

# PENDLE CORE STRATEGY PLAN EXAMINATION

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To:

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Sent via e-mail

27 February 2015

Dear Mr Halton

## **Pendle Core Strategy (CS) Examination**

The Hearing Programme and Matters and Issues to be discussed at the hearing sessions have now been finalised and have been circulated to participants. I have sought to ensure that the Matters and Issues contained in the programme relate to representations raised by those wishing to participate or are subjects that I consider need to be probed thoroughly in relation to the soundness of the Plan.

However, there are a number of other issues that I need to raise at this stage, outside the hearing process to assist in my Examination into the soundness of the Plan. Some of these relate to the following issue included in Session 1 of the Hearing Programme:

*Is the drafting of the policies sufficiently clear on what will or will not be permitted? 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 policy explanation and guidance?*

The issues are set out below.

### **Strategy**

Policies SDP3 and SDP4 – The opening phrase: ‘In order to achieve sustainable housing/economic growth over the plan period.....’ is part of the justification for the policies rather than policy itself and is already contained in paragraphs 7.33 and 7.38.

Policy SDP4 – Is the last paragraph necessary given the content of Policy SDP2 and paragraph 28 of the Framework?

Policy SDP6 – As implied through the issues raised in Session 10 the policy contains a number of general statements rather than clear requirements.

### ***Environment***

You indicate that you are awaiting feedback from English Heritage on any changes to the Plan required to make it sound in terms of the historic environment, in particular to Policies ENV1 and ENV2.

Policy ENV1 – the policy is lengthy and some elements merely seem to repeat national policy in the Framework. In particular there are statements about national policy on Areas of Outstanding Natural Beauty, Green Belts and open space which would better referenced in the justification to the policy rather than in the policy itself.

Policy ENV2 – There are some parts of the policy which would be better placed within the justification/explanation (unless already referred to) e.g. the 2<sup>nd</sup> sentence of paragraph 2, the 1<sup>st</sup> sentence of paragraph 3, the 1<sup>st</sup> part of paragraph 4, the 1<sup>st</sup> paragraph of Allowable Solutions and the final paragraph. Removing such elements would make the policy more concise.

Policy ENV3 – The 1<sup>st</sup> section of paragraph 1 is a statement. Does Policy ENV3 provide sufficient safeguards for nationally recognised designations? Paragraph 8.91 refers to the intent of the policy but this does not appear to be translated into the policy itself. Paragraph 8.86 implies that there may be areas of the Borough where wind development might be feasible but this is not translated into the policy. Given the low base figure of 0.1MW how are the ambitious outputs to be achieved?

Policy ENV4 – Is it necessary to cross reference with the settlement hierarchy and refer to elements of national policy such as the general location of development and the tests within Paragraph 32 of the Framework?

Policy ENV7 – In the section on surface water runoff it would seem appropriate to increase the emphasis on the use of SUDs by swapping the paragraphs so that the 2<sup>nd</sup> comes 1<sup>st</sup>. There are likely to be very few, if any, circumstances where discharge of surface water into a combined sewer would be acceptable. In this respect I would question whether the policy should make reference to this option at all.

### ***Housing***

You advise that specific windfall sites are included in the 5 year land supply so an allowance within Policy LIV1 would not be appropriate as windfalls are not a dependable source of supply. It would be worth referring to this in the justification to Policy LIV1, if not already included, so it is clear that it has been taken into account.

You refer to the Council updating its Empty Homes Strategy and Action Plan. Would the timescale for this work allow a figure to be included in Table LIV1 for the

reduction in empty homes by the date of adoption of the Plan? If not it would seem appropriate to remove Row G from the Table and amend the suggested wording to remove 'a further reduction in empty homes'.

There is no reference to Lifetime Homes within Policy LIV3 or its explanation. Do you consider this to be necessary or is it adequately addressed by the Building Regulations?

Given the Government's support for self-build housing I would recommend that reference is included in the housing needs section to the work being undertaken on the Right to Build vanguard (see C/004) albeit it would be premature to include reference in Policy LIV3 at this stage.

The criteria within Policy LIV3 for assessing proposals for gypsy and traveller sites that come forward during the Plan period need to be effective in ensuring that sites are sustainable economically, socially and environmentally (paragraph 11 of Planning Policy for Traveller Sites refers). The criteria should include reference to the effect of local environmental quality on potential sites and the need to avoid areas at high risk of flooding. The DCLG Good Practice Guide is primarily aimed at social rented sites and would not always be appropriate for small private sites, particularly those to be occupied by an extended family. The policy should recognise this distinction.

Does Policy LIV4 provide sufficient clarity as to when rural exception sites will be acceptable? The reference to allowing an element of market housing to enable delivery of affordable housing is noted (paragraph 54 of the Framework refers) but the 'exception' and justification when such circumstances would apply needs explanation.

### ***Community Facilities***

Is the Plan effective in promoting the retention of local shops and pubs, including those in the rural area? The footnote to Policy SUP1 does not refer to shops and pubs as community facilities.

The Council should initially concentrate on producing statements to address the Matters/Issues to be addressed at the hearing sessions. A response to my further questions contained in this letter is less of a priority but should be provided by 30 March 2015.

If you require any clarification on the above please contact me via the Programme Officer.

Yours sincerely

*Mark Dakeyne*

INSPECTOR

Inspector: Mark Dakeyne BA (Hons) MRTPI