



# RIBBLE VALLEY BOROUGH COUNCIL

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my ref: SA/LC/DP/191

date: 16<sup>TH</sup> August 2023

Dear Mr Shutes,

## **HAWESWATER AQUEDUCT RESILIENCE PROGRAMME.**

Thank you for your letter of 12<sup>th</sup> August. In answer to your three questions:

**1) *Do you believe that this adequately meets the needs of the National Planning Policy Framework tests?***

An assessment of the relevant planning policies was undertaken as part of the consideration of both planning applications. This assessment was based on the officer's professional opinion and presented to the Committee. Members of the Committee took this assessment into consideration when considering the proposals and making their decision.

**2) *Will you ask officers to re-visit this requirement and carry out an appropriate assessment of the impact of these planning applications on the local economy and access to recreation (in particular in the AONB)?***

This assessment has already been done prior to the Committee resolving to approve the applications.

**3) *Will you ask officers to develop specific conditions in conjunction with the businesses effected to address the impact on local businesses and access to recreation before planning consent is granted?***

As previously advised the planning conditions have been drafted and agreed by Planning and Development Committee when they made their resolution. Planning conditions can only be attached to a decision if they meet the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

It would not be possible to draft a condition which deals with potential unknown future impacts as this would not meet the relevant tests however if a local business loses profit due to the construction phase United Utilities already have provisions in place for compensation to be sought. This would be the most suitable route for businesses in the future.

If you wish to challenge the legality of the decision following the grant of planning permission the only way is to 'judicially review' the decision in the Court.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'S. Atkinson'.

Stephen Atkinson  
LEADER OF THE COUNCIL

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