
Report to Pendle Borough Council

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

**REPORT ON THE EXAMINATION OF THE
PENDLE CORE STRATEGY**

Document submitted for examination on 19 December 2014

Examination hearings held between 14 and 28 April 2015

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Agenda Item 8

Abbreviations Used in this Report

AA	Appropriate Assessment
AMR	Authority's Monitoring Report
AONB	Area of Outstanding Natural Beauty
CD	Core Document
CIL	Community Infrastructure Levy
CS	Core Strategy
DtC	Duty to Co-operate
DVS	Development Viability Study
ELR	Employment Land Review
GIS	Green Infrastructure Strategy
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
HRA	Habitat Regulations Assessment
IDS	Infrastructure Delivery Schedule
LCC	Lancashire County Council
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
OAN	Objectively assessed need
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PBC	Pendle Borough Council
RPLP	Replacement Pendle Local Plan 2001-2016
SA	Sustainability Appraisal
SAP	Site Allocations and Development Policies
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SES	Strategic Employment Site
SHS	Strategic Housing Site
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNHP	Sub-National Household Projections
SNPP	Sub-National Population Projections
SSSI	Site of Special Scientific Interest
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Pendle Core Strategy provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the Plan. Pendle Borough Council (PBC) has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

All of the main modifications were proposed by the Council.

The Main Modifications can be summarised as follows:

- Ensuring that the positive approach to the presumption in favour of development is embodied in policy;
- Making clear the anticipated growth levels for the hierarchy of settlements;
- Encouraging the re-use of brownfield land but not applying the sequential approach;
- Ensuring that different criteria apply to the hierarchy of designated ecological sites;
- Clarifying that policies that relate to the historic environment recognise local distinctiveness and are consistent with national policy;
- Updating design policies so that they take into account the new national technical standards for housing and recent Government policy;
- Seeking to boost the supply of housing by making the requirement a minimum, removing the stepped approach to delivery, clarifying how applications on non-allocated sites will be judged and adding a housing implementation strategy;
- Clarifying the requirements for the Trough Laithe Strategic Housing Site in terms of affordable housing and infrastructure;
- Making the policies on affordable housing realistic, flexible and consistent with national policy;
- Incorporating a requirement for a Design Brief within the policy for the Lomeshaye Strategic Employment Site; and,
- Strengthening the approach to the provision of open space within developments and recognising its contribution to well-being.

Introduction

1. This report contains my assessment of the Pendle Core Strategy (CS/the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC), in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with legal requirements. The National Planning Policy Framework (paragraph 182) (NPPF) makes it clear that to be sound a Local Plan (LP) should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Pendle Core Strategy Pre-Submission Report dated September 2014 which was subject to consultation between October and November 2014 and gave rise to some 63 representations.
3. My report deals with the Main Modifications (MMs) that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix. The main modifications are not numbered sequentially to correspond to the order of the Plan as they evolved through the examination. As such there are some 51 main modifications even though the numbering suggests there are more.
4. Many of the MMs that are necessary for soundness were discussed at the Examination Hearings. Following these discussions, the Council prepared a Schedule of Proposed Main Modifications and this schedule was subject to public consultation for a six week period between 29 May and 10 July 2015. Additionally the Council proposed MMs to Policy ENV 3 following the publication of the Written Ministerial Statement (WMS) in June 2015 on onshore wind turbine development. These MMs were subject to public consultation for a six week period between 7 August and 18 September 2015. The Council has also proposed some Additional Modifications. But as these do not go to soundness I do not need to address them in this report.
5. I have taken into account the consultation responses in coming to my conclusions in this report. In the light of the responses some amendments have been made to the detailed wording of the MMs. None of these amendments significantly alters the content of the main modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The Council's evidence about the DtC is set out in the Statement of Compliance with the Duty to Cooperate.
7. The above statement records the engagement that has taken place with other local planning authorities and public bodies, including those prescribed by Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Of particular note is the work undertaken with Burnley Borough Council that recognises that the two authorities share a Housing Market Area (HMA). A Burnley and Pendle Strategic Housing Market Assessment (SHMA) was jointly commissioned to consider the full objectively assessed need (OAN). The overall requirement was then broken down into figures for the respective Boroughs so that each authority would seek to meet its own housing needs but within the overall context of the projected population and household growth for the HMA. The information from the SHMA and Burnley's emerging Local Plan indicates that the adjoining Borough will be able to meet its OAN within its boundaries. To add clarity to the Plan this should be explained by **MM068**. In the unlikely event that circumstances significantly change as its LP progresses, Burnley can itself look to the DtC.
8. In addition to the SHMA the two Councils also jointly commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) which updated the Lancashire Sub-Regional GTAA of 2007. The assessment considered the need for new sites across the HMA in the period up to 2026 for existing residents of Burnley and Pendle.
9. In terms of employment Pendle and Burnley have also worked alongside each other and other authorities in Pennine Lancashire, particularly through Regenerate Pennine Lancashire, a sub-regional economic development company established in 2010 and owned by Lancashire County Council (LCC) and the six borough councils of Pennine Lancashire. The company is responsible for coordinating and promoting economic regeneration activity across the sub-region. The Council has also engaged with the Lancashire Local Enterprise Partnership (LEP) in relation to economic aspects of the CS.
10. There are interactions between Pendle and Burnley in terms of employment but there are also clear distinctions between the functional economic areas. Each authority has chosen to undertake its own Employment Land Review (ELR) and out of this Pendle has identified the need for a large employment site in the Green Belt at Lomeshaye, close to the M65.
11. Although termed 'strategic' the 16 ha (net) Lomeshaye site is of local rather than sub-regional significance in that it would meet the needs for employment land in the Borough rather than for the M65 corridor as a whole. Sub-regional strategic sites of 40 ha or more are proposed further west along the motorway corridor. It would not be appropriate to look far beyond the boundaries of the Borough for a large employment site as the requirement would not comprise a strategic priority crossing local boundaries as referred to in paragraph 179 of the NPPF. Those parts of Burnley neighbouring Pendle near the motorway are also within the Green Belt so are equally constrained as the M65 corridor

within Pendle. The area covered by Craven District Council has a separate employment market and there is poor connectivity between the two areas.

12. The Council has worked with infrastructure providers such as LCC and the health authorities. In relation to strategic transport priorities LCC's Local Transport Plan and the East Lancashire Highways and Transport Masterplan identify the proposal for a new road link between the end of the M65 and the Lancashire/Yorkshire boundary, referred to as the A56 villages' by-pass. There is also support for the reinstatement of the Colne to Skipton railway from both PBC and Craven District Council. The support for these strategic transport schemes is acknowledged by the CS and in particular Policy ENV 4.
13. Management arrangements for the Forest of Bowland Area of Outstanding Beauty (AONB) and South Pennine Moors Site of Special Scientific Interest (SSSI), both of which straddle the boundaries of the Borough, are well established. PBC are working with Burnley and LCC in the preparation of its Green Infrastructure Strategy (GIS) so that ecological networks and key cross boundary linkages can be identified. This work will inform designations within the Site Allocations and Development Policies Document (SAP) (Part 2 of the LP).
14. No substantive concerns have been raised about the Council's compliance with the DtC. Overall I am satisfied that the Council has engaged constructively, actively and on an on-going basis and that the DtC has been met.

Assessment of Soundness

Preamble

15. The CS is the first of two main parts of the overall LP for Pendle. The CS is a strategic document setting out the amount of development that will be required in the Borough until 2030 and the broad areas where it should take place. The Plan does not identify site-specific allocations, except for two strategic sites, or provide detailed development management policies. The SAP will perform these tasks.

Main Issues

16. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends.

Issue 1 – Overarching matters – Whether the scope and timeframe of the Plan have been justified, engagement has been meaningful, the presumption in favour of sustainable development has been incorporated into the Plan and whether the approach is justified when considered against the reasonable alternatives

The scope of the CS and its timeframe

17. The preference in the NPPF, albeit not a legal requirement, is for a single LP and that any additional development plan documents should be clearly justified. By 2012 when the NPPF was published the Council had made significant progress on the CS with consultation already having taken place on

a Preferred Options version in 2011. Separately an Area Action Plan for Bradley was adopted in 2011 in response to the Housing Market Renewal Programme. Both these strands of the Local Development Framework were in line with Government guidance at the time.

18. Additional work was undertaken to update the evidence base which delayed the final publication version of the CS. By that stage changing to a single LP would have prevented the Council from putting a plan in place at the earliest opportunity, bringing forward key employment and housing sites as soon as possible and bidding for funds such as that available from the LEP. In addition the CS will bring certainty in terms of the housing requirement. In the circumstances and having regard to resource constraints, the Council's approach of a two part LP is clearly justified.
19. The CS has a timeframe of 2011-2030 which exceeds the 15 year period recommended in the NPPF but allows the Plan to take into account longer term requirements. It is appropriate that the SAP will have the same end date so that it can make allocations to meet the CS requirements, albeit that by the time of its anticipated adoption date of 2017, it would have a 13 year time horizon. Moreover, it is acknowledged that both the CS and SAP will require review before 2030. The time scale of the CS is appropriate.

Engagement

20. My assessment that the Plan has been prepared in accordance with the DtC is one indication that it has been positively prepared. In addition the Council has undertaken consultation on the CS in accordance with the Regulations and the Statement of Community Involvement (SCI). There have been five public consultation rounds on various iterations of the Plan. Methods of consultation have included workshops, exhibitions and drop in sessions. The production of a newsletter, 'Framework', which is now on its 33rd issue, received a commendation for community engagement at the 2009 Royal Town Planning Institute regional awards. Documentation has been placed at Council offices and libraries in addition to being available on the website.
21. Criticisms that the process has not engaged with people are not surprising for a primarily strategic document but it seems to me that the Council has gone beyond both legal requirements and its own SCI in attempting to involve all parties in the process.
22. Some suggest that people have not been listened to. However, it appears that the Council has taken into account views expressed. Moreover, positive preparation of a plan does not mean that all will be satisfied with the outcome. There is a balance to be struck between the requirements of national policy, the development needs of the area and environmental constraints.

Sustainable Development

23. The Plan includes a policy, SDP 1, dealing with the presumption in favour of sustainable development with the aim of reflecting paragraphs 14 and 15 of the NPPF. However, as currently phrased the policy excludes important wording about the positive approach to be taken. This is contained within the explanation to the policy rather than the policy itself. To address this deficiency **MM001** ensures that the positive approach to sustainable

development is incorporated in Policy SDP 1.

Alternative Options

24. The Sustainability Appraisal (SA) includes reports produced at each stage of the process. At Issues and Options (2008) and Further Options (2011) Stages the SA assessed the reasonable alternatives against sustainability objectives. The SA accompanying the publication version of the CS assessed a range of OAN housing requirement alternatives from 250 to 312 dwellings per annum against sustainability objectives and concluded that the chosen option would not significantly diverge from those objectives.
25. The SA sets out the key sustainability issues affecting Pendle and the sustainability objectives for the Borough. An assessment has been made of the policies of the CS against the sustainability objectives which concludes that the majority of policies would have no impact or a positive impact on the objectives. Although a limited number of policies would deviate marginally from some of the objectives, the overall picture is that the CS would have beneficial effects across a range of economic, social and environmental issues and make a positive contribution to wider sustainable development objectives.
26. A Habitat Regulations Assessment (HRA) Screening Report considered the need for Appropriate Assessment (AA). Although parts of the South Pennine Moors Special Protection Area and Special Area of Conservation lie within the Borough (some 9% of the total area) and other European sites are nearby, the HRA Report concludes that that the Plan is unlikely, either alone or in combination with other plans or projects, to have significant effects on a European site so AA is not required.

Conclusions on Issue 1

27. Taking into account the above, including the Main Modification proposed, I conclude that the scope and timeframe of the Plan have been justified, engagement has been meaningful, the presumption in favour of sustainable development has been suitably incorporated into the Plan and the CS approach is justified when considered against the reasonable alternatives.

Issue 2 – Whether the strategy for the distribution of development is sound

Settlement Hierarchy

28. The Plan identifies a hierarchy of settlements in Policy SDP 2, listed under the three distinct spatial areas within the Borough, the M65 corridor, the West Craven Towns and Rural Pendle. The proposed hierarchy is supported by evidence in the North West Key Service Centres Report and the Council's Sustainable Settlements Study. The positioning of the settlements in the hierarchy is appropriate having regard to a number of factors including population, services and facilities, their relationships with one another and the capacity to grow. The hierarchy also takes into account the overall strategy for sustainable growth of the Borough. No significant concerns have been expressed about the positioning of settlements in the hierarchy, save issues about Barrowford.

29. Barrowford is defined as a local service centre having regard to the factors referred to above. The Strategic Housing Site (SHS) at Trough Laithe lies within the Parish boundaries of Barrowford so that it could be argued that the village is providing development land serving more than a localised catchment. However, the site and particularly the main access is close to Nelson. The development would serve the housing needs of Nelson and Barrowford as well as other nearby settlements. Barrowford, although having a separate identity, would continue to rely on Nelson in particular for many services and facilities. Because of the close interrelationships between settlements, the particular location of the SHS does not justify Barrowford being categorised as a Key Service Centre.
30. There is a distinction between the character of settlements and the nature of development sites available either side of the M65. Brierfield, Nelson and Colne form part of a ribbon of fairly dense urban development starting in Burnley. Barrowford, although physically connected to Nelson, has a more rural and prosperous feel. This distinction is reflected in the affordable housing policy, LIV 4. However, all settlements in the M65 corridor work together and development sites would serve the population on both sides of the M65. For these reasons the M65 Corridor should be retained as a single Spatial Area and not be sub-divided into two.
31. Policy SDP 2 does not make it clear as to the anticipated levels of growth in each settlement category. As a result it is proposed to include explanatory text within the policy itself so that the roles are clear (**MM059**). For example the policy now makes it explicit that Key Service Centres will provide the main focus for future growth in the Borough. This change is necessary to clarify the roles of different levels of settlement in the hierarchy in terms of future development.

Housing Distribution

32. The distribution of housing within the Borough, including the allocation of sites in the SAP, is to be guided by Policy SDP 3 of the CS. Evidence, including the SHMA, informed the split and took into account a number of factors - the sustainable growth approach, population and household distribution, regeneration, housing delivery rates, housing land supply, affordable housing need and infrastructure capacity.
33. The proposed housing distribution is fairly closely aligned with existing population distribution. Given that the M65 corridor is the most sustainable location there is a case that more development should be guided to this spatial area. However, there is a need to balance the viability of sites against the need for housing and sustainable growth considerations. Sites in West Craven and Rural Pendle are the most viable but the M65 corridor is where there is the greatest housing need and more services and facilities on the doorstep. The M65 corridor is more attractive to the volume house builders whereas the other parts of the Borough, where sites tend to be smaller, are generally developed by the smaller local builders. Guiding more development to West Craven and Rural Pendle would encourage growth which would be less sustainable. In my view Policy SDP 3 achieves the right balance taking into the above factors.

34. Moreover, the policy is a guide and does not set rigid targets so there is sufficient in-built flexibility. This would allow variations in distribution between areas should one spatial area be underperforming. The monitoring triggers recognise that less housing is likely to come forward in the M65 corridor in the early years of the Plan whilst the market improves whereas more sites are likely to be developed during this period in West Craven and Rural Pendle. This approach is realistic.

Employment Distribution

35. Policy SDP 4 guides the distribution of employment land including the allocation of sites in the SAP. The policy envisages a greater concentration of land in the M65 corridor in comparison with housing (78.5% compared to 70%) but this is justified based on the accessibility and infrastructure capacity of the spatial area relative to West Craven and Rural Pendle and the supply of existing employment land. There is still a significant alignment with the housing distribution so that sustainable development will be delivered. That said, the allowance of almost 20% of land for West Craven recognises the importance of advanced manufacturing clustered near the Rolls-Royce facility in Barnoldswick.

Retail Distribution

36. Recent commitments have led to the capacity for convenience floorspace up to 2033 being reached, and there is no spare capacity for comparison goods up to 2023. There is limited capacity for comparison goods (about 2000 square metres) between 2023 and 2033. The explanation to Policy WRK 4 is to be updated to reflect this change in circumstances. In view of these figures no percentage distribution is envisaged in Policy SDP 5.
37. The hierarchy is appropriate in recognising Nelson, Colne and Barnoldswick as the main town centres providing a mix of convenience and comparison shopping. Brierfield, Barrowford and Earby have different characteristics and serve different needs. For example Barrowford provides niche high end fashion retailing in addition to meeting local needs. But all three are best defined as Local Shopping Centres. The retail hierarchy should be clarified by the inclusion of a table in Policy SDP 5 (**MM072**).

The approach to site selection

38. Policy SDP 2 includes criteria for the selection of sites for new development, including the allocation of sites in the SAP. Selection will also be guided by the settlement hierarchy and the distribution of housing and employment land set out in Policies SDP 3 and SDP 4. The second part of Policy SDP 2 currently implies a sequential approach to site selection with a priority to brownfield land. This is made more explicit in paragraph 7.27 of the explanation to the policy.
39. However, the sequential approach is no longer part of Government policy. For these reasons paragraph 7.27 needs to be amended by **MM083** and the relevant part of Policy SDP 2 rephrased (**MM071**) so that there is an encouragement for the reuse of previously-developed land but it is not a priority. The revisions also provide greater clarity as to how greenfield land will be selected indicating that such sites should be in sustainable locations

and well related to existing settlements.

40. There is a plentiful supply of brownfield land in the inner urban areas but viability is poor. Policy SDP 2 and other parts of the Plan need to strike a balance between effective use of land and bringing forward sites to meet Pendle's development requirements, particularly in the short-term. That said, there are triggers attached to Policy SDP 2 so that if less than 50% of land developed is brownfield, then action is required. The changes to Policy SDP 2 are necessary to ensure consistency with national policy and that the Plan is deliverable.
41. The general extent of the Green Belt will be maintained. But there will be a detailed review of the boundary around settlements in the SAP to determine whether the defined limits need to be altered to include additional land for development. This review will include the Rural Service Centres in the Green Belt at Fence, Foulridge and Trawden, having regard to Policy SDP 3 and the guide that 12% of housing should be in Rural Pendle. It would appear to me that the Green Belt review will be necessary to ensure that enough land is identified to meet the spatial strategy of the Plan.

Conclusions on issue 2

42. Taking into account the above, including the Main Modifications proposed, I conclude that the strategy for the distribution of development is sound.

Issue 3 – Whether the policies of the Plan on the built and natural environments, design and flood risk are sound

43. Policies ENV 1 to ENV 7 of the CS deal with a range of environmental and design issues. There are also separate policies on the design of homes (Policy LIV 5), places of work (Policy WRK 6) and public places (Policy SUP 4).
44. The Council's approach to protecting and enhancing the natural and historic environment is set out in Policy ENV 1. The section relating to landscapes imposes a test of harm that is unduly onerous. **MM099** ensures that development would take into account the landscape characteristics of the area and recognise the higher status of the AONB. The policy also refers to designated sites of biodiversity and geological interest but does not distinguish between the hierarchy of international, national and local sites. In order to ensure that the policy reflects paragraph 113 of the NPPF and that protection is commensurate with the site's status, **MM027** and **MM082** are proposed by the Council. These changes to the policy are required to make it sound.
45. To ensure that the positive contribution that the historic environment can make to the future of Pendle is clear, a modification is proposed to 'Our Vision for Pendle' through **MM013**. Those parts of Policy ENV 1 relating to the historic environment need to incorporate reference to areas of the Borough which make a particular contribution to local character and distinctiveness such as the industrial heritage of the textile industry and the Leeds-Liverpool Canal corridor. In highlighting that such assets should be preserved and enhanced clarity is required as to how this will be achieved by the Council. A separate policy within the CS dealing with the asset of the canal is not necessary, although consideration ought to be given to the matter in the Part 2 document (SAP). The policy also needs to be consistent with the NPPF and

statutory tests, in particular in referring to a situation where harm to a heritage asset is permitted under paragraphs 132 to 135. The Council proposes to address these soundness issues, some of which have been raised by Historic England, through **MM061** and they are required for reasons of effectiveness and consistency with national policy.

46. Policy ENV 1 refers to establishing coherent ecological networks but the CS does not designate such networks. Work has recently been undertaken on identifying an ecological network for Lancashire and the Council had an input into the Burnley GIS, particularly in relation to cross boundary issues. The Council intends to produce its own GIS, having regard to the above documents, which will inform the preparation of the SAP including areas that require protection or enhancement. The GIS will also form part of the evidence base for identifying land as Local Green Space which could be protected by the SAP or through a neighbourhood plan. I am therefore satisfied that ecological networks and Local Green Space have been properly taken into account in the preparation of the Plan.
47. The Government announced the introduction of national technical standards for housing in March 2015. In addition the Government's National Productivity Plan and the document 'Fixing the Foundations: creating a more prosperous nation' signal a pulling back on the move towards zero carbon. In response to these changes in Government policy the Council proposes that Policy ENV 2 be amended to remove reference to zero carbon (**MM062**). The policy, as amended, appropriately encourages energy efficiency and low carbon energy, as set out in paragraphs 95 and 97 of the NPPF.
48. Other changes to Policy ENV 2 are required through **MM045**, **MM020** and **MM021** to highlight that proposals should make a positive contribution to the historic environment and to distinguish between the strategy for conserving and enhancing the historic environment (Policy ENV 1) and the approach to achieving good design (Policy ENV 2). These changes are needed to ensure consistency with national policy.
49. Policy ENV 3 deals with renewable and low carbon energy generation but as currently drafted does not refer to nationally recognised designations. To address this matter **MM098** proposes that renewable and low carbon technologies should not result in an unacceptable impact on recognised designations as well as the landscape and natural and historic assets generally.
50. The CS does not identify suitable areas for wind energy. Policy ENV 3 is a criteria based policy against which renewable and low carbon energy generation, including wind energy development, would be tested. However, in view of the WMS of June 2015 (paragraph 4 refers), changes are proposed to Policy ENV 3 and its explanation to clarify that such developments, wind turbines included, will be assessed against national policy and guidance in addition to their localised impacts and that future Local and Neighbourhood Plans will consider defining suitable areas for wind energy development (**MM096-MM098**).
51. Policy LIV 5 of the Plan strongly encourages the use of Building for Life standards in new housing developments. I regard this as an appropriate way

of achieving the Government's objective of high quality and inclusive design. Moreover, it is a positive response to the findings that only 14% of new properties in the north-west of England were of good or very good design. The Development Viability Study (DVS) took into account this policy aspiration in its range of appraisals.

52. Reference is made in Policy LIV 5 to the efficient use of land and that development should seek to achieve 30 dwellings per hectare. But the policy also needs to recognise that in certain locations surrounding form and layout may require a different approach to density. This is to be rectified by a change to Policy LIV 5 by **MM023**.
53. Policy SUP 4 deals with the design of public places. The policy as worded does not make it clear that proposals affecting public buildings and the public realm need to conserve and enhance the historic environment and heritage assets and their settings. This is to be addressed by **MM024** and **MM025**.
54. Flood risk and water management is dealt with by Policy ENV 7 of the CS. That part of the policy dealing with flood risk is consistent with national policy and guidance, including the sequential and exception tests. The policy also addresses sustainable drainage systems emphasising their priority over other means of dealing with surface water run-off.

Conclusions on Issue 3

55. I conclude that, subject to the Main Modifications proposed, the policies of the Plan on the built and natural environments, design and flood risk are sound.

Issue 4 – Whether the Plan's approach to the housing requirement and housing needs is sound

The Housing Requirement

56. The NPPF requires that Councils should use their evidence base to ensure that their LPs meet the full OAN for market and affordable housing in the housing market area. The Council, in collaboration with Burnley, produced a SHMA and a Housing Needs Study. The evidence was updated in September 2014 to take into account the 2012 based Sub-National Population Projections (SNPP). Further evidence was presented to the examination on the implications of the 2012 based Sub-National Household Projections (SNHP) which were released in February 2015. The up-to-date evidence base is to be referenced in paragraph 10.33 of the Plan by **MM084**.
57. The 2012 SNPP are considered to be more robust than the 2011 figures but, in addition, an uplift has been applied to take into account market signals such as low recent completion rates. Based on this evidence the Council concludes that the OAN is in a range of 250 to 340 dwellings per annum (dpa) based on a number of different demographic and employment-led scenarios. The Council does not consider that the range should be materially altered with the publication of the 2012 based SNHP taking into account an allowance for economic growth.
58. The Council has proposed a housing requirement of 298 dwellings per annum through Policy LIV 1 (or 5,662 (net) dwellings for the Plan period). This figure

meets the latest population and household projections, makes an allowance for the economic aspirations of the Borough and would boost significantly the supply of housing. Whilst it would not follow the employment-led scenario of past take up, evidence suggests that job growth has not followed development of land and premises. In relation to boosting supply the past delivery rate of 139 dpa and the former Regional Strategy requirement of 190 dpa are significantly below the proposed figure. It is necessary to make clear that the housing requirement is a minimum to accord with the Council's aspirations and Government policy (**MM065**).

59. The SHMA indicates that the affordable housing need is for 672 dpa (gross) over the next five years. This would not be achieved by the housing requirement figure in Policy LIV 1 or any other figure within the OAN range. Indeed to hypothetically achieve the affordable housing need a requirement of some 1,680 dpa would have to be set based on sites producing 40% affordable housing. Such a figure would not be realistic for a number of reasons. It would represent a tenfold increase in housing delivery compared to what has been achieved in the recent past. The provision of 40% affordable housing, whilst an aspiration, would not be viable on any site in the Borough as the market stands at present as evidenced by the DVS. Increasing the housing requirement fivefold would also be likely to have adverse impacts on the environment which would significantly and demonstrably outweigh the benefits.
60. The housing requirement is set at a level which reflects the OAN and takes into account affordable housing need and how much can realistically be delivered having regard to viability and environmental constraints. It is an aspirational but realistic figure. The only robust analysis before me is that produced by the Council which is justified.

Meeting the Housing Requirement

61. The Council proposes a stepped approach to delivery of its housing requirement in Policy LIV 1 on the basis that it will take some time for the market to recover from economic conditions and because of the limited supply of viable sites that have suppressed housing delivery in recent years. However, projections show a greater household formation rate and, therefore, a greater need in the early years of the Plan. Moreover, the Council indicates that it has a five year supply of housing applying a 20% buffer. This is on the basis that housing provision since the start of the Plan period has been boosted by the re-occupation of long-term empty properties so that there is no shortfall. Furthermore, the Strategic Housing Land Availability Assessment (SHLAA) indicates that there are sufficient sites that are deliverable to meet a five year housing land requirement provided that some sites identified within the SHLAA but constrained by Replacement Pendle Local Plan 2001-2016 (RPLP) policies are able to come forward in advance of the SAP.
62. In view of the above evidence and the need to boost the supply of housing at both local and national levels a stepped approach to housing delivery is not justified. So **MM065** proposes that Policy LIV 1 has a flat rate of delivery of 298 dwellings per year with corresponding changes to the justification through **MM085**.

63. **MM086** and **MM065** make it clear that non-allocated sites can come forward in advance of the SAP providing that they are within a settlement boundary or close to it, are sustainable and would comply with other policies of the CS. These changes are required to make sure that the needs of the area are met in the short term as well as longer term in a sustainable way and that delivery of a five-year supply of housing land is maintained. Policy LIV 1, as modified, will need to be weighed against the policies of the RPLP which restrict development close to settlement boundaries and which would remain in place after the adoption of the CS. These RPLP policies include a number of site specific constraints, such as Sites of Settlement Character (Policy 12). These constraints will be reviewed as part of the SAP document when allocations will also be under consideration. In the meantime the weight to be given to policies of the RPLP would depend on their consistency with policies of the NPPF and CS. In this context prioritising the review of specific constraints as part of the CS is not necessary.
64. In order to demonstrate that housing delivery is maintained and in accordance with paragraph 47 of the NPPF, a housing implementation strategy is to be included as an Appendix to the Plan (**MM087** and **MM094**). The document does not constitute policy or modify the policies of the Plan but clarifies how the housing requirement will be met. So no party would be prejudiced by its submission relatively late in the examination process.
65. It is understandable that the Council want to encourage sites to come forward that are likely to be deliverable. However, the requirement within Policy LIV 1 for a deliverability statement is not supported by national policy and would be too onerous a policy burden. Therefore, the requirement should be deleted through changes to the justification to the policy (**MM064**) and the policy itself (**MM065**). That said the parts of the policy that relate to non-allocated sites refer to such developments making a positive contribution to the five year supply. So the Council would be entitled to assess whether a site would be likely to be deliverable in considering any such proposals.
66. The housing requirement will be met by a combination of existing commitments, the SHS and allocations through the SAP. The Council acknowledges that greenfield sites will need to be allocated to meet the requirement. In order to provide clarity as to how the housing requirement is to be met a table needs to be included in the justification to Policy LIV 1 (**MM003** and **MM004**). Both the explanation to Policy LIV 1 and the policy itself provide the scope to allocate reserve sites. I consider that this ensures that sufficient flexibility is built into the Plan.
67. A limited number of completions took place in the period from April 2011, the start date of the Plan, to March 2014. There has also been some occupation of long term empty homes shown by Government returns. There is sufficient evidence to justify that empty homes have contributed to supply since 2011/12 but not enough information to support an allowance figure to count against the future requirement at this stage. This position is explained by **MM051**. **MM088** and **MM089** clarify the contribution made by the reoccupation of empty homes and the effect on the housing trajectory.
68. An allowance for windfalls is not included against the requirement as the comprehensive site assessment work in the SHLAA means that few sites that

have not already been identified are likely to come forward. In order to confirm the position an additional paragraph is required for clarity and is proposed through **MM052**.

69. The SHS at Trough Laithe is proposed through Policy LIV 2 on the basis that it is needed to boost the delivery of housing, particularly in the early years of the Plan period. It is of a reasonable scale to make a significant difference to delivery (12 hectares and about 500 units). The site is the only one identified through the SHLAA of such a magnitude and has been actively promoted through the CS. As a greenfield site in a location that will be attractive to the market and that has a willing developer, there appears to be a good prospect that it will come forward relatively quickly, possibly by 2016. Indeed the landowner has already investigated constraints and infrastructure requirements and prepared a Development Framework. A planning application was submitted in July 2015. The indications are that the site could deliver 50 dwellings per year once up and running.
70. The alternative approaches of bringing more sites forward at the CS stage or delaying all housing allocations until the SAP would stall the delivery of much needed housing, especially in the M65 corridor, and increase uncertainty about the area's housing requirements.
71. The Trough Laithe site is protected for long-term development requirements by the RPLP which gives an indication that it has been considered suitable for development for some time. It lies adjacent to the Riverside Business Park and close to the proposed Strategic Employment Site (SES) at Lomeshaye so is well placed to access employment opportunities. Nelson and Colne College is nearby. The site is next to Barrowford but also in close proximity to Nelson and fits with the strategy for focussing development in the M65 corridor.
72. The site is capable of being accessed by public transport with the potential for a bus/emergency vehicle only route through to Wheatley Lane Road. Its location, existing links and the potential for the provision of routes within the site and beyond mean that the site and nearby services will be accessible on foot and by cycle. Improvements to Junction 13 of the M65 are already planned and funded. Any further works to Junction 13 or improvements to other junctions required as a result of the SHS would be catered for by Policies LIV 2 and SDP 6. There do not appear to be any overriding infrastructure constraints. In order to clarify that there may be a need to address primary school capacity issues in Nelson and Barrowford an amendment is needed to the policy to make it explicit that infrastructure refers to social as well as physical elements and includes education (**MM075**).
73. As with many other potential greenfield development sites, housing at Trough Laithe will significantly change the character of the area. But developing on the valley slopes is the way that the settlements in this part of Pendle have traditionally grown. Pendle Hill and its lower slopes will still be maintained as a backdrop beyond the site. The development would have clearly defined boundaries, including that formed by Wheatley Lane Road at its upper end. The settings of the heritage assets of Laund Farmhouse, a Grade II listed building, and the Carr Hall/Wheatley Lane Road Conservation Area could be protected by sensitive landscaping, screening and use of traditional design and landscape features in the vicinity of the heritage assets.

74. The indication from the landowner is that, because of the particular site circumstances, the site could deliver 20% affordable housing which would be considerably more than most areas of the Borough. As this was a factor that was taken into account by the Council in deciding to put the site forward, Policy LIV 2 needs to be clear that 20% is the requirement unless an up-to-date viability assessment indicates that it clearly cannot be delivered (**MM075**).
75. Taking into account the above I consider that Trough Laithe is a key site which is critical to the delivery of the housing strategy of the CS and its allocation is justified and will be effective.

Housing Needs

76. There is a significant need for affordable housing in the Borough (paragraph 59 refers) but viability issues mean that, as things stand, it is unlikely that many privately developed sites would be able to contribute to the needs, particularly in the M65 corridor. This is evidenced by the DVS. On this basis the inclusion of the aspirational target of 40% within Policy LIV 4 is not justified so **MM066** removes the reference. It is included in the explanation to the policy instead (**MM090**).
77. The site size thresholds and area based affordable housing targets contained within Table LIV4a which forms part of Policy LIV 4 reflect the DVS. A number of adjustments were made to reflect the changes brought about for small housing sites of 10 units or less through the Planning Policy Guidance (PPG). However, following the High Court judgement of 31 July 2015 (West Berkshire District Council and Reading Borough Council v Secretary of State of Communities and Local Government [2015] EWHC 2222 (Admin)) and the subsequent alterations to the PPG, the table was adjusted again (**MM066**). That said, due to viability evidence, Policy LIV 4 as originally proposed did not anticipate any affordable housing on any sites of less than 5 dwellings and on sites between 5-14 dwellings in Rural Pendle only. Therefore, the final version of Table LIV4a does not change significantly from that contained in the CS submitted for examination and the version discussed during the hearings.
78. The targets within Table LIV4a are realistic in the current climate but economic circumstances are likely to change. Moreover, some sites that come forward, even in the short term, may be capable of sustaining some affordable housing due to their particular characteristics. Taking these factors into account it is appropriate that the need for an early partial review of the Plan is highlighted, namely within three years, and that developers are encouraged to provide affordable housing where the current target is 0% if market conditions prove more favourable for a particular site. As a corollary some sites, even in West Craven and Rural Pendle, may not be able to sustain the targeted amount of affordable housing. Less provision would need to be supported by a viability assessment but such a requirement would not apply to those proposals that are meeting or exceeding the target. Changes are necessary to Policy LIV 4 to reflect the above circumstances as part of **MM066** and through **MM091** and **MM092**.
79. Policy LIV 4 includes a requirement to retest viability after two years of the grant of planning permission to allow reconsideration of the affordable housing

requirement. However, such a requirement would place an additional burden on developers and goes beyond national policy or guidance. Moreover, given that planning permissions only have a three year life and an early partial review of the Plan will be undertaken, the requirement is unnecessary. For these reasons a modification to Policy LIV 4 is needed to delete the requirement (**MM066** and **MM093**).

80. In most cases it would be preferable to provide affordable housing on site but there may be occasions where a contribution to off-site provision would be warranted, including where this would assist a regeneration scheme such as the acquisition of empty properties. Priority would be for commuted sums to be used in the same settlement as the development. But a modification is needed to Policy LIV 4 as part of **MM066** to allow more flexibility, a change which is appropriate given the regeneration needs of the Borough's inner urban areas.
81. The guidance on affordable housing tenure split within Policy LIV 4 is based on the SHMA. Data indicates that there is little difference between affordable and social rents. Given limitations on public funding, flexibility is built in between the two. Intermediate housing is the cheapest form of tenure due to the low house prices in the Borough and offers the benefit of giving occupants a financial stake in their property. Therefore, the policy indicates that it should have the highest target figure of 40% of the tenure split. Although 'low cost market housing' can provide cheaper dwellings on some sites where there are viability issues, it does not fall within the definition of affordable housing in the NPPF and, therefore, is outside the ambit of the policy.
82. Rural exception sites are allowed for by Policy LIV 4. The policy is consistent with the NPPF in allowing an element of market housing to enable delivery of affordable housing in some instances. The circumstances where a rural exception site would be allowed have been clarified by **MM066** such that the requirements to meet specific local needs, avoid or mitigate environmental impacts and the links between affordable and market housing are made more explicit.
83. The Government has emphasised the contribution that self-build housing can make to meeting housing needs. Work undertaken by the Council to assess interest in self-build as part of the Right to Build Vanguard Project has not revealed a significant interest. Nevertheless the Plan should recognise that a need or demand may arise during the Plan period. As a result **MM053** and **MM054** are required so that there is reference to self-build in the explanation to Policy LIV 3.
84. Policy LIV 3 appropriately recognises the housing needs of different groups, including families with children, older people and those with disabilities. The policy also considers the needs of gypsies and travellers. The GTAA undertaken in 2012 did not reveal a need for gypsy and traveller sites within the Borough. The GTAA appears to be a robust assessment of need, including of those living in bricks and mortar. This analysis is supported by the lack of applications for sites or enforcement activity against unauthorised pitches or encampments over the last ten years.
85. That said Policy LIV 3 contains criteria against which any proposals for sites

would be assessed. The criteria required that all sites should be considered against the DCLG Good Practice Guide (GPG). However, that document was cancelled by the Government on 31 August 2015 so an amendment is required to the policy to remove reference to the GPG (**MM055**). The criteria are also to be amended to make sure that areas with poor environmental conditions are avoided to ensure consistency with the Government's 'Planning policy for traveller sites'.

86. Pendle contains a high proportion of terraced housing (56%) in comparison to sub-regional (31.5%) and national figures (24.5%). In order to support a more balanced mix of dwellings Policy LIV 5 includes an indicative guide such that developers should be aiming to provide 60% detached and semi-detached houses on new developments and now refers to the provision of higher value homes.

Conclusions on Issue 4

87. I conclude that, subject to the Main Modifications recommended, the policies of the Plan on the housing requirement and housing needs are sound.

Issue 4 – Whether the Plan's approach to the economy is sound

Employment Sites

88. The Borough is affected by low incomes with 27% of the working-age population earning less than £15,000 per annum. In order to diversify the economic base of Pendle and provide opportunities for growth it is important that good employment sites are available. The Council's ELR projects how much land will be required for different employment uses taking into account the existing supply of sites. It appears to be a robust evidence base that has had regard to the needs of the existing business community.
89. Existing sites identified in the ELR include those with space for expansion and vacant land and buildings. In this respect many of the brownfield sites close to the centres of Nelson, Colne and Barnoldswick in areas such as South Valley, Colne are already included within the supply. Despite the existing portfolio of sites the evidence is that there is a shortfall of supply of some 25 hectares. In order to make clear the extent of the residual requirement for employment land, it is necessary that Policy WRK 2 makes specific reference to the 25 hectares (**MM011**).
90. Most new employment sites will be allocated through the SAP. In addition those existing sites which are suitable for retention for employment will be considered for designation as Protected Employment Areas in the SAP. As part of this review sites with poor access or layout would be likely to be discounted as there would not be a reasonable prospect of them being reused for employment purposes.
91. Available evidence indicates that, in order to meet business demand and address local regeneration issues, employment land needs to be focused on the M65 corridor. The ELR found a shortage of modern units suitable for larger employment uses or sites for accommodating such buildings in the M65 corridor. Some successful local companies have had to move out of the

Borough to obtain suitable premises. In response to these pressures the Council proposes to allocate a SES in the Green Belt at Lomeshaye.

92. In deciding to allocate Lomeshaye the Council undertook a site selection process. Five potential sites were reviewed. Of these four, including Lomeshaye, are in the Green Belt. The site outside the Green Belt is beyond Foulridge. The site at Foulridge has significant access limitations which make it unsuitable. The other three Green Belt sites also have access constraints.
93. The M65 corridor is heavily constrained by topography and the Green Belt. In order to provide a site which would meet the needs of the Borough and would be easily accessible from the motorway it appears to me that use of Green Belt land is inevitable. The Lomeshaye site seems to be the most suitable in this respect and appears to be deliverable. The development would lead to encroachment into the countryside but in terms of other Green Belt purposes sufficient open land would remain towards the village of Fence. In this respect neighbouring settlements would not merge. The extent of the development would not lead to unrestricted urban sprawl. The A6068 and Old Laund Clough would provide defensible new boundaries between development and the Green Belt which would endure beyond the Plan period.
94. The exceptional circumstances to support an alteration of the Green Belt boundaries, notably the need to focus employment land in the M65 corridor and the absence of alternative sites to meet this need beyond the Green Belt have, to my mind, been demonstrated. However, more emphasis is required within the justification to the policy on the economic and social imperative behind the release of Green Belt land. This would be achieved by **MM078** and **MM079**.
95. The site can be accessed from Junction 13 of the M65 along the A6068 and relates well to the existing development at Lomeshaye Industrial Estate. The highway approach is suitable. The existing site is not directly served by public transport. Once built out there would be the potential to link the existing and proposed employment areas which would allow a bus route to operate to serve both sites. There are cycle routes which penetrate the existing industrial estate and a proposal for a new cycleway along the A6068. There is the potential for these routes to be linked into the SES. A network of footpaths cross both the existing and proposed sites which can be integrated into new development.
96. Part of the site is steeply sloping and a section close to Pendle Water is within Flood Risk Zones 2 and 3. These constraints together with the need to consolidate existing landscape features with structural landscaping will limit the developable area of the 30 hectares site to about 16 hectares. However, this is a significant proportion of the 25 hectares shortfall in supply and will provide space for the larger units that are needed. Policy WRK 3 supports the development of the SES subject to certain criteria being met. In order to assist in meeting the criteria on accessibility and high quality landscaping and to have regard to constraints of topography and flood risk, the policy should include a requirement for a detailed development brief. **MM080** proposes this change which is necessary in the interests of effectiveness.
97. Policies WRK 1 and WRK 2 set out the objectives for strengthening the local

economy and the quantum of development that will be required to meet those needs. The latter policy, guided by the spatial distribution set out in Policies SDP 2 and SDP 4, identifies the criteria that will be used in directing employment development to the appropriate locations and protecting the best employment land. Policy WRK 2 also indicates the type of employment that will be directed to the spatial areas. For example Nelson Town Centre is to be the focus for office development to assist in improving its vitality. The function of West Craven in supporting advanced manufacturing linked to the aerospace industry is recognised. Employment development in Rural Pendle will be supported where it helps to diversify the rural economy in a sustainable way. The policies provide the appropriate strategic direction for the Borough.

Retailing and Town Centres

98. The town centres of Nelson and Colne are to be the main focus of retail development in the M65 corridor and for shopping proposals serving a borough-wide catchment. It is recognised that there is limited capacity for additional retail floorspace (paragraph 36 refers). However, Policy WRK 4 supports additional convenience and comparison proposals in town centres and in Nelson and Colne in particular, to meet qualitative needs and enhance their vitality and viability. The evening economy of these centres is also to be enhanced by promoting cultural and similar activities.
99. Nelson Town Centre is showing some indicators of decline, including high levels of vacancy, slow turnover, short term leases and limited footfall. However, there are encouraging signs with the development of the Nelson Public Transport Interchange, refurbishment of shops in Scotland Road/Leeds Road and the acquisition of the Pendle Rise Shopping Centre by new owners. The CS provides the framework to support new investment in the town centre.
100. Barnoldswick will remain as the main focus for shopping in the north of the Borough. New retail provision for the rural community will be primarily directed to the Rural Service Centres identified by Policy SDP 5. The strategy provided by Policy WRK 4, including the need to follow a sequential approach for town centre uses, will assist in ensuring that retail development is directed to the most sustainable locations and that positive policies are in place to prevent town centre decline.

Tourism, Leisure and Culture

101. The tourism potential of Pendle and the assets of Pendle Hill and the Leeds Liverpool Canal are recognised in the Plan. The CS also acknowledges that towns such as Nelson and Brierfield have a poor perception. So Policy WRK 5 seeks to spread the economic benefits of tourism, leisure and culture to the towns by focusing new development alongside complementary uses such as the town centres and the canal, whilst still facilitating sustainable opportunities in the rural areas through the re-use of existing buildings in particular.

Conclusions on Issue 4

102. I conclude that, subject to the Main Modifications recommended, the policies of the Plan on the economy are sound.

Issue 5 – Whether the Plan's approach to the community facilities, health and well-being and education is sound

103. The Council's approach to community facilities, other than open space and sports and recreational facilities, is set out in Policy SUP 1. The policy seeks to resist the loss of such facilities and direct new provision to settlements where there is a need and in accessible locations. A contribution to community needs generated by development will be expected from developers when this is viable. The definition of community facilities is contained in a footnote to the policy. In recognition that shops and pubs are an important focus for rural communities the definition needs to be expanded to incorporate such uses in Rural Pendle (**MM057**).
104. Policy LIV 5 requires the provision of open space and/or green infrastructure in new developments. The policy is not clear about the priority that will be given to the type of provision, be it on-site, off-site contributions or enhancement of existing facilities in the area. There is also no reference to the consideration to be given to existing types of open space in the area and deficits in provision. There are such deficits, particularly in the high density inner urban areas. The GIS will confirm where deficits and surpluses exist. For these reasons a modification is needed to Policy LIV 5 to set out the priorities and considerations to be taken into account (**MM010**).
105. The provision and enhancement of open space is also an important component for improving the health and well-being of the population. The explanation to Policy SUP 2 emphasises this importance. However, the policy itself, although making passing reference to open space does not presently give it sufficient priority. Accordingly **MM081** proposes that the contribution of open space to health and well-being in Policy SUP 2 is made more explicit. Otherwise Policies SUP 2 and SUP 3 are appropriate in giving priority to new health, social care and education facilities in areas of high deprivation or where there is a deficiency in provision.

Conclusions on Issue 5

106. I conclude that, subject to the Main Modifications recommended, the policies of the Plan on community facilities, health and well-being and education are sound.

Issue 6 – Whether the Plan's approach to the assessment and delivery of infrastructure requirements is sound

107. The Pendle Infrastructure Strategy does not envisage that infrastructure provides any significant barriers to the scale of development envisaged by the CS. The Infrastructure Delivery Schedule (IDS) at Appendix A to the Plan sets out the projects that are critical to the delivery of the Plan and others that are in the pipeline but less critical. It has been drawn up in partnership with a range of infrastructure providers. Some of the key projects, such as improvements to junctions on the M65 and waste water treatment works, are to be supported by grant funding or utility company capital programmes. There are clear indications that the infrastructure will be delivered in a timely fashion, albeit that there is less detail available for the later phases of the Plan period. This is because some infrastructure providers only plan over a five

year period, an issue that is recognised at national level, for example in the PPG.

108. Policy SDP 6 indicates that infrastructure requirements are taken into account, including that utility providers have sufficient capacity. The policy also makes it clear that development will need to provide for necessary on-site infrastructure and other local infrastructure and services but that such provision will only be required where the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations are met. There are some ambiguities in the wording of the policy but these would be addressed by **MM060** so that there is more certainty as to what a developer needs to take into account in considering infrastructure.
109. As viability is an issue for much development in Pendle it is important that infrastructure contributions and other requirements do not prevent development going ahead. Policy SDP 6 recognises that viability is a factor in considering off-site infrastructure. Moreover, targets for affordable housing are informed by the DVS (paragraph 76 refers). Furthermore, the Council has no current plans to introduce a CIL because of the adverse impacts that it would have on bringing development forward. The policy requirements of the Plan will allow development to go ahead with a competitive return for a willing landowner and developer.
110. Two strategic transport schemes are referred to in Policy ENV 4 of the CS, the A56 villages' by-pass and the reinstatement of the Colne to Skipton Railway Line. Neither is critical to the delivery of the Plan but both would have economic, social and environmental benefits by providing better access to jobs and services; making development in the north of the Borough more attractive and sustainable; and improving air quality and congestion in the North Valley, Colne. The railway would also have tourism benefits. Traffic management solutions for the A6068/A56 corridor have been considered but would not provide the benefits of the by-pass.
111. The by-pass has been identified by the East Lancashire Highways and Transport Masterplan as a scheme that could be delivered during the Plan period, subject to funding. The route of the by-pass has not been firmed up but provided care is taken in the selection and design of the route, the benefits would be likely to outweigh the environmental impact. The railway may also come forward during the Plan period. The indications are that it would be feasible to route a cycle path parallel with the railway which would enhance its tourism benefits and provide another sustainable transport option. The support of the Council for the schemes through Policy ENV 4 is justified.

Issue 7 – Monitoring and Implementation

112. Each policy in the CS is followed by a Monitoring and Delivery Table setting out how the Council intends to gauge the effectiveness of the policy through targets, triggers and indicators. These elements are specific as they refer to particular aspects of the policy; measurable as they use data from well-established sources; achievable and realistic as they derive from the evidence; and time-bound in that the triggers for intervention are set at different intervals depending on the nature of the policy. Some of the indicators, targets and triggers need to be amended to take into account proposed

modifications.

113. The Council's Authority's Monitoring Report (AMR) will incorporate the targets, triggers and indicators to show how the implementation of the CS is progressing. The AMR will also include an update of the IDS to ensure that infrastructure that is critical to the delivery of the Plan is on course to be provided.

114. The Monitoring and Implementation provisions of the Plan are likely to be effective.

Assessment of Legal Compliance

115. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The CS is identified within the approved LDS of June 2014 (5 th Edition) which sets out an expected adoption date of December 2015. The Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2007 and consultation has been compliant with the requirements therein. Although consultation on the post-submission proposed MM changes is not referred to in the SCI, the Council has undertaken consultation for a six week period which is consistent with the timeframes of previous consultations.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The HRA Screening Report (September 2014) sets out why AA is not necessary.
National Policy	The CS complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations	The CS complies with the Act and the Regulations.

Overall Conclusion and Recommendation

116. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

117. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Pendle Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Mark Dakeyne

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications including the Housing Implementation Strategy.