

Our Ref: VR/CA/61001

Your Ref:

15 September 2023

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning
Ribble Valley Borough Council

By Email Only

Dear Kathryn

OUTLINE PLANNING APPLICATION FOR UP TO 9,290SQM OF EMPLOYMENT DEVELOPMENT

LAND SOUTH OF CAUSEWAY FARM BALDERSTONE BB2 7HZ

APPLICATION REF: 3/2023/0148

On 31st August 2023, you wrote with a summary of your assessment of our Client's proposals for land to the south of Causeway Farm. In a separate email on the following day (1st September 2023), you advised that (i) you had concluded that this is not a case in which the NPPF tilted balance is engaged (see NPPF paragraph 11(d); and (ii) that you would be recommending that the application be refused. It is understood that you are aiming to have the application determined at the meeting of the Council's Planning Committee on 21 September 2023.

The purpose of this letter is to correct some fundamental errors in your assessment of the proposals. Your Report to Planning Committee has recently been made available, and we will comment on this in due course, either in writing or verbally at the meeting itself.

Most Important Policies for the Determination of the Planning Application

The NPPF requires the Council to identify the development plan policies that are of most importance to the determination of the planning application and to make an assessment as to whether any of these are out of date. If any such policies are out of date, and there are no NPPF footnote 7 policies applying¹, then the tilted balance will be engaged and planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits of the proposals.

A large number of the development plan's policies are 'relevant' to the determination of the planning application but only two are 'most important' to its determination. These are **EC1** and **DMG2**.

Policy EC1 articulates a strategy for the delivery of employment development within the Borough and although the strategy is based on an employment development requirement (8ha) that is demonstrably out of date (see the more recent assessment of employment development needs contained in the Ribble Valley Economic and Employment Land Needs Study, dated 17 December 2021) it allows for more than 8ha of development so long as this is in locations within and adjacent to Clitheroe, Whalley and Longridge, at Barrow Enterprise Site, at the Lancashire Enterprise Zone at Samlesbury and in locations well related to the A59

¹ There are no Footnote 7 policies applying to this case

corridor. We read Policy EC1 as a policy that is designed to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances consistent with NPPF paragraph 82(d). As a consequence, we find EC1 to be up to date and consistent with the NPPF and so a Policy that may be afforded full weight. Our Client's proposals would be located within the A59 corridor and so comply with EC1.

Policy DMG2 is most definitely out of date. The Policy, and the settlement boundaries that it refers to, were defined almost 10 years ago and are underpinned by development requirements that have long since been superseded. Moreover, these are requirements that no longer look ahead at least 15 years in accordance with paragraph 22 of the NPPF and have not been reviewed every 5 years in accordance with NPPF paragraph 33. Finally, the Policy does not allow for a balanced approach to be taken to the assessment of proposals outside settlement boundaries and goes further in its approach to protecting the open countryside, which paragraph 174 of the NPPF states that planning policies and decisions should merely recognise the intrinsic character and beauty of the countryside. Policy DMG2 is also at odds with Policy EC1 which supports the delivery of employment development in locations not preferred for development by DMG2.

You referred to **Policy DS1** in your email. This makes no reference to employment development of the type proposed at Causeway Farm and, like DMG2, is at odds with EC1. In the light of the fact that EC1 deals specifically with proposals of the type under consideration here, it must be applied over DS1. If we are wrong about that and DS1 is to be applied, then it is also out of date for the reasons given in respect of DMG2.

As a consequence of the above, the tilted balance is without doubt engaged in this instance and so planning permission must 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.

Harm v Benefits

Benefits

The proposed development will deliver a number of key benefits as follows:

Employment land supply and spatial distribution - the proposed development would deliver 9,290sqm of industrial/distribution floorspace in a location that is consistent with the provisions of Policy EC1. The latest economic and employment land need report, published in December 2021, demonstrated that Ribble Valley has a minimum shortfall of 10.49ha of employment land, with the greatest need being for industrial and distribution floorspace.

You mentioned in your email dated 31st August, that the Housing and Economic Development DPD allocates three sites to deliver a residual requirement for 2.41ha of employment land, and that not all of them have come forward to date. Analysis contained within appendix 1 of the Council's own latest Economic and Employment Land Needs study, and through our own research, demonstrates the latest position on these sites:

- Policy EAL1 – Land at Sykes Holt, Mellor – **Built out – location of Daniel Thwaites HQ**
- Policy EAL2 – Land at Time Technology Park, Simonstone – **Site almost fully built out and all existing units fully let.**
- Policy EAL3 Land at Higher College Farm, Longridge – **planning consent granted 9/1/23**

As demonstrated above, two out of the three sites have already been built out. In the case of Higher College Farm, there was previously an outline planning application submitted for residential development which was dismissed at appeal in December 2020. Furthermore, the strategic road access for the site is classified as 'very poor' in the Economic and Employment Land Needs study 2021 as access to the A59 would be via the B6245 which is a country road with single lane bridges. Both the site assessment, and the previous residential development planning application indicate that there may be some issues with this site delivering employment floorspace, despite the recent planning consent being in place.

The proposed development at Causeway Farm however would help to fulfil the most recent employment land need for the Borough, and it has direct access onto the A59 corridor, which is deemed a suitable location for employment development in the Ribble Valley Core Strategy.

Job creation - the proposed development would create local jobs for local people. Jobs will be created both during construction and then operation. On completion, the development will create approximately 181 full time equivalent jobs. As such, the proposed development would make a significant positive contribution to the local economy at a time when the development plan is failing to deliver the growth that is demonstrably required.

Paragraph 81 of the NPPF states that *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. The economic benefits of the proposals must, therefore, be afforded significant weight in the planning balance.

Social benefits – the proposed development will deliver enhancement measures to the existing PROW routes and hedgerows, thereby enhancing the experience of the users of the PROWs within and around the site. The sensitively landscaped design of the site will impact positively on the wellbeing of future workers. Paragraph 92(c) of the NPPF supports development which enables healthy lifestyles. The site is in close proximity to the village of Osbaldeston and will therefore provide an employment use which supports neighbouring and vibrant local communities, which is key to fulfilling the social objectives of the NPPF as specified under paragraph 8b).

Environmental benefits – the proposal is for a highly accessible development which can encourage staff to travel using more sustainable modes of transport such as walking and cycling and public transport, with frequent services along the adjacent A59. Paragraph 104 of the NPPF supports development proposals which provide opportunities to promote walking, cycling and the use of public transport. In addition, the proposed landscaping scheme will deliver boundary hedgerow enhancement with new native planting, will deliver green corridors along footpath routes, incorporate new tree planting in the form of new standalone trees and tree copses, and wildflower planting. All of these measures would produce an overall net gain in terms of biodiversity. Paragraphs 174 d) and 180 d) of the NPPF support proposals which deliver net gains for biodiversity.

Harms

You appear to be asserting that the development would cause harm because it would be at odds with the spatial strategy articulated through Policies DS1 and DMG2. This is not correct. The development plan allows for employment development in locations well related to the A59 corridor. The application site is immediately adjacent to the A59. Moreover, the proposals are essential to the local economy as they will help meet a need for employment development that is not currently being satisfied. As a consequence, the proposals accord with Policy DMG2. They are not, as you suggest, at odds with it.

If we are wrong about the spatial strategy, then the harm that arises from a failure to comply with a strategy that is demonstrably out of date and at odds with the provisions of the NPPF must be very slight indeed.

We accept that the proposals will cause some harm to the local landscape. However, the site and surrounding area is ordinary countryside, it is not a valued landscape in NPPF terms and the landscape and visual effects of the proposed development will be minor. Only a very small proportion of the landscape character area will be affected, no fundamentally defining features will be lost, and those features that will be impacted will be compensated for. The proposed scheme will make localised improvements to the landscape features in the site, which include improvements to the condition of the existing hedgerows, the introduction of site wide soft landscaping. The development will be visible within a limited visual envelope and to a relatively small number of visual receptors. Importantly, the visual context is such that when the site is visible, it is viewed through the filtering effect of the site boundary vegetation. The site is well

contained by its own boundary vegetation but parts of the boundaries are less intact which affords greater intervisibility with the surrounding landscape to the north and north-west. There are no views within which the site is seen as an important component of the landscape in its current usage, and even for the more sensitive of visual receptors, the development of the site would still not result in the loss of any important scenic qualities or valued visual features. No residential views from Mellor Brook will be interrupted or curtailed. A small number of more distant residential views will experience a change in the composition of their overall view, whereby the development proposed will alter a small part of the middle-ground or background of their view, but the change would be consistent with other components already seen within their wider views.

Overall, the adverse effects of granting planning permission will be limited.

The Planning Balance

Paragraph 11d of the NPPF provides that where the development plan policies which are most important for determining the appeal are out-of-date, planning permission must be granted unless either:


- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is clear in this case that the development plan policies which are most important for determining this application are out-of-date. Moreover, there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. As a consequence, the tilted balance at paragraph 11(d) of the NPPF is very clearly engaged.

As regards the application of the tilted balance, there is no prospect at all in this case of the adverse impacts of the development significantly and demonstrably outweighing the benefits of the proposals when assessed against the policies in the NPPF taken as a whole. The adverse effects of granting permission would be very modest indeed and the benefits of the proposals substantial. Accordingly, planning permission should be granted.

We would be grateful if you could make these submissions available to the Members of the Council's Planning Committee. We will be talking to them when we appear on our Client's behalf at the relevant Meeting.

Yours sincerely



Vanessa Rowell

For and on behalf of Avison Young (UK) Limited