

Date: 15th February, 2019
Your reference:
Our reference: ICE/JED

Mrs. C. Worswick,
Clerk to the Council,
Broughton-in-Amounderness Parish Council,
40 Kings Drive,
Fulwood,
PRESTON.
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Chief Executive
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Dear Mrs. Worswick,

It is with disappointment that I acknowledge the 'Notice of No Confidence' received from the Broughton-in-Amounderness Parish Council earlier this month.

This notice undermines the positive and long-standing relationship between Preston City Council, its planning officers and your parish council. As a locality based tier within local government, we would expect that a parish council would behave with greater professional courtesy and provide a robust evidence base for its allegations.

I believe you are aware that we at the City Council share the Parish Council's frustrations in respect of elements of planning procedure and especially with relation to the impact of the 'backlog' situation on local planning authorities' freedoms and flexibilities. Given the long standing relationship between experienced Parish Councillors from Broughton, City Council ward councillors and our planning team, we believed that you understood how complex a matter planning is. However this notice clearly demonstrates this is not the case. Easy criticism of incredibly complicated matters may play to a public gallery but is a short lived and counterproductive endeavour, all our efforts are best placed on real deliverables and long-term solutions.

This Council maintains that the government's formula for house building supply numbers is wrong and should be revised to focus on a plan-led system where there is certainty for the local community. The current lack of certainty is, to my mind, the greatest source of frustration and criticism that we face but with which our hands are currently tied.

I completely refute your un-evidenced accusation that Preston City Council officers are directly responsible for the current situation or that they have produced inaccurate reports. I have complete confidence in our officers, who have worked very closely with

the Parish Council on developing the Neighbourhood Plan, and who are highly experienced and fully qualified individuals who deliver incredibly complex work to a high standard. They provide invaluable support and technical expertise to the Planning Committee, with an extensive knowledge and understanding of the local area.

Unfortunately some developers exploit the current imbalances of the planning system to their advantage which results in disadvantages to some communities. The cost of losing an appeal can be in the tens of thousands of pounds, and Preston City Council cannot afford to be reckless with tax payers' money by risking unnecessary appeals. However where officers consider there is a defensible case for refusal which can be supported by robust evidence, we will put all our efforts into defending our position.

In relation to the Broughton Appeals in February 2018, the City Council put forward a credible and logical interpretation of the updated housing evidence published by the Central Lancashire Authorities in September 2017. Whilst it is extremely unfortunate that this interpretation of the evidence did not prevail at the Public Inquiry, it was certainly not the case that these figures were inaccurate, as asserted. Public Inquiries, by their very nature, provide a platform for opposing interpretations of issues to be presented before an independent Inspector, it is always the case that one interpretation will prevail over another.

The case of the planning application highlighted within the notice, for the land to the rear of 126A Whittingham Lane, (which was considered at the Planning Committee meeting on 10th January 2019) was highly complex. Paragraph 14 (of the 2018 Framework) was engaged in the assessment of the planning application but the assessment as a whole was further complicated by that fact that only one third of the application site conflicted with the Broughton Neighbourhood Development Plan and two thirds of the site did not conflict with the plan (as the application site straddles both Broughton and Whittingham parishes). This policy situation has not arisen in Preston before and the Framework does not provide advice or guidance for these circumstances. Therefore it is a matter for the local planning authority to decide how much weight should apply to the relevant paragraphs of the Framework.

The committee report sets out on pages 56 and 57 how the above very complicated and unprecedented situation was carefully considered. It was concluded that, given the Framework indicates two thirds of the proposed development should be approved and the very limited contribution that retaining the application site as a greenfield site would make to the openness of the countryside, the planning balance weighs in favour of approving the proposed development. The consideration of the above planning application was unique and in no way sets a national precedent to challenge neighbourhood plans.

As the Parish Council is aware, Preston City Council can currently demonstrate a 3.24 year supply of deliverable housing land, based on planning permissions and housing completions, as of April 2018. Housing land supply is constantly in a state of flux and only ever represents a snapshot in time. With our housing land supply position updated annually, this figure becomes more out of date and less reliable over the course of the 12 months. This means that the housing land supply figure is approximately nine months old and, taking into account the fact that the amount of supply only exceeds

the 3 year threshold set out in national policy by less than a quarter of a year, it is considered to be vulnerable to challenge. Developers are often keen to scrutinise housing land supply on a site by site basis in a public inquiry setting.

Updating our housing land supply position on a more frequent basis is regularly reviewed, but is a resource intensive task which cannot be taken lightly. The next update to the housing land supply position is currently scheduled, with a view to publishing the new information in April 2019.

The City Council was able to resist challenges to our 5 year supply for many years, despite the imbalance of the planning system and the expensive legal representation of many developers. Unfortunately, as you are aware, the most recent appeal resulted in a planning inspector concluding that Preston does not have a 5 year supply. This is based on historic house building numbers, in which a backlog is being counted against the council, despite the high number of houses currently being built or with permission to be built. All legal advice, including advice received from external Counsel, confirms officers are taking the correct approach on planning recommendations/decisions. The fact remains, in order to refuse a development, national policy dictates the need for significant adverse impact that demonstrably outweigh the benefits of development. While understandably important to residents, loss of low value agricultural land and additional traffic are not substantial enough effects according to the policy, and at times officers have to make recommendations that are unpopular with local communities.

It is alarming that the parish council continues with an un-supported assertion that the changes to National Planning Policy, published in July 2018, promote a situation whereby local authorities can independently decide on their own local housing needs. This is not the case. As my officers have sought to explain, National Planning Policy now prescribes exactly what formula local authorities must use to calculate their minimum annual local housing need figure, which must be used as a baseline to work upwards from for Government to achieve their target of 300,000 new homes delivered annually across the country by the mid-2020s.

Equally alarming is the clearly held view that the Neighbourhood Plan enforces any and all parish council objections to unwanted planning applications and ensures their refusal by Preston City Council's Planning Committee. The planning system does not work this way and our planning officers were explicit in explaining this to the parish council throughout the development of the Neighbourhood Plan. While the Neighbourhood Plan is considered throughout the determining of an application, contrary or conflicting applications can still be granted planning permission if there are material considerations which point to an alternative conclusion. This fine balance is the true nature of planning, but understandably results in some unpopular decisions.

Instead of criticising City Council officers for implementing this policy, the energy of the Parish Council would perhaps be better spent raising support from local MPs and within local networks to persuade government to make changes to national planning policy that better serve our residents. The Parish Council could also seek to provide high quality training for all its members in order that they are properly equipped with

the knowledge and skills to support their necessary involvement in the planning process.

I believe that the City Council and people of Preston can have every confidence in the professionalism, knowledge, experience and performance of the Council's planning team. I would ask that in future the Broughton-in-Amounderness Parish Council would treat our officers with the professional courtesy and respect they deserve, and to deal with any frustrations and concerns in a more positive and productive way.

I trust your Parish Council will reflect on the motion it passed at its meeting on 8th January 2019 and, based on the clear evidence presented by the City Council, withdraw the said motion. I believe our joint energy and resources are best used in working together for the best interests of our residents and communities. I formally request that this response is published in full on your website, alongside the notice, in order to that residents and the wider public are fully informed.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized initial 'A' followed by a long horizontal line extending to the right.

Mr. A.S. Phillips
Interim Chief Executive

Ccs: -

Rt Hon Ben Wallace MP
County Cllr. George Wilkins
Councillor Peter Moss
Councillor Neil Cartwright
Councillor Ron Woollam
James Brokenshire MP

Technical Note:

Within the notice you refer to a 'revised criteria' clarified in the Framework (2018), in which you state 'the 3 year land supply rule can be applied' (to the determination of planning applications that are sited within the parish of Broughton). It is assumed that you are referring to the criteria set out in paragraph 14 of the Framework and the term '3 year land supply' does not exist. Your interpretation of paragraph 14 (of the Framework) appears to demonstrate a lack of understanding of how paragraph 14 should be applied.

Paragraph 14 states that in situations where the presumption (at paragraph 11d of the Framework) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least three years supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73): and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

This paragraph does not state that local planning authorities should reduce their 5 year supply to a 3 year supply. It is directing local planning authorities that have at least 3 years supply of housing land and can meet the other criteria above (a, b and c) that they must consider whether the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.