

Our Ref: 24/110

4th December 2024

Your Ref:

Dear Sir/Madam,

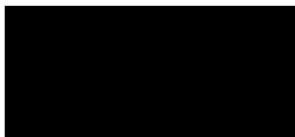
RE: REPRESENTATIONS TO LOCAL PLAN FOURTH EDITION PUBLICATION VERSION, MADE ON BEHALF OF MCDERMOTT HOMES

Please find enclosed representations to the Local Plan Fourth Edition Publication Version. are made on behalf of McDermott Homes by Lane Town Planning. A completed representations form is enclosed with this letter.

McDermott Homes kindly request that they are included in relevant Matter Hearings for the Local Plan examination.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,



Laurie Lane MRTPI
Director



Representation Form

Local Plan Fourth Edition Publication Report

To respond to this public consultation please complete and return this form to either:

Email: planningpolicy@pendle.gov.uk

Post: Planning, Building Control and Regulatory Services, Pendle Council, Town Hall,
Market Street, Nelson BB9 7LG

All comments must be received by the Council no later than **5:00pm on Friday 6 December 2024**.

Any responses received after this deadline will be invalid and may not be considered by the Inspector(s) appointed to examine the Local Plan.

Further information about this consultation is available on the Pendle Council website at:

Web: www.pendle.gov.uk/planning

If you have any questions, please get in touch using the contact details above.

* Only complete below if applicable

	Your Details	Your Agent's details*
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We process and hold your information in order to provide public services. The details you provide will be processed in accordance with the Data Protection Regulations. Further information is available at:

- www.pendle.gov.uk/privacy

Guidance Notes

Before completing this form, it is important that you read the guidance notes.

At the start of each new comment please make clear:

- a. The title of the document you are commenting on.
- b. The page number and the paragraph number, table number or site reference.
- c. Whether you are supporting, objecting or commenting on what is said in the plan.

If you are objecting, please suggest alternative wording, which would help to overcome your concerns (see example below).

Document: Local Plan / Page 63 / Paragraph 5.32 / Objection

This part of the policy does not ...

Recommended change:

Replace the current policy wording with ...

Please keep your comments clear, concise, and specific to the issue that is of concern. This helps the Inspector to understand your point of view and decide whether any changes to the Local Plan are needed. All valid representations will be submitted to the Secretary of State alongside the Local Plan for examination by an independent Inspector(s).

Your comments should focus on the following issues:

Have the legal requirements for plan making been met? www.gov.uk/guidance/plan-making

Is the Local Plan consistent with the policies of the National Planning Policy Framework (NPPF)? www.gov.uk/government/publications/national-planning-policy-framework--2

Are the proposals in the Local Plan:

- a) Justified?
- b) Effective? Positively prepared?

If you answer no to any of these questions please say why and show how your objection could be overcome

Legal Compliance

Do you consider the Local Plan to be legally compliant?

Yes ☐ No ☐

If you have answered no, please provide state the reasons why in the box below. You should number any additional sheets that you attach to this form.

Soundness

Do you consider the Local Plan to be sound?

Yes ☐ No ☐

If not, why do you believe the Local Plan is unsound? (tick all that apply)

- ☐ It is not positively prepared
- ☐ It is not justified
- ☐ It is not effective
- ☐ It is not consistent with national policy

Please state the reasons why in the box below. You should number any additional sheets that you attach to this form.

Please see enclosed representations.

What changes do you consider to be necessary to make the Local Plan sound?

It would be helpful if you could suggest revised wording for any policy or text. Please be as precise as possible. You should number any additional sheets that you attach to this form.

Please see enclosed representations.

Have you raised these matters at an earlier stage in the preparation of the Local Plan?

Yes ☐ No ☐

If no, please explain:

Site specific representations previously submitted.

Please provide any additional comments in support of your representation. Use additional sheets if necessary.

Please see enclosed representations.

Do you wish to participate at the hearing sessions?

Yes ☐ No ☐

If yes, please outline why you consider this to be necessary

To provide evidence orally in response to Matters sessions identified by the Inspector.

How did you find out about this consultation?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Email / Letter | <input type="checkbox"/> Poster |
| <input type="checkbox"/> Framework Newsletter | <input type="checkbox"/> Newspaper Advert |
| <input type="checkbox"/> Council Website | <input type="checkbox"/> Radio |
| <input type="checkbox"/> Social Media | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Town or Parish Council | |

Future Updates

Would you like to be kept informed about progress on the Local Plan and other planning policy matters in Pendle?

Yes ☐ No ☐

If you answered “No”, your personal details will only be used for the purpose of processing and answering comments made to this consultation. They will then be deleted after the examination of the Local Plan has concluded.

Your Signature: Laurie Lane

Date: 11/29/24

Thank you for your comments

Further information

Website: www.pendle.gov.uk/planning

Email: planningpolicy@pendle.gov.uk

Telephone: 01282 661330

Write to: Pendle Council, Town Hall, Market Street, Nelson BB9 7LG



Pendle Local Plan Publication Version Representations

on behalf of

McDermott Homes

December 2024

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1 Introduction

- 1.1 These representations to the Local Plan Fourth Edition Publication Report are made on behalf of McDermott Homes by Lane Town Planning Ltd ('LTP'). A completed representations form is enclosed with this letter.

McDermott Homes' Experience in Pendle

- 1.2 McDermott Homes (hereafter 'MDH') have been building high quality family homes across the North West and Yorkshire for over 30 years, since 1992. Based in Altham on the boundary with Pendle Borough, MDH have built a number of sites in Pendle over this time including:

Aspen Grove in Earby (56 homes); and

Boulsworth View, Windermere Avenue, Colne (82 homes).

- 1.3 Currently MDH are also building out a number of sites:

Barrowford (75 homes); and

Cotton Tree Lane, Colne (48 homes).

- 1.4 MDH therefore have a long track record as a delivery partner for the Council, providing many new homes. These representations are therefore prepared with the benefit of their long-term experience and deep understanding of the social, economic and environmental opportunities and constraints of the Borough.

The Local Plan Publication Version and Basis for the Representations

- 1.5 The Council's Local Plan has been prepared in accordance with the requirements of the current National Planning Policy Framework ('NPPF', December 2023). Plans should be legally compliant and in accordance with NPPF §35, these representations will therefore focus on whether the plan is 'sound'. In order to determine this, the following tests from §35 should be applied:

i. ***"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;*

ii. ***Justified** – an appropriate strategy, taking into account the reasonable alternatives,*

and based on proportionate evidence;

- iii. **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*
- iv. **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

- 1.6 These tests will be referred to directly in relation to each policy where representations are made. Where relevant, proposed alterations or additional text will be added in in **bold blue text**.

2 Monitoring Framework

Immediate Requirements for Soundness: Local Plan Monitoring Framework (Appendix 10) and Local Plan Review Policy

- 2.1 It is unusual to commence representations with the Monitoring Framework, however in the circumstances of the Pendle Local Plan it is essential this is covered first.
- 2.2 In accordance with current Planning Practice Guidance (PPG) paragraph 50 (ID 61-050), the Inspector should:

“...Identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the local planning authority to clarify and address these...”

- 2.3 On 30 July 2024, the Government published its proposed revisions to the Framework for consultation until September 2024. The proposed amendments included reversing some of the changes brought about by the December 2023 NPPF and it was accompanied by a new proposed standard method (PSM) for calculating housing need.
- 2.4 The Local Plan currently proposes an annual housing requirement of 148 dwellings per annum (draft Policy DM20). The PSM for Pendle is 382 dwellings per annum, and so this would be 234 dwellings per annum short.
- 2.5 The draft NPPF included a number of transitional arrangements for councils preparing plans at §226 and §227. Following this consultation, if Pendle decides to submit the Local Plan for Examination and this occurs within 1 month of the publication of the NPPF (and assuming the PSM and transitional arrangements as proposed also remain unchanged), the expectation will be that on adoption, Pendle will immediately commence plan making in the new plan-making system.
- 2.6 Having reviewed the session of the Council’s meeting which approved the consultation on the Publication Plan, Members acknowledged this would be likely; however, in practice it is often the case that timetables for local plan reviews slip or are significantly delayed. A good example of this is Swale Borough Council, who adopted a Plan in 2017 with a specific requirement for a new Local Plan to be prepared by April 2022. At the time of writing, it is not expected until 2027. Such delays, if replicated across England, would clearly have a catastrophic impact on the Government’s stated objective of delivering 1.5 million homes in

this parliament.

- 2.7 Presently, the Plan makes no provision for any Review. Accordingly, the Plan and Monitoring Framework is considered to be **unsound**, and the following suggested policy will be required to be added in order for the Plan to be **positively prepared** (in terms of meeting the area's objectively assessed housing needs) and **effective** (delivering the development identified, but with the flexibility to meet objectively assessed needs identified by the Government):

Proposed Policy 1: Local Plan Review

“The Council commits to a review of this Local Plan, to commence immediately upon its adoption. The Local Plan Review (or new Local Plan, as appropriate) will be submitted for independent examination within 24 months of commencing the review, and it will be adopted within 36 months of commencement.

Until the time that a new plan is adopted, the Council acknowledges this Local Plan does not provide for the levels of development in Pendle now expected by Government, as expressed in the National Planning Policy Framework (insert date) and accompanying Standard Method for Calculating Housing Needs.

Pendle Council will therefore welcome and consider favourably proposals for sustainable development which come forward to provide homes in addition to those identified in this plan. Those applications will be determined in accordance with the Presumption in Favour of Sustainable Development.”

- 2.8 The supporting text to the policy should point towards §33 of the NPPF which states plans are likely to need reviewing earlier, “...if local housing need is expected to change significantly in the near future.” Alternatively, reference should be made to any new provisions in the forthcoming NPPF.
- 2.9 The supporting text should also explain that in accordance with the Policy, the Council will immediately prepare a new Local Development Scheme which will detail the programme for the preparation of the new plan. For the avoidance of doubt, it should be made clear that the Council accepts that the adoption of this plan comprises commencement of the Local Plan review / next plan.
- 2.10 In respect of the accompanying Monitoring Framework at Appendix 10 (which should be referenced in the supporting text to the new policy), this presently refers to reporting on how

policies in the development plan are performing against established targets. This should be expanded to include monitoring of the Council's performance in relation to the preparation of the Local Plan review (or new plan), and it should also provide for the following:

The monitoring of completions and permissions, not just in relation to the adopted housing requirement in this plan, but also the new Standard Method, as published by the Government at the time of adoption.

The Council will seek to grant permissions for additional sustainable development, but that in the event the Council falls short of the Standard Method requirement, that the Council will seek to address the accumulated backlog through the next local plan.

In the event the Council misses its own deadlines for the various stages of consultation on the local plan review, that it will prepare an action plan to demonstrate what it will do to get back on track and meet the timescales in the policy.

- 2.11 As the Council has sought to progress their Plan in the knowledge that national planning policy is likely to change, the above proposals are all reasonable and fair suggestions to which there can be no rational objection.

3 Spatial Vision and Local Plan Objectives

Spatial Vision and Local Plan Objectives

- 3.1 The NPPF at paragraph 11a states sets out the ‘Presumption In Favour Of Sustainable Development’. It explains, “*For plan-making, this means that:*
- a) *All plans should promote a sustainable pattern of development that seeks to: **meet the development needs of their area...***” [emphasis added]
- 3.2 Part 11b of the Presumption goes on:
- b) “***Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...***” [emphasis added]
- 3.3 Part B(i) is set out that this should be the objective unless policies of the NPPF described in Footnote 7 indicate development should be restricted, or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.4 Chapter 3 of the NPPF set out *inter alia*:
- That plans should provide a framework for meeting housing needs (§15);
- plans should make specific provision (in line with the Presumption) for housing (including affordable housing) (§20); and
- that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the Presumption (§23)
- 3.5 Considering meeting the needs of its residents is a central tenet plan making in the NPPF, it is peculiar that the Local Plan objectives at Table 3.1 makes no reference to meeting needs at all.
- 3.6 The Plan suggests at 1.19 that the Plan has an “ambitious vision” (added by tracked changes to the publication version); however, and as will be demonstrated by these representations, the Plan seeks only to deliver a very low housing requirement of 148 dwellings per annum (dpa), which is only just in excess of the Standard Method.
- 3.7 Planning Practice Guidance (PPG) on Housing and Economic Needs Assessment sets out at Paragraph 10 (D: 2a-010-20201216):

“..The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area..” [emphasis added].

- 3.8 In this regard, the evidence base to the Plan provided in the Housing and Economic Development Needs Assessment (‘HEDNA’, April 2023), concludes that there are exceptional circumstances to deviate from the 140dpa Standard Method figure, recommending a figure of 270 dwellings per annum; almost double what the Council are seeking to deliver. Separately, the Housing Needs Survey (Iceni, 2024) and the Sustainability Appraisal refer to a figure of 230 homes required to achieve economic growth.
- 3.9 The Plan explains at paragraphs 2.18 and 2.39 that delivering new housing is a significant challenge due to Green Belt, and both green field and brown field sites are unviable. These issues are reiterated at paragraph 2.39.
- 3.10 If it is acknowledged there are environmental constraints and the consensus is that the viability of almost all land in Pendle is a pervasive issue for the Council that may have a deleterious impact on delivery, it is reasonable to expect a Local Plan that seeks to take every available opportunity for sustainable development to meet objectively assessed needs. It is considered the Council should:
- i. work out how many homes it can conceivably deliver within its area through the SHLAA or a new call for sites.
 - ii. Seek to allocate as many as possible, working that figure backwards into a deliverable annual requirement.
- 3.11 Even this approach may not provide for the full OAN as per their evidence base in the HEDNA or Housing Needs Survey, but the Council would at least be able to say it is seeking to deliver as much housing as it possibly can to meet the objectively assessed needs of its population.
- 3.12 In the absence of that approach, the Plan is **not positively prepared, justified or consistent with national policy**, and so it is **unsound**.
- 3.13 Accordingly, the general approach in the Plan is flawed and substantial further work is required to achieve soundness. Alongside the suggested work in points (i) and (ii) above, the “spatial intervention” at point 2.40(2) which seeks, “To deliver a range and mix of housing

appropriate to the needs of the borough” should be amended to state:

“2. To deliver, as far as possible, housing to meet the objectively assessed needs of the residents of Pendle.”

- 3.14 This commitment should follow through to the Spatial Vision and the local plan objectives, and a new first objective of the Local Plan should be added which states:

LP01: Meet the objectively assessed needs of the Borough as far as possible, taking into account current environmental and policy constraints.

- 3.15 This commitment would provide for a Plan which is seeking to reflect both the requirements of the current NPPF and the local context provided in the first three chapters (24 pages).

- 3.16 Finally, it is worth highlighting the practical outcome of these changes as they would ensure, as far as possible, internal consistency within the Plan. For example, Paragraph 3.2 of the Spatial Vision states that by 2040 it hopes all residents will,

“be able to access:..A secure, affordable and energy efficient home which meets their housing need.”

- 3.17 This is an empty and meaningless vision.

- 3.18 The Council is fully aware that if no further review or intervention occurs, over the next 16 years from now until 2040, almost 2,000 households will not have been able to form, as they won't have been provided with a new home at all. Notwithstanding the likely requirements of the new NPPF, this Plan must be doing everything it can to address these needs.

Policy SP01: Presumption in Favour of Sustainable Development

- 3.19 MDH have no objections to Policy SP01; however, in the light of the earlier submissions in this representation, we consider the policy should make clear:

The Council will apply the presumption in SP01 and approve planning applications for residential development on sites which are not allocated in this Local Plan, but which would contribute to meeting the Council's objectively assessed housing needs.

- 3.20 Whilst it is accepted the Local Plan would be examined in accordance with the December 2023 NPPF, should the presumption be amended in the forthcoming NPPF it is considered there can be no harm arising to also updating SP01, so it accords with the most up to date version.

SP02: Spatial Strategy

- 3.21 MDH do not have any comments in respect of the proposed settlement hierarchy in SPO2a.
- 3.22 However, the Council accepts it will need to prepare a new plan quickly in to respond to the forthcoming NPPF and likely higher housing requirements. In accordance with recommendations made earlier in these representations, and for the plan to be found sound, part 4 of the policy should be updated so it is permissive of sustainable development which comes forward to meet objectively assessed housing needs:

“4. Outside a defined settlement boundary, policies relevant to open countryside apply (see Policy DM09). Development will only be permitted for exceptions that are identified in either the NPPF, an adopted document that forms part of the Development Plan, or for sustainable sites for housing in locations adjacent to settlements to meet objectively assessed housing needs.” [text added]

- 3.23 This will ensure the plan is both **positively prepared** and **justified**. The context to the Plan should be clearly reiterated in the supporting text so that readers understand the plan is prepared in the knowledge an immediate review will be required; the plan is not seeking to delay or stop much needed sustainable development. Complimentary amendments are suggested later in these representations to support these additions and the suggested approach.

SP03: Distribution of Development

- 3.24 MDH do not have a particular issue with the identified strategy and agree that this is required to accord with NPPF §20. However, in order to be found sound and in line with these representations, the policy should have a third part to make clear the general distribution of development is not a brake on additional sustainable sites coming forward to meet objectively assessed housing needs:

“3. Sites which accord with the Presumption in Favour of Sustainable Development set out in SP01 [as amended in these representations], coming forward in advance of the Local Plan Review to help meet objectively assessed

housing needs (see Proposed Policy 1) shall be supported where they are of a scale that is compatible with the settlement's role and function in the settlement hierarchy set out in Policy SP02."

- 3.25 This additional criterion would ensure the plan is **positively prepared**. In the introduction to the Plan, the Council acknowledges it has often failed to meet their current housing requirements and even greenfield sites in the Borough may not be viable. It would not be surprising to find some sites proposed for allocation do not come forward and so this approach would ensure additional sustainable development is not unnecessarily delayed.

SP05 Green Belt

- 3.26 The Council acknowledges the current extents of the Green Belt in Pendle are a constraint on development. In respect of plan making and amending Green Belt extents, the draft NPPF consultation (July 2024) proposes in paragraph 142:

"..Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.."

- 3.27 It would seem inevitable that the Council will need to at least complete a review of their Green Belt as part of the immediate Local Plan Review in order to understand how far all the land meets the five purposes and what land can be released to meet pressing housing needs.
- 3.28 The precise terms of the new NPPF will be known at the time of Examination and so it is recommended the supporting text to SP05 commits to a Green Belt review as part of the Local Plan Review.

SP06 Towards Net Zero Carbon

- 3.29 MDH support the aim of Policy SP06 to design development to reduce the extent and impacts of climate change. The minimum standards for this are defined through Building Regulations and the Future Homes Standard, which will be fully implemented from 2025 onwards.
- 3.30 The new standards will place a financial burden on developments in Pendle and Policy SP06

seeks betterment beyond Building Regulations where this is financially viable. Presently, however, Part 4 of the Policy introduces a non-exhaustive list of other potential voluntary standards which “Developers should seek to meet...”

- 3.31 In order to be **justified**, internally consistent with the other parts of the policy, and to make sure development is not refused where voluntary standards are not utilised, Part 4 should be amended to state:

“4. Where viable, developers are encouraged to employ within their development independently accredited energy and sustainability standards. These may include, but are not limited to, standards such as the Passivhaus Standard and the BRE Home Quality Mark.”

- 3.32 Utilising the term “encouraged” is consistent with other parts of the plan where voluntary standards are suggested, such as Part 3 of SP08 where developers are encouraged to achieve the Building with Nature Design Award.
- 3.33 In relation to Part 5 of Policy SP06, it is considered the threshold for requiring energy statements is too low. It is noted the Council has deleted the terms, “subject to viability” from the policy, which is accepted as following the energy hierarchy (as per Figure 4.1 of the Plan) for developments is not something in and of itself which would affect viability.
- 3.34 Notwithstanding this, the Council does not seem to appreciate the burden additional documentation places on SME developers. Having to provide an Energy Statement for schemes of ten or more dwellings will unreasonably capture many small house builders. The additional information will need to be reviewed and assessed, and it may ultimately lead to delays to much needed planning permissions. There is no evidence provided by the Council to explain how they have set this threshold and determined if this is proportionate.
- 3.35 With this in mind, and in order for Part 5 of Policy SP05 to be **justified**, it is recommended the thresholds for residential development in the Policy are set to 30 dwellings, as this is consistent with Policy DM21 which assumes this minimum level of density per hectare. Developments of this size would be more would be of a scale that would support the provision of this additional documentation.

SP08 Natural Environment

- 3.36 MDH do not have any specific suggestions in respect of Policy SP08; however, it is noted that

the terms “*and landscape character*” has been removed from the list of items the plan seeks to “protect”. This is supported as this is often erroneously included in plans and is inconsistent with the NPPF, which only seeks to protect and enhance valued landscapes (NPPF §180a). The requirement is otherwise simply to, “recognise the intrinsic character and beauty of the countryside” as per NPPF 180b.

SP09 Historic Environment

3.37 Presently SP09 is not considered to be sound as it is **inconsistent with national policy**. The additional reference in the supporting text at paragraph 124 to NPPF§190 (which should be corrected to NPPF §196), which requires a positive strategy for the conservation and enjoyment of the historic environment is perfectly reasonable and correct.

3.38 However, the Policy fails to set out what is meant by “conservation”. The Glossary to the NPPF on Page 69 confirms for heritage policy this means:

“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”

3.39 The NPPF is therefore clear that the aim of conservation is managing change, so the significance of the asset is sustained or, if possible, enhanced. The Policy should therefore be amended to correctly follow national policy:

“1. The historic environment of Pendle comprising designated and non-designated heritage assets shall be conserved in a way that sustains and, where appropriate, enhances the significance of those assets (Policy DM18).”

3.40 The NPPF definition of conservation should be added to the supporting text to make clear to readers the aim is to manage change.

3.41 The remainder of the policy is considered to be in accordance with national policy, although it would be helpful if the supporting text at paragraph 4.128 clarified the public benefits test applies to circumstances of “less than substantial harm” (NPPF §208), rather than an “element of harm”.

Policy SP12: Infrastructure and Developer Contributions

3.42 Policy SP12, part 4 is **not considered to be sound** as it appears to contradict itself. On one hand it states viability will be tested at the application stage, only in the following paragraph to state it must be dealt with and verified prior to the submission of an application.

- 3.43 If a scheme is not considered to be viable, in accordance with the supporting text at paragraphs 4.177 – 4.179 the applicant will prepare and submit a viability assessment for determination. It is not reasonable for the Council to require developers to have to independently verify this at their own expense when they do not even have a valid planning application in the system. Part 4 of the policy should therefore be amended to state

“4. ..Claims will be verified using an open book financial appraisal by an independent third party, ~~prior to the submission~~ during the determination of a planning application. The cost is to be met by the applicant.”

4 Development Management Policies

DM02(a) Flood Risk

- 4.1 Policy DM02 as currently drafted is inconsistent, and fails to properly interpret, national policy on flood risk.
- 4.2 Part 1 of the policy immediately defers to Planning Practice Guidance and the sequential and exception tests to direct development to areas of lowest flood risk; however, it is the *sequential approach* to development (within sites and within local authority areas) which should achieve this.
- 4.3 The relevant paragraphs of the NPPF are:
- §165, which sets out the policy approach to avoid inappropriate development in areas of flood risk.
- §167, which requires plans apply a sequential and risk-based approach to the location of development, taking account of all sources of flood risk. Plans should, inter alia, apply a sequential test and then, if necessary, the exception test.
- 4.4 It is inherent within the plan making process that the sequential approach to development above has been carried out by the Council in the preparation of the plan and allocation of sites therein.
- 4.5 In respect of proposals for development on sites not allocated the in the Plan, the Council in Policy SM02a should advocate the approach of the PPG. The PPG is clear the first stage of is not to immediately require a sequential test of sites at risk of flooding, but to **assess** and verify the scale and nature of the risk through a flood risk assessment (PPG ID: 7-003-20220825).
- 4.6 This process requires the applicant to consult the Council's up to date SFRA, and complete the detailed work first.
- 4.7 Only once the correct extents of Flood Risk are understood (including taking account of the effects of climate change) can you then move on to the following steps within the FRA (avoid, control, mitigate; see PPG ID: 7-004-20220825) should the following be considered and applied:

-
1. The sequential approach to development within sites. The Standing Advice from the

Environment Agency states under the heading “when development is exempt from the sequential test”, *“You may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding.”* It is entirely unreasonable to require a sequential test for sites where the vulnerable elements of the development are not actually at any identified risk.

2. Whether conditional controls available to the Council can be used to obviate any flood risk to more vulnerable uses and the need for a sequential test (see Judgment of the Supreme Court in *Waheed Fayed*). This is, for example, a usual means of controlling surface water flood risk on sites through detailed drainage design and it is noted the Council has a specific policy DM02(b) covering this.
- 4.8 The above is consistent with headline national policy in respect of avoiding flood risk (§165) and the production of FRA's (§173).
 - 4.9 Only if the above two provisions cannot be met and vulnerable development is still proposed in flood risk extents should the Council then require a sequential test (and if required, an exception test).
 - 4.10 In the light of the very significant shortcomings of the policy as drafted, the Council should seek to review national guidance and revise the policy so it is consistent with this approach.
 - 4.11 It is also recommended that the Council checks the EA Standing Advice and PPG in respect of the remainder of the policy. For example, part 11 advocates finished floor levels should be set at a minimum of 600mm above several different options; however, the EA Standing Advice advocates 300mm above the estimated area of flood risk. 600mm is only specified where there is ground floor sleeping accommodation. In this regard options (a) and (b) are entirely arbitrary and may result in unnecessary ground level raising at significant costs such that it affects the viability of schemes.
 - 4.12 As currently drafted, the policy is **unsound** as it is inconsistent with national policy on flood risk.

Policy DM02(b) Surface Water and Foul Water Management

- 4.13 In respect to the above comments on DM02(a), the Council has applied a detailed approach to surface water management. As described above, it is expected these provisions will largely

be dealt with via site design and conditions to control the surface water discharge of the final development.

- 4.14 With this in mind, and as the Council has applied a specific approach, the policy should make clear that development proposals which comply with this policy will not be required to complete a sequential test. This is because, as per the policy, the risk will have been dealt with at source and managed such as there is no residual risk to the final finished development. This clarification would ensure the policy is consistent with both MD02(a) once it is re-drafted, and therefore national policy. In its current form and without this clarification or associated changes to MD02(a), the policy is **unsound**.

DM09 Open Countryside

- 4.15 It is not clear whether paragraphs 5.148 – 5.143 which precedes Policy DM09 apply to it directly. If it is linked to Policy DM09 this introductory text is **unsound** as it is **inconsistent with national policy**. This is because the title of the section is called “Protecting valued landscapes”, but rather than quote paragraph §180a of the NPPF which concerns valued landscapes, it quotes §180b which prescribes the lower test of recognising the intrinsic character and beauty of the countryside.
- 4.16 It should also be noted paragraph 5.152 of the Plan also misquotes the NPPF, the correct quote from §180(b) being:

“..(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”

- 4.17 In respect of Policy DM09, it is also considered this is currently **unsound** as it is **inconsistent with national policy**. Taking account of the representations and suggested alterations made in respect of SP01 and SP02, part three of the Policy should explicitly acknowledge that future additional sustainable sites are going to be required imminently to meet objectively assessed needs, and it should be permissive of such schemes.
- 4.18 It is noted the Council has deleted part 3(f) of the policy as previously drafted, which would have provided the opportunities to do this. It stated that outside settlement boundaries development will be permitted where:

“(f) It can be demonstrated that on balance the benefits associated with the development outweigh any failure to accord with the relevant planning policy.”

- 4.19 In the light of the previous suggestions in these representations, part (f) should be reinstated and amended to state:

“(f) It can be demonstrated that in accordance with Policies SP01 and SP02, the development would be situated adjacent to settlements identified in the settlement hierarchy, it would meet pressing housing needs, and any adverse impacts of delivering those homes would not significantly and demonstrably outweigh the benefits.”

- 4.20 In respect of paragraph 5.155, the approach of protection rather than recognition of intrinsic character and beauty is again erroneously applied. This should be corrected.

DM15 Soils, Minerals and Waste

- 4.21 It is considered the section on Soils at parts 2 and 4 are currently **inconsistent with national policy, unjustified** and therefore **unsound**. The threshold for consultation on the loss of Best and Most Versatile (BMV) land is 20 hectares. As this is the threshold for significant loss, the policy should be clarified accordingly:

“(2) Development proposals should avoid significant loss or disturbance”

- 4.22 The supporting text should be updated to explain this, and the Council should also state that where significant loss is proposed, an Agricultural Land Quality Assessment (ALQC) will be required.
- 4.23 In this regard, part (4) of the policy currently makes no sense. Part (2) of the policy requires no ALQC of the land, but part 4 asserts that an ALQC is required for “Grade 3 agricultural land”. Since it does not say Best and Most Versatile agricultural land this could be interpreted to mean only Grade 3b. The supporting text at paragraph 5.236 makes reference to some areas of Grade 3 land at Higham, but then states there’s no evidence of it being Grade 3a.
- 4.24 There is consequently no clear justification for any different local approach in Part 4 of the policy at all, and it should be deleted.

Policy DM18 Heritage Assets

- 4.25 In respect of Policy DM18 the policy is presently **unsound** as it is **inconsistent with national**

policy. Soundness here is relatively easy to achieve by deleting the reference in criterion 2 to “protect” the historic environment. Nowhere in the NPPF does it seek the protection of heritage assets. As set out earlier in this representation, the correct approach is to “conserve” heritage assets. Once deleted, Part (a) of the policy could simply remove the word “conserving” to avoid unnecessary repetition.

DM20 Housing Requirement and Delivery

- 4.26 It is first important to highlight the context for Policy DM20. The introductory text at paragraphs 6.7 – 6.17 provides critical information about need in Pendle, which is conspicuously absent from first three chapters of the Plan.
- 4.27 It highlights the very significant challenges of the population, including a growing population with net in-migration, and that household growth has not kept pace with the population increases, resulting in larger households. Interestingly, the introductory text does not go on to highlight this has resulted in significant overcrowding; however, the HEDNA explains that almost 2,000 homes borough-wide are overcrowded with 3,750 households being in unsuitable housing (or indeed, without housing).
- 4.28 It is interesting to note that the Council has significantly changed its approach to Policy DM20 since the Preferred Options Stage. The tracked changes to the document show that no longer does the Council assert that to deliver 270 homes per annum would be harmful to the environment, taking account of various constraints and the extents of the Green Belt.
- 4.29 Instead, the supporting text to the Policy now states at 6.27 onwards that the HEDNA OAN of 270 dpa has reduced to 230dpa and that even this level of housing growth is not required to support the full projected economic growth of the Borough. Sensitivity testing has concluded there is no point in aiming for 270 or 230 dpa as there is no realistic prospect of Pendle realising that level of economic growth.
- 4.30 There are a couple of points to note here:
1. As will be highlighted later, the Council still plan for the economic growth and land requirements for the additional jobs that would necessitate 270 dpa.
 2. This approach can only be described as wholly underwhelming, and inconsistent with the Spatial Vision which states at the outset the Plan is an “ambitious” vision for the future of Pendle and its growth (§1.19);

- a. The new Housing Needs Assessment reports that household formation has fallen. This is unsurprising and is a product of the Council's:
 - b. Acknowledged failure to deliver on their existing local plan housing targets;
 - c. Acknowledgment throughout the Plan and its evidence base that it has significant issues with smaller properties and an imbalance in housing stock (see Policy DM21 and supporting text);
 - d. Acknowledgement that despite households not forming, the population grew in 10 years by 6,348 (7.1%) and people are living longer, meaning housing needs are increasing.
3. Acknowledgment there is a substantial overcrowding issue in the Borough which this plan not seeking to address at all (and indeed, it is seeking to exacerbate through imposing inflexible housing mix policy DM22 with predominantly smaller homes). The 2,812 homes proposed in the Plan only provides for new housing needs and population growth in the Borough over the Plan period. It makes no attempt at all to address the needs of the 3,750 households where they are in unsuitable housing (or none at all) as described in their HEDNA (§7.30).
 4. The Council were well aware at the point of consulting on this Publication Plan that the NPPF is likely to significantly increase their housing requirement in excess of even 270dpa. The Proposed Standard Method suggests a requirement of 382 dwellings per annum.
- 4.31 The above points 1 to 4 is symptomatic of a flawed system and it is widely accepted that the current Standard Method results in negative feedback loops with ever-reducing housing requirements, increased housing need and social inequality.
- 4.32 It is entirely unsurprising that the new Government has recognised that some councils are trapped in this cycle and have sought to introduce a stock-based method to eliminate this damaging algorithm.
- 4.33 Finally, and contrary to the Council's conclusions, their advisors (Inceni) in the Housing Needs Review concludes at paragraph 4.8 that their figure of 230 dpa is entirely deliverable as the annual monitoring report advises delivery in the last three years has been 286dpa. It is inconceivable this level of house building would be occurring in the Borough house builders

and housing associations did not think they could deliver it and see it occupied.

- 4.34 In the light of this, the basis for pursuing a lower level of housing is **not justified** and it is therefore **unsound**.
- 4.35 If the Council is intent on pursuing the current approach in the full knowledge that they will need to undertake an immediate review of the Local Plan that will need to plan for a much higher need, it is considered the flexible approach aligned to a dedicated review policy (as suggested in 'Proposed Policy 1' in these representations) is adopted.
- 4.36 This would be consistent with DM20 which accepts in DM20(1) that the housing requirement of 148 dpa is a minimum requirement. Part 5 of the Policy should then be amended to make clear the Presumption in Favour of Sustainable Development will apply to additional, sustainable sites, that come forward to meet the pressing housing needs:

(5) ~~When applicable~~⁶⁴, The Council will maintain a specific supply of deliverable⁶⁵ housing sites sufficient to provide a five-year housing land supply. Where this cannot be demonstrated, or where additional housing sites are proposed to meet pressing housing needs, the Council ~~must~~ will apply the presumption in favour of sustainable development.⁶⁶ In these circumstances development proposals should continue to accord with the spatial strategy, ~~represent~~ a proportionate response to any shortfall in supply identified, and meet the requirements of Policies DM21, DM22 and DM23. [additions and deletions]

DM21 Design and Quality of Housing

- 4.37 MDH are concerned that the very high density of 50 dwellings per hectare (dph) proposed in part 2 of the policy for town centres is very high. Experience suggests that with site parking and site constraints, this level of development in Pendle is not suitable or achievable. Further evidence to support this proposed level of development, taking account of other requirements such as the nationally described space standards (NDSS) and whether this is actually viable and suitable for the locations suggested, should be provided by the Council.
- 4.38 In particular, it is noted that development at that density would necessitate 1 and 2 bed apartments and not the provision of family homes, which the plan acknowledges is much needed in the Borough and will not assist at all in achieving "an appropriate housing balance" for the Borough.

DM22 Housing Mix

- 4.39 Policy DM22 as drafted is presently **unsound** as it is **not justified or effective**, taking account of the Council's own described local circumstances. The Local Plan identifies several settlements in the settlement hierarchy and three sub-areas in the Plan where there are very different profiles of development and associated development needs, yet Table DM22a provides a 'one size fits all approach'.
- 4.40 MDH, as set out in the introduction to these representations, have extensive experience of developing in Pendle. This highlights that whilst in some parts of the Borough smaller 1 and 2 bed homes may be the preference for purchasers, in other parts of the Borough 3 and 4 bed family homes are the preference. In order for the Policy to be found sound, the policy should be proactive and identify the appropriate housing mix for the sub-areas. This is the correct approach as experience of developing in locations like Craven or Wyre has highlighted that whilst the policy would suggest flexibility, and that local circumstances should be considered, in practice councils treat the levels identified as prescriptive requirements from which they do not deviate.
- 4.41 This situation is only considered more likely in Pendle if Policy DM22 and Table (a) are not amended, as it identifies a narrow range which the council would likely argue is meant to cater for all circumstances arising in the Borough. The tracked changes proposed to Part 3 of the policy supports this view as the focus has been amended from stating significant departures "may" be refused, to significant departures "will" be refused where adequate justification is not supplied.
- 4.42 In addition, the supporting text to the policy provides no guidance on the sources of form of information to be supplied that the Council will consider to comprise "adequate justification." If the policy is to be capable of being found sound, the Council and Inspector must ensure:
- i. The policy or supporting text sets out that it accepts the ranges are not fixed or prescriptive; and
 - ii. It must explain exactly what documentation and sources of information it will expect in order to assist applicants who consider deviation from the standards is justified for a particular area of the Borough.

~~4.43 Notwithstanding the above, and taking account of the comments provided in relation to~~

Policy DM20, it is considered the supporting text to Policy DM22 explaining the approach and focus on smaller properties is **not justified**:

The Council's proposed Housing Mix in Policy DM22 is derived from the HEDNA. Their advisors, Icen, describe in chapter 8 and paragraph 8.6 explain that the mix is calculated on the assumption the Council will deliver 270dpa. This is not proposed by the Council.

Paragraph 6.53 of the supporting text highlights 60% of homes are Council tax band A, explaining they are often limited in size promoting overcrowding (note earlier comments made regarding the sheer number of overcrowded properties in the Borough), yet the plan has a bias towards a greater number of smaller properties.

Paragraph 6.55 of the supporting text asserts a Pendle-wide approach to the policy is justified due to limited variation in housing needs in the sub areas. The HEDNA at Table 8.14 shows there are significant variations across the Borough and so it is surprising the HEDNA goes on to state at 8.3 that there aren't clear cut differences to suggest a different mix of housing at a sub-level area, particularly when it notes at the outset in 8.36 there are notable features such as a higher proportion of 4+ bedroom market homes in Rural Pendle.

- 4.44 All the above would suggest that the Policy should be amended to account for prevailing local circumstances in the three defined sub-areas of Pendle. A one-size fits all approach, and limited flexibility is not suited to the high variation seen across the Borough, particularly when that prescriptive mix is derived from an OAN the Council has no intention of delivering.

Policy DM26 Housing in the Countryside

- 4.45 In accordance with representations made in respect of other policies in the plan, DMH do not have any specific concerns with Policy DM26. However, to make the Policy compatible with the proposed amendments providing for larger scale sustainable developments beyond, but adjacent to settlement boundaries, the Policy should be redefined as:

"Isolated Housing in the Countryside", so the distinction is clear.

Policy DM40 Employment Land Requirement and Delivery

- 4.46 Policy DM40 appears completely disconnected from other parts of the Plan. The Council has gone to lengths in Policy DM20 to justify why a lower housing requirement of 148 homes is needed. This is explained by stress testing completed in the Housing Needs Report, which points towards lower housing need as the Economic aims of the HEDNA are unrealistic.
- 4.47 However, the Council has failed to do any such update in relation to Policy DM40 and it has not reduced down the industrial floorspace proposed of 79,100sqm accordingly. Paragraphs 7.22 and 7.23 explain this figure is derived directly from the HEDNA which projects jobs growth of 2,100 jobs between 2022 and 2032.
- 4.48 Paragraph 1.47 of the HEDNA states:

“A jobs forecast showed potential job growth (2022-32) of just over 2,100– this number of jobs is in excess of the number potentially supported by the Standard Method (140 dpa), and points to the need for the Council needing to seek higher levels of housing delivery (around 270 dpa) to support economic growth (2,135 jobs).” [sic]

- 4.49 There is therefore a fundamental flaw in the Council's Plan. They should not be pursuing the level of economic growth and allocation of employment in DM40 if there is no intention of providing for the associated level of housing growth to support it. To do so flies in the face of the principles of plan-making and sustainable development (NPPF §16), seeking as far as possible to align housing growth with economic development. The result of this plan will only result in unsustainable patterns of economic development which relies heavily on commuting into the Borough from surrounding areas with more housing stock.
- 4.50 Accordingly, for this reason alone the Plan (and not just DM40) **is unsound as it is not positively prepared, justified, effective or consistent with national policy.**

5 Part 4 Allocations

5.1 MDH reserve the right to adduce detailed housing land supply evidence for the Examination, taking account of either the Council's SHLAA with a base date of 1st April 2023 or as updated to 1st April 2024, should this become available.

5.2 The following comments are provided initially in respect of the specific housing allocations below:

- i. **P026. Land at former Riverside Mill, Reedyford Road, Nelson:** At the time of writing this site has been on the market since June 2023 (18 months) with JLL and has still not sold. There has been very little interest due to the location and site constraints.

The gross site area is 6.79 Acres (2.75HA) and proposed dwellings is 140. This would represent 20.6 dwellings per acre (51 per hectare), which is broadly consistent with the proposed density policy. However, there is a culvert going through site and significant areas of the site are covered by Flood Zones 2 and 3 (c. 40–50%). Along with other site constraints, the net developable area is expected to reduce down substantially, perhaps to less than half. Therefore, it is our view that this site cannot support the proposed 140 dwellings proposed. Further assessment will be provided in due course, but it is suggested this allocation should be reduced to 70 dwellings.

- ii. **P052. Land at Former Railway Sidings, Railway Street, Brierfield:** The access for this site is substandard and is insufficient to safely provide for access and egress for 40 dwellings. A large part of the site (circa 30%) is also within Flood Zone 3 and the site is subject to tree constraints, and an exclusion area adjacent railway line. The proposed level of development at 40 homes is therefore considered a gross overestimate. Notwithstanding this, in the absence of detailed evidence to demonstrate the site can be accessed safely to support the level of development, it should be removed from the list of allocations.

- iii. **P257. Giles Street, Nelson:** This site is allocated for 45 dwellings in the plan, increased from 30 in the Preferred Options. The justification to the policy states the site is identified in the Bradley Area Action Plan, but it does not explain that it is already a cleared housing site where previously circa 80 terraced homes previously stood. The number of homes identified for the site should therefore be clearly expressed as net additional homes, and the number reduced to net – 35 dwellings. The site has been

cleared for some years and should be deliverable now, but it is noted the Council has elected not to include it within their five year supply at all.

- 5.3 On the basis of this small cross section of sites alone, the Council's proposed net deliverable supply and allocations should be reduced from 544 homes to 354 (-190 homes). Further interrogation of the claimed supply and proposed sites will demonstrate the figure is far in excess of this and that the Council cannot demonstrate a 5-year housing land supply. On this basis, it is unlikely the Plan would be capable of being found sound.

Site Suggestions

- 5.4 Taking account of the above and also the suggested amendments to permit additional sustainable sites in Pendle in advance of a Local Plan Review with a likely significantly higher housing requirement, MDH previously suggested two sites to the Local Plan which may assist with meeting current and future housing requirements. Both sites were previously included as 'Reserve sites' in Policy Liv8 of the Pendle Local Plan Part 2 (Site Allocations and Development Policies, Extract Appendix 1).

Land at Foster Road, Barnoldswick (reference P055): This site was previously submitted on behalf of MDH by Pegasus Group (see Appendix 2) and the Liv8 policy identified it as suitable for around 93 homes.

Land at Stoney Bank Road, Earby, P263/P265: This site (see site plan Appendix 3) was identified as being capable of delivering 100 homes.

6 Conclusions

- 6.1 The national planning landscape is soon to change significantly with the publication of a new NPPF. The Council is aware of this and have decided to continue with their Local Plan preparation under the current December 2023 NPPF. They have accepted this will necessitate an immediate review of the plan.
- 6.2 These representations have identified some very serious issues with the Pendle Local Plan, as currently drafted. In the spirit of planning positively and seeking to find solutions to this, MDH have suggested additional policies and alterations to existing policies which may help make the Plan sound; however, these alone may not be sufficient to support a successful examination.
- 6.3 MDH are currently actively building one site and are about to commence another in the Borough. They have identified two further sites which may help the Council with their deliverable housing land supply; however, the conclusion of these representations is that presently there is no justification for the Council to depart from the HEDNA OAN of 270 dwellings, which is inextricably linked to economic growth, jobs and employment land needs of the Borough.
- 6.4 Finally, much more detailed thought and analysis is required in relation to the complexion of sites proposed for development, what these will deliver in relation to housing mix, and what the plan will actually achieve in terms of addressing not just the quantum of housing need but that of different groups.

Appendix 1 - Policy Liv 8 Extract

Living

- 4.49 The selection of Reserved Sites has followed the strategic approach in [Policy SDP2](#). This focuses new development and growth in our key and local service centres. The sites also reflect the scale and role of the settlements they are intended to serve.
- 4.50 Sites identified in the SHLAA, with the potential to be Reserve Sites have not been designated where they are:
- Situated within the Green Belt (See Policy ENV11).
 - Designated in a Neighbourhood Plan
 - Allocated for Custom or Self-build Housing in the Local Plan
- 4.51 Reserve Sites will only be released where there is substantive evidence that there is a need to do so in accordance with policy and where the approach in Part 5 of Policy LIV6 has been followed. Applications for the development of reserve sites for reasons which depart from Policies LIV6 and LIV8 will normally be refused unless material considerations indicate otherwise.
- 4.52 Reserve sites are distributed proportionately across the Borough broadly in line with the spatial distribution set out through Policy SDP3.
- 4.53 Further flexibility for additional housing is provided on allocated sites (Policy LIV7), which may be developed to a higher capacity than indicated in the Policy subject to justification and consideration of wider impacts. Windfall developments which are not included within supply figures, but may come forward at any time over the remaining plan period, will also contribute to meeting the housing requirement. It is considered that collectively, these sources of supply provide sufficient flexibility to ensure that the both housing requirement and accumulated shortfall is met in full by the end of the plan period.

Policy LIV8

Reserve Sites for Housing

- The boundary of each Reserve Site is defined on the Policies Map.
- The following Reserve Sites may be developed for housing should they be needed to address under-delivery, or to meet future development needs (i.e. beyond the end of the plan period 2030).

Ref	Site Name and Location	PDL ¹	Site Area (ha)	Dwellings
P055	Foster Road, Barnoldswick	No	3.11	93
P005	Castle Road, Colne	No	3.00	85
P105	Halifax Road, Nelson	No	6.56	125
P104	Oaklands, Barrowford	No	3.20	60
P263/P265	Stoney Bank Road, Earby	No	6.83	100
¹ Previously Developed Land		Totals:	c.23.86	463

3. Reserve Sites for housing will only be released following adoption of the Local Plan Part 2 during the plan period (2011-2030) where annual monitoring confirms:
 - a. There is a shortfall in the five-year housing land supply.
In these circumstances Reserve Sites throughout the borough will be considered for release where they are capable of being implemented within two years of the date on which planning permission is approved.
 - b. The Housing Delivery Test is failed, and interventions 5a to c in Policy LIV6 are unlikely to resolve the shortage in housing delivery.
4. Development proposals on Reserve Sites will be required to:
 - a. Meet the site specific policy requirements set out below.
 - b. Address the design principles set out in [Policy ENV19](#) and any other relevant policies in the Pendle Local Plan, or a 'Made' Neighbourhood Plan.

P055	Foster Road, Barnoldswick	Dwellings	93
Site Specific Requirements: <ol style="list-style-type: none"> 1. The site has capacity for around 93 dwellings. A broad mix of dwelling types, sizes and tenures should be provided on Site. At least 10% of new homes should be affordable housing. 2. The scale, form and character of new dwellings should be consistent with the character of the wider built up area and reflect the site's edge of settlement location. 3. New development should positively address the countryside edge of the site to enhance the setting of the settlement. 4. A proportion of plots provided at the site will be sought as self-build in accordance with Policy LIV11. 5. Vehicular access should be taken from Foster Road. 6. The broad route of the existing Public Right of Way which crosses through the Site should be retained and incorporated into the layout and design of the development. Enhancements to the Public Right of Way will be sought to improve access for all by foot. 7. Existing trees and hedgerows forming the boundaries to the site should be retained and enhanced through management (where required) and with supplemental planting (to be agreed with the local authority) to create a soft edge to the development and reduce any urbanising effect caused on the wider open countryside. The felling of existing trees or removal of hedgerow within the site to accommodate its development should be minimised, with replacement planting to be sought in accordance with Policy ENV16. 			
Justification: <p>The site is formed of greenfield land is currently used for grazing which is located to the north west of Barnoldswick adjoining the settlement boundary of the town. The site benefits from good accessibility to existing facilities and services. The site is well related to the settlement pattern with existing residential development located to the east and south and its development would represent a logical "rounding off" of the settlement. The site has strong vegetated boundaries to the north and west which limit the</p>			

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Justification:

The site is formed of greenfield land located at the western edge of Barrowford and adjoins the settlement boundary. The site benefits from generally good accessibility to facilities and services with the centre of Barrowford within walking distance. The site is very well related to the settlement pattern with existing residential development located to the north, east, and south, and the sites of St Thomas C of E Church and Primary School located to the west. Only land to the north west of the site is undeveloped and in agricultural use, however the inter-visibility between the site and the open countryside the north west is extremely limited. The development of this site would represent a logical “rounding off” of the settlement pattern, with likely urbanising effects limited to a localised area.

The housing needs of Barrowford for the remaining plan period to 2030 are fulfilled by committed developments. As such, there has been no need to identify any land as an allocation for housing within or at the settlement at this point in time. The site however is recognised to form a suitable and deliverable location for housing which could meet the needs of Barrowford if committed development does not come forward as anticipated. As a result the development of the site for housing may be suitable where the criteria outlined in Policies LIV6 and LIV8 are met. Any application to develop the site other than in accordance with Policies LIV6 and LIV8 will normally be refused unless material circumstances indicate otherwise.

The contained nature of the site means that it provides a logical location at which to meet future housing needs. Proposals should seek to ensure that the existing north west boundary of the site is retained to minimise the potential for adverse effects on the wider open countryside. By far and away the most significant sensitivity for developing this site, is the site frontage which is within the Barrowford Conservation Area and protected by a group TPO. Access works for the development of the site will therefore need to be kept to a minimum and limited to only those required for safe and sufficient access to reduce the potential for adverse effect on this frontage. Any part of the wall lost for these works will be required to be replaced, consistent in design and materials of the existing wall. New dwellings sited along this frontage should be set back beyond retained trees, and be of a high quality design which is reflective of the built qualities and character of the wider conservation area.

In the interests of long term planning, the development of the site should not prevent fields to the north west of the site from being developed for housing should they one day be needed beyond the end of the plan period. As a result, and noting wider accessibility constraints in the settlement, the design and layout of the site should ensure that vehicle access to fields located to the north west could be obtained in the future if required.

P263/P265	Stoney Bank Road, Earby	Dwellings	100
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Site Specific Requirements:

1. The site identified to deliver around 100 dwellings. A broad mix of dwelling types, sizes and tenures should be provided on site. At least 10% of new homes should be affordable housing.
2. A proportion of plots provided at the site will be sought for self-build in accordance with Policy LIV11.

3. Existing dry stone walls along the boundaries and within the site should be retained and incorporated within the design of the Site as far as practical.
4. Special attention is required to the interrelationship between the development, its boundary, and the Earby Conservation Area located to the north of the site. The effects of the development will need to be assessed through a Heritage Statement, and subsequently sufficiently addressed through the design and layout of the development.
5. 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.
6. 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.
7. Vehicular access should be taken from Stoney Bank Road. A separate emergency access is also required.
8. A new footpath should be provided along the frontage of the site at Stoney Bank Road within the retained dry stone wall.
9. The existing Public Right of Way which runs along the western boundary of the site should be retained and enhanced, and incorporated into the layout and design of the development.
10. The development will require the creation of a new boundary to Earby. A soft edge of the development should be provided which has regard to the character of the local area. New dwellings should positively address this boundary, but set back from the edge of the site by public open space. This boundary is to be set back from Mill Lane ensuring that the semi-rural outlook currently afforded to the west of this route is retained.
11. Development should avoid being in close proximity to Earby Beck which flows to the north of the Site.

Justification:

The site is formed of greenfield land located at the eastern edge of Earby and adjoins the settlement boundary. The site benefits from generally good accessibility to facilities and services available within the centre of the settlement and to West Craven Business Park. The site is relatively well related to the settlement pattern with existing residential development located to south and west, and to the north beyond Earby Beck. The development of this site could provide a logical "rounding off" of the settlement pattern if developed sensitively.

The housing needs of Earby for the remaining plan period to 2030 are fulfilled by committed developments, and by the allocation of sites P045, P064 and P081 identified through Policy LIV7 which scored more positively than this site through the site selection process. As such, the development of this site is not required at this time. The site however is recognised to form a potentially suitable location for housing which is deliverable within the plan period, and could meet the housing needs of Earby if commitments and/or allocated sites do not come forward as anticipated. As a result the development of the site for housing may be suitable where the criteria outlined in Policies LIV6 and LIV8 are met. Any application to develop the site other than in

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accordance with Policies LIV6 and LIV8 will normally be refused unless material circumstances indicate otherwise.

The site in its current form is sensitive to development and would not be appropriate without the implementation of policy requirements. The Site is visible to open views gain from elevated open countryside and public routes to the east. The development is likely to be highly visible if the boundaries of the site are not treated sensitively. New planting, open space and lower density development in these areas will be required to soften the impact of the development from wider views and to better integrate the site into its surroundings. It will be important however that the overall experience and character of the public route along Mill Lane adjoined to the east of the Site is retained and as such development should be off-set from this boundary with rural qualities of this part of the site retained. The successful implementation of these measures is likely to provide for a positive benefit of the development, by enhancing the setting of Earby.

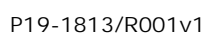
The site is also adjacent to but outside the Earby Conservation Area which is located to the north. The proximity of this designation and the way in which this is treated in the development in this part of the site will need careful consideration through the design process in order for harm to be minimised. The site is bordered by, and features a number of dry-stone walls which contribute to the rural character and heritage of the site and its surrounding area. It will be important that these are retained and integrated into the layout of the development as far as possible.

To ensure that the development provided on the site sufficiently responds to identified environmental sensitivities and provides a positive contribution to quality of the environment in Earby, the Council will require the submission of a Design Code as part of the first application to develop the Site, which will determine how, where and what development will occur on the site and is integrated into the landscape.

Monitoring and Delivery

Strategic Objectives	2 • 5
Local Plan Part 1 Policies	SDP2
Local Plan Part 2 Policies	LIV6 • LIV7
Targets	<ul style="list-style-type: none"> • Deliver a minimum of 2,640 dwellings by 2030. • Deliver housing (plan wide and site basis) in accordance with the housing trajectory • Secure the delivery of the housing target in accordance with the Spatial Strategy
Triggers	<ul style="list-style-type: none"> • Less than half of the housing requirement has been delivered by 2025. • Housing Delivery Test falls to 90% or less. • There is no planning activity on allocated sites by 2025. • There is no robust and deliverable five year housing land supply

Appendix 2 – Land at Foster Road, Barnoldswick



Appendix 3 - Land at Earby

