HYNDBURN CORE STRATEGY
SCHEDULE OF MATTERS AND ISSUES FOR EXAMINATION

1. **LEGAL & PROCEDURAL MATTERS**

Key issues:

1.1 Has the Core Strategy been prepared in accordance with the current Local Development Scheme (LDS), including its timetable, content and timescale?

Yes the Core Strategy has been prepared in accordance with the current Local Development Scheme. The current LDS (April 2011) states a date for Submission as April / May 2011; the actual submission date was 19th May 2011.

The preparation of the Core Strategy has followed the timetable set out at para 4.1 of the LDS. Its content and timescale are also well aligned with the LDS.

Following the abolition of the Government Office North West, the current LDS was referred to the Local Planning Branch at Department for Communities and Local Government. A response was received from them on the 14th April 2011 confirming that they had no comments to make and would not be issuing any direction.

1.2 Has the Core Strategy been prepared to comply with the adopted Statement of Community Involvement, allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the Regulations?

Yes the Core Strategy has been prepared to comply with the adopted Statement of Community Involvement (SCI). The Regulation 30 1 (d) Statement (CS_Sub3.2 and CS_Sub3.3) lists the various stages of the Core Strategy at which engagement was undertaken, the methods and timing of that engagement and how each stage influenced the development of the document.

The SCI was subject to public examination and meets the minimum consultation requirements set out in the 2004 and 2008 regulations. The Council believes it has it has met these requirements and allowed for the effective engagement of all interested parties. The Legal Compliance Self Assessment (see CS_Sub1.9) provides more details on how the Core Strategy has met the statutory requirements.

1.3 Has the Core Strategy been subject to Sustainability Appraisal, including a final report on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures? Has Appropriate Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

Sustainability Appraisal

---

1 Most of these issues should be covered in the Council’s Legal Compliance Self-Assessment [CS_Sub1.9]
Yes, the Core Strategy has been subject to Sustainability Appraisal throughout its preparation. SA reports have been prepared and consulted on at all stages. The final report is included with the submission documents (see CS_Sub1.5, 1.6, 1.7 and 1.8).

The formal SA processes and reporting requirements have been carried out by an external independent consultant. And this SA work has been advised by workshop discussions with a Sustainability Appraisal Panel including representation from various disciplines within HBC together with statutory agencies, voluntary and community representatives.

Commentary on how the SA influenced the final plan is included in several sections of the SA report (CS_sub1.5)
- Section 1.1.1, page 1, summarises the stages in development of the Core Strategy, the SA processes and the changes made in response to SA recommendations
- Table 2.2 on page 7, summarises the SA process and the key changes made to the Core Strategy document
- Section 6, page 20 and Appendix D, cover the SA of alternative options, concluding that 'a more hybrid approach would be beneficial to ensure a balance between economic growth with social and environmental regeneration’. This resulted in the formulation of the ‘Balanced Development Strategy’.

SA Report Addendum, (see CS_Sub1.8) assessed significant changes made to the Publication document to produce the Revised Publication document. Many of these changes responded to SA recommendations, as documented in Table 2, page 6.

Recommendations and Mitigation measures are documented in the SA report (CS_Sub1.5), Table 7.4, Page 30 and Table 7.5, page 35. Recommendations were incorporated into the Core Strategy where appropriate and others will be considered for the Site Allocations and Development management DPDs and also the proposed development briefs.

Appropriate Assessment

Yes, Appropriate Assessment has been carried out to the satisfaction of Natural England.

The Appropriate Assessment Screening Report concluded that "the Core Strategy (and the Accrington Area Action Plan) would not have any significant effects, either alone or in combination, on the function or viability of any Natura 2000 sites or prevent any of the Natura 2000 sites from maintaining their species or habitats in favourable condition."

At Publication stage Natural England commented, saying "Natural England commented upon the draft appropriate Assessment Screening Report in our letter of 22 January 2010. Our advice appears to be reflected in the revised document, and we have no additional comments to make at this time."
1.4  **Does the Core Strategy have regard to national planning policy**, and is there sufficient local justification for any policies that add nothing to, or are not consistent with, national planning policy?

Yes the Core Strategy has had regard to national planning policy. It has also had regard to new and updated national planning policy that has emerged during the preparatory stages of this Strategy. The Self Assessment of Soundness (Post_2.5), page 13-14 confirms this position.

1.5  **Is the Core Strategy in general conformity with the approved North-West Regional Spatial Strategy (NWRSS)**, and are there any issues arising from the Secretary of State’s statement announcing that the Government intends to abolish Regional Strategies, along with the recent Court of Appeal judgement, and any subsequent Ministerial statement(s) on planning/housing policy issued before the hearing sessions commence?

Yes, the Core Strategy is considered to be in general conformity with the approved North-West Regional Spatial Strategy. Following the abolition of 4NW (the Regional Planning Body), no response was received in relation to Publication or Revised Publication stages. Comments were received from 4NW on the Core Strategy Pre-Submission (April 2010) stating that the document was in general conformity with the adopted RSS and the Submitted Draft RSS – Partial Review. The advice of the Regional Planning Body has been sought at various stages and is documented at CS_Supp5.3.

The Council is aware of the recent High Court judgement on the Cala Homes case. The Council is aware of the need for the Core Strategy to be in conformity with the Regional Spatial Strategy and the Council has sought to ensure that this is the case.

1.6  **Does the Core Strategy have regard to the Hyndburn Sustainable Community Strategy, and aligned its key spatial planning objectives with the priorities identified in this strategy?**

Yes the Core Strategy has had regard to the Hyndburn Sustainable Community Strategy (see CS_Supp3.1) and has aligned its key spatial planning objectives with priorities in the Strategy. Paragraphs 1.18-1.19 of the Core Strategy (CS_Sub1.1) summarises this position. The Sustainable Community Strategy (SCS) sets out a number of key outcomes for the Borough. The Core Strategy’s six objectives are directly related to the key outcomes and is therefore a key tool in delivering the spatial aspects of the SCS.

The Local Strategic Partnership has been involved throughout the preparation of the Core Strategy.

---

1 Detailed aspects of consistency with national policy will be dealt with under later topics and issues
2 Detailed aspects of conformity with regional policy will be dealt with under later topics and issues
3 Letter from Rt Hon Eric Pickles MP (Secretary of State for Communities & Local Government) to all local authorities (dated 27 May 2010; DCLG)
6 Cala Homes (South) Ltd v Secretary of State for Communities & Local Government [2011 EWCA Civ 639]
1.7 **Does the Core Strategy comply with the Local Development Regulations (as amended)**, in terms of publishing and making available the prescribed documents?

Yes, the Council is satisfied that the Core Strategy complies with the relevant Regulations. Further details of this are set out in the Legal Compliance Self Assessments (CS_Sub1.9).


Consultation was undertaken in June-July 2006 on an Issue and Options document. This was sent out to a number of statutory and general consultees and was in accordance with Regulation 25 of the 2004 Regulations.

All subsequent consultations were undertaken under the 2008 Regulations. Consultation on the Core Strategy ‘Developing Spatial Strategy’ version was undertaken between the 10th November 2008 to 22nd December 2008 (and later extended to end of January 2009). A Public Notice and an advertisement were placed in the Accrington Observer on the 7th November 2008 which included details on where and when the documents could be inspected and other details. Specific and general consultees including local businesses and residents were notified of the same by letter and details were posted on the website. This was in accordance with Regulation 25 of the 2008 Regulations.

Two further ‘informal’ consultations were undertaken on the Core Strategy Pre-submission version (September 2009 and April – May 2010) and followed the same process as the Developing Spatial Strategy and were also in accordance with the Regulations. Further details including copies of the various documents used in the consultation can be found in the Core Strategy Reg 30 1 (d) Statement and Appendices (CS_Supp3.2 and CS_Supp3.3).

Consultation on the Core Strategy Publication version was undertaken between 16th August 2010 and 27th September 2010. In accordance with Regulation 27 of the 2008 Regulations, copies of the Publication Documents and a statement of the representations procedure were made available at the Council’s Scaitcliffe House Office’s and a number of other locations in the Borough (including all the Borough’s libraries). All the Publication documents, the statement of representations procedure and the statement of fact were made available on the Council’s website. The specific consultation bodies were notified by letter of the consultation and were sent copies of the document and a statement of the representation procedure. General consultees were also sent a letter of notification together with details of the representations procedure and where and when the documents were available for inspection. A Public Notice was placed in the Accrington Observer on the 13th August 2010 containing the statement of representations procedure and statement of fact.

A further ‘Revised Publication’ consultation was undertaken between 22nd November 2010 and 20th December 2010 in accordance with the regulations. Further details of the consultation can be found in the Core Strategy Revised Publication Consultation Statement (CS_Sub3.8).
In submitting the Core Strategy on the 19th May 2011, the Council has complied with Regulation 30 (1) and (2) of the 2008 Regulations. All the Submission and Supporting documents were made available in hard copy at the Council’s Scaitcliffe House Offices. The documents were also made available at the Borough’s libraries and on the Council’s website together with a statement of fact of where and when the documents could be viewed. Specific consultation bodies were sent letter notifying them of the submission along with a CD containing the submission and supporting documents. General consultees were also sent letter notification which contained of the submission which contained details on when and where the documents could be viewed. A Public Notice containing the relevant information was also placed in the Accrington Observer on the 20th May 2011. The Core Strategy submission has therefore complied with Regulation 30 (3) of the 2008 Regulations.

The Core Strategy as shown above has throughout its preparation stages complied with either the 2004 Regulations or 2008 Regulations.

1.8 **Does the Core Strategy make sufficient reference to and take account of other plans and strategies of the Council and other agencies, including the plans of adjoining local planning authorities (eg. Pennine Lancashire Multi-Area Agreement/Spatial Strategy, Economic Strategy, Housing Strategy, Blackburn with Darwen Core Strategy, Lancashire Minerals & Waste Development Framework, housing renewal programmes, Local Transport Plans, etc)?**

Yes the Core Strategy takes account of other plans and strategies of the Council as well as other agencies including adjacent local planning authorities. Paragraph 1.11-1.17 sets out the policy influences on the Core Strategy and contains references to a number of key plans and strategies, particularly at the Pennine Lancashire level (e.g. Multi Area Agreement, Pennine Lancashire Housing Strategy, etc). These documents form part of the evidence base for the Core Strategy and have been submitted as supporting documents.

In addition, the Core Strategy contains references throughout the document to the plans and strategies of the Council as well as other agencies that have relevance to the proposals within the Core Strategy.

The Hyndburn Core Strategy is closely aligned with the adopted Core Strategy of neighbouring Blackburn with Darwen Borough Council, particularly with regard to Strategic Employment Site at Whitebirk. Where the Hyndburn Core Strategy adopts a different approach (for example with Affordable Housing), this is clearly justified with supporting evidence.

The Hyndburn Core Strategy is wholly consistent with the Accrington AAP (AAAP_Sub1.1) which was submitted at the same time.