribble Valley Borough Council
He called	Mr Aydin Zorlutana Mr Adrian Dowd Mr John Macholc Mr Colin Hirst

### FOR THE APPELLANTS:

Mr Christopher Boyle QC	Of Counsel. Instructed by Graham Love of Turley Associates
He called	Mr Roger Mascall Mr Jonathan Berry Mr Graham Love Mr Phillip Livesley

### INTERESTED PERSONS:

Ms Copley	CPRE
Mr M Diack	Local resident
Mr R J M Loebell	As above
Ms K Czapowski	As above
Mr S Scott	As above
Mr M Harper	As above
Mrs Higgins	As above
Mr N Walker	As above
Mr Barker	As above

## **DOCUMENTS**

- 1 Copy of letter of notification of the inquiry
- 2 Photographs of Stockport Viaduct
- 3 Appellants' rebuttal statement in relation to an education contribution
- 4 Appellants' position statement in relation to an education contribution
- 5 Statement of Common Ground – highway matters
- 6 Draft Section 106 agreement (v10)
- 7 Statement of Common Ground – design matters
- 8 Opening submissions on behalf of the appellants
- 9 Mrs Copley's statement to the inquiry on behalf of CPRE
- 10 Mr N Walker's (local resident) statement to the inquiry
- 11 Written statement from Save Whalley Action Group (Mrs Higgins) statement to the inquiry
- 12 Mr R J M Loebell's (local resident) statement to the inquiry
- 13 Ms K Czapowski's (local resident) statement to the inquiry
- 14 Statement on behalf of Lancashire County Council in relation to education
- 15 Agreed education position statement between the main parties
- 16 Mr M Diack's (local resident) statement to the inquiry
- 17 Updated HLS calculation (17 May 2013)
- 18 Copies of correspondence between Mr M Diack and Mr Moir (County

- Archaeologist)
- 19 Mr S Scott's (local resident) statement to the inquiry
  - 20 Copy of brief for Mr Livesley from David Wilson Homes (North West)
  - 21 Red line plans for Lawsonsteads
  - 22 Mr M Harper's (local resident) statement to the inquiry
  - 23 Draft planning conditions (version 2)
  - 24 Agreed 5 year HLS calculations (20 May 2013)
  - 25 Copy of report to RVBC planning and development committee, entitled Housing Land Availability (dated 17 Jan 2013)
  - 26 Pages 10 & 11 of Circular 01/2006
  - 27 Copy of e-mail, dated 16 May 2013, from Sarah Wozencroft to Colin Hirst
  - 28 Appellants' statements on Planning Obligations (21 May 2013)
  - 29 Copy of Lancashire County Council - Planning Obligations in Lancashire Methodology – Contributions towards education places – Update December 2012
  - 30 Planning Obligations in Lancashire Policy
  - 31 Appellants' written response to third party representations, including the highway safety concerns raised by Mrs J Higgins
  - 32 Draft planning conditions (version 3)
  - 33 Written closings on behalf of third parties presented by Mr Diack
  - 34 Mr Cannocks's closing submissions on behalf of the Council
  - 35 Mr Boyle's closing submissions on behalf of the appellants

#### **DOCUMENT SUBMITTED AFTER THE INQUIRY**

Signed version of the Unilateral Undertaking dated 12 June 2013.

## **ANNEX**

### **Schedule of conditions in respect of planning permission granted for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads at Mitton Road, Whalley, Lancashire.**

#### **Commencement of Development**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

#### **Drawings and Plans**

- 2) This permission shall be implemented in accordance with the proposal as detailed on drawings:

Site location plan NW-09-16

Boundary Plan NW-09-17

Proposed Planning Layout (presentation) Plan NW-09-06D

House Type Portfolio Plans NW-09-07 Rev C (listed as they appear in the document):

House Type CE4 House Ref H421---5 planning 2 of 2 (plots 23, 24, 58, 120, 121, 132, 133, 136)

House Type CE4 House Ref H421---5 planning 1 of 2 (plots 23, 58, 120, 133)

House Type CE4 House Ref H421---5 planning 1 of 2 (plots 24, 121, 132, 136)

House Type CE5 House Ref H431---5 planning 1 of 2 (plots 18, 19, 21, 22)

House Type CE5 House Ref H431---5 planning 2 of 2 (plots 18, 19, 21, 22)

House Type CE6 House Ref H431---5 planning 1 of 2 (plot 20)

House Type CE6 House Ref H431---5 planning 2 of 2 (plot 20)

House Type CE7 House Ref H436--X5 planning 2 of 2 (plots 25, 59, 73 & 76)

House Type CE7 House Ref H436--X5 planning 1 of 2 (plots 59, 73, 76)

House Type CE7 House Ref H436--X5 planning 1 of 2 (plot 25)

House Type CE8 House Ref H455---5 planning 1 of 2 (plot 123)

House Type CE8 House Ref H455---5 planning 2 of 2 (plot 123)

House Type CE9 House Ref H469---5 planning 1 of 2 (plot 57, 74, 75, 122)

House Type CE9 House Ref H469---5 planning 2 of 2 (plot 57, 74, 75, 122)

House Type CE11 House Ref H500---5 planning 1 of 2 (plots 119, 131, 135)

House Type CE11 House Ref H500---5 planning 2 of 2 (plots 119, 131, 135)  
House Type CE13 House Ref H536---5 planning 1 of 2 (plots 56, 118, 134)  
House Type CE13 House Ref H536---5 planning 2 of 2 (plots 56, 118, 134)  
House Type CY1 House Ref P206---5 planning (plot 107)  
House Type CY2 House Ref SH35---5 Rev A (plots 26, 30 & 38)  
House Type CY2 House Ref SH35---5 Rev A (plots 5, 36, 51, 66 & 72)  
House Type CY3 House Ref P231-W-5 (plots 110)  
House Type CY3 House Ref P231-W-5 (plots 65\* & 90\*)  
House Type CY4 House Ref P231-V-5 (plots 79, 1118, 126)  
House Type CY6 House Ref P331---5 (plots 92, 103 & 104)  
House Type CY6 House Ref P331---5 (plots 77)  
House Type CY7 House Ref P382---5 (plots 49,50, 53-55, 69-71, 78, 80, 81, 91, 108, 109, 112, 113, 127-129)  
House Type CY8 House Ref H431---5 planning 1 of 2 (plot 117)  
House Type CY8 House Ref H431---5 planning 2 of 2 (plot 117)  
House Type CY8 House Ref H431---5 planning 1 of 2 (plot 12)  
House Type CY8 House Ref H431---5 planning 2 of 2 (plot 12)  
House Type CY10 House Ref H455---5 planning 1 of 2 (plots 11, 82, 83, 114, 115, 124, 125, 130)  
House Type CY10 House Ref H455---5 planning 2 of 2 plots 11, 82, 83, 114, 115, 124, 125, 130)  
House Type CY11 House Ref H469---5 planning 1 of 2 (plot 116)  
House Type CY11 House Ref H469---5 planning 2 of 2 (plot 116)  
House Type CY12 House Ref SH27---5 Rev A (plots 13, 14, 15, 16 17, 29, 67, 68, 84, 85, 86, 87, 105 & 106)  
House Type CY12 House Ref SH27---5 Rev A (plots 1, 2, 3, 4 27 & 28)  
House Type CY13 Walsham (plot 52)  
House Type CY14 House Ref SH38---5 Rev A (plots 9, 10 & 37)  
House Type CY14 House Ref SH38---5 Rev A (plots 6 & 7)  
House Type CY15 Walsham Splayed (plot 8)  
House Type V1 Ruby (plots 35, 64, 89)  
House Type V2 Ruby (plots 32, 33, 34, 61, 62, 63)  
House Type V3 Ruby (plots 31, 60, 88)  
Plan NW-09-11A Planning Plots 39-40 and 137  
Plan NW-09-12 Planning Drawing Plots 93-102  
Country Edge Garages CEG1, CEG2, CEG3, CEG4, CEG5, CEG6

Courtyard Garages CYG1, CYG2, CYG3  
Pumping Station Rev A  
Planning Plots 39 – 48 & 137 Plan NW-09-11A  
Planning Drawing Plots 93 – 102 Plan NW-09-12  
Materials Plan NW-09-13C  
Colour Street Scenes Plan NW-09-14A  
Proposed Site Sections Plan NW-09-15

**External Materials**

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Energy Supply**

- 4) Not less than 10% of the energy supply required for the development (after completion) shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

**Code for Sustainable Homes**

- 5) The dwellings hereby permitted shall achieve a minimum rating level 3 of the Code for Sustainable Home. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code level 3 has been achieved.

**Flooding and Drainage**

- 6) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment submitted by David Wilson Homes/RSK dated July 2012 and letter from RSK dated 30 August 2012 given reference number 880213/CW/L02.
- 7) No development other than the formation of the site access shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details prior to completion of the first dwelling for that phase of the development and adhered to at all times thereafter.
- 8) No development other than the formation of the site access shall take place until a strategy outlining the system of drainage for foul and sewage waste arising from the entire site has been submitted to the Local Planning Authority and approved in writing. This strategy shall include details of any necessary infrastructure including the foul water pumping station. The foul water pumping station shall have a maximum foul pumping rate set at no greater than 5 l/s and shall include sufficient foul

storage to satisfy the design criteria outlined in SFA 6<sup>th</sup> edition. Thereafter the detailed schemes for foul and sewage waste disposal for the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition. No dwellings shall be occupied until the approved foul drainage scheme has been completed in accordance with the approved details.

- 9) No development shall commence on site until a scheme, hereinafter called the Sewer Approved Method Statement, for working near the sewers on site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the Sewer Approved Method Statement, unless agreed otherwise in writing with the Local Planning Authority.

### **Landscaping, Trees and Nature Conservation**

- 10) In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs v) and vi) below shall have effect until the expiration of 5 years from completion of the final phase of development:
- i) Before the development begins (including any site preparation works and the delivery of materials or any excavations) all trees and hedgerows identified for retention in the Tree Report dated July 2012 by Pinnacle Environment Ltd shall be protected in accordance with British Standard 5837 2012 (Trees in Relation to Demolition, Construction and Design), the details of which shall be agreed in writing by the Local Planning Authority and implemented in full. A Tree Protection Monitoring Schedule shall also be agreed and the tree protection measures shall be inspected by the Local Planning Authority before the site works are begun.
  - ii) During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within tree Root Protection Areas. No impermeable surfacing shall be constructed within the Root Protection Areas.
  - iii) No disturbance, pruning or other arboricultural works to any retained tree identified within Table 3.2 of the Ecological Survey and Assessment dated July 2012 as suitable or with low to moderate potential for bat roosts shall take place until a detailed investigation by a qualified and licensed ecologist has taken place. The results of any investigation including details of any mitigation measures required, along with an implementation plan, shall be submitted to and approved in writing by the Local Planning Authority before any tree works take place.
  - iv) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - v) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be

planted at such time as may be specified in writing by the Local Planning Authority.

- vi) The development shall be carried out in full compliance with the Tree Report dated July 2012 unless the Local Planning Authority agrees in writing to any variations to the requirements of the assessment.
- 11) No development shall take place until a detailed Method Statement for the removal and/or treatment and control of Japanese Knotweed (*Fallopia Japonica*) on site has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of the proposed working methods to be adopted to prevent the spread of the species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under Schedule 9 of the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved Method Statement.
- 12) Before practical completion of the first dwelling details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall demonstrate that artificial illumination of wildlife habitats (including the River Calder and its banks, boundary trees and shrubs and hedgerows) is prevented and minimised. The approved lighting scheme shall be carried out and permanently maintained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- 13) No tree felling/vegetation clearance works, or other works that may affect nesting birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds should be undertaken. The report of the assessment (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary and approved measures.
- 14) No development (including clearance of site vegetation) shall take place until a repeat survey for the presence of badgers has been undertaken. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers shall thereafter be implemented in full.
- 15) The removal of any hedgerow, shrub, vegetation or tall grass or other works that may affect brown hares shall be avoided between 1<sup>st</sup> February and 30<sup>th</sup> September inclusive. In the event that works are required to be carried out during the breeding season the area shall be surveyed by a suitably experienced ecologist for the presence/absence of brown hares and their young four weeks prior to the commencement of activities. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out. If the survey demonstrates absence of brown hare and their young then

development may commence. However, if the survey determines their presence, then the area must be avoided and further surveys conducted at four-week intervals with the results submitted to the Local Planning Authority for approval in writing until their absence can be demonstrated.

- 16) Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the play area, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.
- 17) Prior to practical completion of the first dwelling details of the landscaping of the site, incorporating the recommendations of paragraphs 5.10.3 to 5.10.13 inclusive of the Ecological Survey and Assessment dated July 2012 (identifying how the biodiversity of the site will be enhanced, and including wherever possible the retention of existing trees) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, specific details for the creation of the pond including its size, shape, location, planting list, cross section drawing and management plan and the types and details of all fencing and screening throughout the site.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged or diseased, with one of the same species to those originally planted, and of similar size to that removed.

- 18) Before practical completion of the first dwelling details of all garden boundary fencing shall be submitted to and approved in writing by the Local Planning Authority to identify the measures to be taken to encourage habitat connectivity in accordance with paragraph 5.8.1 of the submitted Ecological Survey and Assessment dated July 2012.

#### **Noise Mitigation**

- 19) Prior to first occupation of plots 1-5 the noise mitigation measures as detailed in paragraphs 3.4 and 3.6 of the submitted Noise Assessment dated July 2012 shall be provided and thereafter retained.

#### **Construction Management Plan**

- 20) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning

Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a Management Plan to identify potential ground and water contaminants; details for their storage and how the River Calder will be protected against spillage incidents and pollution during the course of construction; and
- ix) a scheme to control noise during the construction phase.

#### **Roads, Parking and Travel**

- 21) No part of the development hereby approved shall commence until the site access (plan SCP/12036/SCP1/REVB) the King Street lay-by (plan SCP/12036/FO2) and a bus stop on the western side of Mitton Road have been constructed in accordance with details first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 22) No part of the development hereby approved shall commence until a scheme for the construction of the emergency access (plan SCP/12036/FO3/REVB) has been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall be constructed in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwelling and thereafter retained.
- 23) No more than 50 dwellings shall be occupied until the Full Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period), and the provision of a travel plan co-ordinator. The plan will be carried out, audited and updated in accordance with the approved details.
- 24) At no time in the future shall the emergency route onto Broad Lane be opened up as a public highway for all vehicular traffic. The link shall remain solely for the use of pedestrians, cyclists, public and emergency services.
- 25) No heavy goods vehicles shall enter or leave the site between the hours of 0830 and 0930 and 1500 and 1600 hours.

**APPENDIX 7**

**RVBC Press release 3<sup>rd</sup> July 2013**

## PRESS STATEMENT



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

### WADDOW VIEW PLANNING APPEAL

RIBBLE Valley Borough Council has today announced its decision not to defend an appeal by Huntroyde Estate and others against its rejection of plans to build 345 properties and a 50-place nursery at Waddow View, Clitheroe.

The council's planning and development committee rejected the plan on February 14 following a recommendation of refusal by officers.

Council leader Stuart Hirst said: "Expert legal advice indicates that the authority now has no realistic chance of winning this particular appeal.

"Subsequent to the council's refusal of this application, ministerial statements on house-building and the Planning Inspectorate's interpretation of planning policy have forced us to review our position.

"As leader of the council, I have a duty to ensure that public money is spent wisely and to proceed with this appeal in view of the advice we have received would be ill-considered, particularly given that the authority may be facing further legal costs in relation to other planning appeals.

"We regret that Government planning guidance has made the authority's position impossible to defend in this particular case.

"I have every sympathy with Ribble Valley residents and share their frustration and anger at the difficult position in which the borough has been placed in relation to extensive and unwanted development.

“I will be meeting residents and ward members at the earliest opportunity to explain the situation and offer any help I can.

“We do not view this as a precedent and will continue to examine each case on its merits.”

Ends.

Date: July 2 2013.

## **APPENDIX 8**

**Email from RVBC Head of Planning to PINS 3.7.13**

Jane and Carl,

Copy of letter sent to Inspectorate in relation to the decision of the LPA to withdraw its objections from the appeal.

John

John Macholc BSc Hons Dip TP MRTPI DMS

Head of Planning Services

Ribble Valley Borough Council

Tel 01200414502

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**From:** John Macholc

**Sent:** 04 July 2013 09:25

**Cc:** Debbie Nuttall; Colin Sharpe; Joanne Macholc; 'Giles Cannock'

**Subject:** Appeal at Waddington Road Clitheroe

Sarah,

Further to our recent discussion regarding the above appeal reference APP/T2350/A/13/2194601 which relates to an appeal by The Huntroyde Estate/Clitheroe Auction Mart Co Ltd/Mr J Taylor;Ms Sarah Howard & Ms Samantha Howard at land off Waddington Road, Clitheroe I confirm that that the Local Planning Authority has decided to withdraw its objections to the appeal and no longer offer witnesses to defend the appeal. It will still attend in order to contribute to the discussion regarding any planning conditions and S106 Agreements and to offer any further assistance to the Inspector at the Inquiry.

The Council has advised the appellant of their intention and on that basis it is given to understand that there will be no costs claims made by either party.

A press statement by the Council has been issued .

The decision to withdraw from the appeal was taken in the light of a review of the planning balance, recent Inspectorate decisions, ministerial advice and new evidence available to the Council since the original decision.

I trust you will advise the Inspector accordingly as this decision may have an impact on the timetable for the forthcoming appeal which is due to commence on the 4th August 2013.

Kind regards

John Macholc

John Macholc BSc Hons Dip TP MRTPI DMS

Head of Planning Services

Ribble Valley Borough Council

Tel 01200414502

**Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)**

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## **APPENDIX 9**

**RVBC Planning committee report February 2012**

## Minutes of Special Planning and Development Committee

Meeting Date: Thursday, 2 February 2012 starting at 6.30pm  
Present: Councillor R E Sherras (Chairman)

Councillors:

S Bibby	J Rogerson
T Hill	D Taylor
B Hilton	M Thomas
J Holgate	R Thompson
S Knox	J White
G Mirfin	

In attendance: Chief Executive, Director of Community Services, Head of Planning Services, Head of Regeneration and Housing, Head of Legal and Democratic Services.

Also in attendance: Councillors P Ainsworth, R Bennett, R Hargreaves, K Hind (arr. 7.15pm), S Hirst, S Hore, K Horkin, R Newmark, M Ranson, C Ross, I Sayers, G Scott, D Smith and N Walsh.

### 712 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor S Carefoot.

### 713 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 714 PUBLIC PARTICIPATION

Adam Korol on behalf of the Sabden Residents Association expressed the view that developers should not be allowed to change the Ribble Valley and that further development in Sabden would reduce the quality of life for the villagers. He requested that the Council work with Sabden to revitalise the village and that no more houses be allowed to be built in Sabden.

Pauline Wood on behalf of Clitheroe Civic Society expressed surprise at the proposed numbers of homes to be built in the Ribble Valley and remarked that although residents had been consulted, they had only recently realised the impact. She reminded Committee that a petition had been started that already had over 400 signatories and that these people must be listened to.

Doctor Mike Harper on behalf of Save Whalley Village Action Group informed Committee that the people of Whalley had been encouraged to engage with the Core Strategy and that despite opposition the proposed number of houses had increased and that this target was not right for the borough. He expressed the

opinion that it cannot be sustainable for the Ribble Valley to have all these extra houses and that the Borough Council must defend the borough.

Mr Thornton-Bryer, Milton Avenue Protest Group felt that the government had lifted one set of rules without new ones being in place and that the Core Strategy process did not meet public sector requirements. He also expressed the opinion that the Council was leaning towards a maximum number of houses without any reasoning and asked that the Strategy be reconsidered in a professional manner.

Simon O'Rourke, Clitheroe Town Council informed Committee that it was felt that the Borough Council was being driven by developers and that there was a lack of industry to cope with more residents as well as other facilities also being full to capacity eg supermarket car parks and recreational facilities and that the Borough Council needed to maintain the character of the borough.

Steve Rush highlighted comments made by several conservative ministers with regard to avoiding inappropriate development and communities being in control helping to protect green space with less urban sprawl. He felt that locally, there was no one listening to the residents and that the countryside would be destroyed.

Mrs Mallinson felt very strongly about additional development in the Ribble Valley. She reiterated comments made by David Cameron MP and spoke about the need for affordable housing in Ribble Valley and not speculative housing.

Ron Loebell informed Committee that he was concerned that less than 1% of the borough's population had bothered to respond to the consultation, which he felt meant that 99% were either happy with what was happening or didn't care. He felt strongly that residents should have spoken up when they had the chance.

#### 715 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

#### 716 CORE STRATEGY – HOUSING REQUIREMENTS

The Chairman asked permission of the Committee for those Councillors who were not Members to be allowed to speak at this stage in the proceedings.

Councillor Ranson was given permission to speak and remarked that it was extraordinary that people say they are unaware of the Core Strategy considering the length of the consultation exercise and that ultimately the numbers will be decided by an Inspector in that we have to produce figures that can be justified by evidence in front of an Inspector. He informed Committee that the Borough Council does take this very seriously and that we need to be the ones making defensible decisions or the Inspectors will decide for us. He felt it was important that the Core Strategy should be progressed as quickly as possible so that the borough is not swamped by developments.

Councillor Hirst was given permission to speak. He informed Committee that dealing with planning issues was a highly constrained/regulated area with detailed guidance that must be worked to and subject to the independent scrutiny of an Inspector. A number had to be set for the housing requirement in order to control development in the future, and that it needs to be set at a level that is sustainable but that will not be thrown out by the Inspector and so have to start again from the beginning with the whole process.

Councillor Newmark was given permission to speak. He spoke strongly in defence of the Councillors on the Planning and Development Committee who were also residents of the Ribble Valley. He remarked that the Borough Council had lost appeals where applications had been refused in the past because, in the view of an Inspector, the refusal was not based on solid evidence. The consultation process had been lengthy and the proposed housing requirement numbers had been drawn from conclusions on receipt of consultation responses.

The Head of Regeneration and Housing gave Committee a brief roadmap through the report informing Committee why there needed to be established a requirement for housing and that it was fundamental to the Core Strategy moving forward. The Core Strategy also has to reflect national policies and guidance and there was a framework to abide by and relevant evidence to be considered. He reminded Committee that consultants had been appointed to provide the Council with their report and advice and that their key conclusion was that 190 – 220 was an appropriate level of dwellings per annum for the 20 year plan period. It was recognised that the position of housing delivery must be constantly monitored. Their report had been published for consultation and a working group had been established to look at the housing requirement numbers. The consultation had generated 139 responses from a range of respondees, 118 of which had been made by members of the general public and the others were generally of a more technical nature on behalf of landowners, developers and house builders. Some of these detailed responses had been sent to NLP Consultants for further consideration including the counter proposal from Save Whalley Action Group. However, NLP were of the same mind with regard to the housing requirement figure, although they acknowledged some of the points made. He felt that the conclusions and evidence pointed to a figure of 4,400 dwellings over the plan period of 20 years was the right figure to recommend.

Committee discussed various aspects of the housing requirement figure. It was felt by Committee that NLP offer a robust evidence base with recognition of economic growth and the challenges ahead. There was some discussion about when a formal review should be undertaken which would take into account new census figures and other information. Committee were informed that an annual monitoring report that would take into account changing policies and circumstances, would be carried out. It was understood that the Borough Council had to accept more houses being developed in the Ribble Valley and that the housing requirement number had to be defensible.

**RESOLVED:** That Committee agree for the purpose of the Core Strategy that the housing requirement is set at the middle of the range advised by the Council's consultants namely 4000 dwellings during the plan period (200 dwellings per annum) and

that provision for a formal review to be undertaken within five years or less of adoption of the Core Strategy be included in the proposals.

The meeting closed at 8.30pm.

If you have any queries on these minutes please contact John Heap (414461).

**APPENDIX 10**

**RVBC (Colin Hirst) supplementary proof to Barrowlands appeal  
June 2013 APP/T2350/A/13/2190088**

**TOWN AND COUNTRY PLANNING ACT 1990**



**Ribble Valley  
Borough Council**

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**APPEAL BY BARROW LANDS COMPANY LIMITED  
AGAINST RIBBLE VALLEY BOROUGH COUNCIL'S  
NON-DETERMINATION OF AN APPLICATION IN RELATION TO THE  
LAND TO THE SOUTH WEST OF BARROW AND WEST OF  
WHALLEY ROAD, BARROW, NEAR CLITHEROE, LANCASHIRE**

**PUBLIC INQUIRY  
TO BE HELD  
4<sup>TH</sup> to 14<sup>TH</sup> JUNE 2013**

**SUPPLEMENTARY STATEMENT RELATING TO**

**HOUSING LAND SUPPLY**

**COLIN JACK HIRST (HONS), Dip. Plg., DMS, M.R.T.P.I., M.C.I.M.,**

**ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**DOE REFERENCE APP/T2350/A/13/2190088/NWF  
LPA REFERENCE 3/2012/0630/P  
NGR SD373439 43803**

## **1. Introduction**

- 1.1 I have read the Proof of Evidence submitted by Stephen Nicol and would draw attention to the following issues.
- 1.2 Firstly, I maintain my view that the proper forum in which to deal with establishing the housing requirement for the borough is through the Core Strategy process and the Examination for which an Inspector is appointed. The Council has established a housing requirement for the borough that has been adopted for development management purposes in the light of the abolition of the Regional Strategy. The housing figure is 200 dwellings per annum, as a minimum.
- 1.3 Notwithstanding this, and the fact that in making the following comments there is no implication on my part that I accept the position put forward in the remaining areas of Mr Nicol's proof, I make the following response on the points set out.

## **2. Policy Context**

### Paragraph 3.5

Reference is made in paragraph 3.5 of Mr Nicol's proof to the recently published modelling tool – What houses where? I am familiar with this tool that was recently published in March 2013 and would confirm that it has not been applied by the Council in determining its housing requirements. As indicated in my proof, the Council has informed its housing requirements based on the advice of Nathaniel Litchfield and Partners and the report is set out in my appendices for reference.

The toolkit is intended to provide a baseline of evidence to which you apply local knowledge and understanding to help form a view of the number and type of houses that should be planned for. It provides a tool from which to start but then needs the application of local considerations against which to formulate housing requirements. The Core Charts in the tool provide information on how the area has developed and how it might develop if past trends were to continue. I would note that the process of forming a development plan is to look at future requirements and not simply to replicate past trends.

### Paragraph 3.6

Mr Nicol criticises the Council for its approach to co-operation with its neighbours. I would confirm that the Council has consulted with relevant neighbouring authorities during the preparation of the Core Strategy and in devising the housing requirement for the area. The comments received from authorities have been taken into account. The Council has worked jointly with neighbouring authorities to prepare the Pennine Lancashire Housing Strategy, the Lancashire Housing Strategy and the Pennine Lancashire Spatial Plan.

### **3. Assessing Housing Needs**

#### Paragraph 4.3

The Council has sought to recognise that the change in the economic situation has produced an uncertain effect on the need for housing including uncertainty over the ability of the market to deliver and the ability of people to finance house purchase. The Council maintains the view that this is an appropriate local consideration to take into account when determining housing requirements contrary to the view expressed by Mr Nicol.

Mr Nicol also raises in his second bullet point at paragraph 4.3 the need for evidence to demonstrate how reducing numbers in Ribble Valley will impact neighbouring housing markets.

I would comment that it is clear from our joint work with neighbouring authorities, particularly in parts of Pennine Lancashire, that new housing in Ribble Valley can have the effect of drawing investment from neighbouring areas to their detriment. This was a key concern for our neighbours pursuing housing market renewal and was expressed in a number of documents produced as part of that work. This consideration has been a factor in strategic planning in relation to both the structure plan and regional strategy being taken into account in the determination of housing requirements. More recently, I would draw the attention of the Inspector to correspondence received from Blackburn with Darwen Borough Council in response to our consultation that specifically dealt with this issue. A copy of the letter from Blackburn with Darwen Borough Council is attached as an Appendix to this statement.

#### Paragraph 4.5

I note Mr Nicol's comments with regard to the Members of the Committee not accepting the officers recommendations with regard to the housing requirement. I would simply point out that Members are entitled to take a range of considerations into account and are not obliged to accept the recommendation of their officers.

#### Paragraph 4.6

I attended the Committee to which Mr Nicol's refers in paragraph 4.6 and am aware of the extensive discussions on the item that took place. I would advise that it is not the practice of this Council to undertake a transcript or make a recording of the debate at Committee meetings. Members had extensive information available to them including the consideration and views from the Member Working Group that was established to examine the issues in more detail. The minutes from the working group were included in the Committee report. In addition, Members had the benefit of presentations throughout the process of preparing the housing requirements work with the consultant and were familiar with the issues it raised.

#### Paragraph 4.7 – 4.11 – Critique of the NLP Study

Mr Nicol provides a critique of the NLP study and makes reference to his evidence in connection with the Henthorn Road Inquiry. I have included a specific commentary on the critique provided as part of the reasons for the appeal as an appendix to my proof from NLP. In paragraph 4.11 of Mr Nicol's proof, he makes reference to the observations of NLP with regard to their views of realistic build rates and constraints to delivery. Mr Nicol is correct in my view in drawing attention to the recognition in paragraph 47 of NPPF that whilst promoting the need to boost housing supply, this imperative is tempered by the need to be consistent with the policies set out in the framework (NPPF). Mr Nicol's gives the example of Green Belt as a potential constraint; he does not however make similar reference to AONB, heritage designations, nature conservation designations and flood risk areas for example, all of which like Green Belt, form delivery constraints in an area such as Ribble Valley. I therefore conclude it continues to be appropriate for NLP to recognise that there are such constraints to delivery in this context.

#### Paragraph 4.12

I note Mr Nicol's comments regarding his own evidence to the Henthorn Road Inquiry. A copy of the Inspector's decision letter is included at Appendix 13 of my Proof of Evidence for reference.

At paragraph 19 of the Inspector's decision letter, the Inspector established the background and recognised the housing requirement as resolved by the Council, namely 200 dwellings per year.

In paragraph 20 of the decision letter, the Inspector goes on to state that 'taking all of the above matters (*paragraph 19*) into account I consider that the appropriate housing requirement figure to be used in determining this appeal should be not less than 200 dwellings per annum'. (my emphasis). In other words, the Inspector had decided that the Council's housing figure is the most appropriate to apply when judging the appeal.

The Inspector does go on to state that he has heard credible and robust evidence to suggest the figure should be higher and also notes that in that appeal, in which the Council was represented by consultancy, the evidence was uncontested. Of note also is that the Inspector also goes on to state that 'the outlook for the UK economy is somewhat uncertain and a cautious approach should be taken pending completion of the Council's Core Strategy'.

It is clear to me that the Inspector accepted the Council's housing requirement as the most appropriate to apply his judgement against and that he further confirms that it was appropriate to take into account the economic outlook for the UK economy when

considering this issue. This contrasts with Mr Nicol's views expressed at paragraph 4.3 of his proof where he does not believe that the economic circumstances should be taken into account.

#### Paragraph 4.15

The Council has commissioned further work as part of the evidence base update that will take into account the latest household and population projections. This information is in preparation and yet to be considered by the Council, it will be prepared in order to be presented to the Core Strategy Inspector at the end of June. However, this matter remains to be addressed by way of the Core Strategy Examination to be heard by the appointed Inspector. At this time, the Council has an established housing requirement that has been adopted for Development Management purposes and is the correct basis against which housing requirements should be judged for the purposes of this appeal.

### **4. Affordable Housing Need**

#### Paragraph 4.28

The Council has commissioned an updated SHMA which is yet to be considered by Members. It is important however, to bear in mind that the SHMA identifies a level of need including addressing the backlog in five years (as the guidance requires). However, it should be borne in mind that this does not in itself mean that this number of houses need to be built. New house building is not the only measure by which affordable housing is delivered, albeit this has to play a significant part in the delivery process.

The Council engages other measures such as grant schemes to bring properties into affordable supply, acquisition of existing stock and employing an empty homes strategy. Significantly the Council also supports access to private rented stock for people in need of affordable housing through the benefits system.

### **5. Assessing Housing Supply**

The evidence in Mr Nicol's proof is based upon the most recent housing land monitoring report (April 2013). Mr Nicol's presents his assessment of the supply position, which in addition to the position in April 2013, where 219 dwellings were discounted, he suggested a further 84 dwellings could also be excluded. He includes the Council's assessment of sites with unsigned Section 106 Agreements and also considers it appropriate to continue to include a 10% buffer in accord with the Council's methodology to take account of the likelihood of slippage. He further identifies some 28 dwellings shown as under construction which should also be excluded as they are long-standing schemes.

In the recently held Public Inquiry dealing with an application for land at Mitton Road, held between the 4th May to 17th May, evidence was agreed in relation to housing land supply and in particular an updated position on sites to be discounted was established. The appellants in this case were experienced national housebuilders that have considerable experience in the housing market. This most recent evidence alters the Council's position in relation to housing supply and has an impact on the review set out by Mr Nicol. This is a matter where further discussions will be required to confirm a revised housing position.

The following position on sites was agreed in evidence at that inquiry.

Henthorn Road, Clitheroe (reference 3/2010/0719/P) 270 units. RVBC has discounted 160 from the supply as a result of previous evidence. The position agreed from the agent's evidence (Turley Associates) at the inquiry is that all 270 units will be delivered in 5 years. Therefore no units are to be discounted.

- Land off Dale View, Billington. It is agreed 23 units unlikely to be built out.
- Victoria Mill, Sabden. 70 units to be discounted (including 27 affordable). It is agreed, that these units are to be discounted, it is also acknowledged that an error existed in the report schedule which recorded the figure as 77.
- Victoria Street Garage, Victoria Street, Clitheroe (3/2012/0185/P) 9 dwellings to be discounted.
- Barker's Garden Centre, Clitheroe (3/2010/0550/P) it is agreed that 32 dwellings, including 9 affordable, are to be discounted.
- Pack Horse Garage, Mellor (3/2010/0180/P) 9 dwellings are agreed to be discounted.

The total units considered to be undeliverable on this basis 120 (of which 36 are affordable).

For comparative purposes I will apply these discounts to the April 2013 housing land supply schedule referred to by Mr Nicol's in his proof as a matter of consistency and which I set out later in this statement.

#### Reference paragraph 5.7

Mr Nicol expressed concerns about the inclusion of sites subject to a Section 106 Agreement but includes all 9 sites shown in the summary schedule. This gives a

potential supply at April 2013 of 293 units. The Council have subsequently agreed in evidence that in assessing deliverability 3 sites are subject to constraint and should be discounted from the supply. These sites are:

- Land off Dale View 3/2012/0065 – 12 units;
- Land adjacent Greenfield Avenue, Clitheroe 3/2012/0014/P – 30 units;
- Land off Dale View, Billington 3/2012/0738/P – 10 units

Total 52 units.

Therefore for consistency, I would also discount this 52 against the 293 in the schedule giving a contribution from Section 106 sites of 241 units.

#### Reference Paragraph 5.8

Evidence from the applicants agent at Mitton Road inquiry demonstrated that no discount should be made for units at Henthorn Road. Therefore all 270 units should be counted in the supply as deliverable.

It was agreed that land off Dale View (23 units), Victoria Mill, Watt Street, Sabden (70 units) and Victoria Street Garage, Victoria Street, Clitheroe, (9 units) should be discounted. A total 102 from the sites.

In addition it was agreed in evidence that the site at Barker's Nursery, included in Mr Nicol's table at 5.3, namely 32 units was unlikely to come forward giving a further 32 units to be discounted. No further sites are agreed as undeliverable from table 5.3.

Mr Nicol seeks to discount a further 28 dwellings from those shown as under construction and gives a number of reasons for this. I have no evidence to dispute the exclusion of these dwellings from the supply. I would therefore agree that it is appropriate to discount these units under construction by 28 dwellings.

In summary this would provide an updated supply position compared to that in 6.40 of my proof as follows:

Sites subject to Section 106 Agreement	241
Affordable units (335 – 36 ) (Excludes sites under construction)	299

Sites with planning permission (Excludes sites under construction)	1163
Subtotal	1703
Less sites not deliverable	102
Subtotal	1601
Less 10% slippage	1441
Site under construction (Less slippage of 28)	155
<b>Total Dwellings</b>	<b>1596</b>

Taking the 5-year requirement assessment as at April 2013 the following would apply:

(a) Housing provision 2008–2028	4000	200 dpa
(b) Net dwellings completed 2008-2013	552	110 dpa (552 ÷ 5)
(c) Net dwellings required 2013-2018	3448	
(d) Adjusted net requirement 2013-2018	1145	229dpa (3448 ÷ 15)
(e) Add NPPF buffer of 20%	1374	229 + 20% = 275

Revised 5-year target – 1375 or 275 units per year

This gives a position of 5.8 year supply on my assessment.

If the Sedgefield approach is applied the calculation for requirement would be taken as 1738 giving an annualised rate of 348 dwellings per year. On my supply assessment this would equate to 4.6 years supply.

## 6. Conclusion

I have adjusted my supply calculation to take account of the position agreed in evidence at the recent Mitton Road, Inquiry which gives on my assessment 5.8

years supply as the Council's current position.

If the Sedgefield approach is applied this gives a position of 4.6 years on my assessment which coincides with that of Mr Nicol.

Further discussions are anticipated to take place in order to reach any further agreement in relation to the current housing land supply position and narrow any issues as appropriate.

In regard to Mr Nicol's conclusions at his paragraph 6.5 I would offer the following comments:

1. The Council has taken measures to increase planning permissions and supply has improved over the last 12 months. My latest assessment taking account of the most recent information is a 5.8 years supply position.

2.

The Council considers the application of the residual method is appropriate. The adjustments made by the Council by applying the NPPF buffer incorporates an adjustment to that makes provision for any backlog in a prescribed way. NPPF does not provide any guidance in relation to the calculation of housing land supply. It does however incorporate a specific buffer identified at 20% of which 15% accounts for an adjustment to be made as a result of previous under-delivery.

The Council's assessment does not put off delivery of the backlog for the whole plan period. The revised annual requirement with the prescribed policy buffer seeks to deliver the backlog over a much shorter period.

3. The Council maintains its position that the correct forum in which to determine the housing land requirement is that of the Core Strategy Examination.







✓  
PRN 481.  
redacted +  
adv' of key email  
specific consultation



Core Strategy Consultation  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
CLITHEROE  
BB7 2RA

Date: 14th June 2012  
My Ref:  
Your Ref: CH/EL  
Please ask for: Mr D Proctor  
Direct Dial: 01254 585570  
Email: david.proctor@blackburn.gov.uk

Dear Sir / Madam

### RIBBLE VALLEY PUBLICATION CORE STRATEGY

Thank you for consulting Blackburn with Darwen Borough Council on the above plan. We are pleased to provide our comments, focusing on issues which have a cross-boundary dimension and are therefore caught by the Duty to Co-operate.

The key issue in this regard is the approach set out in the Core Strategy to new housing. Blackburn with Darwen's defined housing market area adjoins Ribble Valley's, and in reality there is a degree of overlap in the northern part of Blackburn.

In summary we are supportive of the approach set out in Ribble Valley's Core Strategy. We consider that it integrates well with that put forward in Blackburn with Darwen's Core Strategy, and will help work towards both authorities achieving their desired housing outcomes. The following are key elements of your Core Strategy's housing approach which we consider will contribute to this.

#### **The housing target of 200 per year**

We note that with the imminent (though not yet implemented) abolition of Regional Strategies, Ribble Valley has needed to establish its own evidence base to support the proposed housing target. In this regard we have reviewed the "HEaDROOM" report prepared by NLP and the way it has been translated into your Core Strategy. Overall we consider that the NLP report represents a robust basis on which to establish housing targets, and that there has been a logical approach to using the evidence to inform policy.

The NLP report considers a number of scenarios, highlighting as a key variable the assumed rate of migration. It notes that Ribble Valley is highly dependent on net inward migration to maintain a stable and growing population; and also that practically it would not be possible to stop in-migration even if this were desired. It is therefore appropriate for the housing target to continue to assume a significant level of net in-migration.

At the same time, it is a clear policy objective of Ribble Valley to prioritise the needs of its existing population, particularly those of working age who may otherwise be forced to leave the area because of high house prices. Alongside this it is an objective of Blackburn with Darwen to retain

a greater proportion of its population and to reduce the loss of skilled labour, by providing high quality new housing to meet the needs of selective buyers.

In view of these policy objectives in both authorities, we are supportive of the adoption of a housing target for Ribble Valley that assumes some decline in the rate of net in-migration as compared to past trends (which according to scenario A would give a target of 220 per annum rather than 200). This will increase the likelihood of would-be in-migrants considering other nearby areas, including parts of Blackburn with Darwen.

**The affordable housing target, and the overall emphasis of housing policy**

It is our reading of the Core Strategy that there is to be an emphasis on providing "local needs" housing including affordable housing and housing for elderly people (Key Statements H2 and H3). The provision of significant amounts of affordable housing is consistent with the objective of reducing out-migration of young economically active people, and with the related need identified in the NLP study to support job growth within Ribble Valley by increasing the size of the local labour force.

We consider that this approach provides a good fit with Blackburn with Darwen's Core Strategy policy priorities, which include the expansion of Blackburn with Darwen's upper-market / executive housing offer. We anticipate that the operation of the two Core Strategies alongside one another will broaden the area within which such housing is delivered, away from its traditional focus which has been almost exclusively in the Ribble Valley, thus increasing the choice of housing available in the wider area.

**The spatial distribution of new housing**

We are supportive of the proposed spatial distribution of new housing, including the development of a strategic site at Clitheroe. Focusing new housing towards Ribble Valley's larger existing settlements will help reinforce the existing pattern of development in Lancashire which we consider to be generally sustainable.

In conclusion we are strongly supportive of the approach that your authority has set out in its Publication Core Strategy, particularly in relation to housing which is a key area in which cross-boundary issues arise. We believe that implementation of your strategy alongside our adopted Core Strategy will lead to a joined-up approach to planning for housing across our common boundary and will support both of our authorities' key housing objectives.

We would be very happy to attend the public examination into the Core Strategy to support you in promoting this approach to the Inspector, and in resisting any representations that you might receive advocating an alternative approach.

Finally please do not hesitate to contact me if you require clarification on any of the points in this letter.

Yours faithfully,

David Proctor  
Planning Policy Team Leader