

Trawden Forest Neighbourhood Plan Examination

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29 April 2018

Neil Watson  
Planning, Building Control and Licensing Manager  
Pendle Borough Council  
\*\*\* by email to neil.watson@pendle.gov.uk \*\*\*

Dear Neil

### **Trawden Forest Neighbourhood Plan**

I am writing to you in your capacity as Programme Officer for the Examination of the above plan. I have now had the opportunity to undertake an initial review of the submitted material and am in a position to set out my intentions for proceeding with the Examination.

I would advise that I have identified a number of issues relating to the proposed residential site allocations, which will require further information to be provided in order for me to be able to fully consider the proposals against national policy and guidance, and against the strategic policies of the development plan. The possibility exists that addressing these issues will result in a need to amend the Plan to an extent greater than can be done through modifications specified through the Examination process.

**I therefore intend to suspend the Examination of the Plan for a period to be agreed, in order for this further work to be undertaken and for any implications flowing from it to be fully considered by the Parish Council.** I set out my intentions as to next steps in more detail later in this letter. The issues identified are as follows.

#### Flood risk

Two of the sites proposed to be allocated for residential development, 012 "Rear Black Carr Mill (across river)" and 015 "Black Carr Mill", are substantially or predominantly located in Flood Zone 3. As such their proposed development necessitates a Sequential Test, and an Exception Test. The Environment Agency have objected to the Plan on the grounds that these have not been satisfactorily undertaken.

A document entitled "Sites Selected for Allocation: Sequential & Exceptions Tests" has been submitted (CD/08) along with the Plan, and indicates at Section 3.0 that safety issues will be considered via a site-specific flood risk assessment to be required at the planning application stage. This approach is incorrect. The NPPF states at Paragraph 100 that:

*Local Plans [my emphasis] should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by [inter alia]:*

- *applying the Sequential Test; and*
- *if necessary, applying the Exception Test*

Since the Trawden Forest Neighbourhood Plan is performing the same role as would a Local Plan in allocating sites for development, the requirement to undertake the Exception Test at plan-making stage applies in this instance. I would therefore request that you ask the Parish Council to commission site-specific flood risk assessments for Sites 012 and 015. This should respond directly to the requirements set out in the NPPF, in particular those in the second bullet of Paragraph 102. It should be noted that this bullet includes reference both to the safety of users of the development, and to the potential to increase flood risk elsewhere. I would expect consideration of the latter point to include an assessment of whether the existing mill performs any function as a flood defence.

It will be necessary for the conclusions of this further work, including any site specific policy requirements that need to be incorporated into the Plan as a result, to be the subject of further consultation with the Environment Agency and with the Lead Local Flood Authority. It will also be necessary for the Parish Council to consider:

- The requirement of the Environment Agency for an easement within the site(s) adjacent to Trawden Brook;
- The implications of this and the conclusions of the site specific FRA for the number of dwellings that can be accommodated on these sites, noting that the Plan as drafted envisages that Sites 012 and 015 will attain densities of 71 and 43 dwellings per hectare respectively; and
- Whether in view of the above, the range of sites proposed for allocation in the Plan are sufficient to accommodate the quantum of residential development being planned for.

#### Technical information in support of site allocations

Appendix 6 of the submitted Plan contains a summary of the site assessment exercise that has been undertaken to inform the proposed allocations. However neither the Plan nor the pack of supporting information include details of or justifications for the scores attributed to each criterion for each site; nor are details available as to who undertook the assessment or was consulted upon it.

I therefore do not have access to sufficient technical information relating to the proposed site allocations as regards site access, land contamination, any constraints arising from adjoining land uses, and so on. Nor do I have any information as to engagement with the owners of the sites proposed to be allocated, or confirmation that they are content for their sites to be allocated. Whilst my role is not to assess the soundness of the Plan as would an examiner of a Local Plan, I will nonetheless require this information in order to consider whether these aspects of the Plan are compliant with the strategic policies of the development plan, firstly in terms of the sites' ability to deliver the quantum of development called for by those policies, and secondly in terms of issues such as highway safety. I note that ensuring the robustness and deliverability of the Plan allocations will be important in supporting the Parish Council's aspirations in resisting development elsewhere.

It appears that much of this information may already be documented. If this is the case I will need to be provided with a copy of it please, and the document added to the list of submission documents. I

will also need to be provided with a copy of any further technical comments made in respect of the proposed allocations by statutory consultees including the Local Highway Authority; or confirmation that no such further comments exist.

Site 011: "Land adjacent to 37 Hollin Hall"

The Plan makes reference to a development of two bungalows and a car park for 16 vehicles at the above site. There is however no reference to these specifics in Policy 2, nor any indication as to where they originate from. I would like you to ask the Parish Council please if they are able to supply any further documentary information in respect of this proposal. If so I will need to be provided with a copy and a copy included in the list of submission documents.

Next steps

At this stage I am content for the additional work referred to above to take place, in accordance with an agreed timetable, with the Examination under way but suspended. However if the outcome of the above work is a proposal for significant changes to the Plan, then it will be necessary for me to consider how best to proceed given the need for adequate public consultation.

As the next step therefore I would request that you invite the Parish Council to provide:

- Confirmation that it will arrange for the required additional work relating to flood risk in relation to sites 012 and 015;
- Its proposals as regards further engagement with the Environment Agency and the Lead Local Flood Authority in respect of the above;
- Its proposals as to how it intends to document the outcome of the above and identify what (if any) changes to the Plan it believes are necessary as a result – one option being a Technical Note;
- Details of the additional information (if any) that can be provided with regard to the assessment of the various sites, and with regard to the specific proposal at site 011; and
- A timetable within which it expects to be able to carry out this activity.

I am mindful that the above will require a degree of consideration by the Parish Council, as well as engagement with their consultants. I would therefore suggest in the first instance that the Parish Council are given four weeks, that is until 29th May, to provide confirmation of their intentions including a timetable for the further work. Once I receive this timetable and provided I am agreeable to it, I will confirm that I am content for the further work to be carried out. The Examination will remain suspended until the further work has been done and the Parish Council have, via yourself, confirmed that they are ready to submit it to me. When I receive the additional information I will review it, and at that point will be in a position to set out the next steps.

I look forward to hearing from you.

Yours sincerely

David Proctor  
Examiner, Trawden Forest Neighbourhood Plan