

Kelbrook and Sough Neighbourhood Development Plan

Response to Examiner’s Clarification Note

This paper comprises Kelbrook and Sough Parish Council’s response to the Examiner’s Clarification Note of 17th May 2022. We would like to note that the process for informing the Parish Council was misunderstood since the Steering Group expected to be sent an email notification that a Clarification Note had been sent. It was loaded onto the Examination Web page and only found by accident just in time to meet the deadline of 7th June 2022.

This paper sets out our response to the Examiner’s Note, the response from the Parish Council and the Response from YLBD. Each response is given to a point made by the original respondent. We have not included their comments in our response so this document should be read in conjunction with the documents submitted by the Examiner, Pendle Council and YLBD.

1. Examiner’s Points for Clarification

- a) POLICY KS DEV 1 The Parish Council feels strongly that the character of the area should be taken into account at all times and that any developers need to take account of the policy irrespective of the size of the development. The character of the area is of great importance to us and we are not clear how the change to make it proportionate would work. It would seem that many of the design elements could then be ignored.

The final paragraph was intended to provide guidance on where the necessary detail is provided and is seen as part of the policy rather than supporting text. If this needs to be moved to the supporting text, it needs to be made clear that these documents should be consulted with regard to any development.

- b) POLICY KS ENV1 The list of Green Spaces should be referenced within the supporting text and Evidence. The Green Spaces are identified as valuable spaces within the Area although each space (other than Sough Park) is not very large.
- c) POLICY KS HER 1 It would be acceptable to adopt the wording proposed by Pendle Council given below

‘Proposals affecting a non-designated heritage are encouraged to conserve and enhance those aspects of the asset which contribute to its significance. A balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.’

- d) POLICY KS HOU 1 It was our intention to change the number of homes to about 5 houses. There is planning permission for 3 detached houses in this space and we believe that it would be possible to increase this number by a few houses if they were built as townhouses or semi-detached. This needs to be corrected in the final version.
- e) POLICY KS PATH The Parish Council are happy to include the proposed modifications.
- f) POLICY KS COM 1 The Parish Council agrees with the Examiner’s suggestion to separate the application for Assets of Community Value from the policy. This could be expanded in the supporting text.

2. Pendle Borough Council’s Response to Neighbourhood Plan

- a) POLICY KS ENV1 The Green Spaces within Kelbrook are integral to the Character of the area but they are not large enough to be used for any development. The list of Green Spaces that should be referenced within the supporting text identify the different areas that contribute to the environment. The description of each space and a photograph should be sufficient however a plan of the area showing the green spaces could be created if it is thought necessary.
- b) POLICY KS HER 1 Pendle Council comment that the detailed assessment for each of the assets identified was not included. This detailed information was sent to Joanne McKay of GrowthLancashire on 14 June 2021. This can be made available if required. We are unclear what wording changes would be required since we believe it meets the basic conditions.

It would be acceptable to adopt the wording proposed by Pendle Council given below

‘Proposals affecting a non-designated heritage are encouraged to conserve and enhance those aspects of the asset which contribute to its significance. A balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.’

- c) POLICY KS HER 2. It would be acceptable to adopt the wording proposed by Pendle Council given below

‘Proposals affecting any part of the historic environment should have consideration for the site’s context and heritage significance. Proposals which impact, directly or indirectly, on a heritage asset or its setting, should be accompanied by a heritage statement which:

- a. Describes the significance of any heritage assets affected, including any contribution made by their setting.
- b. Proportionately evaluates the effect that the proposed development would have on the significance of a heritage asset taking into account the asset’s importance.
- c. Sets out measures applied within the design process to avoid, limit and where necessary minimise the effects caused by the development on the significance of the heritage asset.’

3. Response from Smith and Love on behalf of YLBD

- a) POLICY KS HOU 2 We disagree that the criteria defined in the plan should be removed. Following extensive discussion, we believe that these are the minimum requirements to maintain the character of the area, ensure the environment is maintained and that any new housing is well designed and well built.
- b) For criteria a) Design - Any repetition is deliberate to reinforce the view on character based design to ensure that any development continues to provide a high quality development that integrates within the Parish.
- c) For criteria e) – Sustainable travel. This was drafted for all housing developments. The comments made by YBLD are understood and therefore it would not be possible for enhanced links to be integrated into the design. However, it is important that thought is given to alternative modes of transport as proposed, ie the provision of secure cycle storage or EV charging points. This policy could be changed to make this clear.



- d) For criteria g) Green infrastructure network. This criteria is necessary given the proximity of this development to green infrastructure in the form of the beck that has been subject to constraints in previous applications through the use of a buffer zone to protect wildlife and the centuries old environment. The most recent application looked to impact this environment and destroy the green infrastructure network so it is vitally important that this is retained.

- e) For criteria h) We accept that this could be deleted.