

# RIBBLE VALLEY BOROUGH COUNCIL

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date: 10 December 2013

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Dear Mr Berkeley

## EXAMINATION OF THE RIBBLE VALLEY CORE STRATEGY – FURTHER INFORMATION IN RELATION TO MEETING THE DUTY TO CO-OPERATE

I have previously sent information relating to the duty to co-operate following which you asked for some further material.

I enclose the following items;

1. Letter from Lancashire County Council dated 6<sup>th</sup> December 2013 providing further evidence of their position in relation to the duty.
2. Letter from Blackburn with Darwen Borough Council dated 2<sup>nd</sup> August 2013 together with a separate note from a meeting held between Ribble Valley and Blackburn with Darwen referring to relevant cross boundary matters.
3. Bundle of e-mail correspondence between Ribble Valley and Natural England together with an explanatory note setting out the liaison and discussions that have taken place to arrive at the current position.

In addition, I can advise that we have continued to discuss with neighbouring Pennine Lancashire Authorities issues around the Council's housing requirement which has involved meetings with respective Chief Executives, Council Leaders and Planning Chairs. I enclose a letter dated 8<sup>th</sup> November 2013 from Burnley Borough Council and a letter dated 14<sup>th</sup> November 2013 from Pendle Borough Council in relation to their respective positions.

You have asked for further clarification in relation to Longridge and the current position between Preston City Council and ourselves. Officers have continued to discuss issues around land at Longridge and the use of the Longridge adjustment in the Core Strategy.

We will of course provide further information in relation to the points you raise in the Matters and Issues document, however the respective position between each authority can be summarised as follows;

Preston City has revised its position in relation to land in Preston adjacent to the borough boundary by way of its publication version of their Allocations DPD which was published in September 2013. The City Council has lodged an objection to the Core

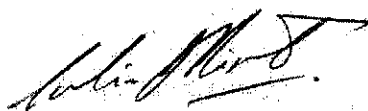
Strategy to reflect this change. You have been provided with a copy of the representation and I understand that the City Council have elected not to appear at the EIP.

Ribble Valley Borough Council considered the Preston publication DPD and has submitted an objection to the Preston plan in relation to the reduced housing allocation now proposed (90 dwellings) and the extension of the proposed area of separation. These matters are addressed in the Council's committee report (report to Planning and Development Committee 7<sup>th</sup> November 2013) a copy of which together with our submitted representation is enclosed for your assistance. As indicated officers have met to discuss the matter and I enclose a copy of a note from the meeting that provides the current position.

As you will see in the note, the situation is further complicated by an outstanding appeal that the applicants (Fox Strategic Land/Gladman) will be pursuing at a Public Inquiry due to be held in January 2014 in relation to the site in Preston.

I trust the enclosed is of assistance. Should you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Hirst', with a stylized flourish at the end.

COLIN HIRST  
HEAD OF REGENERATION AND HOUSING

Encs

FAO Mr Simon Berkeley – Inspector  
c/o Michelle Haworth – Programme Officer  
Examination Office  
Ribble Valley Borough Council  
Council Offices  
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Your ref:  
Our ref: NO/KM  
Date: 6 December 2013

Dear Colin

### **THE DUTY TO CO-OPERATE**

In our letter to Ribble Valley dated 26 June 2013 I confirmed that Ribble Valley has discharged its responsibilities relating to the Duty to Co-operate in relation to the County Council.

Officers at the County Council have been closely involved in the initial formulation and development of the policies contained within the Development Plan, in so far as they have impacted on issues of strategic significance.

Ribble Valley's Core Strategy does not raise any issues of strategic significance to the County Council that require resolution and as such there has been no requirement to overcome such issues.

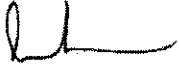
The 'Supporting Paper in Relation to the Duty to Co-operate' provided evidence of Ribble Valley Borough Council's co-operation with other councils. I agree that the information included is correct and to aid the Inspector I have expanded on some of the information further in the following paragraphs.

The Forest of Bowland Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee is a meeting of all interested partners and stakeholders who hold an interest in the Forest of Bowland AONB and the development of the area and management of the natural habit. Its remit is to discuss issues and projects within the AONB and come to a joint agreement on those issues. The Committee meeting is open to public attendance and generally meets twice a year. Eleven Lancashire County Council officers attended the meeting held on 11 April 2011 including Ribble Valley Officers.

Discussions regarding education have taken place between Ribble Valley Officers and County Council Education Officers.

To reiterate the County Council has no strategic issues with Ribble Valley Borough Council Core Strategy that requires consideration under the Duty to Co-operate.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MH' followed by a horizontal line.

Marcus Hudson  
Head of Planning



Date: 2<sup>nd</sup> August 2013  
Direct Dial: (01254) 585812  
My Ref:  
Your Ref:  
Please ask for: Réa Psillidou  
e-mail: [rea.psillidou@blackburn.gov.uk](mailto:rea.psillidou@blackburn.gov.uk)

Dear Colin,

**DUTY TO COOPERATE: PREPARATION OF LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

I write further to the Council's ongoing work to prepare its Local Plan Part 2: Site Allocations and Development Management Policies.

In preparing its Local Plan the Council is keen to engage with neighbouring authorities on strategic matters/issues of common concern that cross local boundaries and to achieve, if possible, a consensus on the approach to these issues. This method of working recognises the legal requirements of the 'duty to cooperate' as set out in the Localism Act and described in the National Planning Policy Framework (NPPF) as an integral part of the Local Plan-making process and its assessment at Examination.

With this in mind we have identified a number of strategic/cross boundary issues that we consider important to discuss with you. These relate to:-

- Green Belt
- Housing provision
- Infrastructure provision including rail links
- Samlesbury EZ
- Gypsies and travellers

I appreciate that there has already been contact between ourselves on some matters for e.g. housing numbers and that this joint working is ongoing. However I do feel it would be beneficial in going forward with our plan preparations that we meet to explore the extent to which there is agreement between us on these matters. I am suggesting that at the meeting we cover the following items: -

- Update each other on our plan preparation stage;
- Outline our respective Council's position in relation to the above issues;
- Discuss any implications including impact on neighbouring authorities, and;
- Identify the scope, if needed, for any further joint working.

Brian Bailey - Director of Regeneration  
Town Hall, Blackburn, Lancashire BB1 7DY  
Tel: as above Fax: (01254) 265340 email: [brian.bailey@blackburn.gov.uk](mailto:brian.bailey@blackburn.gov.uk)

Please let me know if there are any other matters that you think we need to discuss.

For your information our timetable going forward is as follows:-

- November 2013 – 'Publication' draft Site Allocations and Development Management Policies considered by Council Forum;
- November 2013/February 2014 – 6 week consultation on 'Publication ' draft document;
- Spring 2014 – Submission of draft document
- Summer 2014 – Independent public examination
- Late 2014/early 2015 – Adoption

In view of our tight schedule it would be helpful if we could meet within the next two weeks. Please contact Gill Finlay on 01254 585418 or via email to [gillian.finlay@blackburn.gov.uk](mailto:gillian.finlay@blackburn.gov.uk) to advise of your availability. You are very welcome to come to Blackburn or I will be happy to meet you at your offices.

I look forward to hearing from you.

Yours sincerely,



Réa Psillidou  
Strategic Planning Manager

Letter also sent to:-

Diane Cafferty

## **DUTY TO COOPERATE:**

Preparation of Local Plan Part 2: Site Allocations and Development Management Policies

Meeting with RIBBLE VALLEY – 08 August 2013 at Blackburn Town Hall.

### **Present:**

Colin Hirst, Ribble Valley

Rea Psillidou, Blackburn with Darwen Borough Council (BwD)

David Proctor, Blackburn with Darwen Borough Council (BwD)

Gill Finlay, Blackburn with Darwen Borough Council

### **Purpose of meeting**

- With regard to the requirements of the Duty to Cooperate (DtC) the purpose of the meeting is to agree on the subject matter of our cross boundary issues, draw together the evidence of engagement – acknowledging that there has been previous contact on a number of issues – and identify any outstanding matters and the need, if necessary, for ongoing contact.

### **Cross boundary matters**

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- The matters identified for cooperation with Ribble Valley (RV) include: -
  - Green Belt
  - Housing provision
  - Infrastructure provision including rail links
  - Samlesbury EZ
  - Gypsies and travellers
  - Development Management policies
- It was agreed that this list covered the range of matters.

### **Update on BwD and Ribble Valley Local Plan**

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#### **Blackburn with Darwen: -**

- Programme going forward is as follows: -
  - September 2013 - Final draft plan to be completed
  - November 2013 – Publication draft presented to Council Forum for approval for public consultation
  - January 2014 – 6 week consultation period
  - Spring/April 2014 – Submission
  - Summer/autumn 2014 – Examination
  - Early 2015 – Adoption

## **Ribble Valley**

- RV's Examination has been suspended and is due to be reopened on 01 September 2013. Pre hearing, if there is to be one, is expected end October/early November with sitting days after Christmas;
- Critical issue for RV has been the housing numbers and supporting evidence base;
- RV to publish main changes to the Core Strategy and their LDF evidence base for consultation 12 August - 20 September 2013.

## **Green Belt**

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- CH confirmed that RV supports the housing market shift proposed in BwD's Core Strategy and the principle of urban extensions including the release of Green Belt land in north Blackburn along its boundary with RV;
- BwD's Green Belt Study is not currently in the public domain. RP is working with the study's consultants to conclude the work by the end of August 2013;
- Representative from RV did attend Green Belt workshop held in July 2013 and will have an overview of the study's draft recommendations albeit these will be refined following workshop feedback and ongoing discussions with the consultants regarding a number of parcels including some along the northern boundary with RV;
- RP noted that the outcome is very likely to include the allocation of land along the northern boundary for approximately 400 dwellings;
- CH noted that at officer level this is not a major issue for RV and the Council would be unlikely to object. The proximity to an additional housing market may be of benefit to RV's position. Agreed that RV need would not be met in Blackburn;
- CH confirmed he could brief the RV Leadership, informally at this stage, to get a steer on this matter. A formal view would need to be provided by Committee.

## **AGREED ACTION:**

- RP to write to RV to set out BwD's current thinking, following further work on the Green Belt Study since the workshop including a review of the feedback, on the proposed release of Green Belt in north Blackburn. RP would welcome RV's response regarding any implications of this proposal by early September, albeit this may be an officer reply in advance of a review by RV's Committee.

## **Housing provision**

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### **Blackburn with Darwen**

- BwD intend to take forward the housing target set out in its adopted Core Strategy. The figure will take into consideration: -
  - Backlog. In discussion with Counsel BwD's approach is to apportion the backlog over the remaining plan period in the same proportion as the phased housing delivery set out in the Core Strategy;
  - Re-occupied long term empties



- Small sites allowance i.e. development sites of under 50 units
- Subject to the recommendations of the Sustainability Appraisal expect approximately 18 sites to be allocated; the rest will be in broad locations and informed by the SHLAA;
- Allocations will include: -
  - Large sites (50 units or more)
  - Urban extensions ( will include previously safeguard sites and some 'former' Green Belt sites)
  - Specific inner urban area sites in key regeneration areas, and
  - Sites for special needs including extra care provision.
- Confident that 5-year supply will be in place;
- Housing Implementation Strategy is being prepared to support delivery and will include a toolkit of opportunities/options to bring forward some of the more difficult sites including stalled development;
- Considering not providing affordable housing on greenfield and instead use the income from greenfield development to locate affordables in more accessible locations, close to transport networks, local services and employment. This is considered to be more sustainable and was widely supported by the community in their feedback on the Local Plan consultations;
- The aim is to commission a new SHMA in the autumn with completion in spring 2014. This will need to cover our combined market area with Hyndburn. Confident that the SHMA will re-affirm the figures included in the Core Strategy.

#### **Ribble Valley**

- In response to Inspector comments on the submitted Core Strategy RV have updated their housing evidence. This work has indicated the need for a higher requirement to address the borough's demographic based needs, the delivery of affordable housing and some economic growth – 250 dwellings pa compared to the 200 dwellings pa (4000 dwellings over the plan period) set out in the Core Strategy.
- The updated SHMA has supported the existing overall target for affordable housing of 30%;
- RP noted that BwD need to understand the in-migration assumptions included in the update. It is likely BwD will have some concerns relating to the impact of RV's revised target on the delivery of its own housing targets/ delivery of the proposed allocations in north Blackburn along the boundary with RV;

#### **AGREED ACTIONS:**

- BwD will review the evidence and respond to the modifications consultation;
- CH and RP to consider a joint statement for RV's Inspector.

### **Infrastructure provision including rail links**

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- Agreed Clitheroe-Manchester rail connection is a shared priority and will keep in touch regarding progress on this project;
- RV agreed with BwD that an improved service to Preston would be beneficial and are hoping this will be picked up in the East Lancs masterplan.

### **Samlesbury EZ**

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- RP noted that the EZ is an important employment area for Blackburn outside its boundary. It offers the potential to attract people to live in Blackburn and meet some employment needs. CH confirmed RV do not have an issue with this;
- CH indicated that the EZ also offers scope for some growth in some of the neighbouring villages including Mellor/Mellor Brook and Osbaldeston. Potential sites are included in RV's SHLAA but this would need to be considered in detail at allocations stage;
- RP confirmed Blackburn would regard development in Mellor to be in direct competition with its own housing market, in particular with the proposed housing allocation sites along its northern boundary with RV.

### **Gypsies and travellers**

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- RV are currently consulting (to 20 September 2013) on an updated GTAA (Gypsy, Traveller and Showperson Accommodation Assessment) as part of a wider consultation on changes to their LDF evidence base;
- CH will provide a position statement, including feedback from the consultation to PLACE Chief Executives in October 2013;
- Blackburn is carrying out an internal assessment in discussion with the existing gypsy community. This will form the supporting evidence base with the 'Publication draft';
- Blackburn's issue is the perceived under-provision in other authorities, leaving Blackburn to pick up requirements from a wider area. Blackburn supports the redistribution approach set out in the Regional Spatial Strategy (RSS).

### **Development Management policies**

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- RV officer attended July stakeholder workshop on Blackburn's draft DM policies;
- David Proctor/Helen Holland will circulate an updated version incorporating stakeholder feedback shortly;
- CH noted there are unlikely to be any cross boundary implications. However he will review the document to ensure there are no conflicts;
- RP indicated Blackburn is interested in RV's approach to renewables. CH advised that this has now been amended and reflects a similar approach to the south Pennine authorities;
- DP noted Barrister advice that DM policies need to replicate NPPF as NPPF is not statutory, its guidance for e.g. Local Plan needs to include policies for the sequential tests for retail and flood risk assessments.

### **Further joint working**

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- Agreed ongoing joint working between the two authorities would include the following. In some cases this will involve wider engagement with other neighbouring authorities (as noted):
  - Green Belt
  - Housing provision (wider engagement)
  - Gypsies and travellers (wider engagement)

### **AOB**

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- CH noted that RV are trying to bring an employment site at Barrow Brook in Clitheroe forward for general business use.



### **Summary of correspondence with Natural England (Kate Wheeler)**

Natural England made representations to the post-submission stage Core Strategy consultation held between 12<sup>th</sup> August and 20<sup>th</sup> September 2013. The letter, dated 16<sup>th</sup> September 2013, raised a query relating to the proposed strategic site (Standen) and if this was the most appropriate site compared to alternative options, due to the proximity of the site to the AONB. Natural England stated that the final SA report should clearly demonstrate what mitigation and design principles will be incorporated to reduce the impact on the AONB in the long term. Natural England also state that more information should be given in terms of sustainable design principles for the site and how the local character, environment and built heritage of the area will be protected given the increased level of housing growth proposed.

In response to these queries, RVBC contacted Kate Wheeler by telephone to discuss their concerns. It was explained that these details would be considered at the detailed planning application stage, when a scheme was produced. RVBC also highlighted that an LVIA assessment had been undertaken for the site (published March 2013). RVBC understood that both Kate Wheeler and colleague Sally Maguire had been sent this (as the covering memo stated that she had been copied into it. In addition Hyder Consulting Ltd, who sent the memo and LVIA assessment, confirmed that it had been sent to her) however Kate stated that she had not received this. RVBC therefore re-sent the LVIA assessment, memo and a link to the additional photomontage information which supports the current planning application for the Standen site. (see email from Diane Neville dated 19/09/13)

Kate Wheeler responded to this information on 20/09/13 stating that they did not consider that the information sent on 19/09/13 altered their view. Therefore following this email, RVBC requested that we meet face to face to discuss Natural England's concerns in more detail (see email 10/10/13). Kate Wheeler responded to this stating that they would like the purpose of meeting to be clarified. They also reiterated at this point that more information is needed to assess the impacts on the AONB.

Prior to responding to this email, RVBC requested that Hyder consulting (see email 18/10/13) consider the representation and information requests from Natural England and RVBC requested a view on the validity of the SA and SA addendum work in light of these concerns from Hyder- the authors of the report.

Hyder consulting replied to this email (21/10/13) stating that the SA Addendum fully answers Kate Wheelers queries.

RVBC subsequently emailed Kate Wheeler (30/10/13) to set out why RVBC considered a meeting would be useful and to also state that the Council consider that the SA is sound and does reflect the most up to date evidence and the impacts on the AONB have been addressed as far as is possible and necessary at this plan making stage.

Kate Wheeler then responded to this by email (dated 05/11/13) and stated that they were not formally consulted on the SA Addendum report in March 2013. For clarity it is important to note that the work undertaken in March 2013 was not SA Addendum work and was in fact the LVIA assessment work, which was sent to Natural England (as confirmed by Hyder in an email dated 11/01/13). RVBC discussed this with Kate on the phone on 7<sup>th</sup> November where RVBC explained that the work in March was in fact the LVIA assessment work which was not a formal statutory consultation document and instead, like many pieces of work, contributes to the evidence base.

RVBC followed up this conversation with an email (07/11/12) where the LVIA information was re-sent and RVBC recommended that Natural England speak direct with Hyder consulting if this information did not assist with the outstanding query.

Natural England responded to this email stating that their outstanding concern is consistent with the formal consultation response to the planning application response (made by Sally Maguire from Natural England) which is expressed as a concern relating to the LVIA. Kate stated that Natural England remains concerned about the potential landscape impacts on the AONB and states that their position is unlikely to change whilst there are still outstanding concerns in relation to the planning application on the same site.

Overall, RVBC consider that the SA is adequate and the potential impact of the strategic site on the AONB has been adequately assessed at this plan making, Core Strategy stage. Additional detail would be considered on a specific scheme as part of a planning application. As in this instance, an outline application has already been submitted (though this is a separate process from the plan making process) the site has been assessed in a greater level of detail than would normally have been for the proposed allocation of a strategic site as part of a Core Strategy. Therefore, Natural England have had involvement in the actual application (via Sally Maguire) as well as the Forest of Bowland AONB team, who have stated that the additional information provided has satisfied initial concerns about the LVIA and therefore subject to planning conditions, they consider any potential impact on views from the AONB can be mitigated. Overall, it is considered that the Core strategy has considered the site in sufficient detail at this stage.