FURTHER INITIAL QUESTIONS TO THE COUNCIL

The inspector has now had the opportunity to study the submitted Core Strategy. Having also read the representations and supporting evidence documents (including the Topic Papers), he has the following queries on the contents of the Core Strategy on which he would welcome an early response from the Council:

1. **Balanced Development Strategy**
   The Balanced Development Strategy is set out in paragraphs 3.17-3.23 of the Core Strategy. This outlines the key elements and principles of the spatial strategy, but is not expressed in the form of a specific policy which might set the context for the thematic policies which follow. Some Core Strategies set out the spatial strategy in the form of an introductory strategic policy to provide the framework for the subsequent topic-based and cross-cutting policies. In order to establish the main principles and elements of the strategy, and provide the necessary guidance for subsequent DPDs and making development management decisions, the Council may wish to consider including the key elements of the spatial strategy currently set out in paragraphs 3.17-3.23 of the Core Strategy in the form of an introductory strategic policy, in order to provide the context and framework for the thematic policies that follow.

**Council’s response**
Throughout the development of the Core Strategy the Council consulted the Government Office (formally and informally) on a number of occasions as a means of ensuring that the document was progressing along the right lines. Although it is recognised that some authorities have taken the approach suggested by the Inspector, for example Blackburn with Darwen, this is not something that has been raised by Government Office.

The Council considers that the Balanced Development Strategy is adequately expressed in paragraphs 3.17 – 3.23 of the Core Strategy and that the policies which follow set out how the strategy will be delivered. However if the Inspector believes that the inclusion of a policy would add to the clarity of the Core Strategy, the Council is willing to consider this and can prepare a draft for the Inspector. The Council would welcome the views of the Inspector on whether he would like the Council to do this.

**Inspector’s comment**
The Inspector considers the Balanced Development Strategy set out in paras 3.17-3.23 of the submitted Core Strategy includes several key elements of the spatial strategy, such as giving priority to developing brownfield land in the urban areas, focussing investment and improvement in key regeneration areas, maintaining the Green Belt (apart from localised changes) and the overall spatial distribution of new development, which are not explicitly referred to in the thematic policies. The Inspector believes that the inclusion of the key elements of the spatial strategy in an introductory over-arching strategic policy would provide a sound foundation for the thematic policies which follow. He welcomes the Council’s offer to draft a suitable succinct strategic policy which could be inserted into this section of the Core Strategy, without adding any new elements not present in the current text of this section of the document.
2. Employment land provision

Policy E1 confirms that the Core Strategy will provide for about 58ha of employment land. It seems that this figure is based on evidence and figures in the Employment Land Study (ELS), rolled forward to cover the 15-year period to 2026\(^1\). It might be helpful if the policy specifically indicated the period for which the proposed provision is to be made. The following text indicates that 36ha of land could be identified from existing undeveloped sites (identified in the ELS), leaving a balance of 22ha to be found. However, the figures now seem to have been updated, with the inclusion of 14ha of land at Huncoat\(^2\). The Council may wish to consider updating the text accompanying Policy E1 to reflect the latest position, with further information about the delivery and make-up of the employment land provision.

Council’s response

The Council confirm that the period for which the provision is made is 2011-2026.

The Inspector has alluded to the uncertainty that has existed over the future of the proposed Waste Technology Park. Following a public inquiry, Lancashire County Council were unsuccessful in their attempt to acquire the land for the development through the use of Compulsory Purchase Powers. Recognising the importance of the issue to Hyndburn, the Borough Council were seeking clarification from Lancashire County Council on this matter.

The position of the Joint Authorities\(^3\) responsible for preparing the Minerals and Waste Development Framework is now set out in the submission version of their Site Allocations and Development Management DPD. This was submitted to the Secretary of State on 31\(^{st}\) May 2011 and received by the Borough Council on 13\(^{th}\) June 2011. Policy WM2 supports the development of strategic sites for large scale built waste management facilities and makes provision for 11 hectares of land to be used for this at Huncoat/Whinney Hill (reference BWF8 on the Proposals Map). This is in contrast to a site of 14ha which has been referred to previously (and relates to the site area for which planning permission was granted for a Waste Technology Park). If the land comprising the protected route of the Whinney Hill Link Road is also taken into consideration there is little difference in the net area of land to be developed for employment uses.

Inspector’s comment

The Inspector notes the confirmation that the employment land provision covers the period 2011-2026; it might be appropriate for this to be confirmed in Policy E1. The Inspector notes that the position in respect of the Huncoat/Whinney Hill strategic employment site has moved on, and that the submitted version of the Lancashire Minerals & Waste Site Allocations DPD retains a proposal to develop the site for waste management purposes. Consequently, the employment land supply figures probably do not need to be updated. It may, however, be helpful to include in the text accompanying Policy E1 a summary of the basis and make-up of future employment land supply and indicate how further employment land is to be delivered.

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\(^1\) Economy Topic Paper (¶ 4.5)
\(^2\) Economy Topic Paper (¶ 4.28)
\(^3\) Lancashire County Council, Blackpool Borough Council and Blackburn with Darwen Borough Council
3. **Town Centres and retailing**

PPS4\(^4\) (Policies EC1-EC5) expects local authorities to set out the strategy for the management and growth of centres, including assessing the need for land or floorspace for the main town centre uses, identifying any deficiencies in the network of centres, establishing a hierarchy of centres, setting floorspace thresholds for edge-of and out-of-centre development, and promoting competitive town centre environments and consumer choice. Earlier versions of the Core Strategy included strategic policies for town centres and retailing, but the submitted version does not include such a strategic policy, or establish the hierarchy of centres, identify specific deficiencies or quantify the scope for additional retail floorspace capacity. However, it does include specific policies for Accrington town centre (Policy A2, along with policies in the Accrington AAP) and other local centres (Policies A3, GH2 & R2), which indicate the hierarchy and status of these centres, and the Economy Topic Paper includes some updated background and figures. The **Council may wish to consider adding references to these policies and figures under Policy E1 (see below).** The inspector also asks the **Council to confirm that the Core Strategy has had regard to national policy in PPS4 and that the current policies cover all the key elements of national planning policy on town centres and retailing relevant to Hyndburn. Can the Council also confirm that issues such as the detailed boundary of Primary Retail Areas will be for other DPDs (SADPD/AAAP).**

**Council’s response**

During the preparation of the Core Strategy the Council engaged in a series of meetings with the Government Office. The Inspector will have noticed that the earlier versions of the Core Strategy were primarily based on the six strategic themes; however, one of the fundamental changes made to the Core Strategy, on the advice of Government Office, was the identification and development of the spatial components. To help strengthen the spatial elements of the Core Strategy, those policies that included particular reference to the main spatial components were included within those sections rather than the relevant theme. The Council believe that one of the underlying strengths of the Core Strategy is the identification of the spatial components and consider that this will assist in the development of its site allocations (neighbourhood plans) and development management DPDs. The retail policy was an example of where the policy was “disaggregated” and moved from the thematic section into the relevant spatial section.

The Council confirms that Policies A2, GH2, A3 and R2 set out the hierarchy and status of the centres in the Borough. In the case of Accrington town centre, these policies are developed further in the Accrington AAP.

The Council will consider adding the references to Policy E1.

The Council has had regard to PPS4 in preparing the Core Strategy.

The Council confirms that detailed boundaries of Primary Retail Areas will be defined through other DPDs. The Accrington Town centre boundary and primary and secondary retail frontages are defined in the Accrington Action Area Plan (see proposals map, policy

\(^4\) Planning Policy Statement PPS4 – Planning for Sustainable Economic Growth
ATC2 and Appendix 3). Boundaries of other centres will be allocated in the Site Allocations DPD.

Inspector’s comment
The Inspector notes that elements of the strategic retail policy have been included in the separate area-based policies, confirming the hierarchy and role of the centres. Although these policies do not identify specific deficiencies or quantify the scope for additional retail floorspace capacity, it may be that recent retail planning permissions have taken up some of the future capacity, as the retail assessments referred to in the Economy Topic Paper suggest. The Inspector also notes the information and policies for retail provision in the Accrington AAP. The Inspector welcomes the Council’s suggestion to refer to the area-based retail/town centre policies in Policy E1, and it may be appropriate to summarise the retail situation in the accompanying text. The Inspector notes the Council’s confirmation that regard has been paid to national policy in PPS4 and that the boundaries of Primary & Secondary Retail Areas are defined in the Accrington AAP and in the subsequent Site Allocations DPD.

4. Housing provision
i. Policy H1 sets out the overall mix of housing provision, but although the text refers to the overall housing provision figure, this is not included in the policy. The overall housing figure is given much later in the Core Strategy (in Policies A1, GH1 & R1), but since this figure is one of the key elements of the plan, the Council may wish to consider including this figure in Policy H1 (see below).

Council’s response
The Council considers that the overall housing provision figure could be moved from the text to the policy if it aids the clarity and the legibility of the plan.

Inspector’s comment
The Inspector believes that the overall housing provision figure is a key element of the Core Strategy and should be included in the main headline thematic policy on Housing (Policy H1), particularly since it is referred to in the accompanying text and in the responses to the representations. The area-based policies would then only need to specify the scale/proportion of housing development to be apportioned to particular settlements/areas.

ii. The inspector understands that the figure of 3,175 dwellings (2011-2026) is made up of 15-years supply @ 189 dwellings/per year (2,835) plus the addition of the shortfall from the previous period (2003-2011) (253 dwellings) = 3,088 dwellings. The inspector understands that this figure should be net of demolitions. The Housing Topic Paper indicates that demolitions are expected to total 151 units up to 2015, but the overall housing figure does not seem to have fully taken this element into account. The inspector would like clarification about the basis for the overall housing provision figure, particularly in terms of the shortfall from the previous period and the allowance for demolitions.

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3 Economy Topic Paper (¶ 6.2-6.13)
4 Housing Topic Paper (¶ 3.8)
5 Housing Topic Paper (¶ 3.21)
Council's response
The housing provision figure covers the Core Strategy period (2011-2026) together with the shortfall from the beginning of the RSS period (2003). The former gives a requirement of 2835 whilst the latter only covers the period 2003-2010 (giving a shortfall of 253 dwellings).

Housing monitoring information relating to completions was not available for the year 2010-11 at the time of writing the Housing Topic Paper and an assumption was made on the likely completions (100) and shortfall (89) against the annual average housing provision. The basis for calculating the housing provision was therefore as follows:

15 years @ 189 dwellings per annum = 2835

plus
dwellings shortfall (2003-10) = 253
estimated shortfall (2010-11) = 89

Total requirement 2011-2026= 2835 + 253 + 89
= 3177 dwellings
(rounded to 3175)

The Council acknowledges that the Housing Topic paper was not clear in this respect. Further monitoring information is now available for part of the period 2010-11, and shows that the shortfall for 2010/11 has increased beyond that estimated in the calculation set out above due to a lower level of completions than was anticipated. This is shown in the revised table 1 below:

Amended Table 1 – Housing Completions 2003/04 to 2010/11

<table>
<thead>
<tr>
<th>Year</th>
<th>Housing Provision Figure</th>
<th>Net Additional Dwellings</th>
<th>Surplus / Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/04</td>
<td>189</td>
<td>160</td>
<td>-29</td>
</tr>
<tr>
<td>2004/05</td>
<td>189</td>
<td>199</td>
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<tr>
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<tr>
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<td>189</td>
<td>66*</td>
<td>-123</td>
</tr>
<tr>
<td></td>
<td>1512</td>
<td>1136</td>
<td>-376</td>
</tr>
</tbody>
</table>

* estimate based on completions for the first half of 2010/11

This revised information would have an impact on the overall housing requirement figure of 3175 as follows:

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8 Housing Topic Paper, Page 6
15 years @ 189 dwellings per annum = 2835
376 dwellings shortfall (2003-11)
2835 + 376 = 3211 dwellings over plan period (rounded to 3210)

Unlike historic plan performance, the number of future demolitions is uncertain. The level of demolitions is closely linked to the availability of funding. Para 3.21 of the Housing Topic paper sets out the committed demolitions for two years and projected demolitions for a further three years reflecting the reduced levels of funding. Any projections beyond five years would be greatly uncertain and for this reason the housing provision figure has not been expressed as a gross requirement. Rather the figures have been expressed as net of demolition. Where demolitions do take place, these will be replaced on a one for one basis and any net gains will contribute to the net requirement. This approach is consistent with the approach advocated by RSS.

Inspector’s comments
The Inspector notes the explanation of how the overall housing provision figure was calculated. However, to be sound, the Core Strategy needs to spell out how this calculation was undertaken as the basis for the overall housing provision figure. Furthermore, the figure now seems to be around 3,200 dwellings, and the Inspector wonders whether the Council now intends to amend the figure in the Core Strategy; such an amendment would not appear to fundamentally alter the strategy or have implications for housing delivery. The Inspector also welcomes the confirmation that this figure is net of demolitions, but this should be made clear in the accompanying text.

iii. Can the Council confirm that the population and household figures set out in the Housing Topic Paper and proposed changes relate to the latest ONS projections, published last year?

Council’s response

iv. The Core Strategy (para 4.24) indicates that a review of household projections suggests that less than 3,000 dwellings will be developed over the 15-year plan period. Appendix 4 also suggests that there is likely to be a shortfall of about 685 dwellings by the end of the plan period. Since this seems to suggest that the overall housing provision figure will not be delivered, the inspector would welcome some clarification on this matter.

Council’s response
The Core Strategy clarifies that the reference at paragraph 4.24 relates to a review of housing projections, not household projections. This review was undertaken following the Ecotec study (referred to at para. 4.23 and in footnote 45 at the bottom.
of page 40). The results of the review are expressed in the housing trajectory which is shown at Appendix 4. This reflects the views expressed at para 4.23 that the first phase of the Core Strategy is likely to see new few new houses delivered. This trajectory differs from that included in the SHLAA in that it includes assumptions about the impact of wider economic issues on the delivery of housing. The trajectory included in the SHLAA is one which plots future delivery against requirements, taking into account actual completions.

Notwithstanding the wider economic impacts, the Council consider that the Core Strategy should aspire to meeting housing requirements and therefore seeks to ensure that sufficient land is available to meet the housing requirement over the plan period.

The Council also recognise the inherent uncertainties associated with housing projections and therefore, as stated at Annex 4 propose to undertake a review of the Core Strategy and LDF towards the end of each 5 year phase.

Following consideration of the Publication representations, the Council undertook to remove references to the Core Strategy to state that the housing target will not be met in the plan period (see CS_Sub3.4, Appendix 7, CS029/06). The Council is now aware that this has not been implemented in its entirety (see response to question 9 below).

**Inspector's comment**

*The Inspector welcomes confirmation that the Council intends to remove all references to the possibility of the housing target not being met; such amendments should be included in the forthcoming Schedule of Further Proposed Changes. The Inspector also notes the explanation for the revised housing trajectory, but notes that the Ecotec study referred to and evidence to support the revised housing trajectory is not currently included in the supporting evidence documents.*

v. The Housing Topic Paper\(^\text{10}\) confirms that the overall housing provision figure will be made up of dwellings completed from 2011, sites with planning permission, and housing land allocations. It indicates that current deliverable sites with planning permission amount to 475 units and envisages 2,625 units as potential future allocations – a total of 3,100 units. However, the published SHLAA\(^\text{11}\) seems to conclude that there are potential sites to accommodate over 4,200 dwellings (including 1,030 dwellings short term and 1,087 dwellings in the medium term). The Housing Topic Paper\(^\text{12}\) also refers to sites totalling 3,744 dwellings identified in the SHLAA. *The inspector would welcome clarification on this matter.*

**Council's response**

The Housing Topic Paper (Para 3.20) should have referred to a total of 3175 dwellings and a total of 2700 units as future allocations (see response to 4 ii above;

\(^{10}\) Housing Topic Paper (¶ 3.16)  
\(^{11}\) Strategic Housing Land Availability Assessment (March 2009) (¶ 8.15)  
\(^{12}\) Housing Topic Paper (¶ 3.22)
this figure is 3200 dwellings [and 2725 allocations] in the light of more up to date monitoring information).

The SHLAA (March 2009) has identified sites with housing potential (4263) which far exceeds the housing requirement over the plan period (3200). The Housing Topic Paper therefore, after reference to completed sites and those with planning permission refers to future housing allocations. Not all the SHLAA sites will be allocated for future development; the Site Allocations DPD will seek to allocate the most suitable sites. The Council have undertaken work to refine the findings of the SHLAA through further consideration of planning constraints and through consultation with elected members. This work was considered necessary to ensure that, notwithstanding the number referred to in the SHLAA, there was sufficient land to meet the housing needs set out in the Core Strategy.

The following two paragraphs explain how the figure of 3744, referred to in the Housing Topic Paper is derived from the SHLAA figure of 4263.

The Balanced Development Strategy within the Core Strategy is formulated on the different settlements or townships within the Borough. Accrington and its coalescing townships (Clayton-le-Moors, Oswaldtwistle, Church, Baxenden and Huncoat) are grouped together, with Great Harwood and Rishton being considered as free standing settlements and treated individually; other areas are treated as ‘rural areas’ or functioning as part of Blackburn in the case of Knuzden. The Balanced Development Strategy provides for the majority of new housing development to be within Accrington and the adjoining townships, Great Harwood and Rishton. Given the extent of the Green Belt, the Council believe that the Rural areas would only make a limited contribution to housing delivery and have not therefore been assigned a portion of the Borough housing provision requirement.

The Council recognise that Knuzden does not fit comfortably with the main spatial components described in the Core Strategy; however, there are no significant potential housing sites in Knuzden (the existing urban area constrained by the Green Belt and adjoining urban areas within Blackburn with Darwen). For this reason no housing allocation has been prescribed for Knuzden in the Core Strategy. Whilst the SHLAA identifies potential for over 4200 dwellings, if potential in Knuzden and the Rural areas is excluded, the resultant figure is 3744 dwellings.

Inspector's comment
The Inspector notes the amended figures in terms of housing land supply and the approach of the SHLAA. It may be appropriate to briefly summarise the position in the text accompanying Policy H1. The Inspector notes the explanation for the spatial distribution of development, the proportions allocated to the various settlements, and the make-up of sites identified in the SHLAA. This reflects and explains the Balanced Development Strategy and underlines the importance of this spatial strategy in policy terms; a summary of these paragraphs could be included as part of the explanation for the Balanced Development Strategy in this section of the plan.
vi. The Housing Topic Paper\textsuperscript{13} explains that, in the past, a significant proportion of housing completions have taken place on windfall sites (1,516 units between 1996-2009), and that a steady, but diminishing supply of such sites is expected to come forward during the plan period. Although the Council considers there are genuine local circumstances evidenced on past trends, the inspector is unsure about whether any allowance has been made for windfall sites during the latter part of the plan period (as set out in PPS3\textsuperscript{14}). The inspector would welcome further clarification about the contribution from windfall sites, and the Council may wish to consider adding some clarification about the basis and make-up of the housing provision figure in the text accompanying Policy H1.

**Council’s response**

The Council can confirm that no allowance is made for windfall sites within the calculation of how the overall housing requirement will be met during the plan period. It will be made up of existing commitments plus potential future allocations in the Site Allocations DPD (as set out at para 3.20 of the Housing Land position paper). The Council will continue to monitor housing land on an annual basis and identify completions which arise from windfall sites.

**Inspector’s comment**

The Inspector notes the confirmation that no allowance for windfall sites is included in the housing provision calculations. Again, it would be helpful if this approach could be confirmed in the text accompanying Policy H1.

vii. Appendix 4 of the Core Strategy sets out the proposed housing trajectory, but this seems to differ markedly from that set out in the SHLAA\textsuperscript{15}. Can the Council confirm the basis of the housing trajectory included in the Core Strategy and the reasons for the differences from that in the SHLAA.

**Council’s response**

See response to iv above

viii. The Core Strategy (para 4.34) confirms that the development of housing within the garden or curtilage of residential properties will not be permitted. At first sight, this could be seen as a key element of “policy” which should be included within Policy H1 (or as a separate policy); it could also be read as a blanket policy preventing any development or redevelopment of any site within the garden or curtilage of any residential property. Although the recent amendment to PPS3\textsuperscript{16} excludes residential gardens from the definition of previously developed land, the inspector asks whether the Council has had regard to the earlier letter from the Chief Planning Officer\textsuperscript{17} (which suggests how local planning authorities might develop policies and take decisions on the most suitable locations for housing, including resisting development on existing gardens), and has the necessary evidence to justify such a policy.

\textsuperscript{13}Housing Topic Paper (¶ 3.17)
\textsuperscript{14}Planning Policy Statement PPS3(¶ 59)
\textsuperscript{15}Hyndburn Strategic Housing Land Availability Assessment (Fig 7.1) (March 2009)
\textsuperscript{16}Ministerial statement by Greg Clark MP on Previously Developed Land and Density [9 June 2010; DCLG]
\textsuperscript{17}Letter from the Chief Planning Officer [19 January 2010; DCLG]
Council’s response
The Council’s stance to the development of housing in gardens predates the work undertaken at a national level to understand the nature of the problem and the subsequent responses mentioned above. The Council’s elected members have fought strongly to ensure that the future planning policy does not support the release of garden land for development and the Government has also changed its stance on garden development. The Council believe this is an area where local influences and priorities have played an important role in shaping the future policy framework.

It adopted as Council policy an ‘Interim Policy on Development of Housing within Gardens’. This was supported by evidence that the Council had sufficient land without the need to utilise residential gardens (the SHLAA utilised a lower threshold of 0.2 ha effectively excluding garden land) and the limited contribution that such land had made to housing delivery historically. Further evidence (SHMA) pointed to the need to retain larger properties and which was seen as being in short supply compared to the overall housing stock.

This evidence has been used in the development of the Core Strategy. The Council has hard regard to the Letter from the Chief Planning Officer and considers its approach to housing in gardens as sound and one that reflects the local circumstances, and priorities of the Borough.

Inspector’s comment
The Inspector notes the importance given to this policy, particularly by Council members. It seems to be a key element of “policy”, but at present only appears as a statement in the text accompanying Policy H1. The Inspector understands that a policy relating to housing development within gardens will be included in the Development Management DPD, but there remains some confusion about where the actual policy should be set out. The Council may wish to consider including the key policy statement within Policy H1, with a reference to a more detailed policy in the subsequent DPD, or leaving this matter to be dealt with in the subsequent DPD. The Inspector also notes that the Interim Policy referred to is not included in the supporting evidence base and does not seem to appear in a prominent position on the Council’s planning policy web page.

5. Affordable housing

i. Policy H2 confirms that developments of 15 or more dwellings should make provision for 20% of affordable units. The inspector would like further information about whether the policy and accompanying text provide sufficient guidance about the provision of affordable housing, in line with national policy in PPS3, particularly in terms of:

   a. the overall target for the amount of affordable housing (including separate targets for social-rented/intermediate affordable housing), and the size and type of affordable housing;

18 Garden Developments: understanding the issues [January 2010, DCLG]
19 Planning Policy Statement PPS3 (¶ 29)
Council's response
The Policy does not include an overall target for the delivery of affordable housing in the plan period but on developments of 15 houses or more the developer will be required to make provision for 20% of the houses to be affordable.

b. the range of circumstances in which affordable housing will be required (including indicative site size thresholds and proportion of affordable housing);

Council's response
The Council notes that PPS 3 sets a “national indicative minimum site size threshold” for affordable housing of 15 dwellings, although it does indicate that local authorities can set lower minimum thresholds where viable and practical.

Policy H2 provides sufficient guidance in this respect by specifying the size of developments that would be expected to contribute to affordable housing and the proportion of affordable housing that would be required. The Council have chosen to apply the national indicative minimum site size prescribed in PPS 3.

In terms of viability, the Council have undertaken an assessment of viability of affordable housing\(^{20}\). Whilst the Council recognise the importance of affordable housing the viability assessment indicated that the delivery of affordable housing was dependent upon social housing grant. The assessment undertaken presented a bleak picture as far as viability was concerned, commenting\(^{21}\):

“What our viability modelling has shown is the difficulty of achieving viable new build development in Hyndburn, regardless of affordable housing requirement. Unless this position is improved, either through market intervention through the provision of regeneration and gap funding, or dramatic market improvement, the development industry will not deliver new development (affordable or otherwise, in the area).”

It is evident that the housing market in Hyndburn does not function in the same way as much of the rest of the country. Viability is a key issue and to place additional burdens on the developers of small sites (over an above the national indicative minimum size) would only serve to further weaken the housing market. For this reason the Council are proposing that the national indicative minimum be applied.

The Council understand that viability was not such an over-riding issue in Blackburn with Darwen. The approach taken by the two authorities can therefore be distinguished on this basis.

c. the approach to seeking developer contributions to facilitate the provision of affordable housing.

\(^{21}\) Para 3.3.4
Council’s response
Paragraph 4.35 of the Core Strategy states that affordable housing should normally be provided on site; this allows the provision of developers contribution in lieu of on site provision. The circumstances within which this would be appropriate is intended to be covered by a further policy in the Development Management DPD and supplemented by a SPD (see response to iii below).

Inspector’s comment
The Inspector notes that the Core Strategy currently includes no indication of the scale of likely affordable housing provision envisaged over the plan period. He understands that the SHMA concludes that a realistic affordable housing provision would be around 20% of total housing provision, which equates to about 38 dwellings per year. The Inspector wonders whether this scale of provision could be included in the accompanying text, to assist in measuring the success of implementing the policy. The SHMA may also include an indication of the split between social rented and intermediate housing, which might also be appropriate to include in the text, in order to fully meet the requirements of PPS3, unless this information is to be included in a subsequent DPD. The Inspector notes the particular circumstances in Hyndburn that justify utilising the national threshold and that a further policy on off-site affordable housing will be included in the Development Management DPD and associated SPD.

ii. The inspector notes the particular reasons why the site size threshold differs from that used in the adjoining district (Blackburn with Darwen). However, the Affordable Housing Viability Assessment confirms that there is no basis for setting a site size threshold on the grounds of economic viability, and the Council considers that setting such a threshold is academic. The inspector would like further clarification about whether the site size threshold is justified by the supporting evidence, and the reasons why affordable housing is unlikely to be provided on sites without grant support.

Council’s response
The reasons why affordable housing is unlikely to be provided without grant support are detailed in the Affordable Housing Viability Assessment and relates principally to the housing market problems that the Borough faces. A key finding of the Assessment is that “any significant proportion of affordable housing is not viable without grant support” (Para 3.2.1, see CS_Supp3.20).

In light of the above position on viability, the Council maintained the threshold within Policy H2 at the national indicative minimum on the premise that its removal would not result in more affordable housing being delivered (unlike in the adjoining area of Blackburn with Darwen BC) and would introduce a further burden on the developers of smaller sites to provide site specific economic viability assessments and to fund an assessment of them.


**Inspector's comment**

The Inspector notes the particular reasons why the approach to affordable housing, including economic viability and need for grant-funding, is different from that used in the Blackburn-with-Darwen Core Strategy.

iii. The inspector notes that further details of the provision of affordable housing will be set out in a subsequent SPD, but all key aspects of affordable housing policy should be set out in the Core Strategy or other DPD, and subject to independent examination.

**Council’s response**

The Council propose to include a further policy in the Development Management DPD which would then be further supplemented by a SPD.

6. **Huncoat**

i. The inspector understands that the proposals for a Waste Technology Park (WTP) and Whinney Hill Link Road are unlikely to proceed, even though both elements have planning permission. Policy A8 still refers to the development of a WTP, with further details in the accompanying text, whilst Policy A9 still refers to the link road (although references to the Waste Technology Park in the accompanying text are proposed to be deleted). The Economy Topic Paper\(^2\) indicates that 14ha of land at Huncoat (formerly to be occupied by the WTP) is likely to be included in the general employment land supply. In view of the current circumstances, the Council may wish to consider making some further changes to Policies A8 & A9 to reflect the latest position (also see below).

**Council’s response**

As explained above in response to Question 2, the Joint Authorities responsible for the Minerals and Waste Development Framework have now submitted the Site Allocations and Development Management DPD. The Council understand why the Inspector may have held the view that the Whinney Hill Link Road and Waste Technology Park may be unlikely to proceed because until (very) recently the Joint Authorities had not expressed a view on these developments since the outcome of the Inquiry into the Compulsory Purchase Orders served by Lancashire County Council. The position of the Joint Authorities now appears to be clear, in policy terms at least.

To date, the Core Strategy has expressly supported both the Whinney Hill Link Road and the Waste Technology Park. The Council believe that it is important for the Core Strategy to reflect other elements of the development plan, including the Regional Spatial Strategy and Minerals and Waste Development Framework. It is important that these documents are consistent with each other if they are to be effective.

In the light of the submission by the Joint Authorities, the Council are not proposing, in principle, to modify the Core Strategy to remove reference to the Whinney Hill Link Road. It may be necessary to make minor changes to reflect the new position. The

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\(^2\) Economy Topic Paper (¶ 4.28)
Council note that the term “waste technology park” is not used in the Submission version of the Site Allocations and Development Management DPD and it may be necessary to consider the terminology used in the Core Strategy. Again, it may be necessary for the Council to make changes to this section of the Core Strategy to reflect this.

Notwithstanding the need for consistency between LDFs, the Council also recognise the need for schemes specifically mentioned within the Core Strategy to be “sound” and supported by evidence that they are capable of being implemented. The Council will present their views on this in the Huncoat Topic Paper and that Topic Paper will also consider the “what if” scenario, i.e. what will be the position if Lancashire County Council are unable to acquire the land needed for waste development and/or are unable to fund the Whinney Hill Link Road.

The Inspector will appreciate that whilst the Whinney Hill Link Road and waste developments at Huncoat are in the Core Strategy, they are developments that are being promoted by Lancashire County Council in their role as Waste Disposal Authority. The Council would welcome the view of the Inspector on the following matters:

1. The degree to which the Borough Council will be expected to demonstrate that the schemes in the Minerals and Waste LDF are capable of being implemented and are “sound”.
2. Whether the Inspector would wish to involve representatives from Lancashire County Council at the Examination?
3. The relationship between the Core Strategy and the Submission Site Allocations and Development Management DPD in this respect.

ii. Two changes to the Green Belt boundary are envisaged at Huncoat (Huncoat Colliery and Land north of Altham Lane). The inspector understands that the proposal for new housing on the former colliery site arises from the Council’s decision (following public consultation) to designate the former allocated housing site in central Huncoat as protected open space. Policy A7 makes no reference to the loss of Green Belt in this location. The land north of Altham Lane is proposed to be incorporated within the Huncoat strategic employment site. These points are related to the possible need to update the policies and text in the light of the County Council’s intention not to proceed with the WTP and link road.

Can the Council clarify whether the Core Strategy is actually making a strategic site-specific allocation for housing and employment at this stage (as shown on the Proposals Map extract) or merely amending the Green Belt boundary in this location?

Council’s response
The Council confirms that the Core Strategy is proposing to remove these two areas from the Green Belt and allocate a strategic site as defined in PPS12.

Can the Council also confirm whether the Core Strategy is intending to define the precise route of the new link road (as shown in Appendix 5b and the Proposals Map extract)?
Council’s response
The Core Strategy is not seeking to define the precise route of the new link road; however, the Council recognise the importance of a consistent approach between elements of the Development Plan. Appendix 5b reflects the safeguarded route of the Whinney Hill Link Road and proposals maps extract shows the indicative route to the Waste Technology Park.

The route of the Whinney Hill Link Road illustrated by the Joint Authorities in their Site Allocations and Development Management DPD is the same as that granted planning permission. Although the Core Strategy contains a policy in relation to the Whinney Hill Link Road (Policy A9), Policy A8 also contains a requirement for the Strategic Employment Site at Huncoat to be adequately connected to the primary and motorway network. The Council is seeking to establish, in principle, that the Strategic Sites at Huncoat will be served by a new road, not to specify the exact route of that road.

The Council will consider the need to update policies and text in the light of Lancashire County Council’s current position as referred to in question 2 above and this will be clarified through the Huncoat Topic Paper.

iii. Reference is made in the Economy Topic Paper to a Topic Paper for Huncoat. Can the Council indicate when this is likely to be produced?

Council’s response
The Council propose to produce the Huncoat Topic paper by the end of June 2011.

Inspector’s comment
The Inspector notes the updated position in respect of the Huncoat strategic employment site and welcomes receipt of the Huncoat Topic Paper, which should set out any amendments to the policies and accompanying text of the Core Strategy. As the Council says, it is important that the Hyndburn Core Strategy and Lancashire Minerals & Waste Site Allocations DPD are consistent with each other. However, it is not for the Core Strategy to justify proposals in another authority’s plan, but to ensure that these proposals can be implemented. Consequently, there should be no need for detailed evidence on this element of the proposal or involvement of representatives of the County Council in the hearing sessions, unless there is some disagreement between the parties. However, relevant extracts of the Minerals & Waste Site Allocations DPD could be included as an annex to the Huncoat Topic Paper, if appropriate. In passing, the Inspector notes that the boundary of the Strategic Employment Site shown on the Extract of the Proposals Map in the Core Strategy [CS_Sub1.4] does not appear to be precisely the same as that shown for Waste Management Facilities in the Lancashire Minerals & Waste SADPD (Policy WM2/WM4: Site BWF8). The Inspector also notes the confirmation that the Core Strategy is intending to make a strategic allocation at Huncoat, but not to define the precise route of the link road. The Inspector welcomes the early submission of the Huncoat Topic Paper, which should include all the necessary amendments to the policies and accompanying text to ensure that the Core Strategy reflects the current position. These amendments should also be included in the forthcoming Schedule of Further Proposed Changes.
7. **Whitebirk**

This is clearly an important proposal of the Core Strategy, as a strategic employment site to meet the needs of the region and local districts. There seem to be two elements of this proposal; firstly, a 35ha site (*Lantern Park*) which will be developed over the next 5 years, already allocated in the Local Plan; secondly, the possibility of a further extension of the site in the future (*Whitebirk 2*). However, in view of the nature and amount of work needed to be undertaken before this part of the site could come forward, it seems unlikely that this potential extension would come forward within the current plan period. **Can the Council confirm whether the Core Strategy is making a specific strategic allocation at Whitebirk (either for the 35ha site or the possible future extension) or making any amendments to the Green Belt in this locality at this stage).**

**Council's response**

Policy KW1 of the Core Strategy relates to a strategic employment site at Whitebirk. This site is considered to be strategic in terms of PPS12. This is an existing employment allocation Site U in the local plan of 35ha. No amendments are proposed to the Green Belt in relation to this site.

Although a potential future “extension” to employment land at Whitebirk is considered in the Core Strategy (para 5.67), known as “Whitebirk 2”, the Core Strategy makes it clear that there will be a site selection process undertaken before any decision is taken in relation to the development of a further strategic employment site. No amendments are, therefore, proposed to the Green Belt in relation to a possible future extension to Whitebirk.

**Inspector’s comments**

*The Inspector notes that the Core Strategy is intending to confirm the strategic allocation at Whitebirk (Local Plan site U – Lantern Park), without making any amendments to the current Green Belt boundary. He also notes the process by which a further extension of the site (Whitebirk 2) might come about, and the confirmation that the Core Strategy makes no proposals for this future possibility.*

8. **Other Green Belt amendments**

The Green Belt Topic Paper sets out the background and justification for the proposed four alterations to the Green Belt boundary, which are stated to be localised amendments, rather than alterations to the general extent of the Green Belt or strategic changes to the Green Belt boundary.

i. **Policy A5** deals with the extension of Brookside Business Centre into the adjoining Green Belt, but indicates that the Green Belt boundary will only be changed if it relates to the development of a Sustainable Construction Centre and Country Park (a scheme which currently appears to have stalled). This seems to suggest that the Core Strategy is not actually amending the Green Belt boundary at this stage, but Appendix 6 and the Proposals Map extract provide detailed plans showing the proposed changes to the Green Belt. **Can the Council clarify the position?**

**Council's response**

The Core Strategy proposes to amend the Green Belt in vicinity of Brookside Business Centre as defined in Appendix 5 to provide certainty to developers if the scheme is revitalised.
ii. Policy RA3 includes a proposal for the small-scale extension of Altham Business Park into the adjoining Green Belt, provided it is to enable the expansion of existing occupiers to meet their business needs. *Can the Council confirm whether the Core Strategy is actually amending the Green Belt boundary at this stage (as shown on the Proposals Map extract), or merely flagging this up as a future possibility.*

**Council's response**
The Core Strategy proposes to amend the green belt to allow for the small scale extension of Altham Business Park to provide certainty and support for an existing successful business within the Borough.

**Inspector's comment**
The Inspector notes the confirmation that the Core Strategy is actually amending the Green Belt boundaries at Brookside Business Centre and Altham Business Park at this stage.

9. **Council’s Responses to Representations on the Publication Edition**

In the Regulation 30(1)(e) Consultation document, the Council’s responses indicate several amendments to be made to the policies and text of the Core Strategy. Some of these changes do not seem to have been made, and the inspector wonders whether this is an oversight, or whether there are reasons why these changes have not been made. They include:

i. Policy E1: cross-references to Policies A2, A3, A6, GH2 & R2 (CS024/02)

**Council's response**
This omission was an oversight.

ii. A new footnote relating to the status of ELEVATE (CS024/01)

**Council's response**
This omission was an oversight.

iii. Has the Council met with their colleagues at Burnley BC about the proposals for Huncoat (C036/01)?

**Council's response**
Yes, the Council met with colleagues from Burnley BC which resulted in the withdrawal of their representations.

iv. Policy H1: further text in the policy setting out the overall housing provision level and its time period (CS020/01)

**Council's response**
This omission was an oversight.

v. Policy H2: further explanation to explain that viability assessments indicate there are less viable sites in Hyndburn than in Blackburn (CS05/13)

**Council's response**
The further explanation was included in the Housing Topic Paper.
vi. Policy A9: reclassify Huncoat as a non-strategic site (CS013/08)

Council’s response

The reference to reclassifying the site as non-strategic related to the employment site in that it is not a Strategic Regional Employment Site as defined by the North West Development Agency (as in the case of Whitebirk). However, the Council considers that it is a strategic site in terms of PPS12 as set out in the response to question 6 ii. The Council accept that the response to CS013/08 was not clear.

vii. Policy KW1: amended text to explain how Whitebirk came to be designated as a strategic regional site by NWRDA (CS020/04)

Council’s response

This omission was an oversight.

viii. The Council may wish to check for other revisions which may not have been implemented.

Council’s response

The Council will check the position in relation to the responses made in the Reg 30 (1)(e) statement and notify the Inspector of any revisions which are outstanding and produce a further Schedule of Proposed Changes as referred to in 12 below.

Inspector’s comment

The Inspector notes the various amendments which still need to be made to the text and policies of the submitted Core Strategy. These amendments should be included in the forthcoming Schedule of Further Proposed Changes, including the actual wording of the revised text.

10. Further Proposed Changes

The inspector notes the Schedule of Proposed Changes (May 2011). In order for these changes to be implemented, the detailed amended figures for Table 1 (Page 16), paragraph 2.13 & Fig 6 (Page 17) will be needed. Similarly, the detailed amended text in paragraph 4.74 (Page 55) will also be needed.

Council’s response

The Council will provide this additional detail. However in relation to the Lancashire Renewable Energy Capacity Study, this is not due for completion until the end of June and the text in relation to para. 4.74 (page 55) cannot be finalised until then.

Inspector’s comment

The Inspector welcomes the confirmation that the detailed text of amendments will be provided (in the Schedule of Further Proposed Changes). He understands why the text relating to the Renewable Energy Capacity Study cannot be finalised at this time, but details should be available for inclusion in the Schedule of Proposed Changes, which ideally should be available by the time of the Pre-Hearing Meeting.
11. **Cala Homes judgement**
The Court of Appeal gave its judgement on the Cala Homes case on 27 May 2011. The judgement confirms that *local development documents must be in general conformity with the regional strategy*...and...*it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies*\(^\text{17}\). The inspector confirms that he will take this judgement into account and wonders whether it has any implications for the examination of the Hyndburn Core Strategy.

**Council’s response**
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. This has been a guiding principle in preparing the Core Strategy. The advice of the Regional Planning Body has been sought at various stages and is documented (see CS_Supp5.3). However following the demise of 4NW no response has been received in relation to Publication and Revised Publication stages.

**Inspector’s comments**
The Inspector notes that the Council has sought to ensure that the submitted Core Strategy is in general conformity with the Regional Strategy, and understands why confirmation on the Publication & Revised Publication versions of the Core Strategy has not been received from the Regional Planning Body, following its demise.

12. **Implications of inspector’s questions**
The Council may consider that their responses to the inspector’s questions may require some further changes to the policies and text of the Core Strategy. None of these changes should affect the underlying strategy or require further Sustainability Appraisal. For the most part, they would clarify and update the content of the Core Strategy, rather than introducing completely new material. Any resulting changes should be drawn up in the form of a Schedule of Further Proposed Changes, by the time of the Pre-Hearing Meeting. They would be discussed at the hearings and published for comments at the end of the hearing sessions. The inspector emphasises that he is not, at this stage, suggesting that any element of the Core Strategy may be unsound, but is seeking clarification about a range of issues relating to key policies in the plan.

13. The inspector would like an initial response to these questions by 20 June 2011, if possible. This note and the Council’s responses will then become an examination document.

**Inspector’s comments**
The Inspector welcomes the positive approach of the Council and looks forward to receiving the outstanding documents (including the Huncoat Topic Paper and Schedule of Further Proposed Changes) as soon as practicable, and ideally before the date of the Pre-Hearing Meeting (19 July 2011).

SJP/MW 23.06.11 v3

\(^{23}\) Cala Homes (South) Ltd v Secretary of State for Communities & Local Government [2011] [EWCA Civ 639] (¶ 24)