

**PENDLE LOCAL PLAN CORE STRATEGY**

**SESSION 11: OTHER MATTERS**

**STATEMENT BY BARTON WILLMORE**

**ON BEHALF OF**

**JUNCTION PROPERTY LTD**

**MARCH 2015**

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**Issue 1: Should Policy 12 of the Pendle Local Plan 2001-2016 (Maintaining Settlement Character) be replaced by the CS?**

1. This issue is intrinsically related to Matter 5(11) dealing with five year supply.
2. Our Matter 5 Statement (Appendix 1) shows that four sites subject to Adopted Local Plan Policy 12 form part of the five year supply identified by the 2014 SHLAA. These sites have a total capacity of 405 dwellings. To warrant inclusion in the five years supply, the four sites should be able to meet the NPPF definition of deliverability, including being "*suitable now*" and "*available now*".
3. None of the four sites have planning permission. To be deliverable, the Council would have to be prepared to grant permission immediately. However, a housing proposal for any of these four sites would be in conflict with Policy 12 which the Council intends to remain in force under Appendix B of the CS, at least until the adoption of the Allocations DPD. As such, the four sites could only be granted permission as departures from the development plan, despite the fact that their release is required to fulfil key housing and planning objectives. This would be clearly an unsatisfactory position for the CS to achieve.
4. We must also emphasise that Policy 12 is not compliant with the NPPF. As a landscape policy, the Framework (113) states that it should be "*criteria-based*". Policy 12 is not a criteria-based policy.
5. For these reasons, JPL considers CS Appendix B should identify Policy 12 as not being saved.
6. Not dissimilar points can be made about Adopted Local Plan Policies 1 (Settlement Boundaries) and 3A (Protected Areas).

7. The alternative approach is to retain Policy 12 as a saved policy but adopt the change to Policy LIV1 which we have suggested in our Matter 5(12) response.

**Issue 2: Are the definitions within the Glossary (Appendix C) consistent with national policy e.g. relating to open space**

8. The NPPF Glossary defines open space as follows: -

*"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."*

9. The CS Glossary adopts much of the wording of the NPPF definition but makes important changes. The CS definition is as follows (we have highlighted the changes from the NPPF):-

*"The term used to describe all areas of public value, including not just land, but the areas of water, which offer opportunities for sport and recreation or act as a valuable visual amenity or haven for wildlife."*

10. The effect of the CS changes is to widen considerably the scope of what can be identified to be "open space" so that it includes areas which have no sport or recreational function but could be argued to be important for visual amenity or wildlife. For example the definition could encompass farmland of wildlife value or private gardens of amenity value. JPL considers that this would be totally inappropriate, producing uncertainty and confusion about what is protected as open space.
11. This uncertainty and confusion will be exacerbated by the fact that Footnote 95 to Policy ENV1 (the main policy dealing with open space) restricts the scope of that policy to particular types of open space. It does not seek to apply protection to all the types of site which potentially falls with the CS Glossary definition.
12. We consider that the CS Glossary and Footnote 95 should apply the same definition of open space as the NPPF.