

PENDLE CORE STRATEGY PLAN EXAMINATION

Programme Officer
Town Hall
Nelson
Lancashire
BB9 7LG
Tel: 01282 661658
E-mail: programme.officer@pendle.gov.uk

To:

John Halton
Planning and Building Control
Town Hall
Market Street
Nelson
Lancashire
BB9 7LG

Sent via e-mail

17 August 2015

Dear Mr Halton

Pendle Core Strategy (CS) Examination – High Court Judgement on planning obligations and affordable housing

You will no doubt be aware of the High Court judgement¹ issued on 31 July 2015. The judgement relates to the Written Ministerial Statement (WMS) of 28 November 2014 and the subsequent alterations to the Planning Practice Guidance on planning obligations for affordable housing and social infrastructure contributions.

In light of the judgement and the declaration order of 4 August 2015 confirming that policies in the WMS must not be treated as a material consideration in development plan procedures, consideration needs to be given to whether any further modifications to the Pendle CS are required.

In this respect I note that the thresholds in Policy LIV 4 and Table LIV4a as originally proposed did not anticipate any affordable housing on all sites of 5 dwellings or less and on sites of between 5-14 dwellings in Rural Pendle only. Main Modifications to Policy LIV 4, partly in response to the WMS, adjusted the thresholds in Table LIV4a but not significantly. Taking into account the viability evidence it may be that any further modifications to the policy need not be significant.

However, I would be grateful for your comments on what further modifications, if any, are required to the CS in light of the judgment.

Yours sincerely

Mark Dakeyne

INSPECTOR

¹ West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)