

Mr Hope
Development Management Group
Lancashire County Council
PO Box 100
County Hall
Preston
PR1 0LD

10 Throgmorton Avenue
London
EC2N 2DL

townlegal.com

T: 0203 893 0370

D:

E: simon.ricketts@townlegal.com

By email

Our ref BRO004/0001/4164-8907-5786/1/SR
26 September 2023

Dear Mr Hope

**Cuerden Strategic Site, East of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall -
Planning Application LCC/2022/0044**

We act for the Brookhouse Group Limited.

We have previously objected to the above application on behalf of Brookhouse Group Limited, most recently on 31 March 2023.

Since that letter, the applicant has submitted a significant amount of further information so as to seek to address the range of issues raised by Brookhouse Group and other parties (although in our view there are still various matters which remain to be satisfactorily addressed). Amendments have also been submitted to the application itself. We refer to Stantec's two letters of 20 July 2023 and letter of 25 July 2023, together with the variety of documents and drawings accompanying those letters. With respect, this application has become somewhat of a paper chase.

The concerns set out in our previous letters remain, updated as follows:

1. Transport

We attach a technical note dated 19 September 2023 prepared by Mode Transport Planning which reviews the revised drawing package by WSP, WSP's updated highways assessment documents and Stantec's 20 July 2023 covering letter.

Have you had any indication from National Highways when its response is due, in the light of its current objection?

2. Masterplan and design code

We attach an audit by Pegasus Group of the submitted masterplan and design code and draw your attention in particular to the conclusions set out in section 3.

Your council's website has a 'General' section showing the 'adopted 2015 masterplan'. The adopted design code (2017) should also be uploaded. Please can you also confirm what is proposed with regard to the design code? Is the intention that new design code that has been submitted be considered for adoption by South

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Ribble Borough Council's planning committee prior to determination of this application? It would appear to us to be outside the county council's powers for it to be adopting a revised design code.

3. Viability

We note that a review dated 5 July 2023 by Roger Hannah (apparently on behalf of the local planning authority) of CBRE's viability report has been placed on your council's planning portal. We have separately asked you for a copy of the local planning authority's instruction letter to Roger Hannah but you have responded to us that "the initial request and scope for a viability review was discussed by telephone to enable [you] to clearly set the scene and allow for any questions. Their reference to [your] instruction dated 23 May 2023 was just an email from [you] accepting their scope and quote for the work. The agreed scope was as follows:

Scope of Work

The scope of work is:

- *Meeting with the Applicant and/or CBRE, as required*
- *technical review of case documentation, including the applicant's viability submitted evidence and relevant planning application documentation*
- *methodological review to address whether the applicant's submission is appropriately undertaken*
- *critical analysis, and benchmarking, of key viability appraisal inputs drawing on market intelligence and evidence as appropriate and necessary*
- *review of the applicant's determined 'benchmark land value' and re-basing as necessary*
- *re-running of financial viability appraisals, if required, should CBRE's professional opinion be that either the applicant's methodology or appraisal inputs require objective independent adjustment*
- *provision of draft outputs in the form of a concise report addressed to the client*
- *virtual meeting with the client team to present and discuss draft findings and requirement for refinements further to finalisation of the Independent Viability Review report. "*

For transparency, please provide a copy of that 23 May 2023 email and place a copy on the planning portal. At present we remain in disagreement with the methodology and a number of the assumptions adopted both by CBRE and Roger Hannah.

4. Issues raised by SRBC

In paragraphs 1 to 3 of our letter dated 31 March 2023 we made various comments in relation to South Ribble Borough Council's representations to you dated 18 November 2022 "[t]hat the submitted application on only part of the allocated site will not prejudice the development of the other parcels of the allocated site (owned by Brookhouse Group Limited)" and we made suggestions as to how this concern should be addressed through restrictions, by way of section 106 planning obligation and/or condition, on any permission granted. You have indicated to us that these concerns will be addressed in the committee report. Our response, in an email dated 1 August 2023 to you from this firm's Simon Ricketts, was as follows:

"In terms of South Ribble's comments, that you indicate will be addressed in the committee report, I would like to refer you back to some examples of potential anti-ransom provisions we gave at paragraph 2 of our letter to you dated 31 March 2023, without prejudice to our client's wider objections. Please can you confirm whether such an approach is in contemplation? As you know, the applicant has declined to discuss these matters with our client which is why on this issue (a matter on which our concerns are echoed by South Ribble Borough Council) we are looking to the county council in its role as decision maker under Regulation 3 to demonstrate that it is indeed acting independently of the county council's property and other interests in this matter. You will know the concerns we have more broadly as to the appropriateness of Regulation 3 being relied on in the current circumstances."

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You replied:

“Until I've received comments from LCC Highways and discussed your suggestion with our legal services I'm not in position to state whether or not a condition would be recommended regarding access provisions (in the event that the application is recommended for approval). ”

Have you now received any response from LCC Highways and or legal services.? If so, please can we see it and please can we discuss the appropriate form of planning obligation/condition.

Finally, we understand that the earliest that this application will now be considered by planning committee is 18 October 2023. Please confirm whether this is still a possibility or whether a later committee meeting is now in contemplation.

Yours faithfully

A handwritten signature in grey ink that reads "Town Legal LLP". The signature is written in a cursive, slightly slanted style.

Town Legal LLP