



Pendle Borough Council Planning
Economic Development and Regulatory Services
Town Hall
Market Street
Nelson
BB9 7LG

28th November 2024

Dear Sir / Madam

Representations to the draft Pendle Local Plan

I am pleased to enclose our representation on behalf of landowners to land off Foster Road, Barnoldswick. The site was proposed as a safeguarded designation for residential development in an earlier version of the Local Plan. The reference under previous representations and SHLAA call for sites was P055.

We will submit the same by email as well as by post by 6 December 2024.

Yours faithfully



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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Organisation*	WJVM Limited	
Job Title*	Director	
Address		
Town		
Postcode		
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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 attached numbered sheets

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.

- an increase to the housing requirement is needed in order to render the Draft Local Plan sound,
- allocation of additional sites (including the objector's) is then required in order to meet an increased level of housing requirement.

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.

Do you wish to participate at the hearing sessions?

Yes ☒ No ☐

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

Our objection raises fundamental concerns about the soundness of the emerging Local Plan. Given the nature of those concerns, participation at the hearing sessions is fair and proportionate.

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 | |

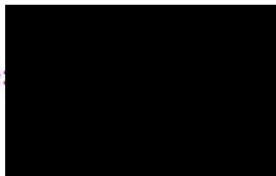
Future Updates

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:



Date: 25.11.2024

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

Section 1: Introduction

1. This representation in respect of the draft Pendle Local Plan 4th Edition 2021-2040 (“the dPLP”) is made jointly by the owners of land off Foster Road, Barnoldswick and their representation WJVM Limited (“the Objector”). It is submitted ahead of the close of the consultation period on 6 December 2024.
2. The site in respect of which the Objector has an interest is shown at Appendix A to this objection (“the Site”).
3. In the Objector’s view, the Site should be the subject of an allocation for residential development in the dPLP. The Site is suitable, available and deliverable.
4. The Site has previously been promoted for residential development. It was the subject of an unsuccessful appeal determined by decision letter dated 29 April 2022.
5. Since that time;
 - (i) physical circumstances surrounding the Site have changed (there is now a recently completed residential development to the North of the Site), and,
 - (ii) the Objector has re-visited the Site’s proposed development, and with a scheme of fewer dwellings and enhanced landscaping, is confident that all impacts fall within the bounds of acceptability.
6. The objections (set out below) deliberately do not focus on the merits of the Site. Instead they are directed towards draft policies (and the general strategy) of the dPLP. It is the Objector’s conclusion that the dPLP is unsound.
7. The Objector has previously made representations in respect of the “Preferred Options” version of the dPLP on the basis that, at that stage the dPLP was unsound. As set out below, Pendle Borough Council (“the Council”) continues to pursue a strategy within the Publication version of the dPLP with regard to the provision of new housing that remains fundamentally unsound.
8. In summary;

The requirement for the provision of new housing at just 148dpa (well below recent levels of delivery) and the dPLP’s response to that requirement are unsound. It means that the dPLP;

- has not been positively prepared, and fails to provide a strategy that will meet the Borough’s needs,
- is not supported by the Council’s own evidence base, and therefore is not justified,

- is not effective in that a failure to match economic growth plans with housing growth means that those economic growth plans are undermined, and,
- is inconsistent with national policy.

Accordingly, the dPLP fails all 4 tests of soundness.

Section 2: National Policy and Guidance

(a) Emerging National Policy

9. The central commitments of the new Government (e.g. as expressed within the Written Ministerial Statement of 30 July 2024) include;

the achievement of sustained economic growth,
decisive reform of the housing market, including the delivery of 1.5 million new homes in a 5 year period,
in order to achieve those outcomes, the introduction of a new standard method for calculating housing requirements.

10. Following the completion of consultation (that ended on 24 September 2024) on a revised National Planning Policy Framework (“the Framework”), the publication of that revised Framework is imminent.

11. On the basis of the draft revisions published in the summer of 2024, the housing requirement for Pendle would increase substantially, to 382 dwellings per annum (“dpa”).

12. It is clear that the Council is currently engaged in a process of trying to avoid (or at least, delay) having to meet a housing requirement based upon the new standard method within the emerging Local Plan.

13. That approach is flawed;

- (i) the policy of Central Government as it stands now is to achieve sustained economic growth, and, as part of that, a substantial increase in the development of new housing across the country (including within Pendle). As set out below, the dPLP is wholly inconsistent with those policy objectives,
- (ii) even if the Council manages to achieve adoption of the dPLP (in anything like its current form), it will immediately be out of date in terms of its housing requirement. In addition, the Council will be unable to demonstrate an adequate supply of land for housing when measured against a new standard method housing requirement. Proposals for new housing development will be determined by reference to the outcome of the ‘tilted balance’, and,
- (iii) the Council will be obliged to commence the preparation of a new draft local plan straight after the adoption of the dPLP. The exercise of pursuing the dPLP to adoption in its current form represents a substantial waste of resources (both public and private).

(b) Overarching Requirements of Current National Policy

14. §15 of the Framework sets out the fundamental requirements of local plans;

“Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

The draft Pendle Local Plan (“the dPLP”) fails to provide;

a positive vision for the future of Pendle, and,
a proper framework for addressing housing needs and economic priorities.

15. Contrary to §16 of the Framework, the dPLP has not been prepared either;

with the objective of contributing to the achievement of sustainable development, or,
positively.

16. §31 of the Framework confirms that;

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.”

17. As is set out below, the evidence prepared by the Council does not support the policy approach adopted in the dPLP. The policy approach within the dPLP is contrary to the Council’s own evidence base.

18. The requirements of §’s 15,16 and 31 of the Framework are reflected in the tests of soundness at §35.

19. The dPLP fails to meet each of the tests of soundness;

it has not been positively prepared, and fails to provide a strategy that will meet the Borough’s needs,
it is not supported by the Council’s own evidence base, and therefore is not justified,
it is not effective in that a failure to match economic growth plans with housing growth means that those economic growth plans are undermined, and,
it is inconsistent with national policy.

(c) Housing and Economic Needs

20. In respect of housing need, §61 of the Framework states that;

“To determine the minimum number of homes needed, strategic policies should be

informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area...There may be exceptional circumstances...which justify an alternative approach to assessing housing need;"

21. Planning Practice Guidance ("PPG") addresses circumstances in which a higher level of housing requirement (than that produced by the standard method) may be appropriate;

"When might it be appropriate to plan for a higher housing need figure than the standard method indicates?

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. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.

This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan).

...There may, occasionally, also be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently-produced Strategic Housing Market Assessment) are significantly greater than the outcome from the standard method." (emphasis added)

Paragraph: 010 Reference ID: 2a-010-20201216

22. The Council's own evidence supports a higher level of housing requirement than that set out in the dPLP in order to meet assessed needs.

23. In respect of economic need, §85 of the Framework states that;

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt",

and at §86 of the Framework;

"Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

...c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment...”

24. The dPLP contains a strategy for economic growth that will be hampered by and is inconsistent with the strategy for housing growth. Rather than address potential barriers to investment, the dPLP compounds those barriers by making inadequate provision for new housing.

Section 3: The Pendle Housing and Economic Development Needs Assessment (“HEDNA”)

25. By way of context, and as recorded at §3.34 of the HEDNA, the existing local plan (at Policy LIV 1 (Housing Provision and Delivery)) sets out that a minimum of 5,662 dwellings should be delivered in Pendle over the plan period, equivalent to 298 dpa.

26. Past delivery rates have not achieved 298dpa. However, as recorded in the HEDNA at §6.108;

“Figure 6.7 shows housing completions over the decade from 2011 to 2021 – this shows average completions of 154 per annum and an even higher figure of 234 per annum over the past 5-years. This certainly suggests the Council could expect to be able to provide more than the 140 homes per annum required by the Standard Method.”

27. In short, recent average delivery rates (over the past 5 years) have been well in excess of 200dpa.

28. Quite apart from those past delivery rates, the HEDNA sets out the Council’s own up to date evidence in support of a level of housing need well above that produced by the standard method.

29. One factor in particular is present in Pendle that justifies a much higher housing need figure than that produced by the standard method. That factor is economic growth;

at §6.19 of the HEDNA, having recorded that PPG, “does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour”, the assessment records that in Pendle, economic growth potential (increases in jobs) could put pressure on the need to provide housing delivery in excess of the Standard Method...”,

the HEDNA analyses that potential economic growth and concludes;

“A job forecast has been accessed that suggests a potential increase from 40,790 jobs in 2022, up to 42,924 by 2032 – an increase of 2,135 jobs over the 10-year period (See chapter 16). This is also close to the historic jobs growth over the 2008-2020 period.” (at §6.95),

Table 6.24 of the HEDNA provides estimates of housing need set against various job growth scenarios (and, importantly, accounts for an increase in economic activity of resident population). The HEDNA concludes (at §6.102) that;

“The analysis shows a range of need across the Borough of between 255 and 274 dwellings per annum...”,

And overall, at §6.103, that;

“This would suggest the Council would need to consider increasing their housing need to the region of 255 to 274 dpa to ensure sufficient labour force to meet its economic growth potential.” (emphasis added)

30. Bearing in mind projected economic growth (as well as recent past delivery rates), the HEDNA reaches clear conclusions about the level of housing need faced by the Borough;

at §6.109, “Whilst this report cannot be precise about a housing number, on balance a figure in the region of 270 dwellings per annum looks to be about right when taking account of the range of evidence including the need for additional labour force as well as more recent delivery rates.”

at §6.110, “What is certain is that the housing need will need to exceed the standard method to meet economic growth. This leads us to our minimum 270 dpa conclusion.” (emphasis added)

at §6.111, “If this level of housing is not delivered it will either stifle local economic growth, which is contrary to the NPPF or result in more people commuting into the borough than before. This could lead to unsustainable commuting patterns which result in congested roads and over-crowded public transport (without improvements).” (emphasis added)

Section 4: Pendle Housing Need Review (“PHNR”)

31. The PNHR (labelled “Draft”) is dated May 2024, and contains an update of the HEDNA analysis conducted by the Council’s consultants (Iceni) by reference to recent data (including demographic, commuting and economic activity information).

32. Its conclusions include the following;

“4.7 We therefore conclude that the economic need of 230 dpa remains the most appropriate housing target for Pendle although this could be lowered with a deliverable strategy to improve economic activity rates within the Borough.

4.8 This level of growth (230 dpa) is also deliverable, the annual monitoring report suggests that the average annual housing delivery in the last three reported years (2018/19 to 2020/21) has been 286 dwellings, although longer-term trends are lower.

4.9 This suggests that there is a demand for a higher level of housing delivery than both the standard method and the lower economic-led housing need. Historic delivery is also flagged as a consideration in the PPG (Reference ID: 2a-010-20201216) when considering a higher housing figure than the standard method.”

33. In order to achieve the economic growth potential of the Borough, the Council’s own consultants recommend that a housing requirement of 230dpa is, “the most appropriate housing target for Pendle”.

Section 5: Policy Failings of the dPLP

(a) The Failure to Align Economic and Housing Growth

34. §1.21 of the dPLP contains key objectives that include, “Stimulate economic and housing growth.”

35. At page 31, dPLP objectives 5 and 6 are recorded as;

“Deliver quality housing that is both appropriate and affordable for current and future residents, contributing to the creation of a balanced housing market.

Strengthen the resilience of the local economy by facilitating economic growth, particularly where it supports diversification and regeneration.”

36. Those objectives go hand in hand. A failure to deliver an appropriate level of housing growth (as assessed in the Council’s own evidence base) will, “either stifle local economic growth, which is contrary to the NPPF or result in more people commuting into the borough than before” (§6.111 of the HEDNA).

37. The level of housing growth proposed by the dPLP appears at draft policy DM20;

“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.”

38. Provision at the level of 148dpa is unsupported by the Council’s own evidence base (the HEDNA recommending an identification of need equating to 270dpa, and the PNHR recommending 230dpa), and according to the HEDNA risks harmful consequences (as set out above), i.e.;

stifling the economy,
resulting in greater levels of in-commuting.

39. Insofar as the dPLP attempts to justify the provision of a level of housing that is not supported by its own evidence (within the HEDNA), that justification is without merit.

40. In particular, paragraph 6.28 of the dPLP states that;

“The [PNHR] also considers the level of housing required to deliver projected economic growth, concluding that an annual housing requirement of 230 dpa would be needed. The report highlights that economic activity rates in Pendle are significantly lower than the regional average. In response, a sensitivity test based on improving economic activity rates was carried out. This concludes that an annual housing requirement as low as 144 dpa would be appropriate were there to be modest increases in economic activity rates.”

41. The dPLP fails to refer to the conclusions of the PNHR with regard to the prospects of improving economic activity rates. At paragraph 4.6 of the PNHR, its authors concluded

that, “this would likely require significant improvements in particular groups that have not historically engaged with the labour market. While this is entirely possible, it may require a strategy/policy to achieve, and neither is currently in place.”

42. Accordingly, the conclusion of the Council’s own consultants is that, if economic and housing growth are to align, a housing requirement of 230dpa (i.e. well above the 148dpa in the dPLP) is required, and there is no reliable justification for a lower figure by reference to improving economic activity rates.

(b) Failure to Address Affordable Housing Needs

43. The HEDNA assessed current levels of need for affordable housing. There is a significant need for affordable housing amounting to 288 dpa (§6.32 of the dPLP).

44. The Council has chosen not to address that substantial need for affordable housing for 2 reasons;

- many people with an affordable housing need will already be in a home, so this figure does not necessarily require additional housing provision (§6.32 of the dPLP), and,
- low viability of development sites means that few affordable houses will come forward as part of development schemes (§6.33 of the dPLP).

45. Neither argument is sound;

- the Council does not produce a ‘net need’ figure below 288dpa, and does not assess how much of the identified need of 288dpa (if any) is already being addressed by existing accommodation, and,
- for those in urgent need of affordable housing, the provision of a dwelling is critical. The suggestion that low levels only will be provided is no reason to discount that need.

(c) Lack of Flexibility

46. Fig 8.1 of the dPLP (pp264) demonstrates that;

- (i) there is inadequate flexibility in the supply of housing made by the dPLP in order to address even the inadequate requirement of 148dpa (a projected surplus of just 272 dwellings over the entire plan period), and,
- (ii) that lack of flexibility is demonstrated and compounded by the substantial (almost sole) reliance on windfall sites for the delivery of housing for last 4 years of the plan period.

(d) Inadequacy of Site Allocations

47. Given both;

- (i) an unacceptably low housing requirement, and,
- (ii) a failure to make proper provision for even that unacceptably low housing requirement,

it is clear that the dPLP's allocations of residential development sites is inadequate.

48. This objection does not set out the detail of the merits of the Objector's Site. The Site is suitable, available and deliverable (and the Objector welcomes discussion with the Council in respect of its development potential). It should form the subject of an allocation in the dPLP.

Section 6: Conclusions

49. The requirement for the provision of new housing at just 148dpa (well below recent levels of delivery) and the dPLP's response to that requirement are unsound. In summary, it means that the dPLP;

has not been positively prepared, and fails to provide a strategy that will meet the Borough's needs,

is not supported by the Council's own evidence base, and therefore is not justified,

is not effective in that a failure to match economic growth plans with housing growth means that those economic growth plans are undermined, and,

is inconsistent with national policy.

50. The dPLP fails all 4 tests of soundness.

Appendix

