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Pendle Core Strategy Examination
c/o Yvonne Parker
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Date: Monday, 30 March 2015
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Dear Inspector,

Pendle Core Strategy Examination: Additional Further Questions

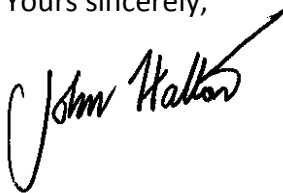
I write in response to your letter of 27th February 2015 identifying a number of issues you wish the Council to address outside the formal hearing process, to assist your Examination into the soundness of the Pendle Core Strategy.

Specifically these issues address the following three questions, which I understand will be explored further as part of Hearing Session 1.

1. Is the drafting of policies sufficiently clear on what will or will not be permitted?
2. Do they provide a clear indication as to how a decision maker should react to a development proposal?
3. Are they concise expressions of policy, excluding policy explanation and guidance?

I trust that the answers set out on the attachment to this covering letter, adequately address each of the questions you have raised. Should you require any additional information, please do not hesitate to contact me.

Yours sincerely,



John Halton

Principal Planning Officer (Policy)

Response to the issues raised by the Inspector in his letter dated 27th February 2015.

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?

Strategy

- 1. 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.**

The Council agrees that the removal of this phrase would provide a clearer and more concise policy. On this basis two main modifications are suggested:

- Suggested Main Modification: Reword the first sentence of Policy SDP3 to read:

“The location of new housing, including the allocation of sites in the Pendle Local Plan Part 2: Site Allocations and Development Policies, should be guided by the percentages in Table SDP3a.”

- Suggested Main Modification: Reword the first sentence of Policy SDP4 to read:

“The location of new employment land, including the allocation of sites in the Pendle Local Plan Part 2: Site Allocations and Development Policies, should be guided by the percentages in Table SDP4a.”

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

The Council does not propose to recommend a modification to Policy SDP4.

The final paragraph of the policy text is considered to represent a succinct statement of the Council’s support for sustainable economic growth in rural areas, which paragraph 28 of the NPPF states that planning policies should provide. It also offers a useful cross-reference to another relevant policy within the plan.

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

The Council agrees that, as worded, the policy is a little too imprecise and recommends the following modifications to the policy text.

- Suggested Main Modification: Reword the second paragraph of the policy text (page 59) to read:

“Developers will need to ensure with the relevant utility and other infrastructure providers that sufficient capacity is available, or can be made available, to allow their scheme to proceed.”

- Suggested Main Modification: Reword the fourth paragraph of the policy text (top of page 60) to read:

“In addition, subject to individual development viability, contributions will be sought towards improving local infrastructure and services, having regard to the needs identified in the Pendle Infrastructure Strategy.”

Environment

- 4. 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.**

The Council has worked with English Heritage to resolve the issues which were raised at the pre-submission consultation stage. This work has resulted in a number of suggested Main and Additional Modifications to the plan. These are contained in the relevant schedules and are covered by the following reference numbers: MM012-MM025 and AM022-AM025. English Heritage has agreed to conditionally withdrawn their objections on the basis that the suggested modifications are accepted by the Inspector (see separate email regarding English Heritage).

- 5. 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.**

The Council agrees that there are parts of the policy which could be refined to make it more concise. On this basis the following Main Modifications are suggested:

- Suggested Main Modification: Reword the tenth paragraph of Policy ENV1 to read:

“Development proposals in the Forest of Bowland Area of Outstanding Natural Beauty (AONB) will be considered on a needs basis, should be in scale with, and have respect for their surroundings, and be in line with the AONB Management Plan objectives. Proposals in the AONB should have regard to the Forest of Bowland AONB SPG, or its replacement.”

- Suggested Main Modification: Delete the twelfth paragraph of Policy ENV1.

The Council does not intend to suggest any changes to the policy relating to the provision and protection of open space. The policy has previously been amended to overcome issues raised by Sport England relating to conformity with the NPPF in terms of when losses of open space are acceptable. Policy ENV1 provides a clear position on what open space will be protected and what is expected from applicants if a proposals would result in the loss of open space.

- 6. 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 2nd sentence of paragraph 2, the 1st sentence of paragraph 3, the 1st part of paragraph 4, the 1st paragraph of Allowable Solutions and the final paragraph. Removing such elements would make the policy more concise.**

The Council agrees that removing such elements to the justification would make the policy more concise. On this basis the following Main Modifications are suggested:

- Suggested Main Modification: Remove the second sentence of the second paragraph of Policy ENV2 and place it at the start of paragraph 8.63 of the justification text.
- Suggested Main Modification: Remove the first sentence of the third paragraph of Policy ENV2 and place it at the start of paragraph 8.58 of the justification text.
- Suggested Main Modification: Delete the following wording from the first sentence of the fourth paragraph:

“As part of the response to climate change mitigation and adaption,”

- Suggested Main Modification: Remove the first paragraph under the Allowable Solutions heading and place it as a new paragraph after paragraph 8.72 of the justification text.

The Council does not intend to remove the final paragraph of Policy ENV2 as it provides useful cross-referencing links to other design policies in the plan.

- 7. Policy ENV3 – The 1st 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?

The Council suggests the following modifications:

- Suggested Main Modification: Delete the following wording from the first sentence of the first paragraph of Policy ENV3:

“To help reduce our carbon footprint, increase energy security and reduce levels of fuel poverty”

The Council’s suggested Main Modification MM022 recommends a revision to Policy ENV3 which addresses the issue of safeguarding nationally recognised designations.

The policy (footnote 100) explains that the figures in the plan are not fixed targets but positive goals for generation. The policy allows for the development of a range of different technologies in order to work towards achieving these goals. This is to take account of the changing nature and rapid advances in renewable technologies, and does not restrict renewable energy developments to one type of technology. The evidence base provides information relating to those areas within

the borough where the wind speeds are such that commercial scale wind would be feasible. However, these areas have not been identified in the plan in order not to restrict the consideration of other sites. The policy provides a flexible approach to allow the market to bring forward those renewable energy schemes which are viable.

8. 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?

The cross referencing of Policy SDP2 in Policy ENV4 helps to bring together the principles of sustainable development in terms of location and accessibility of development. The justification explains that Pendle has a wide range of settlements with varying levels of accessibility and it is therefore useful to cross-reference with the settlement hierarchy to ensure that development is directed to the most sustainable and accessible places.

With regards to references to the tests in paragraph 32, although there is some repetition within the policy it is set in a local context and provides clarity in terms of what is expected from a developer.

9. 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 2nd comes 1st. 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.

The Council agrees with the Inspector that within the policy text, under the heading ‘Surface water runoff’, it would be sensible to swap the two paragraphs and their associated bullet points around.

The Council is also of the opinion that the paragraph concerning the drainage of surface water into a combined sewer may be too detailed for a Core Strategy. However, it was included to address an earlier representation from United Utilities and as such the Council is not proposing an amendment, beyond that outlined above.

- Suggested Main Modification: Amend the Policy text to read:

“Drainage proposals for development on Brownfield sites will be measured against the existing performance of the site, although it is preferable for solutions to provide runoff characteristics, which are similar to Greenfield behaviour. All new development will be required to include the implementation of Sustainable Drainage Systems (SuDS) unless it can be demonstrated that this is not technically feasible, or viable. More specifically:

- *All Brownfield development will be required to demonstrate that there will be a reduction of at least 30% in existing runoff rates, rising to a minimum of 50% in critical drainage areas.* ⁽¹¹³⁾
- *Any proposal for development on a Greenfield site, must demonstrate no alteration to runoff rates upon completion. Peak discharge should be restricted to five litres per second*

per hectare, this also being the requirement for sites of less than one hectare. Any additional volume of runoff must be taken into account by providing storage capacity within the surface water drainage system.

- *Retrofitting for flood prevention and SuDS within the existing built environment must be explored where it would not damage environmental assets.*
- *Development will not be allowed to increase the run-off rate from a site even if it is not viable to implement a SuDS scheme.*

Surface water should drain on a separate system, and only be connected to the combined/foul sewerage network as a last resort, when all other options have been discounted. In order, the priority for the management of surface water discharges are:

- a. Continue to mimic the current natural discharge process*
- b. Store for later use*
- c. Discharge into infiltration systems located in porous sub-soils*
- d. Attenuate flows into green engineering solutions such as ponds, swales, or other open water*
- e. features, for gradual release to a watercourse*
- f. Attenuate by storing in tanks or a sealed system, for gradual release to a watercourse*
- g. Direct discharge to a surface water sewer*
- h. Controlled discharge into the combined sewerage network.”*

Housing

10. 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.

The Council agrees that it would be useful to include a reference to windfall sites within the justification to Policy LIV1 to explain their contribution against the housing requirement. The Council has suggested Main Modifications (MM003/MM004) which provide information relating to how the housing requirement is to be met. The Council suggest a further modification to the plan to include reference to windfall sites:

- Suggested Main Modification: After Main Modification MM004 (following paragraph 10.33) add in the following paragraph:

“The Framework indicates that an allowance may be made for windfall sites where there is compelling evidence that they will continue to provide a reliable source of supply. Although windfall sites have provided a source of housing land supply in the past, the comprehensive nature of the site assessment work in the SHLAA has reduced the likelihood that a significant amount of housing will come forward from the development of such sites in the future. Therefore, no allowance has been made for windfalls in the Core Strategy (Table LIV1).”

11. 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’.

It is likely that work on the Empty Homes Strategy and Action Plan will be completed before the Core Strategy is adopted, however, at this stage it is unclear whether the strategy will include a target going forward. The Council is minded to revise Table LIV1 by removing Row G and providing an explanation as to how empty homes will contribute towards the housing requirement. On this basis the Council proposes the following modification:

- Suggested Main Modification: Update Main Modifications MM003 and MM004:

MM003: Insert Table LIV1:

Pendle Housing Requirement 2011-2030			
A	Overall housing requirement (2011-2030)	(298x19)	5,662
B	Completions (2011/12-2013/14)	(From AMR)	154
C	Reduction of empty homes (net) (2011/12-2013/14)		748
D	Residual requirement		4,760
E	Strategic Housing Site Allocation		500
F	Existing commitments (permissions)	(From AMR)	908
G	Remaining requirement to be met through housing site allocations		3,352

MM004: Reword to read:

“Table LIV1 sets out the housing requirement for the borough over the plan period. It provides the current position as of 31st March 2014 taking account of completions and the reoccupation of empty homes. This leaves a residual requirement of 4,760 dwellings to be met through; the development of the Strategic Housing site; existing permissions; and the allocation of sites in the Local Plan Part 2.”

- Suggested Main Modification: Following the paragraph provided by MM004

“No specific allowance has been made for the reoccupation of empty homes going forward. However, the AMR will monitor any change in empty homes (positive or negative) and this will be reflected in the housing requirement position.”

12. 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?

A reference to Lifetime Homes was included in an earlier version of Policy LIV5 (Designing Better Places to Live). However, the government’s review of Housing Standards made clear that Part M of the Building Regulations would provide minimum accessibility standards, so the reference to Lifetime Homes was removed. Table LIV3a sets out the housing needs for older people and indicates that the provision of adaptable housing will be important. The justification to Policy LIV5 (paragraphs 10.150-10.151) also indicates the importance of providing adaptable homes and that the minimum accessibility standards are provided by the Building Regulations. Higher

accessibility levels similar to those in the Lifetime Homes Standards could be introduced subject to viability, however, given the current viability issues in Pendle the Core Strategy has not proposed higher standards than those required by the Building Regulations.

13. 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 Council agrees that reference should be made to self-build housing and the Right to Build vanguard work. Two modifications are proposed:

- Suggested Main Modification: Add the following paragraph into the context section of the justification to Policy LIV3 after paragraph 10.85:

"Self-build housing

The government is looking to enable more people to build their own home. The Planning Practice Guidance suggests that surveys should be undertaken to establish the level of demand for such housing. The Council has been selected to be a Right to Build vanguard and has carried out some preliminary survey work. This work indicates that there is little interest in self-build in the borough. "

- Suggested Main Modification: Add the following paragraph into the strategy section of the justification to Policy LIV3 after paragraph 10.96:

"Self-build housing

The Council will continue to work with those people wishing to build their own home to find suitable sites / plots within the borough as part of the vanguard work. As little need or demand for this type of housing has been identified, applications will be considered against the relevant policies in the Local Plan."

14. 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.

The Council agrees that additional criteria should be included to ensure that the local environmental quality of potential sites is taken into account. The Council also agrees that the reference made to the DCLG Good Practice Guide should be changed to relate only to social rented sites. On this basis the Council proposes the following modification to the plan:

- Suggested Main Modification: Reword the second paragraph under the 'Gypsy and Traveller Communities' heading of Policy LIV3 as follows:

“Proposals for the development of Gypsy and Traveller or Travelling Showpeople sites, pitches or plots should:

- *Where appropriate, for social rented sites, follow the guidance set out in the DCLG Good Practice Guide on Designing Gypsy and Traveller Sites (or its replacement).*
- *Avoid those areas where poor environmental conditions exist (e.g. pollution (Policy ENV5) and flood risk (Policy ENV7)).*
- *Be located in places which have access to employment, facilities and services including shops, schools, and health care provision.*
- *Be located and designed to respect the amenity of the existing settled community.*
- *Ensure that any potential impacts on the environment can be avoided or adequately mitigated and have regard to the requirements relating to protecting the natural and historic environment set out in Policy ENV1.”*

15.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.

Policy LIV4 indicates that in order to meet the affordable housing needs of people in rural areas there may be circumstances where development outside of the existing, defined settlement boundaries is required. The policy explains that this will only be considered where details of the specific needs are provided.

The Council accepts that the policy could be clearer in terms of explaining what the ‘exception’ is and better linking this to the circumstances where such an exception would apply. On this basis the Council proposes a modification to the policy:

- Suggested Main Modification: Reword the first paragraph under the ‘Rural needs’ heading of Policy LIV4 as follows:

“Rural affordable housing should be provided in line with Table LIV4a and Policy SDP3. Where there are no sites available within the chosen rural settlement, consideration will be given to developing sites directly adjacent to the existing defined settlement boundary for the provision of affordable housing. Such rural exception sites will need to be justified by the applicant through the provision of a statement which sets out details of:

- *the specific local needs the proposed development will address and;*
- *how any potential impacts on the environment can be avoided or adequately mitigated, having regard to the requirements of Policies ENV1 and ENV2.*

In some instances, to enable the delivery of the affordable housing, an element of market housing may also be permitted.”

Community Facilities

16. 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 feels that the Core Strategy, when considered as a whole, offers an appropriate level of support to the retention of shops in key shopping areas and frontages within the M65 Corridor and West Craven Towns (Policy WRK4). It also provides sufficient flexibility for the conversion of public houses to other uses within urban areas, where the demand for such facilities has gradually eroded away. However, on reflection the Council is of the opinion that Policy SUP1 could offer further protection to public houses and shops in rural locations, where they are at the heart of the local community. The Council therefore proposes the following Main Modification:

- Suggested Main Modification: Amend the footnote to Policy SUP1 to include an additional sentence between the opening and concluding sentences.

“Except where otherwise noted the community facilities and services covered by this policy include community centres, public halls, policing fire and ambulance services, youth centres, libraries, places of worship, arts and culture facilities (including theatres and cinemas), and services provided by the voluntary sector. In Rural Pendle business premises within Use Classes A1 and A4 (i.e. shops and public houses) will also be regarded as community facilities. Sports and recreation facilities including leisure centres and swimming pools are addressed in Policies ENV1 and SUP2.”