HYNDBURN BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK

EXAMINATION OF
CORE STRATEGY AND
ACCRINGTON AREA ACTION PLAN

NOTES OF
PRE-HEARING MEETING

19 July 2011

Deadline for submission of further statements: 26 August 2011

Hearings commence: 20 September 2011

Pre-Hearing Meeting and Hearing sessions
Hyndburn Borough Council
Queen Elizabeth Room
Scaitcliffe House
Ormerod Street
Accrington
Lancashire BB5 0PF

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HYNDBURN BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK
EXAMINATION OF SOUNDNESS OF CORE STRATEGY
AND ACCRINGTON AREA ACTION PLAN
NOTES OF PRE-HEARING MEETING
held on Tuesday 19 July 2011 at 2.00pm
at the Queen Elizabeth Room, Scaitcliffe House, Accrington

1 Introduction

1.1 The Inspector, Stephen J Pratt BA(Hons) MRTPI welcomed everyone to the meeting and confirmed that he had been appointed by the Secretary of State under Section 20 of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the Hyndburn Core Strategy & Accrington Area Action Plan (AAP).

1.2 The Inspector explained that the purpose of the Pre-Hearing Meeting (PHM) was to discuss procedural and administrative matters relating to the management of the Examination, including the nature of the Examination process and procedure for examining the Core Strategy & Accrington AAP, the programme for the hearings, the Matters to be examined, the methods of dealing with representations, the timetable for submitting statements, and any other relevant matters. The content and merits of the plans and the representations were not discussed at this meeting.

1.3 He then introduced the Programme Officer, Michael Walker, who is acting as an impartial officer, working under the Inspector’s direction. He is responsible for organising the programme of hearings, maintaining the Examination library, recording and circulating all material received, and assisting the Inspector with administrative matters. He will advise on programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to him. His contact details are on the letter accompanying these notes and on the Council’s web-site. He also introduced the note-taker, Michael Cunliffe.

1.4 Guidance Notes for Participants and an agenda for the PHM, along with a draft Schedule of the Matters & Issues for Examination and a draft programme for the hearing sessions, had been circulated previously. Much of what the Inspector said was standard guidance and good practice established by the Planning Inspectorate for examining Development Plan Documents (DPDs) under the Local Development Framework (LDF) process. His approach was based on current Government policy at 19 July 2011.

1.5 Simon Prideaux (Head of Planning & Transportation, Hyndburn BC) welcomed everyone to the PHM. He emphasised the importance of the Core Strategy & Accrington AAP in the Borough’s planning framework and the involvement of the local community. He also introduced other members of the Council’s team for the examination, including Joanne Macholc (Principal Planning Officer), Farooq Rafiq (Assistant Planning Officer) and Anne Hourican (Senior Environmental Initiatives Officer). Other officers and representatives of the Council may attend the hearings, if necessary. Cllr Bernard Dawson (Chair of Planning) was also present at the PHM.

2 Scope of the Examination and Inspector’s role

2.1 The Inspector explained that the “Examination” covers the whole process, from the time of submitting these plans to the Secretary of State (on 19 May 2011) to submitting his report to the Council. He has already begun his initial examination of the plans and has asked the Council for information on various matters (responses are available on the Council’s web-site). The purpose of the Examination is to examine the soundness of the Core Strategy & Accrington AAP. The inspector’s role is to consider whether the plans meet the requirements of Sections 19-20 of the 2004 Act and associated Regulations, and whether they are sound in terms of the guidance set out in Planning Policy Statement PPS12.

2.2 Firstly, the plans need to have complied with the legal requirements set out in legislation, including compliance with the Local Development Scheme, Statement of Community Involvement and relevant Regulations, be subject to Sustainability Appraisal, have regard to national policy and the Sustainable Community Strategy, and be in general conformity with the Regional Spatial Strategy.
2.3 In terms of soundness, the plans need to be justified (founded on a robust and credible evidence base and the most appropriate strategy when considered against reasonable alternatives), effective (deliverable, flexible and able to be monitored), and consistent with national policy. They also need to clearly indicate what (and how much) development is proposed, and where, when and how it will be delivered. The Examination will focus on these aspects of soundness.

2.4 As regards published guidance (available from the Programme Officer), participants should be familiar with:

- **Planning Policy Statement PPS12** – Local Spatial Planning [DCLG; 2008]
- **Plan Making Manual** – web-based guidance [PAS]¹
- **Planning Inspectorate Guidance:**
  - Lessons Learned Examining Development Plan Documents [PINS; June 2007]
  - Examining Development Plan Documents: Learning from Experience [PINS; September 2009]
- **Planning & Compulsory Purchase Act 2004** (as amended) and associated Regulations

2.5 The Inspector then highlighted some key features of the purpose and process of the examination, referring to the Guidance Notes previously circulated:

- **Starting point for the Examination is the assumption that the Council has submitted what it considers are sound plans;**
- **The examination is into the soundness of the plans, rather than considering individual objections;**
- **Hearings are an inquisitorial part of the examination, where particular topics, identified beforehand, are discussed around a table in an informal way;**
- **For the Core Strategy, the examination will focus on strategic policies and proposals, rather than specific sites, although some broad locations, sites and strategies for particular areas may be considered;**
- **For the Accrington AAP, more detailed proposals and sites may be considered;**
- **The merits of national or regional policy are not up for discussion, but the implications of such policies for the plans may be relevant;**
- **After the examination is closed, the report will be submitted to the Council with binding recommendations for changes which have to be made before the plans are adopted.**

2.6 The Inspector explained that the scope for making major changes to the submitted plans is limited, particularly where such changes have implications for the sustainability appraisal, community consultation and participatory processes already undertaken. He drew attention to the advice in the PAS web-based Plan Making Manual² and PINS Procedure Guidance³ about making changes to the plan after submission. The inspector can only make changes which relate to the soundness of the plans based on evidence assessed during the Examination, and he has to give reasons for those changes. He will only be able to give limited consideration to representations that raise issues or suggest changes that have not been subject to the proper procedures of sustainability appraisal and public consultation. Moreover, his role is to consider whether the plans, as submitted, are sound, rather than making an otherwise sound plan sounder or improving it.

3 Procedural questions for the Council

3.1 The Council confirmed that the Core Strategy & Accrington AAP have been prepared in accordance with the **Local Development Scheme** (April 2011) and the **Statement of Community Involvement** (Dec 2009), and have been subject to Sustainability Appraisal at each stage of plan preparation. The plans have had regard to national policy, reflect the Sustainable Community Strategy for the district, and are in general conformity with the Regional Spatial Strategy. They also comply with the **Local Development Regulations** and have taken account of the Council’s other plans and strategies and those of adjoining local authorities and agencies/bodies.

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³ Local Development Frameworks – Examining Development Plan Documents: Procedure Guide (¶ 7; 5.21-5.25) [PINS; August 2009]
3.2 The Council has undertaken **Self-Assessments of Legal Compliance/Soundness** of the Core Strategy & Accrington AAP⁴ and has identified no fundamental procedural shortcomings in the process of preparing these plans. The Council also outlined the programme for preparing subsequent LDF documents, including a Site Allocations DPD & Proposals Map and Development Management DPD, and drew attention to “saved” policies in the Hyndburn Borough Local Plan and the Lancashire CC Minerals & Waste Development Framework.

4 **Representations on the Core Strategy**

4.1 The Council confirmed that 160 representations were received from 40 respondents at the Publication stage of the Core Strategy (16 August-27 September 2010), along with 51 representations from 18 respondents received on the Revised Publication version of the Core Strategy (22 November-20 December 2010). For the Accrington AAP, 45 representations were received from 9 respondents (16 August-27 Sept 2010). The Council has considered all the representations and has prepared reports summarising the main issues raised in the representations⁵ (electronic links to the representations and reports are available on the Council’s web-site⁶). The Council has not rejected any late representations, and the Inspector confirmed that he could not accept any further late representations.

4.2 The representations cover many aspects and policies in the plans, but focus on:

- **Core Strategy:**
  - Future for Hyndburn, including vision, objectives and Balanced Development Strategy;
  - Employment land provision and protection of existing employment sites;
  - Strategic Employment Sites, including Whitebirk & Huncoat;
  - Housing land provision and spatial distribution of housing development, including strategy for housing and regeneration, housing mix and the balance between greenfield and brownfield sites;
  - Major housing sites, including Huncoat;
  - Affordable housing, including site threshold and economic viability;
  - Policy for community facilities;
  - Green Belt, including loss of Green Belt at specific sites;
  - Green space, Green Infrastructure and facilities for walking and cycling;
  - Natural environment and landscape character;
  - Sustainable development, flood risk and climate change;
  - High Quality Design, environmental amenity and contaminated land;
  - Accessibility and sustainable locations, including cycle and footpath networks;
  - Policies for Accrington, including town centre and Huncoat (including housing and employment proposals and proposed access/link road);
  - Policies for Great Harwood, Whitebirk Strategic Employment Site, Altham Business Park and J7 Business Park;
  - Planning Obligations;
  - Phasing, delivery and implementation;
  - Consistency and co-ordination with other plans, including minerals and waste.

- **Accrington AAP:**
  - Characteristics, key issues, vision, objectives and proposals;
  - Extent of Primary Retail Area;
  - Sustainable drainage and flood risk;
  - Spatial Quarters, including sustainability of sites in flood zones;
  - Implementation.

4.3 Following the Publication/Revised Publication consultation period, the Council has prepared a Schedule of Changes - Completed to the Core Strategy, incorporated into the Submission Version, along with a Schedule of Proposed Changes, which accompanied the Submission version. A similar Schedule of Changes - Completed accompanied the Accrington AAP⁷. The Council wishes the Inspector to endorse all these Proposed Changes and confirmed that none of the changes would materially alter the underlying strategy of the plan or undermine the sustainability appraisal and participatory processes already undertaken.

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⁴ Submission Documents: CS_Sub1.9 & AAAP_Sub1.5 & Post_2.5
⁵ Submission Documents: CS_Sub3.4, CS_Sub3.8 & AAAP_Sub3.4
⁷ Submission Documents: CS_Sub2.2 & AAAP_Sub2.1
4.4 The Inspector confirmed that these submitted versions of the plans would form the
cbasis for the examination. The Council has also produced a Schedule of Proposed
Further Changes to the Core Strategy, including updating the position on Huncoat. 
Apart from putting the Balanced Development Strategy into a policy form, and a few
other minor changes, no further changes to the plans are anticipated at this stage.
The Inspector explained that, if more fundamental changes are proposed, the
reasons for these changes must be fully explained, in terms of the implications for
the soundness of the plans. Any such changes should be subject to the same
process of sustainability appraisal, publicity and consultation as the published plans.
Other amendments may be needed to the policies/text of the plans as a result of the
discussions at the hearing sessions. Any changes agreed during the examination/
hearing sessions should include the precise wording of any amendments to the policies/text
of the plans and be set out in an Examination document. After the hearings have
finished, the proposed changes would be publicised, with a period for comments.

4.5 The Council stated it had met several respondents, including Burnley and Blackburn
with Darwen Councils and the Environment Agency, and is meeting other key parties
who are concerned about the policies for Huncoat. The inspector said it would be
helpful if Statement(s) of Common Ground could be agreed following these meetings
to narrow the issues in dispute and focus the discussion at the hearing sessions.

5 Methods of considering representations

5.1 The Inspector explained that representations on the Core Strategy & Accrington AAP
will be considered either by written representations or orally at the hearing sessions
of the examination. Both methods carry the same weight and he will have equal
regard to views put orally and in writing. Only those parties seeking specific changes
to the plans are normally entitled to participate in the hearing sessions of the
Examination. The traditional form of public inquiry is not appropriate for considering
representations on the soundness of these plans, but everyone would have the
opportunity to make their points and ask questions.

6 Procedure at the Hearing Sessions of the Examination

6.1 The hearing sessions of the Examination are scheduled to commence on Tuesday
20 September 2011 at the offices of Hyndburn Borough Council, Queen Elizabeth
Room, Scaitcliffe House, Ormerod Street, Accrington, Lancashire BB5 0PF at
10.00am. Subsequent sessions will normally start at 9.30am and 2.00pm each
day, with a break for lunch at about 1.00pm, and finish at about 5.00pm. If
convenient, a short break will be taken mid-morning and mid-afternoon. The
hearings are likely to be in session on Tuesday-Friday over a two-week period. The
Council confirmed that the date of the hearings had already been advertised.

6.2 A separate hearing session of the Examination will be held for each of the main
topics identified in the programme. The sessions will take the form of an informal
hearing, where representatives of the Council and other participants debate the key
points and issues in a discussion led by the Inspector. Those attending may bring
professional representatives, but there is no need to be legally represented, and
there will be no formal presentation of evidence, cross-examination or formal
submissions. At this stage, the Council does not envisage being legally represented
at the hearing sessions, and did not consider any other particular bodies/agencies
needed to be invited to the hearing sessions. If any other participant anticipates
being legally represented, they should let the Programme Officer know well before
the hearing sessions commence. All evidence and material should be submitted
beforehand, since it is unlikely that new evidence will be allowed on the day of the
hearings, and late submissions and evidence are not normally allowed.

7 Examination Programme

7.1 The hearing sessions will deal firstly with the Core Strategy, covering Legal &
Procedural Matters, Vision and Strategic Objectives, and the Spatial Strategy. The
hearings will then discuss the strategy and policies for Economy & Employment
(including the overall level, broad locations and delivery of employment
development, and retail & town centres), Housing (including the overall level, spatial
distribution, broad locations, mix and delivery of housing development, and
affordable housing), Other Thematic Policies and Area-Based Policies (including
Accrington, Huncoat and Whitebirk). Finally, the hearing sessions will deal with
issues relating to the Accrington AAP (including the extent of the Primary Retail
Area and policies for the Spatial Quarters, including sites in flood zones). The final
draft programme for the hearing sessions is circulated with these notes.
The Programme Officer will contact all participants to confirm when they are expected to attend the hearings, and participants should keep themselves up to date with the arrangements and programme. Not all matters and issues will be discussed at the hearings; some matters will be dealt with by written representations. In some cases, issues will only be discussed with the Council, without other participants taking part. However, anyone can attend the hearings as an observer, although they will not be able to take an active part in the discussion unless they are listed.

8 Matters and issues for the Examination

8.1 The Inspector has prepared a draft Schedule of Matters and Issues for the Examination, and a final version is circulated with these notes. Any further statements submitted by the Council and other participants should address relevant Matters and Issues identified, rather than providing more information on the original representations. The Schedule of Matters and Issues covers most aspects/policies of the submitted plans, and participants should find suitable matters, issues and questions relevant to the points made in their original representations.

9 Examination Library

9.1 The Council has prepared an initial list of documents in the Examination Library, as set out in the index accompanying these notes. This includes the Submission Documents and Supporting Evidence for the submitted Core Strategy & Accrington AAP, regional policy documents, and other plans, documents, reports, background papers, etc. Participants should ensure that any documents they intend to refer to are included in the Examination library, and arrange for any missing documents to be sent to the Programme Officer (4 copies required). All documents will be available in the Examination library, with links on the Council’s web-site. The Council has also prepared Topic Papers covering Economy, Green Belt, Housing, Infrastructure and Huncoat. More recently, some additional documents have been added to the Examination Library, details of which are on the Council’s web-site. No other reports/documents are outstanding, apart from finalising Lancashire CC’s Renewable Energy Capacity Study.

10 Submission of further written statements and other material

10.1 From now on, any further written statements should address relevant Matters & Issues for Examination identified by the Inspector, which is circulated with these notes. Any further statements from the Council and other participants should be submitted to the Programme Officer no later than Friday 26 August 2011. Details of the form and length of submissions are set out in the Guidance Notes, but should be limited to 3,000 words for each Matter.

10.2 The Inspector confirmed that the starting point for the examination is the assumption that the Council has submitted sound plans. The Council should produce a statement on each of the Matters and Issues, commenting on relevant points made in the representations, setting out why they consider the plans are sound and why the changes sought by other parties would make them unsound. Any further statements from other participants should focus on the relevant Matters & Issues for Examination - they should demonstrate which part of the plan is unsound; explain why it is unsound and how it could be made sound by adopting the approach advocated; including the precise change and wording sought, without raising new issues not included in the original representation. Participants do not have to submit any further statements, if they only wish to rely on their original representations. The Programme Officer will assume that no further statements are to be submitted if they are not received by the deadline indicated.

11 Availability of information

11.1 The Programme Officer will maintain the Examination Library at the Council’s offices, at Scaitcliffe House, Ormerod Street, Accrington BB5 0PF. This will contain copies of the Core Strategy & Accrington AAP, along with the associated Submission & Supporting Documents, all representations, and further statements and documents, as received. Copies of the representations, statements and other relevant information are also available on the Council’s Examination web-site. When the hearings are in session, the Examination Library will be maintained at the hearing venue.

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9 Supplementary Documents: CS_Supp4.1-4.4 & Post_2.4
11.2 The Programme Officer will record all documents submitted. The list of documents contained in the Examination Library will be updated as the examination proceeds. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Council’s Examination web-page\textsuperscript{10}. Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable the necessary arrangements to be made.

12 Site visit arrangements

12.1 The Inspector will carry out an unaccompanied tour of the area to familiarise himself with relevant locations referred to in the plans and in the representations. If there are particular reasons for an accompanied visit, participants should discuss this with the Programme Officer. The Council will prepare an itinerary covering relevant places and areas for the Inspector to visit (to be submitted by 26 August 2011).

13 Close of the Examination

13.1 The Examination will remain open until the Inspector submits his report to the Council. However, the Inspector will not accept any further representations or other material after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

14 Submission of Inspector’s Report to the Council

14.1 After the Examination has closed, the Inspector will submit his report, with binding recommendations to the Council. The date of submission will largely depend on the content, extent and length of the Examination and the issues raised; the Inspector will confirm the likely date at the end of the hearing sessions.

15 Key issues raised with the Council

Implications of the proposed revocation of the Regional Spatial Strategy

15.1 The inspector explained the current status of the Regional Strategy (NWRSS), confirming that it currently forms part of the statutory development plan. The Secretary of State has confirmed\textsuperscript{11} that Regional Strategies (including the NWRSS) will be revoked (as part of the Localism Bill). However, a recent Court of Appeal judgement\textsuperscript{12} confirms that it would be unlawful for local planning authorities and inspectors to have regard to the proposal to abolish regional strategies. For as long as the Regional Strategy remains part of the development plan, the Core Strategy and Accrington AAP have to be in general conformity with it. The Council asked whether the Inspector could give consideration to the status of the documents associated with the Partial Review of the RSS and in particular, the Report of the Panel. The Council raised no further outstanding issues about the status of the Regional Strategy for the plans, but the inspector said that any implications of the future revocation of the NWRSS may be debated at the hearing sessions.

Habitats Directive/Appropriate Assessment

15.2 The Council confirmed that there are no outstanding issues relating to the Habitats Regulations Assessment (HRA)\textsuperscript{13}. Natural England had confirmed that their advice had been reflected in the Screening Report and had no additional comments.

Strategic Flood Risk Assessment

15.3 The Council confirmed that a Strategic Flood Risk Assessment (Level 1)\textsuperscript{14} had been completed, and there were no outstanding issues on these documents, which have been agreed with the Environment Agency. However, further discussions are ongoing with the Environment Agency about specific sites in the Accrington AAP in terms of flood risk, which may result in some minor changes to this plan.

Note-taking

15.4 The Council confirmed that they would arrange for someone to take notes of the gist of the discussions at the hearing sessions. The inspector explained that these notes were essentially for his use, but would be included in the Examination Library for information after the hearings had closed.

\textsuperscript{10} http://www.hyndburnbc.gov.uk/site/scripts/documents_info.php?documentID=724&pageNumber=6
\textsuperscript{11} Parliamentary statement by Rt Hon Eric Pickles (Secretary of State for Communities & Local Government) [dated 6 July 2010]
\textsuperscript{12} Cala Homes (South) Ltd v Secretary of State for Communities & Local Govt [2011 EWCA Civ 639]
\textsuperscript{13} Supporting documents: CS_Supp3.6 & AAP_Supp1.1
\textsuperscript{14} Supporting Documents: CS_Supp3.28-3.29
16 Questions

16.1 Before inviting questions, the Inspector explained that, by law, he is required to examine the soundness of the Core Strategy & Accrington AAP. However, he emphasised that these are the Council’s plans, and he has no wish to rewrite them or impose his views on them. He intends to adopt a positive, pro-active and pragmatic approach to the examination. If any changes are needed to the plans as a result of the discussions during the examination, he will ask the Council to put forward suitable wording, hopefully agreed with other participants, as part of a process of facilitating consensus between the participants. He emphasised that all changes should relate to the soundness of the plans, rather than trying to improve them, with the aim of making the minimum number of changes to ensure the plans are sound.

16.2 The Council confirmed that they had no outstanding questions arising from the Inspector’s presentation at the PHM, and thanked the Inspector for his constructive guidance and input into the process so far. The Council will continue to seek to work in a collaborative manner with the Inspector and other parties to ensure that both plans are found sound. In response to the Inspector’s question, the Council confirmed that they were discussing the alignment and consistency of the Core Strategy with the Lancashire Minerals & Waste Site Allocations DPD with the County Council in terms of the proposals for Huncoat and the Whinney Hill link road.

16.3 Roy Chetham (Huncoat Community Forum) and Andrew Gardner-Chan were interested in the proposals for Huncoat. Although they supported the current proposals, they would like to attend the relevant hearing session and contribute to the debate, as did Susan Bolton (Graham Bolton Planning Partnership) on behalf of a landowner (Dale Property Services). Andrew Kirby (Northern Transport Planning), also representing landowners with an interest in Huncoat (DBJ Leitherd) broadly supported the Huncoat proposals, but was seeking some changes, and would also like to participate in the debate. Dr Gaye Johnston (Huncoat Labour Party) was also interested in attending the debate on Huncoat. The Inspector explained that those who supported the plan’s proposals were not normally involved in the hearing sessions. However, since issues of deliverability would be discussed, he welcomed their attendance at the relevant hearing session and confirmed that they could contribute to the discussion, if they had relevant points to make which related to the soundness of the proposals. However, they should avoid making completely new points unrelated to their original representations. The Council was happy for these additional participants to be involved in the relevant hearing session.

16.4 David Mason (former local councillor) was interested in the policies for Great Harwood, including the balance of housing and employment development. He asked whether he could attend most of the hearing sessions, since he believed that the “one size fits all” approach in the Core Strategy was not appropriate for Great Harwood. The Inspector thought it might be more appropriate if the issues that Mr Mason wished to raise were discussed at the Great Harwood hearing session, although he was welcome to attend any of the other sessions as an observer.

16.5 David Proctor (Blackburn with Darwen Council) asked whether the Council intended to introduce a specific policy relating to the Balanced Development Strategy and when this would be available. The Council confirmed that they were currently preparing a draft of a specific policy outlining the key elements of the Balanced Development Strategy. The Inspector asked for this to be publicised as soon as it had been finalised, and listed as a separate document in the Examination Library. When the wording of the policy had been discussed at the hearing session, it could be included in the final Schedule of Further Proposed Changes.

16.6 Amy Heys (Environment Agency) confirmed that they wished to attend the hearing session on the Accrington AAP, particularly relating to flood risk issues. The Inspector would find it helpful if they attended and participated in this session, since issues of flood risk relating to specific sites were likely to be discussed, and he welcomed their positive approach to this issue.

16.7 The Inspector thanked everyone for attending the PHM, and confirmed that notes of the meeting, the Schedule of Matters & Issues, programme for the hearings and list of documents in the Examination Library would be circulated within the next few days. He also reminded participants of the key deadlines (including the submission of further statements by 26 August 2011), and closed the PHM at 4.30pm.

SJP/MW 21.07.11