



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*
Name	Joanne Harding	
Organisation*	Home Builders Federation (HBF)	
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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 separately attached letter.

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 separately attached letter.

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

Yes ☐ No ☐

If no, please explain:

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

Please see separately attached letter.

Do you wish to participate at the hearing sessions?

Yes ☐ No ☐

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

The HBF would like to participate in the hearing sessions to represent the home building industry and to address any additional point in relation to housing that are raised at the examination.

How did you find out about this consultation?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Email / Letter | <input type="checkbox"/> Poster |
| <input checked="" 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: Joanne Harding

Date: 6/12/24

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 Borough Council
Planning, Economic Development & Regulatory Services
Town Hall
Market Street
Nelson
BB9 7LG



SENT BY EMAIL
planningpolicy@pendle.gov.uk
06/12/2024

Dear Planning Policy Team,

PENDLE LOCAL PLAN (4TH EDITION): PUBLICATION DRAFT

1. Thank you for consulting with the Home Builders Federation (HBF) on the Pendle Local Plan Publication Draft.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF notes a consultation on the NPPF and the standard method for calculating housing need has taken place just prior to this consultation on the Pendle Local Plan, and that this is likely to have implications for the production of the Plan and the policies it contains.
4. The HBF also notes that the 'Building the homes we need' the Written Ministerial Statement (WMS) from Angela Raynor on 30th July 2024 highlights the importance of everyone local authority having a development plan in place, and states that for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the Plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
5. The HBF is keen to ensure that Pendle prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.

Plan Period

6. The Council propose a plan period of 2021 to 2040. The HBF considers that any update should ensure that the Plan covers a period of 15 years from the adoption of the Plan. The NPPF¹ states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the

¹ NPPF December 2023 Paragraph 22



area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. To ensure that the Plan covers the full 15 years on adoption, this requires the Plan to be adopted in 2025. The HBF considers that this is unlikely, and the Plan period should be extended until at least 2041.

SP02: Spatial Strategy

Policy SP02 is not considered to be sound as it is not justified, not effective and not consistent with national policy for the following reasons:

7. This policy sets out the settlement hierarchy and the role of individual settlements. It also states that within a settlement boundary there is a presumption in favour of sustainable development.
8. The HBF considers that it is appropriate for the Council to provide an appropriate settlement hierarchy which provides a logical hierarchy and allows for a suitable and sustainable spatial distribution of sites, provides an appropriate development pattern and supports sustainable development within all areas.
9. The HBF also considers that it is appropriate to support development within the settlement boundaries. However, it would be beneficial to the clarity of the policy if it was clear that the requirements (a), (b) and (c) are standalone rather than all being required to be met. Therefore, the HBF would recommend adding 'or' between each part.

SP06: Towards net zero carbon

Policy SP06 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

10. This policy states that all developments should be designed to reduce the extent and impacts of climate change; to help promote carbon zero development, premises should meet the highest technically feasible and financially viable standards and minimise their effects on climate change across the whole life cycle of the development. The justification text states that to achieve net zero buildings, both embodied and operational carbon should be considered.
11. BS EN 15978, which defines a standard building's life expectancy as 60 years and breaks down the life cycle into five overall stages: Product stage [A1-A3], Construction stage [A4-A5], Use stage [B1-B7], End of life stage [C1-C4] and Beyond life stage [D]. Whole life carbon emissions are the sum total of all emissions both operational and embodied over the life cycle of an asset.
12. The HBF is concerned that planning may be too early in the building process to fully assess the carbon impact of a design. It may be that further decisions are made post planning, which do not require further consent which would impact on the carbon emissions. The industry is generally familiar with energy modelling tools like SAP1.1 and SBEM1.2 which may be used in Building Regulations.

13. The HBF considers that if the Council is to introduce a policy in relation to net zero and whole life carbon it will have to closely consider how it will be monitored and what the implications are for the preparation of any assessment, particularly in relation to how easily accessible any data is, and that it will have to take into consideration that much of the responsibility for emissions will lie in areas outside of the control of the homebuilding industry, including material extraction and transportation, occupation and maintenance, demolition and disposal. The Council will also have to consider how the policy will interact with other policies as well as the viability and delivery of development.
14. The HBF considers that if this policy were to be introduced then the Council should provide a transitional period to give the industry time to adjust to the requirements, to upskill the workforce as needed and for the supply chain to be updated or amended as required.
15. Part 2 of the policy looks for small-scale renewable and low carbon energy generation to be incorporated into the design of new development where appropriate. The HBF does not consider that it is a reasonable requirement to for development to incorporate small-scale renewables or low carbon energy generation. The HBF recognises that there may be potential for energy to come from renewable or low carbon sources, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.
16. Part 4 of the policy states that developers should seek to meet independently accredited energy and sustainability standards, such as Passivhaus Standard and the BRE Home Quality Mark. The Policy goes on to state that residential developments incorporating 10 dwellings or more will be required to submit an energy statement.
17. The HBF does not consider that it is necessary for Pendle to look for developers to meet independently accredited energy and sustainability standards. The HBF does not consider that the Council have provided any evidence or justification for why residential development should need to meet the Passivhaus Standard or the BRE Home Quality Mark or why developments should need to be assessed using the Home Quality Mark. The HBF recommends that this policy is deleted.
18. The HBF considers that it is important that the Council does not set its own standards for development which may differ from the approach being taken by national Government, and that any such policy in relation to low carbon, local heat and energy solutions are implemented on a flexible basis, and that the Council recognise the decarbonisation of the national grid. This would be in line with the Written Ministerial Statement of December 2023².
19. Building Regulations Part L 2013 is often used as a base line for measuring future building performance in terms of carbon reduction. Part L 2021 sees a 31% reduction in carbon use when compared to that of Part L 2013, it still sees the use of gas or fossil fuel heating used in new properties. The 31% improvement is achieved through

² <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

enhanced performance to the design of the building fabric and within the appliances used within the home. Part L 2025 (known as the Future Homes Standard (FHS)) is expected to see a 75% to 80% reduction in carbon use when compared to Part L 2013. Any new home built to the Part L 2025 will not utilise any form of fossil fuel heating within the home, it will only contain sources of electric heating and electrical appliances. This means that the homes built to the FHS will be 'zero carbon ready'. This in turn means that as the National Grid decarbonises, no additional work will be needed to be carried out to those properties in order for them to function as 'zero carbon homes'.

DM01: Climate Change Resilience

Policy DM01 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

20. Part 3 of this policy states that proposals should minimise the use of natural resources, increase self-sufficiency and lower carbon emissions. It suggests that development should, as a minimum and where feasible: promote energy efficiency; make use of low carbon materials, take opportunities to provide on-site renewables, adopt measures within building design to limit water usage including the implementation of the optional technical standards for water efficiency in the Building Regulations, promote rain water capture to recycle water and reduce pressure on the water supply, it suggests that new homes should be equipped with a water butt, provide EV Charging Points, provide cycle storage, the provision of street trees and encouraging food production.
21. Firstly, the HBF is concerned that it is not clear how this policy would be used in decision-making, and whether a decision maker would expect all or some of these elements to be met, and what would happen if they were not. Secondly, the HBF considers that a number of elements of this policy are not necessary and should be deleted.
22. The HBF does not consider that it is necessary for development to adopt, as a minimum, measures to limit water usage including the implementation of the optional technical standards for water efficiency. The optional water standard is 110 litres per person per day, the Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure.
23. A policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG³ states that where there is a '*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*'. PPG⁴ also states the '*it will be for a LPA to establish a clear need*

³ PPG ID: 56-014-20150327

⁴ PPG ID: 56-015-20150327

based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Pendle are not considered to be an area of Water Stress as identified by the Environment Agency⁵. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

24. The HBF considers that the suggestion for new homes to be equipped with a water butt is unnecessary and not justified or evidenced.
25. The HBF considers that the provision of electric vehicle charging capability is unnecessary as Part S of the Building Regulations now provides the requirements for Electric Vehicle charging, including where exceptions may apply.
26. The HBF considers that the provision of street trees has potential to have an impact on the street layouts and land uptake for any development and may have significant implications for the density of developments, this in itself has potential to have a significant impact on the viability of developments. The provision of street trees may also have implications in relation to highway provision and highway maintenance and again may need to be given further consideration by the Council and the developers of these sites.
27. The HBF considers that there is no justification or evidence for encouraging food production. The HBF is also concerned in relation to the implications of this policy in terms of viability, efficient use of land and site layouts. The HBF is also not sure whether residents of all new developments would want community allotments or food growing opportunities, and it is not clear what would happen where these facilities are not used in an appropriate manner or are not maintained for food growing.

DM02(a): Flood Risk

Policy DM02(a) is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

28. This policy states that finished floor levels should be a minimum of 600mm above whichever is the higher of the average level of the site, the adjacent road level to the building(s) or the estimated river or sea flood level for the site.
29. The HBF is concerned that this policy is not sound and how it would work in reality has not been thought through. It is not clear how this would work in relation to accessibility of the homes provided or the M4 standards, or what consideration has been given to local topography. It also not clear what consideration has been given to the layout of sites and the implications this may have on viability if homes are expected to meet this requirement. The HBF considers that this requirement should be deleted.

⁵ 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

DM04: Biodiversity Net Gain

Policy DM04 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

30. This policy states that all development proposals will be expected to deliver an overall measureable net gain for biodiversity of at least 10% against the baseline conditions of the site. It goes on to state that developments that achieve on site or borough-wide enhancements above 10% will be considered favourably. It also states that where a 10% net gain cannot be secured on site, off-site habitat provision should where practicable accord with the LNRS and be made within Pendle or one of the three National Character Areas present within Pendle. Finally, it states that conservation credits may also be accepted, and that they are a last resort according to the mitigation hierarchy.
31. The HBF notes the introduction of Biodiversity Net Gain which came in for large sites on February 12th 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
32. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG⁶ is clear that there is no need for individual Local Plans to repeat national BNG guidance.
33. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase 'at least 10%' would help to provide this.
34. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the BNG PPG⁷.
35. The Viability Assessment includes a cost assumption in relation to BNG of £242 per unit for brownfield sites and £1,137 per unit for greenfield sites. The HBF also notes the significant viability challenges set out within the Viability Assessment. The HBF considers that there are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce

⁶ ID: 74-006-20240214

⁷ ID: 74-054-20240214 & ID: 74-056-20240214

housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

36. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.
37. The HBF notes that both parts 3 and 4 of the policy refer to the Local Nature Recovery Strategy (LNRS), the HBF considers it is appropriate for the policy to consider the relationship between the plan and the LNRS. However, the LNRS should not be used to restrict development or to limit the requirements of the BNG and metric being met. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.
38. The HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims. As currently drafted the justification text in relation to BNG as currently written is therefore incorrect and confusing.
39. Reference must also be made to the correct BNG metric. Metric 3.0 has been superseded by both Metric 4.0 and the new national statutory biodiversity metric. The justification text needs to reflect this. The HBF welcomes the reference to the small sites metric, but requests that more detail about it is provided within the Plan to explain that this is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites and that it can only be used for on-site BNG delivery.
40. The wording of policy DM04 should therefore be amended to ensure it accurately reflects the current national policy position namely 3. Should refer to 10% BNG, not at least 10% BNG. This would also make it consistent with point 4. Point 5 needs to clearly refer to Statutory BNG credits not 'conservation credits'. The policy could usefully refer to Section 106 agreements and the use of conservation covenants as a way of securing BNG. Reference should also be made to securing BNG for 30 years which is a key part of the national approach.

DM16: Design and Placemaking

Policy DM16 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

41. This policy states that householder developments, shopfronts and external advertisements proposals accord with the detailed requirements set out in the Design Principles SPD and the Conservation Area Design and Development Guidance SPD, where applicable.
42. The HBF considers that it is inappropriate to require development to accord with detailed requirements of an SPD, it is not appropriate to give increased weight to an SPD through the Development Plan.

DM20: Housing Requirement and delivery

Policy DM20 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

43. This policy states that over the plan period (2021-2040) provision will be made to deliver a minimum of 2,812 net dwellings, equating to a net average of 148 dwellings per annum (dpa).
44. The NPPF⁸ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure⁹. The HBF would also expect the Council to investigate the circumstances where it might be appropriate to plan for a higher housing need figure as set out in the PPG¹⁰, these circumstances include where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method.
45. The Housing and Economic Development Needs Assessment (HEDNA) (March 2023) states that the Standard Method results in an annual housing need of 140 dwellings per annum (dpa). It also details the exceptional circumstances that would support a figure above the Standard Method and recommends a figure in the region of 270dpa. The HEDNA also identifies a potential jobs growth (2022-32) of just over 2,100, it suggests that this number of jobs is in excess of the number of jobs that can be potentially supported by the Standard Method. It also suggests that a higher level of housing delivery for example the 270 dpa proposed would support an economic growth of 2,135 jobs and would create a better balance. The HEDNA goes on to identify an affordable

⁸ NPPF December 2023 Paragraph 61

⁹ PPG ID:2a-004-20201216

¹⁰ PPG ID: 2a-010-20201216

housing need of 288dpa and suggests that there will be a need for both social and affordable rented housing.

46. The Pendle Housing Need Review (May 2024) provides an update to the HEDNA 2023. It highlights the elements that feed into the standard method have been updated and the new local housing need (LHN) is identified as 124dpa. It goes on to suggest that more recent demographic data puts upward pressure on this number, and suggests that with a 3% affordability uplift the latest demographic data would result in a housing need for 148dpa. However, it also states that this level of need is too low and would not support the forecast economic growth. It goes on to suggest that the same level of growth as set out in the HEDNA (2,135 jobs) could be achieved by delivering 230dpa. They conclude that 230dpa is the most appropriate housing target for Pendle and that this level of growth is deliverable.
47. The justification text for the policy states that the locally assessed housing need for Pendle represents a minimum need for 124dpa. This appears to be in line with the most up to date calculation of the LHN using the standard method.
48. The HBF considers that the housing requirement identified by the Council, whilst meeting the local housing need as calculated using the Standard Method is likely to be insufficient to meet the local housing need when other evidence is taken into consideration. Much of this evidence is already considered in the Council's own HEDNA, and Housing Need Review, and includes the demographic considerations, the affordable need and the balance of economic growth and housing. Planning for this higher housing need figure would be in line with the PPG and the NPPF.
49. The HBF notes that the proposed new standard method identifies a local housing need for Pendle of 382dpa. The HBF notes that this is 234dpa more than the currently proposed housing requirement. The WMS is clear that for Plans at an advanced stage of preparation (Reg 19) where there is a significant gap between the plan and the new local housing need figure that they will ask authorities to rework their Plans to take account of the higher figure. The HBF considers that there is a significant gap between the Plan and the new local housing need figure. The draft NPPF also states that policies in this Framework will apply for the purpose of preparing local plan from the publication date of the NPPF plus one month, unless one of three criteria apply. None of these criteria will apply as whilst the local has reached Regulation 19 it is more than 200 dwellings below the published relevant LHN figure, and the HBF considers that it is unlikely that the Plan will be submitted on or before the publication date [plus 1 month] of the NPPF.
50. Part 5 of the policy states that when applicable the Council will maintain a specific supply of deliverable housing sites sufficient to provide a five-year housing land supply (5YHLS). It goes on to state that where this cannot be demonstrated, the Council must apply the presumption in favour of sustainable development. The HBF considers that this statement is little more than repetition of the NPPF, and in fact adds limitations to the policy by requiring it to accord with the spatial strategy, represent a proportionate response and meet the requirements of DM21, 22 and 23 and as such it adds little. The HBF would recommend that the Council give further thought to what exactly they would

do if the five-year supply cannot be demonstrated, this could for example include giving further consideration to sites that are sustainable and are well located in relation to settlements or services, or where they could provide support for local settlements or services, or the need for a review of the Plan or the addition of further site allocations. The HBF also suggests that whilst the use of 'when applicable' may be in line with the December 2023 NPPF, this paragraph is likely to be removed in future NPPF documents, making this text unnecessary.

DM21: Design and quality of housing

Policy DM21 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

51. This policy states that new homes should be designed to make efficient use of land. It suggests densities of at least 50 dwellings per hectare (dph) in town centres and sites accessible to high quality public transport routes, and of at least 30dph in areas within a defined settlement boundary and undeveloped sites on the edge of a defined settlement.
52. The setting of residential density standards should be undertaken in accordance with the NPPF¹¹ where policies should optimise the use of land. The flexibility provided by this policy in relation to certain considerations is noted, this will allow developers to react to some site-specific issues. However, further amendments could be made to create greater flexibility to allow developers to take account of the evidence in relation to market aspirations, deliverability and viability and accessibility.
53. The Council will also need to consider its approach to density in relation to other policies in the plan. Policies such as open space provision, biodiversity net gain, cycle and bin storage, housing mix, residential space standards, accessible and adaptable dwellings, energy efficiency, street trees, parking provision and EV charging, and any implications of design coding will all impact upon the density which can be delivered upon a site.
54. The policy goes on to suggest that new homes should meet the nationally described space standards (NDSS). The NDSS as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. PPG¹² identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas: Need, Viability and Timing. The Council will need robust justifiable evidence to introduce the NDSS, based on the criteria set out above. The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

¹¹ NPPF December 2023 Paragraph 129

¹² PPG ID: 56-020-20150327

55. The policy also states that new homes should be accessible and adaptable and where possible meet optional technical standards for M4(2), and that where practical and viable developers are encouraged to include a proportion of homes to meet the optional technical standards of Part M4(3).
56. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG.
57. PPG¹³ identifies the type of evidence required to introduce such a policy, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for Pendle which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
58. The Council have prepared an Optional Standards Study which highlights that in relation to addressing the need for supported housing, the HEDNA concludes that there is an estimated need for 1,640 dwellings between 2022 and 2032. Of this need around 1,000 are housing units with support (sheltered /retirement housing) with around one third market tenure and two thirds affordable tenure required. There is need for around 500 additional housing units with care (e.g. extra care) and 270 nursing home bedspaces (bedspaces not counted as full dwellings in nursing homes).
59. The PPG¹⁴ also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access can not be achieved or is not viable.
60. The Council should also note that the Government response to the Raising accessibility standards for new homes¹⁵ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

¹³ PPG ID: 56-007-20150327

¹⁴ PPG ID: 56-008-20160519

¹⁵ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

61. The HBF considers that if the Council has the evidence to introduce this policy, it may want to consider the most appropriate way to deliver the homes they require to meet their needs. The HBF considers that this may not always be in the form of M4(3) homes, and may need further consideration.
62. The HBF notes that the Viability Assessment (September 2024) highlights the significant viability challenges in Pendle and that it states that it is important that Pendle Council continues to consult and refine policy requirements (and may need to make difficult choices) as to what is viable and deliverable.

DM22: Housing mix

Policy DM22 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

63. This policy states that all residential developments should provide a range of house types and sizes to help meet the housing needs of the local community. Table DM22a within the policy sets out the proportion of bedrooms expected across different tenures. The policy states that significant departures from this mix will be refused unless adequate justification is provided. The Policy also encourages major developments to deliver bungalows as part of their proposals.
64. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location and market. The HBF is concerned by how much reliance will be placed on Table DM22a, and how frequently this may be updated or superseded and what the process will be for introducing this new data. The HBF would support the Council in adding additional elements to the policy including the consideration of elements such as the current demand.

DM23: Affordable Housing

Policy DM23 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

65. This policy sets out the targets and thresholds for affordable housing provision, this provides a range of between 0% and 20% dependent on the location and the number of dwellings provided.
66. The policy also states that 75% of affordable homes should be provided as affordable or social rent and the other 25% as First Homes. The policy states that First Homes should be subject to a discounted rate as set out in the HEDNA or its successor and that a combined annual income cap of £35,000 is applicable.
67. The HEDNA identifies an affordable housing need of 288dpa and suggests that there will be a need for both social and affordable rented housing but recommends that the

Council does not have a rigid policy for the split between social and affordable rented housing.

68. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF¹⁶ is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.
69. The NPPF¹⁷ is also clear that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The HBF is concerned that the proposed policy will not deliver this requirement, if this is to be the case the HBF recommends that the Council provide the appropriate evidence.
70. The policy suggests that the First Home discount rate should be based on information contained within the HEDNA, the policy suggests that a combined annual income cap of £35,000 should be applied. This is based on the evidence in sections 7.125-7.126 and Table 7.25 of the HEDNA, which is based on specific assumptions around affordability including a 10% deposit and a 3.5 times mortgage multiple. Table 7.24 which the policy suggests provides the information for a discount rate suggests a variety of discounts dependent on the number of bedrooms.

Table 7.24 Affordable home ownership prices – data for year to March 2022 – Pendle

	Affordable Price	Estimated newbuild OMV	Discount required
1-bedroom	£65,000	£84,500	23%
2-bedrooms	£76,900-£78,500	£104,000	25%-26%
3-bedrooms	£88,700-£109,300	£169,000	35%-48%
4+-bedrooms	£130,300-£180,100	£299,000	40%-56%

Source: Derived from a range of sources as described

71. However, it is noted that paragraph 7.119 is very clear that it is important that the Council ensure that any discount above 30% does not prejudice the viability of provision of rented forms of affordable housing. Whilst paragraph 7.122 states that it is not recommended to seek a higher [discount] figure unless this can be proven to not impact on overall affordable delivery. The HBF notes the viability challenges set out within the Viability Assessment and considers that this will need to be taken into consideration in terms of how any additional discount rate is applied. The HBF considers that it is likely to be inappropriate to use a discount rate above that set out in the PPG of 30% or to set additional eligibility criteria over and above those seen in the PPG.

¹⁶ NPPF December 2023 Paragraph 34

¹⁷ NPPF December 2023 Paragraph 66

72. The HBF notes that the Viability Assessment (September 2024) states that across Pendle the affordable housing threshold for viability is below 10%. The report suggests that the unviable nature of the area is largely down to the high build costs and low sales values across Pendle. It goes on to suggest (paragraph 9.9) that Pendle Borough Council could maintain the minimum affordable housing target at 10% in line with national policy and consider other proactive interventions in the market to deliver housing. It suggests things such as the direct development of housing by the Council, partnering with Registered Providers, delivering of sites through partnership and delivery of funding schemes, and the use of grants or soft-loans.

DM27: Self-build and custom housebuilding

Policy DM27 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

73. This policy states that proposals for market housing, delivering 50 dwellings or more will be expected to promote self-build and custom housebuilding. A minimum of 5% of all new homes provided on these sites will be required for self-build.
74. The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Pendle, and how it has informed the requirements of Policy DM27. The PPG¹⁸ sets out how custom and self-build housing needs can be assessed. The HEDNA sets out that there has been a total of 261 registered expressions of interest in a serviced plot of land, at an average of 37 plots per annum. It sets out the most popular locations are Barrowford, Fence and Nelson, with 72% of people looking for a single plot, with 6% wanting to be involved with a community self-build.
75. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 50 dwellings or more to provide 5% of all new homes as service plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF considers that the Council's own evidence show that there is not a demand from custom and self-builders to live on sites within a larger residential development scheme.
76. The PPG¹⁹ sets out how local authorities can increase the number of planning permissions which are suitable for self and custom build housing. These include supporting neighbourhood planning groups to include sites in their plans, effective joint working, using Council owned land and working with Home England. The HBF considers that alternative policy mechanisms could be used to ensure a reliable and sufficient provision of self & custom build opportunities across the Borough including allocation of small and medium scale sites specifically for self & custom build housing and permitting self & custom build outside but adjacent to settlement boundaries on sustainable sites especially if the proposal would round off the developed form.

DM34: Engaging the community

¹⁸ PPG ID: 67-003-20190722

¹⁹ PPG ID: 57-025-20210508

Policy DM34 is not considered to be sound as it is not justified for the following reasons:

77. This policy states that before submitting a planning application, applicants should engage in proportionate pre-application discussions with members of the community, and where relevant statutory bodies. It also states applicants should confirm how this engagement process has influenced proposals and prepare a consultation statement.
78. The HBF is concerned that this policy is particularly overly onerous and unnecessary for the majority of applications. The HBF is also concerned at the potential for additional work this may create for statutory bodies and providers, and how this burden may impact on the time taken to determine actual applications. The HBF would strongly recommend that parts 1 and 2 of this policy are deleted.

AL01: Housing Site Allocations

Policy DM22 is not considered to be sound as it is not justified, not positively prepared, and not consistent with national policy for the following reasons:

79. The HBF has no comments on the proposed housing allocations in Policy AL01 and these representations are submitted without prejudice to any comments made by other parties. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
80. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Pendle's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.
81. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing

requirement as a minimum rather than a maximum and provides choice / competition in the land market.

82. The Council should ensure that it has identified at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.
83. The HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding of the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.
84. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

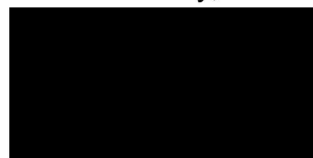
Monitoring framework

85. Appendix 10 sets out the monitoring framework, it identified indicators, their purpose, the policy links, relevant targets and thresholds. The HBF recommends that the Council include further text within the introductory section which sets out what will happen and what actions will be taken if these thresholds are not met.

Future Engagement

86. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
87. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.
88. The HBF would like to participate in any hearing sessions associated with the examination of the Pendle Local Plan, this will allow the HBF to represent the industry and to address any relevant points raised at the examination.

Yours sincerely,



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