

Pendle Core Strategy Examination

Pendle Borough Council

Hearing Statement

Session 1 – Tuesday 14th April 2015

Matter – Procedural and Overarching Matters

1. Have the consultation methods used for the Plan and contained within the SCI been satisfactory?

1.1 Pendle Council has sought to actively *involve* the local community in plan preparation. The Statement of Community Involvement (SCI) [CD02/02] adopted in March 2007, established at an early stage in the plan making process when the Council will seek the *participation* of others; who it will seek to *engage* and *consult* with and how they will be encouraged to become *involved*.

1.2 Each public consultation was conducted in accordance with the consultation requirements of the Planning Regulations (2004, as amended in 2008, and 2012), using the methods set-out in the SCI (see table below).

Table 1: Summary of SCI Requirements and Other Consultation Methods

	Reg. 18 Preparation • Issues & Options • Preferred Options	Reg. 19 Publication • Pre-Submission	Regs. 22 & 24 Submission
1. SCI Requirement			
Notify specific consultation bodies (Para 2)	✓	✓	✓
Notify general consultation bodies (Para 2)	✓	✓	✓
Notify other bodies and individuals on the Councils database	✓	✓	✓
Notify elected members (councillors)	✓	✓	✓
Publicise on Council website	✓	✓	✓
Advertisement / public notice in local press	✓	✓	✓
Press release	✓	✓	
Feature on local radio	✓		
Framework Newsletter / leaflet	✓	✓	✓
Poster	✓	✓	
Forum / focus group	✓	✓	
Workshop / presentation	✓	✓	
On-to-one interviews	✓		
Use Citizens Panel / LSP thematic groups	✓		
Public exhibition / display / drop-in session	✓	✓	
Public meeting	✓		
Documents made available at 'deposit locations' (Reg. 35)	✓	✓	✓
Documents made available on Council website (Reg. 35)	✓	✓	✓

	Reg. 18 Preparation • Issues & Options • Preferred Options	Reg. 19 Publication • Pre-Submission	Regs. 22 & 24 Submission
Documents available in alternative formats (on request)	✓	✓	✓
Representation form / questionnaire	✓	✓	
2. Additional Engagement (not identified in SCI)			
Notify prescribed bodies (Para 4)		✓	✓
Notify Council employees	✓	✓	✓
Duty to Cooperate meetings		✓	
Publicise via social media		✓	
Link to Feedback Online website	✓	✓	

Note: The minimum requirements identified in the SCI (Table C.3) are highlighted and shown in **bold**.

- 1.3 Within the Council officer and member steering groups guided the preparation of the Core Strategy. The Sustainable Community Strategy [CD 09/01] and the thematic groups of the local strategic partnership, established to manage its implementation, guided the strategic direction and content of the Core Strategy. More targeted engagement with key stakeholders then helped to develop individual policy responses.
- 1.4 Five public consultations have provided key stakeholders and members of the local community with the opportunity to comment at key stages in the preparation of the Core Strategy. The comments received have helped to shape subsequent iterations of the document. Feedback on the ‘community engagement’ carried out up to that point has been set-out in the various consultation statements made available for public scrutiny [CD/01/06, CD/01/20, CD/01/21, CD/01/25, CD/01/31 and CD/01/04].
- 1.5 The Statement of Compliance with the Duty to Cooperate [CD/01/05] summarises how Pendle Council has worked in collaboration with other bodies to address strategic cross-boundary issues, both before and after the Duty came into effect in November 2011.
- 1.6 People registered with the Council’s (planning policy) database receive advance notification of any forthcoming public consultation by letter and/or email. Those with an email address also receive regular copies of the Council’s Framework newsletter, which received a commendation for ‘community engagement’ in the Regional RTPi awards in 2009.

- 1.7 Concerns to centre on the lack of awareness about the Core Strategy amongst members of the general public. For those people not registered with the Council's database, information has been disseminated and public participation encouraged through a combination of:
- advertisements in the local media (press and in the early stages radio) to ensure that the information is in the public domain;
 - issuing press releases seeking more detailed editorial coverage;
 - distributing newsletters through local libraries and council shops;
 - placing posters in well used locations such as libraries, doctors surgeries, leisure facilities and local schools; and
 - posting messages on social media (Facebook, Twitter and LinkedIn) as a medium to reach out to younger elements of the community.
- 1.8 The Council has no control over the placement or extent of any editorial coverage arising from a press release. Offers to brief the editorial staff at the local paper were rarely taken-up. Although the resulting editorial coverage was admittedly disappointing at times, the local press has included extensive articles on the Core Strategy throughout its preparation.
- 1.9 Informal exhibitions and drop in sessions have been held in DDA compliant venues throughout the borough, and at different times of the day, ensuring that everyone has had the opportunity to visit a venue close to their home at a time that was convenient to them. At the Preferred Options stage 15 events were supplemented with presentations to the five Council Area Committees and 14 of the 19 parish and town councils.
- 1.10 Overall the Council considers that its approach has been effective given the level of response to the Core Strategy from both organisations and individuals. In total, the Council received 793 formal representations which, excluding comments on legal compliance and soundness, generated over 5,500 individual comments that have helped to shape the document submitted for examination. Since the start of the process, the number of contacts on the Council's database has increased from c.300 to over 1,500 on the date of submission, indicating that a good number of people have been encouraged to engage with the plan making process.
- 1.11 Claims that the Council has not listened to objections are unfounded. All the comments received have carefully considered and balanced against national planning policy and the evidence underpinning the Core Strategy. This is evidence in the consultation statements that have been produced.
- 1.12 The above summary, together with any documents that have been referenced, demonstrate that Pendle Council has met the legal obligations for consultation and fully complied with the requirements of its own SCI.

2. Have all relevant documents been available and subject to consultation?

- 2.1 Pendle Council can confirm that all relevant documents have been made available and subject to consultation. All consultation bodies and individuals on the Council's database have been notified to this effect, either by letter and/or email, and issued with a statement of representations procedures.
- 2.2 The Core Strategy has been the subject of five formal public consultations, as set-out in the Local Development Scheme [CD 02/01]. For each of these a copy of the Core Strategy has been made available for public inspection at town halls, council shops and public libraries throughout Pendle.¹
- 2.3 Full copies of the Sustainability Appraisal Report, and the Consultation Statement (summarising community engagement undertaken up to that point), the Habitat Regulations Assessment (Scoping Report), the Equality Impact Assessment, key evidence base and other supporting documents have always been made available at the following venues and on the Council's website:
- Main planning office: Number One Market Street, Nelson
 - Main libraries in Nelson, Colne and Barnoldswick
- 2.4 At smaller venues the Core Strategy has been accompanied by the Sustainability Appraisal (Non-Technical Report), the Consultation Statement (full version or summary), the Habitat Regulations Assessment (Scoping Report) and the Equality Impact Assessment, together with a leaflet providing details of where any other 'supporting documents' could be viewed.
- 2.5 The consultation requirements of the Planning Regulations (2004, as amended in 2008, and 2012), and the methods employed by the Council, are detailed in the Consultation Statement (Pre-Submission Report) [CD 01/04] and demonstrate that the Council's consultation process has met any legal requirements that applied at the time.

3. Has the Council complied with the DTC, particularly in relation to the distribution of housing within the Burnley and Pendle Housing Market Area and the consideration of strategic sites for employment? See in particular C/004 for Council's response.

- 3.1 The Council's evidence for joint working on strategic cross boundary issues is presented in the Statement of Compliance with the Duty to Cooperate [CD/01/05] and the various consultation statements that have been produced [CD/01/06, CD/01/20, CD/01/21, CD/01/25, CD/01/31 and CD/01/04].

¹ Originally a total of 15 venues, this reduced to 13 following the closure of Nelson Town Hall reception and the Brierfield Council Shop.

- 3.2 These demonstrate the high level of co-operation Pendle Borough Council has had with neighbouring local authorities and other bodies prescribed by regulation in the preparation of the Core Strategy. In particular, it has initiated and/or actively participated in a number of joint projects with other local planning authorities to prepare both spatial planning and evidence base documents. It has also worked closely with key infrastructure providers to ensure that the Core Strategy will deliver the infrastructure needed to address any identified constraints to future development and growth over the plan period.
- 3.3 The borough's key interactions are with the Pennine Lancashire authorities in the M65 Corridor and in particular neighbouring Burnley. The key cross boundary issues requiring joint working are housing, employment and infrastructure.
- 3.4 It was recognised that at an early stage that Burnley and Pendle shared a housing market area and that this is largely self-contained. The Burnley & Pendle Strategic Housing Market Assessment (SHMA) [CD/04/01] is the second such document jointly commissioned by the two neighbouring authorities. The SHMA considers the full objectively assessed need (OAN) for the joint housing market area (i.e. Burnley and Pendle). This overall requirement is then broken down into figures for the respective borough's because, as the SHMA explains, the distribution of housing growth within the joint housing market area should be based on each authority seeking to meet its own housing needs (paragraph 5.70, page 98). The different housing requirement figures for the two borough's sit within the overall context of projected population and household growth, which is significantly greater for Pendle. The two Councils have also jointly commissioned a Gypsy & Traveller Accommodation Assessment [CD/04/05].
- 3.5 Whilst there are key interactions between Burnley and Pendle in terms of employment, there are clear distinctions between their functional economic areas. As such each borough has chosen to prepare its own Employment Land Review (ELR), and to address other economic issues through Duty to Cooperate meetings.
- 3.6 The proposed strategic site at Lomeshaye is of local rather than sub-regional significance [see C/004]. Whilst the site will help to meet the quantitative need for employment land in the borough, as set-out in the ELR [CD/05/01], its role in addressing qualitative requirements in the M65 Corridor is of paramount importance. In recent years a number of established local businesses have relocated to sites further west along the M65 motorway, having failed to identify a suitable site or premises to facilitate their relocation within Pendle. This is continuing to happen with a recent announcement in the local press confirming the imminent departure of another prominent local business ["Panaz to move after 25 years" – Lancashire Telegraph, 8th January 2015].
- 3.7 The councils in Burnley and Pendle have held joint meetings with key infrastructure providers to ensure that any cross boundary issues are fully taken into account in plan preparation.

3.8 Management of the natural environment is also a key consideration, but management arrangements for the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the South Pennine Moors Site of Special Scientific Interest (SSSI) have been established for a number of years. Outside these areas liaison with Burnley Council during the preparation of their Green Infrastructure Strategy and Lancashire County Council – specifically the Lancashire Local Environmental Record Network (LERN) – who have just completed work to identify a high level Ecological Network for the county has made the Council aware of the key cross boundary linkages.

4. Has the preparation of a series of documents rather than a single Local Plan been clearly justified, particularly the deferral of site allocations? See in particular C/004 for Council's response.

4.1 The legislative framework for the preparation of local plans is established by the Planning & Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Town & Country Planning (Local Planning) (England) Regulations 2012. Further detail is provided in the National Planning Policy Framework (NPPF) (March 2012) [CD/12/01] and National Planning Practice Guidance (NPPG) (March 2014) [CD/12/02].

4.2 By the time the NPPF implied that the governments preference was for the preparation of a single Local Plan, Pendle Council was at an advanced stage of preparation for the public consultation on its Publication Core Strategy (October-December 2012). At a time when the government was asking local planning authorities to put plans in place at the earliest opportunity, Pendle Council felt that the time required to take a step backwards and prepare a single local plan would be prohibitive. Faced with the need to put a plan in place as soon as possible, Pendle Council considered that continuing with the preparation of the Core Strategy was the most expedient approach and reflected the best use of the available staff and financial resources.

4.3 There was also a need to bring forward key developments as quickly as possible within the framework of assessing the overall development needs of the borough, particularly following the post-2008 economic downturn, which changed the housing dynamic in the borough.

4.4 The preparation of a Core Strategy has provided a policy framework for delivery of the borough's development needs in the shortest possible timeframe, enabling the replacement of the current Local Plan, which expires in 2016. Delaying the adoption of the plan would remove the certainty necessary when bidding for funding, such as that available from the new Lancashire Local Enterprise Partnership (LEP). Having a clear policy direction at such an advanced stage helped to secure funding for the Burnley & Pendle Growth Corridor, which will finance motorway junction improvements and open up new development opportunities in the M65 corridor.

5. Is the timeframe for the CS appropriate?

- 5.1 In the NPPF [CD/12/01], paragraph 157 (bullet point 2) states that "Local Plans should be drawn-up over an appropriate timescale, preferably a 15 year time horizon". The time horizon for the Pendle Core Strategy is 2011-2030, a period in excess of the minimum 15-year period recommended in government policy. It is acknowledged that this should be more explicitly recognised in the document and a number of modifications have been proposed in C/004.
- 5.2 It is anticipated that the Site Allocations & Development Policies DPD will be capable of adoption in 2016, just one year after the Core Strategy. This will provide a 14 year timeframe for that part of the plan, which although less than the preferred 15 year period is not contrary to the NPPF. Furthermore, it is anticipated that both the Core Strategy and the Site Allocations & Development Policies DPD will be reviewed and updated during this period.

6. 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?

- 6.1 In the NPPF [CD/12/01], paragraph 17 suggests a framework should be provided within which decisions on planning applications can be made with a high degree of predictability and efficiency, whilst paragraph 154 states only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
- 6.2 The Pendle Core Strategy [CD/01/01] clearly sets-out its strategic intentions in terms of the amount (Policies LIV1 and WRK2) and spatial distribution of development (Policies SDP2-5 inclusive) over the plan period.
- 6.3 It was never the intention for core strategies to identify site specific development proposals. The inclusion of strategic sites for housing (Policy LIV2) and employment (Policy LIV3) have been included to provide a greater degree of certainty with regard to the delivery of new development, particularly in the early years of the Plan.
- 6.4 The policies themselves are concise and free from policy explanation or guidance. However, the context and strategy preceding each policy has evolved over an extended period of time and as such the final document is not as succinct as the Council would have wished.

7. Is the Plan clear as to whether a review of Green Belt boundaries will be necessary as part of the SAP?

- 7.1 The National Planning Policy Framework [CD/12/01] (paragraph 83) notes that:

"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."

7.2 The Pendle Core Strategy [CD/01/01] is the first stage in a review of the Replacement Pendle Local Plan 2001-2016. Policy ENV1 (paragraphs 8.26-8.28 inclusive) addresses the extent, purpose and permanence of the Green Belt in Pendle. However, the policy text makes it clear in the tenth paragraph (page 70) that:

“A review of the Green belt boundaries in Pendle will be carried out as part of the preparation of the Pendle Local Plan Part 2: Site Allocations & Development Policies.”