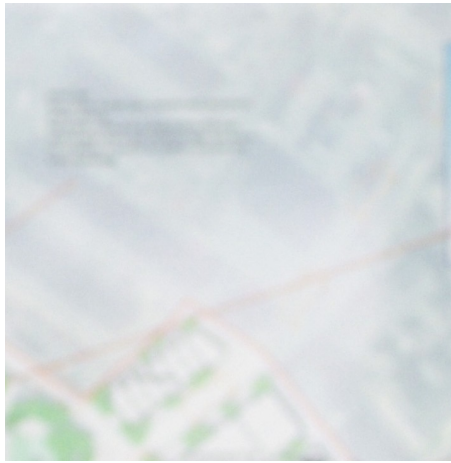


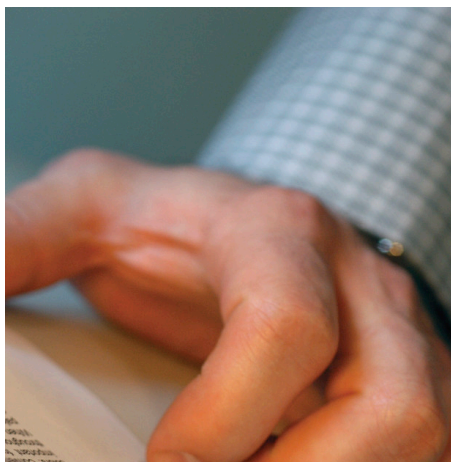
Preparing a Local Plan for Pendle



Local Plan Part 2: Site Allocations and Development Policies

Consultation Statement

December 2021



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Section 1

Introduction

- 1.1 This Consultation Statement has been prepared as part of Pendle Borough Council's ["the Council"] commitment to continuous and meaningful engagement with interested parties. It is published so that consultees can see how their comments have helped to shape the final draft of the [Pendle Local Plan Part 2: Site Allocations and Development Policies DPD](#) ["Local Plan Part 2"]. The Statement demonstrates how the Council has complied with [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#), as amended in relation to public consultation in accordance with planning law and the Council's adopted [Statement of Community Involvement](#) (SCI).
- 1.2 Preparation of Local Plan Part 2 has taken place over an extended period, initially commencing alongside the [Core Strategy](#), which was adopted in December 2015. The most recent public consultation took place between Friday 12 February and Tuesday 6 April 2021. This statutory consultation was held in accordance with Regulation 18, to enable members of the public, statutory consultees and key stakeholders to comment on the Council's draft proposals, supporting documents and evidence base.
- 1.3 This statement has been prepared to illustrate the following:
- (i) Which bodies and persons were invited to make representations under Regulation 18 and prevent consultation events.
 - (ii) How those bodies and persons were invited to make such representations.
 - (iii) A summary of the main issues raised by those representations.
 - (iv) How these representations have been taken into account.
- 1.4 To address these matters, this Statement adopts the following structure:
- Section 2: Details the consultation which has taken place through the preparation of Local Plan Part 2.
 - Section 3: Confirms the quantum and content of representations submitted during the Regulation 18 consultation, and subsequent response of the Council, including changes made to Local Plan Part 2, supporting documents or evidence (detail provided in Appendix 1).
 - Section 4: Details the other considerations to be taken into account when examining comments submitted in relation to Local Plan Part 2.
 - Section 5: Summaries the next steps for the plan preparation process, including details and broad timescales of the public examination.
- 1.5 Appendix 1 provides a list of the comments made during the consultation on the Draft Local Plan. It provides the Council's response to these comments, and details whether any change has been made to the Local Plan, supporting document or evidence base document in response.
- 1.6 Appendix 2 contains details about the publicity of the draft Local Plan consultation including email and letter templates used to inform those on the Council's distribution lists, posters, newspaper, and web advertisements and social media updates.

- 1.7 Appendix 3 provides a record of the consultation events with the public which took place during the consultation. Included within these are details of the numbers of participants, the presentation given, and comments and answers provided during each scheduled session where this took place.
- 1.8 Appendix 4 provides a record of the neighbouring authorities, statutory consultee, and town and parish council events which also took place during the consultation period.

Section 2

Engagement and Consultation

- 2.1 Pendle Council adopted its most recent [Statement of Community Involvement](#) (SCI) on 17 March 2016. This document sets out how members of the local community and partner organisations are to be engaged in the preparation of new planning policy documents. Since its adoption public consultation and engagement associated with the preparation of Local Plan Part 2 and other planning policy documents has been carried out in accordance with the SCI.
- 2.2 The [2021 National Planning Policy Framework](#) (NPPF) confirms the importance of community involvement and public consultation in the plan preparation process. Paragraph 16 (c) states that '[Plans should] be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees'.

Regulation 18 (Issues and Options Appraisal)

- 2.3 Preparation of Local Plan Part 2 has taken place over a number of years, with early work carried out in parallel with the Core Strategy, which was adopted in December 2015. The process has benefited from early and continuous engagement with both key stakeholders and members of the public:
- October / December 2006 – Public consultation to consider the Sustainability Appraisal Scoping Report¹
 - July / August 2007 – Public consultation held in accordance with Regulation 18 to identify the key issues facing Pendle and the options for addressing these.
 - July / August 2007 – First Call for Sites sought nominations for potential development sites and to identify sites that should be protected from development because of this importance for biodiversity, the historic environment, sport and recreation etc. ["You choose the future of Pendle"].
 - July / August 2008 – Public consultation held in accordance with Regulation 18 to consider the key issues and options identified through earlier public consultation and the draft Settlement Hierarchy and Sustainable Rural Settlements study.
 - August / September 2009 – Second Call for Sites sought additional nominations for potential development sites in Pendle.
 - January / February 2010 – Third Call for Sites sought feedback on sites nominated in response to the previous Call for Sites and sought additional nominations for potential development sites in Pendle.
 - February / April 2017 – Public consultation to consider the Scoping Report and Methodology and the Sustainability Appraisal Scoping Report for Local Plan Part 2¹.
 - February / April 2017 – Fourth and final Call for Sites sought additional nominations for potential development sites in Pendle.
 - February / April 2021 – Public consultation held in accordance with Regulation 18 considered the first draft of the Pendle Local Plan Part 2

¹ In England the Sustainability Appraisal process also addresses the EU requirement for the Strategic Environmental Assessment of plans.

- 2.4 Much of this preparatory work has taken the form of ongoing, informal consultation with key stakeholders. More structured engagement has taken place as necessary; most often in the form of meetings with key partners to comply with the Duty to Cooperate, as required by Section 110 of the Localism Act 2011, and set out in paragraphs 24 to 27 of the 2021 NPPF. Further details on how the Council has discharged the Duty to Cooperate can be found in the Duty to Cooperate Statement and associated Statements of Common Ground which should be read alongside this document.

Regulation 18 (Draft Local Plan Part 2)

- 2.5 Preparation of Local Plan Part continued throughout the period when COVID-19 lockdown restrictions were in place.
- 2.6 The [Coronavirus Act 2020](#), enabling [Regulations](#)² and a Covid-19 [Planning Update](#) were brought into effect by the Government to facilitate public consultation during this period. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 brought into force on the 16 July 2020, temporarily removed the requirement for councils to make hard copies of documents available for inspection at their main planning office.³ Similar arrangements were also made for inspection requirements, set out in the Environment Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”).
- 2.7 A [written ministerial statement](#) issued on 19 January 2021, further emphasised the importance of work continuing to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic.
- 2.8 Given the advice on plan preparation issued by the Government and guidance from Planning Advisory Service (PAS) and the Planning Inspectorate (PINS), the Council elected to proceed with preparation of Local Plan Part 2.
- 2.9 Like many other local authorities across the country, including those in neighbouring Bradford and nearby Blackburn-with-Darwen, the Council was required to conduct a statutory six-week public consultation on its emerging Local Plan, in accordance with these temporary provisions.
- 2.10 The usual six (6) week consultation period was extended to seven (7) weeks to take account of the disruption the COVID-19 pandemic caused to the daily routines of residents and businesses; and to acknowledge the substantial amount of information presented in the Local Plan and the accompanying supporting and evidence base documents.
- 2.11 All statutory consultees specified in the regulations were notified (Table 2.1). This includes the five neighbouring local authorities; three Councils in the Pennine Lancashire sub-region, which do not share a boundary with Pendle; the county councils in Lancashire and North Yorkshire and the 37 parish and town councils either within, or adjoining, Pendle.
- 2.12 In advance of the public consultation the 1,509 contacts, then on the planning policy database, were notified either by letter (42.2%) or email (57.8%)⁴. All emails included a special edition of the Council’s award winning newsletter Framework, which focused on the public consultation.

² The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020

³ The temporary regulations expire on 31 December 2021.

⁴ The database records contact details for bodies that the Council is obliged to consult (statutory consultees) and those of members of the public, businesses, voluntary organisations, landowners, agents and developers who have requested to be kept informed about plan preparation.

Table 2.1: Regulation 2 and 4, and Other Bodies Consulted During Reg. 18

| Body | Representation Received? |
|---|--------------------------|
| Environment Agency | Yes |
| Historic Buildings and Monuments Commission for England – Historic England | Yes |
| Natural England | Yes |
| Civil Aviation Authority – NATS En-Route plc (NERL) | No |
| Homes England (<i>formerly the Homes and Communities Agency</i>) | Yes |
| East Lancashire Clinical Commissioning Group (CCG) (<i>formerly the Primary Care Trust</i>) | No |
| Office of Rail Regulation | No |
| Highways Authority – Lancashire County Council | Yes |
| Highways Authority – Highways England (<i>now National Highways</i>) | Yes |
| Lancashire Local Enterprise Partnership | No |
| Network Rail | No |
| Canal and River Trust | Yes |
| Coal Authority | Yes |
| United Utilities | Yes |
| Yorkshire Water | No |
| Electronic Communications Code – via Mono consultants | No |
| Local Lead Flood Risk Authority – Lancashire County Council | Yes |
| Local Education Authority – Lancashire County Council | Yes |
| Lancashire Constabulary | No |
| Lancashire Fire and Rescue | No |
| Lancashire Local Nature Partnership – Lancashire Wildlife Trust | Yes |
| South Pennines Local Nature Partnership – Pennine Prospects | No |
| Forest of Bowland AONB Management Board – Lancashire County Council | No |
| Ministry of Housing, Communities and Local Government (<i>now Department for Levelling Up, Housing and Communities</i>) | No |

- 2.13 Dot Mailer messages were issued via the Council website to 763 registered users, who had expressed an interest in knowing about public consultations. Messages were also sent to 1,368 users who wanted to be kept informed about Council news; with 844 opened by recipients (61.7%) and 219 (25.9%) clicking through for more information. A total of 633 businesses on the Council's employment and tourism databases were also contacted.
- 2.14 Social media messages were issued via the Council's official Facebook, Twitter, Instagram and LinkedIn accounts, throughout the consultation period, with many of these forwarded on by our partners. Several messages included a link to a short video highlighting the role of the Local Plan and the need for the community to engage in its preparation.

- 2.15 Posters were produced for display in those facilities still open to the public. A press advertisement advertised the online meetings that were held and two press releases were issued to generate further interest.
- 2.16 From the second week of the public consultation a total of 12 area-based online consultation events took place. These sessions were arranged during the morning, afternoon and early evening to provide every opportunity for people to attend at a time that was convenient for them. The meetings were held using Microsoft Teams and comprised of an area specific presentation by planning officers followed by a question and answer session which ran until all questions had been answered. A total of 80 people attended the events including elected members. A full account of these events, including the number of attendees, the presentation and issues discussed is provided in Appendix 4.
- 2.17 A further three events took place for officers from neighbouring authorities, statutory consultees, and town and parish councils. These sessions also took place on Microsoft Teams and followed the same format. A full account of these events, including details of attendees, the presentation and issues discussed is provided in Appendix 4.
- 2.18 Opportunities for one-to-one online meetings were also available in week five of the consultation. Only three appointments were booked. Planning officers offered assistance and advice via email and telephone throughout the consultation period.

Section 3

Representations

- 3.1.1 The public consultation to consider the first draft of the Pendle Local Plan Part 2 took place between Friday 12 February and Tuesday 6 April 2021. This meets the requirement in the Regulations to make the consultation documents available for a period of not less than six weeks.
- 3.2 Representations could be submitted by completing an electronic form on the Council's website; by completing and returning a printed version of this form; or by submitting comments in an email or letter.
- 3.3 A total of 1454 valid representations were received raising a number of issues for consideration (Appendix 1). Two 'petitions' were received in respect of:
- Site P105 Land at Halifax Road (Site A), Nelson – The representation was supported by a petition signed by 14 individuals.
 - Site P015 Land at the Former Brierfield Waste Water Treatment Works – The representation submitted by a petition signed by 30 individuals.

Key issues raised and officer response

- 3.4 Appendix 1 provides a full account of the comments received during the consultation on the draft Local Plan Part 2. It also provides detailed responses to the issues that they raise.
- 3.5 Appendix 1 is ordered by policy, site reference (where appropriate) and the issue raised. Where representations make a point that is the same, or substantially similar, to another representation a single response is provided with the reference numbers of the individuals providing these comments clearly referenced. Appendix 1 demonstrates that the Council has positively considered the merits of all the comments it has received, including any new evidence, with changes made to the draft Plan where this is justified.
- 3.6 To aid presentation and provide for a concise document Table 3.1 provides a summary of:
- The main issues raised during the public consultation, which addressed either a concern about document preparation or a proposed policy approach.
 - A detailed Council response to the issues raised.
 - Any changes that have been made to the Publication Draft, to address these issues.

Site specific comments

- 3.7 Comments concerning sites allocated for housing or employment in Policy LIV7 Housing Site Allocations, Policy LIV8 Reserve Housing Sites, Policy LIV11 Self and Custom Build Housing and Policy WRK7 Employment Site Allocations are addressed in Table 3.2.

Reasonable alternatives (Omission sites)

- 3.8 A large proportion of the comments received during the public consultation referred to sites that were not allocated for development in the draft Local Plan Part 2.

- 3.9 These sites had been submitted to the Council as potential sites for future development. They were not screened-out in the initial stages of the site assessment process and were fully assessed. But, when the final draft of the Plan was prepared, they were not selected for allocation.
- 3.10 Previously referred to as ‘Omission Sites’, national planning policy currently refers to them as ‘Reasonable Alternatives’. But, whilst the Council did not consider that these sites were best placed to meet the borough’s development needs up to 2030, others may have disagreed, believing that one or more of these sites could form part of an alternative strategy that the Council should follow.
- 3.11 The majority of comments received in relation to these sites supported the Council’s decision not to allocate them for development. Time does not permit, nor is it appropriate to, respond in detail to comments about sites that do not feature in the Local Plan. However, Table 3.3 provides a response to the key issues that were raised.

Changes to the site allocations

- 3.12 To conclude this section Table 3.4 lists the sites that have been removed from the Local Plan Part 2 following the public consultation.
- 3.13 In contrast, Table 3.5 identifies the sites that have been allocated in the Plan as replacements for these sites and provides a reason for this. Some of these sites have been drawn from the list of ‘Reasonable Alternatives’, whilst others are windfall sites.⁵

⁵ A site that unexpectedly becomes available for development during the plan-making process.

Table 3.1: Summary of the main issues raised in representations, and the Council’s response

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|---|---|--|
| <p>Timing of consultation during COVID-19 lockdown was undemocratic and reduced the potential for the community to comment on the draft Local Plan. This reduced the transparency of the process raising questions about whether the required legal requirements have been met by the Council through its plan preparation process.</p> | <p>The Government encouraged local planning authorities to continue with plan preparation during the COVID-19 lockdown and amended planning regulations to allow for meaningful engagement and public consultation during this period.</p> <p>The Government and local planning authorities throughout the country carried out similar public consultations during the lockdown.</p> <p>Appendix 3 provides details of the extensive publicity the Council carried out to help draw the attention of the local community, key stakeholders and statutory consultees to the public consultation.</p> <p>Appendices 4 and 5 summarise the online consultation events which took place. The opportunity to submit comments via an online form, email and post were all available and the consultation period was extended from six weeks to over seven weeks.</p> <p>A significant amount of feedback has been received. A total of over 1,400 representations far exceeds the level of response achieved during previous public consultations on the Plan, which had taken place during ‘normal’ conditions.</p> <p>The Statement of Community Involvement sets out the Council’s commitment to positive engagement with the local community and other interested parties in plan preparation.</p> <p>The temporary measures introduced by the Government helped to promote online engagement and removed the need to make hard copies of documents available for public inspection.</p> <p>The Council does not accept that holding the public consultation during the COVID-19 lockdown significantly compromised the opportunity for members of the local community to engage in the consultation process.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |
| <p>Little justification to increase housing requirement above standard method figure.</p> | <p>As clearly stated in planning practice guidance on Housing and Economic Needs Assessment (Paragraph: 002 Reference ID: 2a-002-20190220) “the standard method ... identifies a minimum annual housing need figure. It does not produce a housing requirement figure.</p> <p>Local authorities wanting to provide for future economic growth or address other local circumstances, needs or evidence.</p> | <p>No changes to the Local Plan. Housing Impact Analysis (Lichfield, 2021) provides further justification for the adoption of 240 dpa opposed to the standard method figure.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|--------------|--|---|
| | <p>The Pendle Local Plan Part 2, as its name suggests, is the second document in a two-part Local Plan. As such it must be in general conformity Part 1 and support delivery of the strategic policy objectives in the Core Strategy, which was adopted in December 2015.</p> <p>The Core Strategy promotes a positive economic led position for future growth and development in the borough. Supporting evidence in the Housing Needs Assessment (Lichfields, 2020) recommends that a figure of 240 dpa is needed to support this policy position.</p> <p>This is not the only reason for the Council to adopt a figure that is higher than that generated by the Standard Method (142 dpa). As set out in the Housing Needs Assessment (2020) there are further social benefits. These include re-balancing the current housing market by providing more affordable housing and increasing the diversity of the housing stock. Both respond to the borough's housing needs and reflect the aspirations of many young people in our community.</p> <p>Replenishing and improving the quality of our existing housing stock helps to reduce levels of overcrowding, removes 'hidden' households, addresses poor energy efficiency and helps to overcome fuel poverty. In those parts of the borough dominated by an ageing housing stock, which is in a poor state of repair, these factors all contribute to high levels of deprivation.</p> <p>Additional good quality housing also helps to address the Borough's unsustainable population structure, which is currently seeing out-migration to neighbouring boroughs reduce the number of economically active residents.</p> <p>The Pendle Housing Needs Assessment identifies a high affordable housing need. Whilst delivery of affordable housing is challenging in viability terms within the Borough, the adoption of a requirement for 240 dwellings per year and not 142 dwellings per year will nevertheless provide for more new affordable homes within the borough given the need to allocate sites which will provide this type of housing.</p> <p>As a supplement to the Housing Needs Assessment (2020) the Council commissioned a further report to consider the implications of the figure generated by the Standard Method for Pendle. The analysis demonstrates that a housing requirement of 142 dpa would build in decline and provides further justification for the adoption of 240 dwellings per annum in Local Plan Part 2, as the housing requirement up to 2030.</p> | |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|--|---|--|
| <p>Basis for 240 dpa is out of date taking into account effects of COVID-19 and Brexit on the economy.</p> | <p>No evidence has been presented to substantiate these claims.</p> <p>The Local Plan considers the long-term prospects of the borough. It cannot necessarily reflect current market conditions, particularly where the country is in a state of recovery.</p> <p>The Council commissioned an update of the employment growth projections for the borough. This update considered whether COVID and/or Brexit would result in significant changes to the population and employment growth projections underpinning the Plan, which would require the adoption of an alternative approach.</p> <p>This analysis revealed that following a short pause in growth there would be limited change in the longer term. This has been confirmed by the UK Government, who note that planning has a key role to play in supporting the economic recovery of the country.</p> <p>A positively prepared Local Plan will help to support sustainable development and growth in the borough.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |
| <p>Preparation of the Local Plan should be abandoned to await further certainty.</p> | <p>Plans are prepared using the best and most up-to-date evidence. But, there will always be issues in society which throw up uncertainty for plan-making.</p> <p>The Local Plan is a forward looking document, which considers change in the long-term. It plays a key role in supporting and enhancing the economic, social and environmental prospects of the Borough.</p> <p>In particular the Part 2 Local Plan supports delivery of the strategic objectives set-out in the Core Strategy. It provides an opportunity to refresh the Council's development management policies to address new national policy requirements encouraging better quality and beautiful design; energy efficient buildings and layouts that facilitate climate change adaptation and mitigation; and the delivery of biodiversity net gain through development. This ensures that our approach is responsive to these key issues and consistent with national policy; helping to deliver ambitious Government targets for zero carbon development and long-term environmental improvement.</p> <p>Local Plan Part 2 provides certainty for the local community and developers alike. It provides the foundation on which we can plan positively to address the borough's identified development needs and future aspirations.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|--|--|---|
| | <p>The approval of an updated Local Development Scheme (LDS) by councillors at Policy & Resources Committee in October 2021, demonstrates their commitment to a plan-led planning system and the preparation of a Local Plan that will help us to meet our future needs. The timetable set-out in the LDS will enable the Council to meet the Government deadline of December 2023 for all local planning authorities in England to have an adopted Local Plan in place. This deadline, in itself, underlines the importance that the Government places on a plan-led planning system to champion sustainable development and growth across the country.</p> | |
| <p>Proposed housing requirement and allocation of greenfield land is contradictory to the Council's declaration of a Climate Emergency and net zero commitments.</p> | <p>The vast majority of the housing requirement is met by existing commitments – i.e. sites that already benefit from planning permission. The outstanding balance (residual amount) is delivered through site allocations. This is necessary to ensure that the housing requirement can be met in-full by the end of the plan period (2030). The allocation of sites also provides certainty where new development will be located and ensures that any policies in the Plan, which seek to protect land from inappropriate development, can be given full weight in the decision making process.</p> <p>If the Council's strategy is unrealistic, the Plan cannot be adopted. This would open up the possibility for unplanned development. The sites allocated in the Local Plan have been subject to a comprehensive site selection process. They have been assessed against an agreed set of criteria to establish that they are available, suitable and achievable. These are the three criteria set by Government to determine the suitability and deliverability of sites for future development.</p> <p>The sites allocated in the Plan are situated in sustainable locations, helping to minimise the need for journeys by car. As emphasised on page 9 of the Local Plan, it should be read as a whole. Any development on these allocated sites will also be subject to other policies in the Plan, which seek to promote low carbon development that is resilient to the effects of climate change; encourage the recycling of materials wherever possible; and protect or restore natural environments to help mitigate the effects of climate change. As such, the new homes and business premises built in accordance with these new requirements should be far more sustainable than those built in accordance with existing planning policies in terms of their design, technical specifications and the positive contribution they make to the wider environment.</p> | <p>A new policy – Policy ENV28 Climate Resilience – has been included in the Publication Draft, to ensure that the location, design and technical specifications of new development adequately address the anticipated long-term effects of climate change.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|--|--|--|
| <p>Adopting a higher housing requirement will increase development pressure and represent a more significant challenge for maintaining a five year housing land supply</p> | <p>The evidence underpinning the Local Plan is based on an assessment of need. The policies in the Plan seek to meet this identified need.</p> <p>The need to adopt a housing requirement in excess of the figure generated by the Government's Standard Method (SM) is established in the Core Strategy (2015) and the Housing Needs Assessment (2020).</p> <p>The Core Strategy is adopted Council policy. It was tested and found sound following an independent Examination in 2015. The Core Strategy establishes a need for future economic growth in the borough. In turn this growth generates a demand for new housing above and beyond the SM baseline. The Core Strategy also establishes the need for additional affordable housing in the borough.</p> <p>The Housing Needs Assessment considers both these policy requirements, using the SM figure as its baseline. A number of different scenarios are considered, but the clear recommendation is that an annual housing requirement of 240 new dwellings per annum is best placed to meet our development needs up to 2030.</p> <p>The plan making process provides an opportunity for a thorough review of potential development sites in the borough. It also underlines the need to ensure that sites proposed for allocation in the Local Plan are available, suitable and deliverable for housing.</p> <p>Whilst it reflects a snapshot in time, the borough's Housing Trajectory sets out the expectation for housing delivery over the plan period. It demonstrates that the Council can, at adoption, identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing.</p> <p>Housing allocations have the added benefit of delivering new homes in the short to medium term. In addition, large scale windfall sites (i.e. unforeseen development opportunities) are also likely to come forward during the plan period, which will also help to significantly boost the borough's supply position; providing a further safeguard against the need to allow unplanned development on greenfield sites.</p> <p>As a safety net, Policy LIV8 identifies a small number of Reserve Housing Sites. These sites will only come forward if annual monitoring clearly demonstrates that there is a shortfall in either the supply of housing land or housing delivery.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
|--|---|---|
| <p>There is no need for new homes. The demographics of the Borough show that the population is either static or in decline. Site allocations for new housing are not needed.</p> | <p>The Government's ambition is to deliver 300,000 homes each year by the mid 2020's. This is reflected in the National Planning Policy Framework.</p> <p>Our evidence on housing need in Pendle is set out in the Housing Needs Assessment (2020). This follows the methodology set out in planning practice guidance, which requires the use of national household projections as the basis for any calculations to determine the borough's housing requirement; specifically the 2014-based ONS Household Projections. The use of other demographic projections to define the housing requirement departs from this methodology and is not justified.</p> <p>Our need for new homes is not just indicated by the high level of need for new affordable housing, but also strong housing completion rates for market housing in recent years. In total 341 new dwellings were built in the 2020/21 monitoring year. Market signals such as the limited availability of private rented; recent increases in rental prices and the affordability of market housing all point to the need for more homes in the borough. Increased housing provision would also help to counter net outward migration from within the working age population.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |
| <p>There are many brownfield sites located within the Borough, which must be developed first before greenfield.</p> | <p>Council policy supports the development of brownfield sites within a designated settlement boundary, where these are available, suitable and achievable (i.e. deliverable).</p> <p>To aid transparency the preparation of Local Plan is an evidenced based process. Whilst Plans can be aspirational they must also be realistic in their approach to meeting the development needs of the Borough.</p> <p>The Council's most up-to-date evidence on development viability in Pendle is set out in the Local Plan Viability Assessment (2020). This provides detailed analysis across a wide range types and sizes of sites. The results of this analysis clearly shows that in the current economic climate, in the vast majority of cases, brownfield sites do not represent a viable option for developers. With the gap funding from Government, necessary to bring such sites to the market, not currently available; brownfield sites cannot be solely relied upon to deliver our housing requirement in full by the end of the plan period in 2030. As such some development on greenfield land is necessary if the plan is to be found sound at Examination.</p> <p>Greenfield sites remain integral part of strategy to meet housing needs in full taking</p> | <p>Additional brownfield sites, which meet the NPPF test for deliverability, have been identified. Together with other sources of supply, this has helped to reduce the need to allocate greenfield sites for development in the Local Plan.</p> <p>The overall amount of greenfield land, allocated in the Publication draft Local Plan Part 2, has been reduced by almost 50%, with the greenfield land take-up for sites allocated in Policy LIV7 reduced to approximately 7 hectares.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| | <p>into account the findings of the Council's evidence base.</p> <p>This does not alter the commitment of the Council to regenerate previously developed land in the Borough. Recognising that public funding for economic regeneration was unlikely to be sustained in the future, in 2007 Pendle Council embarked on a strategy to work in partnership with a private sector partner to unlock the development potential of various land and property assets in the Borough and maintain development momentum. The joint venture with local company Barnfield Investment Properties has delivered a number of housing projects in Pendle. The most notable currently underway is the Northlight mixed-use development at Brierfield Mills. This venture was one of the first of its kind in the country and has been widely replicated since it was established in 2007. Without this initiative many sites across the borough would remain vacant and derelict.</p> <p>Recent bids have secured Town Deal and Levelling Up funding to help support regeneration activities in both Nelson and Colne.</p> <p>The sustainability appraisal confirms that adoption of the revised Local Plan Part 2 would have a positive benefit for the borough and would not harm regeneration activities or delivery of the Council's strategic objectives. Additional investment in new homes, in combination with other policies in the Plan which address climate change and biodiversity net-gain, to name just two, will help to ensure that new development in Pendle has a positive effect on our communities and the wider environment.</p> | |
| <p>Evidence of deliverability problems within the Borough, together with site specific concerns, means that there is the need to allocate further sites for housing need - including the Reserve Housing Sites (Policy LIV8).</p> | <p>The Council has thoroughly investigated a wide range of influencing the deliverability of sites (i.e. their availability, suitability and achievability) identified in the preparation of Local Plan Part 2. Where necessary, sites have been removed from the potential supply and more sustainable options identified. The Council is confident that the Publication draft Local Plan Part 2, and its supporting evidence, identify a sufficient supply of deliverable housing sites, from a range of sources, to meet the borough's identified housing needs in full. Should unforeseen changes occur during the plan period, Policy LIV8 identifies an additional supply of sites that could be brought forward to address any shortfall in supply or delivery.</p> | <p>Sites where the evidence now shows that they will not deliver housing within the plan period (i.e. they can no longer be considered to be suitable, available or achievable) have been removed from the list of allocated sites, with replacements identified where necessary.</p> |
| <p>Concern raised regarding the scoring and weighting of issues within the Sustainability</p> | <p>The scope, methodology and baseline position of the Sustainability Appraisal (SA) has previously been subject to public consultation on more than one occasion.</p> | <p>Minor amendments have been made to the SA Report, where</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| Appraisal (SA) | <p>Comments received during these consultations informed the preparation of the SA Toolkit, which has guided the process. SA is an iterative process and has been revised further to take account of new evidence and changes to local conditions or circumstances, where this is justified. The SA is a key part of the evidence base used to justify the policy choices in Local Plan Part 2.</p> | justified. |
| <p>No need for further homes within the settlement. Needs already met through completed/committed development.</p> | <p>The borough's settlements are defined and designated in Policy SDP2 of the Core Strategy. A specific local housing need for these settlements is not defined in policy. The only policy designation is a broad distribution of housing by spatial area, which is set out in Policy SDP3.</p> <p>The housing requirement figure (Policy LIV6) is the minimum required to meet the identified housing needs of the borough as a whole. It does not represent a ceiling for housing development, as circumstances may change during the remainder of the plan period.</p> <p>The available evidence indicates that the portfolio of sites identified is best placed to secure the delivery of the borough's residual housing needs by the end of the plan period, in 2030.</p> <p>Housing delivery on sites within a settlement boundary is necessary to recycle urban land; to diversify the housing stock; and to help regenerate our towns and villages. It is a justified element of the portfolio of Housing Allocations in Policy LIV7.</p> <p>The Local Plan must take a flexible approach. Individual policies must be capable of adapting to address any changes that may occur up to the end of the plan period. These circumstances may include sites granted planning permission for housing not being developed, or delays experienced in the delivery of housing on allocated sites.</p> <p>The potential for this to occur is not insignificant and is the primary justification for the allocation of Reserve Housing Sites, on greenfield land outside the defined settlement boundaries, in Policy LIV8.</p> | <p>The proposed site allocations have been amended in the Publication Report. In part, these changes reflect where residual housing needs have changed as a result of new completions and lapsed permissions during the 2020/21 monitoring year.</p> |
| <p>Green Belt Assessment finds that certain parcels of land should be included/excluded from the Green Belt. This hasn't been carried forward by the Council in Local Plan Part 2.</p> | <p>The Green Belt Assessment (2016) is an independent and comprehensive review of the extent to which Green Belt land in Pendle performs against the five purposes of Green Belt, as set out in the National Planning Policy Framework (NPPF). It also considers the extent to which land adjacent to the existing Green Belt boundaries meet these purposes.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| | <p>The purpose of the study was to inform the plan making process, not to identify areas of land that should be added to, or removed from, the Green Belt. Such decisions can only be taken on the basis of reviewing the evidence that is used to inform the plan-making process. It is this evidence that determines whether the Council can demonstrate the ‘exceptional circumstances’, necessary to justify changes to the existing Green Belt boundaries.</p> <p>The 2021 NPPF (paragraph 140) is clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. After careful consideration, the Council has concluded that on the basis of the evidence available at this time these exceptional circumstances do not exist. As such there are no proposals to amend the existing Green Belt boundaries in Local Plan Part 2.</p> | |
| <p>There is insufficient capacity for future growth at settlements constrained by Green Belt, requiring the release and allocation of Green Belt land at these locations. The failure of Local Plan Part 2 to address this matter is contrary to the requirements of the Core Strategy and the findings of the Inspector examining that Plan.</p> | <p>The Council disagrees with this conclusion.</p> <p>The National Planning Policy Framework (NPPF) has changed since the adoption of the Core Strategy, and the findings set out in the Inspector’s Report are not necessarily valid in this regard.</p> <p>The 2021 NPPF makes clear that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account (paragraph 142). Before Green Belt sites can be released for development, the Council is required to explore alternative means of meeting local housing need in-line with the proposed spatial strategy, and following discussions with neighbouring authorities to determine if they could accommodate some or all of the identified need on sites outside the Green Belt.</p> <p>The Council believes that sufficient deliverable land exists elsewhere within the Borough, which is both relevant and accessible to the settlements in question, and as such is capable of meeting their identified housing needs.</p> <p>It is important to note that a specific local housing need for individual settlements is not defined in policy. The only policy designation is a broad distribution of housing by spatial area, which is set out in Policy SDP3 of the Core Strategy. Taking account of existing commitments, the proposed distribution of housing through site allocations in Local Plan Part 2 is broadly consistent with distribution set-out in Policy SDP3.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| <p>Insufficient infrastructure capacity (education, doctors and highways) to support allocations identified within Local Plan Part 2 draft.</p> | <p>Local Plan Part 2 does not allocate any additional growth to that set out in the Core Strategy, which contains a detailed Infrastructure Delivery Schedule. The Core Strategy adopted by the Council in December 2015, having been found sound following independent examination.</p> <p>All infrastructure providers have been contacted directly, and asked to comment on the proposed policies and site allocations in the draft Local Plan Part 2. In addition an online meeting for key stakeholders was also held as part of the consultation process.</p> <p>Based on the proposals and site capacities identified in the draft Plan, infrastructure providers have not raised any objections on the basis of lack of existing capacity. Where potential issues have been highlighted it has been noted that when detailed proposals are available at the planning application stage, it is anticipated that planning obligations sought from developers should be capable of making each development acceptable in planning terms (see Policy SDP8).</p> <p>Site allocations are a key component of any Local Plan. They help to provide the certainty required by infrastructure providers, to allow them to invest with confidence in future provision. Without site allocations, their ability deliver the infrastructure needed to support new homes and businesses, in a timely manner would be severely compromised.</p> | <p>The additional growth recorded during the 2020/21 monitoring year, means that the amount of land allocated for future development has been reduced in the Publication draft Pendle Local Plan Part 2.</p> <p>The Council will continue to consult with infrastructure providers during the preparation, monitoring and implementation of the Local Plan.</p> <p>No further changes to the Local Plan are proposed to address the issue raised.</p> |
| <p>Sites experience flooding/drainage issues, which will be exacerbated by their development adversely affecting existing residents/users.</p> | <p>The Level 1 Strategic Flood Risk Assessment (SFRA) has assessed all potential site allocations, and any reasonable alternatives, for flood risk from all sources. The SFRA also makes an allowance for the anticipated effects of climate change in future years.</p> <p>Sites found to be subject to a high degree of flood risk have been removed from the Plan. Any proposed site allocations, where a potential risk from flooding has been identified, however small, are considered in the Level 2 SFRA. The results of this additional detailed assessment will inform site the design, form and layout of any development at these locations, and these requirements will be applied through policy and the decision making process.</p> <p>Policy ENV7 of the Core Strategy requires flood risk to be taken into account in all development proposals and responded to in their design. When the development is complete, sites are required not to exceed greenfield run-off rates. This can be achieved through the use of porous surfaces and natural or artificial flood attenuation</p> | <p>A new policy (Policy ENV28) has been included in the Publication version of Local Plan Part 2. This sets out how developments need to be resilient to the anticipated effects of climate change and links to measures within other policies in the Local Plan which help to address this increasingly important issue.</p> <p>Where the SFRA process has identified that a proposed site allocation is subject to a high</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| | <p>measures (e.g. SuDS).</p> <p>Policy ENV7 is supplemented by Policy ENV28 in Local Plan Part 2. This new policy sets out the need for new developments to build-in resilience to climate change by adapting their location, design and specifications to address the anticipated effects of climate change. The policy promotes the integration of natural flood risk processes within the design process and looks at how flood risk and drainage issues should be managed, addressed and considered through the future occupation of a development.</p> <p>The Local Plan, when read as a whole, introduces a wide range of new policy requirements. In combination these measures seek to minimise the possibility of flooding, or drainage issues, either compromising occupation of the site, or increasing problems for areas that are downstream of this location.</p> | <p>degree of flood risk (e.g. Brook Shed, Earby), these sites have been removed from the Plan.</p> |
| <p>Policy ENV7 is out-of-date in terms in terms of its compliance with the NPPF, as recently revised, and the latest guidance in relation to the consideration and management of flood risk and drainage.</p> | <p>The Council considers Policy ENV7 to be in broad compliance with the NPPF.</p> <p>New Policy ENV28 seeks to reflect these new standards and guidance concerning the design and maintenance of drainage infrastructure provided within new developments.</p> | <p>Introduced Policy ENV28 to address climate resilience and new national planning policy and guidance on flood risk.</p> |
| <p>Policy ENV13 should make reference to the DEFRA Biodiversity Metric and make reference to transitional arrangements as set out within the emerging Environment Bill. The policy should encourage net gain above the minimum requirement of 10%.</p> | <p>The comment raises a valid point, which should be reflected in the Policy.</p> <p>As proposed in the Environment Bill*, biodiversity net gain must be measured using a recognised biodiversity metric. The new Biodiversity Metric 3.0 unveiled by Natural England and DEFRA on 7July 2021 provides a way of measuring and accounting for nature losses and gains resulting from development or changes in land management. Its use will help developments to achieve biodiversity net gain.</p> <p>* The Environment Act received Royal Assent on 15 November 2021.</p> | <p>Changes have been made to Policy ENV13 to identify specific biodiversity net gain areas in Pendle, and to recognise the role of conservation credits in meeting the requirements of the Environment Act.</p> |
| <p>Sports requirements different to general open space and requires its own policy. Policy unclear on its approach to existing and proposed provision, and pressures placed on this provision (Policy ENV15).</p> | <p>Whilst not accepting the need for a separate policy, it is accepted that the structure of Policy ENV15 would benefit from being revised to provide clearer guidance on sports and recreation.</p> | <p>A revised version of Policy ENV15 is included in the Publication draft of Local Plan Part 2.</p> |
| <p>Supporting evidence to Policy ENV15 is out-</p> | <p>The Council does not consider that its evidence on sports and recreation provision is</p> | <p>No further changes to the Local</p> |

| Issue Raised | Officer Response | Changes to the Plan and/or supporting documents |
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| <p>of-date and applies an approach that is inconsistent with guidance in relation to sports provision.</p> | <p>in need of an immediate review, in order to support the policy approach in relevant policies of Local Plan Part 2.</p> <p>A review of playing pitch provision is not currently feasible, as this evidence was not procured by planning and was jointly commissioned by a number of local authorities, in conjunction with Sport England. The Council does, however, accept that a re-fresh of this evidence will be required to support future policy development.</p> | <p>Plan, or its evidence base, are proposed to address the issue raised.</p> <p>Updating the evidence on sport and recreation provision in Pendle, in line with the latest Sport England guidelines, will be carried out prior to the next review of the Local Plan.</p> |
| <p>Parts of the wording proposed for Policy ENV21 fail to reflect that of the NPPF therefore departing from its approach to the conservation and enhancement of the historical environment. Further evidence required to demonstrate that the effect of proposed allocations on the historic environment has been taken into account through the site selection process and policy requirements.</p> | <p>It is accepted that some of the wording in draft Policy ENV21 had the unintended consequence of introducing an approach that would have been inconsistent with national planning policy and its approach to the conservation and enhancement of the historic environment.</p> <p>The potential impact of development on the historic environment was a key component in the site assessment and sustainability appraisal processes. It is also reflected in site specific policy requirements, where appropriate. The requirement for this evidence to be made available in a more accessible format, offering greater detail where appropriate is accepted and Heritage Impact Assessments have been prepared for each of the sites proposed of allocation in the Local Plan Part 2.</p> | <p>Amendments have been made to the policy wording of Policy ENV21, as necessary, to ensure compliance with national planning policy.</p> <p>Historic Impact Assessments have been prepared for each of the proposed site allocations in Local Plan Part 2. The HIA indicates the potential harm that development could have for the historic environment and identifies appropriate mitigation measures that are required to overcome these concerns.</p> |

Table 3.2: Summary of issues raised concerning site specific allocations in Policies LIV7, LIV8, LIV11 and WRK7 and Council response

Note: Ordered by Policy, Site Reference then Issue Raised, with the first entry for a particular site is shown in bold.

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
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| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Design - Loss of privacy and sunlight | <p>It is unlikely given the relationship of the development with existing properties that there would be adverse effects caused on privacy and loss of light/overshadowing of properties on Sheridan Road and Alma Road as a result of the development.</p> <p>The development of houses will not extend above the current northern rear boundary of properties on Sheridan Road. Development is likely to be offset somewhat from Alma Road owing to need to retain and protect the north-south footpath link towards the Alma Inn.</p> <p>The Council has design policies and guidance which address this issue and will ensure that adverse effects are not felt. The detailed design is not yet known but will be subject to careful review at the planning application stage.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Ecology | <p>The site is wholly, or partially, contained on three sides by existing development with open countryside to the north and west.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site.</p> <p>The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that housing development at this site would have on local biodiversity. The Council's Principal Environment Officer has also raised no objections to the plan proposals.</p> <p>Applicants seeking planning permission will be required to submit an assessment of habitats and wildlife on the site as</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|--------------------------------|---------------------------------------|--|---|
| | | | | <p>part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing will have any significant or long-lasting harm for biodiversity in the area.</p> | |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Flood Risk and Drainage | <p>There is no watercourse within, or adjacent to, the site boundary and the Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from rivers. The EA Flood Risk Map for Surface Water shows that an area along the eastern boundary is susceptible to surface water flooding. Pendle Council has recently carried out some remedial works at this location to help alleviate this issue.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The site occupies a south facing slope and can become saturated during heavy rainfall events. The Council will work closely with the Council's Engineers and the Lead Local Flood Authority (LLFA) (Lancashire County Council) to address any potential constraints to development arising from flood risk, but the available evidence does not highlight any significant constraints to development arising from flood risk.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|--------------------------------|--------------------------|---|---|
| | | | | <p>Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site a for Housing (Policy LIV7).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be is agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Green Belt | <p>The terms greenfield land and Green Belt land are not interchangeable. The former is used to describe land that has the appearance of never having been developed. In contrast Green Belt is a national planning policy designation (see NPPF Chapter 13), which seeks to manage growth. Whilst the popular image of the Green Belt is rolling green fields, it can include areas of previously developed land (often referred to as PDL or Brownfield Land) and can cover whole villages (e.g. Winewall near Colne).</p> <p>Site P019 is adjacent to, but not situated within, an area designated as Green Belt. The Green Belt boundary follows the western boundary of the site and the A6068 (Keighley Road) to the south of the site. No changes are proposed to the</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|--------------------------------|---|---|--|
| | | | | existing Green Belt boundary at this location. | |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Green Belt / Brownfield First | <p>The terms greenfield land and Green Belt land are not interchangeable. The former is used to describe land that has the appearance of never having been developed. In contrast Green Belt is a national planning policy designation (see NPPF Chapter 13), which seeks to manage growth. Whilst the popular image of the Green Belt is rolling green fields, it can include areas of previously developed land (often referred to as PDL or Brownfield Land) and can cover whole villages (e.g. Winewall near Colne).</p> <p>Site P019 is not situated within an area designated as Green Belt. The Green Belt boundary follows the western boundary of the site and the A6068 (Keighley Road) to the south of the site.</p> <p>The extent of the Green Belt in the vicinity of Laneshaw Bridge severely restricts the availability of land that could help to address local housing needs. There are no brownfield sites currently known to be available for redevelopment within the settlement boundary. The table in Appendix 1 (Column E, Existing Commitments) shows that sites with an existing planning permission are expected to deliver just two new dwellings.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Landscape Impact / Loss of Greenfield Sites | <p>A suitable Brownfield site could not be identified either within, or close to, Laneshaw Bridge. Development on previously undeveloped (Greenfield) land was the only option currently available.</p> <p>The site occupies an urban fringe location. Whilst it is in the open countryside, it is not within an area that is designated for its landscape value. It is currently used for grazing. Reflecting the topographical changes which are typical of the area, the site is visible in views from public rights of way to the</p> | The capacity of the site has been reduced to 16 dwellings. This is to reflect that the upper slopes, beyond the building line of the properties on Sheridan Road, should not be developed, because of the adverse impact this would have on the landscape. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
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| | | | | <p>south, but few if any of these vantage points can be regarded as being of particular importance or significance.</p> <p>The landscape value of the site is not particularly significant, given that it is surrounded by urban development on three sides. Restricting development to below the 210m contour will ensure that development represents infill. The small scale of the proposed development (up to 30 dwellings), its continuation of a linear form, and strong relationship with the existing settlement will ensure that any adverse landscape impacts is kept to a minimum.</p> <p>Locally these effects will be more significant, particularly for residents living in properties in the immediate vicinity of the site. Whilst the right to a view is not a material consideration in planning, the layout of the development, its impact on privacy and health and wellbeing will be carefully considered when a planning application is submitted.</p> | |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Noise | In planning terms, residential use does not raise any concerns about noise. The potential for temporary noise issues arising during the construction phase will be dealt with through a condition, attached to the planning permission, controlling the hours of operation whilst building is in progress. | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Environment - Protection of trees | The loss of existing trees on the site will be resisted, particularly where they are protected by Tree Preservation Order TPO/NO6/1989. Where loss is unavoidable (e.g. close to the proposed entrance off Alma Road), the Council will require the planting of at least one net new tree (Policy ENV14). Other policies in the Local Plan seek to secure biodiversity net gain (ENV13) to ensure that new development does not adversely affect local ecology. | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|--------------------------------|---------------------------------|--|---|
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Highways - Access into the site | <p>Pendle Council has not been made aware of any potential access constraints affecting the site.</p> <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 30 dwellings is envisaged. The policy makes clear that the proposed vehicular access point for the site is off Alma Road. At this time no vehicular access or egress (unless required for emergency vehicles) is proposed off Sheridan Road.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The suitability of any vehicular access onto the site will be assessed when a detailed planning application is submitted. Should any application for planning permission include a proposal for vehicular access, and or egress, from Sheridan Road, the local highway authority will once again be approached for comment. Development of the site will not be approved without an acceptable solution for vehicular access having been identified.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Highways - Public Right of Way | <p>A concessionary footpath links Sheridan Road with Alma Road, whilst public right of way 13-4-FP-109 runs along the western boundary north from Alma Road. These links will be retained should development proceed.</p> <p>Restricting development to below the 210m contour, will mean the impact on views from footpath 13-4-FP-109 will be</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
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| | | | | <p>minimal, as housing means that the open views of the countryside, to the west, do not open up until the 205m contour is crossed. Views to the north and east will be compromised between the 200m and 205m contours. The concessionary footpath will be integrated within the development, with glimpse of the countryside restricted to those between the new dwellings.</p> <p>The transitional nature of footpaths emerging from a village into a rural setting, in the presence of existing development, will be maintained.</p> | |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Housing - Properties readily available on the housing market | <p>There are a number of reasons why homes do not sell within a short period of time. These include high prices, poor condition, legal issues or a lack of demand for a particular housing product (i.e. an oversupply of a particular type of property, which fails to meet the needs or aspirations of the local population).</p> <p>People choose to move home for a variety of reasons. In a functional housing market, the life cycle typically operates as follows. Young people take their first step onto the housing ladder by moving into a small starter home. Many then transition into larger homes as their families grow. When they become 'empty nesters' in later life, they look to move into a smaller home and maybe later into an assisted living environment. This is referred to as natural "churn".</p> <p>For this cycle to work effectively, vacant homes of all types and tenures need to be readily available. In Pendle, the current housing stock does not allow this cycle to work efficiently. Our urban areas are dominated by small terraced houses, often without gardens or off-road parking. These small properties provide an opportunity for people to take their first</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
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| | | | | <p>step onto the housing ladder. But they do not meet the needs or aspirations of adults with young families, looking to move up the housing ladder, or older and more affluent people looking to downsize. And experience has shown that terraced properties are not economically viable to convert into larger homes that meet these requirements.</p> <p>Since the start of the current plan period in 2011, housing delivery in Pendle has failed to deliver enough new homes to meet our projected population and employment growth up to 2030. Over the same period, building costs have increased significantly, driving up house prices. But local incomes have risen much more slowly, making affordability a key issue. The result is a shortage of attractive, yet affordable, 2-3 bed semi-detached or detached homes. This shortage prevents the local housing market from functioning correctly, with many residents finding it difficult to move to the next step on the housing ladder. If the demand from young families looking to acquire newly built starter homes is not met, people of working age will leave the area. And there is a very real possibility that businesses and the employment opportunities that they generate will follow.</p> <p>The site at Sheridan Road provides an opportunity to build new homes that are presently in short supply across Pendle, but particular in the M65 Corridor. The construction of the right type of homes at this location will help to repair the housing ladder, keep young people and jobs in the borough, and establish the foundations for a prosperous future, rather than fail to address the potential for future decline.</p> | |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
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| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Sustainability - Strain on local infrastructure | <p>The Pendle Local Plan Part 2 (Preferred Options Report) allocates site P019 for Housing (Policy LIV7), with a capacity of up to 30 dwellings.</p> <p>At this stage, service providers (e.g. highways, education, utilities etc.) have not submitted any evidence to Pendle Council to show that the proposed development would have an adverse effect on the quality of existing services, or indicated a need to upgrade existing provision to support the proposed development, either within the village, or further afield in nearby Colne.</p> <p>The Council will continue to engage with service providers throughout the plan making process to help identify and address any infrastructure requirements that may arise. This engagement will continue through the planning application stage as further details about the scale and type of homes to be provided emerge. This approach will ensure that, where necessary, increased capacity can be planned for in advance and provided during the development phase at the right time and in the right location.</p> <p>Should an application for planning permission fail to adequately address any infrastructure requirements, including service provision, permission for the development will not be granted by the Council.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P019 | Sheridan Road, Laneshaw Bridge | Sustainability - Suitability of development in the village | <p>Laneshaw Bridge's position in the settlement hierarchy has already been found to be sound by the Inspector appointed to conduct the independent examination of the Pendle Local Plan Part 1: Core Strategy (2015).</p> <p>In Policy SDP2 of the Core Strategy Laneshaw Bridge is designated as a Rural Village. This is the lowest tier of settlement hierarchy and the housing requirement for the village over the plan period (Local Plan Part 2, Appendix 1)</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>reflects this.</p> <p>Annual monitoring shows that there have been few housing completions in Blacko since the start of the plan period. In addition there are insufficient commitments (i.e. sites with a valid planning permission) to meet the identified housing need for the village in full. It is the role of the Part 2 Local Plan to identify and allocate specific sites to meet the residual housing need for the village. This provides a planned approach to help meet future housing needs in the most sustainable way. It provides a degree of certainty and removes the current potential for speculative development, as set out in Policy LIV1 of the Core Strategy.</p> | |
| LIV7 | P045 | Aspen Grove, Earby | Environment - Brownfield First | <p>The Pendle Local Plan Part 2 does not ignore the potential of brownfield land nor the need to secure its redevelopment.</p> <p>In Earby, sites P081 New Road Garage Site and P064 Land at Brook Shed both occupy previously developed (brownfield) land. The opportunities for further brownfield development in Earby are limited, although Spring Mill (Country Holidays) has subsequently become available - as its availability was not known when drawing-up the plan in planning terms it is referred to as a "Windfall" site.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>The residual housing need for Earby (Appendix 1) reflects that since the start of the current plan period (2011) the number of new homes completed (50) has been relatively low, and the number homes to be provided on sites with an existing planning permission (76) is also low. In part, this is because suitable sites for new housing are limited. In combination all these factors increase the need to allocate greenfield land to help meet the town's residual housing requirement.</p> <p>If a sufficient supply of housing land does not come forward where and when it is required, speculative applications for development on Greenfield land will be harder for the Council to resist, due to the requirements set out in national planning policy.</p> | |
| LIV7 | P045 | Aspen Grove, Earby | Environment - Climate Change (Development would be contrary to the Council's declaration of a Climate Emergency) | <p>A key purpose of the Local Plan Part 2 is to introduce policies that represent a positive response to the Council's declaration of a Climate Emergency in 2019.</p> <p>If adopted, all new development in Pendle will be required to address these new policy requirements, which cover a wide range of issues such as the use of low-carbon solutions in the design and form of new developments (Policies ENV19 and 27); promote a reduction in the need to travel by car, particularly on short journeys (Policies SDP 2-8, ENV7 and ENV24); require the introduction of EV charging points in new homes and public car parks (Policies ENV19 and ENV25);</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of</p> |

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| | | | | <p>reduce the risk of flooding from all sources and address the need to manage surface water runoff (Policies ENV7 and ENV19); protect green spaces and increase the provision of green infrastructure (Policies ENV12-14) and require a net gain or biodiversity (Policies ENV3, ENV12-16).</p> <p>Together with enhanced energy efficiency and carbon reduction requirements being introduced by the Government through the Building Regulations, these initiatives will mean that new developments will be much more sustainable than those permitted through our currently adopted policies..</p> | Local Plan Part 2. |
| LIV7 | P045 | Aspen Grove, Earby | Environment - Ecology | <p>Subsequent to the public consultation, the agent representing the landowner has informed the Council that it is no longer available for development. An alternative site allocation in Earby has been identified.</p> <p>The site is adjacent to the settlement boundary, but has open countryside to the north and east.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that housing development at this site would have on local biodiversity. The Council's Principal Environment Officer has also raised no objections to the plan proposals.</p> <p>Applicants seeking planning permission will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, the development of the site for housing would not appear to have any significant or long-lasting harm for biodiversity in the area.</p> | |
| LIV7 | P045 | Aspen Grove, Earby | Environment - Flood Risk and Drainage | <p>Wider concerns about flooding and drainage in Earby are acknowledged. Flood risk is accepted as being a significant constraint to development in the town and renders large areas of land as unsuitable for certain forms of development.</p> <p>The Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from rivers. The EA Flood Risk Map for Surface Water shows that areas to the north and east of the site are at risk from surface water flooding. Evidence of recent flooding from a field drain is acknowledge and Pendle Council has recently carried out some remedial works at this location to help alleviate this issue.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site a for Housing (Policy LIV7).</p> <p>Water management policies in the Pendle Local Plan (Policy</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding. | |
| LIV7 | P045 | Aspen Grove, Earby | Highways - Access into the site | <p>Pendle Council has not been made aware of any potential access constraints affecting the site.</p> <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 44 dwellings is envisaged. The policy makes clear that the proposed vehicular access point for the site is off Aspen Grove. At this time no vehicular access or egress is proposed off Stoney Bank Road.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The suitability of any vehicular access into the site will be assessed when a detailed planning application is submitted.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>Should any application for planning permission include a proposal for another point of entry such as Stoney Bank Road - even if this will only serve as an emergency access or temporary access for construction vehicles - the local highway authority will once again be approached for comment. Development of the site will not be approved without an acceptable solution for vehicular access having been identified.</p> | |
| LIV7 | P045 | Aspen Grove, Earby | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site has been removed from the list of sites to be disposed of by Pendle Council. The allocation of the site for housing is no longer appropriate.</p> <p>The site assessment shows that the site is within walking distance of local services and facilities in the centre of Earby, which has good public transport connections and sources of employment. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The proposed capacity of the site (48 new dwellings) on its own is not sufficient to have a significant impact on the wider highway network. However, the cumulative effect of development on nearby sites, which would increase traffic movements at the junction of Bailey Street and Stoney Bank Road (i.e. P044 Bailey Street, P263/P265 Land at Stoney Bank Road and Spring Mill (Windfall Site)), will require further traffic</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>modelling, as will the impact on the junctions of School Lane, Victoria Road and Alison Road with the A56.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV7 | P045 | Aspen Grove, Earby | Highways - Public Right of Way | The existing footpath will be retained should development proceed. It is acknowledged that the character and experience | Site no longer allocated for housing in the Local Plan. |

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| | | | | of using the route will be altered following development. The opportunity to create a new footpath along the southern edge of the site, to provide a route with a rural outlook that connects directly with Mill Lane, will be encouraged but not required in any new development at this location. | Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. |
| LIV7 | P045 | Aspen Grove, Earby | Reasonable Alternatives - Re-use of vacant commercial properties | The reoccupation of residential properties, which have been empty for two or more years (long-term empty homes), together with applications for change -of-use from agricultural or commercial uses to residential, both make a valuable contribution towards meeting the borough's housing needs. Since the start of the plan period in 2011, the Council has implemented a successful programme to reduce the number of homes that have been vacant for more than six months from over 2,100 to under 750, bringing it in-line with the national average. Further approvals of planning permission for change-of-use and the redevelopment of windfall sites, such as Spring Mill in Earby, will help to meet the towns housing needs. But, on their own, these sources of supply are insufficient to meet this need, so the allocation of previously developed (brownfield) land and greenfield sites is necessary. | Site no longer allocated for housing in the Local Plan. Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. |
| LIV7 | P045 | Aspen Grove, Earby | Reasonable Alternatives - Spring Mill (site not assessed) | The sites assessed during the plan preparation of the Local Plan were identified in a number of ways. A desk-bound study identified potential development sites. A land registry search identified the landowners, who were contacted by the Council to see if they were willing to release the land for development. Where a positive response was received the site was added to the Council's Strategic Housing Land Availability Assessment (SHLAA). This database also includes all sites with a valid | Site no longer allocated for housing in the Local Plan. Pendle Council has subsequently resolved to remove this site from its disposal list. As the site is no longer available, it has been |

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| | | | | <p>planning permission for housing. In addition site submissions are received on an ad hoc basis from landowners, developers or their agents. This was the situation with Spring Mill. The premises were in operational use when the first draft of the Local Plan was prepared. As such the site was not identified or considered as a potential site allocation at that time. The site has subsequently become available and will be assessed for its suitability as a potential housing site. If selected for allocation it may remove the need to allocate one or more sites elsewhere within the West Craven Towns spatial area.</p> | <p>removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |
| LIV7 | P064 | Brook Shed | <p>Environment - Flood Risk and Drainage</p> | <p>Wider concerns about flooding and drainage in Earby are acknowledged. Flood risk is accepted as being a significant constraint to development in the town and renders large areas of land as unsuitable for certain forms of development.</p> <p>The Environment Agency (EA) Flood Risk Map for Planning shows that the site is at high risk of flooding from New Cut, which forms the western boundary of the site. Only a small area along the margins of New Cut is in Flood Zone 3 (highest risk), but almost all of the site is within Flood Zone 2. The EA Flood Risk Map for Surface Water shows that almost all of the site is at low risk from surface water flooding.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) shows that the site is subject to a high risk of flooding from rivers and surface water.</p> <p>The available evidence clearly shows that flood risk is a significant constraint to development at this location. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have raised concerns about the proposed allocation of the site for Housing (Policy LIV7).</p> <p>A sequential test is required when the proposed development site is within Flood Zones 2 or 3. This test is carried out to</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>New EA modelling for the Aire catchment has raised concerns that a reduction in the net developable area of the site would have a significant impact on development viability. This has led to its removal from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>ensure development is sited on land that has the lowest risk of flooding within the area.</p> <p>In line with paragraph 102 of the National Planning Policy Framework (NPPF), if following the application of the sequential test, it is not possible for the development to be located on sites with a lower probability of flooding, the Exception Test can be applied. To pass this two part test: (1) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, as informed by the Strategic Flood Risk Assessment (SFRA) for the area; and (2) A site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</p> <p>If development of the site is to proceed, flood prevention and alleviation measures will be required. As residential development is a vulnerable use, the layout of the site and the design of the homes to be built will also need to respond to the risk of flooding. These requirements may reduce the proposed capacity of the site, which in turn could potentially make development of the site unviable.</p> | |
| LIV7 | P064 | Brook Shed | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is close to the local services and facilities available in the centre of Earby, which has good public transport connections and sources of employment. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>New EA modelling for the Aire catchment has raised concerns that a reduction in the net developable area of the site would have a significant impact on development viability. This has led to its removal from</p> |

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| | | | | <p>development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The site is bordered by New Cut. The relatively low density of development required to take account of flood risk from this watercourse, means that development of this site on its own is not sufficient to have a significant impact on the wider highway network. However, the cumulative effect of development on nearby sites, which would increase traffic movements at the junction of New Road, Victoria Road and the A56 Colne Road (i.e. P081 New Road Garage Site and possibly Spring Mill (Windfall Site)), will require further traffic modelling.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the</p> | <p>the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |

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| | | | | <p>developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV7 | P064 | Brook Shed | Housing - Build Bungalows | <p>The site is unlikely suitable for this type of development. The site is prone to flooding, leaving a reduced developable area. Bungalows are land hungry in term of form of development to the amount of dwellings delivered meaning they provide reduced revenue. The site is previously developed and as a result likely to be contaminated requiring some ground works to be undertaken ahead of the site's development. A higher density development will enhance the viability of the development. It would also make the most of developable areas, and provide a form of development which is consistent with the form and character of the wider area including the Earby Conservation Area. The site is accessible to services and public transport. A low density development on site would not be consistent with national planning policy.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>New EA modelling for the Aire catchment has raised concerns that a reduction in the net developable area of the site would have a significant impact on development viability. This has led to its removal from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2.</p> |
| LIV7 | P081 | New Road Former Garage Site | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is close to the local services and facilities available in the centre of Earby, which has good public transport connections and sources of employment.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

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| | | | | <p>capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The proposed capacity of the site (35 new dwellings) on its own is not sufficient to have a significant impact on the wider highway network. However, the cumulative effect of development on nearby sites, which would increase traffic movements at the junction of New Road, Victoria Road and the A56 Colne Road (i.e. P064 Brook Shed and possibly Spring Mill (Windfall Site)), will require further traffic modelling.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the</p> | |

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| | | | | existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport. | |
| LIV7 | P081 | New Road Former Garage Site | Housing - Build Bungalows | <p>The site is accessible to services and public transport. A low density development on site would not be consistent with national planning policy given the good accessibility to this location.</p> <p>The development of the site for bungalows is not consistent with the prevailing form of the surrounding development. The site is within the Earby Conservation Area and will be required to respond positively to its built context and character to avoid harm and where possible enhance this conservation area. Terraced homes are likely to be the most appropriate type of development on the site taking this above into account.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV7 | P110 | Hollin Hall, Blacko | Highways - Congestion, safety and adequacy of the wider highway network | <p>The A682 Gisburn Road can be busy, but roadside parking slows down the speed of traffic passing through the village.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The scale of the development that is proposed (12 new dwellings) is not sufficient to have a significant impact on the wider highway network, even when taking into account the cumulative effects of development in nearby Barrowford. Assuming that the track to Spout House Farm cannot be improved to offer access to the site, the County Council has</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable</p> |

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| | | | | confirmed that 517a Gisburn Road would need to be demolished in order to create a visibility splay that would provide safe access and egress. This is reflected in the wording of the policy. | alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient meet any residual need. |
| LIV7 | P110 | Hollin Hall, Blacko | Highways - Public Right of Way | <p>As noted in the appeal decision APP/E2340/W/17/3169432, which relates to planning application 16/0603/OUT, "although not directly visible from the north due to the intervening buildings that front onto Gisburn Road, the appeal site has a more prominent position in views towards Blacko Hill and Stansfield Tower from the local footpath network to the south and east of the site."</p> <p>The site is not visible from Water Meetings, to the south, which is a popular destination for both local residents and walkers. This importance for the local community is recognised by a Local Green Space designation in the Barrowford Neighbourhood Plan.</p> <p>The site is visible from viewpoints further afield, including public rights of way in the Forest of Bowland AONB to the west. However, the small scale of the proposed development; the distances concerned; and the fact that the development would be viewed in the context of the existing settlement all help to minimise any adverse visual impacts.</p> <p>Closer views from the footpath network to the west (13-9-FP-47b) and south of the site (13-9-FP-49), where the paths would run close to the proposed dwellings, would become dominated by the development. Whilst it is accepted that there will be a material change to the user experience along these footpaths, there are already modern urban influences along these stretches of footpath, which are close to recent</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient meet any residual need.</p> |

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| | | | | <p>developments in the village and along the A682. Albeit for a different scheme than that now envisaged, paragraph 20 of the appeal decision APP/E2340/W/17/3169432 notes, "in views into, across and through the proposed development the dwellings and associated roofscape would be seen at a variety of angles and orientations, at odds with the prevailing, and relatively simple linear form, of much of Blacko". The layout of the development, design of the dwellings and landscaping can all help to reduce any negative impacts in near and distant views. Extensive views west towards the Forest of Bowland AONB, and south along the valley of Pendle Water, in the direction of Barrowford, would remain unaltered from 13-9-FP-49.</p> | |
| LIV7 | P110 | Hollin Hall, Blacko | Historic Environment | <p>Hollin Hall is not a listed building, but its contribution to the historical character of the village and the setting of the Grade II listed Blacko War Memorial are acknowledged.</p> <p>Provided that the layout, scale, form and appearance respect these qualities, development to the rear of the property should have no direct impact on these relationships.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of</p> |

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| | | | | | sites in nearby Barrowford would be sufficient meet any residual need. |
| LIV7 | P110 | Hollin Hall, Blacko | Housing - Appeal Decision | <p>The site is not without issues, but there is an absence of available, suitable and deliverable sites within, or adjacent to the settlement boundary.</p> <p>The consultation exercise (including this representation) highlighted that an earlier planning application for 12 homes at this location (16/0603/OUT) had been refused on appeal. This decision had not been picked up through the site assessment process. The Inspectors conclusion that development would have an adverse impact on landscape character cannot be ignored.</p> <p>However, the context for this earlier decision has changed. The preparation of a new Local Plan is the correct process for conducting a further review of the allocation of this site for housing, as it takes into account wider strategic matters, supply side issues, and a holistic view of evidence, constraints and opportunities.</p> <p>There is no dispute that the site is highly visible from the south and west. But a smaller development than that proposed in application 16/0603/OUT has the potential to reduce adverse impacts on the landscape. It mean the development was less obtrusive when viewed in the context of modern development on the former site of Springfield Mill, immediately to the north and provide an opportunity to strengthen planting along the southern boundary of the field, helping to enhance the setting of Blacko. The detailed design for any development proposal will be critical in determining the suitability of development at this site and how it works with and affects the wider locality.</p> <p>However, in light of updated evidence on housing completions</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient meet any residual need.</p> |

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| | | | | and commitments in the 2020/21 monitoring year (see other comments on P110 Hollin Hall), the need to allocate land for housing in Blacko has been reviewed. | |
| LIV7 | P110 | Hollin Hall, Blacko | Sustainability - Strain on local infrastructure | <p>No evidence has been put forward to indicate that development of the site, at the scale proposed, would adversely affect the quality or provision of existing services within Blacko. The Council has not received objections to the development of the site from key service providers highlighting insufficient capacity or increased pressure on service provision within the settlement.</p> <p>The Council will continue to engage with key stakeholders through the plan making process to refine the infrastructure requirements of the site, ensuring that, where required, increased capacity can be provided through the development of the site at the right time and in the right place. This engagement will continue through the planning application process as further details regarding the scale and type of homes to be provided on site becomes known, ensuring that accurate and relevant information regarding the site's infrastructure requirements can be planned for in advance. Failure to provide or secure sufficient levels of infrastructure, including service provision, will render the site unsustainable requiring its refusal.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient meet any residual need.</p> |
| LIV7 | P110 | Hollin Hall, Blacko | Sustainability - Suitability of development in the village | <p>Blacko's position in the settlement hierarchy has already been found to be sound by the Inspector appointed to conduct the independent examination of the Pendle Local Plan Part 1: Core Strategy (2015).</p> <p>In Policy SDP2 of the Core Strategy Blacko is designated as a Rural Village. This is the lowest tier of settlement hierarchy and the housing requirement for the village over the plan</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to</p> |

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| | | | | <p>period (Local Plan Part 2, Appendix 1) reflects this.</p> <p>Annual monitoring showed that there had been few housing completions in Blacko since the start of the plan period. In addition there were insufficient commitments (i.e. sites with a valid planning permission) to meet the identified housing need for the village in full. It is the role of the Part 2 Local Plan to identify and allocate specific sites to meet the residual housing need for the village. This provides a planned approach to help meet future housing needs in the most sustainable way. It provides a degree of certainty and removes the current potential for speculative development, as set out in Policy LIV1 of the Core Strategy.</p> <p>ADDENDA: Annual monitoring for the 2020/21 monitoring year, carried out after 31 March 2021 revealed an increase in commitments to 13 dwellings in Blacko. This brings into question the need to allocate a housing site in the village.</p> | <p>meet the indicative housing requirement for the village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient to meet any residual need.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Design - Concerns about crime | The requirements of Policy ENV19 mean that the design, layout and form of the development will be in accordance with secure by design principles. | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne</p> |

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| | | | | | Road) has identified as a replacement. |
| LIV7 | P282 | Church Lane, Kelbrook | Environment - Bad Neighbour Uses | The proximity of a potentially incompatible uses, to the north of the site, is acknowledged and will be assessed further. Should the outcome of this work identify that all, or part, of the site could be adversely affected by these uses, the areas affected may not be suitable for development, or mitigation measures may be required to address the specific problems identified. At this stage no objection has been received from Environmental Health or the Health and Safety Executive (HSE), regarding the possible development of the site for housing. Should it be considered necessary, specific requirements on the technical specification, design, orientation and layout of properties on the site will be conditioned during the decision making process. | Site no longer allocated for housing in the Local Plan. The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement. |
| LIV7 | P282 | Church Lane, Kelbrook | Environment - Brownfield First | Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible. Brownfield development opportunities are not ignored in the draft Plan. In Policy LIV7 half of the 12 housing sites proposed for allocation were on brownfield land. These sites would deliver approximately 38% of all the new homes in the borough up to 2030. There are many benefits for securing the re-use of brownfield land, but it is not always the most appropriate location for | Site no longer allocated for housing in the Local Plan. The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To |

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| | | | | <p>certain types of development. Furthermore our evidence shows that across large parts of the Borough, the redevelopment of brownfield land is not economically viable. Additional funding must be secured to bring forward development in these circumstances and it is not always readily available.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>To help ensure the delivery of the Government's housing target of 300,000 net new homes per annum across the country, the 2021 NPPF (paragraph 68) requires local planning authorities, such as Pendle Council, to maintain at least a five-year housing land supply (5YHLS). The sites that form part of the 5YHLS must be deliverable (i.e. available, suitable and achievable). Where a 5YHLS cannot be demonstrated, the 2021 NPPF makes clear that the housing policies in the Local</p> | <p>align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |

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| | | | | <p>Plan must be considered to be out-of-date. Paragraph 11(d) of the 2021 NPPF sets out how the presumption in favour of sustainable development should be applied where the relevant Local Plan policies are out of date. This is often referred to as the 'tilted balance' and means that sites, which are in a sustainable location, but are not allocated in a Local or Neighbourhood Plan, may come forward for development. The annual Housing Delivery Test also imposes penalties where insufficient new homes have been built to meet local housing need over a rolling three-year period. Again this is likely to allow sites not allocated in the Local Plan to come forward for development. Notwithstanding this, and noting the comments received during this public consultation, the Council will re-examine its portfolio of allocated sites to see whether further brownfield land could be allocated for development and/or the density of development on allocated sites could be increased. Whilst this review could potentially reduce the amount of greenfield land required for development, at a borough wide level, a requirement to develop on greenfield sites will remain.</p> <p>The policies and site allocations in the Part 2 Plan must be in general conformity with the strategic planning policies in the Part 1 Local Plan (Core Strategy) adopted in 2015 (the Core Strategy). Amongst these strategic policies are Policy SDP2, which establishes the settlement hierarchy for the borough, and Policies SDP3 and LIV1, which broadly distribute the requirement for new housing in-line with this hierarchy. Appendix 1 in the Local Plan Part 2 translates this broad distribution into a settlement specific housing requirement and Policy LIV7 allocates sites to address these local development needs.</p> <p>Policy SDP2 designates Kelbrook as a Rural Service Centre. It is one of four villages considered to be suitable and sustainable</p> | |

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| | | | | locations for the limited amount of development directed to Rural Pendle. Re-directing this development to other settlements is not compatible with the strategic planning policies set out in the Core Strategy and does not represent a sound approach to planning for the borough's future development needs. | |
| LIV7 | P282 | Church Lane, Kelbrook | Environment - Climate Change (Development would be contrary to the Council's declaration of a Climate Emergency) | <p>A key purpose of the Local Plan Part 2 is to introduce policies that represent a positive response to the Council's declaration of a Climate Emergency in 2019.</p> <p>If adopted, all new development in Pendle will be required to address these new policy requirements, which cover a wide range of issues such as the use of low-carbon solutions in the design and form of new developments (Policies ENV19 and 27); promote a reduction in the need to travel by car, particularly on short journeys (Policies SDP 2-8, ENV7 and ENV24); require the introduction of EV charging points in new homes and public car parks (Policies ENV19 and ENV25); reduce the risk of flooding from all sources and address the need to manage surface water runoff (Policies ENV7 and ENV19); protect green spaces and increase the provision of green infrastructure (Policies ENV12-14) and require a net gain or biodiversity (Policies ENV3, ENV12-16).</p> <p>Together with enhanced energy efficiency and carbon reduction requirements being introduced by the Government through the Building Regulations, these initiatives will mean that new developments will be much more sustainable than those permitted through our currently adopted policies..</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Environment - Ecology | Subsequent to the public consultation, the agent representing the landowner has informed the Council that it is no longer available for development. An alternative site allocation in Kelbrook has been identified. | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently</p> |

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| | | | | <p>The site is wholly, or partially, contained on three sides by development, with open countryside to the north and east.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that housing development at this site would have on local biodiversity. The Council's Principal Environment Officer has also raised no objections to the plan proposals.</p> <p>Applicants seeking planning permission will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing will have any significant or long-lasting harm for biodiversity in the area.</p> | <p>advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Environment - Flood Risk and Drainage | <p>There is no watercourse within, or adjacent to, the site boundary and the Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from nearby Kelbrook Beck. The EA Flood Risk Map for Surface Water shows that small areas on the northern and eastern</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no</p> |

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| | | | | <p>margins of the site are at low risk from surface water flooding.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site a for Housing (Policy LIV7).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be is agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | <p>longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Highways - Congestion, safety and adequacy of the wider highway network | <p>The challenging nature of the highway infrastructure in the historic core of the village is recognised. But vehicular access to the site would be adjacent to 1 Church Lane, close to the busy A56 Colne Road.</p> <p>Good accessibility to nearby employment opportunities and village services mean that many short journeys can be taken</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no longer available for</p> |

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| | | | | <p>on foot. The A56 corridor benefits from regular bus services serving nearby Barnoldswick and Earby and destinations that are further afield such as Colne, Skipton and Burnley. These all reduce the need for residents to travel by car and few, if any, journeys will require vehicles to use the narrow roads in the centre of the village. In addition there are long term aspirations to restore the former Skipton-Colne railway line, which passes close to the village.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the</p> | <p>development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |

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| | | | | <p>developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV7 | P282 | Church Lane, Kelbrook | Historic Environment - Impact on settlement character and identity | <p>Kelbrook is not within a Conservation Area and St Mary's Church, adjoining the western boundary of the site, is not listed.</p> <p>Taking into account the modern industrial influences to the north of the site, it can be considered to play a limited role in establishing a setting for the village.</p> <p>Development along Harden Road to the south, separates the site from the historic core of the village and the Grade II listed Kelbrook High Fold.</p> <p>The evidence indicates that development will not harm the setting of a historic asset, or cause significant harm to the character and identity of the village. The layout and design of any development will be encouraged to recognise and respond to its relationship with the parish church.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Sustainability - Over-development in the village | <p>Kelbrook's position in the settlement hierarchy has already been found to be sound by the Inspector appointed to conduct the independent examination of the Pendle Local Plan</p> | <p>The agent representing the landowner has subsequently advised that the site is no</p> |

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| | | | | <p>Part 1: Core Strategy (2015).</p> <p>The village has seen very little new housing development in recent years (Appendix 1), despite its designation as a Rural Service centre.</p> <p>There is a need for one or more site allocations to meet the identified level of housing need identified in Appendix 1. These allocations will be made through either the Pendle Local Plan Part 2, or the emerging Kelbrook and Sough Neighbourhood Plan, which is being prepared by the Parish Council. The capacity of the site also helps to meet the housing need for the neighbouring settlement of Sough, with which it has a close relationship.</p> | <p>longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |
| LIV7 | P282 | Church Lane, Kelbrook | Sustainability - Village does not fulfil the role of a Rural Service Centre | <p>Kelbrook's position in the settlement hierarchy has already been found to be sound by the Inspector appointed to conduct the independent examination of the Pendle Local Plan Part 1: Core Strategy (2015).</p> <p>It is not the role of the Pendle Local Plan Part 2 to re-examine the settlement hierarchy. The Council is satisfied that Kelbrook continues to fulfil the role of a Rural Service Centre as it continues to provide a limited range of local services and a significant number of employment opportunities.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The agent representing the landowner has subsequently advised that the site is no longer available for development. As such it has been removed from the proposed list of housing site allocations in the Publication Draft of Local Plan Part 2. To align with proposals in the draft Kelbrook and Sough Neighbourhood Plan an alternative site (P068 Land at Barnoldswick Road / Colne Road) has identified as a replacement.</p> |

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| LIV8 | P005 | Castle Road, Colne | Environment - Brownfield First | <p>Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible. Brownfield development opportunities are not ignored in the draft Plan. In Policy LIV7 half of the 12 housing sites proposed for allocation were on brownfield land. These sites would deliver approximately 38% of all the new homes in the borough up to 2030.</p> <p>There are many benefits for securing the re-use of brownfield land, but it is not always the most appropriate location for certain types of development. Furthermore our evidence shows that across large parts of the Borough, the redevelopment of brownfield land is not economically viable. Additional funding must be secured to bring forward development in these circumstances and it is not always readily available.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | <p>forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>To help ensure the delivery of the Government's housing target of 300,000 net new homes per annum across the country, the 2021 NPPF (paragraph 68) requires local planning authorities, such as Pendle Council, to maintain at least a five-year housing land supply (5YHLS). The sites that form part of the 5YHLS must be deliverable (i.e. available, suitable and achievable). Where a 5YHLS cannot be demonstrated, the 2021 NPPF makes clear that the housing policies in the Local Plan must be considered to be out-of-date. Paragraph 11(d) of the 2021 NPPF sets out how the presumption in favour of sustainable development should be applied where the relevant Local Plan policies are out of date. This is often referred to as the 'tilted balance' and means that sites, which are in a sustainable location, but are not allocated in a Local or Neighbourhood Plan, may come forward for development.</p> <p>The annual Housing Delivery Test also imposes penalties where insufficient new homes have been built to meet local housing need over a rolling three-year period. Again this is likely to allow sites not allocated in the Local Plan to come forward for development. Notwithstanding this, and noting the comments received during this public consultation, the Council will re-examine its portfolio of allocated sites to see whether further brownfield land could be allocated for development and/or the density of development on allocated sites could be increased. Whilst this review could potentially reduce the amount of greenfield land required for development, at a borough wide level, a requirement to develop on greenfield sites will remain.</p> <p>The Core Strategy directs the majority of new development to</p> | |

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| | | | | <p>the M65 Corridor (Policy SDP2 and Policies SDP3-5 inclusive). This reflects the important social and economic role of this spatial area, both within the borough and across administrative boundaries. The M65 Corridor is home to approximately two thirds of the borough's population and the majority of higher order services and sources of employment are located here. Nelson is a first tier settlement within the M65 Corridor spatial area. Poor economic viability is a key constraint to regeneration in this part of the borough. Often, the redevelopment of brownfield land is not a commercial proposition without an injection of public funding, which is not readily available. The Council continues to explore ways to access suitable financial assistance to support development in this part of the borough.</p> <p>Viability concerns are particularly significant within Nelson and Brierfield. But they are also apparent within Colne, as evidenced by development of the greenfield sites at Harrison Drive and Carry Lane, which both required public subsidy to make their development for housing a viable proposition. The Council must put forward a plan that is deliverable in order to meet the tests of soundness against which it is examined. This requires some of the borough's development needs to be met on viable greenfield sites. In Colne the local geography and challenging topography mean that such sites are in limited supply. In edge of settlement locations there are concerns about coalescence with neighbouring towns and villages (Nelson, Barrowford and Laneshaw Bridge). The Green Belt to the west, north and east, and the proximity of the South Pennines SPA to the south are significant barriers to development. Within the urban area, active industrial uses are often not compatible with residential development. Those opportunities that do exist are often on small sites where upfront development costs and limited economic returns</p> | |

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| | | | | <p>reduce their commercial attractiveness. These issues mean that such sites are unlikely to be developed in the short to medium term and their allocation in the Pendle Local Plan Part 2 cannot be justified at this time.</p> <p>The South Valley provides an opportunity to secure regeneration. However, much of the area is subject to high levels of flood risk and contamination. It also continues to feature land uses, which are not compatible with residential development. The funding required to secure the comprehensive development of this area is no longer available and piecemeal development is not commercially viable for housing. It is still the Council's ambition to secure the long-term regeneration of this area, but there is no evidence at this time that would justify its allocation in the Pendle Local Plan Part 2.</p> <p>Site P005 Land off Castle Road/Skipton Old Road is allocated as a Reserve Housing Site (Policy LIV8). This means that its development will only be supported by policy where there is an identified shortfall in the delivery of new housing, or the supply of housing land. The purpose of the allocation is to provide greater flexibility in the plan's approach to meeting our local housing need using a planned approach that reduces the possibility of speculative development coming forward at less suitable locations.</p> | |
| LIV8 | P005 | Castle Road, Colne | Environment - Ecology | <p>The site is adjacent to the settlement boundary, with open countryside to the north and east.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. The Council's Principal Environment Officer has also raised no objections to the plan proposals, However, evidence has been submitted to the Council, to support a suggestion that the site has some ecological value. The Council will consider this information, in conjunction with</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table</p> |

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| | | | | <p>the landowner and key stakeholders, to understand which areas of the site are affected; how their protection (if necessary) may affect any decision to allocate the site for housing; or if the layout of any development can make reasonable adjustments to avoid any harm to any ecological interest on the site.</p> <p>An earlier appeal decision, relating to a proposal to develop housing on this site, was not dismissed on the grounds of the sites inherent ecological value (thee decision focussed on its the impact that development would have on the Lidgett and Bents Conservation Area to the south). Any future application for planning permission will need to be accompanied by an assessment to help determine the ecological value of the site and any response that may be required by way of amending the site capacity, layout or design to address these interests.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. The layout and design of any development should reflect this requirement. Any application for development on this site should be accompanied by an assessment of the ecological value of the site...</p> <p>Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing will have any significant or long-lasting harm for biodiversity in the area.</p> | 3.5) |
| LIV8 | P005 | Castle Road, Colne | Environment - Landscape Impact | <p>The site occupies an urban fringe location. Whilst it is in the open countryside, it is not within an area that is designated for its landscape value.</p> <p>Reflecting the topographical changes which are typical of the area, the site is visible in distant views from higher ground to the south and east of Colne. Few, if any, of these vantage</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will</p> |

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| | | | | <p>points can be regarded as being of particular importance or significance.</p> <p>The site itself is largely unremarkable; a mixture of grazing land and wetter areas of grassland. It is the panoramic views out of the site that define its significance. The highest parts of the site, to the south-east, offer panoramic views of the open countryside to the south and east of Colne, which rises up to meet the desolate South Pennine Moors SSSI. To the west the view is dominated by the historic market town of Colne, and the mediaeval church which sits atop the ridge separating the north and south valleys. These views are an important feature of the East Colne Way, a five mile circular walk "through the green lungs of Colne" that is promoted by Pendle Council. Taking account of the local geography, a number of other locations around the town offer commanding, extensive and uninterrupted views of the surrounding countryside (e.g. Holt House and Alkincoats Park).</p> <p>The proposed boundaries of the proposed housing allocation seek to limit the visual impact of development. They seek to integrate the new homes into the existing urban form and avoid the impression of overspill into the open countryside to the north and east. They also seek to avoid the potential for harm to the significance or setting of the Lidgett and Bents Conservation Area to the south of the site. Developers will also be expected to preserve the key views available from the public rights of way (13-4-FP 216 and 13-4-FP 139) that pass through the site, as they emerge into the undeveloped areas to the south.</p> <p>Further refinement of the proposed development envelope is likely to be required. These will take account of this public consultation and the findings of any landscape assessment work that is undertaken in support of any future planning</p> | <p>become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | application. These changes will be considered and agreed by the local planning authority before development can proceed. A landscape buffer and good quality boundary treatments will also be required, to help to reduce the impact of development on the wider landscape. | |
| LIV8 | P005 | Castle Road, Colne | Environment - Loss of Green Infrastructure and Amenity value | The site is not a formally designated open space. As such, like much of the borough's open countryside is not identified as part of the borough's Green Infrastructure network. The proposed development is modest in scale and would not unduly restrict access to the open countryside located beyond. | Site no longer allocated for housing in the Local Plan. The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5) |
| LIV8 | P005 | Castle Road, Colne | Environment - No Local Green Space designations in Colne | <p>The formal designation of Local Green Space in Pendle is primarily being conducted through the preparation of neighbourhood plans by parish and town councils. The neighbourhood plans for Trawden Forest and Barrowford have already been adopted, which is why their Local Green Space sites are identified in the Pendle Local Plan. The Colne Neighbourhood Plan is currently in preparation. The first draft was consulted upon in late 2020 and identified 14 sites, which are believed to meet the criteria for formal designation as Local Green Space.</p> <p>The separate planning designation of Open Space (Policy ENV15) is used to ensure that neighbourhoods have good access to informal amenity greenspace and formal provision such as parks, nature reserves etc. The Open Space Audit (2018) shows where there are deficiencies in existing open space provision by ward (Table 5.7) and area committee area (Table 5.8). Policy ENV15 seeks to protect the best open</p> | Site no longer allocated for housing in the Local Plan. The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5) |

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| | | | | spaces from development and secure additional provision, where appropriate, through new development. | |
| LIV8 | P005 | Castle Road, Colne | Highways - Access into the site | <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 85 dwellings is envisaged. The policy makes clear that the preferred vehicular access to the site is off Castle Road.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The existing field access is off Castle Road. At this point the speed limit is 30mph, the road is lightly trafficked and narrows to become a tree lined country lane. This access will require significant improvement to provide adequate visibility splays to improve sightlines along Castle Road, particularly for traffic approaching from the east. There is no evidence that this route cannot be sufficiently widened to accommodate safe and sufficient access to the site into the site with a dedicated pedestrian footway at this time.</p> <p>Further measures to improve highway safety, such as reducing the speed of traffic travelling along Castle Road could be introduced if considered necessary by the local highway authority. These requirements will be determined through the planning application process.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |
| LIV8 | P005 | Castle Road, Colne | Highways - Congestion, safety | It is the principle of housing development at this location that is being established through the proposed allocation of the | Site no longer allocated for housing in the Local Plan. |

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| | | | <p>and adequacy of the wider highway network</p> | <p>site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 125 dwellings is envisaged. The policy makes clear that the preferred vehicular access to the site is off Halifax Road.</p> <p>The site assessment shows that the site is within walking distance of both primary and secondary schools. Other local services are more distant and it is acknowledged that journeys to these destinations (e.g. shops) are likely to be made by car, despite a regular bus service (Route 6) along Venables Avenue.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The proposed capacity of the site (85 new dwellings) on its own is not sufficient to have a significant impact on the wider highway network. Whilst the North Valley Road and the main road through Colne Town Centre can experience traffic congestion at peak hours, this site is not closely related to either of these transport corridors however, although some traffic will use these routes at certain times.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and</p> | <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | <p>other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV8 | P005 | Castle Road, Colne | Highways - Public Right of Way / Loss of Amenity | <p>The site features two existing public rights of way (13-4-FP-216 and 13-4-FP-139). These are well used by the local community and form part of the East Colne Circular Walk, which is publicised by Pendle Council.</p> <p>The routes are rural in character, but being located at the edge of the existing settlement, urban influences are strong. The draft policy requires the existing footpaths to be retained as part of any development. It is accepted that the development of the site will have an adverse impact on the amenity of these routes, due to changes in the urban form arising from the development. To address this the policy proposes the provision of an alternative route along the north-eastern boundary of the site, which would retain rural views</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | to the north and east, albeit with an urban influence. This would provide a route that is similar in character to the existing footpath to the south of the site, which passes along the edge of the new Boulsworth View development, under construction off Windermere Avenue. | |
| LIV8 | P005 | Castle Road, Colne | Historic Environment | <p>The site is situated to the north of the Lidgett and Bents Conservation Area. The potential impacts of development on the conservation area are highlighted in the Appeal Decision APP/E2340/W/15/3131975, which relates to planning application 13/14/0581P. This was for a larger site that includes Site P005 and land to the south west, off Windermere Avenue, where 90 homes are currently being built by McDermott Homes.</p> <p>Any development at Site P005, particularly along its southern boundary, will need to respond positively to the issues raised by the Planning Inspector in this appeal decision, if development of the site is to be acceptable in planning terms. In particular paragraphs 25 and note that "it is a fundamental element of the CA (conservation area) that buildings within it interact directly with agricultural land and reflect their historic development and transition to industrial use and subsequently residential. How the CA and its associated listed buildings are appreciate and enjoyed is a function of how they are perceived from within, passing through on roads and footpaths <u>and</u> (our emphasis) how they are experienced in views from outside. The latter are addressed in paragraphs 33-35.</p> <p>The Character Appraisal, dated 1999, indicates that there are four listed buildings, Heyroyd, Standroyd, the former Toll House and No 3 Lidgett, within the conservation area. All are Grade II listed. Special regard to the desirability of preserving the setting of these listed buildings and preserving or</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | enhancing the character or appearance of the conservation area will be required, in accordance with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This statutory duty is reflected in the National Planning Policy Framework 2019 (paragraph 193), which maintains that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation, the weight being dependant on the importance of the asset. | |
| LIV8 | P005 | Castle Road, Colne | Other - Status of the Neighbourhood Plan | <p>At the time of writing the Colne Neighbourhood Development Plan (CNDP) is not sufficiently advanced to attract any 'weight' in planning terms. As such the Pendle Local Plan Part 2 does not necessarily reflect the policy designations and site allocations set out in the draft CNDP.</p> <p>As further progress is made on the preparation of the CNDP, greater weight can be given to its proposals. The Pendle Local Plan Part 2 will be adjusted to reflect these as necessary, prior to submission to the Secretary of State for Examination.</p> <p>Should the Colne Neighbourhood Plan be found to meet the Basic Conditions (the Government's test for Neighbourhood Plans), its policies and site allocations will prevail within the designated area, rather than those in the Pendle Local Plan Part 2, unless the Colne Neighbourhood Plan is silent on a particular matter, or subsequently deemed to be out-of-date.</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |
| LIV8 | P005 | Castle Road, Colne | Sustainability - Adequacy of existing infrastructure and services | No evidence has been provided to Pendle Council to indicate that existing services or infrastructure in the immediate vicinity of the site cannot accommodate the level of development that is proposed. There are no further site allocations or proposed housing developments close to this site, so the potential for cumulative impacts is not a concern. | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will</p> |

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| | | | | <p>Pendle Council has sought the views of the local utilities provider (United Utilities), the local Highway Authority (Lancashire County Council) and other key stakeholders to help assess whether development of the site for housing would impact on local infrastructure capacity. At this stage in the planning process, they have not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The site is located alongside Colne Park High School and four primary schools are within 2 kilometres of the site. The local education authority (Lancashire County Council) has not indicated any concerns about the capacity of these schools, but discussions about how they can accommodate additional pupils will continue throughout the plan making and planning application process. If necessary a financial contribution to improve local education facilities will be secured by attaching a condition to any planning approval.</p> <p>A range of shops and local services are available on Keighley Road and there are several supermarkets on Windsor Street/North Valley Road, just 1km west of the site. Local bus services along the A56 and Venables Avenue offer frequent connections to Colne town centre and Burnley. If considered necessary, a financial contribution will be sought from the developer to improve walking, cycling and public transport infrastructure in close proximity to the site. There is no evidence at this stage that the development of the site would result in unsustainable pressure on existing services in the locality to the site.</p> <p>Colne is a Key Service Centre (Policy SDP2) offering a wide range of shops, services and employment opportunities. The proposed scale of the development is not significant and the available evidence clearly demonstrates that the site can be</p> | <p>become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | considered to represent a sustainable location for new housing development. | |
| LIV8 | P005 | Castle Road, Colne | Sustainability - Need for development | <p>Appendix 1 of the Pendle Local Plan Part 2 provides an indicative assessment of where housing need on a settlement-by-settlement basis. This proposed distribution has informed the allocation of housing sites in the Local Plan. The appendix does not replace the strategic policies in the Core Strategy (Policy SDP2 and SDP3), which indicate how housing need should be met across the Borough as a whole.</p> <p>Looking at the existing commitments and completions for Colne (Appendix 1), there appears to be no reason to allocate a site for housing in Colne. However, the Strategic Housing Land Availability Assessment (SHLAA) shows that a high proportion of the commitments (anticipated delivery) is on sites where development has yet to commence.</p> <p>The need for Pendle Council to provide flexibility within its housing supply is established in the report issued by the Inspector who examined the Pendle Core Strategy. The identification of Reserve Sites for Housing (Policy LIV8) is an established approach to providing this flexibility and has been found sound at other local Plan inquiries. The development of these sites is only necessary where there is an identified shortfall in either the supply, or delivery, of sites, which would mean that the housing requirement would not be met.</p> <p>The role fulfilled by Reserve Sites for Housing, is set out in Policies LIV6 and LIV8. Their primary purpose is to ensure that, where existing commitments do not come forward, the housing requirement can still be delivered in full by the end of the plan period (2030). Secondly it is to make sure that development takes place on allocated sites and reduce the potential for unplanned development on speculative sites, through the implementation of the presumption in favour of</p> | <p>Site no longer allocated for housing in the Local Plan.</p> <p>The site has been removed from the list of proposed site allocations, as a sequentially preferable windfall site will become available for housing within 1-5 years (see Table 3.5)</p> |

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| | | | | <p>sustainable development. For these reasons the Council needs to be assured the sites allocated for this purpose are deliverable and can come forward quickly in order to deliver homes in a timely manner.</p> <p>Greenfield sites represent low risk options for developers and can come forward more quickly than Brownfield sites, where remediation is often required before development can commence. Furthermore the Council cannot ignore evidence in the development Viability Study (2020), which indicates that Brownfield land in this part of the borough is unviable.</p> <p>Collectively these issues justify the allocation of a Reserve Site for Housing on Greenfield land in Colne. The site considered to provide the most sustainable option as a Reserve Site for Housing in Colne, is land off Castle Road. It is situated in an area that has proven to be popular, with sales at the nearby Boulsworth View development proceeding well.</p> | |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Environment - Flood Risk and Drainage | <p>The Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from the partially culverted watercourse running along the southern boundary of the site. The EA Flood Risk Map for Surface Water shows that a small area of the site at this location is at high risk from surface water flooding following a significant rainfall event. This will influence the layout of any future development.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater. This is confirmed by the evidence provided in support of the recent application for planning permission for 67 homes on this site (21/0564/FUL), which was refused with one of the three reasons given being that the applicant has not adequately demonstrated that the development would not result in an unacceptable increase in the risk of flooding contrary to Policy</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the</p> |

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| | | | | <p>ENV7 of the Local Plan.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site a Reserve Site for Housing (Policy LIV8).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | current planning permission has lapsed. |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Environment - Landscape Impact / Loss of Greenfield Sites | <p>The Lancashire Landscape Character Assessment (2000) indicates that the site lies within Typology 13a Gisburn Drumlin Field. This is a broad brush assessment and this designation covers much of the land in and around Barnoldswick. At a local level, taking into account the characteristics of the site and its strong visual links with the existing urban area, it is not considered to make a significant contribution to the distinguishing qualities of this landscape character area.</p> <p>The site occupies an urban fringe location. Whilst it is in the</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the</p> |

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| | | | | <p>open countryside, it is not within an area that is designated for its landscape value. It is currently used for grazing.</p> <p>Sympathetic development of the site should not have a significant adverse effect on the wider countryside. The site relates well to the existing urban area and is not highly visible from rising land to the west, or the drumlin fields to the north. It is compact and well contained by the rise in slope to the west and strong vegetated boundaries. The policy requires these boundaries to be strengthened during development.</p> <p>Planning permission has been granted/sought for two fields adjoining the northern boundary of the site. Development of this site will, therefore, contribute to an increased urban influence in views from Brogden Lane. Policy requirements looking to secure high quality development should help to minimise any adverse impacts.</p> | list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the current planning permission has lapsed. |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Environment - Loss of Green Infrastructure and Amenity value | <p>Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible.</p> <p>Brownfield development opportunities are not ignored in the Pendle Local Plan Part 2 (Preferred Options Report). In Policy LIV7 half of the 12 housing sites proposed for allocation are on brownfield land. These sites will deliver approximately 38% of all the new homes to be provided in the borough up to 2030.</p> <p>There are many benefits for securing the re-use of brownfield land. But overall a balanced approach is required to take account of national planning policy requirements for the delivery of housing; the need to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the current planning permission</p> |

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| | | | | <p>The site is not subject to an ecological designation and is not recorded as a habitat for protected species. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that development of this site would have on local biodiversity. The Council has also sought the views its environment officer in relation to the plan proposals.</p> <p>The developer will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for development. It will also highlight any parts of the site which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity.</p> | has lapsed. |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Environment - Over-development of the site | <p>The site covers an area of 3.11 hectares. The development of 93 dwellings would equate to approximately 30 dwellings per hectare. This is a typical density for a site accommodating a mix of detached and semi-detached homes in an edge of settlement location. Topographical constraints and the presence of a watercourse to the south and west of the site may reduce the number of homes that can be built, but until such time as a detailed scheme is published the proposed capacity offers an accurate estimate of the sites potential.</p> <p>ADDENDA: An application for planning permission (21/0564/FUL) for the development of housing on this site was submitted on 30 June 2021, following the consultation on the draft Local Plan. This proposed the construction of 67</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>dwellings on the site. This figure will be reflected in future iterations of the plan, if the proposal to allocate the site for future housing development is carried forward.</p> | |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of essential services such as primary schools, shops and public transport. This helps to reduce the need for residents to make journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8). Specifically the County Council indicated any specific concerns that development of the site for housing would be likely to have a negative impact on local highway capacity, or that vehicular access to the site via Foster Road may be an issue.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the current planning permission has lapsed.</p> |

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| | | | | <p>number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>A planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV8 | P055 | Land off Foster Road, Barnoldswick | Highways - Public Right of Way | <p>Point 6 in that part of Policy LIV8 addressing the development of site P055 requires the public footpath (13-1-FP4) crossing the site to be retained.</p> <p>The footpath is relatively short and is in an edge of settlement location with urban influences to the east and south. Access into the open countryside will not be unduly compromised.</p> <p>The layout and form of the development is not yet confirmed. The potential for a "trim trail" along the edge of the development and/or the retention of key views into the open countryside to the north could be explored with the developer.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the current planning permission has lapsed.</p> |

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| LIV8 | P055 | Land off Foster Road, Barnoldswick | Reasonable Alternatives - Fernbank Mill | Site P057 Former Fernbank Mill was submitted to the Council for consideration as a potential housing site allocation. It is a brownfield site assessed as part of the site assessment and sustainability appraisal processes. In principle the site is suitable for residential development, but two factors made the allocation of the site impractical at this time. Firstly, the site is in private ownership and the owner is currently unclear about the future use of the site. As such it may not come forward for housing during the plan period. Secondly the owners of Site P232 Land to the rear of Fernbank Mill have indicated that they do not intend to relocate their business in the immediate future. The current use of this site (manufacture of concrete products) is not compatible with residential development as a result of its by-products (e.g. noise and dust) and operational activity (e.g. external working and HGV movements). In combination these are likely to have a negative effect on residential amenity and the health and well-being of nearby residents. As such, whilst both sites may be suitable for allocation in a future version of the Pendle Local Plan, it is not appropriate to allocate either Site P057 or P232 for housing at this time. | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. The site has been transferred from the list of Reserve Housing Sites (Policy LIV8) to address the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby from the list of Housing Site Allocations (Policy LIV8). It also helps to address the reduced capacity at Site P237 Barnsey Shed, a former commitment now allocated in Policy LIV8, as the current planning permission has lapsed. |
| LIV8 | P104 | Land at Oaklands, Barrowford | Design - Loss of privacy and sunlight | Details of the site layout and the design of the new homes (shape, form and mass) is unlikely to be known until an application for planning permission is submitted to the Council. Local Plan policies on design, and the Design Principles SPD, state that new development should not have an adverse effect on privacy or unduly compromise access to natural light for habitable rooms. Any development proposals will be subject to these policy requirements and assessed through the planning application process. Taking into account the size of the site and the proposed capacity it is unlikely that any unacceptable adverse effects on privacy and loss of | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | sunlight will occur as a result of the site's development. | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Environment - Air Pollution | <p>The site is in a sustainable location within walking distance of the centre of Barrowford, a supermarket, bus services, two primary schools and a sixth form college. This accessibility to key services reduces the need to travel to and from the site by car.</p> <p>The developer will be required to submit a Travel Plan setting out measures that will help to reduce the need for future occupiers of the site to travel by car. Policy ENV27 Towards Zero Net Carbon requires new residential developments to include charging points for low emission electric and hybrid vehicles. This supports the Governments recently announced intention to bring forward the ban on the sale of diesel and petrol vehicles to 2030, aimed at encouraging a shift towards the use of zero and low emission vehicles.</p> <p>In view of the above a development of 60 new homes is considered unlikely to result in significant increases in air pollution on Church Street.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P104 | Land at Oaklands, Barrowford | Environment - Brownfield First | <p>Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible. Brownfield development opportunities are not ignored in the draft Plan. In Policy LIV7 half of the 12 housing sites proposed for allocation were on brownfield land. These sites would deliver approximately 38% of all the new homes in the borough up to 2030.</p> <p>There are many benefits for securing the re-use of brownfield land, but it is not always the most appropriate location for certain types of development. Furthermore our evidence shows that across large parts of the Borough, the</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>redevelopment of brownfield land is not economically viable. Additional funding must be secured to bring forward development in these circumstances and it is not always readily available.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>To help ensure the delivery of the Government's housing target of 300,000 net new homes per annum across the country, the 2021 NPPF (paragraph 68) requires local planning authorities, such as Pendle Council, to maintain at least a five-year housing land supply (5YHLS). The sites that form part of the 5YHLS must be deliverable (i.e. available, suitable and achievable). Where a 5YHLS cannot be demonstrated, the 2021 NPPF makes clear that the housing policies in the Local Plan must be considered to be out-of-date. Paragraph 11(d) of the 2021 NPPF sets out how the presumption in favour of</p> | |

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| | | | | <p>sustainable development should be applied where the relevant Local Plan policies are out of date. This is often referred to as the 'tilted balance' and means that sites, which are in a sustainable location, but are not allocated in a Local or Neighbourhood Plan, may come forward for development. The annual Housing Delivery Test also imposes penalties where insufficient new homes have been built to meet local housing need over a rolling three-year period. Again this is likely to allow sites not allocated in the Local Plan to come forward for development. Notwithstanding this, and noting the comments received during this public consultation, the Council will re-examine its portfolio of allocated sites to see whether further brownfield land could be allocated for development and/or the density of development on allocated sites could be increased. Whilst this review could potentially reduce the amount of greenfield land required for development, at a borough wide level, a requirement to develop on greenfield sites will remain.</p> <p>The Core Strategy directs the majority of new development to the M65 Corridor (Policy SDP2 and Policies SDP3-5 inclusive). This reflects the important social and economic role of this spatial area, both within the borough and across administrative boundaries. The M65 Corridor is home to approximately two thirds of the borough's population and the majority of higher order services and sources of employment are located here. Barrowford is a second tier settlement within the M65 Corridor spatial area. Poor economic viability is a key constraint to regeneration in this part of the borough. Often, the redevelopment of brownfield land is not a commercial proposition without an injection of public funding, which is not readily available. The Council continues to explore ways to access suitable financial assistance to support development in this part of the borough.</p> | |

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| | | | | Site P104 Land at Oaklands is allocated as a Reserve Housing Site (Policy LIV8). This means that its development will only be supported by policy where there is an identified shortfall in the delivery of new housing, or the supply of housing land. The purpose of the allocation is to provide greater flexibility in the plan's approach to meeting our local housing need using a planned approach that reduces the possibility of speculative development coming forward at less suitable locations. | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Environment - Ecology | <p>The site is contained on three sides by existing development with wider open countryside to the north west.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that housing development at this site would have on local biodiversity. The Council has also sought the views of its Principal Environment Officer in relation to the plan proposals, whose advice is that development should be set back from the mature trees along Wheatley Lane Road covered by TPO/NO1/1971. This is reflected in the site specific policy requirements.</p> <p>Applicants seeking planning permission will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing, should it be required, will have any significant or long-lasting harm for biodiversity in the area. | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Environment - Flood Risk and Drainage | <p>There is no watercourse within, or adjacent to, the site boundary and the Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from nearby Kelbrook Beck. The EA Flood Risk Map for Surface Water shows that small areas along the northern and eastern margins of the site are at a low risk from surface water flooding.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site a Reserve Site for Housing (Policy LIV8).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties.</p> <p>The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>off rate to be is agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> <p>Known drainage issues near St Thomas' Primary School, will not be affected by development on this site, as they are within a different drainage catchment.</p> | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Environment - Loss of Green Infrastructure and Amenity value | <p>Site P104 is in agricultural use as grazing land. It has a compact and largely self-contained form being enclosed on three sides by built development. As such, development of the site cannot be considered to represent unrestricted urban sprawl, nor will it result in a significant loss of open countryside.</p> <p>The site is currently within the open countryside, although it would be brought within the settlement boundary if allocated for housing. It is not designated as open space, local green space, or protected for its ecological value. It does form part of the grassland</p> <p>The proposed capacity of the site is just 60 dwellings. This relatively low density reflects that the site forms part of the transition zone between urban and rural areas (Figure 5.4, Pendle Green Infrastructure Strategy, 2019) and to allow for the provision of private gardens and other green spaces within the site to reflect this.</p> <p>There are no public rights of way (PROWs) within the site, so development will not prevent public access into the open countryside.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P104 | Land at Oaklands, | Highways - Access into | The local highway authority (Lancashire County Council) has agreed in-principle that a safe access into the site can be | No changes to the Local Plan, or its evidence base, are |

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| | | Barrowford | the site | provided from Wheatley Lane Road/Church Street. | proposed to address the issue raised. |
| LIV8 | P104 | Land at Oaklands, Barrowford | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of Barrowford local shopping centre and many essential services such as primary schools, shops, public open space, recreation facilities and public transport. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8), subject to securing a financial contribution towards public transport and upgrading nearby bus stops. Specifically the County Council has not indicated that development of the site for housing would be likely to have a negative impact on local highway capacity.</p> <p>It is acknowledged that the width of the carriageway on Church Street, to the east of the site, narrows and that this can cause issues for traffic at certain times.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Historic Environment | <p>Overall the site does not have a significant role to play in the setting and appearance of Barrowford. It is compact, largely self-contained and not highly visible from wider viewpoints.</p> <p>The stone wall which forms the Wheatley Lane Road frontage lies within the Barrowford Conservation Area. Measures have been set out in the policy requiring the developer to incorporate the existing wall into the development, and to retain the trees covered by TPO/NO1/1971.</p> <p>The site is close to, but not part of, the historical core of the village. A development that is set back from Wheatley Lane Road, retains much of the existing stone wall and any mature trees should cause less than substantial harm to the character</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | of the area. Those dwellings that are closest to the conservation area are likely to be required to reflect the local vernacular. | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Housing - Affordability | <p>The Pendle Development Viability Study (March 2020) indicates that the site P104 Land at Oaklands is in a viable location and large enough to deliver a proportion of the new homes to be provided as affordable housing. This will be secured by way of a condition attached to any planning approval.</p> <p>Affordable housing is defined in Annex 2 of the National Planning Policy Framework (NPPF). It is intended to give people the opportunity to access housing in areas, such as Barrowford, where traditional market housing may be unaffordable for many residents. The Council cannot control the price of new homes, as this is driven by market forces. Any affordable housing that is provided should offer different forms of tenure. Some homes will be available for shared ownership, whilst others will be made available at an affordable/social rent and managed by a registered provider. The affordable homes should ideally be 'tenure blind' (i.e. impossible to distinguish visually from the market housing) and the mix of house types and sizes should also respond to local needs.</p> <p>Sites such as Oaklands offer the opportunity for local residents to access homes that are appropriate for their needs and provide an opportunity to help improve their health and well-being and life chances.</p> <p>The housing stock in Pendle, particularly within the M65 Corridor, is characterised by a high proportion of terraced housing. This type of property no longer meets the aspirations of many new home owners; nor does it address local housing</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>needs, particularly for larger families.</p> <p>Experience through the Councils PEARL joint venture has shown that terraced properties are not normally economically viable to bring up to modern standards, or convert into larger homes. The age and low value of these dwellings often means that they are in a poor condition, contributing to high levels of deprivation. They are a major contributor to fuel poverty, as they are not energy efficient, and the provision of off-road parking and/or garden space is rarely achievable. Furthermore the high density of development offers residents limited access to open space.</p> | |
| LIV8 | P104 | Land at Oaklands, Barrowford | Housing - Re-use vacant housing stock | <p>The Council has made great efforts to reduce the vacant housing stock in recent years. At 3.8%, the vacant dwelling stock in Pendle remains above than the national (2.7%) and county (3.6%) averages (MHCLG, Table 615), but has historically been much higher.</p> <p>A proportion of the housing stock will always remain empty to allow for the buying, selling and letting of homes to work efficiently, whilst some will also be empty to allow for repairs and improvements. It is estimated that the effective minimum level of empty homes as a result of these processes is around 2% of the housing stock.</p> <p>Given the significant headway that has been made in reducing long-term empty homes; the reduction in resources available to the Council to continue this programme; and the fact that the reoccupation of long-term empty homes is not a consideration in the calculation of the Government's Housing Delivery Test, further reliance on this source of supply would have limited impact or benefits.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| LIV8 | P104 | Land at Oaklands, Barrowford | Sustainability - Adequacy of existing infrastructure and services | <p>The site is within walking distance of the Local Shopping Centre, which is one of only three locations in the second tier of the retail hierarchy (Policy SDP5). The centre has a low vacancy rate and offers a wide range of retail and service provision. Additional footfall arising from the development of new homes is likely to help maintain the vitality and viability of the shopping centre. Two primary schools are within walking distance and we have not been made aware of any capacity issues by the local education authority (Lancashire County Council).</p> <p>All mains services - electricity, gas mains water and sewerage - are available in Church Street.</p> <p>The Council will continue to engage with key stakeholders, to ensure that, where necessary, any increases in infrastructure capacity and service provision can be provided. This engagement will continue throughout the plan making and development management process, as details about the scale of the development and type of homes to be provided on site become known. , ensuring that accurate and relevant information regarding the site's infrastructure requirements can be planned for in advance. Failure to provide or secure sufficient levels of infrastructure, including service provision, will render the site unsustainable requiring its refusal.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P104 | Land at Oaklands, Barrowford | <p>Sustainability - Over-development in the village</p> <p>N.B. This comment also references Trough Laithe and other sites identified as 'reasonable</p> | <p>The Pendle Local Plan Part 2 (Preferred Options Report) identifies site P104 as a Reserve Site for Housing (Policy LIV8), with a capacity of 60 dwellings.</p> <p>The available evidence demonstrates that the housing needs of the settlement are met by existing commitments and sites under construction, so at this time, no further site allocations are proposed for Barrowford. This position will be reviewed as the Local Plan moves to the next stage.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | alternatives' within the village | <p>No evidence has yet been provided from service or infrastructure providers to indicate that a further 60 dwellings in Barrowford would place undue pressure on existing services and facilities. The Council will continue to consult key stakeholders through the plan making process and in the determination of any planning application, to ensure that this position does not change.</p> <p>Any application to develop site P104 will be required to take into account the potential for cumulative effects on wider infrastructure and services including the strategic housing site at Trough Laithe to the west of the village. Trough Laithe is an existing commitment. It was allocated as a strategic housing site in the Core Strategy and is expected to make a significant contribution to the housing needs of the M65 Corridor as a whole. It provides new homes in a location that is close to strategic road network and public transport routes. These offer good access to nearby towns and villages and the key services that they have to offer - shops, employment, schools etc.</p> <p>Sites P130 Land to the rear of St Thomas's Primary School and P188 and off Mint Avenue- were assessed, but are not proposed for allocation in the Pendle Local Plan Part 2. The Council does not believe that these sites are best placed to meet our development needs up to 2030.</p> <p>Site P130 is located in the open countryside. As Policy SDP7 Settlement Boundaries makes clear that there is a presumption against development unless specific criteria are met. This, together with other safeguards in the Local Plan reduce the likelihood that housing will be considered acceptable on this site up to 2030.</p> <p>In contrast, site P188 is located within the settlement boundary for Barrowford. As such there is a presumption in</p> | |

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| | | | | <p>favour of sustainable development at this location (Policy SDP7 Settlement Boundaries). However, parts of the site are occupied and in active use. There are also issues concerning vehicular access to the site. Should a development proposal come forward, it will be considered through the planning application process and assessed against policies in the adopted development plan.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Brownfield First | <p>Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible. Brownfield development opportunities are not ignored in the draft Plan. In Policy LIV7 half of the 12 housing sites proposed for allocation were on brownfield land. These sites would deliver approximately 38% of all the new homes in the borough up to 2030.</p> <p>There are many benefits for securing the re-use of brownfield land, but it is not always the most appropriate location for certain types of development. Furthermore our evidence shows that across large parts of the Borough, the redevelopment of brownfield land is not economically viable. Additional funding must be secured to bring forward development in these circumstances and it is not always readily available.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>To help ensure the delivery of the Government's housing target of 300,000 net new homes per annum across the country, the 2021 NPPF (paragraph 68) requires local planning authorities, such as Pendle Council, to maintain at least a five-year housing land supply (5YHLS). The sites that form part of the 5YHLS must be deliverable (i.e. available, suitable and achievable). Where a 5YHLS cannot be demonstrated, the 2021 NPPF makes clear that the housing policies in the Local Plan must be considered to be out-of-date. Paragraph 11(d) of the 2021 NPPF sets out how the presumption in favour of sustainable development should be applied where the relevant Local Plan policies are out of date. This is often referred to as the 'tilted balance' and means that sites, which are in a sustainable location, but are not allocated in a Local or Neighbourhood Plan, may come forward for development.</p> <p>The annual Housing Delivery Test also imposes penalties where insufficient new homes have been built to meet local housing need over a rolling three-year period. Again this is likely to allow sites not allocated in the Local Plan to come forward for development. Notwithstanding this, and noting the comments received during this public consultation, the Council will re-examine its portfolio of allocated sites to see</p> | |

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| | | | | <p>whether further brownfield land could be allocated for development and/or the density of development on allocated sites could be increased. Whilst this review could potentially reduce the amount of greenfield land required for development, at a borough wide level, a requirement to develop on greenfield sites will remain.</p> <p>The Core Strategy directs the majority of new development to the M65 Corridor (Policy SDP2 and Policies SDP3-5 inclusive). This reflects the important social and economic role of this spatial area, both within the borough and across administrative boundaries. The M65 Corridor is home to approximately two thirds of the borough's population and the majority of higher order services and sources of employment are located here. Nelson is a first tier settlement within the M65 Corridor spatial area. Poor economic viability is a key constraint to regeneration in this part of the borough. Often, the redevelopment of brownfield land is not a commercial proposition without an injection of public funding, which is not readily available. The Council continues to explore ways to access suitable financial assistance to support development in this part of the borough.</p> <p>Viability concerns are particularly significant within Nelson and Brierfield. The Council must put forward a plan that is deliverable in order to meet the tests of soundness against which it is examined. This requires some of the borough's development needs to be met on viable greenfield sites. In Nelson and Brierfield the local geography and challenging topography mean that such sites are in limited supply. In edge of settlement locations there are concerns about coalescence with neighbouring towns (Colne and Burnley). The proximity of the South Pennines SPA to the east and the Green Belt beyond the M65 motorway and Pendle Water to the west are barriers to development. Within the urban area, active</p> | |

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| | | | | <p>industrial uses are often not compatible with residential development. Those opportunities that do exist are often on small sites where upfront development costs and limited economic returns reduce their commercial attractiveness. These issues mean that such sites are unlikely to be developed in the short to medium term and their allocation in the Pendle Local Plan Part 2 cannot be justified at this time.</p> <p>Site P125 Land at Halifax Road is allocated as a Reserve Housing Site. Its development would only be supported where there is a shortfall in the planned delivery of new housing, or the housing land supply. Its allocation provides flexibility in our plan-led approach to meeting local housing need, reducing the potential for unplanned speculative development at locations which are less suitable for development. The site is promoted by a willing landowner and has developer interest.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Ecology | <p>The site is wholly within the settlement boundary, with housing adjacent to the north and west.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about the effects that housing development at this site would have on local biodiversity. The Council's Principal Environment Officer has also raised no objections to the plan proposals, However, evidence has been submitted to the Council, to support a suggestion that the site has some ecological value. The Council will consider this information, in conjunction with the landowner and key stakeholders, to understand which areas of the site are affected; how their protection (if necessary) may affect any decision to allocate</p> | The estimated capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to address concerns about drainage, but will help to reduce the impact on local ecology. |

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| | | | | <p>the site for housing; or if the layout of any development can make reasonable adjustments to avoid any harm to any ecological interest on the site.</p> <p>Should development be considered feasible, the applicant will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing will have any significant or long-lasting harm for biodiversity in the area.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Flood Risk and Drainage | <p>The Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from rivers. The EA Flood Risk Map for Surface Water shows that small areas are at a low risk of surface water flooding. These linear areas form the headwaters for Edge End Brook, whose main channel flows across the site from east to west in a small culvert.</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site as a Reserve</p> | The estimated capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to address concerns about drainage. |

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| | | | | <p>Site for Housing (Policy LIV8).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Landscape Impact | <p>The site lies wholly within the settlement boundary. It is not within an area that is designated for its landscape value.</p> <p>Reflecting the topographical changes which are typical of the area, the site is prominent in a number of long distance views from the north and east. Few, if any, of these vantage points can be regarded as being of particular importance or significance.</p> <p>The landscape value of the site is not particularly significant, given that it is surrounded by urban development on all sides. It does however, form part of a wide break within the urban form, which distinguishes the boundary between the former urban district councils of Nelson and Brierfield. The most visible parts of the site are located to the south behind the housing on Kings Causeway, and these are not proposed for development in the Local Plan.</p> | The estimated capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to address concerns about drainage, but could help to reduce landscape impact. |

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| LIV8 | P105 | Halifax Road, Nelson | Environment - Loss of Garden Land | <p>Pendle Council is aware that the red-line boundary for the site includes land that some of the occupiers of terraced properties on Halifax Road lease from Lancashire County Council for use as garden land or for garaging. The red-line boundary corresponds with that shown on the site nomination form submitted by the County Council, to indicate the area of land that they consider to be available for development. Any lease arrangements for land within this boundary are a private matter between the leaseholder and the landowner. Clearly development cannot proceed until these lease arrangements have resolved.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Loss of Green Infrastructure and Amenity value | <p>Site P105 forms part of an extensive tract of undeveloped land within the urban area. It is crossed by a public right of way, which offers access to an area of informal greenspace, which is highly valued and well-used by the local community. The site has previously been used as grazing land for Clay Farm, and is not formally designated as open space (Open Space Audit, 2018), nor is it a formal part of the borough's grassland or green infrastructure network.</p> <p>The site is wholly within the settlement boundary. As such it is considered to offer a more suitable location for development than a similar site that sits outside the settlement boundary - i.e. within the open countryside. The estimated capacity of 125 dwellings is purposefully lower than might otherwise be accommodated on a site of this size. This is to afford the opportunity to retain areas of accessible open space within the site.</p> <p>Extensive elements of this extensive tract of undeveloped land to the south and east will not be allocated for development .As such a large expanse of greenfield land will be remain free from development. Accessibility to these areas would not be significantly reduced (although its topography is challenging)</p> | <p>The estimated capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to address concerns about drainage, but will help to reduce the loss of green infrastructure and amenity value.</p> |

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| | | | | and would continue to appear as a significant break in the urban form in distant views. | |
| LIV8 | P105 | Halifax Road, Nelson | Environment - Unstable land, unsuitable for development due to presence of former mine workings | The Council has sought the views of the Coal Authority as part of the consultation process. They confirm that they do not have any records of mine workings on this site and have raised no concerns about the site's development for housing. A thorough site investigation will be required as part of any planning application for development on this site. This study will examine existing ground conditions and identify any potential sources of contamination. The results will inform what ground works are required to safely accommodate housing on the site. In view of the comments received, advice will be sought as to whether the area to be covered by any site investigations should be expanded to include adjacent land to the south-west to help determine the potential for ground slippage on the steeper slopes. | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P105 | Halifax Road, Nelson | Highways - Access into the site | <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 125 dwellings is envisaged. The policy makes clear that the preferred vehicular access to the site is off Halifax Road.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>There are a number of potential access points. As noted above, the preference is for vehicular access to be off Halifax</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>Road. This can be achieved either by improving one of the four existing 'access roads', or acquiring land to the south-east, which is owned by Pendle Council. An alternative access off Edge End Avenue may be feasible. Points of access will be kept to a minimum to avoid creating potential traffic issues - i.e. a "rat run" between Halifax Road and Edge End Avenue; increased vehicular movements on Halifax Road at the junction with Waidshouse Road; or concerns about traffic capacity on Edge End Avenue.</p> <p>Given the scale of the development a separate emergency access will probably be required. This is likely to be taken from Edge End Avenue.</p> <p>The suitability of any vehicular access into the site will be assessed when a detailed planning application is submitted. Should any application for planning permission include a proposal for another point of entry - even if this will only serve as an emergency access or temporary access for construction vehicles - the local highway authority will once again be approached for comment. Development of the site will not be approved without an acceptable solution for vehicular access having been identified.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of the local shop on Hibson Road, and both primary and secondary schools. Nearby bus stops on Hibson Road, Halifax Road and Hill Place offer regular services to Nelson and Burnley. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>In the immediate vicinity of the site, Halifax Road is lightly trafficked. Many vehicles approaching from the south-east (Haggate) turn down Waidshouse Road. Speeding is acknowledged to be an issue, despite the presence of speed bumps and on-street parking. Any traffic matters that can be reasonably related to the development of the site for housing, could be made the subject of a Section 278 legal agreement, requiring the developer to finance the provision of additional traffic calming measures in the immediate vicinity of the site.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the</p> | |

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| | | | | <p>developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV8 | P105 | Halifax Road, Nelson | Highways - Loss of private parking | <p>The red-line boundary for the site is known to contain land, which has been rented by the landowner (Lancashire County Council) to adjoining residents, for use as domestic gardens and off-road parking. This is a private matter and not a material consideration for planning.</p> <p>The loss of off-road parking could increase the pressure for on-street parking on Halifax Road. To address this, the policy includes a requirement for any development proposals to include dedicated parking provision to replace some, or all, of the spaces that will be lost. The form of this provision and the number of spaces to be provided will be finalised following further discussions with Lancashire County Council (the landowner and local highway authority) and local residents. The aim of these discussions will be to reach a solution that improves, or at the very least does not adversely affect, the current position.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P105 | Halifax Road, Nelson | Highways - On-street parking | Halifax Road is sufficiently wide enough to accommodate two passing cars, with parked cars on the side of the road. But on-street parking can cause an obstruction when larger vehicles are involved. The scale of the proposed development is unlikely to make the existing situation significantly worse, and | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | both off-street and on-street parking on the development site may help to ease the current situation. | |
| LIV8 | P105 | Halifax Road, Nelson | Highways - Public Right of Way | <p>The site occupies an area of gently sloping semi-natural grassland and former farmland. It is situated in the north-west corner of an extensive tract of urban greenspace, which extends to over 15 hectares, and is surrounded on all sides by urban development.</p> <p>Site P105 is crossed by two public rights of way (PROW). Footpath 13-3-FP17, together with FP13-3-FP16, forms a route that connects Halifax Road to the north, with Kings Causeway to the south. Footpath 13-6-FP232 connects Halifax Road with Brier Crescent and Hibson Road to the east. A number of informal pathways connect these PROWs. Although the PROWs themselves are not well signposted, there are numerous access points and the area is well used by the local community.</p> <p>Whilst any development will be required to retain the PROWs, new housing would dominate the views from these routes. There can be no doubt that the amenity value currently offered by the development site would be lost. Furthermore the amenity value provided by the wider parcel of land would be severely compromised, because of the difficult topography and the fact that much of the remaining land is in private ownership.</p> <p>The best views out of the site, from the elevated portions of 13-3-FP17 towards Pendle Hill, would not be lost. And the open nature of the site will continue to be apparent, as the steep slopes behind Kings Causeway are the most prominent in distant views. In addition, the nearby sites at Quarry Hill Nature Reserve, to the north; Hard Platts and Parsons Clough, to the west; represent extensive areas of amenity greenspace</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | within the urban area. | |
| LIV8 | P105 | Halifax Road, Nelson | Housing - Lack of demand | It is normal for properties to be available within the housing market. People make life decisions to move home for a wide variety of reasons. Where a house has not sold within a relatively short period of time, the reasons are most likely to include the asking price, the condition of property, legal issues, and demand. The last point is highly influenced by the available supply of such properties. The development at Sheridan Road would help to address the local need for larger family homes, which are in relatively short supply locally. | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P105 | Halifax Road, Nelson | Sustainability - Adequacy of existing infrastructure and services | <p>No evidence has been provided to Pendle Council to indicate that existing services or infrastructure in the immediate vicinity of the site cannot accommodate the level of development that is proposed, or that in combination with other potential development sites in the area that cumulative impacts are a concern.</p> <p>Pendle Council has sought the views of the local utilities provider (United Utilities), the local Highway Authority (Lancashire County Council) and other key stakeholders to help assess whether development of the site for housing would impact on local infrastructure capacity. At this stage in the planning process, they have not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The site is located in an area where both primary and secondary schools are within walking distance. The local education authority (Lancashire County Council) has not indicated any concerns about the capacity of these schools, but discussions about how they can accommodate additional pupils will continue throughout the plan making and planning application process. If necessary a financial contribution to</p> | The estimated capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to address concerns about drainage, but will help to reduce the impact on local infrastructure and services. |

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| | | | | <p>improve local education facilities will be secured by attaching a condition to any planning approval.</p> <p>A range of shops and local services are available on Hibson Road and Hill Place. And local bus services offer frequent connections with the town centres in Brierfield, Nelson and neighbouring Burnley. If considered necessary, a financial contribution will be sought from the developer to improve walking, cycling and public transport infrastructure in close proximity to the site.</p> | |
| LIV8 | P238 | Gib Hill | Environment - Brownfield First | <p>Both national planning policy (NPPF, paragraph 17) and local planning policy (Core Strategy, strategic objective 1) demonstrate a strong preference for the use of previously developed (brownfield) land ahead of undeveloped greenfield sites, wherever possible. Brownfield development opportunities are not ignored in the draft Plan. In Policy LIV7 half of the 12 housing sites proposed for allocation were on brownfield land. These sites would deliver approximately 38% of all the new homes in the borough up to 2030.</p> <p>There are many benefits for securing the re-use of brownfield land, but it is not always the most appropriate location for certain types of development. Furthermore our evidence shows that across large parts of the Borough, the redevelopment of brownfield land is not economically viable. Additional funding must be secured to bring forward development in these circumstances and it is not always readily available.</p> <p>The Council must prepare a Local Plan that is considered to be deliverable over the plan period. The effectiveness of the plan is one of four 'tests of soundness' that the inspector conducting the independent examination of the Local Plan will consider. The Local Plan must identify a balanced portfolio of sites to ensure that the housing requirement can be delivered</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>However, the site has been transferred from the list of Housing Site Allocations (Policy LIV8) to the list of Reserve Sites for Housing (Policy LIV8).</p> <p>This change has been made to reflect concerns about the availability of the site for development in the short-term and the allocation of a sequentially preferable site, with a capacity of 30 dwellings, at Giles Street in Nelson (P257).</p> <p>The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is to</p> |

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| | | | | <p>in-full across the plan period; to take account of national planning policy requirements for the delivery of housing; to achieve a mix of housing types and tenures that meets the needs of all the people in our community; and to address locally specific circumstances. A Local Plan that allocates a high proportion of Brownfield sites, which cannot be regarded as deliverable in accordance with the definition in NPPF 2021, will not be found sound at Examination, because the evidence will show that a sufficient supply of land is unlikely to come forward where and when it is required. To be effective the Plan must recognise that some of the borough's development needs will need to be met on greenfield land, but particularly in areas where they represent the only viable option.</p> <p>To help ensure the delivery of the Government's housing target of 300,000 net new homes per annum across the country, the 2021 NPPF (paragraph 68) requires local planning authorities, such as Pendle Council, to maintain at least a five-year housing land supply (5YHLS). The sites that form part of the 5YHLS must be deliverable (i.e. available, suitable and achievable). Where a 5YHLS cannot be demonstrated, the 2021 NPPF makes clear that the housing policies in the Local Plan must be considered to be out-of-date. Paragraph 11(d) of the 2021 NPPF sets out how the presumption in favour of sustainable development should be applied where the relevant Local Plan policies are out of date. This is often referred to as the 'tilted balance' and means that sites, which are in a sustainable location, but are not allocated in a Local or Neighbourhood Plan, may come forward for development. The annual Housing Delivery Test also imposes penalties where insufficient new homes have been built to meet local housing need over a rolling three-year period. Again this is likely to allow sites not allocated in the Local Plan to come forward for development. Notwithstanding this, and noting</p> | <p>help protect ecological interest on the upper slopes of the site.</p> |

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| | | | | <p>the comments received during this public consultation, the Council will re-examine its portfolio of allocated sites to see whether further brownfield land could be allocated for development and/or the density of development on allocated sites could be increased. Whilst this review could potentially reduce the amount of greenfield land required for development, at a borough wide level, a requirement to develop on greenfield sites will remain.</p> <p>The Core Strategy directs the majority of new development to the M65 Corridor (Policy SDP2 and Policies SDP3-5 inclusive). This reflects the important social and economic role of this spatial area, both within the borough and across administrative boundaries. The M65 Corridor is home to approximately two thirds of the borough's population and the majority of higher order services and sources of employment are located here. Nelson is a first tier settlement within the M65 Corridor spatial area. Poor economic viability is a key constraint to regeneration in this part of the borough. Often, the redevelopment of brownfield land is not a commercial proposition without an injection of public funding, which is not readily available. The Council continues to explore ways to access suitable financial assistance to support development in this part of the borough.</p> <p>Viability concerns are particularly significant within Nelson and Brierfield. The Council must put forward a plan that is deliverable in order to meet the tests of soundness against which it is examined. This requires some of the borough's development needs to be met on viable greenfield sites. In Nelson and Brierfield the local geography and challenging topography mean that such sites are in limited supply. In edge of settlement locations there are concerns about coalescence with neighbouring towns (Colne and Burnley). The proximity of the South Pennines SPA to the east and the Green Belt</p> | |

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| | | | | <p>beyond the M65 motorway and Pendle Water to the west are barriers to development. Within the urban area, active industrial uses are often not compatible with residential development. Those opportunities that do exist are often on small sites where upfront development costs and limited economic returns reduce their commercial attractiveness. These issues mean that such sites are unlikely to be developed in the short to medium term and their allocation in the Pendle Local Plan Part 2 cannot be justified at this time.</p> <p>Site P238 Land at Gib Hill (Site B) has identified as a potential housing site because, despite the addition of Site P257 Land at Giles Street, Nelson (30 dwellings) to the list of site allocations in Policy LIV8, there are insufficient brownfield sites currently available to meet the housing needs of the town.</p> <p>Gib Hill represents one of most sustainable locations either within, or adjacent to, the settlement boundary for Nelson. The site itself was acquired a number of years ago, with the intention that it would provide future land for urban expansion - a new railway station at Bott House Lane was proposed to serve both the area of new housing and the new employment area at White Walls. It is accepted that the ecology on the upper parts of the site are worthy of protection. Development will be limited to those parcels of land on the lower slopes that the Ecological Impact Assessments currently being carried out identify as being of lesser ecological interest. It is also recognised that part of the site lies within Colne and that some of the nearby services (school places, employment and shopping opportunities) lie within that settlement. But, the breakdown of the housing requirement in Appendix 1, is set within the context of the broad distribution of housing set-out in Policy SDP3 of the Core Strategy, and the development at Gib Hill would help to</p> | |

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| | | | | meet housing needs in this part of the M65 Corridor. | |
| LIV8 | P238 | Gib Hill | Environment - Coalescence of Settlements | <p>The coalescence of Nelson and Colne has effectively occurred along the A56, with only the Boundary Playing Fields providing a noticeable visual break between the two settlements. Development at Gib Hill will not result in a significant erosion of the green gap that exists between Nelson and Colne to the south of the A56.</p> <p>The extent of any new housing at Gib Hill will be informed by the Impact Assessments for Heritage (HIA) and the Environment (EIA). Previous EIAs for the site (TEP, 2005 & 2018) indicated that the upper slopes, closest to the designated Biological Heritage Site, may themselves meet the guidelines for BHS designation. If the EIAs being conducted in 2021 (TEP and LWT) show that this is still the case, these areas will be designated under an appropriate environmental designation to help protect their ecological interest. Any development would then be restricted to the lower slopes, where new housing would adjoin the existing urban area and be well screened by existing woodland areas and new planting. Furthermore the green corridor, which is to be maintained beneath the high voltage electricity lines, will help to break-up the extent of the built form in distant views from the north.</p> <p>A Heritage Impact Assessment has highlighted the need to avoid harm to the setting of the Castercliffe Hill Fort to the east. This will ensure that any archaeological interest in the fields between Gib Hill and Knotts Lane remain undisturbed; helping to maintain the physical and visual separation between Nelson and Colne.</p> <p>In combination, physical constraints and viability issues have made the selection of housing sites, particularly in the M65 Corridor, difficult. But, given its high degree of accessibility</p> | <p>The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also help to reduce the perception of coalescence at this location.</p> |

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| | | | | and the extent to which coalescence has already occurred in the vicinity of the site, the impact of development at Gib Hill is considered to be less harmful than the alternatives. These would have required a departure from the overall spatial strategy (Policy SDP2); involved the loss of Green Belt land to the north and west (Policy ENV11); or encroach into open countryside to the south and the Impact Risk Zones for the South Pennines SSSI, including the SPA and SAC (Policy SDP9). | |
| LIV8 | P238 | Gib Hill | Environment - Ecology | Adjacent to the northern boundary is an area of land designated as a Biological Heritage Site (BHS). Independent ecological surveys commissioned by Pendle Council and carried out by TEP in 2005 and 2018 indicated that parts of the site may also merit designation as BHS. The site boundary, as shown reflects the area of land in Council ownership. It is much larger than necessary to deliver the number of new homes identified in the Local Plan. Those areas of the site to be made available for development will be determined by the results of further independent ecological surveys to be carried out by TEP and the Lancashire Wildlife Trust (LWT) in 2021. Should development be feasible, it is likely to be restricted to the lowest parts of the site adjacent to existing housing and education establishments. | The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is to help protect ecological interest on the upper slopes of the site. |
| LIV8 | P238 | Gib Hill | Environment - Flood Risk and Drainage | The Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from rivers. The EA Flood Risk Map for Surface Water shows that areas are at a low risk of surface water flooding. These linear areas form the headwaters for Swinden Clough, which enters a culvert in the north-west corner of the site. The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater, with the exception of a small area close to the entrance the Swinden | The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site. This change will also help to reduce the potential for increased flood risk. |

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| | | | | <p>Clough culvert in the north-west corner of the site.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | |
| LIV8 | P238 | Gib Hill | Environment - Landscape Impact | <p>The site occupies an urban fringe location. Whilst it is in the open countryside, it is not within an area that is designated for its landscape value.</p> <p>Reflecting the topographical changes which are typical of the area, the site is visible in distant views from the south. The most notable of these are the views from Barrowford Locks and Alkincoats Park, which are popular with both tourists and local residents.</p> <p>Because of the biodiversity interest to the south and east of</p> | <p>The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also help to reduce the impact that development will have on the</p> |

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| | | | | <p>the site, it is proposed to restrict development to the lower slopes close to existing school buildings. Restricting the number of new homes to approximately 100 new dwellings will mean that it will be viewed as a minor extension to the urban area rather than a significant intrusion into the open countryside. This will help to preserve the impression of a physical separation between Nelson and Colne. The opportunity to create green corridors within the site (e.g. beneath the high voltage electricity wires and along Swinden Clough) will further reduce the landscape effects of the development.</p> | landscape. |
| LIV8 | P238 | Gib Hill | Highways - Access into the site | <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 100 dwellings is envisaged. The policy does not identify a preferred vehicular access point.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>Given the scale of development it is likely that two access points will be required to serve the development. Several possibilities exist and further work will be undertaken to assess their suitability.</p> <p>The suitability of any vehicular access into the site - even if this will only serve as an emergency access or temporary access for construction vehicles - will be assessed when a detailed planning application is submitted. At this time the local</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | highway authority will once again be approached for comment. Development of the site will not be approved without an acceptable solution for vehicular access having been identified. | |
| LIV8 | P238 | Gib Hill | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of local shops, on Colne Road; primary and secondary schools; and major sources of employment (i.e. White Walls Industrial Estate, White Walls Retail Park and the Hallam Road Business District). Bus services on Colne Road offer a 20 minute frequency in peak hours connecting to nearby Colne and Nelson, and slightly further afield to Burnley and Skipton and Keighley. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The proposed capacity of the site (150 new dwellings) on its own is not sufficient to have a significant impact on the wider highway network. Pendle Vale College, Pendle Community School, SS John Fisher and St Thomas More RC College, Pendle Primary School and Castercliffe Primary Academy are all in close proximity to the site. The impact of additional traffic generated by development of the site and any potential conflict with pedestrians at these locations will be assessed and considered in detail at the planning application stage.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at</p> | <p>The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also help to reduce the impact that development will have on congestion both locally and on the wider highway network.</p> |

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| | | | | <p>the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport.</p> | |
| LIV8 | P238 | Gib Hill | Highways - Public Right of Way / Loss of Amenity | <p>The site is crossed by two principal public rights of way. Footpath 13-6-FP-124 runs north to south through the site, connecting with footpaths 13-6-FP180 and 13-4-FP-179 at its northern end. In contrast 13-6-FP-125 leaves 13-6-FP-124, taking a south-east to north-west route through the 'middle of</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> <p>However, the proposed</p> |

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| | | | | <p>the site' alongside the headwaters of Swinden Clough. In addition, a number of informal pathways connect these main arteries.</p> <p>Much of the amenity value offered by these key routes will be maintained if development proceeds. The biodiversity interest in the north and east of the site mean that 13-6-FP-124 will continue to remain in open countryside, whilst 13-6-FP-125 would be within the green corridor between Swinden Clough and the high voltage electricity powerline. Many of the informal pathways would also be unaffected by development, which will be restricted to pockets of land in the lower lying areas to the north and west of the site.</p> <p>A network of greenspace will be a key feature of any development in this location. A low density scheme will help to integrate this modest urban extension into the wider landscape; retain key views from well used public footpaths and minimise the impact of development in vistas from vantage points to the south.</p> <p>The precise boundaries for the development pockets will be informed by updates of the existing ecological survey, which have recently been commissioned; the prevailing ground conditions; landscape; and highway considerations. This evidence will ensure that those parts of the site, which offer the best levels of public amenity; the greatest value for biodiversity; and have the highest landscape sensitivity, are protected from development and where possible enhanced through biodiversity net gain measures at both Gib Hill and other development sites in the area.</p> | <p>capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also help to retain larger areas of amenity green space within the site.</p> |
| LIV8 | P238 | Gib Hill | Historic Environment | The site is not situated within, or adjacent to, a conservation area and there are no listed buildings in the immediate vicinity. | No changes to the Local Plan, or its evidence base, are proposed to address the issue |

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| | | | | <p>To the east (OS grid reference: SD 88480 38390) is Castercliff hillfort, an Iron-Age contour and multivallate fort. The fort and its defensive ramparts cover a large area. Archaeological excavations of the hillfort were carried out in 1958-60 and again in 1970-71. Carbon-14 dating of the charcoal remains of the timber ramparts produced dates of 510-70 BC. A number of flints and Roman coins have been found in the vicinity particularly along the sunken lane, a Medieval trackway that that traverses the eastern side of the fort and descends into the valley below.</p> <p>The area close to the fort is pock-marked by numerous bell pits, evidence that coal was being extracted from the ground here as far back as the 16th-17th centuries. Some of these circular depressions have become ponds with an array of insect and amphibian life during the summer months.</p> <p>Given the distance of the hillfort from the proposed development site, and the absence of historical finds of note on the site, it is not anticipated that housing development at Gib Hill will cause any harm to the historic environment or disturb any historic or archaeological interests. However, Historic England has recommended that an archaeological survey should be carried out ahead of any development taking place at Gib Hill.</p> | <p>raised.</p> <p>However, the proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also provide further opportunity to reduce the potential for harm to the historic environment.</p> |
| LIV8 | P238 | Gib Hill | Other - Site is partially in Colne | <p>Whilst the administrative boundary passes through the site, any development at this location would maintain the physical separation between the two towns. Vehicular access will be from the south, strengthening the links with Nelson. As a result the new housing provided will primarily meet the housing needs of Nelson, a town where there is a particular shortage of potential sites that meet the NPPF requirement to be available, suitable and deliverable. Strategic planning policy, as reflected in the housing distribution (Appendix 1),</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

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| | | | | <p>does not differentiate between individual settlements in the M65 Corridor (Brierfield, Nelson, Barrowford and Colne). The allocations for individual settlements are provided in response to the requirement in paragraph 66 of the NPPF to provide housing requirement figures for neighbourhood areas and are indicative rather than minimum or maximum figures. The allocation of this site against the housing requirement for Nelson is both appropriate and does not conflict with the strategic approach taken to development in adopted policy, as it will help to meet unmet housing need in the M65 Corridor spatial area.</p> | |
| LIV8 | P238 | Gib Hill | <p>Sustainability - Adequacy of existing infrastructure and services</p> | <p>No evidence has been provided to Pendle Council to indicate that existing services or infrastructure in the immediate vicinity of the site cannot accommodate the level of development that is proposed, or that in combination with other potential development sites in the area that cumulative impacts are a concern.</p> <p>Pendle Council has sought the views of the local utilities provider (United Utilities), the local Highway Authority (Lancashire County Council) and other key stakeholders to help assess whether development of the site for housing would impact on local infrastructure capacity. At this stage in the planning process, they have not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>The site is located in an area where both primary and secondary schools are within walking distance. The local education authority (Lancashire County Council) has not indicated any concerns about the capacity of these schools, but discussions about how they can accommodate additional pupils will continue throughout the plan making and planning application process. If necessary a financial contribution to</p> | <p>The proposed capacity of the site has been reduced from 100 to 75 dwellings. This is primarily to help protect ecological interest on the upper slopes of the site.</p> <p>This change will also reduce the impact that development of the site will have on local infrastructure and services.</p> |

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| | | | | <p>improve local education facilities will be secured by attaching a condition to any planning approval.</p> <p>A range of shops and local services are available on Leeds Road. The White Walls Industrial Estate and Retail Park are also nearby. Bus services on the A56 (Leeds Road) offer frequent connections with the town centres in Colne, Nelson and Burnley. If considered necessary, a financial contribution will be sought from the developer to improve walking, cycling and public transport infrastructure in close proximity to the site. The Council does not agree that the site does not represent a sustainable location for development in accessibility terms.</p> <p>The evidence clearly demonstrates that the site can be considered to represent a sustainable location for new housing development.</p> | |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Environment - Brownfield First | <p>Reserve Housing Sites are needed because the development strategy for housing is heavily reliant on sites that already have planning permission coming forward. Many of these existing commitments are on brownfield sites, which evidence in our Local Plan Viability Assessment (2020) shows to be unviable. As is likely that not all of these sites will be developed, the Local Plan must provide some flexibility to ensure that our housing needs can be met in full during the plan period. This flexibility is achieved through the allocation of Reserve Housing Sites. Development at these locations will only be permitted under specific circumstances. They provide a source of supply which can come forward before the Council is required, by national planning policy, to implement a presumption in favour of sustainable development, which makes speculative applications for development on unplanned parcels of land more likely to be successful.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| LIV8 | P263/P265 | Stoney Bank Road, Earby | Environment - Climate Change (Development would be contrary to the Council's declaration of a Climate Emergency) | <p>A key purpose of the Local Plan Part 2 is to introduce policies that represent a positive response to the Council's declaration of a Climate Emergency in 2019.</p> <p>If adopted, all new development in Pendle will be required to address these new policy requirements, which cover a wide range of issues such as the use of low-carbon solutions in the design and form of new developments (Policies ENV19 and 27); promote a reduction in the need to travel by car, particularly on short journeys (Policies SDP 2-8, ENV7 and ENV24); require the introduction of EV charging points in new homes and public car parks (Policies ENV19 and ENV25); reduce the risk of flooding from all sources and address the need to manage surface water runoff (Policies ENV7 and ENV19); protect green spaces and increase the provision of green infrastructure (Policies ENV12-14) and require a net gain or biodiversity (Policies ENV3, ENV12-16).</p> <p>Together with enhanced energy efficiency and carbon reduction requirements being introduced by the Government through the Building Regulations, these initiatives will mean that new developments will be much more sustainable than those permitted through our currently adopted policies..</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Environment - Ecology | <p>The site is adjacent to the settlement boundary, with open countryside to the north and east.</p> <p>The site is not designated an ecological site, nor is it in close proximity to such as site. Records do not reveal the presence of protected species or habitats on the site. Land alongside Earby Beck, which runs along part of the northern boundary will hold some value for wildlife. The Council has consulted a wide range of stakeholders concerned with the protection of local wildlife, including Natural England and the Lancashire Wildlife Trust. These bodies have not raised concerns about</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>the effects that housing development at this site would have on local biodiversity. The Council's Principal Environment Officer has also raised no objections to the plan proposals, Applicants seeking planning permission will be required to submit an assessment of habitats and wildlife on the site as part of any planning application. In consultation with the statutory bodies, this information will be used to confirm the suitability of the site for the proposed development. It will also highlight any parts of the site, which may need to be kept free from development or protected during the construction phase. The estimated capacity of the site is lower than might otherwise be expected. This is in recognition of the need for the layout of any proposed development to address potential impacts on ecology and the historic environment along the northern boundary.</p> <p>The emerging Environmental Bill, as implemented by Policy ENV13, requires all new developments to achieve a net gain for biodiversity. Overall, based on the available evidence and feedback from key stakeholders, it is not considered that the development of the site for housing will have any significant or long-lasting harm for biodiversity in the area.</p> | |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Environment - Flood Risk and Drainage | <p>Wider concerns about flooding and drainage in Earby are acknowledged. Flood risk is accepted as being a significant constraint to development in the town and renders large areas of land as unsuitable for certain forms of development.</p> <p>There is no watercourse within the site boundary and the Environment Agency (EA) Flood Risk Map for Planning shows that the site is not at risk of flooding from Earby Beck to the north. The EA Flood Risk Map for Surface Water shows that a small area within the site and another on the eastern margin are at low risk from surface water flooding.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>The Council's Strategic Flood Risk Assessment (SFRA) (2021) does not indicate that the site is subject to a high risk of flooding from rivers, surface water, or groundwater.</p> <p>The available evidence does not highlight any significant constraints to development arising from flood risk. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, in-principle, to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The site is in close proximity to Earby Beck and surface water flow from the site will discharge into this watercourse. Any drainage discharge into Earby Beck will need to be carefully managed and will require detailed scrutiny through the planning application process and the design, construction and post occupation stages of development. Surface water and sewerage schemes will be agreed with the LLFA and utility provider (Yorkshire Water).</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be is agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | |

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| LIV8 | P263/P265 | Stoney Bank Road, Earby | Environment - Public Right of Way | <p>Two public rights of way (PROW) border the site.</p> <p>To the south the route of Mill Lane (13-5-FP 26) will not be affected by development of the site. The route connects two areas of Earby. At each end the route is influenced by urban development. Between these end points the route has a rural character, but distant views are limited. For much of its length views in all directions are severely restricted by the dense hedgerows and trees that border the footpath. A low density of development and the requirement for a landscape buffer will help to maintain a degree of openness close to the footpath, after development is completed. This will mean that the impact on views to the north-west should be limited.</p> <p>A further public right of way (13-5-FP 27) follows the line of the current settlement boundary between Stoney Bank Road and Red Lion Street to the north and west. This route is highly influenced by its urban surroundings with panel fencing along much of its western edge. Development of the site will result in the loss of views out into the open countryside, but will also provide an opportunity to upgrade the existing footpath in terms of both quality and safety.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Highways - Access into the site | <p>A 'ransom strip' is understood to exist at the end of Reveal Close. Pendle Council has not been made aware of any other potential access constraints affecting the site.</p> <p>It is the principle of housing development at this location that is being established through the proposed allocation of the site in the Local Plan. A detailed site layout is not available at this early stage, but a capacity of no more than 100 dwellings is envisaged. The policy makes clear that the proposed vehicular access point for the site is off Stoney Bank Road, where there is an existing field access. At this time no</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>vehicular access, or egress, is proposed off Reveal Close.</p> <p>On this basis, Pendle Council has sought the views of the local highway authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Housing (Policy LIV7).</p> <p>Given the scale of the development a separate emergency access is likely to be required.</p> <p>The suitability of any vehicular access into the site will be assessed when a detailed planning application is submitted. Should any application for planning permission include a proposal for another point of entry - even if this will only serve as an emergency access or temporary access for construction vehicles - the local highway authority will once again be approached for comment. Development of the site will not be approved without an acceptable solution for vehicular access having been identified.</p> | |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of local services and facilities in the centre of Earby, which has good public transport connections and sources of employment. This proximity helps to reduce the need for residents to make regular journeys by car, and is in accordance with both the National Planning Policy Framework (NPPF) and Pendle Core Strategy Policy ENV4 Promoting Sustainable Travel.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for housing would impact on highway capacity and safety. At this stage in the planning process, the</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

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| | | | | <p>County Council has not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The proposed capacity of the site (48 new dwellings) on its own is not sufficient to have a significant impact on the wider highway network. However, the cumulative effect of development on nearby sites, which would increase traffic movements at the junction of Bailey Street and Stoney Bank Road (i.e. P044 Bailey Street, P045 Aspen Grove and Spring Mill (Windfall Site)), will require further traffic modelling, as will the impact on the junctions of School Lane, Victoria Road and Alison Road with the A56.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel</p> | |

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| | | | | a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport. | |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Historic Environment - Archaeological Significance | <p>The proposed capacity of the site acknowledges the potential for harm to the setting and character of the Earby Conservation Area. Discussions with Historic England have also raised this point as an area of concern.</p> <p>The layout, scale, form and appearance of the development should respect the qualities of the Conservation Area and sections 4 and 5 of the policy relating to this site state that:</p> <p>(4) New dwellings should be of a high quality, and respond to the character, form and scale of existing dwellings located within the Conservation Area, surrounding residential development, and consistent with the edge-of-settlement location of the site.</p> <p>(5) A Design Code will be required as part of the first planning application relating to the site's development, which will establish design parameters for land-use, layout and development parcels, scale, form and appearance of the development.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Reasonable Alternatives - Spring Mill (site not assessed) | <p>The sites assessed during the preparation of the Local Plan were identified in a number of ways.</p> <p>(1) A desk-bound study identified potential development sites within or adjacent to, existing settlements. Sources of information included (a) aerial photographs, to identify vacant land (b) estate agency websites, to identify land for sale (c)</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|-----------|--------------|--|---|
| | | | | <p>previous planning applications, to identify sites where there has previously been developer interest. Not all sites were suitable, but where appropriate a land registry search was carried out to identify the landowners. The landowners were then contacted by the Council to see if they were willing to release their land for development. Where a positive response was received the site was added to the Council's Strategic Housing Land Availability Assessment (SHLAA). This database also includes all sites with a valid planning permission for housing.</p> <p>(2) A 'Call for Sites' was formally publicised by the Council on three occasions. This exercise encouraged landowners to identify sites that could potentially be made available for housing, employment or other forms of development before the end of the plan period in 2030.</p> <p>(3) Site nominations submitted to the Council on an ad hoc basis by landowners, developers or their agents.</p> <p>Spring Mill falls into the third category. The premises were operational when the first draft of the Local Plan was prepared, so the site was not identified, submitted or assessed as a potential site allocation. The site has subsequently become available and will be assessed for its suitability as a potential housing site. If selected for allocation it may remove the need to allocate one or more sites elsewhere within the West Craven Towns spatial area.</p> <p>Stoney Bank Road is allocated as a Reserve Housing Site. The development of these sites will only be considered where specific shortfalls in either housing land supply or the delivery of new homes are identified through annual monitoring.</p> <p>Should the Council fail the annual Housing Delivery Test' or fail to identify a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing against its</p> | |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|-----------|---------------------------|---|---|---|
| | | | | <p>housing requirement (Policy LIV6), its policies on housing are considered to be out-of-date, in accordance with paragraph 11(d) of the National Planning Policy Framework 2021 (NPPF). In these circumstances the NPPF requires the Council to approve applications for housing development unless they are in a protected area (as defined by the NPPF), or the harm caused significantly outweighs its benefits. This is commonly referred to as the 'tilted balance'. The Reserve Housing Sites represent a planned response to this situation, should it arise. Their ease of deliverability is a key attribute, as they must deliver housing quickly to reduce the potential need for the Council to approve unplanned speculative development.</p> | |
| LIV8 | P263/P265 | Stoney Bank Road, Earby | Sustainability - Adequacy of existing infrastructure and services | <p>No evidence has been provided to Pendle Council to indicate that existing services or infrastructure in Earby cannot accommodate the level of development that is proposed at this site, or that in combination with other potential development sites in the area that cumulative impacts are a concern.</p> <p>Pendle Council has sought the views of the local utilities provider (Yorkshire Water), the local Highway Authority (Lancashire County Council) and other key stakeholders to help assess whether development of the site for housing would impact on local infrastructure capacity. At this stage in the planning process, they have not raised an in-principle objection to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| WRK7 | P013 | West Craven Business Park | Environment - Flood Risk and Drainage | <p>Wider concerns about flooding and drainage in Earby are acknowledged. Flood risk is accepted as being a significant constraint to development in the town and renders large areas of land as unsuitable for certain forms of development.</p> <p>The Environment Agency (EA) Flood Risk Map for Planning</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|-----------|--------------|---|---|
| | | | | <p>shows that the eastern margins of the site are at risk of flooding from Earby Beck. This part of the site lying to the east of Public Right of Way 13-5-BW-34 will not form part of the developable area. The EA Flood Risk Map for Surface Water shows two areas that are at risk from surface water flooding. These are associated with the route of an intermittent stream and the points where it sinks (in the south west corner of the site) and issues (in the centre of the site).</p> <p>The Council's Strategic Flood Risk Assessment (SFRA) (20) shows that parts of the site are subject to a high risk of flooding from rivers and surface water. The developable areas will be informed by the findings of the Level 2 SFRA.</p> <p>A foul sewer, pumped from Thornton-in-Craven, passes through the eastern margins of the site. This has surcharged across the bridleway on occasions. Investigations are taking place, but the reason are unknown at this time.</p> <p>The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) (Lancashire County Council) have not objected, in-principle, to the proposed allocation of the site as a Reserve Site for Housing (Policy LIV8).</p> <p>The available evidence highlights that drainage and flood risk are a constraint to development of the site and will need to be addressed in the layout and design. However, they do not act as a barrier to the site's development; a view that is shared by the LLFA.</p> <p>The inclusion of open space and use of sustainable drainage systems within the development will address the on-site management of surface water flood risk and prevent the increased risk of flooding in off-site locations.</p> <p>Water management policies in the Pendle Local Plan (Policy ENV4) and those of the LLFA require developers to implement</p> | |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|---------------------------|---|---|---|
| | | | | <p>Sustainable Drainage Systems (SuDS) to ensure that the development of the site does not increase flood risk for future occupiers of the homes on the site, or those in nearby properties. The drainage measures put in place will increase storage capacity and reduce the surface water flow rate during rainfall events. These measures must achieve a post development run off rate to be agreed with the LLFA. The agreed figure will not exceed the peak greenfield run off rate for the undeveloped site. The measures put in place by the developer will cater for a 1 in 100 year extreme weather event +30% to account for climate change. The policy requirements for managing both fluvial and surface water, mean that development of the site should reduce the risk of flooding.</p> | |
| WRK7 | P013 | West Craven Business Park | Environment - Green Belt | <p>The terms greenfield land and Green Belt land are not interchangeable. The former is used to describe land that has the appearance of never having been developed. In contrast Green Belt is a national planning policy designation (see NPPF Chapter 13), which seeks to manage growth. Whilst the popular image of the Green Belt is rolling green fields, it can include areas of previously developed land (often referred to as PDL or Brownfield Land) and can cover whole villages (e.g. Winewall near Colne).</p> <p>Site P013 is not situated within an area designated as Green Belt. In Pendle the Green Belt designation is used to prevent neighbouring towns in the M65 Corridor from merging into one another. There are no areas of Green Belt in West Craven.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| WRK7 | P013 | West Craven Business Park | Highways - Congestion, safety and adequacy of the wider highway network | <p>The site assessment shows that the site is within walking distance of the homes and facilities in the nearby village of Earby (600m). A direct connection is available along bridleway (13-5-BW 34). Bus stops on the A56 are located at School Lane, Earby and Thornton-in-Craven. Despite this level of</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|-----------|--------------|--|---|
| | | | | <p>connectivity the majority of journeys will be by car.</p> <p>Pendle Council has sought the views of the local Highway Authority (Lancashire County Council) to help assess whether development of the site for B2/B8 employment would impact on highway capacity and safety. At this stage in the planning process, the County Council has not raised an in-principle objection to the proposed allocation of the site for Employment (Policy WRK7) and its continued protection for this use (Policy WRK8).</p> <p>The development of this site on its own is not sufficient to have a significant impact on the wider highway network... The existing West Craven Business Park, to which the site will be linked, has a dedicated access onto the A56. However, the cumulative effect of housing development on sites in nearby Earby, which would increase traffic movements on the A56 will require further traffic modelling.</p> <p>Should the site be allocated in the Pendle Local Plan Part 2, at the application stage the Council will require the developer to submit a Transport Assessment. This will consider the likely effects that additional housing provision will have on the wider highway network, including important junctions. The assessment will look at current levels of usage; the impact of additional housing at this location; the potential for cumulative effects with other developments (i.e. those under construction, those with a valid planning permission; and other allocations in the Local Plan). The amount of car movements likely to be generated will be influenced by the number and size of homes to be provided. The methodology and results of this assessment will be examined by both the Council and the County Council in its role as the local highway authority. The assessment will fulfil a key role in determining whether any issues identified within the local highway</p> | |

| Policy | Site Ref | Site Name | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------|----------|-----------|--------------|--|---|
| | | | | <p>network, which would prevent development from proceeding, can be overcome through improvements funded by the developer through a s106 agreement.</p> <p>In accordance with Policy ENV4 Promoting Sustainable Travel a travel assessment must accompany any planning application, to highlight any potential impacts of the development on the existing highway network. Where necessary a planning condition will require the developer to prepare a Travel Plan for the site. This will set out the measures to be taken in the design and, if appropriate, following completion of the development, to reduce car usage and encourage travel by other modes of transport. In addition, Policy ENV24 Walking and Cycling encourages non-residential developments to provide greater opportunities for walking and cycling by linking to the existing footpath, bridleway and cycle way networks and providing secure cycle parking and storage facilities.</p> | |

Table 3.3: Summary of key issues raised about sites not allocated in the Local Plan – the ‘reasonable alternatives’

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|---------------------------|--|---|--|
| <p>Pendle-wide</p> | <p>Site should not be identified as a reasonable alternative / omission site</p> | <p>When the first draft of the Local Plan was made available for public consultation earlier this year the Council had also concluded that the sites identified as ‘reasonable alternatives’ were not those best suited to meet the borough’s development needs up to 2030. As such they were not identified as site allocations in the Local Plan.</p> <p>The Council is required to assess all the sites that are put forward for consideration as potential site allocations. Over 300 sites were subject to a robust and balanced site selection process in accordance with an agreed methodology, which had previously been consulted upon. Sites were initially screened out if:</p> <ol style="list-style-type: none"> 1. Development was already in progress, or complete 2. The site already benefitted from planning permission 3. The site was below the 0.4 ha threshold for allocation 4. The landowner had advised that the site was no longer available for development 5. The site was not deliverable before the end of the plan period (i.e. 2030) 6. The site had significant topographical constraints (i.e. steep slopes over the majority of the site) 7. Development of the site would have a significant adverse impact on a European Site or Site of Special Scientific Interest 8. A housing site was substantially within Flood Zone 3 <p>Those sites, which were not screened-out, were then assessed against over 60 criteria to help determine their availability, suitability and achievability – the criteria the Government require local planning authorities to consider to determine the deliverability of a site. Those sites not screened-out at this detailed second stage were also subject to detailed sustainability appraisal. The results of the site assessment scoring and sustainability appraisal report are both available to view on the Council’s website.</p> <p>The Local Plan seeks to deliver a sustainable pattern of development across the borough, in accordance with the adopted spatial strategy in the Core Strategy. As such high scoring sites in an area where development is not needed are not allocated in the Plan, whilst those with lower scores in locations where development is needed, may be allocated in the Plan. The sites allocated for housing are identified in Policy LIV7.</p> | <p>No changes to the Local Plan, or its evidence base, are proposed to address the issue raised.</p> |

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------------------|---------------------------------|---|--|
| | | <p>The Council must also plan flexibly ensure that the borough's development needs can be met in full before the end of the plan period. Should existing commitments (i.e. sites with planning permission) fail to come forward as expected, additional sites may be required. These Reserve Housing Sites are identified in Policy LIV8</p> <p>In line with the Government's own terminology, the sites 'left over' after this thorough site selection process are considered to represent 'reasonable alternatives' to the site allocations in the draft Local Plan.</p> <p>To help promote transparency in the plan-making process, and in line with Government guidance, the list of 'reasonable alternatives' was made available as part of the public consultation on the draft Local Plan. This allowed landowners, local residents or other interested parties to put forward an argument that one or more of these sites could form part of an alternative strategy that the Council should pursue through the Local Plan, should they wish to do so. The 'reasonable alternatives' also represented a 'reserve list' from which the Council would identify alternative sites, should any of the proposed allocations in the draft Local Plan need to be replaced, prior to Publication of the final draft (see Table 3.4)</p> | |
| Pendle-wide | Omission site is not supported. | <p>When the first draft of the Local Plan was made available for public consultation earlier this year the Council had concluded that the sites identified as 'reasonable alternatives' were not best suited to meet the borough's development needs up to 2030. As such they were not identified as site allocations in the Local Plan.</p> <p>However, landowners, developers, local residents etc. may have had a different opinion to that of the Council and may have wanted to request that one or more of these sites forms part of an alternative strategy that the Council should adopt.</p> <p>The intention is that sites not allocated in the Local Plan will retain their current planning policy designations and that any development proposals submitted before the end of the plan period will be resisted in accordance with adopted planning policies; an important consideration being the Housing Site Allocations in Policy LIV7.</p> <p>The sites allocated in Policy LIV7 provide sufficient land to meet the borough's residual development needs for housing, as identified in Core Strategy, which was adopted in December 2015. These allocations provide the local community and developers with certainty on how and where the borough's development needs will be met up to 2030.</p> <p>If adopted, the Local Plan Part 2 will replace Policy LIV1 in the Core Strategy, reducing the</p> | Thee need to replace some of the original site allocations in Policy LIV7, some of the sites identified as reasonable alternatives are now identified as site allocations in the Local Plan (see Table 3.4). |

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|--------------------|---|--|---|
| | | borough's housing requirement from 298 dwellings per annum (dpa) to 240dpa. In addition, the existing policy support for development on sustainable sites that are outside, but well related to, existing settlement boundaries will be removed from the Local Plan. | |
| Pendle-wide | Comments about other material planning considerations | <p>The sites identified as 'reasonable alternatives' did not feature in the draft Local Plan, as they were not Council's proposals for future growth and development up to 2030.</p> <p>Any speculative applications for development on these sites, will continue to be assessed in accordance with policies in the most recently adopted Local Plan. The infrastructure requirements associated with these proposals will be assessed during the application process. The impact that the proposed development may have on issues such as landscape, biodiversity, flooding etc. will be considered in collaboration with the relevant statutory consultee (e.g. Environment Agency, Historic England etc.).</p> <p>Planning applications submitted prior to the adoption of the Pendle Local Plan Part 2 are unlikely to be refused on the grounds of prematurity.</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |
| Fence | Sites should not be released from the Green Belt | <p>The draft Local Plan Part 2, consulted upon earlier this year, did not propose to allocate any sites for development outside the settlement boundary for Fence. This position has not changed in the revised draft of the Local Plan Part 2 that is currently being consulted upon ["the Publication draft"].</p> <p>No change is proposed to the Green Belt status of land surrounding the settlement of Fence. This acknowledges the significant protection afforded to land in the Green Belt, as outlined in the National Planning Policy Framework.</p> <p>Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Whilst a review of the Local Plan is the appropriate vehicle to review and, where appropriate, recommend changes to the extent of the Green Belt, the Council believes that the "exceptional circumstances" required in national planning policy to justify the removal of land from the Green Belt, in order to allocate it for housing, do not exist at this location.</p> <p>Policy SDP3 in the Core Strategy is silent on the level of housing need on a settlement-by-settlement basis. The figures in Appendix 2 of the Publication draft Local Plan Part 2, help to provide a guide for local development needs, to aid neighbourhood planning. They confirm a residual housing need of 26 dwellings for Fence.</p> <p>This requirement is not considered to be significant enough to justify the removal of land</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|----------------|--|--|---|
| | | <p>from the Green Belt.</p> <p>Whilst Green Belt boundaries are tightly drawn against the settlement boundary, the Green Belt has not prevented development opportunities coming forward, with 38 completions recorded within the village.</p> <p>Although primarily meeting the housing needs of the M65 Corridor, the strategic housing site at Trough Laithe, which will deliver up to 500 dwellings is relatively close to the village and is capable of contributing to addressing the small residual housing need for Fence, including the provision of affordable homes. Development of the strategic site has recently commenced, with the first completions anticipated during the 2021/22 monitoring year.</p> <p>It is also worth noting that since the Core Strategy was examined and adopted, the National Planning Policy Framework (NPPF) has been subject to revision with the 2021 NPPF now forming the most up-to-date version. Paragraph 141 states that before taking a decision to release land from the Green Belt all other reasonable options for meeting any identified need should be explored. This includes reviewing the potential of brownfield sites and under-used land; reviewing the density of development sites; and the ability of neighbouring areas to accommodate some or all of this need. Paragraph 142 emphasises the need to promote sustainable patterns of development through plan-making by channelling development towards locations beyond the outer Green Belt boundary, where appropriate to do so.</p> <p>In Pendle there are extensive areas of undeveloped land outside the Green Belt and some of this is in close proximity to Fence. Taking account of this potential supply and the absence of any strategic need to accommodate housing growth in Fence, the Council does not consider that there is sufficient justification to release land from the Green Belt to meet its development needs.</p> | |
| Higham | Land to the west of the village should be designated as Green Belt | <p>The draft Local Plan Part 2, consulted upon earlier this year, did not propose to allocate any additional Green Belt land in the borough. This position has not changed in the revised draft of the Local Plan Part 2 that is currently being consulted upon [“the Publication draft”].</p> <p>Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Whilst a review of the Local Plan is the appropriate vehicle to review and, where appropriate, recommend changes to the extent of the Green Belt, the Council believes that the “exceptional circumstances” required in</p> | No changes to the Local Plan, or its evidence base, are proposed to address the issue raised. |

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|----------------------------------|----------------------------|---|---|
| | | <p>national planning policy to justify the inclusion of additional land within the Green Belt do not exist at this location.</p> <p>The land in question was previously within Burnley, and the Green Belt boundary at this location was established in Burnley District Local Plan First Review (1991). This Plan selected the line of the A6068 as the extent of the Green Belt required prevent Higham being affected by urban sprawl from settlements in the M65 Corridor to the south.</p> <p>In Pendle the Local Plan, adopted in 1999, included land between the A6068 and the boundary of the Forest of Bowland AONB within the Green Belt. It is understood that this was a politically motivated decision. The AONB boundary is not clearly discernible and in planning terms the A6068 offers a boundary that is clear being a physical feature that is readily recognisable and likely to be permanent, as required by paragraph 142 of the 2021 NPPF.</p> <p>Whilst the Council's Green Belt Assessment (2019) acknowledges that the land to the west of Higham addresses some of the purposes for including land within the Green Belt, as set out in paragraph 138 of the 20121 NPPF, it does not significantly address the stated purpose of the Lancashire Green Belt, which is to restrict the sprawl of large built up areas. The existing Green Belt boundary, along the south of the A6068, is sufficient to address this purpose. There is currently no development pressure, likely to lead to urban sprawl, arising from Padiham to the west.</p> <p>Given the available evidence the Council does not believe that, at this time, there is sufficient justification to include land to the west of Higham within the Green Belt. As such no change is proposed to the current status of land surrounding the settlement of Higham.</p> | |
| Colne, Kelbrook and Sough | Link to Neighbourhood Plan | <p>The Local Plan Part 2 fulfils the same role as a Neighbourhood Plan, with both setting detailed planning policy and, if necessary, allocating sites to meet future development needs.</p> <p>Where an adopted Neighbourhood Plan allocates sufficient land to meet the development needs established through strategic planning policy, there is no requirement for the Local Plan Part 2 to allocate sites within that designated neighbourhood area.</p> <p>An example of this can be seen locally with the Trawden Forest Neighbourhood Plan. This Plan allocates sufficient land to meet the needs of the parish up to 2030. As a result the Local Plan Part 2 does not allocate any development sites within the area administered by</p> | Not appropriate |

| Areas affected | Issue raised | Officer response | Changes to the Plan and/or supporting documents |
|----------------|--------------|---|---|
| | | <p>Trawden Forest Parish council.</p> <p>The same is also true where a Neighbourhood Plan establishes policy requirements, which are consistent with national planning policy, as required by the Basic Conditions test. In these circumstances, there is no need for the Local Plan to replicate these policies. Only where a Neighbourhood Plan is silent, or its policies are considered to be out-of-date, will the decision making process give greater weight to the policies in the Local Plan Part 2.</p> | |

Table 3.4: Sites removed following consultation on the first draft of Pendle Local Plan Part 2

Note: Ordered by Policy and Site Reference.

| Policy | Site Ref | Site Name | Reason for removal | Replacement (Table 3.5) |
|--------|----------|---|--|-------------------------|
| LIV7 | P045 | Aspen Grove, Earby | Pendle Council resolved to remove the site from its disposal list. Site no longer available for development. | P055, P237 and P310 |
| LIV7 | P064 | Brook Shed, Earby | New flood risk modelling for the Aire Catchment published by the Environment Agency suggests that the net developable area would no longer be sufficient to make housing development economically viable at this location. | P055, P237 and P310 |
| LIV7 | P110 | Hollin Hall, Blacko | <p>Data for the 2020/21 monitoring year indicates that completions, in combination with an increase in existing commitments, is likely to meet the indicative housing requirement for this village.</p> <p>In light of the Appeal Decision, relating to an earlier planning application at this location, and the lack of a suitable or sustainable alternative within, or adjacent to, the settlement boundary for Blacko, the decision was taken that the capacity of sites in nearby Barrowford would be sufficient meet the residual need for this linear village.</p> | None |
| LIV7 | P244 | Former James Nelson Sports Ground, Nelson | Site granted planning permission for the construction of 114 new homes. Development has commenced on-site. | None |

| Policy | Site Ref | Site Name | Reason for removal | Replacement (Table 3.5) |
|--------|----------|-----------------------|--|-------------------------|
| LIV7 | P282 | Church Lane, Kelbrook | The agent representing the landowner advised Pendle Council that the site was no longer available for development. | P068 |
| LIV8 | P005 | Castle Road, Colne | Replaced by a preferable and more sustainable site which has become available in the latter stages of plan making. | P067 |

Table 3.5: Additional / replacement sites allocated in the Publication version of Pendle Local Plan Part 2

Note: Ordered by Policy and Site Reference.

| Policy | Site Ref | Site Name | Rationale for inclusion | Replaces (Table 3.4) |
|--------|----------|---|--|----------------------|
| LIV7 | P014 | Land south of Woodclough Platts, Brierfield | Application previously formed a commitment however this lapsed when the reserved matters application was refused on design grounds (now at Appeal). No alternative site identified which would make a more suitable location to meet the needs provided at the site. Area 2.10 hectares / Estimated capacity: 48 dwellings | Lapsed commitment |
| LIV7 | P055 | Land at Foster Road, Barnoldswick | Elevated from the list of Reserve Housing Sites (Policy LIV8) to compensate for the removal of sites P045 Aspen Grove and P064 Brook Shed in Earby. As no further sites, considered to be suitable for development are available in Earby at this time, replacement provision has been identified in Barnoldswick, which forms part of the same spatial area – West Craven Towns. Area 2.13 hectares / Estimated capacity: 64 dwellings | P045 and P064 |
| LIV7 | P067 | Land south of Colne Water, Cotton Tree | Windfall site to become available when the current occupiers relocate to new and larger premises in Pendle. Developer interest. Area 6.37 hectares (gross) / Estimated capacity: 60 dwellings | P005 |
| LIV7 | P068 | Land off Barnoldswick Road, Kelbrook | Site identified in the Kelbrook and Sough Neighbourhood Plan as a replacement for Site P282 Land off Church Lane, Kelbrook. | P282 |

| Policy | Site Ref | Site Name | Rationale for inclusion | Replaces (Table 3.4) |
|--------|----------|---|---|---|
| | | | Area 2.13 hectares / Estimated capacity: 64 dwellings | |
| LIV7 | P237 | Land at the Former Barnsey Shed, Barnoldswick | Previously a commitment, which lapsed when the Reserved Matters application was refused on drainage grounds and dismissed at Appeal. Site capacity reduced to account for drainage issues which resulted in the refusal of the application. | Lapsed commitment, replaces P045 and P064 (in-part) |
| LIV7 | P356 | Giles Street, Nelson | Allocation brought forward from the Bradley Area Action Plan, which will be replaced by the Pendle Local Plan Part 2, when adopted. In-part helps to address lower capacity at P238 Gib Hill (see below). Area 0.95 hectares / Estimated capacity: 30 dwellings | P238 (in-part) |
| LIV7 | P309 | Ouzledale Foundry, Barnoldswick | Previously identified under Policy WRK9 Mixed-use Development. | No further changes |
| LIV7 | P310 | Spring Mill, Earby | Windfall site became available when occupiers closed down their operations. Developer interest. Area 1.25 hectares / Estimated capacity: 43 dwellings | P045 and P064 (in-part) |
| LIV8 | P238 | Gib Hill (Site B), Nelson | Significant opposition to development at this location, due to its perceived ecological interest and proximity to a Biological Heritage Site. The developable area is likely to be reduced to reflect the findings of a new ecological survey. The developable area, primarily located along the northern boundary of the site, has been moved to from Policy LIV7 Housing Site Allocations to Policy LIV8 Reserve Housing Sites to reflect that its availability in the short-term is likely to be compromised by the findings of the survey. Area 12.32 hectares (gross) / Estimated capacity: 75 dwellings | None |
| LIV11 | - | Wickworth Street, Nelson | To provide a full list of sites granted planning permission for self and custom build housing In Pendle (2 plots available). | None |
| LIV11 | - | Mansfield Crescent, Brierfield | To provide a full list of sites granted planning permission for self and custom build housing In Pendle (2 plots available). | None |

Section 4

Other considerations

- 4.1 Public consultation has helped to shape Local Plan Part 2 and provide a locally distinctive policy response to the material planning issues we need to address in Pendle.
- 4.2 Our chosen strategy must be in general conformity with national planning policy, reflect the strategic priorities of key stakeholders and be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area.

National Planning Policy

- 4.3 The Government's national policy for Planning is set out within the National Planning Policy Framework (NPPF) as published on the 20th July 2021. The NPPF must be taken into account when preparing development plan documents and read as a whole. It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and in doing so achieve three interdependent overarching objectives relating to the economy, society, and the environment (Paragraph 7).
- 4.4 Paragraph 11 outlines that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means:
- (a) All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other areas, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.5 Paragraph 35 of the NPPF states that Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
- (a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - (b) **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
 - (c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- (d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy.

Pendle Local Plan Part 1: Core Strategy

- 4.6 The Pendle Local Plan Part 1: Core Strategy (the Local Plan Part 1) sets out the strategic objectives and policies for Pendle over the period 2011 to 2030. The Local Plan Part 1 has already been examined and found sound (against the policies of the 2012 version of the NPPF)⁶. The Local Plan Part 1 was adopted by the Council in December 2015.
- 4.7 Local Plan Part 2 forms the secondary part of the development plan. Once adopted Local Plan Part 2 will complete and update the policies of the Pendle development plan. Local Plan Part 2 must however been in conformity with and support the delivery of the strategic policies of the Local Plan Part 1.

Evidence Base

- 4.8 The tests of soundness as set by the NPPF make clear the need for plans to be justified, based on proportionate evidence, to provide an appropriate strategy based on the reasonable alternatives.
- 4.9 The analysis of published data considering both past trends and future projections, together with new empirical research to address gaps in our knowledge, are all important components of the evidence base underpinning Local Plan Part 2.
- 4.10 The key evidence base documents, prepared or commissioned by Pendle Council, during the preparation of Pendle Local Plan Part 2 are listed below in date order:
- Pendle, Rossendale and Burnley Playing Pitch Strategy (2016), Knight, Kavannah and Page
 - Pendle Green Belt Assessment (2017), DLP Planning
 - Pendle Open Space Audit (2018), Pendle Council
 - Pendle Green Infrastructure Strategy (2019), LUC
 - Pendle Local Plan Viability Appraisal (2019), Lambert Smith Hampton
 - Pendle Housing Needs Assessment (2020), Lichfields
- 4.11 These documents were made available for public consultation as part of the public consultation held in accordance with Regulation 18. Any comments relating to these evidence base documents are listed and addressed in Appendix 1.
- 4.12 The following documents have been published since the Regulation 18 public consultation. They will be made available for comment alongside the Publication Version of the Local Plan Part 2:
- Pendle Level 1 Strategic Flood Risk Assessment (2021), JBA Consulting
 - Pendle Level 2 Strategic Flood Risk Assessment (2021), JBA Consulting
 - Housing Impact Analysis (2021), Lichfields
 - Implications of the Standard Method for the Pendle Housing Requirement (2021), Lichfields
 - Heritage Impact Assessments (2021), Pendle Council.

⁶ View at https://www.pendle.gov.uk/downloads/file/8690/pendle_core_strategy_inspectors_report

Sustainability Appraisal

- 4.13 Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Council's to carry out a Sustainability Appraisal (SA) of their Local Plan. The SA process runs in parallel with the preparation and implementation of Local Plan Part 2. The SA seeks to strike a balance by identifying, describing and appraising the environmental, social and economic effects of the Local Plan. In doing so its addresses the process known as the Strategic Environmental Assessment as set out in UK regulations.
- 4.14 The SA is an iterative process and forms part of the evidence base which informs the approach of Local Plan Part 2. It helps to demonstrate that the preferred strategy is justified, providing an appropriate strategy, when assessed against the reasonable alternatives.
- 4.15 There are five key stages in the SA process. Stage A identifies the Scope and the level of detail of information to be included within the final SA Report. This establishes the context objectives and approach of the assessment, including the identification of the relevant environmental, economic and social issues and objectives. Stage B develops and refines alternatives and assesses the effects. Stage C relates to the preparation of the SA. Stage D seeks representations on the SA from consultation bodies and members of the public. Stage E relates to post adoption of the plan and the implementation, report and monitoring.
- 4.16 A scoping consultation to consider the approach and detail of the SA; the background context; and the identification of objectives was first conducted between October and December 2006, alongside that for the Core Strategy. In view of changes to SA and the planning system, a second scoping consultation to look in detail at the SA for the Part 2 Local Plan was held between February and April 2017. Details of the comments submitted during this consultation event and changes made to the SA in response are detailed in Appendix 10 of the SA.
- 4.17 The Non-technical Summary, Main Report, and supporting appendices were made available for view and comment as part of the consultation on the draft Local Plan Part 2 between Friday 12 February and Tuesday 6 April 2021. Comments made regarding its approach and assessment made are set out in Appendix 1 of this document with details of the Council's response and any changes made.
- 4.18 The Sustainability Appraisal has been updated to reflect changes made to Local Plan Part 2 since the draft consultation following comments submitted during the consultation on the draft, changes in evidence and policy, and to account for changes in the baseline needs of the authorities which have taken place within the most recent monitoring year. This document will be made available in full for comment through the consultation on the publication version of Local Plan Part 2 and will form part of the supporting documents submitted alongside Local Plan Part 2 for independent examination.

Habitat Regulations Assessment

- 4.19 A Screening Report assessing the Likely Significant Effects on local European Sites⁷ caused by proposed policies and allocations included within Local Plan Part 2 (cumulatively and individually) was published as a supporting document as part of the consultation on the Draft Local Plan Part 2.
- 4.20 The Screening Report determines whether an Appropriate Assessment is required in response to Article 6(3) of the EU Habitats Directives (EU Directive 92/43/ECC) and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The Screening Report is prepared following two main steps:

⁷ Identified as including: The South Pennines SAC/SPA, North Pennine Moors SAC/SPA, North Pennine Dales Meadows SAC, Bowland Fells SPA, Ribble and Alt Estuaries SPA/Ramsar.

- Collation of information – This involves gathering evidence regarding the relevant European Sites that the plan or project may affect. This includes determining whether the plan or project is directly connected with the management of any European Site(s), the conservation objectives of the European Site(s), and the details of the plan or project and those that may, in combination, affect the site(s).
- Assessing the Likely Significant Effects – A form of risk assessment that determines whether there is a requirement for an Appropriate Assessment. The test being:
“Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European Sites?”
The objective of this is to ‘screen out’ any plan or project that is unlikely to have any adverse effect on the European Site(s) excluding any compensatory or mitigation measures proposed.

- 4.21 The Screening Report finds that none of the proposed policies or allocations (at the draft stage) would result in Likely Significant Effects which would result in the requirement for an Appropriate Assessment either individually or cumulatively, or in combination with adopted policies in existence locally or prepared by other bodies/neighbouring authorities.
- 4.22 No objections were received during the consultation on the Draft Local Plan Part 2 regarding the approach or findings of the HRA. Like the SA, the HRA is an iterative process which evolves as part of the plan preparation process. As such, should proposals for Local Plan Part 2 alter (to a sufficient degree) through the publication version, an updated Screening Report will be prepared by the Council.
- 4.23 The HRA will be made available for comment as part of the consultation on the publication version of Local Plan Part 2. The HRA, together with any comments submitted regarding its approach and findings will then be submitted alongside Local Plan Part 2 for independent examination.

Equalities Impact Assessment

- 4.24 In accordance with the Race Relations Act 1976, Race Relations (Amendment) Act 2000, Disability Discrimination Act 1995 and 2005, Equal Pay Act 1970, Sex Discrimination Act 1975 and Equality Act 2010, Pendle Council has a legal requirement to assess the impact of all its existing and proposed plans and policies.
- 4.25 The Equality Act, which came into force from October 2010, introduced a new public sector equality duty effective from 5th April 2011. It states that local authorities have a public duty to have due regard to:
- eliminating unlawful discrimination;
 - advancing equality of opportunity; and
 - fostering good relations between people from different groups.
- 4.26 The equality duties placed on local authorities previously covered gender, disability and race. Under the Equality Act 2010 these have been extended to cover age (younger and older), faith (religion or belief), sexual orientation, gender reassignment and pregnancy/maternity. Local authorities must also exercise their functions in a way that reduces any inequalities that may arise from socio-economic disadvantage.
- 4.27 The Council’s Service Impact Assessment template gives proper consideration to a range of impacts that Local Plan Part 2 may have on our community.

Section 5

What Happens Next

Publication

- 5.1 Local Plan Part 2 (Publication Report) represents what Pendle Council considers to be the final version of this document.
- 5.2 Unlike earlier public consultations, which helped to shape the content of Local Plan Part 2, the consultation carried out under Regulation 19 is concerned only with the 'soundness' of the document (see NPPF, Paragraph 35).

Submission

- 5.3 In accordance with Regulation 22, following the close of the consultation period, Pendle Council will submit copies of the Publication Report, all supporting documents and the representations received, to the Secretary of State. This represents the start of the Examination process.
- 5.4 The Plan will be examined against the National Planning Policy Framework (NPPF) in force at time of its preparation.

Examination

- 5.5 The Secretary of State will ask the Planning Inspectorate to appoint an inspector to conduct an independent examination of the plan. The purpose of this examination is to consider the soundness of the Core Strategy and whether it complies with the requirements of the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and associated regulations. The presumption is that the document is sound, unless it can be shown otherwise.
- 5.6 The Inspector will carry out a preliminary assessment of Local Plan Part 2 and other submitted material. If there is any concern about the soundness of the document, the Inspector may call an exploratory meeting.
- 5.7 A Pre-hearing Meeting may be held approximately eight weeks after the date of submission, to consider how the examination is to be managed.
- 5.8 The purpose of the Pre-hearing Meeting is to:
- Advise those who have asked to be present and heard at the examination, how their representations will be dealt with (i.e. written representations, formal hearings etc.);
 - Consider who else might need to be invited to the examination to help the inspector consider the soundness of the plan;
 - Identify the issues that need to be considered at the examination in order to determine the soundness of the plan;
 - Consider how those issues relate to one another and the most logical order for their examination;
 - Identify the nature of the evidence to be brought to the examination and to set the timetable for the submission of that evidence; and
 - Establish the programme for the examination and the timetable for any hearing sessions.

- 5.9 Shortly after the Pre-hearing Meeting, the Inspector will publish a list of Matters for Examination. This will provide a brief description of the issues to be covered, with the names of those who have asked to be heard in person. It will form the basis of the programme for the hearings or round table sessions led by the Inspector, which will be published at the same time.
- 5.10 It should be noted that the hearing sessions arranged by the Inspector will not seek to address every representation. Written representations will carry exactly the same weight with the Inspector as those pursued by a personal appearance at the examination.
- 5.11 Hearing sessions will normally commence 14 weeks after the date of submission. Following the end of any hearing or round table sessions the Inspector will retire to produce a report. This may, or may not, recommend changes to Local Plan Part 2, based on the evidence presented at the examination.
- 5.12 The Examination formally ends on receipt of the Closure Letter from the Planning Inspectorate, which will accompany the Inspector's Fact Check Report and appendices. Following consideration of the Council's comments on the Fact Check Report, the Inspector will issue a Final Report and appendices approximately 29 weeks after the date of submission.
- 5.13 The Final Report is not binding on the Council, but under normal circumstances the Inspectors recommendations will be incorporated into the final version of Local Plan Part 2 to be put forward for adoption at Full Council.

Adoption

- 5.14 The Council can only adopt the Local Plan – together with any 'main modifications' suggested by the Inspector – where the Inspector has issued such an instruction. The Council can make non-material changes (called 'additional modifications'), or withdraw the Plan, at any time prior to adoption.
- 5.15 Council procedures require the Local Plan to be adopted at a meeting of the Full Council. The plan-making process is then concluded and the adopted Plan provides the framework for development across the borough.
- 5.16 A judicial review challenge, against the decision to adopt, can be lodged with the High Court no more than six weeks after the date of adoption. Challenges normally reference non-compliance with legal or procedural requirements during the plan making process, rather than the 'soundness' of the plan, which is addressed through the Examination process.

Table 4.1: Provisional timeline for adoption of the Pendle Local Plan Part 2

| Stage | Regulation(s) ¹ | Timing |
|---|----------------------------|--------------------------------|
| 1. Full Council meeting | - | 9 th December 2021 |
| 2. Publication | 19 | 7 th January 2022 |
| 3. End of public consultation | 20 | 18 th February 2022 |
| 4. Submission to the Secretary of State | 22 | April 2022 |
| 5. Appointment of Programme Officer | 23 / 24 | May 2022 |
| 6. Appointment of Inspector | 23 / 24 | May 2022 |
| 7. Pre-hearing Meeting | | June 2022 |
| 8. Hearing Sessions | | July – September 2022 |
| 9. Draft Inspectors Report issued | 25 | October 2022 |

| Stage | Regulation(s) ¹ | Timing |
|--|----------------------------|------------------------------|
| 10. Final Inspectors Report issued | | November 2022 |
| 11. Adoption (Full Council) | 26 | December 2022/January 2023 |
| 12. Opportunity to request judicial review | - | Within 28 days from adoption |

¹ Town and Country Planning (Local Planning) (England) Regulations 2012, as amended

Appendix 1: Consultation comments, Council response and changes made

Appendix 2: Public consultation publicity

Appendix 3: Record of public consultation events

Appendix 4: Record of engagement with neighbouring authorities, town and parish councils and statutory bodies at Regulation 18

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If you would like this information
in a way which is better for you,
please telephone us.

اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ
آپ کے لئے زیادہ مفید ہو تو برائے مہربانی ہمیں ٹیلیفون کریں۔



Liberata

