

# PENDLE CORE STRATEGY PLAN EXAMINATION

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## THE MATTERS AND ISSUES FOR THE EXAMINATION

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## Matter 1

### Procedural and Overarching Matters

This matter explores whether the Core Strategy (CS) has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Development Plan Regulations 2012 and to consider some overarching matters.

The 2004 Act and 2012 Regulations sets out requirements for a Local Development Scheme (LDS), that regard has been had to the Council's Sustainable Community Strategy (SCS) and the Statement of Community Involvement (SCI) and the Plan has been subject to Sustainability Appraisal (SA). There are provisions relating to the Duty to Cooperate (DTC), publication and notification requirements and dealing with representations.

The Government has a preference for a single Local Plan document drawn up for a period of 15 years. The Council has elected to produce this CS followed by a Site Allocations and Development Management Policies Document (SAP). The CS has a timeframe of 2011-2030.

#### Issues:

1. Have all the necessary procedural requirements been complied with in preparing the Plan?
2. Does the CS follow the LDS?  
*The LDS 5<sup>th</sup> Revision shows the CS being ahead of its estimated dates (page 26). Please explain this discrepancy?*
3. Has regard been had to the SCS?
4. Have all the consultation/participation procedures set out in the SCI been carried out?
5. Have the consultation methods used for the Plan and contained within the SCI been satisfactory?
6. Have all relevant documents been available and subject to consultation?
7. Is the SA of the Plan satisfactory showing how the different options for growth and development perform?  
*The Proposed Mitigation Measures within Section 4.4 of the SA do not refer to the submission version of the CS. Have mitigation measures been considered for all the policies within the submission version that would have significant effects?*
8. Has the Council complied with the DTC, particularly in relation to the

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distribution of housing within the Burnley and Pendle Housing Market Area and the consideration of strategic sites for employment?

9. Has the preparation of a series of documents rather than a single Local Plan been clearly justified, particularly the deferral of site allocations?
10. Is the timeframe for the CS appropriate?
11. Does Policy SDP1 reflect the presumption in favour of sustainable development in paragraphs 14 and 15 of the National Planning Policy Framework (the Framework)?
12. Is the drafting of the policies sufficiently clear on what will or will not be permitted and where? Do they provide a clear indication as to how a decision maker should react to a development proposal? Are they concise expressions of policy, excluding explanation and guidance?

## **Main Evidence Base**

CD/02/01 - LDS

CD/09/01 – SCS

CD/02/02 – SCI

CD/01/02a – SA

CD/01/03 – Habitat Regulations Assessment

CD/01/05 – Statement of Compliance with the DTC

## **Matter 2**

### **Strategy for the Distribution of Development**

The matter considers whether the strategy for the distribution of development is justified.

The CS proposes a hierarchy of settlements (Key Service Centres, Local Service Centres, Rural Service Centres and Rural Villages) and distributes housing and employment by spatial areas – the M65 corridor, West Craven Towns and Rural Pendle.

#### **Issues:**

1. Are the settlements identified in Policy SDP2 in the appropriate position in the settlement hierarchy?  
*It is noted that the Pendle Sustainable Settlements Study suggested a further tier of 'Rural Hamlets'. Why was this not carried forward?*
2. Is Policy SDP2 sufficiently clear as to the anticipated growth levels for each settlement category? If anticipated growth levels are included is it necessary to include site selection criteria as shown?

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3. Does Policy SDP2 provide the framework to encourage the effective use of brownfield land? For example should there be a locally appropriate target for the % of brownfield land in selecting sites for new development? Or in the alternative is the policy too prescriptive in this regard?
4. Is the division of the Borough into 3 spatial areas appropriate? For example should the M65 corridor be split into more than one spatial area as suggested by Policy LIV4 (M65 Corridor and M65 Corridor North)?
5. Is the distribution of housing between the spatial areas within Policy SDP3 justified and will it allow the housing needs of the Borough to be met?
6. Does Policy SDP3 incorporate sufficient flexibility to allow the Borough to deliver sufficient new homes, if one of the spatial areas is under performing?
7. Should a greater proportion of housing development be assigned to the West Craven Towns and Rural Pendle to aid delivery, particularly in the early years of the Plan?
8. Is the distribution of employment between the spatial areas within Policy SDP4 justified and will it allow the economic needs of the Borough to be met?

## **Main Evidence Base**

CD/03/01 – Pendle Sustainable Settlements Study

CD/04/01 – SHMA

CD/04/02 – Pendle Housing Needs Study Update Report

CD/04/03 – SHLAA

CD/05/01 – Pendle Employment Land Review

## **Matter 3**

### **The Housing Requirement**

This matter explores whether the amount of housing proposed in the CS and the trajectory is appropriate to meet the needs of the Borough to 2030.

The Council has used the Office of National Statistics (ONS) 2012-based Sub-National Population Projections (SNPP) as a basis for its housing requirements. The Council proposes making provision for some 5,662 (net) dwellings (Policy LIV1) but with delivery increasing over the Plan period from 220 dwellings to 353 dwellings per annum.

#### **Issues**

1. Is the housing requirement justified taking into account population and household growth projections, including migration and demographic change, market signals and proposed economic growth? Do any recently released

figures suggest that the requirement should be amended?

2. Do the 2012-based SNPP form a reasonable basis for assessing the housing requirement given the extent that they have been influenced by low completion rates in recent years?
3. Is the housing requirement justified taking into account the need for affordable housing and homes for different groups, the demand for housing and the need to boost significantly the supply of housing?
4. Have the options for higher growth options identified in the Strategic Housing Market Assessment (SHMA) been fully considered, including their potential impacts?
5. Is there sufficient flexibility built into the housing requirement?
6. Is the stepped approach to housing delivery justified? Will it fully meet the need and demand for housing in the early years of the plan?

## **Main Evidence Base**

CD/04/01 – SHMA

CD/04/02 – Pendle Housing Needs Study Update Report

CD/04/03 - SHLAA

## **Matter 4**

### **How Is The Housing Requirement To Be Met?**

This matter considers whether the proposals to meet the housing requirement have been justified and will be effective.

The Plan proposes a strategic housing site within the CS but otherwise relies on the SAP to bring forward sites additional to those already committed. Policy LIV1 refers to empty properties and regeneration areas but does not quantify how such sources of supply will contribute to the housing requirement.

The Plan needs to demonstrate how the housing requirement will be delivered over the Plan period, including the maintenance of a five year housing supply.

## **Issues**

1. Is Policy LIV1 effective in indicating how the housing requirement will be met, including the contribution that will be made from new allocations and existing commitments?

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2. What contribution will be made to the housing requirement from bringing back empty homes into use?
3. Is there sufficient emphasis on the contribution that can be made from Housing Regeneration Priority Areas?
4. What contributions will be made to the housing requirement from windfalls?
5. How are demolitions taken into account in the housing requirement?
6. Is the proposed strategic housing site at Trough Laithe justified (Policy LIV2)? Does it fit with the settlement hierarchy of the Plan?
7. Is the Trough Laithe site deliverable in the early years of the Plan period? Is Policy LIV2 sufficiently clear on how and what will be delivered? Are there any significant constraints such as historic heritage and access which may prevent the site coming forward?
8. Does Policy LIV2 (or Policy SUP3) need to address any capacity issues in local schools?
9. Is the affordable housing target of 20% for Trough Laithe justified?
10. Would an alternative approach to the identification of a single strategic housing site e.g. the allocation of a range of smaller green field sites, be more effective in boosting the supply of housing?
11. Has the Plan demonstrated through a housing implementation strategy how delivery of a full range of housing will be maintained over the Plan period, including a continuous five year supply of deliverable housing sites?
12. Will the Plan be able to ensure a five year housing supply at the point of adoption, taking into account the need to make up any shortfall in provision from the start of the Plan period and the application of a buffer as required by paragraph 47 of the Framework?
13. Is a five year supply likely to be deliverable taking into account projected delivery rates and the reliance on sites without planning permission and with policy and other constraints?
14. Is the requirement within Policy LIV1 for applicants to demonstrate

deliverability necessary?

## **Main Evidence Base**

CD/04/01 – SHMA

CD/04/02 – Pendle Housing Needs Study Update Report

CD/04/03 – SHLAA

CD/04/04 – Strategic Housing Land Site Allocation Report

CD/07/01 – Pendle Development Viability Study

## **Matter 5 Housing Needs**

This matter explores whether the Plan addresses the needs for all types of housing, including affordable housing and the needs of different groups in the community.

The Plan has a target that 40% of housing will be affordable. However, because of viability issues the Council's target ranges for the spatial areas of the Borough are well below 40%.

Policies within the Plan indicate the priority to be given to meeting different housing needs and the proportions of property types and sizes that should be sought.

## **Issues**

1. Is the affordable housing target of 40% appropriate having regard to the evidence base of housing need?
2. Is the affordable housing target realistic and deliverable having regard to the doubts over the viability of the % of affordable housing provision that can be delivered and the area based affordable housing targets within Policy LIV4?
3. Are the size threshold and area based affordable housing targets in Table LIV4a justified and deliverable? Should affordable housing contributions be sought on a greater range of housing developments e.g. green field sites in the M65 corridor?
4. How is the size threshold for Rural Pendle affected by the recent change to the Government's Planning Practice Guidance (PPG)?
5. How are different mechanisms expected to contribute to the target e.g. obligations on market housing sites, sites developed by social housing providers, exception sites, commuted sums, empty homes back into use, regeneration areas?
6. Is the requirement to retest viability if development does not start in 2 years within Policy LIV4 justified?
7. Is the tenure split proposed by Policy LIV4 justified? Should 'open market

discounted housing' be considered as an option?

8. Does Policy LIV4 provide sufficient clarity as to when rural exception sites will be acceptable?
9. Is the guide to the property types and sizes within Tables LIV5a and LIV5b justified by the existing supply of small terraced houses, the requirement for lower density in some areas and the objective of higher value/aspirational housing?
10. Has the need for self-build homes been taken into account?
11. Have the accommodation needs of gypsies, travellers and travelling showpeople, including those living in bricks and mortar, been robustly assessed and catered for? Will the criteria within Policy LIV3 for assessing proposals for sites that come forward be effective?

*There appears to be a suppressed need from those living in bricks and mortar. Should the SAP make provision for a site to meet this suppressed need?*

## **Main Evidence Base**

CD/04/01 – SHMA

CD/04/02 – Pendle Housing Needs Study Update Report

CD/04/03 – SHLAA

CD/04/04 – Strategic Housing Land Site Allocation Report

CD/07/01 – Pendle Development Viability Study

## **Matter 6**

### **How Is the Employment Requirement To Be Met?**

This matter considers whether the proposals to meet the employment requirement have been justified and will be effective.

The Plan proposes a strategic employment site within the CS but otherwise relies on the SAP to bring forward sites additional to those already committed.

## **Issues**

1. Is Policy WRK2 effective in indicating how the employment requirement will be met, including the contribution that will be made from new allocations and existing commitments?
2. Are the circumstances sufficiently exceptional to justify the release of Green Belt land at Lomeshaye for a strategic employment site and, if so, have these been justified in the CS? For example have the options for the use of previously-developed land been fully considered?

*Is there a plan which clearly shows the extent of the Green Belt as it affects*



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*the Borough e.g. Local Plan Proposals Map?*

3. Is the Lomeshaye site deliverable? Is Policy WRK3 clear on how and what will be delivered? Are B8 uses appropriate? Are there any significant constraints such as access, topography, flood risk and biodiversity which may prevent the site coming forward?
4. Will the proposed new Green Belt boundary endure beyond the Plan period so that it has permanence?
5. How would the release of the strategic employment site at Lomeshaye impact on the need for other green field employment sites given the stated shortfall of 25ha in employment land?
6. Is the site at Lomeshaye capable of being made accessible by public transport, walking and cycling?
7. Will Policies WRK1 and WRK2 be effective in supporting the sustainable growth of all types of businesses in rural areas?

## **Main Evidence Base**

CD/05/01 – Pendle Employment Land Review

CD/05/02 – Strategic Employment Land Site Allocation Report Parts 1 and 2

CD/05/03 – Pendle Jobs and Growth Strategy

CD/05/07 – Lancashire Strategic Economic Plan

CD/05/12 – How Pennine Lancashire Can Contribute To The Economic Objectives of the Lancashire LEP

## **Matter 7**

### **Retail**

This matter considers whether the approach of the CS to the retail hierarchy and shopping provision is sound.

Policy SDP5 refers to major retail development being located in the main town centres of Nelson, Colne and Barnoldswick. There is no reference to the specific capacity of existing centres to accommodate new town centre development.

## **Issues**

1. Is the Plan clear as to the position of centres in the retail hierarchy?
2. Is the Plan clear in setting out the capacity for convenience and comparison goods floorspace in its area?

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3. Is the Plan clear as to the capacity for floorspace in each centre in the retail hierarchy to facilitate the management and growth of the centres?
4. How do existing commitments affect the need/capacity for further retail development?
5. Does Policy WRK4 provide a clear policy for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres? Is the policy unduly restrictive?
6. Does the CS plan positively for the future of Nelson Town Centre to encourage development and economic activity and arrest its decline?
7. Does the Plan contain policies which will promote the retention of local shops and pubs in rural villages?

## **Main Evidence Base**

CD/06/01 – Pendle Retail Capacity Study

CD/06/02 – Pendle Retail Capacity Update

## **Matter 8**

### **Tourism/Leisure/Culture and Community Facilities**

This matter explores CS policies on tourism/leisure/culture and the provision and protection of community facilities including open space.

Policy WRK5 supports the provision of new or improved tourism, leisure and cultural facilities where they meet criteria relating to sustainable development.

Policy ENV1 refers to the protection of existing open space and Policy LIV5 to the provision of open space in new housing development but no specific requirements are set out in the CS.

## **Issues**

1. Does Policy WRK5 provide the appropriate means of making the most of the asset of Pendle Hill and the associated Area of Outstanding Natural Beauty?
2. By what means will development contribute towards the provision of any community needs generated by the development (Policy SUP1)?
3. How are deficits in open space and outdoor recreation in certain parts of the Borough to be made up during the Plan period?
4. Will the Plan be effective in ensuring that new development contributes to the

provision and/or enhancement of open space?

## **Main Evidence Base**

CD/09/01 – SCS

CD/09/04 – Strategy for the Provision of School Places

CD/05/03 – Pendle Jobs and Growth Strategy

CD/08/10 – Pendle Open Space Audit

## **Matter 9**

### **The Environment, Design and Energy**

This matter considers whether the policies of the CS on the built and natural environments and design are justified and will be effective.

Policies ENV1 to ENV7 deal with a range of environmental and design issues whilst there are separate policies on the design of homes, places of work and public places.

## **Issues**

1. Will the policies of the Plan be effective in protecting the natural and built environment
2. Have biodiversity and green infrastructure considerations been fully taken into account in preparing the Plan, including cross boundary wildlife sites and networks?
3. Are any changes to the Plan required to make it sound in terms of the historic environment?
4. Does Policy ENV2 sufficiently promote and reinforce local distinctiveness such as that arising from the Leeds-Liverpool Canal?
5. Are the requirements for sustainable design within the policies of the Plan too prescriptive and likely to affect the viability of new development?
6. Is the strong encouragement for the use of Building for Life standards justified?
7. Does the approach to surface water management in Policy ENV7 give sufficient priority to the use of sustainable drainage systems? Alternatively is it unduly prescriptive?
8. Is the plan sufficiently clear on what is expected from developers in terms of sustainable design/construction measures? Are any such measures consistent with the Government's zero carbon buildings policy and nationally

described standards?

9. Does the Plan contain a positive strategy to promote the use of renewable and low carbon energy?
10. Are there any opportunities for renewable energy which should be incorporated in the Plan e.g. biomass/wind energy?
11. Has collaborative working been undertaken to assess renewable energy resources and opportunities in the sub-region?

## **Main Evidence Base**

CD/08/06 – Pendle Biodiversity Audit

CD/08/17 – Forest of Bowland AONB Management Plan

CD/08/20 – Renewable and Low Carbon Energy Study

CD/10/01 – North West Best Practice Design Guide

## **Matter 10**

### **The Provision of Infrastructure and the Delivery of the Plan**

This matter considers the mechanisms for delivery of the Plan with appropriate supporting infrastructure.

A key test of soundness is whether the Plan will be effective and deliverable over its period. Necessary infrastructure alongside development should be delivered in a timely fashion.

## **Issues**

1. Will the policy requirements of the Plan, such as affordable housing and infrastructure, allow development to go ahead with a competitive return for a willing landowner and developer?
2. Will Policy SDP6 be effective in ensuring that off-site infrastructure necessary to enable the development to go ahead will be provided?
3. Will infrastructure be delivered in a timely fashion?
4. What infrastructure will be required in the first 5 years of the Plan and can it be delivered?
5. How will essential infrastructure be funded?
6. What are the consequences for the Plan if critical infrastructure is not delivered?
7. Have the needs for strategic infrastructure such as an A65 bypass and the reopening of the Colne-Skipton railway been appropriately justified and

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addressed in the CS?

## **Main Evidence Base**

CD/07/01 – Pendle Development Viability Study

CD/07/02 – Pendle Infrastructure Strategy

CD/07/05 – East Lancs Highways and Transport Masterplan

## **Matter 11**

### **Implementation, Monitoring and Flexibility**

This matter considers whether the CS includes clear mechanisms for implementation and monitoring and is flexible enough to deal with changing circumstances.

Each policy of the Plan includes indicators and targets and triggers for further investigation.

## **Issues**

1. Will the CS provide a robust policy basis for determination of applications and not become outdated?
2. Is the Monitoring Framework, including the indicators and targets/triggers, SMART?

## **Matter 12**

### **Other Matters**

The purpose of this matter is to consider issues raised by representors that have not been covered in the other matters.

## **Issues**

1. Should Policy 12 of the Pendle Local Plan 2001-2016 (Maintaining Settlement Character) be replaced by the CS?
2. Are the definitions within the Glossary (Appendix C) consistent with national policy e.g. that relating to open space?

## **Main Evidence Base**

Replacement Pendle Local Plan 2001-2016