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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

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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? <u>www.gov.uk/guidance/plan-making</u>
- 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.
N/A

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 refer to the attached 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 refer to the attached representations
Have you raised these matters at an earlier stage in the preparation of the Local Plan?
Yes No 🗸
If no, please explain:
Our representations are made chiefly in relation to the new NPPF which was
published in draft on 30th July 2024 and since the previous Preferred Options
(Regulation 18) consultation in May 2023.

if necessary.
Please refer to the attached representations
Do you wish to participate at the hearing sessions?
Yes 🗸 No 🗌
If you please outline why you consider this to be necessary
If yes, please outline why you consider this to be necessary
If yes, please outline why you consider this to be necessary The representations raise matters that our client wishes to present to the Inspector.

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

How did you find out about this consultation?			
■ Email / Letter	☐ Poster		
☐ Framework Newsletter	☐ Newspaper Advert		
☐ Council Website	☐ Radio		
☐ Social Media	\square Other, please specify:		
☐ Town or Parish Council			
Future Updates			
Would you like to be kept informed about progres matters in Pendle?	s on the Local Plan and other planning policy		
Yes No No			
If you answered "No", your personal details will or answering comments made to this consultation. The first consultation of the Local Plan has concluded.			
Your Signature: Mike Hughes	Date: 5/12/24		

Thank you for your comments

Further information

Website: www.pendle.gov.uk/planning

Email: <u>planningpolicy@pendle.gov.uk</u>

Telephone: 01282 661330

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



Pendle Local Plan 4th Edition (2021-2040)

Publication Consultation

Representations on behalf of Applethwaite Ltd

December 2024

Contents

		Page
1.	Introduction	1
2	Policy SP02 Spatial strategy	2
3.	Policy DM20 Housing requirement and delivery	3
4.	Policy AL01 Housing site allocations	7

Enclosures

- 1. Location plan Land to the west of White Leys Close, Earby
- 2. Site layout plan Land to the west of White Leys Close, Earby

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1 Introduction

- 1.1 These representations are made on behalf of our client Applethwaite Ltd ["Applethwaite"] in response to the Publication (Regulation 19) version of the Pendle Local Plan 4th Edition 2021 2040 ["the draft Plan"] which was issued for consultation between October 2024 and December 2024.
- 1.2 Our representations are made in response to the following proposed policies;

• Policy SP02 Spatial strategy

• Policy DM20 Housing requirement and delivery

• Policy AL01 Housing site allocations

1.3 A completed Representation Form is also submitted with these representations.

2 Policy SP02 - Spatial strategy

Soundness

- 2.1 We consider that Policy SP02 is sound.
- 2.2 We support Policy SP02 which sets out the proposed settlement hierarchy for Pendle borough.
- 2.3 We support the definition and rank of Earby as a Local Service Centre (Tier 2) and as the only such settlement serving the West Craven spatial area.
- 2.4 The Pendle Settlement Sustainability Review (2024 Update) is a suitable and comprehensive evidence base for the draft Plan, and this confirms that Earby is a sustainable and accessible location. The evidence confirms that, for its comparatively small size, the town provides a good range of local services in terms of shopping, schools, healthcare, community facilities, sport and recreation, and employment opportunities to meet the needs of residents.
- 2.5 Earby is currently identified as a suitable location for housing growth to meet identified needs within the West Craven spatial area, and it is appropriate that this is carried forward into the draft Plan. Earby is plainly a sustainable and accessible settlement, with a balanced community and a strong and attractive housing market, and thereby making it a suitable and sustainable location at which to allocate sites, including both brownfield and greenfield opportunities, for new housing development and growth during the draft Plan period.

Required changes to the policy

2.6 None

3 Policy DM20 - Housing requirement and delivery

Soundness

- 3.1 We consider that Policy DM20 in not sound.
- 3.2 The draft Plan has been published at a time when very significant changes are being made to national planning policy, whereby the new Government, elected in July 2024, has confirmed that the current NPPF will be replaced, and rapidly, before the end of 2024.¹
- 3.3 A new Draft NPPF was published for consultation on 30th July 2024, together with the Written Ministerial Statement (HCWS48) and letter "Playing your part in the homes we need" which the Government issued to all local authorities. The Draft NPPF and Written Ministerial Statement (HCWS48) are highly significant material considerations which, together with the imminent final version of the new NPPF and associated updates to the PPG for calculating local housing need, must be taken into account in assessing the soundness of the draft Plan.
- 3.4 The new NPPF is a clear statement of the Government's ambition and intent, and marks the start of a new era of national planning policy. It especially identifies the need for decisive change in housing supply and delivery, and proposes to achieve this by:
 - i) reversing the wider changes made to the NPPF in December 2023 which loosened the requirement for local planning authorities to meet their housing needs, and,
 - ii) restoring and mandating the standard method as the required approach for assessing housing needs and planning for new homes, and proposing a new standard methodology.
- 3.5 Our client therefore has a fundamental concern in this respect and objects to Policy DM20 as currently drafted on the basis that it is not sound.
- 3.6 Policy DM20(1) proposes a minimum housing requirement of 2,812 net new dwellings. It says:
 - 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.
- 3.7 In the context of the new NPPF, the proposed figure of 148² dpa is barely higher than the previous figure of 140 dpa proposed in the 2023 Preferred Options (Regulation 18) consultation, which was the local housing need produced using the current standard method at that time and without any uplift. Moreover, the figure of 148 dpa is significantly lower than the figures resulting from the demographic-led housing growth scenario of 315 dpa, and economic-led housing growth scenarios of 270 dpa and 230 dpa, modelled in the March 2023 HEDNA evidence base and its May 2024 update.

¹ A new NPPF is expected to be published around 19th December 2024

N.B. there is a typing error in Table 8.1A which still refers to 140 dpa

- 3.8 More importantly, it is also substantially, and more than 200 dwellings, below the figure of 382 dpa produced by the 'outcome of the proposed revised standard method' which the Government published alongside the draft NPPF on 30th July 2024.
- 3.9 Together, the local housing need requirements for all local authorities produced by the revised standard method, are purposely sufficiently ambitious to support the Government's commitment to build 1.5 million new homes over the next five years to 2028/29 and therefore within the early part of the draft Plan period.
- 3.10 The Government explains that the new standard method purposely sees a distribution that is intended to 'drive growth in every corner of the country' and across all regions. And, the Government has made it very clear that 'local authorities are expected to make every effort to allocate land in line with their housing need as per the standard method' whilst recognising that in some situations, and where properly evidenced, a requirement below the standard method figure can be justified on the basis of local constraints on land and delivery, and having worked with neighbouring authorities to share unmet needs.
- 3.11 This Government commitment was emphatically re-emphasised on 5th December 2024 by the Prime Minister, Rt Hon Sir Keir Starmer MP, in his 'Plan for Change' speech, which sets out the Government's 'milestones for change' in the 2024 to 2029 parliament. This includes the reaffirmed 'milestone promise' of 'rebuilding Britain with 1.5 million homes in England within the next five years.'
- 3.12 The 2023 HEDNA also highlights the scale of the significant affordable housing shortfall in Pendle whereby the imbalance of 288 affordable dwellings per annum further underlines the need for a much more ambitious plan and housing target.
- 3.13 Therefore, at a time when publication of the new NPPF is imminent, and in a district located within two parliamentary constituencies represented by the Government, the Council's publication of the draft Plan proposing a housing requirement which is 234 dwellings below that produced by the revised standard method, is diametrically opposed to new national planning policy and the ambitious Government commitment to drive growth; make every effort to allocate land; and, boost housing supply to deliver 1.5 million homes in England by 2029.
- 3.14 Whilst the Council therefore, currently, intends to expedite the draft Plan and submit it to the Government for examination as soon as possible, so that it is within time to benefit from the transitional arrangements in the new NPPF 226c, that course of action relies on the Plan being declared sound. That outcome is not guaranteed and, in the event that the Plan is considered to be deficient, it is plainly a risk.
- 3.15 The risk is that whereas local plan inspectors have previously been able and content to pause examinations whilst LPAs prepare additional evidence and make amendments to rectify unsound plans, the Government intends to enforce stricter pragmatism and put an end to protracted examinations and delays of more than six months.

- 3.16 This is made clear in the letter of 30th July 2024 to the Planning Inspectorate from the Minister for Housing and Planning, Matthew Pennycook MP. It explains that pragmatism should only be exercised where it is likely that a plan is capable of being found sound so that inspectors can focus their time and resource on plans which can be adopted. Plans which are plainly deficient and cannot be easily fixed at examination will be rejected and sent back, and a new plan must be brought forward instead.
- 3.17 The consequence, in the event that the draft Plan is found to be unsound, or has to be withdrawn, is that a new plan will have to be prepared in line with the new NPPF without the benefit of the transitional arrangements and, for the Council, that means planning for the housing requirement of 382 dpa produced in accordance with the proposed revised standard method, in full.
- 3.18 It is also the case that even if the draft Plan is found sound under the current version of the NPPF and the Council adopts it, it would only have a limited beneficial lifespan as new NPPF 227 requires that:
 - Where paragraph 226 c) applies, local plans that reach adoption with an annual housing requirement that is more than 200 dwellings lower than the relevant published Local Housing Need figure will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.
- 3.19 The requirement to prepare a new plan 'at the earliest opportunity' is not yet defined and revised wording, specifying a fixed time limit, is expected to be included in the final version of the new NPPF. This could be no more than two years and the requirement for a new plan to be prepared under the new plan-making system (per the Levelling-up and Regeneration Act 2023) is a further complexity.
- 3.20 Instead of submitting the draft Plan for examination at risk, the Council could opt to take advantage of the alternative route to triggering the transitional arrangements at new NPPF 226a if there is time available. This explains that the transitional arrangements apply where:
 - the emerging annual housing requirement in a local plan that reaches or has reached Regulation 19 (pre-submission stage) on or before the publication date of the NPPF plus one month, is no more than 200 dwellings below the published relevant Local Housing Need figure.
- 3.21 To qualify, the draft Plan would need to be amended, within time, by increasing the proposed minimum housing requirement in Policy DM20(1) from 2,812 net new dwellings to 3,458 net new dwellings; a minimum increase of 646 dwellings. This is based on a local housing need of 182 dpa which is within 200 dwellings of the 382 dpa produced by the proposed revised standard method. An additional 646 dwellings equates to approximately 20 hectares of additional land to be allocated. The SHLAA evidence base indicates that sufficient developable land is available to achieve this.

3.22 Alternatively, new NPPF 228 explains that:

228. After applying the policies of this version of the Framework, local plans that have reached Regulation 19 (pre-submission stage) on or before [publication date + one month] with an emerging annual housing requirement that is more than 200 dwellings lower than the relevant Local Housing Need figure should proceed to examination within a maximum of 18 months from [publication date].

Required changes to the policy

- 3.23 On the basis that we consider the draft Plan is unsound as presently drafted and should not be submitted for examination, Policy DM20(1) should be amended as follows depending on whether the Council opts to:
 - a) amend the draft Plan now and within one month from the publication date of the new NPPF to benefit from the transitional arrangements via new NPPF 226a, or
 - b) amend the draft Plan within 18 months from the publication date of the new NPPF to benefit from the provisions of new NPPF 228

3.24 Amended policy text a):

Policy DM20: Housing requirement and delivery

1. Over the plan period (2021 - 2040), provision will be made to deliver a minimum of 2,812 3,458 net dwellings, equating to a net average of 148 182 dwellings per annum.

3.25 Amended policy text b):

Policy DM20: Housing requirement and delivery

1. Over the plan period (2021 - 2040), provision will be made to deliver a minimum of 2,812 7,258 net dwellings, equating to a net average of 148 382 dwellings per annum.

4 Policy AL01 - Housing site allocations

Soundness

- 4.1 We consider that Policy AL01 is not sound.
- 4.2 We consider that the draft Plan has not been positively prepared and it is not justified, effective and consistent with national planning policy in relation to its approach to housing land supply.
- 4.3 The draft Plan fails to identify a sufficient supply by failing to allocate enough sites for housing.
- 4.4 The draft Plan does not clearly show, anywhere, the planned strategic housing supply figure in terms of total number of net new dwellings it will deliver during the plan period. The figure can be calculated from the sources of supply set out in Table 8.1 and the proposed allocation sites, and this indicates it is:

Completions prior to 1st April 2023	570
Commitments at 31st March 2023 (minus 10% lapse rate)	808
Anticipated delivery at Trough Laithe strategic site	432
Small sites windfall allowance	560
Sites allocations	685

3,055

- 4.5 The proposed current requirement in Policy DM20(1) is 2,812 which means the 'headroom' supply is 243 dwellings.
- 4.6 Paragraph 8.15 of the draft Plan quotes a '272-dwelling surplus against the housing requirement' but it is not clear how this is derived and if some of the proposed allocation sites are not also double-counted as commitments.
- 4.7 A surplus of just 243 dwellings is only an 8.6% buffer (equating to annual headroom of just 12 dwellings per annum). We consider that this is insufficient to guard against non-delivery throughout the 19 year plan period and, to be sound, an increased buffer of between 10% and 15% should be applied to the draft Plan.
- 4.8 A 10% buffer requires a headroom supply of 281 dwellings which requires land for 38 more dwellings to be allocated and which equates to 1.2 hectares (@ 31 dph).
- 4.9 A 15% buffer requires a headroom supply of 422 dwellings which requires land for 179 more dwellings to be allocated and which equates to 5.8 hectares (@ 31 dph).
- 4.10 It is also not sufficient to rely on the comment, at paragraph 6.30 of the draft Plan, that 'the proposed requirement of 148 dpa is not a cap to development' and that 'the spatial strategy is likely to deliver a supply of housing which is in excess of this figure'.

- 4.11 Expecting a supply of housing to be delivered which is in excess of the planned requirement is highly unlikely to occur at scale, or at all, in practice in the absence of a policy impetus whereby the planned requirement is set higher than 148 dpa and/or the planned supply is increased by allocating more sites.
- 4.12 Moreover, the above comments are made in connection with the proposed housing requirement of 2,812 net new dwellings of the draft Plan as published for consultation. When the change we set out in these representations to Policy DM20(1) is taken into account, it is plain that the draft Plan must allocate more land to a) meet the increased requirement of at least 3,458 net new dwellings to be within no less than 200 dwellings of the proposed revised standard method, or b) the increased requirement of 7,258 net new dwellings for the proposed revised standard method to be met in full.
- 4.13 Based on the lower requirement of 3,458, this means that land will need to be allocated for 403 more dwellings above the draft Plan and which equates to 13 hectares (@ 31 dph).

Land to the west of White Leys Close, Earby

- 4.14 Applethwaite controls two hectares of land on the western side of Earby adjoining the settlement boundary. A location plan is enclosed.
- 4.15 The eastern part of the land was granted outline planning permission (21/0769/OUT) for 12 no. dwellings with access from Earby Road on 24th January 2022 and is included in the planned housing supply in the draft Plan as an existing commitment (as at 31st March 2023). This appears as Site Ref. EY081 in the Housing Trajectory at Appendix 1 and is expected to be delivered in full in the early years of the plan period between 2028 and 2030.
- 4.16 It is also relevant that the land directly south on the opposite side of Earby Road is also committed for housing development. This was granted outline planning permission 16/0630/OUT on 8th December 2016 for 34 no. dwellings. It is also included in the draft Plan Housing Trajectory and appears as Site Ref. EY076 'Land at Field Number 0087, Earby' and is expected to begin delivery sooner, between 2026 and 2030.
- 4.17 By taking full advantage of the land controlled by Applethwaite, and doing so in a design-led manner which responds positively to the development constraints and opportunities, it is possible to achieve an extended development area with capacity to accommodate 30 no. dwellings. This is shown on the enclosed proposed layout plan.
- 4.18 A modest western extension of the committed Site Ref. EY081 could therefore produce a net increase of 18 no. dwellings in an already-proven suitable and sustainable location on the western side of Earby adjoining the settlement boundary. It will not extend any further west than the committed housing site to the south at Site Ref. EY076, and which is expected to commence development in 2026, plus the existing development at Moor View Farm. It is therefore an appropriate infill / rounding off opportunity an in line with the settlement form.

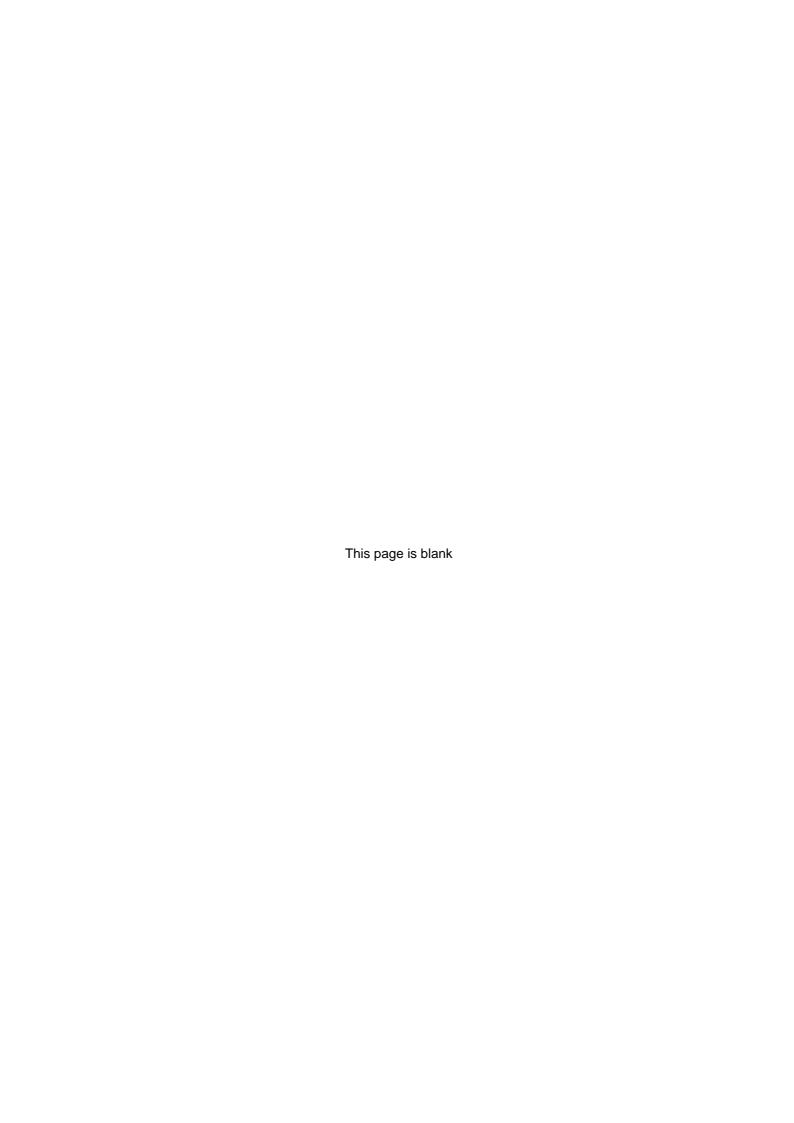
- 4.19 Applethwaite is preparing a planning application for the proposed scheme shown on the enclosed layout plan, and the technical and environmental evidence base which has been prepared in support, demonstrates that the site is unconstrained and suitable for housing development, and the proposed scheme is viable and can be delivered in full in the short term.
- 4.20 The layout shows that only the southern two thirds of the land controlled by Applethwaite is proposed for development and the northern third will be planted with new woodland and habitat to provide on-site Biodiversity Net Gain as well as screening the development and mitigating its landscape and visual impact.
- 4.21 The development opportunity presented by the land controlled by Applethwaite should therefore be included in the draft Plan as a modest, logical, befitting and highly-beneficial additional housing site allocation. in order to increase the planned housing supply. It also offers the benefit of being delivered early in the plan period, and immediately after adoption, when it is most needed, to help boost supply and meet the Government's national target to drive growth, boost supply and deliver a much-increased level of housing in the current parliament before 2029.
- 4.22 The merits of the land are well-established by the granting of planning permissions 16/0630/OUT and 21/0769/OUT, and do not need to be repeated in detail in these representations, other than to reiterate that:
 - The proposed allocation site (as an extension to housing commitment Site Ref. EY081) is located at Earby which is the only Local Service Centre in the West Craven Spatial Area.
 - The Local Service Centres are suitable and sustainable locations for new housing which serves a localised catchment, and the modest scale of the proposed development relative to the size and population of Earby and its local housing market, meets this definition.
 - The site can deliver a mix of at least 30 no. high quality, well designed, new homes
 - The site has safe and suitable access from Park Avenue
 - The site has and pedestrian and cycle links to local facilities in Earby and bus and rail public transport
 - The site can be provided with utilities connections and foul and surface water drainage
 - There are no technical and environmental constraints to development
 - The site is controlled by Applethwaite and can be delivered in full in the short term

Required changes to the policy

- 4.23 On the bais that we consider that draft Plan is unsound as presently drafted in the absense of providing a higher planned housing supply for the plan period, Policy AL01 should be amended as follows so that the land controlled by Applethwaite to the west of White Leys Close, Earby is included in the draft Plan as an additional housing site allocation in Policy AL01.
- 4.24 The allocation should be made for at least 30 no. dwellings on the basis that only 18 no. dwellings are net and in addition to the 12 no. dwellings which are already committed.

4.25 Amended Table AL01b Housing site allocations:

Ref	Site Name and Location	Typology	Area (Ha)	Units
TBC	Land to the west of White Leys Close, Earby	Greenfield	<u>2</u>	<u>30</u>





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