

PENDLE LOCAL PLAN CORE STRATEGY

MATTER 1: PROCEDURAL AND OVERARCHING MATTERS

STATEMENT BY BARTON WILLMORE

ON BEHALF OF

JUNCTION PROPERTY LTD

MARCH 2015

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

1. No further comments.

Issue 2: Have all the relevant documents been available and subject to consultation?

2. Junction Property Ltd (JPL) has been mostly satisfied with the availability of documents and the consultation procedures for the CS. However it is concerned about the late stage at which Proposed Modification MM003 was introduced by the Council and the lack of any prior consultation upon it.
3. Proposed Modification MM003 allows the re-use of vacant homes to be counted against the housing requirement. It represents a major change in strategy which has not been previously consulted upon. Similarly, it is not supported by any evidence base document which has been the subject of prior consultation, such as the SHMA. It is wholly new which is inappropriate in a development plan procedure which is meant to be front-loaded.
4. As the Proposed Modification was only put on-line on 3 March, JPL considers that insufficient time has been given to address properly the technical and evidential issues raised by it before the submission of statements on 20 March (see our Matter 5(2) response). We consider it should be withdrawn.

5. We have no issue with the other Proposed Modifications which are much more minor in character.

Issue 3: Has the Council complied with the DTC, particularly in relation to the distribution of housing within the Burnley and Pendle HMA and the consideration of strategic sites for employment?

6. No further comments.

Issue 4: Has the preparation of a series of documents rather than a single Local Plan been clearly justified, particularly the deferral of site allocations?

7. It is now over 3 years since the publication of the National Planning Policy Framework (NPPF) which said that local planning authorities should prepare a single Local Plan rather than separate core strategy and allocation DPDs.

8. NPPF paragraph 153 says:

"Each Local Planning Authority should prepare a Local Plan for its area...Any additional Development Plan Documents should only be used where clearly justified" (our underlining).

9. The National Planning Practice Guidance (PPG) has re-emphasised the point (12-012), saying:

"The National Planning Policy Framework makes clear that the Government's preferred approach is for each Local Planning Authority to prepare a single Local Plan for its area (or a joint document with neighbouring areas). Whilst additional Local Plans can be provided, for example a separate site allocations document or Area Action Plan, there should be a clear justification for doing so." (our underlining).

10. Consistency with national policy is one of the four tests of soundness set out in the NPPF. It follows that if there is not a "*clear justification*" for preparing a core strategy rather than a single Local Plan, the CS should be found unsound. This part of the Framework has the same weight as the rest, and should not be put aside lightly.

11. The Council (C/004) now argues that its decision to prepare a Core Strategy rather than a single Local Plan was based on the following: -

- There is a need to bring forward key developments for the Borough as quickly as possible within the framework of identified development needs. In particular, it says "*a critical issue*" is the housing market and the need to understand what the quantum and mixture of housing needs of the Borough are.
- The amount of work needed to be undertaken to prepare a single Local Plan would in the Council's view not be deliverable within a short timescale. It claims that the production of a CS has provided "*a clear local policy framework for delivery of the Borough's development needs*" in the shortest possible timeframe and will enable the replacement of the existing Local Plan which expires in 2016.
- The CS will bring forward key employment and housing sites "*at the earliest opportunity*" and will prevent further delays in the delivery of much needed development.
- Delaying the adoption of a plan would bring more uncertainty, particularly in terms of an adopted housing requirement which governs how the five year supply of land would be calculated for planning applications and appeals.

12. We consider that these reasons are flawed and do not provide the "*clear justification*" required by national policy as: -

- It is now over 3 years since the publication of the Framework and its policy requirement to prepare a single Local Plan. In that time, Pendle Council could have made substantial progress towards the production of a single Local Plan, as has happened in many other Authorities. There may have been good expediency arguments to continue with core strategies which were at or close to the point of submission when the Framework was issued in March 2012, but that was not the case in Pendle which had only reached Preferred Options stage by that time. To continue with a CS so long after the issue of the Framework represents a stubborn determination not to follow national policy.
- The adoption of the CS will not produce the benefits claimed by the Council. In particular it will not lead to the replacement of the 2006 Adopted Local Plan. Although the CS (Part 1) will contain housing and employment requirements, the bulk of the site-specific policies and designations of the 2006 Adopted Local Plan

will remain in force after adoption (the 'saved policies' -see CS Appendix B). In particular, the submitted CS will not produce by itself the housing and employment land supply to meet the requirements it identifies. As we show in our Matter 5 statement, most of the greenfield sites identified by the SHLAA, including for the next five years, are on sites where development would be contrary to 'saved' policies of the 2006 Local Plan. As such, the CS will not produce by itself the improvements to delivery which the Council argues is one of the main reasons why it has not followed national policy to prepare a single Local Plan. These improvements will only be achieved after the adoption of the Allocations DPD (Part 2 of the Local Plan) which will not occur before July 2017 at the earliest, applying the current LDS timetable to which there may be substantial slippage. In the meantime, key housing and employment sites will have to be treated as departures from the development plan which is a wholly unsatisfactory position so long after the issue of the Framework.

- The CS does include two strategic sites – one for housing and one for employment. By itself, the housing strategic site will not meet the large shortfall which exists against the five year supply and will not significantly improve housing delivery rates in the short-term.
- Although the withdrawal of the CS would cause some uncertainty for a period, the PPG provides clear guidance of how the five year housing supply requirement is to be calculated in such circumstances. Moreover, the CS by itself provides little more certainty about delivery than the current position for the reasons already given.

13. We consider that the current CS should be abandoned and the Council should prepare a single Local Plan in accordance with national policy.

Issue 5: Is the timeframe for the CS appropriate?

14. This is linked to the previous issue. The NPPF guidance that Local Plans should be drawn up covering "*preferably a 15-year time horizon*" applies to single Local Plans which include both strategic policies and development allocations. However the CS is only Part 1 of such a comprehensive Local Plan. The great bulk of the development allocations required to implement the CS policies will have to await the adoption of the Allocations DPD (Part 2 of the Local Plan) which will not occur before 2017/18 at the

earliest. As the Allocations DPD will only be able to make site allocations in line with Part 1, these will need to have the same end-date of 2030. Therefore, if the Allocations DPD is adopted in 2018, it will only provide for a 12 year time horizon which is much less than the 15 years recommended by the NPPF

15. For these reasons, we consider that the period covered by the CS (Part 1 of the Local Plan) should be extended to 2033 so that it provides sufficient guidance on development needs for the Allocations DPD (Part 2 of the Plan) to have a 15 year time horizon in line with the Framework.

Issue 6: Is the drafting of the policies sufficiently clear of what will and 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?

16. Where we have concerns over the detailed wording of particular policies, we raise it under the appropriate issues.

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

17. No further comments.