

# **Pendle Core Strategy Examination**

Pendle Borough Council

Hearing Statement

Session 9 – Thursday 16<sup>th</sup> April 2015

Matter – Tourism/Leisure/Culture and Community Facilities

- 1. Does the CS place enough emphasis on the tourism role of the Borough's towns, as well as the rural areas?**
- 1.1 The Core Strategy reflects the principles set-out in the National Planning Policy Framework (NPPF) [CD/10/01] to support sustainable rural tourism and economic growth in the rural areas (paragraph 28).
- 1.2 Tourism is currently one of the most successful sectors of the UK economy and has been identified as a growth sector for Pendle. Paragraph 11.114 recognises that a well-managed tourism industry can bring about a wide range of diverse benefits the borough's urban and rural areas. This includes underpinning existing economic activity in agriculture, manufacturing and service industries; attracting new investment; supporting existing transport and service infrastructure; providing support for the conservation of heritage assets and the countryside; helping to improve the viability of town centres; and assisting the regeneration of depressed urban areas.
- 1.3 The Core Strategy seeks to broaden the current range of attractions and facilities; thereby attracting more visitors, generating more income and increasing employment opportunities. To support tourism the Core Strategy sets-out the ways in which the borough's retail and tourism industries can be supported and enhanced, focusing on the market towns of Barnoldswick and Colne and proportionally to the rural service centres and rural villages identified in Policy SDP2.
- 1.4 Whilst Policy WRK5 is directly concerned with promoting sustainable tourism development, throughout the borough, it has been positively prepared and is both aspirational and realistic. In addition a number of other policies in the Core Strategy also directly or indirectly help to promote the development of tourism in Pendle. Policy WRK4 promotes the importance of historic town centres for shopping, entertainment, leisure and culture. Collectively Policies WRK4, WRK5, SUP1 and SUP2 emphasise that leisure, cultural, recreational and community facilities can provide significant benefits for the borough's town and local shopping centres, helping to maintain their vitality and ensuring their continued viability. The sequential approach in Policy WRK5 seeks to locate such facilities in highly accessible town centre locations or in highly accessible locations, in the first instance.
- 1.5 But encouraging tourism will place pressure on the borough's environment. Tourism in Pendle is highly dependent on its high quality environment, and the historic fabric of the borough's towns and villages and the natural beauty of the surrounding countryside are both extremely important in this context. Policy ENV1 places a strong emphasis on protecting and enhancing these assets. The NPPF also provides a framework for conserving and enhancing the historic environment, referred to as 'heritage assets' in paragraphs 126-135. Having regard to the variety, significance and condition of heritage assets within Pendle will be a key consideration in the appraisal of new development proposals. Policy ENV4 seeks to improve transport links throughout the borough.

- 1.6 Overall the Core Strategy seeks to achieve an appropriate balance, favouring developments and attractions which are environmentally sustainable and do not cause damage to the historic or natural environment. As described the policies place sufficient emphasis on the tourism role of the boroughs towns and its rural areas.
- 2. 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?**
- 2.1 The National Planning Policy Framework (NPPF) [CD/10/01] affords AONBs “*great weight*” in the decision making process and considers them to have the highest status of protection in terms of landscape and scenic beauty (Paragraph 115). Paragraph 116 goes on to state that “*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.*”
- 2.2 Pendle Hill is a prominent feature of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), an outlier is remote from any urban development. The area within the AONB is particularly sensitive to developments that are visually prominent; of an urban, suburban or industrial nature; or are noisy.
- 2.3 Early in the Core Strategy acknowledgment is given to the importance of the countryside for tourism in Pendle and in particular the importance of Pendle Hill and the Forest of Bowland AONB (paragraph 3.77). The importance of the landscape and AONB is then addressed in paragraphs 8.44-8.46 inclusive within Policy ENV1, which seeks to conserve and enhance the borough’s natural and historic environments.
- 2.4 The AONB may not be at the forefront of Policy WRK5, which is concerned with presenting a positive approach to encouraging sustainable tourism development, but its pre-eminent role is acknowledged in paragraphs 11.122 and 11.123, although it is recognised that development opportunities should seek to spread economic benefits across a wider footprint.
- 2.5 Policy WRK5 includes detailed policy criteria with which to guide the assessment of proposals for tourism development and is therefore considered to be in accordance with the positive policy stance required by the NPPF. Whilst these criteria do not make specific mention of the AONB, they are appropriate to development within the AONB, where proposals for tourist accommodation, visitor and recreational facilities will be supported where they provide for recreational use, the protection and enhancement of the landscape character and biodiversity and are of an appropriate scale and in a sustainable location. Policies elsewhere in the Core Strategy do not preclude such proposals coming forward and being supported where appropriate. National planning policy, together with other policies within the Core Strategy (e.g. ENV1), carefully control new development in and around the AONB.

2.6 None of the representations submitted detract from the Council’s view that Policy WRK5, as drafted, and its supporting text is appropriate for Pendle. Furthermore, it is consistent with the NPPF and planning policy in neighbouring Ribble Valley, which has significant AONB coverage.

**3. By what means will development contribute towards the provision of any community needs generated by the development (Policy SUP1)?**

3.1 In the National Planning Policy Framework (NPPF) [CD10/01] Paragraph 154 notes that: *“Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*

3.2 The Core Strategy makes clear that infrastructure will be funded through a combination of one or more of the following mechanisms:

- S106 contributions – where necessary to make the development acceptable in planning terms
- Pooled contributions – where appropriate
- Community Infrastructure Levy – should a CIL Charging Schedule be introduced when viability improves
- External funding – where this can be secured
- Statutory obligations – on the part of providers (e.g. utility companies,; education authority)

3.3 Policy SUP1 in conjunction with Policy SDP6 specifically requires new development to contribute towards the provision of any community needs generated by the development, where this is viable.

3.4 The property market in Pendle is typified by weak demand, meaning low values. This is not a recent trend. Even in the very strong property market of 2002-2007, the borough did not attract significant employment led investment, although there has been considerable retail investment in and around Colne since 2009. Weak development viability stems from low property values associated with limited demand in Pendle. Furthermore, tight settlement and Green Belt boundaries mean that there is limited scope for development activity in the more desirable locations.

3.5 The Development Viability Study [CD/07/01] concludes that only care homes, large food store and retail warehouse development are the only property types capable of supporting contributions from the Community Infrastructure Levy (CIL) (paragraph 6.18). It goes on to note that the margins available from these types of development (when other policy requirements and site specific S.106 costs are discounted) will be negligible (paragraph 6.19). On this basis Pendle Council has taken the decision not to adopt a CIL Charging Schedule at this time, as the costs of introducing and administering CIL are likely to outweigh the benefits.

- 3.6 Planning obligations (Section 106 agreements) provide an alternative mechanism for a legal agreement between the Council and developer to secure infrastructure and services that authority believes to be necessary to facilitate the proposed development. Paragraph 204 of the National Planning Policy Framework (NPPF) [CD/10/01] clarifies the basis on which planning obligations should be assessed for their acceptability in policy terms and gives further guidance on the process of securing obligations. Contributions may either be in cash or in kind but the benefit which can be secured must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 3.7 The Core Strategy is aspirational, but realistic. It recognises that few development typologies, particularly housing development in the M65 Corridor, are viable now. But, the plan is taking practical steps to create the right environment to facilitate future development, with the allocation of strategic sites for housing and employment helping to demonstrate that it will start to deliver on its ambitions early in the plan period.
- 3.8 Elsewhere the Core Strategy tries to strike an appropriate balance between encouraging new residential and economic development, without imposing such a level of burden that prevents developers and landowners from making a competitive return. Should this approach, in combination with an upturn in local economic conditions, help to improve viability in Pendle, the opportunity to introduce CIL as a means of funding essential infrastructure (including community facilities) will be revisited.
- 4. How are deficits in open space and outdoor recreation in certain parts of the Borough to be made up during the Plan period? *See in particular C/004 for Council's response and the intention to produce a Green Infrastructure Strategy.***
- 4.1 Policy ENV1 provides the Council's approach to protecting and enhancing existing areas of open space and supports the provision of new sites as part of a wider programme of Green Infrastructure provision. The preparation of a Green Infrastructure Strategy will provide the opportunity to update the Open Space Audit [CD/08/10], allowing for a review of the existing portfolio of open space sites, enabling the identification of deficits and the potential for new open space provision.
- 4.2 The Site Allocations and Development Policies plan will be used to provide a more detailed policy on the provision of open space, using the findings of the Green Infrastructure Strategy to highlight how and where deficits of open space will be addressed.
- 4.3 Policy LIV5 requires that a contribution to open space provision is made as part of new housing developments. A modification to this policy has been proposed (MM010) which sets out a mechanism for determining the amount of open space to be provided including a consideration of any deficits within the area.

**5. Will the Plan be effective in ensuring that new development contributes to the provision and/or enhancement of open space? *See in particular C/004 for Council's response.***

- 5.1 The Core Strategy approach to open space is based on the principles of sustainable development as set out in the National Planning Policy Framework (NPPF) [CD/10/01]. Strategic Objective 9 (page 35) highlights the importance placed on protecting, enhancing and improving access to green open spaces (including sport and recreation facilities) to improve health, well-being and quality of life. Policy hooks throughout the document provide the necessary linkages to the more detailed policies that will follow in Pendle Local Plan (Part 2): Site Allocations and Development Policies.
- 5.2 The principal policies addressing open space provision are ENV1 and SUP2. Policy ENV1 protects Green Infrastructure in its widest context – i.e. open space, sites of biodiversity interest etc. – and to provide net gains wherever possible. Development proposals that affect existing open space are assessed according to whether the area in question can be considered to be surplus to requirements; whether replacement provision of equivalent or better quality can be made available in the immediate locality; or the proposal is for alternative sports and recreational provision. This is consistent with the requirements of the NPPF (paragraph 74, page 18; paragraph 109, bullet point 3, pages 25-26 and paragraph 118, bullet point 4, page 28).
- 5.3 Both strategic site policies (LIV2 and WRK3) include a requirement for developers to address green infrastructure requirements (including open space provision) at an early stage.
- 5.4 Policies LIV5 and WRK6 address good design. Both encourage opportunities to incorporate open space in and around new development, particularly where this would help to preserve green links between existing open spaces. Policy WRK2 also acknowledges that allowance for open space will be made within Protected Employment Areas.
- 5.5 Policy SUP1 (paragraph 12.8) supports the Pennine Lancashire Housing Strategy [CD/04/06] by encouraging essential infrastructure (including open space) to be delivered alongside new housing. Policy SUP2 goes on to acknowledge the positive linkages between health and accessibility to open spaces. It offers support to the protection of high quality open spaces and opportunities for sport and recreation that make, or could make, an important contribution to the health and well-being of communities. Policy SUP4 whilst not making direct reference to open space, encourages incorporating green and communal spaces within the public realm.

**6. Should the CS identify areas for special protection as Local Green Space?**

- 6.1 The National Planning Policy Framework (NPPF) [CD/10/01] makes clear in paragraphs 76 and 77 (Page 18) that the designation of Local Green Space should be community led and that the appropriate mechanisms for this are Local Plans and Neighbourhood Development Plans.

- 6.2 Reference to Local Green Space provision in Policy ENV1 provides appropriate flexibility for their future designation as part of the Site Allocations & Development Policies Development Plan Document (“Pendle Local Plan (Part 2)”). Paragraphs 8.29 and 8.50 make clear the Council’s intention to identify and protect green spaces that are of community value. The policy text (Page 70) goes on to state that it is the Council’s intention to work with the local community to identify and designate Local Green Space, where appropriate, during the preparation of the Pendle Local Plan (Part 2). This approach reflects that the identification of these areas should be community led.
- 6.3 A key piece of evidence underpinning Pendle Local Plan (Part 2) will be the Green Infrastructure Strategy. This will incorporate a full review of open space in the Borough and provide a further opportunity for interested parties to identify specific areas of land for consideration against the criteria in the NPPF (Paragraph 77, Page 18) and request that these are formally designated as Local Green Space.
- 6.4 Whilst the Council is already in receipt of representations recommending the designation of Local Green Space, none have been designated at this time. The Council believes that the preparation of the Green Infrastructure Strategy and the site allocations process represent the most appropriate mechanism for identifying and designating Local Green Space and that the time required to identify such designations in the Core Strategy would cause unnecessary delay to its adoption.