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# Development Plan Representations

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Pendle Local Plan Fourth Edition 2021-2040  
Publication Draft (Regulation 19)  
Little Cloud Holdco Limited

December 2024

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# 1. Overview and key facts

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## Overview

Sevo Planning has prepared these representations to the Publication Draft (Regulation 19) Local Plan consultation on behalf of Little Cloud Holdco Limited (Little Cloud).

These representations comment on emerging draft policies, and should be read in context with submissions made by Little Cloud Limited, an associate company of Little Cloud HoldCo Limited, at Issues and Options, and Regulation 18 consultation stages.

This submission also addresses the proposed allocation of a site at Windermere Avenue, Colne for residential development of up to 150 units.

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## Description of development for which development plan allocation is sought

### Residential development

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#### Use class(es) of development proposed

Use Class C3, specifically C3(a)

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#### Site address

These representations relate to Little Cloud land interests at Windermere Avenue, Colne (approximate postcode of BB8 7AE)

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#### Emerging development plan relevant to these representations

Pendle Local Plan

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#### Previous stages of development plan preparation

Regulation 18 consultation on the Pendle Local Plan Fourth Edition took place between Friday 23 June 2023 and Friday 18 August 2023. A Local Green Space Report and Methodology was considered by the Council Executive on 18 October 2023 and published for comment until Monday 27 November 2023.

Consultation over a Pendle Local Plan Scoping Report took place between Friday 24 June 2022 and Friday 5 August 2022.

A Call for Sites exercise took place at the same time as the Scoping Report consultation.

Little Cloud made submissions at Scoping Report and Regulation 18 stages, in the name of Little Cloud Limited, including putting forward the proposed allocation of a site at Windermere Avenue, Colne for residential development of up to 150 units.

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Landowner

Little Cloud Holdco Limited

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Promoter

Little Cloud Holdco Limited

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Local planning authority

Pendle Borough Council

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#### Appendices to these Representations

Appendix 1	Colne Neighbourhood Plan Examiners Report dated 2 May 2023
Appendix 2	Pendle Local Plan 4th Edition (2021-2040) AL01: Housing site allocations Constraints assessment—Sevo Planning, December 2024
Appendix 3	Little Cloud evidence submitted ahead of the Colne Neighbourhood Planning Examination, March 2023 and at Regulation 19 Consultation Stage, 2022
Appendix 4	Pendle Council Note submitted to the Examiner at the Colne Neighbourhood Development Plan Examination, June 2023
Appendix 5	Agenda for 26 September 2024 Full Council meeting (Item 16 Pendle Local Plan Fourth Edition)
Appendix 6	Schedule of appendices to 26 September 2024 Full Council meeting Agenda
Appendix 7	Pendle Local Development Scheme Eight Edition, March 2024
Appendix 8	Pendle Local Development Scheme Eight Edition Addendum, September 2024
Appendix 9	Report to 18 July 2023 Development Management Committee (application ref. 22/0790/OUT)
Appendix 10	Decision Notice of 20 July 2023 (application ref. 22/0790/OUT)
Appendix 11	DAS, Design Code and LVA submitted with application ref. 22/0790/OUT
Appendix 12	Ecology assessments submitted with application ref. 22/0790/OUT

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#### Referred to in these representations

1. Full Council meeting of 26 September 2024 (Local Plan @ 00:00:40)  
<https://www.youtube.com/watch?v=Jnulu0nCEWg>
  2. Executive meeting of 19 September 2024 (NPPF Response @01:13:44 and Local Plan @ 01:18:06)  
<https://www.youtube.com/watch?v=AIQL9c6T57Q>
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## 2. Background

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- 2.1 Following Full Council approval on Thursday 26 September 2024, Pendle Borough Council (the Council) is consulting on the Publication Draft (Regulation 19) of its Pendle Local Plan Fourth Edition 2021-2040. The consultation period commenced on Friday 25 October 2024 and closes on Friday 6 December 2024.
- 2.2 The documents being consulted upon comprise :
- Local Plan Publication Draft –Regulation 19
  - Local Plan Publication Draft (Tracked Changes) –changes between Regulation 18 and Regulation 19
  - Sustainability Appraisal Publication Main Report (and Appendices)
  - Sustainability Appraisal Non-Technical Summary
  - Habitat Regulations Assessment Screening Report
  - Equality Impact Assessment –Local Plan Publication (Regulation 19)
  - Local Development Scheme Eight Revision (2024)
  - Local Development Scheme September 2024 Addendum
  - Consultation Statement Main Report (and Appendices)
  - Infrastructure Delivery Plan
  - Evidence base (multiple documents detailed at [https://www.pendle.gov.uk/info/20072/planning\\_policies/600/local\\_plan\\_fourth\\_edition/4](https://www.pendle.gov.uk/info/20072/planning_policies/600/local_plan_fourth_edition/4))
- 2.3 The Local Plan Publication Draft (Tracked Changes) document sets out proposed changes to the previous Regulation 18 (Reg. 18) iteration of the Local Plan.
- 2.4 The Publication Draft sets out the final version of the Local Plan Fourth Edition that it is intended will be submitted to the Secretary of State for Examination.
- 2.5 As confirmed by the Council, *“The Pendle Local Plan Fourth Edition will guide new development in the borough up to 2040. It shows how Pendle will continue to change to meet the needs of our community.”* It states that the Local Plan is one of a number of development plan documents *“..which are used to guide the nature and location of development in a particular area. The policies in these documents make sure that the determination of applications for planning permission are both rational and consistent.”*
- 2.6 Sevo Planning has prepared these representations on behalf of Little Cloud Holdco Limited (Little Cloud). These representations are in the context of Little Cloud land interests at Windermere Avenue, Colne. These representations should be read alongside: representations made for Little Cloud when the Council consulted at Scoping Report (Issues and Options) and Reg. 18 stages; representations made in respect of consultation on its Local Green Space and Methodology; and responses from Little Cloud to Call for Sites.
- 2.7 Little Cloud has actively pursued residential development of its site since 2020. This included submission of a planning application, validated on 21 November 2022 and refused planning permission on 20 July 2023. As the Council has continued to advance

the Local Plan Fourth edition, Little Cloud has focussed on pursuing an allocation of the site for residential development foregoing its right to pursue a Section 78 appeal.

2.8

The site promoted for residential development measures some 9.53 hectares, and is currently open land save for a former pump house. The site is identified in the Pendle SHLAA 2022/2023 mapped as a site without planning permission that is expected to come forward in the period 6-10 years. This is understood to be the most up-to-date SHLAA mapping available.

Figure 2.1: Extract of Pendle SHLAA mapping 2022/2023 Site without planning permission



2.9

The high quality design of development that Little Cloud would commit to is set out in detail in its 2022 planning application submission (ref 22/0790/OUT) and technical documents, and most notably the submitted design and access statement, design code report, landscape and visual appraisal, visual representations report and verified views. The site comprises a sustainable location, which benefits from access to local services and amenities including non-car transport modes. The retention and improvement of existing public rights of way presents an opportunity to enhance permeability and promote activity for pedestrians and cyclists. The intended retention and refurbishment of the former pump house presents an opportunity for a community facility.

- 2.10 These representations are made in the interests of the Local Plan meeting the tests of soundness and legal compliance, as set out in the National Planning Policy Framework ('the Framework' or 'NPPF') and Planning Practice Guidance (PPG).
- 2.11 Where a draft policy is not considered to be sound this is clearly identified as the subject of an objection to that policy.

### 3. Legal compliance

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- 3.1 Regulation 18 consultation
- 3.1.1 Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) details the documents prescribed for the purposes of section 20(3) of the Act required in the submission of documents and information to the Secretary of State for Examination. This includes:
  - (c) a statement setting out—*
    - (i) which bodies and persons the local planning authority invited to make representations under regulation 18*
    - (ii) how those bodies and persons were invited to make representations under regulation 18*
    - (iii) a summary of the main issues raised by the representations made pursuant to regulation 18*
    - (iv) how any representations made pursuant to regulation 18 have been taken into account*
- 3.1.2 These documents are not yet published by the local planning authority, and must be part of the Regulation 22 submission for the local plan to be considered legally compliant.
- 3.2 Regulation 19 consultation
- 3.2.1 Supporting documents which a local planning authority (LPA) considers are relevant to the preparation of the plan (including the evidence base) must be part of the Regulation 22 submission to the Secretary of State. The supporting documents must also be published alongside the plan at Regulation 19 consultation stage.
- 3.2.2 The LPA has published amongst its supporting documents at Regulation 19 stage a draft of its Housing Needs Review (HNR), dated May 2024. The same is true of a final draft of its Local Plan Viability Assessment Report, dated September 2024. Ordinarily a local planning authority would publish the final version of reports considered fundamental to its local plan strategy. Without Council endorsement, it is not clear whether the LPA is seeking to rely on these documents as an agreed Council position informing its draft local plan.
- 3.3 Legal compliance
- 3.3.1 There are a number of matters concerning the Regulation 19 consultation that require resolution for the Pendle Local Plan Fourth Edition to be deemed legally compliant. Little Cloud considers that the Publication Draft of the Plan is not currently legally compliant, for the reasons detailed at sections 3.1 and 3.2, of these representations.



## 4. Representations by topic area / policy

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### 4.1 Biodiversity

Local Plan / Page 102 / Draft Policy DM04: Biodiversity net gain / Object

4.1.1 The Little Cloud Reg. 18 representations set out that Policy DM04 should recognise the impact that mandatory 10% BNG might have on the viability of development and include suitable "exibility to allow that burden to be taken into account when assessing levels of financial contribution across the policies of the Plan. Government guidance is clear that viability is not a justification for providing less than the mandatory 10% BNG. However, the provision of mandatory 10% BNG could impact on the ability of a scheme to provide other planning gain.

4.1.2 The proposed revised text of Policy DM04 and its supporting text still do not acknowledge the potential financial implications of complying with the 10% BNG obligation.

4.1.3 Part (4) to policy should reference the Lancashire LNRS. It does not currently reference Lancashire.

4.1.4 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 108 / Draft Policy DM05: Ecological networks / Object

4.1.5 The Little Cloud Reg. 18 representations state that Policy DM05 should reflect what is said in the Framework, where it advises that:

*'To protect and enhance biodiversity and geodiversity, plans should:*

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'*

4.1.6 Whilst the supporting text refers to the Lancashire Local Nature Recovery Strategy (LNRS), the emerging Lancashire Nature Recovery Network (LNRN) and other designated sites, wildlife corridors and biodiversity opportunity areas, it is only the LNRS that it is said will map natural capital assets in the county and recognise the ecosystems services that they provide.

4.1.7 Little Cloud Reg. 18 comments are not taken on board. Whilst a draft Policies Map is now produced it does not map the local ecological network, as considered by the Little Cloud Reg. 18 representations to be necessary. For policy DM05 to be clear and unambiguous,

the extent of the local ecological network should be mapped. Mapping is critical to the interpretation of the policy and consideration of other ecology and biodiversity policies set out in the draft Plan.

- 4.1.8 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 110 / Draft Policy DM06: Green infrastructure / Object

- 4.1.9 The Little Cloud Reg. 18 representations reference paragraph 175 of the Framework and its direction that a Local Plan should:

*'..take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'*

- 4.1.10 The Little Cloud representations set out that the emerging development plan policy and policies map should be precise on what are defined as '*Pendle's green infrastructure assets*' and on what basis the inclusion of these *assets* is justified. It is noted that paragraph 5.118 is added to the supporting text and that this refers to the 2019 Pendle Green Infrastructure Strategy, which it is said maps the many components of the green infrastructure network in the borough.

- 4.1.11 It is taken that Figure 2.1 of that document, titled *GI typology assessment*, should be read as the principal authority on component parts of the green infrastructure network. Figure 2.1 is low resolution, such that it is unclear what status individual sites have and it is not clear which are to be considered to be part of the green infrastructure network. Paragraph 5.118 of the draft Local Plan should make specific reference to the GI typology assessment with a high resolution version available for reference, and there needs to be clarity on what constitutes a component part of the network and what does not.

- 4.1.12 By way of example, the Upper Rough, which includes Little Cloud land at Wndermere Avenue, is evidently identified as agricultural land. It is agreed that, by default, the land is correctly identified as having agricultural status. The officer report to the 18 July 2023 Development Management committee (application ref. 22/0790/OUT) confirms as such. The mapping, however, is unclear. Moreover, agricultural status does not mean that a site is automatically part of the local Green Infrastructure network. This should be clarified by the policy and its supporting text and the extent of the green infrastructure network should be clearly defined and identified.

- 4.1.13 The proposed amendment to 2(c) of the policy text, to refer to *unacceptable loss or harm* to an existing green infrastructure network rather than *significant loss or harm* is supported. This in part reflects the Little Cloud Reg. 18 commentary that there needs to be a degree of flexibility within the policy that allows for compensatory off-site provision in circumstances where the local planning authority considers that a proposed development is consistent with the development plan overall, provided that green infrastructure is maintained or enhanced through on-site and/or off-site interventions. This should be explicit in the policy and its supporting text.

- 4.1.14 Little Cloud considers that policy DM06 is not clear and unambiguous. To pass the test of soundness it must clearly identify the extent of the green infrastructure network locally.

- 4.1.15 Little Cloud reserves the right to expand on this during oral hearing sessions.
- 4.2 Landscape
- Local Plan / Page 120 / Draft Policy DM09: Open Countryside / Object
- 4.2.1 Draft policy DM09 does not reflect either the existing iteration of the Framework, or the proposed changes to it are expected to take effect before the end of 2024. As written, the policy would prevent all but very limited development outside of defined settlement frameworks.
- 4.2.2 Part 3. of the policy is in the main based upon paragraph 84 of the Framework, and there is specific reference at footnote 52 to part (e) of the paragraph. However, paragraph 84 is concerned with *development of isolated homes within the countryside* whereas draft policy DM09 refers simply to *development*. This renders the policy unsound, as it effectively seeks to establish a moratorium on development beyond settlement frameworks.
- 4.2.3 Paragraph 22 of the Framework talks of development plan policy including a longer term vision where new settlements or significant extensions to existing villages and towns form part of the strategy for an area. As set out elsewhere in representations from Little Cloud, there is a need for the Council to grapple with extensions to existing settlements if it is to plan positively for its future housing needs.
- 4.2.4 As set out in the Little Cloud Reg. 18 representations, policy DM09 should recognise that housing development, which is demonstrably sustainable, consistent with the development plan overall and would help to meet the borough housing requirement can unequivocally be supported outside of a defined settlement framework. This is necessary to bring policy DM09 in line with the Framework and specifically that there is a presumption in favour of sustainable development where a proposed development is consistent with an up-to-date development plan.
- 4.2.5 In its Reg. 18 representations, Little Cloud put forward a proposed criterion (g) to part 3. of the policy:
- (g) It can be demonstrated that a proposed development outside of but adjoining or close to a settlement boundary is consistent with the principles of sustainable development and development plan policy overall.*
- 4.2.6 Given that the Reg. 19 draft Local Plan proposes the removal of criterion (f), and thus removes any reference to development other than those broadly consistent with the exceptions at paragraph 84 of the Framework, the policy can be made sound through amendment such that its part 3. is properly aligned with the part of the Framework from which it draws.
- 4.2.7 Part 3. of draft policy DM09 should be amended such that it refers explicitly to the development of isolated homes within the countryside, consistent with the Framework:
- 3. Outside a defined settlement boundary ~~development~~ isolated homes in the countryside will only be permitted where it:*

- 4.2.8 Little Cloud reserves the right to expand on this during oral hearing sessions.
- Local Plan / Page 122 / Draft Policy DM10: Landscape Character / Comment
- 4.2.9 The Little Cloud Reg. 18 representations make a minor but important point that landscape character mitigation in the context of development proposals is only in part about structural landscaping as detailed at part 5(b) of the policy. The previous representations from Little Cloud put forward that the wording be amended to *appropriate landscaping measures*. It is maintained that this is a better reflection of how the impact of development on landscape character can be mitigated through a combination of hard and soft landscaping and other positive landscape interventions.
- 4.2.10 More generally, policy DM10 should be clear that consideration of landscape impact is necessarily part of a wider planning balance consideration and the accordance of a proposed development with the development plan overall. Such an acknowledgement would allow for judgements over landscape quality to have the objectivity of being in context with the development needs of the borough and balancing the social, economic and environmental objectives of planning sustainably to meet the needs of residents whilst seeking to maintain or enhance the integrity of the natural environment.
- 4.2.11 Little Cloud reserves the right to expand on this during oral hearing sessions.
- Local Plan / Page 128 / Draft Policy DM12: Local Green Space / Object
- 4.2.12 Little Cloud objects without reservation in full and absolute terms to inclusion of the site known as the Upper Rough and a proposed area of Local Green Space (LGS). A large part of the Upper Rough is private land under the ownership of Little Cloud. This is a repeat of a process which played out in 2023 in respect of the Colne Neighbourhood Development Plan (CNDP). The draft neighbourhood plan had proposed the identification of the Upper Rough as LGS. The CNDP Examiner was clear in giving reasons why he considered that the Upper Rough should be removed from the neighbourhood plan prior to it proceeding to referendum on 20 July 2023. The report of the CNDP Examiner is attached at Appendix 1.
- 4.2.13 Little Cloud has an ownership interest in a c.10ha site in Colne, to the east of Windermere Avenue and which is part of the area known locally as the Upper Rough. At the CNDP Examination in March 2023, where LGS, and specifically the proposed Upper Rough area, was discussed in detail. A key outcome from the subsequent CNDP Examiner report was the recommendation that the proposed LGS4 (The Upper Rough) designation is to be deleted from the LGS policy.
- 4.2.14 The Framework (paragraph 105) states that '*Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*'.
- 4.2.15 The CNDP Examiner is unequivocal in this matter, setting out that:
- 'I am not satisfied that the designation of the Upper Rough is consistent with the local delivery of sustainable development'* (paragraph 7.93).
- 4.2.16 The CNDP Examiner continues at paragraph 7.93 that his conclusions are reached based upon three overlapping reasons:

- the current uncertainty about the way in which new brownfield housing development will come forward in the Plan period;
- the provisions of Policy LIV1 of the PLPCS and the position of the site immediately adjacent to the settlement boundary of Colne; and
- the related identification of the Upper Rough in the SHLAA. He comments that whilst the SHLAA document is not directly a policy in the Pendle Local Plan Core Strategy (PLPCS) the importance of the SHLAA is included in the wider context of Policy LIV1.

4.2.17 Taking each of these points in turn:

- as set out in representations in respect of other policies of the Reg. 19 draft Local Plan, there continues to be uncertainty about the way in which new brownfield housing development will come forward, across both the Colne Neighbourhood Plan period to 2030 and the Pendle Local Plan Fourth Edition plan period to 2040. Attached at Appendix 2 is an assessment of constraints which will likely impact the delivery of sites proposed as housing allocations in the draft Plan;
- the site is, as a matter of fact, adjacent to the settlement boundary of Colne and in a location which offers the potential for sustainable development and the sustainable expansion of the built area of Colne;
- the site continues to be identified in the SHLAA and as set out in representations in respect of other policies of the Reg. 19 draft Plan, is needed if the Council is to plan properly and positively for meeting housing needs across the Plan period.

4.2.18 Paragraph 105 of the Framework states that LGS should be ‘...capable of enduring beyond the end of the plan period’.

4.2.19 Paragraph 7.95 of the report of the CNDP Examiner is clear in stating ‘I have no detailed assurance that the proposed LGS would be capable of enduring the end of the Plan period (2030)’.

4.2.20 It is unarguable that, if there is no evidence that designation of the Upper Rough as LGS could endure beyond the end of the CNDP plan period (2030), then there is similarly no evidence that its designation could endure beyond the end of the Local Plan period ten years later in 2040.

4.2.21 Elsewhere in representations Little Cloud puts forward the case for inclusion of its Windermere Avenue site as a housing allocation, if the Council is to plan positively and properly for meeting housing needs across the Plan period. It is clear that were the Council not proceeding with a substantially reduced annual housing requirement in context with the draft transitional arrangements<sup>1</sup>, then the Windermere Avenue site would be without doubt required alongside a host of other meaningful urban extension sites. The Little Cloud position is clear in that it considers the site to be required now, irrespective of the annual house requirement that the Council plans for. There can be no doubt that the site will be required in the Local Plan period to 2040, to meet future housing requirements, and on this basis the Local Plan Inspectors similarly have no evidence that designation of the Upper Rough as LGS could endure beyond 2040.

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<sup>1</sup> Annex 1 National Planning Policy Framework Consultation Draft, July 2024

- 4.2.22 Paragraph 7.97 of the report of the CNDP Examiner points out that:
- ‘..Little Cloud has recently submitted a planning application for the residential development of the site. In a matter-of-fact way the submission of the planning application signals the intentions of the owners about the future of the site. This reinforces my conclusion that the evidence does not indicate that the proposed designation is capable of enduring beyond the Plan period’.*
- 4.2.23 A contemporary matter-of-fact interpretation of circumstances is that Little Cloud, through promoting its site for allocation in the Local Plan, is providing a clear signal of the intentions of an owner regarding the future of the site.
- 4.2.24 Ultimately, the CNDP Examiner concludes that *“..I am not satisfied that the LGS is consistent with the local delivery of sustainable development and is capable of enduring beyond the Plan period. As such I recommend that it is deleted from the policy’.*
- 4.2.25 The same conclusion must be reached in respect of the proposed inclusion of the Upper Rough as an area of LGS in the Plan. It is clear that there should be no further consideration of the Upper Rough in the context of LGS as the Plan progresses to Examination.
- 4.2.26 Beyond the question of whether the site is needed to meet borough housing requirements across the Plan period, is the question of whether the Upper Rough constitutes an extensive tract of land.
- 4.2.27 Paragraph 106 of the Framework is clear that a designation should only be used where the LGS is:
- ‘..local in character and not an extensive tract of land’.*
- 4.2.28 Little Cloud submitted evidence ahead of the CNDP Examination setting out its case for why the Upper Rough is an extensive tract of land. A copy of the evidence submitted to the CNDP Examination is attached at Appendix 3.
- 4.2.29 Paragraph 7.69 of the report of the CNDP Examiner states that:
- ‘Both Little Cloud and PBC consider that the proposed LGSs are extensive tracts and therefore that their designation would not meet the basic conditions’.*
- 4.2.30 The Framework does not define what constitutes an *extensive tract of land* for the purposes of considering potential LGS designations, and so it is open to interpretation and individual assessment on a case by case basis. Whilst the CNDP Examiner concludes that the Upper Rough can be considered to be something other than an extensive tract of land, it clearly remains open for a Local Plan Inspector to reach an alternative conclusion. Moreover the Council was of the view in 2023 that the site did constitute an extensive tract of land, and there is no explanation of why a different view is now taken.
- 4.2.31 Little Cloud reserves the right to expand on this during oral hearing sessions.

#### 4.3 Housing

Local Plan / Page 37 / Draft Policy SP02: Spatial Strategy / Comment

4.3.1 The Little Cloud Reg. 18 representations confirm support for policy SP02 in that, regarding Colne, it is clear that the town should provide a focus for future growth. Colne and the other main towns will accommodate the majority of new development. Little Cloud maintains this support for the overall direction of policy SP02. It is logical that the local service centres, such as Barrowfield and Brierfield, should provide a supporting, subordinate role.

4.3.2 Consistent with its Reg. 18 representations, Little Cloud agrees that directing the majority of new housing to the largest settlements, including Colne, which have the broadest economic base is consistent with the principles of sustainable development. Housing distribution should be proportionate and reflective of the settlement hierarchy to ensure that future needs are met in a sustainable way, so that it is proximate to amenities, facilities and services, and so as to look to maximise access to employment opportunities.

4.3.3 *Point 4 of policy SP02, where it states 'Development will only be permitted for exceptions that are identified in either the NPPF, or an adopted document that forms part of the Development'* currently fails to recognise, by virtue of its reference to policy DM09 as drafted, that proposed development outside of but adjoining or close to a settlement boundary is acceptable where it is consistent with the principle of sustainable development and development plan policy overall.

4.3.4 As set out in the Little Cloud submissions regarding draft policy DM09, its policy requires amendment to be considered sound. By extension, part (4) of policy SP02 can only be found sound once such amendment has taken place. Policy DM09 should recognise that housing development, which is demonstrably sustainable, consistent with the development plan overall and helping to meet the borough housing requirement can be supported outside of a defined settlement framework. This is necessary to bring policy DM09 in line with the Framework and specifically that there is a presumption in favour of sustainable development where such a proposal is consistent with an up-to-date development plan.

4.3.5 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 40 / Draft Plan Policy SP03: Distribution of Development / Object

4.3.6 Draft policy SP03 states that:

*1. Over the plan period new development will be focussed on the larger sustainable settlements of Pendle. In support of this approach, the following pattern of development will be maintained:*

- *M65 Corridor Urban Area—Approximately 70% of net delivery.*
- *West Craven Sub Area—Approximately 20% of net delivery.*
- *M65 Corridor Rural Area—Approximately 10% of net delivery.*

*2. New housing will be distributed in accordance with the role of each*

*settlement (Policy SP02). The site allocations in Policy AL01 and Policy AL02 are in broad alignment with this strategy and address any residual needs not already met by development that has been completed since the start of the plan period, committed supply or windfall development.*

4.3.7 As per the Little Cloud Reg. 18 representations, the proposed housing land supply and distribution needs to be reviewed. Matters relating to housing land supply are addressed in representations made in respect of draft policy DM20. In terms of distribution, a note from Pendle Council of 16 March 2023 (attached at Appendix 4), which was submitted to the Examiner for the CNDP, seeks to address the proportion of the new homes requirement across Pendle that it is expected will be delivered in Colne. The note refers to a 2016 Scoping and Methodology Report, which confirms that 35% of the housing requirement in the M65 corridor spatial should be met within Colne. Policy SP03 should make explicit reference to this focus on Colne in the context of residential development within the M65 corridor area.

4.3.8 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 158 / Draft Policy DM20: Housing Requirement and Delivery /  
Objection

1/ Housing requirement

4.3.9 Draft policy DM20 is fundamentally unsound, such that it is evident that there is no way in which the Local Plan can be found sound without its complete revision.

4.3.10 Paragraph 15 of the Framework is clear that a local plan:

*'...should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings'.*

4.3.11 Paragraph 16 of the Framework continues that a local plan should *'be prepared positively, in a way that is aspirational but deliverable'*.

4.3.12 The Reg. 19 draft of the Local Plan does not provide a basis whatsoever for properly meeting local housing requirements, is not planning policy and given this does not afford a positive vision for the future of the area.

4.3.13 Policy DM20 sets out 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'*.

4.3.14 The figure of 148 dwellings per annum (dpa) is based upon the current standard method (SM) requirement of a minimum 124 dpa, and not the soon to be set new SM requirement of 382 dpa. The prospect of the Council achieving 148dpa is explored later in this submission, but the initial focus is the 148dpa requirement adopted and why this unequivocally renders to the draft policy and therefore the Reg. 19 draft of the Local Plan unsound.

4.3.15 Attached at Appendix 5 is Item 16 (Pendle Local Plan Fourth Edition) of the Agenda for the 26 September 2024 Full Council meeting. Attached at Appendix 6 is a schedule of



appendices to Item 16. Read, and considered in context with the discussions that took place at this meeting<sup>2</sup> and the earlier meeting<sup>3</sup> of the Executive on 19 September 2024, it is clear that the decision of the Council was a *fait accompli*. This was premediated and the Council was always set to determine that the Reg.19 Local Plan consultation be rushed through such that a Reg.22 submission to the Secretary of State might be made in time to benefit from the draft transitional arrangements as set out at Annex 1 of the July 2024 draft Framework and as such avoid having to address the new SM requirement in any shape or form.

- 4.3.16 There are three principal reasons for reaching a conclusions that the decision of the Council was premediated and a *fait accompli*:
- The report to Council is written in a way which suggests that rushing through a Reg.19 consultation and submission to the Secretary of State is the only realistic option open to the Council. There is only cursory reference in the report to the potential to rewrite the plan, and proceed on the basis of the proposed changes to national planning policy, the Framework and the SM;
  - There is no reference in the report to Council to the fact that the draft transitional arrangements at Annex 1 of the July 2024 draft Framework allow for a Council to come forward with a housing requirement that is within 200 dpa of the new SM requirement (so a minimum 182 dpa in the case of Pendle) provided that the draft local plan has reached Reg.19 stage ahead of one month after the new Framework comes into the effect. There is no reason given for not presenting the Council with this option; and
  - The appendices to Item 16 of 26 September 2024 Full Council agenda include *16(6) Local Development Scheme September 2024 Update*. The Eighth Edition of the Local Development Scheme (LDS) of March 2024 is included at Appendix 7 and the September 2024 Update is included at Appendix 8. The September 2024 Update details key milestones as including Reg. 19 consultation in October to November 2024 and submission to the Secretary of State in January 2025. Prior to the Council having decided to proceed to submission under the draft transitional arrangements of the July 2024 draft Framework, the LDS was already updated setting out precisely that programme. The report to Council does not seek agreement to the LDS revision; rather it is presented as a statement of fact.
- 4.3.17 The actions of the Council can only be construed as entirely negative. They are not positive and the Council is not properly planning for the local housing requirements of Pendle. On this basis, policy DM20 and the Local Plan are not positively prepared and in current form can only be found to be unsound.
- 4.3.18 Aside from the likely new SM! gure of 382dpa, as set out in the Little Cloud Reg. 18 representations, the Pendle Housing and Economic Development Needs Assessment (HEDNA) published in April 2023 recommends a ! gure in the range of 255 and 274dpa. The report states that it cannot be precise about housing numbers but adopts a balanced ! gure of 270dpa when taking account of the range of evidence including economic growth. A May 2024 Housing Need Review (HNR), published in draft as part of

<sup>2</sup> Full Council meeting of 26 September 2024 (Local Plan @ 00:00:40) <https://www.youtube.com/watch?v=JnuluOnCEWg>

<sup>3</sup> Executive meeting of 19 September 2024 (NPPF Response @ 01:13:44 and Local Plan @ 01:18:06) <https://www.youtube.com/watch?v=AIQL9c6T57Q>

the Local Plan consultation material, provides an updated position and states at its paragraph 4.7 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'.*

4.3.19 There is no evidence of any such strategy, and in the absence of this no clear reason for the Council not working towards a housing ! gure that at least approximates to the HNR ! gure. Logically, there would be good reason for the Council to have considered targeting at least 182 dpa which would at least in part bridge the gap between what is currently planned for at Reg. 19 stage (148dpa) and the HNR! gure (230dpa).

4.3.20 Paragraph 10 of the report to the 26 September 2024 meeting of the Full Council states that:

*'The Local Plan Member Steering Group is satis! ed that projected economic growth can be achieved and adequately supported by the demographic-based annual housing requirement'*

4.3.21 The ! gure of 148dpa is taken from paragraph 4.2 of the HNR, in which it is calculated that this could address demographic requirements. At paragraph 4.3, it clearly states that *'...this level of need is arguably too low and would not support forecast ecc growth in the borough without improvements to economic activity rates'*. Given this professional consultancy advice provided to the Council, it is not clear how the Local Plan Member Steering Group reaches an alternative conclusion that projected economic growth can be achieved and adequately supported by this demographic-based annual housing requirement. The likely new SM! gure of 382 dpa calls the merits of this conclusion into question still further.

4.3.22 Paragraph 1.47 of the HEDNA strongly advocates a job forecast approach. It reports *'A jobs forecast showed potential job growth (2022-32) of just over 2,100—this number of jobs is in excess of the number potentially supported by the Standard Method (140 dpa), and points to the need for the Council needing to seek higher levels of housing delivery (around 270 dpa) to support economic growth (2,135 jobs)'*. Little Cloud is of the view that the revised ! gure of 230dpa as set out in the HNR should be seen as the minimum housing requirement to plan for.

4.3.23 The Summary at page 93 of the HEDNA sets out that *'...forecast changes to economic, commuting patterns, the proportions of people with more than one job and the impact of COVID-19 on unemployment.'* A jobs forecast approach is the basis of the 270dpa ! gure. In the continuation of the Summary at page 94, the report alludes to the impact of not delivering 270dpa, being limited local economic growth which would be contrary to the provisions of the Framework. It sets out that *'...signi! cant weight should be placed on the need to support economic growth and productivity...'* and is of the view that less than 270dpa could result in a higher proportion of people commuting into the borough resulting in unsustainable transport patterns. It would also likely result in population out-migration, with the potential for signi! cant harm to the economic prosperity of the borough. There is nothing about the decision of the Council to run with a requirement of 148 dpa that could be considered positive, and therefore policy DM20 and the Local Plan must be found to be unsound.

4.3.24 Paragraph 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.'*

4.3.25 Planning guidance states *'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.'*

4.3.26 It continues by stating that *'Circumstances where this may be appropriate include, but are not limited to situations where increases in housing need are likely to exceed past trends because of:*

*- growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals); strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*  
*- an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.*  
*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. Authorities are encouraged to make as much use as possible of previously-developed or brownfield land, and therefore cities and urban centres, not only those subject to the cities and urban centres uplift may strive to plan for more homes. Authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests<sup>4</sup>.'*

4.3.27 Paragraph 6.23 of the Reg.19 draft Local Plan, which is part of the reasoned justification for policy DM20, discusses population changes within the borough and states that:

*'... the population of Pendle has grown to 95,800 people and has increased by 7.1% since the 2011 census. The rate of population growth indicated by the Census is significant, and well above that represented by the standard method.'*

4.3.28 Paragraph 6.28 of the Reg. 19 draft Local Plan makes reference to the UK Shared Prosperity Fund (UKSPF). The UKSPF is concerned with spreading opportunities and boosting productivity, pay, jobs and living standards. Whilst it is correct that improving economic activity rates is a component of UKSPF, it is important to reference the investment priorities of the fund which include supporting local business. Mission 2 of supporting local business is that by 2030 investment in R&D outside of Greater South East will increase by at least 40%, with that additional government funding seeking to leverage at least twice as much private sector investment.

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<sup>4</sup> Paragraph: 010 Reference ID: 2a-010-20201216

4.3.29 Paragraph 6.29 of the Reg. 19 draft seeks to justify a suppressed housing requirement on the basis that an annual housing requirement of 230dpa would lead to an oversupply in the labour force. There is no evidence for this and neither the HEDNA nor the HNR reach this conclusion. Any increase in economic activity rates will not be immediate, will take time and will likely be a spin-off of other economic successes such as the government commitment to R&D growth in the regions. The HNR is absolutely clear that a requirement of 148dpa will only meet demographic change in terms of predicted household growth. It would not meet any of the economic growth objectives either locally or nationally, and would likely result in Pendle missing out on growth opportunity. There is a much greater risk economically for the borough of not planning for sufficient new homes than any perceived risk of there being an oversupply in the labour force for which there is no evidence.

4.3.30 The Council appears to have significant concerns over the accuracy of the 2021 Census data. Paragraph 90 of the 26 September 2024 report to Full Council states that:

*'The Local Plan Member Steering Group is concerned that the data arising from the 2021 Census, which was carried out during the COVID-19 lockdown, is not wholly reliable. In particular, the population growth experienced between the 2011 and 2021 Census is considerably higher than was anticipated by the Sub-National Population Projections (SNPP). Yet over the same period household growth is significantly lower than the figure anticipated by the 2014-based Household Projections and actual housing completion rates'.*

4.3.31 These matters were the subject of questions posed by paragraph 6.24 of the Reg. 18 draft Local Plan. Little Cloud put forward responses to these questions. Rather than in any way engaging with the possible reasons for the apparent lack of correlation between Census data, SNPP and household growth, paragraph 6.24 is simply deleted without any further explanation.

4.3.32 In the interests of reopening the debate, as there is no clear reason to disregard the Census data, the responses given by Little Cloud to the various questions posed is provided in the following summary. It also cannot be ignored that it is just as likely that any error in the Census data, if there is any error, is in the 2001 data.

- *Question 1 - 'Why the change in the number of households in the borough, between 2011 and 2021, has been nowhere near the level of population growth, which has been lower than the build rate achieved in Pendle over the past 10-years.'*

Household growth will not directly correlate with build rate achieved and this is down to a number of factors, including conversion of property to non-residential use, demolitions and voids. Similarly, there is not necessarily a correlation between population and household growth not least because there is an increasingly greater prevalence of multiple people living in one often shared house, extended families living together and overcrowding.

- *Question 2 - 'Why growth is shown in the 20-30 year age group when migration data consistently shows outward migration from Pendle for this age-group.'*

The Census results suggests that growth within the borough across the 20-30 year age group is down to net in-migration; that does not mean a complete absence of out-migration from Pendle in this age group. If there is out-migration in this young

adult age group, then this provides further justification for the Council to adopt a higher rate of housebuilding to provide the homes that are needed alongside supporting the economy of the borough. On out-migration specifically, as migration data may well reflect shorter-term trend, when compared with the Census data charting change over a 10-year period, this could explain the difference between the two datasets.

- *Question 3 - 'Why there appears to have been significant growth in young people (0-19 years old) yet this has not translated into a strong demand for school places.'*

The usual school ages for young people are 5-18 years (and for many only to age 16) and this is a narrower age range than that captured by the Census data. There are many potential circumstances as to why young people may not be attending school within the borough such as home-schooling and travelling outside of the borough for education.

- 4.3.33 In terms of job growth for the borough, paragraph 6.26 of the Reg. 19 draft Plan discusses that the HEDNA projects job growth for the period 2022-32 to be some 2,100 positions. It continues that this figure *'has also been sensitivity tested to ensure that it is reasonable, accounting for recent performance of the Pendle economy. The HEDNA concludes that the standard method requirement of 140 dpa would be insufficient to support projected jobs growth and recommends that a housing requirement of 270 dpa is adopted to support this figure.'* The Council does not disregard the figure of 2,100 and continues to refer to 270dpa notwithstanding the HNR revising this down to 230dpa.

- 4.3.34 Little Cloud is of the view that if the Council is in agreement with the HEDNA job growth figure, then over the plan period the Council should also be planning for the delivery of new housing at a rate of at least 230 dpa, consistent with the HNR, as the two go hand-in-hand. If the Council does not plan for the predicted jobs growth, then the borough will be faced with an undersupply of homes and will be unable to provide the housing needed to match the predicted growth in employment. This would likely lead to out migration and a stagnation of economic development. In this regard, based on the evidence of the HEDNA and HNR, the local plan will not meet its own spatial vision:

*'In the M65 urban area a diversified economy helps to stimulate growth and improve resilience to economic downturns. Improvements in education and training have created a more knowledgeable and skilled workforce, generated additional entrepreneurial activity and attracted new businesses to the area. Increased levels of investment have helped to revitalise Nelson town centre, complementing the attractive retail and leisure destinations of Barrowford and Colne. A balanced housing market offers an appropriate mix of good quality housing, providing for affordable homes and aspirational moves. Greening urban spaces has improved the quality of life for residents, enhanced the visitor experience and reduced flood risk. They have also promoted active travel, helping to reduce levels of obesity and pollution.'*

- 4.3.35 At paragraph 6.29 of the Reg. 18 draft Plan, the Council states that it is adopting a lower housing requirement due to *'assessed environmental effects of a minimum 270 dwelling per annum.'* Paragraph 6.30 following referred to the pattern of growth provided by 270dpa would not represent a sustainable approach to meeting development needs, especially taking into account the zero greenhouse gas emissions pledge of the Council. The reference to development needs implies acceptance, at the

time, of the HEDNA view on requirements. It is not clear why in the Reg. 19 draft Plan the environmental reasoning of the Reg. 18 version is dropped.

- 4.3.36 Little Cloud is of the view that the approach needs to be properly planning for the development needs of the borough, and identifying sites in sustainable locations at the settlement edge. This squares with the environmental obligations of sustainable development, whilst seeking to ensure that those communities have the capacity to thrive, through the offering the right level of new homes and support for economic growth.
- 4.3.37 Suppressed housing numbers signals support for a perpetuation of underperformance economically, which is contrary to the objectives of national planning policy and guidance and the positive objectives of seeking to achieve economic prosperity and positive social change. This renders the draft Plan unsound and not capable of adoption without wholesale change.

## 2/ Housing supply

- 4.3.38 The Strategic Housing Land Availability Assessment (SHLAA) 2024/2025 forms part of the evidence base. The assessment criteria within the document is used to determine site suitability, availability and achievability. Paragraph 3.7 of the SHLAA states that the bulk of existing sites assessed which are deliverable in the short term are located at the M65 Urban Area settlements, which reflects the capacity of these areas for development and the position and role within the adopted spatial strategy (see Policy SPD2 and SPD4 of the Pendle Core Strategy).
- 4.3.39 Table 3.3 of the draft local plan shows a potential 0-5 year supply of 808 dwellings from sites with planning permission and 357 dwellings from the sites which do not currently benefit from planning permission. Table 3.4 breaks this down by year from 2024/2025.
- 4.3.40 Paragraph 3.10 of the SHLAA provides commentary on tables 3.3 and 3.4 and a potential 1,165 dwellings over a five year period. Just under 70% of new housing development is expected to take place at sites which benefit from an existing planning permission. The remaining 30% are identified as sites facing limited constraints to housing delivery, sites which are viable and sites where the landowner has indicated that the site is available now or in the short term.
- 4.3.41 The assessment attached at Appendix 2 is a consideration of constraints which will likely impact the delivery of sites proposed as local plan housing allocations. This casts significant doubt over a number of sites that the Council is looking to rely upon for its housing supply.
- 4.3.42 Based on the 230dpa as advised in the HNR, the supply, taking account of constraints, is significantly short of what is required and additional sites need to be considered. Paragraph 3.23 of the SHLAA acknowledges the advice of the HNR but takes the view that the 148dpa is sufficient to support projected economic growth. Little Cloud is not aware of any evidence to corroborate this view, instead recognising the HNR conclusion that 230dpa is the supply required for the demographic and economic needs of the borough to be met with an appropriate provision of new housing.
- 4.3.43 Little Cloud is of the view that the supply is not fully addressing the potential housing requirement in Pendle. The housing distribution strategy needs to fully consider how to

deliver housing in appropriate locations. Further appropriate and selective sustainable greenfield sites would allow for the necessary supply of housing sites to ensure that a range of provision, reflective of local housing need, can be delivered. Further greenfield sites would enable increased housing delivery. The current planned housing supply and expected delivery will not satisfy the assessed local requirements as advised by the HNR and the HEDNA.

- 4.3.44 Paragraph 4.5 of the SHLAA report states that most of the land assessed through the SHLAA is located within the M65 Urban Area (59%), with lesser amounts identified in West Craven (33%) and the M65 Rural Area (8%). This distribution departs somewhat from the proposed spatial strategy with a larger proportion of sites located in West Craven. West Craven is a generally more affluent part of the borough, and a higher proportion of new housing in this part of the borough will not meet the economic and social needs of the principal urban areas across the Barrowford, Brierfield, Colne and Nelson arc.
- 4.3.45 A note from Pendle Council dated 16 March 2023 and submitted to the Independent Examiner for the Colne Neighbourhood Development Plan seeks to deal with the proportion of the Pendle new homes requirement that are expected to be delivered in Colne. The note details consistency in the approach of the Council in its providing indicative housing requirements for neighbourhood areas. It refers to a 2016 Scoping and Methodology report, which confirms that 35% of the housing requirement in the M65 corridor spatial area should be met within Colne.
- 4.3.46 Draft policy *SP03: Distribution of development* states that new development will be focussed on the larger and more sustainable settlements of Pendle, and that in support of this approach approximately 70% of net delivery should be in the M65 corridor urban area. Even applying this to the 2,822 current SM based net dwellings over the plan period establishes a figure of 1,968 new homes to be delivered in the M65 corridor over the period to 2040. Of these, 689 units would be delivered in Colne if 35% of the housing requirement in the M65 corridor spatial area is met within the town.
- 4.3.47 This means that of a Colne housing requirement over the plan period of 689 units, only some 20% has planning permission<sup>5</sup>. Some 80% of new homes in Colne over the plan period to 2040 are to be delivered on sites yet to be granted planning permission and the draft local plan does not identify anything like the number of deliverable sites needed to meet this requirement.
- 4.3.48 Draft policy *AL01: Housing site allocations* includes one local plan housing allocation (P067 Cotton Tree Lane – 50 units) and four neighbourhood plan housing allocations (CNDP6/4 Buck Street – 10 units; CNDP6/6 Shaw Street – 18 units; CNDP6/9 Thomas Street – 8 units; CNDP6/15 Bankfield Street – 34 units). These sites are considered in the report at Appendix 2. Even if all allocations were to come forward (120 units), there is still a shortfall of 473 units.
- 4.3.49 It is hard to see how the Council can get anywhere near its assessed housing requirement for Colne over the Plan period without identifying significant additional sites, and this is even before the findings of the HNR and HEDNA, and its jobs growth based annual housing requirement, are factored in. Still more so, if the preparation of a

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<sup>5</sup> Including 48 units at P067 Cotton Tree Lane

new Local Plan for Pendle becomes aligned with the new SM and emerging government policy.

- 4.3.50 Policy DM20 needs to be comprehensively rewritten if it is to pass the test of soundness.

- 4.3.51 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 164 / Draft Policy DM21: Design and Quality of Housing / Comment

- 4.3.52 Little Cloud is of the view that housing density should be indicative and pay regard to site specific circumstances, and other considerations such as heritage and landscape impact. The policy should cross reference that development proposals will need to respect natural environment landscape features which are set out in Policy DM10: Landscape Character.

- 4.3.53 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 166 / Draft Policy DM22: Housing Mix / Comment

- 4.3.54 Meeting the housing mix need of the borough will be dependent upon a sufficient supply of housing land in sustainable locations, near larger settlements, where there is access to services and amenities.

- 4.3.55 Paragraph 1.64 of the HEDNA states that the majority of units should be houses rather than flats, although the report notes that consideration will need to be given to site specific circumstances. Based on the evidence, the assessment states '*it is expected that the focus of new market housing provision will be on 2- and 3-bedroom properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3- beds) from older households downsizing and looking to release equity in existing homes, but still retaining the ability for friends and family to come and stay.*

- 4.3.56 The housing distribution strategy needs to fully consider how to plan for the delivery of requisite house types in appropriate locations. Further appropriate and selective sustainable greenfield sites would allow for the necessary supply of housing sites to ensure that a range of provision, reflective of local housing need can be delivered. Further greenfield sites would enable increased housing delivery. The current planned housing supply and expected delivery will not satisfy the assessed local requirements as advised by the HEDNA. A revised approach would allow for a more adaptable land supply to come forward, allowing for an appropriate range of house types and densities. Housing mix will be site specific, dependent upon site conditions and particular needs locally. As such, the housing mix in DM22 should be a guide.

- 4.3.57 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 169 / Draft Policy DM26: Housing in the Countryside / Object

- 4.3.58 Little Cloud is of the view that there should be reference to sustainable development and that in some circumstances, in line with the most up-to-date Framework, the presumption in favour of sustainable development should be applied. This will make the policy clear in the context of the Framework and allow for a degree of flexibility to allow



for a continual supply of new housing sites. In common with draft policy DM09, policy DM26 requires an additional exception to provide clarity over how it applies to proposed development outside of a settlement framework which is consistent with the development plan overall. The additional exception should read:

*Sustainable development adjoining or close to a settlement boundary*

*In line with the requirements of most-up-to-date Framework, the presumption in favour of sustainable development will apply if it can be demonstrated that a proposed development outside of but adjoining or close to a settlement boundary is consistent with the principles of sustainable development and development plan policy overall.*

4.3.59 Little Cloud reserves the right to expand on this during oral hearing sessions.

Local Plan / Page 239 / Draft Policy AL01: Housing Site Allocations / **Object**

4.3.60 Little Cloud is of the view that Policy AL01 needs to be revisited and subsequently amended to reflect the comments relating to the strategic housing supply and distribution as set out in the commentary regarding draft Plan policy *DM20: Housing Requirement and Delivery*.

4.3.61 Little Cloud has an ownership interest in land at Colne. Little Cloud has previously prepared and submitted representations on: the Local Plan Issues and Options; the Local Plan Reg. 18 draft Local Plan; and Reg. 18 Call for Sites. Little Cloud has consistently put forward a 9.4ha site at land east of Windermere Avenue in Colne (approximate postcode BB8 7AE). The site is again submitted for inclusion as a housing allocation for up to 150 units. The site is suitable, available and deliverable and offers the potential to significantly boost housing supply for Colne and the wider borough of Pendle over the plan period. In July 2023, the Council determined an outline planning application (ref: 22/0790/OUT) for residential development of the site. The officer report to the Development Management Committee (DMC) is attached at Appendix 9. The decision notice is attached at Appendix 10.

4.3.62 The evidence submitted by Little Cloud concluded there is no justification to resist planning permission on landscape or ecology grounds; the reasons for refusal. Advisor to the Council, the Greater Manchester Ecology Unit (GMEU), concluded that there was no reason to resist planning permission on ecology grounds. The officer report to DMC accepts this conclusion and does not recommend refusal on ecology grounds. The ecology reason for refusal was added in at the request of members of the DMC. The only reason put forward by officers was the subjective reason of landscape impact. DAS, design code, landscape and ecology technical submissions that accompanied the application can be found at Appendix 11 and Appendix 12. The appointed Inspectors are encouraged to review the full suite of submission materials accessible on the Pendle Council public access entry for application 22/0790/OUT.

4.3.63 The HNR is clear that to align with economic growth forecasts, housing delivery of 230dpa is required. The current SM requirement is significantly lower at 124 dpa, but the expected new SM of 382dpa is significantly higher. Instrumental, having regard to the HEDNA and the HNR, is that a significant proportion of the assessed requirement is on a jobs growth calculation and therefore required to drive economic growth and prosperity in the borough.

- 4.3.64 Draft policy SP03: Distribution of development states that new development will be focussed on the larger and more sustainable settlements of Pendle, and that in support of this approach approximately 70% of net delivery should be in the M65 corridor urban area. Even applying this to the 2,812 current SM based net dwellings over the plan period establishes a figure of 1,968 new homes to be delivered in the M65 corridor over the period to 2040. Of these, 689 units would be delivered in Colne if 35% of the housing requirement in the M65 corridor spatial area is met within the town.
- 4.3.65 This means that of a Colne housing requirement over the plan period of 689 units, only some 20% has planning permission. Some 80% of new homes in Colne over the plan period to 2040 are to be delivered on sites yet to be granted planning permission and the draft local plan does not identify anything like the number of deliverable sites needed to meet this requirement.
- 4.3.66 The Little Cloud Windermere Avenue site is identified in the Pendle SHLAA 2022/2023 mapped as a site without planning permission to come forward in the period 6-10 years. This is understood to be the most up-to-date SHLAA mapping available.
- 4.3.67 It seems highly likely that the Windermere Avenue site will be required to deliver enough new homes in Colne over the plan period. Draft policy AL01: Housing site allocations include one local plan housing allocation (P067 Cotton Tree Lane –50 units) and four neighbourhood plan housing allocations (CNDP6/4 Buck Street –10 units; CNDP6/6 Shaw Street –18 units; CNDP6/9 Thomas Street –8 units; CNDP6/15 Bankfield Street –34 units). These site area considered in the report at Appendix 2. Even if all allocations were to come forward (120 units), there is still a shortfall of 473 units.
- 4.3.68 It is hard to see how the Council can get anywhere near its assessed housing delivery for Colne without the Windermere Avenue site, and even with Windermere Avenue included delivery is still over 300 units behind requirements over the plan period.
- 4.3.69 Little Cloud reserves the right to expand on this during oral hearing sessions.

## 5. Participation at hearing sessions

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- 5.1 Little Cloud reserves the right to expand on its Regulation 20 representations during oral hearing sessions.
- 5.2 Little Cloud has identified those policies for which it wishes to take part in oral sessions.

## 6. Summary

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- 6.1 The Little Cloud land interest at Windermere Avenue in Colne is in a sustainable location adjacent to the settlement boundary. There is residential development adjoining the site. The site can help provide much needed homes to support delivery in a borough where there is significant difficulty in identifying sufficient sites to meet housing requirements.
- 6.2 Little Cloud makes these representations to reinforce its aspirations to bring forward a high quality residential development the site and support the Council in delivering sufficient new homes.
- 6.3 There is no case for the Upper Rough, which includes the Windermere Avenue site, being included in the Local Plan as protected Green Space. Conversely, there is every reason to identify the site as a housing allocation for up to 150 units consistent with the developable and non-developable areas as set out within the planning application determined in 2023.
- 6.4 Little Cloud and its advisors remain committed to working positively and proactively with the Council. A collaborative approach is considered critical to unlocking the potential for residential development at the Windermere Avenue site.
- 6.5 Little Cloud and its advisors will continue to engage with the Council through representations to the Local Plan, and future opportunities at Examination if the Local Plan advances to that stage. Little Cloud anticipates its full participation at any future Examination hearing sessions.

# Appendix 1

# Appendix 2

# Appendix 3

# Appendix 4



# Appendix 5

# Appendix 6

# Appendix 7

# Appendix 8

# Appendix 9

# Appendix 10

# Appendix 11

# Appendix 12





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## Appendix 2

### Pendle Local Plan 4<sup>th</sup> Edition (2021-2040)

#### AL01: Housing site allocations

#### Constraints assessment

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Little Cloud Holdco Limited  
Windermere Avenue, Colne

December 2024

w: [www.sevoplanning.co.uk](http://www.sevoplanning.co.uk)

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1. Overview and key facts
2. Local and national housing policy
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4. Site assessments
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# 1. Overview and key facts

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## Overview

Sevo Planning has prepared this constraints assessment for Little Cloud Holdco Limited (Little Cloud) in context with its representations to the Publication Draft (Regulation 19) version of the Pendle Local Plan 4<sup>th</sup> Edition 2021-2040 and its promotion of a site of c9.4 hectares at Windermere Avenue, Colne as a proposed housing allocation in the emerging development plan.

The proposed allocation sought is for up to 150 dwellings, consistent with the figure quoted in an outline planning application considered by the local planning authority (LPA) and refused planning permission in July 2023. The description of the development submitted as a planning application is:

*Development of 150 new homes; refurbishment and extension of an existing pump house building and its change of use to a Class E or Class F community use; formation of a new means of access onto Windermere Avenue; alterations to an existing means of access onto Castle Road; and other associated works (Access only)*

The Council released the Publication Draft of the Pendle Local Plan 4<sup>th</sup> Edition 2021-2040 (the Plan) for consultation over the period 25 October to 6 December 2024. At plan preparation stages preceding the Publication Draft, Little Cloud made representations at Issues and Options and Regulation 18 stages. Little Cloud also put forward its Windermere Avenue site as a proposed housing allocation. Little Cloud made later submissions in respect of a November 2023 consultation on a call for local greenspace (LGS) sites.

An area known as Upper Rough, which includes the Windermere Avenue site, was considered and rejected as a potential LGS site in the preparation of the now adopted Colne Neighbourhood Plan. The neighbourhood plan Examiner rejected the inclusion of the Upper Rough as an area of LGS, given that it might be required to meet future housing requirements.

Prior to the publication of its Regulation 18 draft of the Plan, the Council had commissioned an independent housing and economic development needs assessment (HEDNA) study. The conclusion of the HEDNA study is that the Council should be planning for significantly greater net additional dwellings per annum (dpa) than is generated by the current standard method (SM) calculation. That conclusion was reached given the outcome of the 2021 Census and buoyant job growth forecasts. The HEDNA Study concludes that the evidence:

*‘...points to the need for the Council needing to seek higher levels of housing delivery (around 270 dpa) to support economic growth (2,135 jobs)’*

The HEDNA is updated by a May 2024 Housing Need Review (HNR), published in draft as part of the Publication Draft consultation material, which provides an updated position and states at its paragraph 4.7 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’.*

The Council chose not to follow the independent advice received and is instead planning for housing growth of 148dpa which is slightly above the current SM figure for Pendle of 124 but well short of the HEDNA, HNR and the new SM figure of 382 which is expected to take effect from early in 2025.

The approach of the Council is in clear violation of an obligation to plan positively, if a development plan document is to be found sound. There is clear evidence to suggest that the Publication Draft version of the Plan is not properly planning for the housing requirement of the borough. That is in terms of absolute numbers, in respect of the quality of sites that are included as proposed allocations and the types of housing development that those sites might support if they come forward.

Policy AL01 *Housing site allocations* of the Publication Draft version of the Plan sets out that, in addition to a strategic housing site at Trough Laithe (which is between Nelson and Barrowford, has a 500 dwellings capacity and is part built out), nine sites (544 units in total increased from 505 units across the same nine sites at Regulation 18 stage) are proposed to be allocated to help meet the assessed plan period housing requirement of 2,812 net dwellings (at 148dpa over the period 2021-2040). This is in addition to 10 sites in neighbourhood plans and three proposed self-build/custom housebuilding allocations.

Sevo Planning has completed a review of the sites which the Council considers will contribute to its Plan period housing supply, including making a site visit to each during 2024. The principal conclusions of the review are that:

Site 14 –Bankfield Street (Bunkers Hill), Colne raises questions over potential landscape impact. There are also questions over the likely ecology impact of development coming forward.

Several sites raise questions over viability, including a number of sites with historic planning permissions that have either lapsed or, where there are commitments, there is no evidence to suggest that the sites are to be brought forward. The sites raising questions over deliverability are: Site 5 –Land north of Dean Street, Trawden; Site 7 –Land to the rear of Black Carr Mill, Trawden; Site 8 –Part Black Carr Mill, Trawden; Site 15 –Riverside Mill, Reedyford Road, Nelson; Site 16: Giles Street, Nelson; Site 17 –Barkerhouse Road, Nelson; and Site 21: Former LCC Depot, Halifax Road, Brierfield.

Other sites raise the question of availability, given current on-site conditions. These sites are: Site 11 –Buck Street, Colne; Site 12 –Shaw Street, Colne; and Site 13 –Thomas Street, Colne; Site 20 –Railway Sidings, Brierfield; and Site 20 Former Mansfield High School, Brierfield.

Some sites have planning permission for residential development and are already being built out or build out is expected to commence shortly.

The three self-build sites all benefit from planning permission, and development is underway at Bamford Street, Nelson.

A completed site included in the Regulation 18 draft of the Plan is now deleted. That is Site 9 –Land at Hall House Farm, Foulds Road, Trawden.

Site 1 - Long Ing Lane, Barnoldswick and Site 20 –Land South of Colne Water, Cotton Tree Lane, Colne are the subject of recently granted planning permissions. Their being developed out in accordance with the planning permissions granted is dependent in both instances upon the discharge of multiple pre-commencement and pre-occupation conditions.

It is understood that two planning permissions, granted for development of Site 5 –Land north of Dean Street, Trawden and Site 14 –Bankfield Street (Bunkers Hill), Colne, have lapsed.

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Plan type

Replacement local plan

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## Stage of preparation

Pendle Local Plan 4th Edition (2021 to 2040) Publication Draft (Regulation 19) consultation  
26 October – 6 December 2024

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## Proposed site allocations

See schedule below and Section 4

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## Total assessed yield

544 units (4<sup>th</sup> Edition Local Plan allocations) plus 165 (neighbourhood plan allocation – 132 and self-build sites – 9) – 685 in total

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## Proportion of assessed plan period housing requirement

24.3%

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## Development plan

The adopted development plan is:

1. Pendle Local Plan Part 1: Core Strategy, adopted December 2015
2. The Replacement Pendle Local Plan (adopted 2006) (all policies saved on 21 April 2009)

The emerging development plan is:

1. Pendle Local Plan 4th Edition (2021 to 2040) Publication Draft

## Proposals map

These designations on the emerging policies map are particularly relevant to this statement:

1. Proposed housing allocations
- 

## Emerging development plan policies

These emerging development plan policies are most relevant:

Document	Policy	Title	Referenced in this statement at para.
Pendle Local Plan 4th Edition	AL01	Housing site allocations	Overview, 2.2, 2.3, 5.2

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## Other material considerations

Other material considerations (such as national planning policy and supplementary planning document area action plans and design briefs) include:

1. National Planning Policy Framework, published December 2023 –the Framework
2. National Planning Policy Framework consultation draft, published July 2024 –the new Framework
3. National Planning Practice Guidance, various dates –the Practice Guidance (various dates)
4. Development in the Open Countryside SPD, September 2002
5. Conservation Area Design and Development Guidance SPD, August 2008
6. The Colne Significant Views Assessment (draft), May 2021
7. Pendle Housing and Economic Development Needs Assessment (HEDNA), April 2023
8. Five Year Housing Land Supply, November 2023

## Planning history by proposed housing allocation<sup>1</sup>

Reference/ address	Description	Status/decision date	Referenced in this statement at para.
<b>P237</b> (Site 1)   Land at former Barnsay Shed, Long Ing Lane, Barnoldswick			
24/0843/CND	Approval of Details Reserved by Condition: Discharge Condition 18 (Remediation Strategy) of Planning Permission 22/0722/FUL	Validated 03/12/24 Pending determination	4.1.1-4.1.9
24/0799/CND	Approval of Details Reserved by Condition: Discharge Condition 23 (Site Access) and Condition 24 (Off-Site Highway works) of Planning Permission 22/0722/FUL.	Validated 18/11/24 Pending determination	
22/0722/FUL	Erection of 128 dwellings, creation of new vehicular access from Long Ing Lane and all associated works	Approved subject to conditions 27/08/24	
210373/CND	Approval of Details Reserved by Condition: Discharge of Condition 9 (Drainage) of Outline Planning Permission 13/16/0054P	Withdrawn 12/01/22	
APP/E2340/ W20/3264685	Appeal against refusal of reserved matters 20/0035/REM in respect of details required by condition 4 of the outline planning permission (13/16/0054P) in respect of flood risk	Dismissed 13/08/21	
20/0035/REM	Reserved matters application for the erection of 129	Refused 02/11/20	

<sup>1</sup>Only planning history relevant to residential development are included. For brownfield sites with a prior commercial planning history, this planning history is omitted unless it is relevant to a consideration of the principle of development

	dwellings and associated roads, infrastructure and parking (appearance, landscaping, layout and scale). Pursuant to outline permission 13/16/0054P		
13/16/0054P	Outline application for residential development of up to 148 dwellings with access from Long Ing Lane and new access via footpath 10.	Approved 18/01/17	
<b>P064</b> (Site 2)   Land at Brook Shed, New Road, Earby			
24/0576/CND	Approval of Details Reserved by Condition: Discharge Condition 8 (Remediation Measures) of Planning Permission 24/0213/VAR	Condition partially discharged 12/11/24	4.2.14.2.3
24/0213/VAR	Variation of Condition: Regularise Condition 1 (Implementation of timescales), Vary Condition 2 (Plans), Condition 3 (Materials), Condition 4 (Materials), Condition 5 (Materials), Condition 7 (Landscaping Scheme); Compliance of Conditions: Condition 8 (Management and Maintenance), Condition 9 (Construction Method Statement), Condition 10 (Ecological Mitigation Scheme), Condition 12 (Flood Risk Assessment), Condition 13 (Maintenance Scheme), Condition 14 (Site Specific Flood Risk Assessment), Condition 15 (Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Site-Specific Operation Manual), Condition 20 (Construction of Site Access and Off-site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details of roads and footways), Condition 22 (Management and Maintenance of estate roads and footways); Removal of Conditions: Condition 19 (Flood Resilience Measure), Condition 25 (Highway boundary wall), Condition 29 (Archaeological Recording) and Condition 30 (Historic Record) of Planning Permission 22/0577/FUL	Granted subject to conditions 08/08/24	
23/0711/CND	Approval of Details Reserved by Condition: Discharge Condition 3 (Materials of Walls and Roof). Condition 4	Withdrawn 20/08/24	

	(Details of Windows and Doors), Condition 5 (Materials and finishes of plots), Condition 6 (Window Openings), Condition 8 (Landscaping), Condition 9 (Construction Method Statement), Condition 10 (Scheme of Ecological Mitigation), Condition 11 (Contamination), Condition 12 (Flood Risk Mitigation Measures), Condition 13 (Maintenance Scheme), Condition 15 (Surface Water Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Operation and Maintenance Manual), Condition 19 (Flood Resilience Measures), Condition 20 (Construction of Site Access and Off-Site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details), Condition 22 (Management and Maintenance of Estate Road and Footways), Condition 24 (Visibility Splays), Condition 25 (Highway Boundary Wall) and Condition 29 (Archaeological Recording) of Planning Permission 22/0577/FUL		
22/0577/FUL	Erection of 50 dwellings with associated access and landscaping, demolition of Brook Shed engine house, chimney stack, and remaining sections of north elevation of the former weaving shed, boiler house and water tank	Approved subject to conditions 07/09/23	
13/04/0743P	Residential development (1.17ha)	Refused 02/12/04	
<b>KS HOU 1</b> (Site 3)   Dotcliffe Yard, Kelbrook			
24/0076/CND	Approval of Details Reserved by Condition: Discharge Condition 5 (Disposal of Foul and Surface Water) and Condition 8 (Written scheme of site excavations) of Planning Permission 22/0044/FUL	Conditions discharge (split decision) Condition (5) discharged / Condition (8) part discharged 25/03/24	4.3.1-4.3.2
23/0531/CND	Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), Condition 5 (Foul and Surface water), Condition 6 (Construction Method Statement), Condition 7 (Landscaping), Condition 8 (Written scheme of Archaeological Investigation), Condition 9 (Site Access Construction), Condition 15	Conditions discharge (split decision) Conditions (3), (6), (7) and (9) discharged Conditions (5) and (8) not discharged 27/09/23	



	(Remediation Strategy) of Planning Permission 22/0044/FUL		
22/0044/FUL	Erection of 3 detached dwellings with access from Dotcliffe Road	Approved subject to conditions 29/03/23	
18/0347/CND	Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), 5 (Drainage), 6 (Protective Tree Fencing), 7 (Construction Method Statement), 8 (Landscaping) and 12 (Site Excavations) of Planning Permission 17/0077/FUL	Conditions discharge (split decision) Conditions (3), (5), (7) and (8) discharged Conditions (6) and (12) not discharged	
17/0077/FUL	Erection of 3 detached dwellings with access from Dotcliffe Road	Approved subject to conditions 17/04/17	
13/15/0116P	rection of 3 detached dwelling houses with access off Dotcliffe Road, estate road and landscaping	Application withdrawn 30/04/15	
13/08/0678P	Reserved Matters: Erection of three detached dwellings	Approved subject to conditions 06/03/09	
13/04/0141P	Outline: Residential Development (0.16 ha)	Approved subject to conditions 05/01/06	
<u>KS HOU 2</u> (Site 4)   Land at Cob Lane, Kelbrook			
24/0769/VAR	Variation of Condition: Vary Condition 19 (Future Management and Maintenance of the Estate Road) and Condition 20 (Full Engineering, Drainage, Street Lighting and Constructional Details of the Internal Estate Roads) of Planning Permission 22/0633/FUL	Validated 06/11/24 Pending determination	4.4.1-4.4.3
24/0014/VAR	Vary Condition 3 (Materials) of Planning Permission 22/0633/FUL	Refused 29/04/24	
23/0460/CND	Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), Condition 5 (Levels/sections of site), Condition 9 (Protective Fencing), Condition 12 (Drainage Strategy), Condition 13 (Construction Management Plan), Condition 16 (Construction Method Statement), Condition 17 (Site access and off-site highway works) and Condition 23 (Affordable Housing) of Planning Permission 22/0633/FUL	Conditions discharged 18/09/24	
23/0243/CND	Approval of Detail Reserved by Condition: Discharge Condition 23 (Unilateral Undertaking to provide for two affordable	Conditions discharged 21/06/23	

	houses) of Planning Permission 22/0633/FUL.		
23/0182/NMA	Non-Material Amendment - Minor changes to elevations and layout of house types B & C to incorporate usable loft space of Planning Permission 22/0633/FUL	Approved without conditions 18/04/23	
22/0633/FUL	Erection of 10 Dwellings with associated landscaping and infrastructure works	Approved subject to conditions 08/03/23	
210571/REM	Reserved Matters: Major: Erection of 10 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 17/0691/OUT	Refused 09/12/21	
210399/PIP	Permission in Principle: Erection of up to 9 No. Dwellings.	Approved without conditions 13/01/22	
17/0691/OUT	Erection of up to 10 Dwellinghouses (Access only) (Re-Submission)	Allowed following appeal 05/09/18	
16/0488/CUT	Application for up to 17 dwellings (Access only) –Refused and Appeal Dismissed. The appeal was against the development of 17 houses. The Inspector did not raise any objections to the scheme on highway grounds, amenity, loss of wildlife, highway safety, drainage, housing land supply or infrastructure provision	Refused and dismissed at appeal 30/05/17	
18/86/0832P	Erection of 2 dwellings on land adjacent to Yellow Hall	Refused (date unknown)	
TFNP 009 (Site 5)   Land north of Dean Street, Trawden			
24/0540/CND	Approval of Details Reserved by Condition: Discharge Condition 20 (Surface Water Drainage Strategy) and Condition 21 (Construction Surface Water Management) of Planning Permission 22/0242/VAR	Conditions discharged 27/11/24	4.5.1-4.5.4
24/0483/CND	Approval of Details Reserved by Condition: Discharge Condition 6 (Construction Method Statement), Condition 15, (Contamination Remediation), Condition 18 (Section 106 Agreement) of Planning Permission 22/0242/VAR (Appeal Reference: 23/0001/AP/REFUSE)	Conditions discharged 04/09/24	
22/0242/VAR	Remove condition 18 (Affordable housing) of Planning Permission 20/0865/FUL	Allowed following appeal 03/10/23	

20/0865/FUL	Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road	Approved subject to conditions 26/10/21	
<b>TFNP 011</b> (Site 6)   Land adjacent to 37 Hollin Hall, Trawden			
22/0350/FUL	Erection of six new dwellings with associated works, including new car park and access	Approved subject to conditions 05/08/22	4.6.1-4.6.2
<b>TFNP 012</b> (Site 7)   Land to the rear of Black Carr Mill, Trawden			
No planning history			4.7.1-4.7.3
<b>TFNP 015</b> (Site 8)   Part Black Carr Mill, Trawden			
23/0030/CND	Approval of Details Reserved By Condition: Discharge Condition 17 (Materials) of Planning Permission 210312/VAR	Conditions discharged 24/03/23	4.8.1-4.8.7
22/0640/CND	Approval of Details Reserved by Condition: Discharge of Conditions 9 (Acoustic mitigation) and 10 (Construction Code of Practice Method Statement) of Planning Permission 210312/VAR	Conditions discharged 13/12/22	
22/0539/CND	Approval of Details Reserved by Condition: Discharge of Condition 4 (Phasing), Condition 5 (Contamination / Remediation), Condition 14 (Visibility Splay), Condition 15 (Landscaping Scheme) and 16 (Landscaping Management) of Planning Permission 210312/VAR	Conditions discharge (split decision) Conditions (4), (14), (15) and (16) discharged Condition (5) partially discharged subject to the submission of a validation report 19/10/22	
22/0538/CND	Approval of Details Reserved by Condition: Discharge of Condition 12 (Highways Works for Access) & Condition 13 (Scheme for the Construction of the Access) of Planning Permission 210312/VAR	Conditions discharged 29/09/22	
22/0537/CND	Approval of Details Reserved by Condition: Discharge of Condition 7 (drainage) and Condition 8 (drainage) of Planning Permission 21/0312/VAR	Conditions discharged 18/11/22	

210658/CND	Approval of Details Reserved by Condition: Discharge of Condition 6 (Contamination) of Planning Permission 18/0768/FUL	Conditions discharge (split decision) Condition (6) partially discharged subject to the submission of a validation report 12/11/21	
210657/CND	Approval of Details Reserved by Condition: Discharge of Conditions 5 (Phasing Plan), 10 (Acoustic Mitigation) and 18 (Materials Samples) of Planning Permission 18/0768/FUL	Conditions discharge (split decision) Condition (5) discharged Conditions (10) and (18) not discharged 15/03/22	
210656/CND	Approval of Details Reserved by Condition: Discharge of Conditions 15 (Visibility Splay), 16 (Landscaping Scheme) and 17 (Landscape Management / Maintenance) of Planning Permission 18/0768/FUL	Conditions discharged 14/03/22	
210312/VAR	Removal of Condition 4 (Affordable housing) of Planning Permission 18/0768/FUL	Approved subject to conditions 22/02/22	
18/0768/FUL	Conversion of upper floors and part-ground floor of Mill building to form 8 dwellinghouses; Demolition of Weaving Shed and erection of 6 dwellinghouses and associated external works and raised access walkway (Re-Submission)	Approved subject to conditions 06/11/19	
17/0648/FUL	Conversion of three storey mill building into offices (B1) at ground floor and create eight residential units (C3) at first and second floor. Demolition of the Northlight shed and erection of seven dwelling houses with associated access and parking	Application withdrawn 19/12/17	
<b>TFNP 014</b> (Site 9)   Land at Hall House Farm, Foulds Road, Trawden			
18/0729/VAR	Variation of Condition: Variation of Condition 2 (Plans) of Planning Permission 18/0135/FUL	Approved subject to conditions 13/12/18	4.9.1
18/0662/CND	Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials), Condition 4 (Walling), Condition 6 (Parking), Condition 9 (Landscaping) and Condition 10 (Windows) of Planning Permission 18/0135/FUL	Conditions discharged 06/11/18	
18/0135/FUL	Erection of three dwelling houses (Two semi-detached and one detached)	Approved subject to conditions	

<u>P067</u> (Site 10)   Land South of Colne Water, Cotton Tree Lane, Colne			
24/0724/CND	Approval of Details Reserved by Condition: Discharge Condition 16 (Site Access Bridge), Condition 17 (Site Access and Off-site Highway works), Condition 18 (Future Management and Maintenance of the Estate Road), Condition 25 (Method Statement), Condition 27 (Hard and Soft Landscape Works) of Planning Permission 22/0453/FUL	Validated 17/10/24 Pending determination	4.10.1- 4.10.4
24/0587/CND	Approval of Details Reserved by Condition: Discharge Condition 6 (Construction Code of Practice), Condition 8 (Surface Water Sustainable Drainage Strategy), Condition 9 (Construction Surface Water Management Plan), Condition 12 ( Surface and Foul Water Drainage Scheme), Condition 14 (Infiltration of Surface Water), Condition 19 (Full Engineering, Drainage, Street Lighting and Constructional Details of the internal estate roads) and Condition 21 (Visibility Splay) of Planning Permission 22/0453/FUL	Validated 02/09/24 Pending determination	
22/0453/FUL	Erection of a residential development of 50 dwellings	Approved subject to conditions 27/06/24	
<u>CNDP6/4</u> (Site 11)   Buck Street, Colne			
No planning history			4.11.1- 4.11.3
<u>CNDP6/6</u> (Site 12)   Shaw Street, Colne			
No planning history			4.12.1- 4.12.3
<u>CNDP6/9</u> (Site 13)   Thomas Street, Colne			
No planning history			4.13.1- 4.13.3

<b>CNDP6/15</b> (Site 14)   Bankfield Street (Bunkers Hill), Colne			
13/12/0458C1	Approval of Details Reserved by Condition: Discharge Conditions 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15 and 16 of Planning Permission 13/12/0458P	Conditions discharge (split decision) 22/02/13	4.14.1- 4.14.9
13/12/0458P	Erection of 8 No dwellings on land bounded by Collingwood Street/Greenfield Road, End Street, Leopold Street and Bankfield Street	Approved subject to conditions 12/11/12	
13/12/0063P	Erection of 30 dwellings mixed house types of 2 and 3 bedrooms and access	Approved subject to conditions 28/05/12	
<b>P026</b> (Site 15)   Land at former Riverside Mill, Reedyford Road, Nelson			
23/0557/VAR	Vary Condition 24 (S.106 Planning Obligation for education contribution) of Planning Permission 22/0774/OUT	Approved subject to conditions 21/12/23	4.15.1- 4.15.8
22/0774/OUT	Residential development of up to 140 dwellings (access only)	Approved subject to conditions 24/05/23	
22/0658/SCREEN	Screening Opinion request for outline residential development of up to 140 dwellings	Screening opinion issued 22/11/22	
13/03/0684P	Residential Development (outline) with additional access off Charles St	Withdrawn 01/04/05	
<b>P257</b> (Site 16)   Land at Giles Street, Nelson			
13/11/0189P	Demolition of 26 terraced properties 2-14 Caleb St And 12 Bankhouse Road; 21-31 Bradley Road East; And 1-23 Giles Street Nelson Lancashire	Prior approval not required 02/06/11	4.16.1- 4.16.3
<b>P326</b> (Site 17)   Land at Barkerhouse Road, Nelson			
13/14/0499P	Residential development for twelve dwelling houses (Access and Layout only) and demolition of existing nursery building	Approved subject to conditions 03/12/14	4.17.1- 4.17.2
13/12/0478P	Change of use from day nursery (D1) to storage (B8)	Application withdrawn 22/11/12	
<b>P311</b> (Site 18)   Land at Bamford Street, Nelson			

24/0195/V AR	Vary Condition 2 (Plans) of Planning Permission 23/0263/FUL	Approved subject to conditions 13/05/24	4.18.1- 4.18.2
23/0538/CND	Approval of Details Reserved by Condition: Discharge Condition 4 (Foul and Surface Water), Condition 5 (Construction Method Statement) and Condition 6 (Landscaping Scheme) of Planning Permission 23/0263/FUL	Conditions discharged 27/09/23	
23/0380/FUL	Erection of a 6 no, detached bedroom house with parking	Approved subject to conditions 03/10/23	
23/0263/FUL	(Plot 1) Erection of a detached 3 storey dwelling with 5 no. bedrooms and associated external landscaping and parking	Approved subject to conditions 14/06/23	
22/0268/OUT	Erection of 4 dwellings (Access only) (Reg 4)	Approved subject to conditions 03/08/22	
20/0339/CND	Approval of Details Reserved by Condition: Partial discharge of Conditions 4 (Drainage) and 5 (Access and off-site highway works) of Outline Permission 19/0017/OUT	Conditions discharge (split decision) 27/01/21	
19/0017/OUT	Erection of 5 detached dwellings (Access only) (Reg 4)	Approved subject to conditions 08/03/19	
13/15/0541P	Outline Erection of 5 detached dwellings (Access only) (Reg 4)	Approved subject to conditions 05/01/16	
<b>P327</b> (Site 19)   Land at Wickworth Street, Nelson			
22/0140/F UL	Erection of detached dwelling house with garage and driveway	Approved subject to conditions 15/12/22	4.19.1- 4.19.2
19/0254/OUT	Erection of 2 detached dwellings (Access only) (Reg 4)	Approved subject to conditions 10/05/19	
<b>P052</b> (Site 20)   Land at former Railway Sidings, Railway Street, Brierfield			
No planning history			4.20.1- 4.20.6

<u>P060</u> Site 21   Land at former Mansfield High School, Taylor Street, Brierfield			
No planning history			4.21.1- 4.21.5
<u>P267</u> Site 22   Land at former LCC Depot, Halifax Road, Brierfield			
24/0197/FUL	Erection of 10 no. bungalows	Approved subject to conditions and the signing of a S106 legal agreement 02/10/24	4.22.1- 4.22.5
13/13/0167P	Extension of Time: Extend time limit of Planning Permission 13/10/0160P to erect nine dwellings (Outline)	Approved subject to conditions 03/06/13	
13/10/0160P	Residential Development Comprising 9 No. Dwellings.	Approved subject to conditions 12/05/10	
<u>P107</u> (Site 23)   Land at Mansfield Crescent, Brierfield			
23/0815/FUL	Erection of 2 no. detached dwellings	Approved subject to conditions 05/02/24	4.23.1- 4.23.2
22/0692/OUT	Erection of two dwellings (access, appearance, landscaping, layout and scale) (Reg 3)	Approved subject to conditions 09/12/22	
19/0253/OUT	Erection of 2 detached dwellings (Access only) (Reg 4)	Approved subject to conditions 05/06/19	

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#### Site density

Density (all sites)	29.2 dph
Density (10+ dwellings)	29.6 dph



## 2. Local and national housing policy

- 2.1 The Council issued the Publication Draft of the Pendle Local Plan 4<sup>th</sup> Edition (2021-2040) for consultation over the period 25 October to 6 December 2024.
- 2.2 The draft Plan includes policy *AL01: Housing site allocations*.
- 2.3 Draft policy AL01 sets out that, in addition to a strategic housing site at Trough Laithe (Keld), between Nelson and Barrowford (500 dwellings capacity), which is part built out, nine sites (544 units in total increased from 505 units across the same nine sites at Regulation 18 stage) are proposed to be allocated to help meet the assessed plan period housing requirement of 2,812 net dwellings (at 148 dpa over the period 2021-2040). This is in addition to 10 sites in neighbourhood plans (132 units in total reduced from 156 units across 11 sites in the Regulation draft) and three proposed self-build/custom housebuilding allocations (9 units in total). Across all allocations/proposed allocations, fourteen sites comprise 10+ units.
- 2.4 Table 8.1 of the Publication Draft details that the 2,812 net dwellings requirement is projected to be met by:
- Housing delivery during the plan period to 1 April 2023 –570 units;
  - Dwellings with planning permission at 31 March 2023<sup>2</sup> –808 units;
  - Anticipated delivery at Trough Laithe to 2039/2040<sup>3</sup> –432 units;
  - Small sites windfall allowance (40 dpa)<sup>4</sup> –570 units; and
  - Site allocations.
- 2.5 Figure 8.1 of the Publication Draft details the proposed housing trajectory, and demonstrates that the borough is heavily reliant upon delivery in the early part of the plan period from major site commitments and, to a lesser extent, small sites and proposed allocations.



<sup>2</sup> Includes a 10% lapse rate for planning permissions that are not implemented

<sup>3</sup> Excludes 63 units completed in 2021/2022 and 2022/2023 monitoring years and included in the delivery for that year

<sup>4</sup> Excludes first three years, where dwellings are likely to be in completions or existing commitments

- 2.6 The draft Plan sets out site specific requirements for the nine proposed allocations at: former Riverside Mill, Nelson; former Railway Sidings, Brierfield; former Mansfield High School, Brierfield; Brook Shed, Earby; South of Colne Water, Colne; former Barsey Shed, Barnoldswick; Giles Street, Nelson; former LCC Depot, Brierfield; and Land off Bakerhouse Road, Nelson. The site specific requirements are addressed as relevant in the site considerations at Section 4.0 of this statement.

#### National planning policy and guidance

- 2.7 The current National Planning Policy Framework (the Framework), December 2023, against which the Pendle Local Plan 4<sup>th</sup> Edition will be assessed, states generally that:

*‘...succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings’<sup>5</sup>.*

- 2.8 Local plans are expected to be consistent with the principle of sustainable development, which at a very high level can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 2.9 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are: an economic objective—to help build a strong, responsive and competitive economy; a social objective—to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and an environmental objective—to protect and enhance the natural, built and historic environment including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 2.10 The Framework continues that plans should be prepared with the objective of contributing to the achievement of sustainable development, and be prepared positively in a way that is aspirational but deliverable<sup>6</sup>.

- 2.11 Paragraph 20 is clear that strategic policies should set an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for all objectives of the town planning system including new housing.

- 2.12 Paragraph 22 sets out that strategic policies should:

*‘...look ahead for over a minimum 15 year period from adoption, to anticipate and long-term requirements and opportunities’.*

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<sup>5</sup>Paragraph 15 | National Planning Policy Framework, December 2023

<sup>6</sup>Paragraph 16 | National Planning Policy Framework, December 2023

2.13 Objectively assessed need (OAN) is addressed by paragraphs 11, 23, 35 and 123:

*‘strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses’<sup>7</sup>*

*‘Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development’<sup>8</sup>.*

*‘Positively prepared—providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs’<sup>9</sup>*

*‘Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ Land’<sup>10</sup>*

2.14 The theme of a development plan being positively prepared is one cornerstone of the four broad tests of what is considered necessary for a plan to be sound. The Framework sets out that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. In addition to being positively prepared, local plan strategies should be justified, effective and consistent with national policy. In respect of effective, the strategic policies must be deliverable over the plan period.

2.15 A whole chapter of the Framework is devoted delivering a sufficient supply of homes. It is clear that to support the Government objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed<sup>11</sup>.

2.16 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the SM in national planning guidance. Paragraphs 61 and 67 add clarification to this, in setting out that:

*‘The outcome of the standard method is an advisory starting-point for establishing a housing requirement. There may be exceptional circumstances, including relating to the particular demographic characteristics of an area<sup>25</sup> which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.’*

*‘The requirement may be higher than the identified housing need if, for example, it ... reflects growth ambitions linked to economic development or infrastructure investment’.*

2.17 Paragraph 63 details that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

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<sup>7</sup>Paragraph 11 | National Planning Policy Framework, December 2023

<sup>8</sup>Paragraph 23 | National Planning Policy Framework, December 2023

<sup>9</sup>Paragraph 35 | National Planning Policy Framework, December 2023

<sup>10</sup> Paragraph 123 | National Planning Policy Framework, December 2023

<sup>11</sup> Paragraph 60 | National Planning Policy Framework, December 2023

- 2.18 Paragraph 67 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas, which reflects the overall strategy for the pattern and scale of development and any relevant allocations.
- 2.19 In respect of identifying land for homes, paragraph 69 is clear that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites. Any windfall allowance needs to be supported by compelling evidence that they will provide a reliable source of supply<sup>12</sup>.
- 2.20 There is clear support for identifying and allocating sites for larger scale development:
- ‘The supply of large numbers of new homes can often be best achieved through larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities’<sup>13</sup>.*

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<sup>12</sup> Paragraph 72 | National Planning Policy Framework, December 2023

<sup>13</sup> Paragraph 74 | National Planning Policy Framework, December 2023

### 3. Pendle assessed plan-period housing requirement

- 3.1 The Council appointed consultants to undertake a Housing and Economic Development Needs Assessment (HEDNA). This resulted in an April 2023 report, in which the introductory sections state that the HEDNA has the overall aim of providing robust and proportionate evidence to inform the review of the Pendle Local Plan with regard to housing and employment land needs and requirements, and related policies. The HEDNA Study draws upon a Pendle Council *Economic Recovery and Growth Strategy*, which sets out a borough response to the COVID-19 pandemic, and other strategic documents including *Lancashire 2050*, the *Lancashire Strategic Economic Plan* and the Lancashire LEP *Growth Deal & implementation Plan*.
- 3.2 The HEDNA study details that the SM for assessing housing need results in a requirement of 140dpa<sup>14</sup>. The report goes on to detail the exceptional circumstances (Framework, paragraph 67) that would support deviation from the SM, and recommends a figure in the region of 270 dwellings per annum when taking account of a range of evidence including economic growth.
- 3.3 A net housing requirement of 270 dpa over 19 years translates to a plan period requirement of 5,130 dwellings in comparison with the 2,812 dwellings required at 148dpa.
- 3.4 The HEDNA study details that the 2021 Census shows population growth in the borough to be higher than previously estimated. This is likely to work through into population projections (given that they are trend based), household projections and ultimately estimates of housing need in future iterations of the SM (paragraph 1.42).
- 3.5 In addition to the evidence from the 2021 Census, a jobs forecast showed potential job growth (2022-2032) of just over 21,00; this is the number of jobs in excess of the number of jobs potentially supported by the SM. The conclusion of the HEDNA study is that this:
- 3.6 A housing need summary (HEDNA study page 93) states that there is a clear case to support exceptional circumstances in Pendle, and a divergence from the SM approach given population growth as recorded by the 2021 Census. It goes on to state that the job growth figures point to the possibility of the Council needing to seek higher levels of housing delivery to support economic growth.

*‘...points to the need for the Council needing to seek higher levels of housing delivery (around 270 dpa) to support economic growth (2,135 jobs)’. (paragraph 1.47)*

*‘Overall, the analysis in this section points to there being a strong case of the C for a housing number in excess of the Standard Method; this would support stronger population and economic growth and it is also that case that housing delivery has been stronger than the standard Method in the recent past.*

*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’.*

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<sup>14</sup> Current SM requirement is 124 with this set to increase to 382

- 3.7 The HEDNA is updated by a May 2024 Housing Need Review (HNR), published in draft as part of the Publication Draft consultation material, which provides an updated position and states at its paragraph 4.7 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’.*

- 3.8 The Council chose not to follow the independent advice received and is instead planning for housing growth of 148dpa which is a slightly above the current SM figure for Pendle of 124 but well short of the HEDNA, HNR and the new SM figure of 382 which is expected to take effect from early in 2025.

## 4. Site assessments

### 4.1 Land at former Barnsay Shed, Long Ing Lane, Barnoldswick

4.1.1 The proposed allocation at Long Ing Lane, Barnoldswick is part greenfield, part brownfield. It is part within the settlement boundary, and part outside of it. The area within the settlement boundary is identified in local policy as an Employment Protection Area<sup>15</sup>.

4.1.2 The local planning authority (LPA) granted outline planning permission in January 2017 (ref: 13/16/0054P) for up to 148 dwellings, with access from Long Ing Lane and a new access via footpath 10. The LPA granted full planning permission in August 2024 (ref: 22/0722/FUL) for development of 128 dwellings, again with access from Long Ing Lane and a new access via footpath 10. This planning permission is subject to the signing of a Section 106 Agreement (Travel Plan), a requirement covered by one of the conditions.

4.1.3 The 2024 planning permission is subject to 32 planning conditions, of which 11, including the S106 condition, are pre-commencement.

4.1.4 A number of the pre-commencement conditions set out detailed SuDS requirements, notwithstanding a submitted updated FRA and drainage strategy of July 2024.

4.1.5 The principal issues that have prevented development from coming forward are concerned with drainage and flooding. The August 2021 report of the Inspector who considered an appeal against refusal of a reserved matters submission concludes that:

*‘...there is an absence of conclusive evidence to demonstrate that the proposed regime for the site would not cause elevated flood risk elsewhere. This would include land identified as at risk of surface water flooding by the Environment Agency. It would not therefore meet the requirement of Policy ENV7 of the Local Plan for Pendle Core Strategy 2011-2030 [2015] and Paragraph 167 of the revised Framework as they require that the design of new developments must consider the risk the proposed development may pose to areas downslope/downstream’.*

4.1.6 In respect of the most recent application, the Canal and Rivers Trust did not object, and neither did United Utilities, Yorkshire Water or the Lead Local Flood Authority (LLFA) following removal of its earlier holding objection. The Earby and Salterforth Internal Drainage Board continued to raise matters in respect of the proposed development.

4.1.7 Submissions in respect of the now approved planning application included an outflow site investigation report, and an opinion from Killian Garvey of Counsel dated September 2023. This opinion concludes that:

*‘...the Inspector’s concerns have been overcome. The inspector was essentially about the lack of information in respect to Seddon Homes’ intention to drain to the existing culvert and their plans to rely on this culvert. However, Seddon Homes now do not rely on this culvert. I have seen no evidence to suggest any deficiencies with this strategy.*

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<sup>15</sup> Saved Policies of the Replacement Pendle Local Plan (adopted May 2006) (RPLP)

*It would, therefore, appear that concern in respect to flood risk has been overcome through this revised drainage strategy. Given that this was the only outstanding issue in respect to the development of the Site, I cannot see any reason for the application to be refused based on the evidence before me'.<sup>16</sup>*

4.1.8 The magnitude of detail in the conditions attached to the planning permission tell an altogether different story of SuDS matters still requiring resolution. It is noted that two current reserved matters submissions seek to address conditions concerning a remediation strategy (#18), site access (#23) and off-site highways works. There is nothing submitted as yet in respect of the multitude of drainage conditions.

4.1.9 There has to be some doubt still over the likely ultimate site yield given the complex nature of the drainage conditions to be discharged.

## 4.2 Land at Brook Shed, New Road, Earby

4.2.1 The proposed allocation site at New Road, Earby is a brownfield site within the settlement boundary.

4.2.2 Planning permission is granted for a 50-unit scheme. A recent planning permission secured variations in conditions / details of the proposed development, and in -part was said to be necessary to address viability issues. The former Brook Shed engine house, chimney stack, weaving shed and associated structures are already demolished, and there are marketing boards on-site for the development known as Bracewell Gardens.

4.2.3 The only pre -commencement condition concerns remediation (#8) and this is discharged in-part (for part of the site). It is reasonable to conclude that the proposed development will come forward as planned.

## 4.3 Dotcliffe Yard, Kelbrook

4.3.1 The brownfield site at Dotcliffe Yard, Kelbrook is an allocation in the adopted neighbourhood plan.

4.3.2 Planning permission is granted for 3 dwellings and construction is underway.

## 4.4 Land at Cob Lane, Kelbrook

4.4.1 The proposed allocation at Cob Lane, Kelbrook is greenfield agricultural land to the south east of the main village and outside of but adjacent to the defined settlement boundary. It is already allocated in the adopted neighbourhood plan.

4.4.2 In a September 2018 appeal decision, the Inspector set out that the main issue is the effect of the proposed development on the setting of the nearby listed buildings Yellow Hall and Stoops Farmhouse and Barn. The Inspector concluded that:

*'The proposal would provide new homes in a settlement which has been identified in the Core Strategy as a Rural Service Centre. It is a settlement which is expected to provide additional housing to contribute to the overall housing requirement in the borough in*

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<sup>16</sup> Paragraphs 31 and 32



*accordance with Policy LIV1 of the Core Strategy. Whilst just outside of the currently defined settlement boundary the appeal site is well connected to the rest of the village.*

*Paragraph 59 of the Framework indicates that it is an objective of the Government to significantly boost the supply of homes and paragraph 78 indicates that in rural areas housing should be located where it will enhance or maintain the vitality of rural services. Whilst the Council asserts that there is a five year land supply, this is just over the threshold, and I consider that this site could contribute to the homes required to meet national and local planning policy objectives.*

*Overall, I consider that this considerable public benefit is sufficient to outweigh the less than substantial harm to the setting of the designated heritage asset. The proposal would accord with Policy ENV1 of the Core Strategy which indicates that development should ensure that the significance of any heritage asset, including its setting, is not harmed or lost without clear and convincing justification. It would also accord with Policies SDP2 and LIV1 of the Local Plan.<sup>17</sup>*

- 4.4.3 The LPA refused planning permission in 2024 for an application seeking to vary materials. Some conditions are discharged, but a further application is with the LPA seeking to vary conditions regarding estate roads and their future management. Whilst the length of time that it has taken for development to progress must raise some doubt as to its delivery, there are marketing boards on-site for forthcoming development advertised as Heron's Reach.

#### 4.5 Land north of Dean Street, Trawden

- 4.5.1 The draft Plan includes land north of Dean Street, Trawden as a commitment for 20 dwellings. A planning permission lapsed in October 2024, prior to the discharge of all pre commencement conditions attached to a 2023 variation of condition planning permission (granted following an appeal).
- 4.5.2 The fact that the planning permission has lapsed raises significant questions over the likelihood of lawful development coming forward.
- 4.5.3 Changes in levels across the site suggest that building out the development will not be straightforward. A viability appraisal submitted with the variation of condition application allowed on appeal details a developer profit of 6.43% without an affordable housing contribution. This is indicative of the scheme having marginal viability at best.
- 4.5.4 There must now be significant doubt over whether the development will be brought forward, given the need for a new planning application, additional BNG (and potentially other) considerations and the marginal viability.

#### 4.6 Land adjacent to 37 Hollin Hall, Trawden

- 4.6.1 The site adjacent to 37 Hollin Hall, Trawden is greenfield, within the settlement boundary. The LPA granted planning permission in August 2022 for a six dwelling development. A material start must be made before 5 August 2025.

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<sup>17</sup> Appeal Ref: APP/E2340/W/18/3200240 Paragraphs 25 to 27

- 4.6.2 There is no evidence of any application to discharge pre-commencement conditions attached to the 2022 planning permission. These are: (3) materials; (4) surface water SUDS and foul drainage schemes; (7) landscaping scheme; (8) site access and off-site highways works; and (10) construction method statement. There is also a pre-construction compliance condition (21) regarding tree and hedgerow protection.
- 4.7 Land to the rear of Black Carr Mill, Trawden
- 4.7.1 The site to the rear of Black Carr Mill is a brownfield site within the settlement boundary.
- 4.7.2 There is no known planning history, and the viability issues identified in respect of previous proposals for adjoining land at Black Carr Mill (Section 4.8 of this assessment) are equally applicable to this site. The same is true of challenges associated with flood risk, and development needing to be appropriate to the Trawden conservation area.
- 4.7.3 There is significant doubt over the viability of development on this site, and its ability to help meet borough housing needs.
- 4.8 Part Black Carr Mill, Trawden
- 4.8.1 The site at Black Carr Mill is a brownfield site within the settlement boundary. The LPA granted planning permission in February 2022 for a development of 14 units, comprising eight units within the mill building and six new build homes.
- 4.8.2 The 2022 planning permission is a variation of an earlier planning permission approved subject to conditions in November 2019. As such, the later planning permission required implementation by no later than November 2022. It does not appear that all pre-commencement conditions were discharged ahead of November 2022. There is no evidence of a S106 agreement (education contribution to Lancashire County Council) having been signed. This indicates that the planning permission was not lawfully implemented and has lapsed.
- 4.8.3 The 2019 approval was against officer recommendation that planning permission should be refused as:
- ‘The proposed development would result in potential noise nuisance from the adjacent unrestricted commercial units to the detriment of aural amenity of the future occupiers of the proposed residential units and therefore the proposal would not accord with policy ENV5 of the Pendle Local Plan Part 1: Core Strategy 2011-2030’*
- 4.8.4 A viability appraisal submitted with the 2022 variation of condition application (seeking the removal of the affordable housing obligation) states that:
- ‘...even without any S106 contributions or on-site affordable housing, the scheme is at the margins of viability. The imposition of an on-site affordable housing condition or S106 financial contributions, exacerbates the viability concern and brings the development into question’.*
- 4.8.5 The LPA did not seek to commission any appraisal of the viability assessment, taking its conclusions as read without any evidence to the contrary.

- 4.8.6 Any new proposal would have to make a viability case if exemption is sought from provision of affordable housing and /or an education contribution. It would also have to address the relationship with adjoining employment uses, through appropriate (and potentially costly) noise mitigation. The site is within flood zone 3 and the Trawden conservation area, which mean increased development costs in terms of infrastructure requirements and materials specifications .
- 4.8.7 There is significant doubt over the viability of the development, and there are grounds to challenge reliance on it to help meet borough housing needs.
- 4.9 Land at Hall House Farm, Foulds Road, Trawden
- 4.9.1 The development is complete with three dwellings constructed. The site was included in the Regulation 18 draft Plan but is now proposed to be removed.
- 4.10 Land South of Colne Water, Cotton Tree Lane, Colne
- 4.10.1 The part-previously developed brownfield and greenfield site to the south of Colne Water is outside of the settlement boundary, accessed off Cotton Tree Lane.
- 4.10.2 The LPA granted planning permission in August 2024 for a development of 48 units. Two applications seeking the discharge conditions are currently with the LPA.
- 4.10.3 Ultimately, it is highly likely that the site will now come forward as planned.
- 4.11 Buck Street, Colne
- 4.11.1 The site at Buck Steet, Colne is a brownfield site within the defined settlement framework of Colne.
- 4.11.2 The site is currently in active commercial use. It is included in the adopted Colne Neighbourhood Plan as an allocation for 10 units. The later Pendle 5YHLS statement of November 2023 details that the site will not be available for redevelopment until 2030 at the earliest. This is not within the period covered by the neighbourhood plan.
- 4.11.3 The principle of development is not in question, but its coming forward for residential redevelopment will be dependent upon availability and achieving a viable form of development , given likely contamination and a challenging site topography.
- 4.12 Shaw Street, Colne
- 4.12.1 The site at Shaw Street, Colne is a greenfield site within the settlement framework.
- 4.12.2 The Examiner who considered the Colne Neighbourhood Plan found, as of February 2023 in a post-examination report , a reasonable degree of assurance on the availability and deliverability of the site. It is included in the adopted Colne Neighbourhood Plan as an allocation for 18 units. The Pendle 5YHLS statement of November 2023 is less positive, in stating that the site it available in the longer term and that there is no evidence of availability in the shorter term. It is included in the projections of housing supply for the period 2033-2038, which is outside of the neighbourhood plan period.

- 4.12.3 Development of the Shaw Street site would lead to substantial tree loss, and its coming forward for housing development would be dependent upon detailed ecology and arboricultural considerations.
- 4.13 Thomas Street, Colne
- 4.13.1 The site at Thomas Street, Colne is a brownfield site within the settlement framework.
- 4.13.2 The Examiner of the Colne Neighbourhood Plan finds as of February 2023 a reasonable degree of assurance on the availability and deliverability of the Thomas Street site. It is included in the adopted Colne Neighbourhood Plan as an allocation for eight units. The Pendle 5YHLS statement of November 2023 notes that the site is occupied by a business and that the business has indicated longer term availability. Delivery in the shorter term is not anticipated and it is included in the projections of housing supply for the period 2033-2038, which is outside of the neighbourhood plan period.
- 4.13.3 There is no indication of early availability.
- 4.14 Bankfield Street (Bunkers Hill), Colne
- 4.14.1 A site at Bankfield Street (Bunkers Hill) is the subject of an allocation in the Colne Neighbourhood Plan for 34 dwellings. This is a greenfield site within the settlement framework.
- 4.14.2 Part of the allocated site was the subject of a planning application in 2012 (approved May 2012, subject to conditions) for 30 dwellings. There is no evidence of any conditions having been discharged or the planning permission having been implemented.
- 4.14.3 The Pendle 5YHLS of November 2023 considers that there is a commitment on the site for residential development, by virtue of a number of units having been built out already.
- 4.14.4 The Council public access does not provide any details for the 2012 planning permission. Similarly there are no details other than a description of development for a nearby planning permission for eight dwellings to the north of Collingwood Street. It is evident from a site visit that it is the eight dwellings at Collingwood Street that are built out and not any units at Bunkers Hill.
- 4.14.5 The Pendle 5YHLS of November 2023 refers to ten dwellings having been completed. This appears to be a numerical error, as eight dwellings are built out. Irrespective of this, this planning permission relates to a site that is outside of and independent from the Bunkers Hill allocation.
- 4.14.6 Clarification over whether there is an extant commitment at Bunkers Hill (which it appears there is not) should be provided by the Council.
- 4.14.7 The Bunkers Hill site was evidently used previously as public open space. On the part of the site that adjoins Bankfield Street are a number of disused park benches. Current site conditions are that it is fenced off.
- 4.14.8 The Pendle 5YHLS of November 2023 states that development of the 'wider site' (understood to be the Bunkers Hill allocation) has stalled. It continues that there is

limited evidence of deliverability although the site is available. It states that delivery is assumed in the longer term, and it is included in the projections of housing supply for the period 2033-2038.

- 4.14.9 If there is an absence of any commitment, then any new proposal would have to grapple with landscape impact and ecology considerations including BNG notwithstanding its allocation within the Colne Neighbourhood Plan.

#### 4.15 Land at former Riverside Mill, Reedyford Road, Nelson

- 4.15.1 The site at Reedyford Road is a brownfield site within the settlement framework.

- 4.15.2 The LPA granted outline planning permission in May 2023 for up to 140 dwellings. A further planning permission granted in December 2023 amends the education obligation. The site is included in the housing trajectory of the draft Plan for delivery across the period 2027 to 2034. This seems unlikely.

- 4.15.3 Whilst the Council public access does not contain any application documents, it is known that architect LRW designed an indicative layout for Foxfield Developments comprising a mix of town houses and apartments.

- 4.15.4 The site is currently listed for sale with JLL.

- 4.15.5 The former mill site is cleared, with all buildings bar a chimney removed between 2003 and 2009. A withdrawn application from 2005 was also for the residential redevelopment of the site.

- 4.15.6 Whilst the outline planning application establishes the principle of development, the draft policy text in the emerging local plan suggests that a number of considerations and requirements will need to be addressed in any reserved matters submission. These include:

- Encouragement for a proportion of affordable units;
- At least 5% of plots to be made available for self-build/custom build;
- Mitigation to protect the amenity of future residents given the proximity and nature (including recycling) of neighbouring commercial premises;
- Pedestrian and cycle-links;
- Incorporation of the retained former mill chimney;
- Open space associated with and ecological enhancement of Walverden Water, which crosses the site;
- Flood risk associated with Walverden Water; and
- Site investigation and remediation.

- 4.15.7 The likely site contamination and challenges associated with flood risk from Walverden Water suggest that developing out the site will be at the margins of viability. Counting against the likelihood of delivery are site constraints which suggest that yield is likely to be less than the 140 referred to in the outline planning permission. The outline planning permission has established the principle of residential development, but the site has remained vacant for twenty years and there is no suggestion that there is any immediate likelihood of the site coming forward.

- 4.15.8 The site is not included in the Pendle 5YHLS of November 2023.

#### 4.16 Land at Giles Street, Nelson

4.16.1 Land at Giles Street, Nelson is brownfield site and within the settlement framework.

4.16.2 There is no apparent reason to question the principle of residential development on a centrally located regeneration site. However, there is no evidence of any planning application having been submitted. The only planning history for the site concerns the requirement for prior approval ahead of demolition of terraced properties which previously occupied the site. That application dates from 2011, indicating that the site has remained vacant for an extended period of time.

4.16.3 The viability of bringing forward a residential scheme is the principal consideration in whether the Giles Street site is likely to contribute to housing supply over the period covered by the emerging Plan. Furthermore, the fact that some 80 terraced properties were cleared from the site means that it is highly unlikely that any redevelopment will be adding net additional dwellings.

#### 4.17 Land at Barkerhouse Road, Nelson

4.17.1 The brownfield site at Barkerhouse Road, Nelson is within the settlement framework and has good links to the town centre.

4.17.2 The LPA granted outline planning permission (all matters other than access and layout reserved) in 2014 for a 12-unit residential scheme. This planning permission has now lapsed. The absence of any reserved matters/discharge of conditions submissions and, given this, any material start on site suggests that there is no reason to conclude that development is likely to come forward.

4.17.3 The conditions attached to the now lapsed outline planning permission are not particularly onerous. It can be expected that any new planning permission would be subject to more onerous ecology (and specifically BNG) requirements.

#### 4.18 Land at Bamford Street, Nelson (self-build site)

4.18.1 The brownfield site at Bamford Street, Nelson is within the settlement framework and an existing residential area.

4.18.2 Planning permission is granted for four dwellings and individual plots are being brought forward.

#### 4.19 Land at Wickworth Street, Nelson (self-build site)

4.19.1 The site at Wickworth Street is a greenfield site within the settlement framework.

4.19.2 The LPA granted planning permission for two dwellings in 2019. This planning permission has now lapsed. A second planning permission for a single dwelling can be implemented up to 15 December 2025.

- 4.20 Land at former Railway Sidings, Railway Street, Brierfield
- 4.20.1 The site at Railway Street is a brownfield site within the settlement framework
- 4.20.2 The site is currently used by a builders' merchant for the storage of materials.
- 4.20.3 The Publication Draft of the Plan states that the site is available for redevelopment. It is included in the draft Plan housing trajectory for the period 2033 to 2038.
- 4.20.4 There is nothing to indicate that the site is being actively marketed.
- 4.20.5 Development of the site for housing would not be straightforward. The site is adjacent to an operational railway line, and noise, vibration and air quality will require consideration and mitigation. There is a requirement for an 8 metres wide easement either side of Sefton Brook, which is a culverted watercourse that flows east-west through the site. The junction with railway street would need to be improved.
- 4.20.6 Were the site to come forward for development, it seems unlikely that the site constraints would allow for the delivery of 40 units as was quoted in the Regulation 18 draft of the Plan. There does not appear to be any justification for increasing the yield of the site by 25% to 50 units, as set out in the Publication draft version of the Plan.
- 4.21 Land at former Mansfield High School, Taylor Street, Brierfield
- 4.21.1 The site was last in use as Marsden Heights Community College. School buildings were still on site in 2009, and demolished by 2011.
- 4.21.2 The site is considered to be brownfield, given its previous use, but it has the appearance of an urban greenspace due to inactivity since the demolition of the school.
- 4.21.3 There will be arboricultural and ecology issues to address given current site conditions. There is also a culvert crossing the site east-west, which could be constraint to development and unit numbers. The site is in an area of former mine workings and a ground investigation will be required to inform layout and form of development and the ultimate site yield.
- 4.21.4 Were the site to come forward for development, it seems unlikely that the site constraints would allow for the delivery of 43 units as was quoted in the Regulation 18 draft of the Plan. There does not appear to be any justification for increasing the yield of the site by 40% to 60 units, as set out in the Publication draft version of the Plan.
- 4.21.5 There is no evidence of a planning application having been submitted to date. The Publication Draft of the Plan includes the site within the housing trajectory for the period 2028 to 2034.
- 4.22 Land at former LCC Depot, Halifax Road, Brierfield
- 4.22.1 The site at Halifax Road, Brierfield is a brownfield site that is within the settlement framework.

- 4.22.2 The LPA granted planning permission for a 10 unit scheme in 2024. Prior to this, the LPA granted outline planning permission in 2010 for a nine unit development, and again in 2013. No reserved matters were submitted, or conditions discharged in respect of the 2010 and 2013 approvals.
- 4.22.3 There must be a question of viability, given previous planning permissions not being implemented. There is potential for contamination, and the layout of development is constrained by a culvert which crosses the site. There are also access constraints.
- 4.22.4 The 2024 planning permission granted is for a series of two bedroom bungalows which have an internal area of less than 50 sq. m and do not appear to meet NDSS.
- 4.22.5 The fact that planning permission was granted in 2010 and again in 2013 yet no development came forward calls into question whether, given the constraints on site of bringing development forward, the latest planning permission will be brought forward.
- 4.23 Land at Mansfield Crescent, Brierfield (self-build site)
- 4.23.1 The site at Mansfield Crescent, Brierfield is a brownfield site within the settlement framework.
- 4.23.2 The LPA granted planning permission for two dwellings in February 2024. Whilst there are a number of pre-commencement conditions to discharge, there does not appear to be any in-principle barrier to development coming forward.



## 5. Summary

- 5.1 Sevo Planning has completed a review of housing sites included in the Publication Draft of the Pendle Local Plan 4<sup>th</sup> Edition and proposed to be allocated for housing development.
- 5.2 Policy AL01 of the draft Plan sets out that, in addition to a strategic housing site at Trough Laithe (Keld), between Nelson and Barrowford (500 dwellings capacity), which is part built out, nine sites (544 units in total increased from 505 units across the same nine sites at Regulation 18 stage) are proposed to be allocated to help meet the assessed plan period housing requirement of 2,812 net dwellings (at 148dpa over the 19 years 2021-2040). This is in addition to 10 sites in neighbourhood plans (132 units in total reduced from 156 units across 11 sites in the Regulation 18 draft) and three proposed self-build/custom housebuilding allocations (9 units in total). Across all allocations/proposed allocations, fourteen sites comprise 10+ units.
- 5.3 Planning for 2,812 net additional dwelling over the plan period at the current SM rate is a bare minimum. Based upon evidence from the 2021 Census and job growth projections, this is not properly planning for the housing requirements of the borough over the plan period.
- 5.4 Prior to the publication of the draft Plan, the Council had commissioned an independent housing and economic development needs assessment (HEDNA). The conclusion of the HEDNA study is that the Council should plan for significantly greater net additional dwellings per annum than the is generated by the SM calculation, given 2021 Census and buoyant job growth forecasts. The HEDNA Study concludes that the evidence:
- ‘...points to the need for the Council needing to seek higher levels of housing delivery (around 270 dpa) to support economic growth (2,135 jobs)’*
- 5.5 270 dpa translates to a housing requirement of 5,130 net additional dwellings over the period 2021 to 2040.
- 5.6 The HEDNA is updated by a May 2024 Housing Need Review (HNR), published in draft as part of the Publication Draft consultation material, which provides an updated position and states at its paragraph 4.7 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’.*
- 5.7 The Council chose not to follow the independent advice received and is instead planning for housing growth of 148dpa which is a slightly above the current SM figure for Pendle of 124 but well short of the HEDNA, HNR and the new SM figure of 382 which is expected to take effect from early in 2025.
- 5.8 Sevo Planning has completed a review of the sites which the Council considers will contribute to its plan period housing supply, including making a 2024 site visit to each. The principal conclusions of the Sevo Planning review of sites are that:

Site 14 –Bankfield Street (Bunkers Hill), Colne raises questions over potential landscape impact. There are also questions over the likely ecology impact of development coming forward.

Several sites raise questions over viability, including a number of sites with historic planning permissions that have either lapsed or, where there are commitments, there is no evidence to suggest that the sites are to be brought forward.

Other sites raise the question of availability, given current on-site conditions. Some sites have planning permission for residential development and are already being built out or build out is expected to commence shortly.

The three self-build sites all benefit from planning permission, and development is underway at Bamford Street, Nelson.

A completed site included in the Regulation 18 draft of the Plan is now deleted.

- 5.9 Site 1- Long Ing Lane, Barnoldswick and Site 20 –Land South of Colne Water, Cotton Tree Lane, Colne are the subject of recently granted planning permissions. Their being developed out in accordance with the planning permissions granted is dependent in both instances upon the discharge of multiple pre-commencement and pre-occupation conditions.

# MADDOX PLANNING

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J Bailey  
Programme Officer  
Colne Neighbourhood Plan Examination  
Town Hall  
Market Street  
Nelson  
BB9 7LG

11/03/2023

## Colne Neighbourhood Development Plan (NDP) Examination Hearing Sessions – Wednesday 15 March 2023

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Dear Ms Bailey

We write on behalf of our client Little Cloud Limited (Little Cloud) regarding the above.

### Procedural Matters

As per my e-mail of 10 March 2023, it has come to our attention that in the Examination document CNDP\_EX\_008 Little Cloud is not listed as a participant for Session 3 of the Examination.

The submissions that Little Cloud has made concern the proposed local green space policy (CNDP 7) in general and a number of the proposed areas of local green space, and not just CNDP7/4 (LGS4) - Upper Rough (Examination Session 4). Accordingly, Maddox Planning is expecting to attend Session 3 for Little Cloud. It may be that 'LB' is included rather than 'LC' in the list of participant abbreviations.

We would appreciate your confirming with the Examiner that Little Cloud is indeed invited to attend Session 3.

Little Cloud needs to be represented at Session 3 for it to be afforded a full opportunity to present its case in respect of the proposed local green space policy and a number of the proposed areas of local green space.

### Advice of Counsel

Little Cloud has taken the Advice of Ian Ponter of Counsel on the matter of there being evidence that it is considered that the Regulation 16 draft Colne NDP does not meet the basic conditions necessary for it to proceed to referendum. The Advice is attached, and we request respectfully that this be shared with the Examiner, such that he might be aware of it and share it with the other Examination parties as he sees fit.

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## Supplementary statement on proposed Local Green Space

Maddox Planning is set to appear at the examination hearing sessions scheduled for Wednesday 15 March 2023. During the sessions regarding proposed policy CNDP 7 we will be making reference to a number of documents including those already before the Examiner. In addition to these and the now submitted Advice from Counsel, we will also draw reference to the evidence set out in:

- Supplementary statement on proposed Local Green Space, Maddox Planning, 10 March 2023; and
- Supplementary statement on proposed Local Green Space – Appendix 1, Maddox Planning, 10 March 2023.

Again, we request respectfully that these are shared with the Examiner, such that he might be aware of the supplementary statement and its appendix and share them with other Examination parties as he sees fit.

### CNDP7/4 (LGS4) - Upper Rough

The evidence of Little Cloud is unequivocal in its position that proposed local green space site CNDP7/4 (LGS4) - Upper Rough is an extensive tract of land that is inconsistent with the provisions of paragraph 102 of the National Planning Policy Framework.

The Examiner and the other Examination parties will be aware that a significant proportion of the area proposed as local green space is the subject of a current planning application for landscape-led residential development (Pendle Council ref. 22/0790/OUT). Whilst the Examiner has made it clear that the NDP Examination has no role in the determination of the current planning application, there is a very important tangential point for Little Cloud to raise.

The planning application submission includes a *Proposed Masterplan— Site Layout ‘Design’* (ref: 2029/2000 dated 10 September 2022), which Little Cloud has put forward as a parameters plan. The intention is that built development will be limited to those areas on the *Proposed Masterplan— Site Layout ‘Design’* that are shown as being developed out. The reason for this parameters plan approach is to address the conclusion on heritage impact of an appeal Inspector who considered a previous more intensive residential proposal for the site in 2015. That Inspector concluded:

*‘I find that the public benefits would not outweigh the harm to the significance of the heritage asset that would result’.* (paragraph 54 | APP/E 2340/W/15/3131975 | 28 September 2016).

Pendle Borough Council has taken independent heritage advice on the current Little Cloud submission, and that advice of 7 February 2023 concludes:

*‘As I am required to do so, I have given the duty’s imposed by s.66 and s.72 of the P(LBCA) Act 1990 considerable weight in my comments.*

*NPPF Paragraph 199 states that great weight should be given to the conservation of heritage assets (which includes the contribution made by their setting) regardless of the level of harm. High Court decisions have been clear that even lower levels of harm does not equate to a lesser objection given the principle duty under the Act is to preserve. As indicated above I have assessed the harm caused by the proposed housing on the Lidgett and Bents CA to be at the low end of the less than substantial range. **I have found that the changes to the layout and the retention of the southern portion of the site to have largely removed the previous concerns over the impact on setting, with any residual impact being of a negligible scale’.** (our emphasis)*

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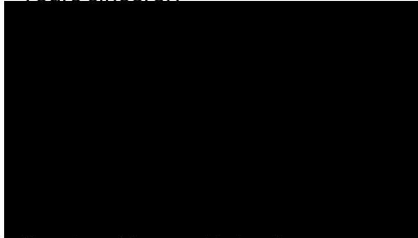
The resoundingly positive response on the proposed Little Cloud layout and the relationship of the proposed development with heritage assets provides Little Cloud with the confidence that it has got its development parameters right. On the back of this support for the parameters of its proposed development, **Little Cloud is putting forward formally 2.3 hectares of its site as being suitable for identification as *Protected Recreation Space*.**

I repeat that Little Cloud is unequivocal in its position that the Upper Rough area is an extensive tract of land and its inclusion in policy CNDP 7 means that the draft NDP fails to meet the basic conditions necessary for it to proceed to referendum. Little Cloud would however be supportive of a proportion of its site being identified in the NDP as *Protected Recreation Space*, with the intention that this be safeguarded as such for use by the local community. The site that Little Cloud is putting forward could be added to draft NDP policy CNDP 10.

Attached is a drawing (ref: 2029/2006 dated 13 February 2023) identifying the land that Little Cloud is putting forward formally for inclusion in the Colne NDP as *Protected Recreation Space*.

We look forward to your responses in these matters.

Yours sincerely



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RE: COLNE NEIGHBOURHOOD  
DEVELOPMENT PLAN

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ADVICE

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1. I am instructed on behalf of Little Cloud Limited (“Little Cloud”). Little Cloud has an interest in a site to the east of Colne (“the Site”). Its objective is to achieve a residential development on the Site.
2. Colne Town Council has prepared a neighbourhood plan. The Colne Neighbourhood Development Plan (“the Regulation 16 NDP”) has been submitted for examination by Pendle Borough Council (“the Council”) pursuant to paragraph 7 of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”).

3. Little Cloud has made representations in respect of the Regulation 16 NDP in light of the fact that the Site is the subject of designation as an area of local green space pursuant to draft policy CNDP7 of the NDP<sup>1</sup>.

#### The Position of the Council

4. On 17 December 2020, Council officers produced a report (“the December 2020 Report”) concerned with the draft NDP at that stage in its evolution (“the Regulation 14 NDP”). Amongst other things, Council officers concluded that 8 of the proposed local green space designations then made within draft policy CNDP7;

“are large extensive tracts of land and do not comply with the criteria for designation in the NPPF. The CNDP does not meet the basic conditions in terms of the designation of these large areas which the NPPF specifically does not want to be protected in this way.”

5. The particular provision of national policy referred to in the December 2020 Report is concerned with local green space and directs that such designations should only be used if specified conditions are satisfied. The third of those conditions is that the proposed designation is;

“local in character and is not an extensive tract of land.”<sup>2</sup>

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<sup>1</sup> It is shown on the latest version of the Policies Map as CNDP7/4.

<sup>2</sup> at §102 of the current Framework (previously at §100 of the 2019 version of the Framework).

6. The clear conclusion reached by the Council officers in the December 2020 Report was that draft policy CNDP7 in the Regulation 14 NDP did not meet the first of the basic conditions contained at paragraph 8(2) of Schedule 4B to the 1990 Act, namely that;

“(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order...”

7. I note for completeness that the satisfaction of the first of the basic conditions (set out above) has been the subject of judicial authority. Those authorities include the judgment given in the case of R. (on the application of Lochailort Investments Ltd) v Mendip DC<sup>3</sup> in which Lewison L.J. stated as follows (at paragraphs 6 and 33 of the judgment);

“...a neighbourhood development plan must have regard to national policies and advice contained in guidance issued by the Secretary of State. A statutory requirement of this kind requires a decision maker not only to take national policies into account but also to observe them and depart from them only if there are clear reasons for doing so...”

“Non-compliance with the NPPF does not, of course, automatically mean that a policy...is unlawful. The NPPF is a material consideration but it is not the law. The statute requires no more than that regard must be had to it. But if a neighbourhood plan departs from the NPPF it must be a reasoned departure.”

8. By reference to 8 of the sites proposed for designation as local green spaces in the Regulation 14 NDP, it is apparent that the Council concluded as recently as December 2020 that;

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<sup>3</sup> [2021] 2 P. & C.R. 9



- (i) there had been a departure from national policies, and,
- (ii) there were no clear reasons for doing so.

9. I also note that the Council had raised substantially the same concern at an earlier stage in the NDP's preparation<sup>4</sup>. A report bearing the title, "Colne's Local Green Spaces" prepared in support of the emerging NDP records that;

"A number of responses were made at the Preferred Option consultation (May/June 2018) concerning the proposed designated Local Green Spaces. Pendle Borough Council responded as follows:

"Several of the proposed sites are not considered to comply with the NPPF requirements (para. 77 [as was]) in that the [sic] represent an extensive tract of land."<sup>5</sup>

10. Accordingly, the conclusion that the Council reached in 2020 was entirely consistent with its conclusion reached in 2018.

11. I understand that, in respect of the Site, the relevant area of proposed local green space is largely unchanged as between the Regulation 14 NDP and the Regulation 16 NDP<sup>6</sup>. Such minor change that has been identified as between Regulation 14 and 16 NDP's in respect of the area of land covered by proposed policy CNDP7 could not rationally justify a change in stance on the part of the Council. If the area proposed to

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<sup>4</sup> Preferred options stage in 2018.

<sup>5</sup> at page 90 of the September 2020 version of the report, and at page 105 of the March 2022 version.

<sup>6</sup> A small field in the eastern part of the area (to the north-west of Skipton Old Road) shown in the Regulation 14 NDP policies map has been excluded from the proposed designation in the Regulation 16 NDP policies map.

be designated in the Regulation 14 version of the NDP is an extensive tract of land (as the Council has concluded), then so too is the area in the Regulation 16 version.

12. Similarly, there has been no change in relevant national policy between the December 2020 Report and production of the Regulation 16 NDP<sup>7</sup>. On that basis, there is no obvious reason for the Council to adopt a fundamentally different position to that set out in the December 2020 Report with regard to draft policy CNDP7.

13. A neighbourhood plan can only proceed to a referendum if the relevant local planning authority is satisfied (amongst other things) that the plan meets the basic conditions (paragraph 12(4) of Schedule 4B to the 1990 Act). Accordingly, as matters stand, and in the absence of any change in circumstances that justifies a change in position on the part of the Council, the Council should be of the view that the Regulation 16 NDP should not proceed to a referendum.

14. Again, for completeness, I note that the 2 versions of the “Colne’s Local Green Spaces” report both stated that the report seeks to address the Council’s comment (made in response to the Preferred Options for the NDP in 2018) that, “Several of the proposed sites are not considered to comply with the NPPF requirements...in that they represent an extensive tract of land.”<sup>8</sup>

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<sup>7</sup> The national policy in respect of Local Green Space designation is unchanged as between the 2019 and 2021 versions of the Framework.

<sup>8</sup> at §3.3 of both the 2020 and 2022 versions of the report.

15. In respect of my client's land, and when addressing the question of whether or not the site comprises an extensive tract of land, it was stated in the 2022 version of the Colne's Local Green Spaces report that;

"Site area is 10.55 ha. Protected area in Local Plan. Southern half of site lies within Lidgett and Bents Conservation Area.

Site bounded to south and west by residential areas. Eastern boundary mix of residential property in the Conservation Area and open land, separated from the site by dry stone walling. Northern boundary tapers to point with open land beyond."<sup>9</sup>

16. That brief commentary focusses on boundaries as opposed to the size of the land parcel, which was of specific concern to the Council<sup>10</sup>. Accordingly, in my view, it fails to address adequately whether or not the land identified for proposed designation comprises an extensive tract.

17. Should my instructing consultant have any further questions, he should not hesitate in contacting me.

Kings Chambers,  
Manchester, Leeds, Birmingham.

Ian Ponter,  
2 March 2023.

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<sup>9</sup> Page 29 of the 2022 version, and equivalent wording appears at page 25 of the 2020 version.  
<sup>10</sup> Elsewhere, the authors of the Local Green Spaces reports do appear to recognise that "extensive" and "open" are 2 different things, e.g. at p107 of the 2022 report it was stated (in respect of a different site) that, "LGS8 - Gib Hill/Wackersall Walking Area – This site is considered to be extensive and open – exclude." (emphasis added).

RE: COLNE NEIGHBOURHOOD  
DEVELOPMENT PLAN

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ADVICE

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## Colne Neighbourhood Plan

### Supplementary statement on proposed Local Green Space

10 March 2023

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#### NPPF Paragraph 102

*“The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.”*

#### Local Green Spaces Matrix

Attached at **Appendix 1** is a matrix that Maddox has prepared providing details of designated Local Green Spaces (LGSs) within seven made Neighbourhood Development Plans (NDPs), alongside those proposed in the Regulation 16 draft Colne NDP. In addition to Colne, the seven NDPs were chosen due to their proximity to Colne and/or the type of LGS areas designated. A number of these were also referenced in the representations that Maddox submitted for Little Cloud Ltd in respect of the Regulation 16 draft version of the Colne NDP, and so are included again for consistency. This is a small sample of NDPs in the context of 1141 made Plans across the UK<sup>1</sup>, however for the purpose of this exercise it is considered a helpful sample in seeking to understand what has generally been considered as an appropriate LGS designation by neighbourhood plan groups, LPAs and Examiners. The eight NDPs included in the matrix at **Appendix 1** are:

1. Colne Neighbourhood Plan, Pendle Borough Council, Regulation 16 Draft, August 2022.
2. Formby and Little Altcar Neighbourhood Plan, Sefton Council, Made 21 November 2019. Chosen for its Local Green Space designation. This Neighbourhood Plan was also referenced in the representations that Maddox submitted for Little Cloud Ltd on the Regulation 16 draft version of the Colne Neighbourhood Plan.
3. Ashbourne Neighbourhood Plan, Derbyshire Dales Council, Made 1 July 2021. Chosen for its Local Green Space designation. This Neighbourhood Plan was also referenced in the representations that Maddox submitted for Little Cloud Ltd on the Regulation 16 draft version of the Colne Neighbourhood Plan.
4. Gargrave Neighbourhood Plan, Craven District Council, Made 30 May 2019. Chosen for its proximity to Colne, 17km away. This Neighbourhood Plan was also referenced in the representations that Maddox submitted for Little Cloud Ltd on the Regulation 16 draft version of the Colne Neighbourhood Plan.

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<sup>1</sup> <https://neighbourhoodplanning.org/toolkits-and-guidance/key-neighbourhood-planning-data/> Data taken from internal DLUHC records 31 January 2023.

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5. Trawden Forest Neighbourhood Plan, Pendle Borough Council, Made 26 March 2019. Chosen for its proximity to Colne, 4km away. This Neighbourhood Plan was also referenced in the representations that Maddox submitted for Little Cloud Ltd on the Regulation 16 draft version of the Colne Neighbourhood Plan.
6. Barrowford Neighbourhood Plan, Pendle Borough Council, Made 17 December 2019. Chosen for its proximity to Colne, 3km away. This Neighbourhood Plan was also referenced in the representations that Maddox submitted for Little Cloud Ltd on the Regulation 16 draft version of the Colne Neighbourhood Plan.
7. Haworth Cross and Stanbury, Bradford City Council, Made 7 June 2021. Chosen for its proximity to Colne, 17km away.
8. Longridge Neighbourhood Plan, Ribble Valley Borough Council, Made 30 April 2019. Chosen for its proximity to Colne, 28km away.

## Methodology

The proposed and designated LGSs across the eight NDPs are considered under the following criteria in the matrix, which were chosen to reflect a number of the assessment criteria for designation set out within NPPF paragraph 102:

- Size of the site;
- Current use of the site;
- Whether the site is within or outside the settlement boundary; and
- Local Plan Proposals Map Annotation including any specific restrictions on development.

## Results

The matrix includes results for 90 sites under LGS designation across seven made NDPs alongside the 21 LGSs that are proposed to be designated in Colne. In total, 111 sites were assessed.

There is no guidance or policy which specifies what the definition of ‘*extensive tract of land*’ (NPPF paragraph 102) is and so it is considered a matter of judgement, assessed on a case-by-case basis. In order to understand the results in more detail, adopted is a robust baseline upper threshold site area of 8 hectares. 8 hectares is the size of the Alkincoates Nature Reserve proposed LGS, and captures all six areas which are of a similar size to the *Upper Rough* and which Pendle Council has referred to repeatedly as an extensive tracts of land. Colne Cemetery and Lidgett Triangle are significantly smaller. Whilst both were also referred to by Pendle Council as extensive tracts of land, adopting a threshold of 8 hectares allows for an efficient comparison of the largest proposed LGS areas put forward in the Regulation 16 Colne NDP with other made NDPs. Taking 8 hectares as an upper threshold level, out of the 90 designated LGSs just two are larger than 8 hectares<sup>2</sup> which represents a modest 2% of the designated LGSs. When considering the proposed LGSs in Colne that are above 8 hectares, there are five proposed compared with only two in made NDPs elsewhere. These are set out below:

### *Colne*

Ref	Name	Size (Ha)	Use	Location	Open countryside	Specific restrictions on development
1	Alkincoates Nature Reserve	8.00	Nature reserve	Outside	Yes	Designated Existing Open Space, Designated Green Belt, Local Nature Reserve
2	Alkincoates Park	14.68	Park	Outside	Yes	Designated Existing Open Space, and a Park

<sup>2</sup> Where the exact size of the site is not available within the NDP submission documents, an informed estimate has been calculated using the measurement tool on Google Maps.

3	Upper Foulridge Reservoir Walking Area	11.00	Open grassland/field	Outside	Yes	Green Belt
4	Upper Rough	10.55	Open grassland/field	Outside	Yes	
6	Ball Grove Park and Nature Reserve	12.79	Park and Nature reserve	Outside	Yes	Designated Existing Open Space, Green Belt, Site of Local Natural Importance, Local Nature Reserve, and a Park

#### *Formby and Little Altcar*

Ref	Name	Size (Ha)	Use	Location	Open countryside	Specific restrictions on development
M1	Deansgate Lane Playing Fields	10.73	Public park and football playing pitches	Inside	No	Designated Existing Open Space (local plan protection through policy NH5)

#### *Ashbourne*

Ref	Name	Size (Ha)	Use	Location	Open countryside	Specific restrictions on development
2	The Recreation Ground (Ashbourne Park)	14.55 <sup>3</sup>	Public park, including formal recreation areas, children's play area, MUGA, sports pitches	Outside	No	Public park and formal sport and recreation area (local plan protection through policy HC17 and PD4)

In the first instance, the above clearly demonstrates that Colne has an exceptional spatial quantity of proposed LGSs, both above 8 hectares and in total when compared to other NDPs. In total, 79.71 hectares of LGS is put forward for a relatively small town and 77.4% of this (6171 hectares) is outside the designated settlement boundary. Although only a small number of NDPs have been assessed, there is a clear pattern among the Plans for small areas around 0-2 hectares to be designated and Colne patently stands out as an outlier and abnormal, by a large degree such that it is clearly not consistent with NPPF paragraph 102. There is therefore no clear and obvious precedent within the assessed Made NDPs for sites as large as these to be considered appropriate as LGS or for such a spatial quantum of LGS to be proposed.

In its response to the Regulation 14 Consultation, Pendle Council stated they did not think the LGS Policy CNDP7 met the Basic Conditions. This repeated its views expressed at Issues and Options stage. Pendle Council cited eight proposed areas of LGS as extensive tracts of land failing to meet the basic conditions for an NDP to proceed to referendum and confirmed its opposition to the designation of the Upper Rough site, stating *"This is an extensive tract of land, on the edge of the settlement and does not have distinct boundaries on all sides. It does not meet the requirement for designation as a Local Green Space"*. Colne Town Council simply 'disagreed' by way of response and did not remove the site ahead of publication of its Regulation 16 draft. To provide context with the 10.55 hectares Upper Rough site, Pendle Council also stated in this report that Lidgett Triangle, less than half its size at 4.89 hectares, could be regarded as extensive.

Ahead of the Regulation 14 Consultation, the Town Council removed 'Gib Hill' from the LGS designation due to the site being an extensive tract of land, *"Gib Hill is a large area of open land. The Town Council thinks it a valued Green Space for Colners. However, there are three tests for Green Spaces and the site fails one of them as it is an extensive tract of land"*. The local activist group 'Residents Against Gib Hill Exploitation' noted that the site was

<sup>3</sup> Includes Memorial Gardens and Fishpond Meadow - <https://www.derbyshiredales.gov.uk/leisure/parks-and-open-spaces/ashbourne-park#h1>

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in fact “*smaller than many of the other sites listed*”. Gib Hill is shown in the Colne's Local Green Spaces Report (March 2022) as being 7.24 hectares, which is 3.31 hectares smaller than Upper Rough and smaller than five of the eight sites that Pendle Council considered to be extensive tracts of land. Interestingly, part of the Gib Hill site was put forward as a site allocation for housing (150 homes) in the Pendle Local Plan Part 2: Site Allocations and Development Policies Preferred Options Report (February 2021).

Looking at the other two sites above 8 hectares, Formby has one LGS above 8 hectares out of 28 (Deansgate Lane Playing Fields). This is designated as Open Space in the adopted Sefton Local Plan and so there is very little prospect of the site coming forward for development, given that it is laid out as a series of grass sports pitches. Any development proposal for the site would be subject to a robust assessment in line with adopted Policy NH5 ‘Protection of Open Space and Countryside Recreation Areas’. The playing fields divide into three distinct areas. It is entirely reasonable to see why an Examiner concluded that a number of separate formal recreation areas each accommodating a series of grass sports pitches could be considered appropriate as LGS in the context of NPPF paragraph 102.

Ashbourne has one area of LGS, out of five designated LGSs, that exceeds 8 hectares. The Recreation Ground is a public park, including formal recreation areas, children's play area, multi-use games area (MUGA) and sports pitches. In common with Deansgate Lane Playing Fields in Formby, the site is afforded strong protection under adopted development plan policies HC17 ‘Promoting Sport, Leisure and Recreation’ and PD4 ‘Green Infrastructure’ given its status and established use as a public park and formal recreation area. Again, it is entirely reasonable to see why an Examiner concluded that an historic public park could be considered appropriate as LGS in the context of NPPF paragraph 102.

In contrast with Upper Rough, which is an open extensive tract of land in private ownership and without any specific policy protection, both Deansgate Lane Playing Field and The Recreation Ground are established public green spaces with formal recreation provision. Both are formally recognised by Sefton Council<sup>4</sup> and Derbyshire Dales District Council<sup>5</sup> who own, manage, and maintain them.

Whether or not development of Upper Rough is appropriate or not is a matter for the local planning authority in the determination of any planning application submitted, in the context of its development plan policy having regard to material consideration including the NPPF and other Government guidance. There is no justification for such an extensive tract of land to be the subject of LGS designation in the Colne NDP.

### **Examiner's Report for Fradley Neighbourhood Plan October 2018**

In reviewing how other Examiners interpreted the meaning of ‘extensive tract of land’ and the circumstances under which they did not accept certain sites, paragraph 116 of the Examiner's Report for the Fradley NDP (October 2018) states “*However, the proposed Local Green Space at Fradley Wood appears as an extensive tract of land relative to the size of the Neighbourhood Area and its settlements. The proposed space is many times the size of other areas of Local Green Space. Further, this space is some considerable distance from the settlements and as such, it is not clear to me that it is located in reasonably close proximity to the community it serves*”. The criteria under which Fradley Wood was discounted related to the proportional size of the site relative to the other LGSs and the distance to the settlement. The proposed Fradley Wood LGS was approximately 14.5 hectares and the other LGS sites ranged from approximately 0.2 hectares up to 1.5 hectares, with a median area of 0.6 hectares. This made Fradley Wood 24 times as large as the median. In the case of Upper Rough, the median area of the proposed LGSs in Colne that the Pendle Council considered not to be extensive tracts of land is 0.87 hectares<sup>6</sup>. This makes Upper Rough 12 times that median. This is clear evidence of the disproportionate nature of Upper Rough at 10.55 hectares; 12 times the median of LGS that Pendle Council finds appropriate.

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<sup>4</sup> <https://www.sefton.gov.uk/around-sefton/parks-and-greenspaces/find-a-park/>

<sup>5</sup> <https://www.derbyshiredales.gov.uk/leisure/parks-and-open-spaces>

<sup>6</sup> CNDP7/8 to CNDP7/21 (excluding CNDP7/19 which is a liner route with no site area provided)



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## **Examiner's Report for Padstow Parish Neighbourhood Plan April 2022**

Taking information presented to them in a Local Green Space Assessment Report (February 2019) prepared as evidence to inform the preparation of the NDP, the Examiner for the Padstow Parish Neighbourhood Plan proposed the removal of an LGS called 'Chapel Stile Field' on the basis that the site was considered an extensive tract of land. This site was 5.15Ha in size. Comparing the site to other LGSs in the Plan, which ranged from 1.47Ha to 0.016Ha, Chapel Stile Field was a clear anomaly that at the outset was considered too large and too far from the local community. Similar to Chapel Stile Field, Upper Rough is described in the Colne Local Green Spaces Report (March 2022) as a "*large site*" and having an "*open atmosphere*".

## **Examiner's Report for Blandford Neighbourhood Plan July 2017**

The Examiner for the Blandford Neighbourhood Plan proposed the deletion of an LGS called 'Crown Meadows' for a number of reasons, one being that the site was considered an extensive tract of land. The site had even been reduced in size following concerns from the Examiner from 6.4Ha down to 3.6Ha, however the Examiner did not consider the site met the tests set out in the NPPF, "*The revised designation although smaller could still be considered an extensive tract of land without any justification for its size*".

## **Conclusion**

It is clear from the matrix that Colne is an anomaly when compared amongst a number of already made NDPs with regards to the sheer quantum of LGS that is being proposed and the size of a number of sites. Looking at Upper Rough, there is not any directly comparable LGS of this size within any of the seven other Plans that were assessed, other than two sites which are publicly owned, operated and managed formal parks and gardens. Overall, taking into consideration the assessments made by Examiners in other NDPS and the findings in the matrix at Appendix 1, the evidence clearly demonstrates that Upper Rough is clearly an extensive tract of land and should be removed from draft policy CNDP7 as it is clearly inappropriate for LGS designation.

Appendix 1

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	Local Nature Reserve	None
Colne	Pendle	1	Alkincoates Nature Reserve	8.00	Nature reserve	outside					
		2	Alkincoates Park	14.68	Park	outside					
		3	Upper Foulridge Reservoir Walking Area	11.00	Open grassland/field	outside					
		4	Upper Rough	10.55	Open grassland/field	outside					
		5	Lidgett Triangle	4.89	Village Green	outside					
		6	Ball Grove Park and Nature Reserve	12.79	Nature reserve	outside					
		7	Colne Cemetery	6.43	Cemetery	part in part out					
		8	Heifer Lane roundabout	0.31	Grass verges	inside					
		9	St Stephen's Walking Area	0.88	Village Green	inside					
		10	Byron Road Community Area	0.99	Community garden	inside					
		11	Hagg Green Space	1.34	Village Green	inside					
		12	Waterside Millennium Green	2.14	Village Green	inside					
		13	Whitewalls Green Space	0.69	Woodland/grass verge	inside					
		14	Greenfield Nature Reserve	3.20	Nature reserve	inside					
		15	Wood Street Green	0.13	Village Green	inside					
		16	Casserley Road/Varley Street/Thorn Grove	0.99	Park	inside					
		17	Snell Grove	0.07	Village Green	inside					
		18	Red Lane Green Spaces	0.24	Park	outside					
		19	Ferndean Way in Waterside			outside					
		20	Land adjacent to Greenfield Mill	0.09	Village Green	inside					
		21	Land at Essex Street	0.30	Village Green	inside					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	TPO	None
Formby and Little Altcar	Sefton	C1	Alt Road Playground	0.62	Children's playground	inside					
		C10	Smithy Green Estate Open Space	0.45	Recreation ground	inside					
		C11	Power House Site	<8	Recreation ground	inside					
		C2	Barkfield Lane Park	0.76	Children's playground	inside					
		C3	Beechwood Drive Woods	0.37	Woodland	inside					
		C4	Cambridge Rd. Recreation Ground	2.61	Recreation ground	inside					
		C5	Church Green Pond	0.21	Recreation ground	inside					
		C7	Greenloons Walk Open Space	0.55	Recreation ground	inside					
		C8	Harebell Close Site	0.22	Recreation ground	inside					
		C9	Bills Lane Recreation Ground	<8	Recreation ground	inside					
		M1	Deansgate Lane Playing Fields	10.73	Public park and football playing pitches	inside					
		M2	Duke St Park	4.53	Public park and football playing pitches	inside					
		N1	Watchyard Lane King George V Playing Field including OLOC Bowling Green and British Legion Bowling Green	1.08	Used for recreation and football	inside					
		N2	Smithy Green Playing Field and Park	2.86	Playground and football pitches	inside					
		O1	Deansgate Lane North/Lingdales/ Longton Drive	<8	Recreation ground	inside					
		O10	Formby Lawn Tennis Club	<8	Recreation ground	inside					
		O11	Wicks Green	<8	Recreation ground	inside					
		O12	The Paddock	<8	Recreation ground	inside					
		O13	Formby Hockey and Cricket Club	<8	Recreation ground	inside					
		O14	War Memorial Gardens	<8	Public garden	inside					
		O15	Tim Tab Bowling Green, Timms Lane	<8	Recreation ground	inside					
		O2	Allotments Altcar Road	0.87	Allotment	inside					
		O3	Allotments Hoggs Hill Lane	0.90	Allotment	inside					
		O4	Coronation Road (land at entrance from Liverpool Road)	<8	Recreation ground	inside					
		O5	Hadstock Avenue & Hayden Close	<8	Recreation ground	inside					
		O6	Smithy Green	0.45	Recreation ground	inside					
		O7	The Green, Gardner Road Estate	<8	Recreation ground	inside					
		O9	Lonsdale Road/Holy Trinity School Site and Tennis Club	<8	Recreation ground	inside					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	TPO	None
Ashbourne	Derbyshire Dales	1	The Memorial Park	<8	Park	outside					
		2	The Recreation Ground	>8	Recreation ground	outside					
		3	The Queen Elizabeth School Playing Fields	<8	School playing field	outside					
		4	The St Oswald's Meadows	<8	Meadows	inside					
		5	The Waterside Meadows	<8	Meadows	part in part out					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	Local Nature Reserve	None
Gargrave	Craven	1	High Green	<8	Riverside path	inside					
		2	Middle Green	<8	Riverside path	inside					
		3	Low Green	<8	Village green and recreation ground	inside					
		4	Grounds to St Andrews Church	<8	Cemetery	inside					
		5	Field and part of field north of Church Close Farm, off Marton Road	<8	Open field	outside (on boundary)					
		6	Fields and field west of old School House / Cottage	<8	Open field	outside (on boundary)					
		7	Smaller linear pasture bounded by Church Street, Church Lane and Riverside	<8	Agricultural use	inside					
		8	Field bounded by Chew Lane, Mark House Lane, Eshton Road and Leeds Liverpool Canal.	<8	Open field	outside (on boundary)					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	Local Nature Reserve	None
		1	Trawden Recreation Ground	<8	Recreation ground	outside					

Trawden Forest	Pendle	2	Poetry Garden	<8	Public garden	inside					
		3	Millenium Garden	<8	Public garden	inside					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	Local Nature Reserve	None
Barrowford	Pendle	1	Barrowford Memorial Park	4.30	Park	inside					
		2	Bullholme Playing Fields	6.08	Playing fields	outside					
		3	Victoria Park	2.64	Park	inside					
		4a	Lowerclough Street Allotment	0.18	Allotment	inside					
		4b	Lower Parkhill Allotment	1.22	Allotment	outside					
		4c	Church Street Allotment	0.14	Allotment	inside					
		4d	Pasture Lane Allotment	2.52	Allotment	outside					
		5	Land at Broadway	0.19	Council-owned parcel of land adjacent to council housing	inside					
		6	Field to the rear of Holmefield House	0.48	Village green	inside					
		7	Triangle land at Dickie Nook	0.16	Open area of land	inside					
		8	Water Meetings & Utherstone Wood	0.22	Woodland	outside					
		9	Pasture Lane Wildlife Area	0.23	Woodland	inside					
		10	Land at North Park Avenue Carr II	1.33	Woodland	inside					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation				
							Existing Open Space	Open Countryside	Green Belt	Local Nature Reserve	None
Haworth Cross Roads and Stanbury	Bradford	11	Alotments off Main Street	0.45	Allotment	Inside					
		126	Baden Street Woodland	2.02	Woodland	Outside					
		160	Brow Top Road	0.37	Woodland	Outside					
		127	Ebor Mill Nature Reserve	1.93	Nature Reserve	Inside					
		129	Gas Street Community Garden	0.223	Public garden	Inside					
		130	Hall Green Baptist Chapel Burial Grounds	0.075	Cemetery	Inside					
		131	Haworth Brow –Dean Street/Portland Street	0.66	Village green	Inside					
		1	Haworth Central Park	2.84	Recreation	Inside					
		2	Haworth Cricket Pitch	0.86	Recreation	Outside					
		133	Haworth Primary School Grounds	3.55	Recreation	Inside					
		135	Land at Haworth Village Hall	0.16	Village green	Inside					
		3	Mytholmes Rec	0.1	Recreation	Outside					
		12	Rawdon Road Allotments	0.55	Allotment	Inside					
		161	St Michael and All Angels Churchyard	0.57	Cemetery	Inside					
		10	West Lane Allotments	0.34	Allotment	Inside					
		138	West Lane Baptist Church Burial Grounds	0.094	Cemetery	Inside					
		139	West Lane Methodist Chapel Burial Grounds	0.175	Cemetery	Inside					
		5	Cross Roads Park	1.78	Park	Inside					
		162	Lees Methodist Church Grounds	0.066	Cemetery	Inside					
		6	Lees School Field	0.43	Recreation	Inside					
		4	Longacres Park (Massey Fields Play Area)	0.17	Recreation	Outside					
		13	Stanbury Cemetery	0.58	Cemetery	Outside					
		8	Stanbury Playground	0.03	Recreation	Outside					

Neighbourhood Plan	Borough	Site No	Name	Size	Current use	Location	Local Plan Proposals Map Annotation					
							Existing Open Space	Open Countryside	Green Belt	County Biological Heritage site	None	Minerals Safeguarding
Longridge	Ribbles Valley	1	John Smith Playing Fields	<8	Recreation	Inside						
		2	Longridge Recreation Ground	<8	Recreation	Inside						
		3	Alston Wetland	<8	Wildlife Reserve	Inside						
		4	Foley's Path	<8	Village Green	Inside						
		5	Towneley Gardens and Bowling Green	<8	Village Green	Inside						
		6	Mardale Road Play Area	<8	Recreation	Inside						
		7	Highfield Drive	<8	Village Green	Inside						
		8	Allotments at Windsor Avenue and next to Alston Reservoir Number 2	<8	Allotment	Inside						
		9	Redwood Drive play area	<8	Recreation	Inside						
		10	Dilworth Triangle play area	<8	Recreation	Inside						



Summary of representations received by Pendle Borough Council in response to the Regulation 16 public consultation for the Colne Neighbourhood Development Plan pursuant to paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990.

## 1.0 Background

- 1.1 Colne Town Council (CTC) submitted the final draft of the Colne Neighbourhood Development Plan (CNDP) and supporting documents to Pendle Council on Monday 8 August 2022.
- 1.2 In accordance with [Regulation 16 of the Neighbourhood Planning \(General\) Regulations 2012](#) as amended, Pendle Borough Council (PBC) carried out a six week period of public consultation from Friday 2 September 2022 to Monday 17 October 2022 to allow interested parties to comment on the submission version of the CNDP.
- 1.3 A total of 107 valid representations were received before the end of the consultation period. All representations have been submitted to the independent Examiner pursuant to [paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990](#).

## 2.0 Introduction

- 2.1 This document provides a summary of the key issues raised in the representations that were submitted in response to the public consultation.
- 2.2 Section 3 provides a summary of the key issues raised by the consultees during the consultation. Appendix 1 presents the individual representations received, in full.

## 3.0 Summary of issues raised

- 3.1 The comments submitted by consultees were wide-ranging. The majority of representations were in support of the neighbourhood plan, as submitted.
- 3.2 This section summarises the key issues that were raised. They are presented in document order, immediately followed by comments on the accompanying Policies Map and supporting documents.

### Basic Conditions

- 3.3 A neighbourhood plan must meet the [Basic Conditions](#) if it is to proceed to referendum. The following comments relate to this matter:
  - The plan as written does not meet the Basic Conditions, but can be made to do so with minor modifications.

Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
CNDP-REP-064	Maddox Planning (for Little Cloud Limited	<p>) Introduction</p> <p>1.1 This written statement is prepared in accordance with Schedule 4B to the Town and Country Planning Act 1990 (as amended). It is a response to the statutory six weeks Regulation 16 consultation on the Colne Neighbourhood Development Plan (NDP) over the period to 17 October 2022, ahead of its submission to the Secretary of State for examination.</p> <p>Little Cloud Limited</p> <p>1.2 Maddox Planning has prepared this written statement for Little Cloud Limited (Little Cloud). Little Cloud has control of significant land assets at Windermere Avenue, Colne. Its land assets form part of wider area identified in the draft Colne NDP as protected local greenspace (proposed protected site CNDP7/4 (LGS4) - Upper Rough (10.55 ha.)</p> <p>Policy and guidance informed response</p> <p>1.3 The responses in this written statement have regard to legislation and particularly the Town and Country Planning Act 1990 (as amended), the provisions of the existing development plan, the Framework, relevant sections of the Planning Practice Guidance (PPG) and good practice drawn from elsewhere.</p> <p>Structure</p> <p>1.4 A response is provided first on the stated key issues, vision, zones and objectives of the Colne NDP (section 3.0). This is followed by a response on specific policies (section 4.0) and commentary on whether the Regulation 16 draft is consistent with the basic conditions (section 5.0) that need to be met for a neighbourhood plan to be put to referendum.</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>Attachments</p> <p>1.5 Attached at Appendix 1 is the report to Pendle Borough Council Policy and Resources Committee of 17 December 2020 regarding the Regulation 14 draft of the Colne NDP. Attached at Appendix 2 are examples of local green space policies that neighbourhood plan examiners have considered accord with the basic conditions.</p> <p>Related matters</p> <p>1.6 Accrue Capital, development partner to Little Cloud, ran an extensive public consultation exercise during the summer of 2022 regarding a landscape and design led proposal for housing development at the Windermere Avenue site over which Little Cloud has control. Its design team is in the process of revising the proposed development in response to comments received and a planning application is to be submitted later this year.</p> <p>Disclaimer</p> <p>1.7 Little Cloud reserves the right to amend, add to or withdraw its duly made representations.</p> <p>2.0 Legislation, policy and other material considerations</p> <p>Acts of Parliament</p> <p>2.1 The Localism Act, 2011 gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Local communities can set planning policies through a neighbourhood plan<sup>1</sup> that forms part of the development plan used in determining planning applications.</p> <p>2.2 Schedule 4B to the Town and Country Planning Act 1990 (as amended) sets out the basic conditions that a neighbourhood plan must meet. A qualifying body is entitled to submit a proposal to a local planning authority for the making of a neighbourhood plan. Neighbourhood plans must meet these basic conditions and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum. A local planning authority must satisfy itself that a draft neighbourhood plan submitted to it for independent examination complies with all the relevant statutory requirements. It is said to meet the basic conditions if:</p> <p>a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;</p> <p>c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;</p> <p>d) the making of the order contributes to the achievement of sustainable development;</p> <p>e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);</p> <p>f) the making of the order does not breach, and is otherwise compatible with, EU obligations; and</p> <p>g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.</p> <p>The Framework</p> <p>2.3 Paragraph 13 sets out that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of direction of these strategic policies.</p> <p>2.4 Paragraph 29 continues that neighbourhood planning gives communities the power to develop a shared vision for their area. Such plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. The Framework is clear that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies<sup>2</sup>.</p> <p>2.5 Paragraphs 66 and 67 deal specifically with housing requirements and are clear that strategic development plan policies should set out a housing requirement for designated neighbourhood areas, which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Paragraph 67 states that this should be indicative if it is not possible to provide an absolute requirement. Paragraph 70 states that neighbourhood planning groups should consider opportunities for allocating small and medium-sized sites suitable for housing in their area.</p> <p>---</p> <p>Footnotes</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>1. A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.</p> <p>2. Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area</p>
		<p>2.6 Framework paragraphs 101 to 103 provide prescriptive guidance on the designation of Local Green Space through local and neighbourhood plans. Paragraph 101 sets out that: 'Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period'.</p>
		<p>2.7 Paragraph 102 continues that, a Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquility or richness of its wildlife; and local in character and is not an extensive tract of land (our emphasis). Paragraph 103 sets out that policies for managing developments within Local Green Space should be consistent with those for Green Belts.</p>
		<p>The Practice Guidance</p>
		<p>2.8 The Practice Guidance sets out that a neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies<sup>3</sup>. A neighbourhood plan should contain policies for the development and use of land<sup>3</sup>. This is because the neighbourhood plan becomes part of the statutory development plan, which should set an environment in which sustainable development is pursued in a positive way consistent with the presumption in favour of sustainable development (paragraph 11 of the Framework).</p>
		<p>2.9 Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it<sup>4</sup>. If a local planning authority is also intending to allocate sites in the same neighbourhood area, the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with</p>



## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>those preparing the neighbourhood plan, such that every effort can be made to meet identified local need through the neighbourhood planning process<sup>5</sup>.</p> <p>Relevant made neighbourhood plans</p> <p>2.10 Examples of made neighbourhood plans, with particular regard to appropriate local green space policy, are included at Appendix 2 and referenced in Section 4.0 and Section 5.0 of this submission.</p> <p>Other material considerations</p> <p>2.11 Other material considerations are addressed as relevant in Section 3.0, Section 4.0 and Section 5.0</p> <p>---</p> <p>Footnotes</p> <p>3. Paragraph: 004 Reference ID: 41-004-20190509 – revision date: 09 05 2019</p> <p>4. Paragraph: 103 Reference ID: 41-103-20190509 – revision date: 09 05 2019</p> <p>5. Paragraph: 043 Reference ID: 41-043-20140306 - revision date: 06 03 2014</p> <p>3.0 Key issues, vision, zones and objectives</p> <p>Housing</p> <p>3.1 Colne NDP paragraph 2.3 identifies as the first of its key issues: ‘To improve housing quality and identify land to meet the housing growth target set in the Pendle Local Plan Part 1: Core Strategy’.</p> <p>3.2 The SWOT analysis at paragraph 2.1 should identify the potential for new homes as an opportunity. This will align with stated community objectives of supporting future housing growth, and creating a great place to live through the provision of the right type of new homes in the right locations.</p> <p>3.3 Paragraph 4.4 identifies the high proportion of terraced properties in the Colne housing stock: 61.3% compared with 19.4% semi-detached and 6.9% detached. This is a provides a clear justification for seeking to diversify the housing stock, through the delivery of new homes. The Colne NDP should include encouraging housing stock diversification as a key objective.</p> <p>Other</p> <p>3.4 The other themes of the key issues, zones and objectives are broadly supported.</p> <p>4.0 Response on draft policies</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>Policy CNDP3 – Design in Colne and the Design Code</p> <p>4.1 The language of objective 2 should reflect paragraphs 190 and 197 et al. of the Framework, which states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. This includes the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.</p> <p>4.2 Paragraph 197 is clear that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. The precise language regarding magnitude of harm, referencing substantial harm, total loss or less than substantial harm should be reflected in the drafting of all development plan policy including the Colne NDP.</p> <p>4.3 Whilst it is right that development plan policies seek to guard against poor design, the language of policy CNDP3 and its supporting text should reflect the language of the Framework in terms of fostering well-designed, beautiful and safe places (paragraph 8) and well-designed and beautiful homes to meet the needs of different groups in the community (paragraph 73). Paragraph 124 of the Framework refers to the importance of securing well-designed, attractive and healthy places.</p> <p>4.4 Framework paragraph 134 is clear that development which is not well designed should be refused, but conversely significant weight should be attached to development which reflects local design policies and outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area. Policy CNDP3 should explicitly reflect Framework support for development which is consistent with local design policy and seeks to raise the standard of design more generally.</p> <p>Policy CNDP4 – Development Affecting Non-Designated Heritage Assets</p> <p>4.5 The drafting of policy CNDP4 does not fully reflect the wording of Framework paragraph 203. Whilst paragraph 203 is clear that the significance of a non-designated heritage asset should be taken into account in determining a planning application, it goes on to say that a balanced judgement will be required to consider the scale of any harm or loss of the significance of the heritage asset. The text of policy CNDP4 should make explicit reference to the need for a balanced judgement.</p> <p>Policy CNDP6 – Future Housing Growth</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>4.6 Policy CNDP6 – Future Housing Growth identifies 15 housing sites with the potential to deliver 147 new homes at density of 30 dwellings per hectare. The policy is not clear to what extent the sites identified are reflective of entries in the latest (January 2022) Five Year Housing Land Supply Statement completed by the Pendle Borough Council.</p> <p>4.7 Paragraphs 6.3.1 to 6.3.3 which provide the supporting text to policy CNDP6 are largely based upon the now superseded Pendle Borough requirement for 298dpa.</p> <p>4.8 Up to December 2021, the Council was bound by this 298dpa requirement in reporting delivery against requirements, and was consistently and repeatedly unable to demonstrate a five year supply of deliverable housing sites. As of 17 December 2021, the Local Plan Part 1 Core Strategy is more than five years old, meaning that the Framework requirement that housing requirement be calculated having regard to local housing need figures applies; following the current iteration of the Government standard methodology.</p> <p>4.9 The current Pendle annual requirement is 142 dwellings per annum (plus a 5% buffer which increases this to 149 dwellings per annum).</p> <p>4.10 4.10 Policy CNDP6 and its supporting text needs to be updated to reflect the revised borough wide housing requirement and pay due regard to the most up to date Five Year Housing Land Supply Statement.</p> <p>4.11 4.11 The housing policy does not currently provide a sound basis for interpreting housing requirements and supply within the neighbourhood plan area.</p> <p>Policy CNDP7 – Protecting Local Green Space</p> <p>4.12 A number of the entries within the CNDP7 policy text should be removed as their inclusion is in contradiction with the guidance contained with the Framework. Paragraph 6.3.11 of the Regulation 16 draft neighbourhood plan makes direct reference to paragraph 102 of the Framework which states that:</p> <p>The Local Green Space designation should only be used where the green space is:</p> <ul style="list-style-type: none"> <li>a) in reasonably close proximity to the community it serves;</li> <li>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</li> <li>c) local in character and is not an extensive tract of land. (our emphasis)</li> </ul>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>4.13 Paragraph 101 of the Framework explains that designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p> <p>4.14 There can be no question that CNDP7/4 (UGS4) - Upper Rough (10.55 ha.) is an extensive tract of land and should be omitted from the schedule. Its inclusion in the draft policy is in direct conflict with Framework paragraph 102 (part c).</p> <p>4.15 The July 2022 report of the Examiner regarding the draft Kelbrook and Sough Neighbourhood Plan is included at Appendix 3. This deals with appropriate green infrastructure language within proposed policy ENV 1. It states that the policy should be reworded to say: 'improvements to the green infrastructure of the Parish will be supported. As appropriate to their scale, nature and location, development proposals should respond positively to the Pendle Green Infrastructure Strategy and Kelbrook and Sough Character Assessment'.</p> <p>4.16 The supporting text continues: 'The Pendle Council Green Infrastructure Strategy and Kelbrook and Sough Character Assessment should be considered when determining planning applications and interpreting any relevant Local Plan Policy with respect to green infrastructure. In particular, the Character Assessment's sections on Landscape and Topography, Biodiversity and Green and Natural Features, General Patterns of Built Form and Open Space, Main Uses and Mix of Uses and Views and Vistas and Enclosure provide detailed information on existing elements of green infrastructure in the parish'.</p> <p>4.17 Examples of made neighbourhood plans, with accepted appropriate local green space policy are included at Appendix 2. These demonstrate that other that formalised areas of recreation, such as parks and gardens, local green space designations are restricted to areas of significantly less area than the 10.55ha Upper Rough.</p> <p>Policy CNDP13 – Conserving and Enhancing Valued Landscape Features</p> <p>4.18 The language of policy CNDP13 should better reflect the Framework in the way that it addresses the built environment and landscape setting.</p> <p>4.19 Framework paragraph 130 states that: Planning policies and decisions should ensure that developments: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change</p>

## Appendix 1: Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>4.20 Paragraph 130 is seeking to be permissive of appropriate innovation and change, provided that development is sympathetic to local landscape character and history, including landscape setting.</p> <p>4.21 Policy CNDP13 should not require that development conserves and enhances local landscapes. The policy should be reflective of Framework paragraph 130 and use language which provides support for development that is sympathetic to local character and history. Whilst paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment, its guidance on development is more nuanced. Policy CNDP13 should refer to seeking to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and the move towards mandatory requirement for biodiversity net gain.</p> <p>4.22 Policy CNDP13 makes reference to the draft Colne Significant Views Assessment of May 2021. Such reference should be from the point of view of development respecting and being sympathetic towards these views rather than more rigidly requiring them to be conserved. It is unclear what is meant by rigidly referring to the conservation of views, as views can be maintained whilst allowing appropriate development to come forward. The policy should state that development should be sympathetic to the significant views identified in the Colne Significant Views Assessment, but this should not be at the expense of allowing for appropriate development coming forward.</p> <p>Policy CNDP14 – Rural Identity and Character</p> <p>4.23 The language of policy CNDP14 should better reflect the Framework. It is not justified to say that development outside of settlement frameworks should ‘...retain and enhance the rural identity and character of the neighbourhood area’. Paragraph 130 of the Framework refers to development being sympathetic to local character and history, including the surrounding built environment and landscape setting and it is this requirement that should set the overarching tone of policy CNDP14 rather than its current language of requiring development to retain and enhance rural identity and character.</p> <p>4.24 The policy criteria of CNDP14 should be amended to reflect the Framework. Criterion a) goes too far in requiring development outside of settlement frameworks to be smaller settlements, clusters of rural buildings and isolated farmsteads. This overlooks the fact that urban extensions of existing settlements can be justified, outside of an existing settlement framework boundary. Framework paragraph 120 deals with making effective use of land and sets out that planning policies and decisions should encourage multiple benefits from both urban and rural land. It states that policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>4.25 Criterion d) of policy CNDP1 4 is similarly too restrictive in dictating that building form and style and layout of development should be consistent with the forms predominantly found within the rural area. The policy goes beyond the Framework and PPG is stating that suburban and urban forms, styles and layouts will not be considered to meet the criterion; and it is not clear what is meant by an urban form, style or layout. A variety of forms of development can be shown to be appropriate outside of existing settlement boundaries, and this might include more urban forms of development, provided that they are sympathetic to local character and architectural styles. To rule out more intensive forms of development completely is contrary to an approach of making the best use of land and would likely render Pendle Borough unable to meet its requirement for new housing and employment floorspace. This would be at the expense of improved living conditions and supporting economic investment and development.</p> <p>4.26 Criterion f) should have regard to the need for surface materials to be part of and provide assistance with sustainable drainage systems.</p> <p>4.27 Criterion g) should adopt language from the Framework regarding the need to promote sustainable transport and reducing the need to travel. There does not need to be specific reference to garaging, garden landscaping or associated urban and suburban features as control over development can be exercised by the more general reference to development needing to be sympathetic to local character and history, including the surrounding built environment and landscape setting.</p> <p>5.0 Basic conditions</p> <p>5.1 The Regulation 16 draft Colne NDP does not meet the basic conditions in a number of ways.</p> <p>5.2 The draft NDP is not consistent with the National Planning Policy Framework, including in respect of its approach to local greenspace.</p> <p>5.3 As set out in the report to the 17 December 2020 Pendle Borough Council Policy and Resources committee (included at Appendix 1 – our emphasis):</p> <p>Policy CNDP 07 – Protecting Local Green Spaces</p> <p>The CNDP proposes to designate a number of areas as Local Green Space (NPPF paras 99 &amp; 100). This is within the scope of an NDP, but must be undertaken in accordance with national policy (NPPF) and planning practice guidance (PPG). These require sites to: - be in reasonably close proximity to the community it serves; - be demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational</p>

## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>value (including as a playing field), tranquillity or richness of its wildlife; and - local in character and is not an extensive tract of land.</p> <p><u>Proposed designations LGS1, 2, 3, 4, 5, 6, 7, and 8 are large extensive tracts of land and do not comply</u></p> <p><u>with the criteria for designation in the NPPF. The CNDP does not meet the basic conditions in terms of the designation of these large areas which the NPPF specifically does not want to be protected in this way.</u></p> <p>6.0 Examination public hearing</p> <p>6.1 The PPG is clear that neighbourhood plans should be examined fairly and transparently.</p> <p>6.2 The 1990 Act6 sets a general rule that the examination of issues by an examiner will usually take the form of the consideration of written representations. However, the PPG states that: 'Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue'7.</p> <p>6.3 The PPG continues by setting out that the subject of a hearing is determined by the independent examiner based on initial views of the draft plan and any other supporting documents submitted.</p> <p>6.4 In accordance with the guidance given in the PPG7 and having regard to our reasoning why the Colne NDP has failed to meet the basic conditions, we ask that the Examiner convenes an oral hearing session. This will allow for a full discussion over the reasons why the draft Colne NDP fails to meet the basic conditions, including regarding its approach in seeking to protect large tracts of land as local greenspace; as is proposed in policy CNDP7 – Protecting Local Greenspace. There can be no doubt that this misapplication of Framework guidance represents a failure to meet the basic conditions.</p> <p>6.5 An oral hearing will allow for a full examination of the issues raised in our Regulation 16 submissions and provide Little Cloud with an opportunity to put forward its case against the approach adopted in the draft Colne NDP. Little Cloud sees a clear need for oral hearing sessions to consider the appropriateness of substantial tracts of land being identified as protected local green space.</p> <p>---</p> <p>Footnotes</p>

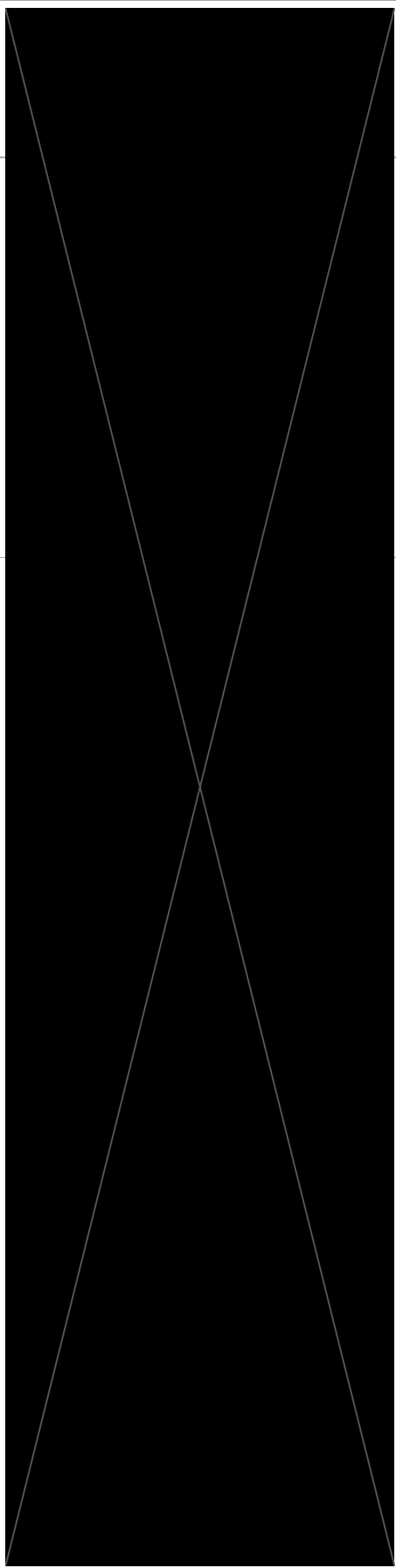


## Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>6. <a href="#">paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)</a></p> <p>7. paragraph: 056 Reference ID: 41-056-20180222 (revision date 22 02 2018)</p> <p>Appendix 1 <a href="#">Pendle Committee Report (item 6)</a></p> <p>Appendix 2 Adopted green space policies in made neighbourhood plans</p> <ol style="list-style-type: none"> <li>1. Formby and Altcar, Neighbourhood Plan adopted 12 November 2019. Policy ESD1 states that the sites listed, are designated local green spaces where development will be managed in a manner which is consistent with Green Belt policy. The plan articulates that those accessible open spaces should be protected to ensure health and wellbeing, serve the local community, used for recreational purposes and to help reduce pressure on sites of SSSIs and RAMSAR status. The 28 sites identified in the plan as green spaces range in size from 0.2 to 10.5 ha but are almost exclusively public parks or recreation grounds, with the exception of two allotments and Beechwood Drive Woods (0.4 ha) and Deansgate Lane North/Lingdales/Longton Drive (0.2 ha).</li> <li>2. The Ashbourne Neighbourhood Plan adopted July 2021. Policy COM2 – Public Open Space sets out that those public open spaces will be protected for their value as green spaces and places for recreation. Development within these open spaces will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value. The five sites identified in Ashbourne vary in size from 4.3 to 14.1 ha. Three of the sites are in the form of a park/recreation ground/playing field. Two areas of meadow are identified and are of sizes 4.3 ha and 5.5 ha.</li> <li>3. The Barrowford Neighbourhood Plan adopted 9 October 2019. Policy BNDP 07 – Local Green Spaces describes that new development will only be allowed within designated Local Green Spaces which does not impact on its openness or reduce its character, environmental or recreational value. However, in cases where circumstances can be demonstrated in accordance with Green Policy in NPPF (2021), development may be allowed which otherwise may be unacceptable. The 10 sites listed under this policy cover areas ranging from 0.16 to 6.8 ha. Other than parks, playing fields and allotments none of the identified sites is larger than 1.3 ha.</li> </ol>



Appendix 1 : Colne Neighbourhood Development Plan – Summary of Representations

Ref	Individual, Organisation and Client	Verbatim Comment
		<p>4. The Trawden Forest Neighbourhood Plan, adopted in Autumn 2018. Under Policy 9: Protecting Designated Open Spaces and Local Green Spaces, each area is said to contribute to local amenity, character, and green infrastructure. Some of the sites are important for biodiversity, and as ecological corridors providing species habitats. Development is only permitted if an alternative space can be provided to compensate for loss of public amenity, it is determined that damage can be mitigated, or an existing space is improved. Thirty open spaces are identified in total, derived from a Pendle open space audit. They are described as small areas of open space and woodland within the settlements of Trawden Forest which are valued for their local amenity value and for informal or formal recreational purposes. Other than Wycoller Beck, which runs through Wycoller Country Park, and Colne Water Pastures the sites are all less than 2.5 ha.</p> <p>5. The Gargrave Neighbourhood Plan adopted July 2019. Policy G9: Local Green Spaces states that development will not be permitted within these local spaces unless use does not diminish its character as a local green space, or it is demonstrated under special circumstances in which to make an exception. Within this neighbourhood plan eight sites are identified, ranging in area from 0.1 to 3.6 ha.</p> <p>Appendix 3 <a href="#">Kelbrook and Sough Neighbourhood Plan Examiners Report</a></p>
		

Pendle Council

Note for Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI

Independent Examiner for the Colne Neighbourhood Development Plan

## Subject: Housing requirement figure for Colne

### Background

At the Hearing for the Colne Neighbourhood Development Plan (CNDP), held at Colne Town Hall on Wednesday 15 March 2023, the Examiner in Session 1 requested that Pendle Borough Council (PBC) provide him with a note clarifying the housing requirement figure for Colne.

### Setting out a housing requirement

Paragraph 66 of the [National Planning Policy Framework](#) (NPPF) confirms that “strategic policy-making authorities should ... set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations”.

Paragraph 67 of the NPPF continues by clarifying that “where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body”.

### Strategic planning policy

The [Pendle Core Strategy](#) (2015) is silent on how the housing needs of the borough are to be distributed on a settlement-by-settlement basis. Strategic direction is provided by:

- (a) Policy SDP2 Spatial Development Principles, which defines the settlement hierarchy for Pendle and outlines their expected roles and strategic expectations for the plan period; and
- (b) Policy SDP3 Housing Distribution, which confirms how development needs are to be accommodated within each spatial area, with Colne forming part of the M65 Corridor.

### Establishing a settlement specific housing requirement figure

Whilst not defining housing need for individual settlements, the Core Strategy confirms that housing need is concentrated within the M65 Corridor spatial area and broadly aligns with the spatial approach to development.

Settlement specific housing need was to be addressed in the [Pendle Local Plan Part 2](#) (PLP2), but at its meeting on 9 December 2021, PBC resolved to abandon work on this document.

PLP2 would have allocated sufficient land to meet residual housing requirement to the end of the plan period in 2030.

The [PLP2 Scoping Report and Site Assessment Methodology](#) [“Scoping and Methodology Report”] was prepared in 2016, and subject to a six week public consultation in 2017. This document sets out an indicative housing requirement figure for each of the borough’s settlements. The proposed distribution is based on analysis that took account of a wide range of factors including the size/area of each settlement; its population; the level of service and infrastructure provision; and the availability of land for development. Although not independently examined, this document provides the best available evidence to inform the neighbourhood planning process in Pendle.

Pendle Council

Note for Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI

Independent Examiner for the Colne Neighbourhood Development Plan

PBC has been consistent in its approach to providing an indicative housing requirement figure for use in neighbourhood plans, using the figures from Table 3.11 of the Scoping and Methodology Report. This published evidence has informed the preparation of the neighbourhood plans for [Trawden Forest](#) (2019) and [Kelbrook and Sough](#) (2022). Together with the [Barrowford Neighbourhood Plan](#) (2019), which does not allocate sites for housing development, they form part of the statutory development plan for Pendle.

The Scoping and Methodology Report confirms that 35% of the housing need within the M65 Corridor spatial area should be met within Colne. In 2011, at the start of the Core Strategy plan period, this amounted to 1,387 dwellings over a 19-year plan period.

At an early stage in the preparation of the CNDP, Pendle Borough Council [“PBC”] advised Colne Town Council [CTC] that their plan would need to respond to the Core Strategy. PBC has consistently held to this position to ensure compliance with adopted strategic planning policy.

To provide an up-to-date housing requirement figure, the following allowances must be made:

The Core Strategy makes allowance for the re-occupation of long-term empty dwellings, which were a significant issue in the early part of the plan period.

The delivery of new homes on the Strategic Housing Site at Trough Laithe, which is located off Junction 13 on the M65 motorway. This site was allocated through Policy LIV2 of the Core Strategy, to help meet housing needs throughout the M65 Corridor. It is projected to deliver 500 dwellings in total, 340 of which are expected to be completed by 2030 (the end of the plan period for the CNDP).

Net completions since work on preparing the CNDP has commenced

Existing commitments (i.e. sites with a valid planning permission for housing).

The Regulation 14 (draft) CNDP contained an extensive list of potential housing site allocations. These would have delivered significantly more homes than required by the most up-to-date residual housing requirement figure.

The Regulation 16 (submission draft) CNDP proactively addressed many of the issues raised by PBC at the Regulation 14 stage. As confirmed in its Regulation 16 representation, PBC is satisfied that the submission draft CNDP allocates sufficient housing land to ensure that it is consistent with strategic planning policy and meets Basic Condition (e).

As the housing supply position set out in the submission draft CNDP was out of date, PBC provided a copy of the table shown in Examination Document CNDP/EX/012. This reflects the position at the end of the 2021/22 monitoring year and provides the most up to date information on housing need. The figure for Colne confirms that the submission draft CNDP meets Basic Condition (e).

This approach was also followed for the Kelbrook and Sough Neighbourhood Plan.

Pendle Borough Council

16 March 2023

**REPORT FROM:** Assistant Director: Planning, Building Control and  
Regulatory Services

**TO:** Council

**DATE:** 26 September 2024

**Report Author:** John Halton

**Tel. No:** 01282 661330

**E-mail:** [john.halton@pendle.gov.uk](mailto:john.halton@pendle.gov.uk)

## PENDLE LOCAL PLAN FOURTH EDITION

### PURPOSE OF REPORT

- (1) To request that Members approve the officer responses to the representations received in response to the Regulation 18 public consultation, which ran from Friday 23 June to Friday 18 August 2023.
- (2) To request that Members approve the recommended changes to the Pendle Local Plan Fourth Edition and agree to the publication of the final draft for a six-week public consultation in October/November 2024.
- (3) To request that Members agree that the Pendle Local Plan Fourth Edition and all supporting documents, together with all valid representations received in response to the Regulation 19 public consultation, can be submitted to the Secretary of State for independent examination.

### RECOMMENDATIONS

- (1) That Members accept the officer responses and recommendations as set-out in the Consultation Statement (Appendix 4).
- (2) That Members agree to make the Pendle Local Plan Fourth Edition (Appendix 1) and all supporting documents (Appendices 2-5 inclusive) available for a six-week public consultation.
- (3) That Members agree to submit the Pendle Local Plan Fourth Edition (Appendix 1) and all supporting documents (Appendices 2-5 inclusive) to the Secretary of State, who will request the Planning Inspectorate to conduct an independent examination of the Plan.
- (4) That Council consider the comments of the Executive in determining the course of action to take on the Local Plan.

- (5) That the Assistant Director for Planning, Building Control & Regulatory Services be authorised to agree to amendments to the Local Plan that result from the Examination in Public excluding any agreement to increase the housing numbers which shall be a Council decision.

## **REASONS FOR RECOMMENDATIONS**

- (1) To allow the Local Plan to proceed to the Publication stage
- (2) To comply with the requirements of Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
- (3) To comply with the requirements of Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
- (4) To consider the comments and recommendations of the Executive.
- (5) In order to allow necessary changes to the Local Plan to be agreed as part of the Examination Process except for the housing number.

## **ISSUE**

### **Background**

1. The Local Plan is a key document in the statutory Development Plan. Decisions about whether to approve or refuse applications for planning permission must be taken in accordance with the policies in the statutory Development Plan unless material considerations indicate otherwise.
2. The statutory Development Plan for Pendle currently consists of the following documents.
  1. Saved policies from the Replacement Pendle Local Plan 2006
  2. Bradley Area Action Plan 2011
  3. Pendle Core Strategy 2015
  4. Joint Lancashire Minerals and Waste Local Plan
  5. Neighbourhood Plans – in areas where these have been prepared and adopted
3. The Pendle Local Plan Fourth Edition [“the Local Plan”] will cover the period up to 2040 and replace documents 1-3 in the list above. It sets out:
  - A long-term spatial vision for the borough
  - The overall strategy for delivering the spatial vision.
  - A key diagram illustrating the main features of the development strategy.
  - Sufficient site allocations to meet our identified needs for housing and employment land.
  - Details of the infrastructure necessary to support the proposed scale and distribution of development.
  - Strategic and detailed planning policies that will be used to guide the location and design of new development.
  - A policies map showing the geographic extent of site-specific policies.

### **Plan making process**

4. The Local Plan is the product of extensive public participation and engagement and is underpinned by a comprehensive evidence base.

5. The most recent formal public consultation took place between Friday 23 June and Friday 18 August 2023. It was carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
6. A total of 65 valid representations were received in response to this consultation. These raised over 604 individual comments which are addressed in the accompanying consultation statement (Appendix 4). In the consultation statement planning officers have provided a response to each comment and indicated what changes, if any, have been made to the Local Plan.

### **Housing requirement**

7. A key element of the Local Plan is the delivery of new housing up to 2040. Given the level of existing commitments (sites already benefitting from a valid planning permission) and an evidenced windfall allowance of 40 dpa, Policy AL01 of the Local Plan allocates sufficient land to meet the proposed housing requirement of 148 dwellings per annum (dpa) up to 2040.
8. The 3,083 new homes to be built by the end of the plan period will fully address the borough's projected demographic needs up to 2040, as evidenced in the Housing and Economic Development Needs Assessment (HEDNA) (2023) and Update (2024).
9. The Local Plan Member Steering Group is concerned that the data arising from the 2021 Census, which was carried out during the COVID-19 lockdown, is not wholly reliable. In particular, the population growth experienced between the 2011 and 2021 Census is considerably higher than was anticipated by the Sub-National Population Projections (SNPP). Yet over the same period household growth is significantly lower than the figure anticipated by the 2014-based Household Projections and actual housing completion rates. Given these concerns and the fact that there are significant environmental and topographical constraints impeding growth a lower housing requirement was prudent at this time.
10. The Local Plan Member Steering Group is satisfied that projected economic growth can be achieved and adequately supported by the adoption of the demographic-based annual housing requirement of 148 dpa. This figure represents a 24 dpa (20%) uplift on the government's SM baseline figure. Furthermore, the flexibility built into the Local Plan can support the delivery of up to 162 dpa, confirming that 148 dpa is the minimum figure for housing delivery.
11. The new Government is currently consulting on changes to the legislation governing planning in England. The timescales associated with the transitional arrangements mean that the plan has to reach Regulation 22 (the examination stage) within 1 month of the NPPF being published. It is estimated that the new NPPF is likely to be published in December 2024.
12. The revised NPPF and supporting documentation, whilst still in the consultation stage, is likely to significantly increase the housing requirement with the consultation minimum figure for Pendle being 382 units per annum. The Local Plan could not be adapted to provide for that number of houses. Should the Council therefore wish to alter the Plan to increase numbers it would have to decide to stop the production of this Plan and proceed to produce a new Plan based on the updated national policies.
13. As such only two options remain:
  1. Proceed with the Local Plan as drafted, with an annual housing requirement of 148 dpa.or

2. Stop. Once the new planning regime is in place in 2025, start work on a new Local Plan, which will be required use the new SM figure of 382 dpa as the starting point for setting a new annual housing requirement for Pendle.

14. Option 1 is recommended by the Local Plan Member Steering Group. It is considered to represent an appropriate strategy, as required by the 'justified' test of soundness in paragraph 35 (b) of the NPPF.

## **Viability**

15. The initial draft of the Local Plan Viability Assessment was received close to the deadline for submission of committee papers. It concludes that viability has worsened in Pendle due to increased development costs and low land values. As a result, it suggests that affordable housing is not viable on market housing schemes throughout Pendle unless secured through grant funding. Policy DM23 Affordable Housing may need to be amended to reflect this position subject to a more detailed review of the report findings.

## **Next Steps**

16. The final draft of the Pendle Local Plan Fourth Edition (Appendix 1) is the version that officers are recommending Members approve for submission to the Secretary of State for independent examination subject to any revisions necessary to address evidence in the Level 2 Strategic Flood Risk Assessment and the updated Local Plan Viability Assessment.
17. Prior to submission the Local Plan and all supporting evidence must be made available for a further six-week public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
18. The purpose of this public consultation is to allow interested parties to comment on the soundness of the Council's development strategy, rather than to modify the content of the document. The Council will not make any changes to the Local Plan to address the comments received. All formal representations are passed directly to the Inspector appointed to conduct the independent examination of the Local Plan.
19. The Inspector may recommend changes to the Local Plan (known as main modifications) in order to make the plan sound and legally compliant. Most plans are subject to such a request. These main modifications are agreed with the Council and made available for public comment before the Inspector issues a final report.

## **IMPLICATIONS**

**Policy:** The policies in the Local Plan will guide the preparation of other planning documents, including any neighborhood plans, which must be in general conformity with its strategic planning policies.

**Financial:** Public consultation will be carried out within the allocated budget. The cost of hosting an independent examination, and the appointment of a Programme Officer to assist the Inspector appointed to conduct the examination, has been accounted for in budget projections.

**Legal:** To comply with the requirements of the Town and Country (Local Plan) (England) Regulations 2012, as amended.

**Risk Management:** All local planning authorities in England, without an up-to-date Local Plan, are expected to submit one for examination before April 2025. The failure to adopt a Local Plan is likely to encourage developers to submit speculative proposals and result in planning by appeal

**Health and Safety:** None identified.

**Sustainability:** All policies have been assessed in accordance with the sustainability appraisal template prepared by consultants Wood plc. The findings are set out in the accompanying Sustainability Appraisal Report.

**Community Safety:** None identified.

**Equality and Diversity:** An Equality Impact Assessment has been prepared. This contains details of any impacts (positive or negative) that an individual policy may have on issues of equality and diversity. It also highlights any mitigation that may be required because of these impacts.

## APPENDICES

- (1) Pendle Local Fourth Edition (Pre-submission Report)
- (2) Sustainability Appraisal Report
- (3) Habitat Regulations Assessment
- (4) Consultation Statement
- (5) Equalities (Service) Impact Assessment
- (6) Pendle Local Development Scheme (LDS) (Eighth Revision)

## LIST OF BACKGROUND PAPERS

- (1) Localism Act, 2011
- (2) National Planning Policy Framework, December 2023
- (3) [Planning Practice Guidance on Plan Making](#)
- (4) Key evidence base documents:
  - (i) Pendle Housing and Economic Needs Assessment (HEDNA) (*Iceni Projects, 2023*)
  - (ii) Pendle Housing and Economic Needs Assessment (HEDNA) – Housing Need Review (*Iceni Projects, 2024*)
  - (iii) Pendle Retail Capacity Study (*Nathaniel Lichfield & Partners, 2023*)
  - (iv) Pendle Development Viability Study (*Aspinall Verdi, 2024*)
  - (v) Pendle Infrastructure Plan (*Pendle Borough Council, 2024*)
  - (vi) Pendle Sustainable Settlements Study (*Pendle Borough Council, 2024*)
  - (vii) Pendle Open Space Audit (*Pendle Council, 2019*)
  - (viii) Pendle Level 1 Strategic Flood Risk Assessment (*JBA Consulting, 2021*)
  - (ix) Pendle Level 2 Strategic Flood Risk Assessment (*JBA Consulting, 2024*)
  - (x) Pendle Strategic Housing Land Availability Assessment (*Pendle Borough Council, 2024*)
  - (xi) Site Assessment (*Pendle Borough Council, May 2023*)







Categories

Benefits

Bins and recycling

Business

Community

Council and Councillors

Council Tax

Housing

Jobs

Licensing and Law

Parks and Outdoor Recreation

Planning and Building Control

Roads and parking

Your Environment

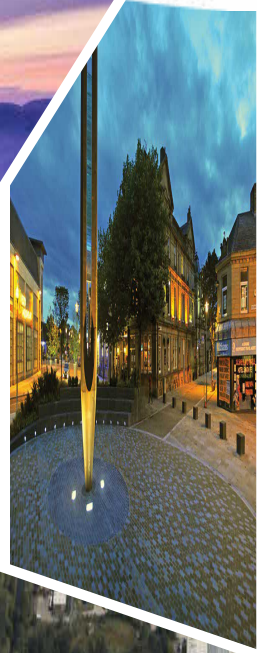
# Agendas, reports and minutes

## Council

**Date:** Thursday, 26th September 2024

- > [26.09.2024 Agendas](#), 129.29 KB
- > [26.09.2024 - Draft minutes](#) Minutes, 213.51 KB
- > [Item 3 Minutes of 18.07.2024](#) Reports, 196.57 KB
- > [Item 4 Member Code of Conduct - Councillor D. Whipp - Minutes of Standards Hearing 28.08.2024](#) Reports, 110.96 KB
- > [Item 4 Member Code of Conduct - Councillor D. Whipp - Outcome of Standards Hearing 28.08.2024](#) Reports, 101.9 KB
- > [Item 8 Report by the Leader on the work of the Executive](#) Reports, 143.09 KB
- > [Item 9 Report by the Chair of Overview and Scrutiny Committee](#) Reports, 77.22 KB
- > [Item 9 Appendix - Overview and Scrutiny Work Programme](#) Reports, 98.3 KB
- > [Item 11 Capital Programme 2024/25 - Appendix C](#) Reports, 209.41 KB
- > [Item 12 Environmental Health Enforcement Policy](#) Reports, 882.67 KB
- > [Item 13 Disabled Facilities Grant Policy](#) Reports, 588.9 KB
- > [Item 14 Refusal of Driver's Licence: Consideration of the Removal of Section 5.4 from the Taxi Licensing Policy](#) Reports, 137.63 KB
- > [Item 15 Hackney Carriage Licence for Horse Drawn Carriages](#) Reports, 39.05 KB
- > [Item 15 Hackney Carriage Licence for Horse Drawn Carriages - Appendix](#) Reports, 185.48 KB
- > [Item 16 Pendle Local Plan Fourth Edition](#) Reports, 131 KB
- > [Item 16 \(1\) Local Plan Submission Draft](#) Reports, 4.99 MB
- > [Item 16 \(2\) SA Appendix 1 - Plans and Programmes](#) Reports, 751.28 KB
- > [Item 16 \(2\) SA Appendix 2 - Definition of Significance](#) Reports, 259.4 KB
- > [Item 16 \(2\) SA Appendix 3 - Assessment of Policy Options](#) Reports, 3.15 MB
- > [Item 16 \(2\) SA Appendix 4 - Assessment of Plan Themes](#) Reports, 721.76 KB
- > [Item 16 \(2\) SA Appendix 5 - Assessment of Potential Housing Sites](#) Reports, 6.1 MB
- > [Item 16 \(2\) SA Appendix 6 - Assessment of Potential Employment Sites](#) Reports, 671.45 KB
- > [Item 16 \(2\) SA Appendix 7 - Submitted Sites Screened Out](#) Reports, 159.92 KB
- > [Item 16 \(2\) SA Appendix 8 - Possible Monitoring Indicators](#) Reports, 210.97 KB
- > [Item 16 \(2\) SA Appendix 9 - Scoping Report Consultation Responses](#) Reports, 167.65 KB
- > [Item 16 \(2\) SA Non-Technical Summary](#) Reports, 957.46 KB
- > [Item 16 \(2\) SA Publication Main Report](#) Reports, 8.38 MB
- > [Item 16 \(3\) HRA Screening Report](#) Reports, 1.3 MB
- > [Item 16 \(4\) Consultation Statement Appendix 1 - Consultation responses](#) Reports, 2.91 MB
- > [Item 16 \(4\) Consultation Statement Appendix 2 - Public Consultation Publicity](#) Reports, 7.36 MB
- > [Item 16 \(4\) Consultation Statement Appendix 3 - Exhibition Material](#) Reports, 16.58 MB
- > [Item 16 \(4\) Consultation Statement Appendix 4 - Representation Form Templates](#) Reports, 262.98 KB
- > [Item 16 \(4\) Consultation Statement Appendix 5 - Local Plan Scoping Report responses](#) Reports, 223.97 KB
- > [Item 16 \(4\) Consultation Statement Appendix 6 - LGS Assessment responses](#) Reports, 661.25 KB
- > [Item 16 \(4\) Consultation Statement Main Report](#) Reports, 820.05 KB
- > [Item 16 \(5\) Equality Impact Assessment SLP \(Reg 19\)](#) Reports, 474.18 KB
- > [Item 16 \(6\) Local Development Scheme September 2024 Update](#) Reports, 232.69 KB
- > [Item 17 Lancashire Devolution Deal](#) Reports, 102.24 KB
- > [Full Council meeting live](#)

# Pendle Local Plan



## Local Development Scheme 8<sup>th</sup> Edition

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# Versions

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## 1. What is the Local Development Scheme?

- 1.1 The [Planning and Compulsory Purchase Act 2004](#) introduced the need for local planning authorities, such as Pendle Council, to prepare and maintain a [Local Development Scheme](#) ["LDS"].
- 1.2 The LDS is the Council's three-year project plan for preparing new planning policy documents. It is the starting point for the local community and any other interested parties looking to find out more about these documents.
- 1.3 The LDS sets out details for each [Development Plan Document](#) ["DPD"] in Pendle and a timetable for its production. Although no longer required to do so, it continues to provide details of any [Supplementary Planning Documents](#) ["SPDs"]. SPDs provide additional detail and guidance to help use policies in a DPD.
- 1.4 Pendle Council prepared its first LDS in 2005 and has issued subsequent updates effective from the dates shown below:
- |  |                                 |
|--|---------------------------------|
| 1. Pendle Local Development Scheme (2004-2009) ..... | 27 <sup>th</sup> January 2005   |
| 2. First Revision (2005-2011) .....                  | 22 <sup>nd</sup> September 2005 |
| 3. Second Revision (2005-2011) .....                 | 10 <sup>th</sup> April 2007     |
| 4. Third Revision (2008-2014) .....                  | 31 <sup>st</sup> December 2008  |
| 5. Fourth Revision .....                             | 22 <sup>nd</sup> November 2012  |
| 6. Fifth Revision .....                              | 19 <sup>th</sup> June 2014      |
| 7. Sixth Revision .....                              | 17 <sup>th</sup> October 2021   |
| 8. Seventh Revision (2024-2027) .....                | 17 <sup>th</sup> March 2022     |
- 1.5 Following the Council resolution on 9 December 2021 to prepare a new Local Plan<sup>1</sup> the seventh revision of the LDS confirmed the initial timetable of the Pendle Local Plan Fourth Edition and other SPDs.
- 1.6 The eighth revision represents the first review of the timetable for the preparation of the new Local Plan. It sets out the updated work programme for the three-year period 2024-2027. The timetable for each document includes "consultation milestones" showing when there are opportunities for informal or formal engagement in the plan making process.
- 1.7 A glossary, explaining any planning terms or acronyms used in this document, is included at Appendix 6.

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<sup>1</sup> [Agenda, Reports and Minutes – Council 9 December 2021](#)

## 2. Why do we need planning policy?

### Introduction

- 2.1 Planning helps to shape the places where people live and work. Good planning makes sure that the right type of development takes place in the right location and at the right time.
- 2.2 The planning system in England is plan-led. It has undergone significant change in recent years. The government publication [Plain English guide to the Planning System](#) (January 2015) provides an overview of how the planning system in England works.
- 2.3 The policies in these plans are used to guide decisions on applications for planning permission. They help to ensure that these decisions are rational and consistent.
- 2.4 The key elements of the current system are set out below.

### National Planning Policy and Guidance

#### Legislation

- 2.5 Government legislation sets out the purpose and content of Local Plans. This information is set out in various Acts of Parliament and Statutory Instruments:

[The Town and Country Planning Act 1990](#)

[Planning and Compulsory Purchase Act 2004](#)

[Planning Act 2008](#)

[Localism Act 2011](#)

[Housing and Planning Act 2016](#)

Levelling-up and Regeneration Act 2023

- 2.6 The Government also issues legally binding Regulations. These outline the detailed requirements to support the duties set out in these Acts. Those influencing the preparation and content of Local Plans are:

[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

#### National Planning Policy Framework [“NPPF”]

- 2.7 The [National Planning Policy Framework](#) (NPPF) is a key part of the government’s reforms to make the planning system less complex and more accessible. Introduced in March 2012, it has been updated in July 2018, February 2019, July 2021, September 2023 and December 2023.
- 2.8 The NPPF sets out the government’s planning policies for England. It also explains how they should be applied. In short, the NPPF makes clear what the government expects from new development.

- 2.9 In Chapter 3 the NPPF outlines the government's expectations for plan-making:
- Local Plans are central to the planning system in England;
  - There should be "a presumption in favour of sustainable development" and any planning applications that promote sustainable development, should normally be permitted; and
  - The purpose of planning is to help achieve sustainable development, but not at any cost.
- 2.10 The NPPF does not include policies for nationally significant infrastructure projects ["NSIPs"]. These are determined by the Secretary of State.
- Planning Practice Guidance ["PPG"]
- 2.11 The Government launched its streamlined [planning practice guidance](#) on 6 March 2014. This online resource is kept under constant review and updated as necessary. The user-friendly format provides simplicity and clarity in the planning system. The aim is to increase community involvement and give power back to local communities.
- 2.12 PPG provides further detail on how to apply the planning policies in the NPPF. The [guidance on plan-making](#) makes clear that the Local Plan must:
- Be positively prepared in cooperation with the local community, key stakeholders and other interested parties;
  - Set out broad locations and specific allocations of land for different purposes;
  - Highlight areas where particular opportunities or considerations apply (e.g. protected areas within the natural and historic environment);
  - Establish criteria-based policies to be taken into account by officers when considering planning applications for new development; and
  - Illustrate the geographical application of policies in the plan on the Policies Map.

### Local Planning Policy

#### The Development Plan

- 2.13 The Development Plan is a suite of statutory planning documents. Together they set out the policies, proposals and site-specific allocations that are used to guide the nature and location of development in an area. They help to ensure that the decisions taken by planning officers responsible for deciding whether to grant or refuse planning permission are both rational and consistent.
- 2.14 The Development Plan for Pendle includes:
- The Pendle Local Plan;
  - The Joint Lancashire Minerals and Waste Local Plan; and
  - Any Area Action Plans or Neighbourhood Plans that have been 'made'
- 2.15 Documents that will form part of the Development Plan are referred to as [Development Plan Documents](#) ["DPDs"]. The policies in a DPD can be used to determine planning applications from the date they are first published. The NPPF (paragraph 48) sets out the weight you



should give to these policies in decision taking. As a “rule of thumb” the more advanced a plan is, the greater the weight you must give to the policies within it.

### The Local Plan

- 2.16 The Local Plan, as its name suggests, is the key local component of the Development Plan. It establishes a vision for the future of the borough and the strategic objectives and policies to:

Provide a positive response to our future growth and development needs

Establish a framework for the preparation of neighbourhood plans

- 2.17 Once the Local Plan has been adopted by the Council, it becomes part of the Development Plan for the borough. It indicates where and when future growth and development in the borough will occur. The policies and site allocations provide the starting point when considering whether applications for planning permission should be approved.

### Area Action Plans

- 2.18 Area Action Plans are typically prepared for specific areas of regeneration need. As a DPD the policies within them form part of the statutory development plan once they are adopted.

### Neighbourhood Plans

- 2.19 The Localism Act 2011 enabled Parish and Town Councils to prepare a Neighbourhood Plan for their area. This gives local communities an opportunity to influence development in their area. Legislation governing the production and content these plans is in the following documents.

[Localism Act 2011](#)

[The Neighbourhood Planning \(General\) Regulations 2012.](#)

[The Neighbourhood Planning Act 2017](#)

- 2.20 Neighbourhood Plans must:

Have regard to national planning policy;

Be in general conformity with strategic policies in the development plan for the local area (i.e. the core strategy)

Be compatible with EU obligations and human rights requirements.

- 2.21 If successful at referendum, Neighbourhood Plans become part of the Development Plan. Their policies are then used to determine planning applications. Details about where developers must consider policies in a Neighbourhood Plan are on our website:

[www.pendle.gov.uk/neighbourhoodplans](http://www.pendle.gov.uk/neighbourhoodplans)

### Supplementary Planning Documents

- 2.22 [Supplementary Planning Documents](#) [“SPDs”] add further detail to the policies in the Local Plan. They use a mix of text, illustrations and practical examples to expand on how the parent policy should be interpreted. They can be used to provide further guidance for development on specific sites, or on particular issues. SPDs often take the form of design guides, area development briefs and master plans or deal with a specific issue or topic.

- 2.23 Local authorities must involve the community in the preparation of an SPD. They do not form part of the Development Plan, so they are not subject to independent examination. They are a material consideration in the determination of planning applications.

### Supporting Documents

- 2.24 UK regulations require a number of other documents to be prepared alongside the Local Plan. These help to inform its preparation. The key 'supporting documents' are:

Scoping Report – Sets out the process used to determine whether the policies and proposals under consideration make a positive contribution to sustainable development.

Sustainability Appraisal ["SA"] – Considers the economic, social and environmental impacts of the policies and proposals within a plan. It evaluates these against all reasonable alternatives. Where required to do so the law, the SA Report applies the Directive on Strategic Environmental Assessment ["SEA"]. This is a method for systematically identifying and evaluating the impacts that a plan is likely to have on the environment. As part of a full sustainability appraisal this helps to ensure that the policies in the plan reflect sustainable development principles.

Habitats Regulations Assessment ["HRA"] – Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires an Appropriate Assessment to be carried out for any plan or project which, either alone or in combination with other plans or projects, is likely to have a significant effect on a European Site. European sites are defined by Regulation 10 of the Habitats Regulations and include sites designated as Special Areas of Conservation (SACs) or classified as Special Protection Areas (SPAs). The assessment will determine whether the plan would adversely affect the integrity of a designated European Site in terms of its nature conservation objectives.

Consultation Statement – Reflects the Government's desire to strengthen stakeholder and community involvement in planning. It describes how the local community, and organisations with an interest in the area, have helped to prepare new planning policy. Regulations require the statement to be submitted to the Secretary of State alongside the Local Plan (Regulation 22). For SPDs the statement is made available for public inspection during the formal public participation stage (Regulation 12). To aid transparency and provide accountability, Pendle Council publishes a statement following each formal public consultation. This allows consultees to see how their comments help to shape successive versions of the plan.

### Process Documents

- 2.25 The Council has to be clear and accountable for the plans it makes and the decisions it takes. Legislation requires us to prepare an LDS and the following documents:

[Statement of Community Involvement](#) ["SCI"] – Sets out how the Council will involve the public and other key stakeholders when preparing new planning policy; and taking decisions on planning applications

[Authority Monitoring Report](#) ["AMR"] – To be prepared and published as soon as practical after the close of the monitoring year on 31st March. The AMR records progress against the timetable set out in the LDS. It also looks at the usage and effectiveness of existing planning policies, using a set of agreed indicators. In addition, the annual Five-Year Housing Land Supply Position Statement, provides a detailed update on the available supply of housing land in the borough.

### 3. Planning policy in Pendle

#### Introduction

- 3.1 The publication of the NPPF in March 2012 had significant implications for the planning system in England. But it made clear that any documents (and the policies within them) prepared before its publication do not have to be considered out-of-date; noting that:

“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

- 3.2 This continues to be recognised in the latest revision of the NPPF at paragraph 225 (Annex 1).
- 3.3 A chart illustrating the timetable for the production of new planning policy documents in Pendle, up to April 2027, is included at Appendix 1.
- 3.4 Detailed information on individual documents can be found in the profiles in Appendices 2-4. Figure 3.1 at the end of this chapter illustrates the geographical coverage for each of these documents.

#### Development Plan Documents

- 3.5 Planning officers decide whether to approve or refuse applications for planning permission. Policies in the Development Plan help them to make rational and consistent decisions.
- 3.6 The Development Plan is a set of statutory documents,<sup>2</sup> which set out the policies, proposals and site-specific allocations used to guide the nature and location of development. The local plan, area action plans and neighbourhood plans are all considered to be Development Plan Documents [“DPDs”] (Table 3.1).

Table 3.1: The Development Plan for Pendle, March 2024

Document	DPDs	Details of adoption
Pendle Local Plan	<a href="#">Saved Policies from the Replacement Pendle Local Plan 2001-2016</a> <sup>3</sup>	Adopted on 18 May 2006
	<a href="#">Bradley Area Action Plan</a>	Adopted on 30 June 2011
	<a href="#">Pendle Local Plan Part 1: Core Strategy</a>	Adopted on 17 December 2015
Neighbourhood Plans	<a href="#">Trawden Forest Neighbourhood Plan</a>	Successful at Referendum on 14 November 2018 Formally ‘made’ at Council on 26 March 2019
	<a href="#">Barrowford Neighbourhood Plan</a>	Successful at Referendum on 7 November 2018 Formally ‘made’ at Council on 17 December 2019

<sup>2</sup> Statutory in this context refers to written law introduced by the national government.

<sup>3</sup> The saved policies are listed in Appendix C of the [Core Strategy](#).

Document	DPDs	Details of adoption
	<a href="#">Kelbrook and Sough Neighbourhood Plan</a>	Successful at Referendum on 27 October 2022. Formally 'made' at Council on 8 December 2022.
	<a href="#">Colne Neighbourhood Plan</a>	Successful at Referendum on 20 July 2023. Formally 'made' at Council on 28 September 2023
Joint Minerals & Waste Local Plan	Core Strategy <a href="#">Part One</a> & <a href="#">Part Two</a>	Adopted in February 2009
	Site Allocation & Development Management Policies <a href="#">Part One</a> & <a href="#">Part Two</a>	Adopted in September 2013

- 3.7 Table 3.2 confirms the timescales of documents which are currently being prepared which are intended to become part of the Development Plan for Pendle.

Table 3.2: Development Plan Documents in preparation, March 2024

Document	DPDs	Current or next stage
Pendle Local Plan	<a href="#">Local Plan Fourth Edition</a>	Regulation 19 Consultation (August - September 2024)
Joint Minerals & Waste Local Plan (Lancashire County Council)	<a href="#">Review of the Site Allocations and Development Management Policies Local Plan and Core Strategy</a>	Draft (Summer 2024)

- 3.8 DPDs are prepared in cooperation with the local community and subject to formal public consultation (see Chapter 4). Following their submission to the Secretary of State they are tested by an independent Inspector or Examiner.
- 3.9 A DPD comes into force once it has been formally adopted by the Council (or immediately after a positive referendum result in the case of a Neighbourhood Plan). All DPDs are subject to annual monitoring to ensure that the policies within them are working as intended.
- 3.10 For Local Plans a sustainability appraisal, which addresses the legal requirement for strategic environmental assessment, runs in tandem with this process and is also examined.

#### Pendle Local Plan Fourth Edition

- 3.11 The new local plan will set out the development needs of Pendle and how these are to be met over the plan period to 2040. It will guide what development will look like, what type of development will be permitted where, and what responses are expected of development proposals to material planning issues. On adoption, the new Local Plan will replace the Core Strategy, Bradley Area Action Plan, and any saved policies from the Pendle Replacement Local Plan. In addition, any existing 'made' neighbourhood plans may need to be reviewed to ensure that they are consistent with the strategic planning policies in the new Local Plan.

#### Joint Lancashire Minerals & Waste Local Plan

- 3.12 The [Joint Lancashire Minerals and Waste Local Plan](#) [“JLMWLP”] is a two part document, which addresses planning for minerals extraction and the handling of waste. It covers the areas administered by the Councils of Lancashire, Blackpool and Blackburn-with-Darwen and is prepared by Lancashire County Council.
1. The JLMWLP Core Strategy (2009) sets out the long-term spatial vision for the area. It establishes the spatial objectives and policies required to deliver that vision.
  2. Policies in the JLMWLP Site Allocations and Development Control Policies DPD (2013) identify specific locations for minerals and waste development. It also includes a series of criteria-based policies which ensure that all development within the area meets the spatial vision and spatial objectives set out in the Core Strategy.
- 3.13 The Council understands that both documents are in the process of being replaced by Lancashire County Council. The County Council has indicated a consultation on draft proposals for these documents is likely to take place in Summer 2024.

#### Neighbourhood Plans

- 3.14 Four Neighbourhood Areas have been formally designated and prepared in Pendle. These are:
- [Trawden Forest Neighbourhood Plan](#) (made 26 February 2019)
  - [Barrowford Neighbourhood Plan](#) (made 17 December 2019)
  - [Kelbrook and Sough Neighbourhood Plan](#) (made 8 December 2022)
  - [Colne Neighbourhood Plan](#) (made 28 September 2023)

#### Policies Map

- 3.15 The Policies Map (previously known as the Proposals Map) represents the spatial expression of the policy designations and site allocations in the Local Plan. It displays these on an Ordnance Survey map base.
- 3.16 [The online version of the Policies Map](#) also includes policy designations and site allocations from other adopted DPDs covering all or part of the borough (e.g. area action plans and neighbourhood plans).
- 3.17 The policies map will be overhauled as a result of the process to prepare a new local plan.

#### Supplementary Planning Documents

- 3.18 Supplementary Planning Documents [“SPD”] do not form part of the Development Plan. They provide additional guidance to assist with the implementation of policies in a DPD.
- 3.19 To the extent that they are compliant with the NPPF, they remain in force until such time that the 'parent' policy they are associated with is replaced or deleted.<sup>4</sup> At that time any planning guidance to be retained will need to be revised as necessary and consulted upon.
- 3.20 To date four SPDs have been prepared and adopted by Pendle Council. Two helped to support the implementation of the HMR programme in Pendle. The others provide guidance on achieving good quality design in new development:

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<sup>4</sup> The 'parent' policies for an SPD are in the Replacement Pendle Local Plan 2001-2016 (2006), Bradley Area Action Plan DPD (2011) or Local Plan Part 1: Core Strategy (2015).

Brierfield Canal Corridor Housing Brief SPD.....	27 October 2005
Conservation Area Design and Development Guidance SPD.....	14 August 2008
Design Principles SPD .....	10 December 2009
Brierfield Railway Street Area SPD.....	9 December 2010

- 3.21 The performance of these SPDs is reviewed annually in the Authority Monitoring Report [“AMR”].
- 3.22 Table 3.4 provides details of these SPDs, together with earlier Supplementary Planning Guidance [“SPG”] prepared by Pendle Council, which is still considered to be current.

Table 3.4: Supplementary Planning Documents

Document Title	Policy Link <sup>1</sup>	Current Status	Proposed Action
<a href="#">Development in the Open Countryside SPG</a> (September 2002)	Policy 1 Development in the Open Countryside	Saved until parent policy is replaced	REPLACE Development in the Open Countryside and Forest of Bowland National Landscape SPD
<a href="#">Forest of Bowland AONB SPG</a> (December 2003)	Policy 2 Area of Outstanding Natural Beauty	Saved until parent policy is replaced	REPLACE Development in the Open Countryside and Forest of Bowland National Landscape SPD
<a href="#">Brierfield Canal Corridor Housing Brief SPD</a> (October 2005)	Policy LIV1 Housing Provision and Delivery	Saved until parent policy is replaced, or development is completed	REMOVE When development is completed.
<a href="#">Pendle Conservation Area Design and Development Guidance SPD</a> (August 2008)	Policy 10 Areas of Special Architectural or Historic Interest	Saved until parent policy is replaced	PARTIALLY REPLACE Likely through the preparation of Design Code(s) for Pendle.
<a href="#">Design Principles SPD</a> (December 2009)	Policy 13 Quality and design of new development	Saved until parent policy is replaced	REPLACE Likely through the preparation of Design Code(s) for Pendle.
<a href="#">Railway Street Neighbourhood SPD</a> (December 2010)	Policy LIV1 Housing Provision and Delivery	Saved until parent policy is replaced, or development is completed	REMOVE When development is completed.

<sup>1</sup> Replacement Pendle Local Plan 2001-2016 (Pendle Council, May 2006)

- 3.23 After 26 November 2008, [section 180 of the Planning Act 2008](#) removed the need for the LDS to include details of any proposed SPDs. It also removed the automatic requirement to carry

out and report on a sustainability appraisal of the proposals in an SPD (see impact assessment below).

- 3.24 As the existing and proposed SPDs form an important part of the planning policy framework for Pendle, and are few in number, we continue to include their details in the LDS for transparency.
- 3.25 Should any additional SPDs be considered necessary, these will be identified in the AMR and future revisions of the LDS. They will also be made available on the Council's website at [www.pendle.gov.uk/spd](http://www.pendle.gov.uk/spd)

At the time of writing it is proposed to prepare the following SPDs:

Open countryside and the Forest of Bowland National Landscape;  
Climate Change and Energy;  
Pendle Mills Design Code; and  
Pendle Borough Design Code

- 3.26 These SPDs will provide valuable guidance to developers and decision makers in key topic areas as to how specific policies within the Local Plan should be implemented. These documents will increase the responsiveness of proposals to key objectives of the Local Plan and deliver enhancements to the efficiency of the decision making process.

### Impact Assessment

- 3.27 The policies in DPDs and SPDs will have environmental, economic and social impacts. It is important to consider the "likely significant effects" that any proposals may have. These should also be considered in combination with the potential impacts from other plans and strategies covering all or part of the borough.
- 3.28 Where a detailed screening process has found it necessary, a Sustainability Appraisal ["SA"], Habitat Regulations Assessment ["HRA"] and Equality Impact Assessment ["EqIA"] accompany each DPD and SPD. The impacts on health are considered through the SA process.

### Sustainability Appraisal

- 3.29 As the local planning authority, the Council must consider if a plan is likely to have any significant environmental effects. It must consult the 'consultation bodies' before making any determination.<sup>5</sup>
- 3.30 Where it is agreed that a plan is unlikely to have any significant environmental effects, a statement must be prepared setting out the reasons for this determination.<sup>6</sup>
- 3.31 The Council must carry out a Sustainability Appraisal ["SA"] for all DPDs. This requirement is set out in The Planning and Compulsory Purchase Act 2004 and associated regulations. The SA process considers the environmental, social and economic impacts of the proposed plan.
- 3.32 The Pendle SA Toolkit (2017) indicates the required format of the SA Report. The toolkit was prepared for the Council by consultant's Wood plc. It accords with the latest government

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<sup>5</sup> The consultation bodies are Natural England, Historic England and the Environment Agency.

<sup>6</sup> Regulation 9 of The Environmental Assessment of Plans and Programmes Regulations 2004.



guidelines and addresses the EU Directive on Strategic Environmental Assessment [“SEA”], as appropriate.

- 3.33 A technical report, identifying baseline information for the SA was produced as part of the scoping consultation on the Local Plan. A more detailed report has also been prepared at the Preferred Options stage. This evaluates all the realistic alternatives that have been considered. It provides reasons for their acceptance, or rejection. The SA will be updated to reflect the final version of the plan before being submitted for its independent examination.

### Habitat Regulations Assessment

- 3.34 The Habitat Regulations Assessment [“HRA”] Screening Report determines whether the plan proposals, either alone or in combination with other proposals, may affect a European site. This is a site where species or habitats are protected under the European Union (EU) Habitats Directive. The screening report must be sent to Natural England for scrutiny.

### Equality Impact Assessment

- 3.35 EqIA is a tool to help local authorities. It considers whether their policies or the way they carry out their functions do what is intended and for everybody. EqIA helps to meet the requirements of the equality duties and identifies active steps to promote equality.
- 3.36 EqIA involves systematically assessing the likely (or actual) effects of policies on people. It looks at disability, gender and racial equality. If required, it can also look at wider equality areas.
- 3.37 A wide range of potential impacts are considered when preparing planning policy. The in-house Service Impact Assessment pro-forma is used to ensure consistency. This looks at equality, diversity, cohesion, health, community safety, sustainability and resources.

### Health Impact Assessment

- 3.38 Health Impact Assessments [“HIA”] are not a legal requirement. They do not generally involve new research or generate original scientific knowledge.
- 3.39 The procedure is like that used in other forms of impact assessment. The aim is to apply existing knowledge and evidence about health impacts, to specific social and community contexts. It provides evidence-based recommendations that inform decision-making. This approach helps to maximise the positive health impacts of policies, programs or projects. It also helps to minimise any negative impacts. In doing so it improves community health and well-being.
- 3.40 There is extensive cross-over with both the SA and EqIA processes. The potential impacts on health arising from policies in the Local Plan are addressed in the SA Report. Specifically sustainability objective H2. On this basis the Council does not propose to publish a separate HIA for any DPDs or SPDs that it produces.

### Evidence Base

- 3.41 The NPPF requires Local Plans to be prepared positively, in a way that is aspirational but deliverable (paragraph 16). They should be based on adequate, relevant and up-to-date evidence. This should be focussed and proportionate, taking account of relevant market signals (paragraph 31).



- 3.42 The Council is under a duty to cooperate with neighbouring authorities and others to plan for strategic matters that cross administrative boundaries. They must show evidence, in the form of a statement of common ground, of effective and on-going engagement to this effect (paragraphs 24 and 27).
- 3.43 To comply with this requirement and help reduce costs the Council has, wherever possible, sought to produce a joint evidence base with one or more neighbouring authorities.
- 3.44 The documents listed in Table 3.5 provide proportionate evidence on the economic, environmental and social characteristics and prospects of the area. They are kept as up-to-date as possible, through a continuous process of review, or replacement.

Table 3.5: Evidence Base Documents

Document	Publisher	Date
<b>Housing</b>		
Burnley & Pendle Strategic Housing Market Assessment	Nathaniel Lichfield & Partners	December 2013
Pendle Housing Needs Study Update	Nathaniel Lichfield & Partners	September 2014
Pendle Housing Needs Assessment	Lichfields	January 2020
Pendle Strategic Housing Land Availability Assessment	Pendle Council	May 2008
	Pendle Council	September 2014
	Pendle Council	March 2019
	Pendle Council	May 2023
Lancashire Sub-Regional Gypsy and Traveller Accommodation and Related Services Assessment	The Salford Housing and Urban Studies Unit of the University of Salford	May 2007
Burnley & Pendle Gypsy, Traveller and Travelling Showpeople Accommodation Assessment	The Salford Housing and Urban Studies Unit of the University of Salford	August 2012
<b>Employment</b>		
Pendle Employment Land Review	Pendle Council	March 2008
	Pendle Council	September 2014
Pendle Retail Survey <sup>7</sup>	Pendle Council	July 2011
Pendle Retail Capacity Study	Nathaniel Lichfield & Partners	July 2010
	Nathaniel Lichfield & Partners	August 2012
Pendle Retail and Leisure Capacity Study	Lichfields	March 2023
<b>Housing and Employment</b>		
Pendle Housing and Economic Development Needs Assessment	Iceni Projects	April 2023

<sup>7</sup> A retail occupancy survey is carried out annually, with results published in the Authority Monitoring Report. Detailed reports on occupancy levels, vacancy rates and retail capacity are published as needed.

Document	Publisher	Date
Environment		
Pendle Biodiversity Audit	Pendle Council	September 2010
Pendle Green Infrastructure Strategy	LUC	July 2019
Pendle Green Belt Assessment	DLP Planning	August 2017
Pendle Open Space Audit	Pendle Council	November 2008
	Pendle Council	March 2019
Pendle Level 1 Strategic Flood Risk Assessment	Entec	October 2006
	JBA Consulting	November 2021
South Pennine Renewable & Low Carbon Energy Study	Maslen Environmental	December 2010
Miscellaneous		
Pendle Development Viability Study	Colliers International / Aspinall Verdi	September 2014
	Lambert Smith Hampton	February 2020
Pendle Sustainable Settlements Study	Pendle Council	November 2008
Pendle Sustainable Settlements Review	Pendle Council	May 2022
Pendle Infrastructure Strategy	Pendle Council	September 2014
Rossendale, Pendle & Burnley Playing Pitch Strategy, Action Plan & Assessment	Knight, Kavanagh and Page	April 2016
Pendle Indoor Sports Review	Pendle Council	November 2017

- 3.45 The Authority Monitoring Report [“AMR”] is an important part of the evidence base. It monitors the effectiveness of existing planning policy. It reports performance against key indicators, such as the availability of housing land; the take-up of employment land, new open space provision etc., for the period 1 April to 31 March
- 3.46 Additional information for the evidence base is collected in a number of ways. This includes regular meetings and ongoing dialogue with neighbouring authorities, key stakeholders (e.g. infrastructure providers) and other interested parties. This helps to meet the Council’s obligations under the duty to cooperate on strategic cross boundary issues and is reported in the AMR.

## 4. How is new planning policy prepared?

### Introduction

- 4.1 The purpose of all planning policy documents is to help deliver the aspirations of the local community and deliver improvements to our quality of life.
- 4.2 To achieve this the vision and priority goals, first articulated in ‘Our Pendle Our Future: Pendle’s Sustainable Community Strategy’ (June 2008), continue to guide the content of the Local Plan.
- 4.3 The Local Plan is also informed by the strategies and action plans published by other departments of the Council (e.g. housing, economic development, environmental health etc.) and external organisations active in the borough (e.g. United Utilities, National Health Service, Network Rail etc.). Spatial planning is the term used to describe the process of integrating these objectives with land-use planning.
- 4.4 The Local Plan sets out the strategic planning policies to guide future development and growth in the borough. It is prepared by Pendle Council in its capacity as the local planning authority. The new Local Plan for Pendle will consist of a single document which:
- Establishes a vision for the future of the area and includes a set of strategic objectives and policies to help deliver this vision.
  - Sets out strategic policy, including the amount and location of new development.
  - Allocates specific sites for new development.
  - Updates development management policies which will be used to inform decisions made on submitted planning applications.
  - Sets out performance, monitoring and review measures of new policies.
- 4.5 The planning policies in any area action plans or neighbourhood plans that are produced must be in general conformity with the strategic planning policies in the Local Plan.

### Engagement and Consultation

- 4.6 Early and meaningful engagement with the local community – residents, businesses, charitable organisations etc. – is the basis of effective collaboration in plan-making.
- 4.7 The Council’s [Statement of Community Involvement](#) [“SCI”] provides detailed information about how the Council will engage and consult with the local community and other interested parties throughout the preparation of new planning policy documents. An update to the current SCI will be undertaken as part of the plan making process associated with the development of a new local plan for Pendle.
- 4.8 The techniques we employ to engage with members of the community range from tried and tested methods (e.g. direct mail and public exhibitions) to new and more innovative approaches (e.g. citizen panel forums, online interactive surveys and social media campaigns).
- 4.9 For transparency all consultation materials are available to view or download from the Council’s website. They are also made available at local libraries, council offices and other venues used by the local community throughout the borough.

### Duty to Cooperate and Cross Boundary Engagement

- 4.10 The statutory<sup>8</sup> duty to cooperate requires plan-making authorities to engage and work jointly with each other, and other public bodies, when preparing policies that address strategic cross boundary issues. To ensure that they have adequate opportunity to comment on the emerging direction of the plan the Council must fully engage with those bodies prescribed for the purposes of [section 33A\(1\)\(c\) of the Localism Act 2011](#) under the Duty to Cooperate.
- 4.11 To comply with the duty, Pendle Council has an established programme of formal meetings with the neighbouring authorities. This includes specific cross boundary interaction and engagement with officers at Burnley and North Yorkshire Councils. These are the two authorities with whom Pendle has the greatest level of cross boundary interaction. Consultation with other neighbouring authorities is also carried out through a combination of pre-existing mechanisms (e.g. Lancashire Development Plan Officer Group, leadership and executive meetings); one-off meetings and events; and correspondence by email or letter.
- 4.12 For matters where there is a significant shared interest (e.g. planning to meet the needs of the Gypsy, Traveller and Travelling Showpeople communities) forums are held or evidence is prepared in partnership with neighbouring authorities and other interested parties (e.g. government agencies and infrastructure providers).
- 4.13 To demonstrate effective and on-going joint working between strategic policy-making authorities and relevant bodies and meet the tests of soundness, the National Planning Policy Framework requires the preparation of one or more statement(s) of common ground [“SoCG”], which is updated throughout the plan-making process. A SoCG is a written record of the progress made during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening that has taken place throughout the plan-making process and is a way of demonstrating at examination that the objectives of the plan are deliverable over the plan period. Statements of Common Ground will be prepared by the Council as part of the plan making process.

### Document Preparation

- 4.14 The key stages in plan preparation are set out in [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). These are summarised below:
- Plan Preparation (Regulation 18)
  - Publication (Regulation 19)
  - Submission to the Secretary of State (Regulation 22)
  - Independent Examination (Regulations 23 to 25)
  - Adoption (Regulation 26)
- 4.15 These stages are reflected in the individual document profiles (Chapter 5) and the LDS Timetable (Appendix 1).
- 4.16 The [NPPF](#) considers the plan-making process in Chapter 3 (paragraphs 15-37 inclusive). Further detail is provided in the [PPG on Plan-making](#).

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<sup>8</sup> Statutory means that it is required by law.

Consulting the statutory bodies on the scope of the Sustainability Appraisal

- 4.17 As noted in Chapter 2, the process of Sustainability Appraisal (SA) plays an important role in plan-making. It is used to identify the likely environmental, social or economic impacts of the plan or a particular policy within it. Where necessary it helps in the evaluation alternative approaches.
- 4.18 Before proceeding with a full SA Report, it is important to:
1. Set out the scope of the appraisal process – The proposed methodology should include:
    - An assessment of other plans and programmes relevant to the plan;
    - The collection of baseline information;
    - The identification of social, environmental and economic issues; and
    - The development of a range of objectives and suitable indicators which can be used as a framework for the SA.
  2. Engage with the three statutory bodies – Natural England, Historic England and the Environment Agency – to ensure consensus on the scope of the SA.

Plan Preparation (Regulation 18)

- 4.19 This stage establishes the basis for continuous participation in plan-making. Meaningful engagement with the local community, public sector partners and private businesses helps to deliver confidence in the chosen strategy.
- 4.20 The starting point for all policy documents is a process of informal engagement. This typically involves a mix of discussions with key stakeholders; desk-based analysis of published data; and the preparation of new documents for the evidence base that will underpin the plan.<sup>9</sup> Collectively these sources of information help to identify the key issues to be addressed by the emerging plan and possible options for dealing with them.
- 4.21 The Council is now in a position to evaluate all possible options. It will carefully consider all of the comments received and carry out further assessment of the available evidence. This will help to identify the most realistic options. These will be taken forward for further evaluation as part of the plan-making process. Each 'reasonable alternative' will be subject to a full sustainability appraisal, which is a key element in this stage of the process.
- 4.22 Where it remains evident that more than one policy approach may be acceptable, further public engagement will help to determine the Council's preferred options.
- 4.23 Considering the views put forward in response to the formal six-week issues and options and/or preferred options consultations typically takes between five and nine months. The actual length of time is dependent on the level of response and the complexity of the plan.

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<sup>9</sup> Options are considered to be reasonable where they are (1) Not in conflict with national or regional planning policy. (2) Not adversely affected by, or adversely affect a known constraint (i.e. flood zone, contaminated land etc.) and help to address a key issue that has been identified and is supported by the available evidence.

Publication (Regulation 19)

- 4.24 The Publication Report represents what the Council considers to be the final version of the Plan. It sets-out what is considered to be the most appropriate strategy for addressing both local needs and the principles of sustainable development.
- 4.25 Before it can be submitted to the Secretary of State for examination, the Council must allow a minimum of six-weeks for interested parties to submit their comments on this version of the plan.
- 4.26 This consultation is not concerned with suggesting further amendments to the overall strategy or individual policies. Its purpose is to determine whether the Council has met all legal requirements in the production of the plan and whether it is considered to be 'sound' (see Paragraph 35, National Planning Policy Framework). To be sound the plan must be:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development
  - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence
  - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground
  - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 4.27 In effect the Publication stage is part of the process for testing the soundness of the plan.
- 4.28 At this stage any significant concerns may require the Council to revise and consult once again on the Publication Report (Regulation 19). If new options need to be considered it may even be necessary to go-back a stage further (Regulation 18). Both scenarios will have a consequential knock-on effect on the timetable for examination of the plan.
- 4.29 Any relatively minor concerns can be addressed through proposed changes to the document prior to submission. Ideally these should be discussed in advance with the Planning Inspectorate or set-out in a Schedule of Proposed Changes submitted for consideration by the Inspector appointed to carry out the examination of the plan.

Submission (Regulation 22)

- 4.30 As soon as practicable after the close of the consultation on the Publication Report, the Council will submit the plan and all supporting documents to the Secretary of State. The examination process starts on the date of submission.
- 4.31 Before the plan can be submitted, the Council must produce a summary of the main issues raised by the representations it received in response to the public consultation on the Publication Report (Regulation 22 (c) (iii)).
- 4.32 Only those representations submitted in response to this consultation will be considered by the Inspector during the examination process. These comments will be used by the Inspector to draw-up a series of questions relating to the overall soundness of the plan.

#### Independent Examination (Regulations 23 and 24)

- 4.33 Where the subject matter addressed by the plan is relatively straightforward the Inspector, may choose to deal with the whole examination by written representations (subject to the right to be heard). However, it is more likely that one or more hearing sessions will need to be held. The key stages in the examination process are set-out below:

Pre-hearing Meeting – A meeting, arranged by the Planning Inspector, to set out the procedures involved at the formal and informal hearing sessions.

Hearing Sessions – An appointed Inspector will consider issues of soundness at the hearing sessions. Anyone who submitted a representation against the soundness of the plan at the Publication stage can exercise their right to be heard.

Inspector's Report – Following the examination period the Inspector will issue a report on the soundness of the plan. Should the plan be found to be sound, or capable of being so with some modification, the local planning authority can progress to adoption.

- 4.34 The Inspector will normally circulate a Guidance Note at an early stage of the examination process. The issuing of this note usually eliminates the need for a Pre-Hearing Meeting. Its purpose is to outline the procedures to be followed in the examination and in preparation for any hearing sessions.
- 4.35 Where requested to do so by the local planning authority, the Inspector's Report will make recommendations on the 'Main Modifications' necessary to make a plan sound. The Planning and Compulsory Purchase Act 2004 requires the Inspectors Report to be explicit that the plan as submitted (i.e. without these Main Modifications) should not be adopted and outlines the reasons why.
- 4.36 There is no requirement for the Council to adopt the plan following the examination. But if it chooses to do so the Main Modifications must be made, to meet the statutory (legal) requirements.

#### Adoption (Regulation 26)

- 4.37 Adoption will require a formal resolution at a meeting of the Council.

#### Judicial Review

- 4.38 Any person may issue a formal challenge if they do not think that the plan meets the conditions of the relevant legislation.
- 4.39 Applications must be made to the High Court within six weeks of the date of the authority advertising that the development plan document has been adopted. You should get legal advice before starting this process.

#### Further Information

- 4.40 Further information can be found in the fifth edition of the Planning Inspectorate document [Procedure Guide for Local Plan Examinations](#) (The Planning Inspectorate, November 2020).

## 5. Project management in plan-making

### Introduction

- 5.1 This chapter considers three important elements in the preparation of new plans and policy. It considers the availability of staff and financial resources, the assessment of risk and the need for ongoing monitoring and review.

### Resources

- 5.2 Since the LDS was first published in 2005, there have been considerable changes in the number of staff working on planning policy matters in Pendle.
- 5.3 In 2005 the team comprised of four planning officers – 1 x manager, 1 x principal officer and 2 x senior officers – supported by a planning technician. All were employed on a full time basis. Three additional officers were then appointed to help prepare up to four Area Action Plans in support of the Housing Market Renewal [“HMR”] pathfinder.
- 5.4 The withdrawal of funding for the HMR pathfinder in 2011 and local government austerity measures have seen significant reductions in the numbers of staff available to work on planning policy matters (Table 5.1).

Table 5.1: Staff resources (full-time equivalent jobs) Time Spent on Supporting Plan Production

Members of Staff	2005	2007	2014	2024
Associate Director: Planning, Building Control & Regulatory Services	0.10	0.10	0.10	0.15
Planning Policy Manager <sup>1</sup>	0.50	0.60	-	-
Principal Planning Officer (Policy)	0.50	0.75	0.75	0.75
Senior Planning Officer (Policy)	0.50	0.60	0.75	0.75
Planning Officer <sup>3</sup>	-	-	-	-
Planning Technician	0.40	0.40	0.24	0.50
Senior Planning Officer (Policy) <sup>1</sup>	0.50	0.60	-	-
Principal Planning Officer (Built Heritage) <sup>2</sup>	0.10	0.07	0.07	0.05
Senior Planning Officer (Built Heritage) <sup>1</sup>	0.10	0.10	-	-
Principal Planning Officer (Environment)	0.10	0.10	0.15	0.05
Manager / Principal Planning Officer (DM)	0.10	0.10	0.10	0.10
Principal Planning Officer (HMR) <sup>1</sup>	0.50	0.50	-	-
Development Officer (HMR) <sup>1</sup>	0.50	0.50	-	-
Development Officer (HMR) <sup>1</sup>	0.50	0.50	-	-
Full-time equivalent jobs (FTEs)	4.40	4.92	2.16	2.35

<sup>1</sup> This post has been made redundant.

<sup>2</sup> This post has been made redundant and work is currently outsourced to Growth Lancashire.

<sup>3</sup> This full-time post was funded from 2018 to 2021 and devoted approximately 30% of its time to plan preparation.



- 5.5 The number of full-time officers in the Planning Policy team reduced from four to two, with the loss of the Planning Policy Manager (2010) and Senior Planning Officer (2014). The Planning Technician is once again working full time. The Principal Conservation Officer retired in 2021 and has not been replaced, with work outsourced to Growth Lancashire on a contractual agreement. The Principal Environment Officer post is now part time.
- 5.6 The individual responsibilities of staff within Planning, Building Control and Licensing who allocate all or part of their regular hours to work on the Local Plan are set out in Table 5.2.

Table 5.2: Staff responsibilities

Position	Areas of work on planning policy
Planning, Building Control & Licensing Manager	<p>Management of Planning Policy and Conservation.</p> <p>Oversee Local Plan preparation – project and staff management.</p> <p>Oversee preparation of the evidence base.</p> <p>Ensure compliance with the statutory Duty to Cooperate.</p> <p>Support parish and town councils with the preparation of their neighbourhood plans.</p> <p>Review and update the LDS.</p> <p>Manage budgets.</p>
Principal Planning Officer (Policy)	<p>Lead on the preparation of DPDs (including the Local Plan), SPDs and evidence base documents.</p> <p>Prepare or oversee the commissioning of documents for the evidence base.</p> <p>Oversee and manage any externally contracted work programmes.</p> <p>Identify and initiate opportunities for joint working.</p> <p>Ensure compliance with the statutory Duty to Cooperate.</p> <p>Support parish and town councils with the preparation of their neighbourhood plans.</p> <p>Prepare documents concerned with matters of process (e.g. SCI, Sustainability Appraisal, Equality Impact Assessment etc.) and ensure compliance with their requirements throughout the plan making process.</p> <p>Liaise with other Council departments and key stakeholders, to ensure clear and consistent linkages with their action plans and strategies.</p> <p>Coordinate work on the Habitat Regulations Assessment (Appropriate Assessment) for Local Plan and any other plans and policies.</p>
Senior Planning Officer (Policy)	<p>Assist in the preparation of DPDs and lead on the preparation of SPDs.</p> <p>Lead on the Sustainability Appraisal of Local Plan policies</p> <p>Contribute ideas for policy development.</p> <p>Policy writing.</p> <p>Support parish and town councils with the preparation of their neighbourhood plans.</p>

Position	Areas of work on planning policy
	<p>Write documents for the evidence base.</p> <p>Gather baseline information for the evidence base, monitoring (AMR, SHLAA etc.).</p> <p>Carry out survey and GIS work.</p> <p>Organise and participate in community engagement events.</p> <p>Manage the annual monitoring process</p> <p>Assist with Habitat Regulations Assessment (HRA) and Strategic Environmental assessment (SEA)</p>
Planning Technician	<p>Gather baseline information.</p> <p>Carry out annual monitoring site visits and data collection.</p> <p>GIS mapping.</p> <p>Manage representations during public consultations.</p>
Principal Conservation Officer Principal Environment Officer	<p>Help to prepare policies addressing conservation of our built heritage, the natural environment and design.</p> <p>Assist with Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA)</p>

- 5.7 As a consequence there has been an increased need to identify and implement opportunities for collaborative working.
- 5.8 Monitoring the occupancy of premises in town centres and protected employment areas is now done in cooperation with staff in Economic Development. The increased utilisation of staff from other Council departments and partner organisations will continue to play a key role in policy development and monitoring going forward (Table 5.3).

Table 5.3: Input from other Council departments

Position	Areas of work on planning policy
Development Management – Principal Development Management Officer	<p>Significant input on Local Plan Policies</p> <p>Significant input into topic based SPDs and Design Briefs</p>
Building Control – Building Control Manager	<p>Assist in monitoring of housing completions (building completion certificates issued)</p>
Council Tax – Council tax Manager	<p>Assist in monitoring of housing completions (new council tax records)</p>
Housing & Regeneration – Housing Needs Manager – Senior Regeneration Officer	<p>Carry-out monitoring of unauthorised gypsy and traveller encampments</p> <p>Maintain Self-build and Custom-build Housing Register</p>

Position	Areas of work on planning policy
Economic Development – Economic Development Officer	Carry-out survey work, help to maintain and update evidence base for Town and Local Shopping Centres and Protected Employment Areas.
Environmental Health – Housing Needs Manager  – Waste and Recycling Coordinator – Environmental Health Manager	Monitoring of long-term empty homes (Housing Flow Reconciliation)  Assist in monitoring housing completions (blue bin registrations)  Reporting of emissions data for the Windsor Street Air Quality Management Area (AQMA)

## Monitoring and Review

- 5.9 The plan, monitor and manage approach emphasises the importance of reviewing existing policy, to ensure that it is still performing as originally intended. It also helps to identify any potential gaps that may require the preparation of a new DPD or SPD.
- 5.10 The Council produces the Authority Monitoring Report [“AMR”] as soon as practical following the close of the monitoring year on 31 March. The AMR provides details on the delivery of new planning policy, against the timetable included in the LDS. It also measures the effectiveness of existing planning policies against a set of agreed indicators. This helps to identify if the revision or replacement of a policy or document is required.

## Risk Assessment

- 5.11 The following table considers a series of issues that could potentially affect the delivery of the Pendle Local Plan. Wherever possible measures have been highlighted that would help to overcome or minimise the effects of the problems these may cause.

Table 5.4: Assessment of potential risks and possible mitigation

Risk	Impact	Mitigation Measures
Programme slippage	<p>Key milestones in the Pendle LDS cannot be met and the Local Plan will not be delivered within the predicted timescales.</p> <p>Could potentially affect the levels of funding awarded to Pendle Council.</p>	<p>Pendle Council has taken a realistic view of Local Plan delivery and will not start work on key documents until it is possible to complete them within a reasonable timeframe.</p> <p>Annual monitoring in the AMR and regular reviews of the LDS will be used to help manage this process.</p> <p>Early and meaningful engagement in the plan-making process should help to minimise the volume of representations received.</p> <p>The need for further Project Management training will be considered, as necessary.</p>

Risk	Impact	Mitigation Measures
Changes to national planning policy or planning law	Need to revise documents currently in preparation	<p>The Council has no control over this matter, and it is difficult to mitigate against.</p> <p>Significant changes are normally preceded by a public consultation.</p>
Staff resources	<p>Lack of sufficient staff resources to bring forward documents in accordance with the LDS timetable.</p> <p>This could potentially affect the levels of funding awarded to Pendle Council.</p>	<p>The allocation of responsibilities across the Planning Policy team will help to ensure consistency in the absence of a member of staff.</p> <p>If necessary, and where funding permits, the use of external consultants will be considered.</p> <p>Should key members of staff be absent for a prolonged period of time, it may be necessary to re-assess the priorities within the section or department – i.e. make use of ‘surplus’ resources from other sections within Planning &amp; Building Control (e.g. should Development Management be low on applications) – or seek the appointment of a trainee or modern apprentice.</p> <p>Pendle Council offers excellent staff retention packages, including flexitime and the opportunity for home working.</p>

Risk	Impact	Mitigation Measures
Inability to recruit	<p>Lack of sufficient staff resources to bring forward documents in accordance with the LDS timetable.</p> <p>This could potentially affect the levels of funding awarded to Pendle Council.</p>	<p>The allocation of responsibilities across the Planning Policy team will help to ensure consistency in the absence of a member of staff.</p> <p>If necessary, and where funding permits, the use of external consultants may be considered, on a temporary basis.</p> <p>Should key members of staff leave and not be replaced, or be absent for a prolonged period of time, it may be necessary to re-assess the priorities within the section or department – i.e. make use of ‘surplus’ resources from other sections within Planning &amp; Building Control (e.g. should Development Management be low on applications) – or seek a temporary secondment.</p> <p>Pendle Council is willing to fund geography graduates to enable them to obtain a recognised planning qualification when necessary.</p> <p>Pendle Council offers excellent staff retention packages, including flexitime and the opportunity for home working.</p>
Capacity of Planning Inspectorate	<p>Inability to meet deadlines for examination.</p> <p>This will result in delays to the adoption of DPDs.</p>	<p>This is largely out of the Council’s control, but Pendle Council will liaise closely with the Planning Inspectorate (PINS) on this issue.</p>
Capacity of statutory consultees and other agencies to engage in the plan making process	<p>Risk of potential slippage or failure to meet Duty to Cooperate requirements</p>	<p>Early consultation with key stakeholders to advise them and other interested parties about the programme timescales and opportunities to engage and provide for formal comments</p> <p>Highlight potential impacts on other strategies and programmes</p>

Risk	Impact	Mitigation Measures
Political delay	Deferring decision making.  This could result in delays to the adoption of DPDs and SPDs.	Elected Members are involved at an early stage in the preparation process. A cross-party Steering Group has been set-up to help resolve any issues and secure political 'buy-in' ahead of committee decisions. Approval of the Full Council is required for all new planning policy, but meets on a quarterly basis, potentially delaying the preparation process. Requests to hold a special meeting of the Full Council can be pursued with the Chief Executive and Leader of the Council.
Limited availability of committee dates at certain times of the year	Delays decision making.  Could result in delays to the LDF programme.	When reviewing the LDS, ensure that committee dates are available when key milestones need to be achieved. Target dates should, wherever possible, avoid election time (late March – early May) when Committee meetings are unlikely to be held.
DPDs found unsound	A key component of the Local Plan is not delivered.  Wasted staff and financial resources.	Make use of the PAS Self-Assessment Toolkit to ensure that all necessary steps have been taken and are fully documented. Liaise with PINS ahead of Publication of a DPD.
Lack of in-house skills	Inability to prepare a comprehensive and robust evidence base.  Those studies produced may be inappropriate and contribute to a potential delay in the preparation of the evidence base.	Budget is available for staff training. Where in-house expertise is not available, external consultants may be employed to provide technical support and/or produce key pieces of work for the evidence base.

## 6. Conclusions

### Summary

- 6.1 This Local Development Scheme ["LDS"] provides details of the work to be carried out by the Council and its partners, in order to produce a sound Local Plan for the borough.
- 6.2 The LDS provides clear information for councillors, members of the local community and other interested parties (key stakeholders) about the process and timescales to be followed. In particular it highlights when they can expect to be consulted or asked to actively participate in the preparation of new planning policy documents.

- 6.3 The Localism Act, 2011 makes it clear that where there is any slippage from the agreed timetable, the Council should provide real time public information on progress. The Council will do this by publishing up-to-date information on the Council website; in the Framework newsletter and via local media.

### Further information

- 6.4 The Council's website is a valuable source of information on planning policy. It is also used to engage with the local community via online surveys.
- 6.5 All Local Plan documents, including those that form part of the evidence base, can be viewed or downloaded from the Council's website via the planning policy portal at:
- [www.pendle.gov.uk/planning](http://www.pendle.gov.uk/planning)
- 6.6 Regular updates on progress are provided in our RTPI award winning newsletter Framework. This is emailed to all contacts on our database with a valid email address. Copies are also sent to local libraries and council offices throughout Pendle. Recent issues can be viewed or downloaded at:
- [www.pendle.gov.uk/framework](http://www.pendle.gov.uk/framework)
- 6.7 The Council's planning policy is currently set out in a number of development plan documents. An interactive version of the Local Plan is available at:
- [www.pendle.gov.uk/localplan](http://www.pendle.gov.uk/localplan)
- 6.8 For more detailed advice or assistance, please contact a member of the Planning Policy team using the contact details below:

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

Email: [planningpolicy@pendle.gov.uk](mailto:planningpolicy@pendle.gov.uk)

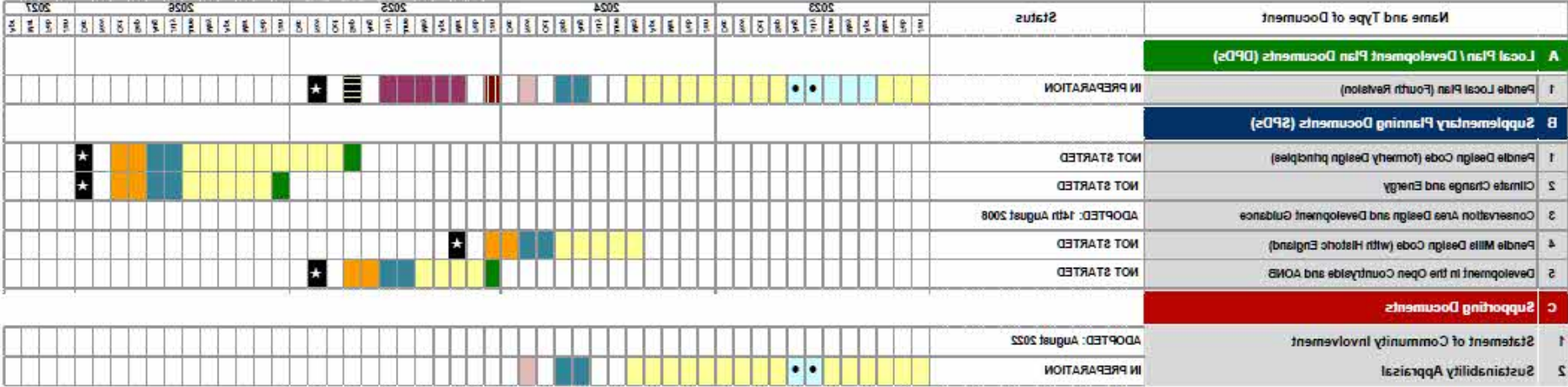
Telephone: 01282 661330





## Appendix 1 – LDS Timetable

Appendix 1: Pendle LDS Timetable



NOTES:

[1] Where stages have been completed prior to January 2020, the milestones are not shown in this timetable

[2] In line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, amended Policies Map will be submitted with each DPD.

KEY:

**Development Plan Documents**

- Current statutory bodies on the scope of the SA
- Evidence gathering and/or document preparation
- Regulation 18 - Local Plan Preparation
- Issue 1 Printed Options consultation (optional)
- Regulation 19 - Publication of the Local Plan
- Regulation 22 - Submission to the Secretary of State
- Pre-writing meeting
- Regulation 24 - Independent Examination
- Regulation 25 - Publication of the Recommendations
- Regulation 26 - Adoption of the Local Plan

**Supplementary Planning Documents**

- Consult statutory bodies on the scope of the SA
- Evidence gathering and/or document preparation
- Regulation 12 - Publication of SPD
- Regulation 13 - Consideration of Representations
- Regulation 14 - Adoption of SPD


## Appendix 2 – DPDs in preparation

Pendle Local Plan (Fourth Edition)		
Status	Development Plan Document [DPD]	
Scope	Sets-out strategic policy including defining development needs and how this need will be met. Site specific allocations for different types of development. Identifies areas where development will be resisted or required to meet higher standards of design. Establishes a suite of detailed policies for development management.	
Chain of Conformity	National Planning Policy Framework	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	June – July 2022
	Commence document preparation	April 2022
	Preferred Options consultation	June – August 2023
	Local Green Space Site Appraisal Consultation	October - November 2023
	Publication consultation (Regulation 19)	August – September 2024
	Submission to the Secretary of State	November 2024
	Hearing Sessions	March 2025
	Receipt of Inspector's Report	September 2025
	Adoption	November 2025
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.

## Appendix 3 – SPDs in preparation


Development in the Open Countryside and Forest of Bowland National Landscape		
Status	Supplementary Planning Document [SPD]	
Scope	Provide detailed design guidance for new development in the open countryside or the Forest of Bowland National Landscape.	
Chain of Conformity	NPPF New Local Plan	
Geographical Coverage	Borough-wide and site specific to the area designated as part of the Forest of Bowland National Landscape	
Production Timetable & Key Milestones	Consultation on the SPD objectives	January 2025
	Commence document preparation	February 2025
	Consultation on draft SPD	June – July 2025
	Consider representations	August – September 2025
	Adoption	October 2025
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.

Pendle Design Code		
Status	Supplementary Planning Document [SPD]	
Scope	Provide detailed design requirements for developments coming forward within Pendle	
Chain of Conformity	NPPF New Local Plan	
Geographical Coverage	Existing and former mill sites Borough-wide	
Production Timetable & Key Milestones	Consultation on the SPD objectives	September 2025
	Commence document preparation	October 2025
	Formal consultation on draft	July – August 2026
	Consider representations	September – October 2026
	Adoption	December 2026
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	


 Estimated dates; stage not yet complete.

Climate Change and Energy		
Status	Supplementary Planning Document [SPD]	
Scope	Provide detailed guidance to ensure that new development is resilient to the effects of climate change and makes an effective contribution to the Council's aims to secure a net zero economy by 2050.	
Chain of Conformity	NPPF New Local Plan	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Consultation on the SPD objectives	January 2026
	Commence document preparation	February 2026
	Consultation on draft SPD	July – August 2026
	Consider representations	September - October 2026
	Adoption	December 2026
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.



Pendle Mills Design Code (in partnership with Historic England)		
Status	Supplementary Planning Document [SPD]	
Scope	Provide detailed guidance to help applicants conserve and enhance Pendle's industrial legacy sites.	
Chain of Conformity	NPPF New Local Plan	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Commence document preparation	May 2024
	Consultation on draft SPD	October to November 2024
	Consider representations	December 2024 to January 2025
	Adoption	March 2025
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team Historic England Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.

## Appendix 4 – Adopted DPDs

Bradley Area Action Plan		
Status	Development Plan Document [DPD]	
Scope	To provide a statutory basis for regeneration activity in that part of the Bradley ward in Nelson, which forms part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
Chain of Conformity	Core Strategy Policy LIV1 – Housing Provision and Delivery	
Geographical Coverage	Bradley area of Nelson (as defined on the Proposals Map)	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	February 2006
	Commence document preparation	
	Pre-submission consultation	18 February 2008 – 31 <sup>st</sup> March 2008
	Publication consultation	6 <sup>th</sup> August 2010 – 20 <sup>th</sup> September 2010
	Submission to the Secretary of State	December 2010
	Pre-Hearing Meeting	None - guidance note issued by the Inspector
	Hearing Sessions	15 <sup>th</sup> March 2011
	Receipt of Inspector's Report	26 <sup>th</sup> May 2011
	Adoption	30 <sup>th</sup> June 2011
Lead Officer	HMR Principal Planner	
Management	Principal Planning Officer (Policy), Planning & Building Control Manager and the Council's Management Team	
Political Management	HMR Member Steering Group and the Executive Members for Planning and Housing. All documents reported to the Council's Executive and/or Full Council. Full Council resolution required for submission and adoption.	
External Resources	Consultants lead on preparation of the Masterplan (Pre-submission consultation). Cobbetts LLP was engaged to provide legal advice.	
Council Resources	HMR budget. HMR Principal Planner post established to lead on publication and submission.	
Community Engagement	DPD followed the Transitional Provision of the Town and Country Planning (Local Development) (England) Regulations 2008.  Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2008, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme.	

Local Plan Part 1: Core Strategy		
Status	Development Plan Document [DPD]	
Scope	Sets-out a vision for the future of Pendle. Establishes strategic (development) objectives, together with a spatial strategy and core planning policies to guide future development. Identifies strategic site allocations for housing and employment.	
Chain of Conformity	National Planning Policy Framework	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	October 2006
	Commence document preparation	July 2007
	Issues and Options consultation	4 <sup>th</sup> July – 18 <sup>th</sup> August 2008
	Preferred Options consultation	28 <sup>th</sup> October – 12 <sup>th</sup> December 2011
	Publication consultation (1)	19 <sup>th</sup> October – 3 <sup>rd</sup> December 2012
	Further Options consultation	10 <sup>th</sup> January – 21 <sup>st</sup> February 2014
	Publication consultation (2)	10 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014
	Submission to the Secretary of State	19 <sup>th</sup> December 2014
	Pre-Hearing Meeting	None
	Hearing Sessions	14 <sup>th</sup> – 28 <sup>th</sup> April 2015
	Receipt of Inspector's Report	26 <sup>th</sup> October 2015
	Adoption	17 <sup>th</sup> December 2015
	Review	Carried out in December 2020 Document now being replaced by the preparation of a new Local Plan.
Lead Officer	Principal Planning Officer (Policy)	
Management	Planning & Building Control Manager and Council's Management Team	
Political Management	Member Steering Group comprising the leaders of the Conservative, Labour and Liberal Democrats (one of whom will be The Leader of the Council) and the Executive Member for Planning. All documents reported to the Council's Executive and/or Full Council. Full Council resolution required for each formal public consultation and for submission and adoption.	
External Resources	Eversheds LLP, Cobbetts LLP and Squire Patton Boggs were engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	

Community Engagement	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.
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## Appendix 5 – Adopted SPDs

Brierfield Canal Corridor Housing Brief		
Status	Supplementary Planning Document [SPD]	
Scope	To provide a basis for regeneration activity in an area of Brierfield forming part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
Chain of Conformity	Core Strategy Policy LIV1 – Housing Provision and Delivery	
Geographical Coverage	Area of Brierfield off Clitheroe Road (as defined on Map 1 in the SPD)	
Production Timetable & Key Milestones	Commence document preparation	July 2003
	Preparation of ADF Planning Brief	July 2003 – March 2004
	Consideration of Issues and Options	April – October 2004
	Consultation on draft Masterplan	17 <sup>th</sup> January – 28 <sup>th</sup> February 2005
	Consult statutory bodies on the scope of the Sustainability Appraisal	June 2005
	Consultation on draft SPD	1 <sup>st</sup> July – 29 <sup>th</sup> July 2005
	Consider representations	August – September 2005
	Adoption	27 <sup>th</sup> October 2005
Lead Officer	HMR Senior Regeneration Officer	
Management	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
Political Management	HMR Member Steering Group and the Executive Members for Planning and Housing. Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
External Resources	Consultants (GVA Grimley) led on the preparation of a Masterplan for the Brierfield Area Development Framework.	
Council Resources	HMR budget. HMR Regeneration team lead on the preparation of the SPD.	
Community Engagement	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme.  Please note: Much of the preparatory work leading up to the publication of the draft SPD pre-dated the introduction of the Planning & Compulsory Purchase Act (September 2004) and the requirements for sustainability appraisal.	

Conservation Area Design and Development Guidance		
Status	Supplementary Planning Document [SPD]	
Scope	Detailed policy advice on design and new development within the Conservation Areas of Pendle.	
Chain of Conformity	Replacement Pendle Local Plan 2001-2016 – Policy 10	
Geographical Coverage	Borough-wide, within the boundaries of the designated Conservation Areas.	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	October 2006
	Consultation on the SPD objectives	21 <sup>st</sup> May – 15 <sup>th</sup> June 2007
	Commence document preparation	July 2007
	Consultation on draft SPD	18 <sup>th</sup> January – 29 <sup>th</sup> February 2008
	Consider representations	March – July 2008
	Adoption	14 <sup>th</sup> August 2008
Lead Officer	Principal Planning Officer (Built Heritage)	
Management	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
Political Management	Executive Member for Planning Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
External Resources	None	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in The Town and Country Planning (Local Development) (England) Regulations 2004 and the Council's Statement of Community Involvement.	



Design Principles		
Status	Supplementary Planning Document [SPD]	
Scope	To provide guidance on the types of householder developments, shop-fronts and advertisements likely to be acceptable to the local planning authority; together with advice on the planning and design of domestic extensions.	
Chain of Conformity	Replacement Pendle Local Plan 2001-2016 – Policy 13	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	3 <sup>rd</sup> October – 20 <sup>th</sup> October 2006
	Consultation on the SPD objectives	21 <sup>st</sup> May – 15 <sup>th</sup> June 2007
	Commence document preparation	June 2007
	Consultation on draft SPD	27 <sup>th</sup> February – 14 <sup>th</sup> April 2009
	Consider representations	May – November 2009
	Adoption	10 <sup>th</sup> December 2009
Lead Officer	Development Control Manager	
Management	Principal Planning Officer (Policy), Planning & Building Control Manager and the Council's Management Team.	
Political Management	Executive Member for Planning Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
External Resources	None	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in The Town and Country Planning (Local Development) (England) Regulations 2004; The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008 and the Council's Statement of Community Involvement.	

Railway Street Neighbourhood (Brierfield)		
Status	Supplementary Planning Document [SPD]	
Scope	To provide a basis for regeneration activity in an area of Brierfield forming part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
Chain of Conformity	Core Strategy Policy LIV1 – Housing Provision and Delivery	
Geographical Coverage	Area of Brierfield immediately east of the railway line (as defined on the map on the inside cover of the SPD)	
Production Timetable & Key Milestones	Commence document preparation	August 2003
	Preparation of ADF Planning Brief	August 2003 – March 2004
	Consideration of Issues and Options	7 <sup>th</sup> October 2006 – 10 <sup>th</sup> December 2008
	Consultation on draft Masterplan	11 <sup>th</sup> May – 25 <sup>th</sup> May 2007
	Consult statutory bodies on the scope of the Sustainability Appraisal	May 2007
	Consultation on draft SPD	20 <sup>th</sup> August – 1 <sup>st</sup> October 2010
	Consider representations	October – November 2010
	Adoption	9 <sup>th</sup> December 2010
Lead Officer	HMR Senior Regeneration Officer and HMR Principal Planner	
Management	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
Political Management	HMR Member Steering Group and the Executive Members for Planning and Housing. Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
External Resources	Consultants (URBED) led on the preparation of a Masterplan for the Railway Street Area Development Framework.	
Council Resources	HMR budget. HMR Regeneration team lead on the preparation of the SPD.	
Community Engagement	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme.  Please note: Much of the preparatory work leading up to the publication of the draft SPD pre-dated the introduction of the Planning & Compulsory Purchase Act (September 2004) and the requirements for sustainability appraisal.	



## Appendix 6 – Glossary

Term / Common abbreviation		Brief Description <span>Bold Text = A term also addressed within the glossary</span>
Authority Monitoring Report	AMR	Previously known as the Annual monitoring Report. This document is published as soon as practicable after the end of the monitoring period (31 March). It sets out how the Council's planning policies have been used and whether they have achieved the milestones set out in the Local Development Scheme.
Appropriate Assessment	AA	A requirement, under the European Habitats Directive. Its purpose is to assess the potential impact emerging planning policies may have – either alone, or in combination with other projects or plans – on the structure, function or conservation objectives for a European (Natura 2000 <sup>10</sup> ) Site.
Area Action Plan	AAP	A Development Plan Document that provides the planning framework for a specific location subject to conservation, or regeneration. A key feature is its focus on implementation.
Biodiversity Net Gain	BNG	Introduced by the Environment Act 2021, this is a mandatory requirement for all qualifying development proposals to provide at least a 10% benefit for biodiversity when measured against the pre-development condition of a site. The statutory Biodiversity Metric must be used to confirm the pre-development biodiversity value of existing habitat features. Consideration of how these features are affected by the development proposals informs what additional provision is needed to replace their loss or degradation and to provide a minimum 10% net gain. BNG is applicable to all major development proposals from 12 February 2024, and qualifying small scale proposals from 2 April 2024.
Consultation Statement	-	Demonstrates how a document has been prepared in accordance with the requirements set out in The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The statement set outs:  which bodies and persons were invited to make representations under Regulation 25 (Regulation 26 for the Statement of Community Involvement);  how these bodies and persons were invited to make such representations;  a summary of the main issues raised by those representations; and  how those main issues have been addressed in the LDD.
Core Strategy	-	The key document in the new Pendle Local Plan. It establishes the strategic framework for planning in Pendle. Specifically it sets out:  a spatial vision and strategic objectives;  a spatial strategy;  core policies; and

<sup>10</sup> Natura 2000 Sites include Special Areas of Conservation (SACs) designated for species and habitats and Special Protected Area (SPAs) designated for birds. On land these are usually part of existing Sites of Special Scientific Interest (SSSIs).

Term / Common abbreviation		Brief Description <span>Bold Text = A term also addressed within the glossary</span>
		<p>a framework for monitoring and implementation.</p> <p>The Core Strategy must be kept up to date and all other planning policy documents in the borough must be in general conformity with the strategic policies in the plan.</p>
Development Management		<p>The introduction of ‘development management’ sought to change the culture of planning away from ‘development control’. It is customer-focussed, positive, proactive and inclusive. Great emphasis is placed on landowners, developers or their agents seeking pre-application advice before submitting a planning application.</p> <p>Development management policies are set out in a suite of Development Plan Documents, including the Local Plan. They help to ensure that the vision and strategic objectives for the future of the area are achieved.</p>
Development Plan	-	<p>The Development Plans consists of a small number of statutory planning documents. These Development Plan Documents contain the policies and site specific allocations used to guide the nature and location of development in the borough.</p>
Development Plan Document	DPD	<p>These are statutory planning documents, which contain the key policies used to control development in the Borough.</p> <p>A Policies Map (previously known as a Proposals Map), which illustrates the spatial extent of these policies, must also be prepared and maintained to accompany all DPDs.</p> <p>DPDs form part of the Development Plan and are, therefore, a primary consideration in decisions on a planning application, unless material considerations indicate otherwise. As such they are subject to rigorous consultation procedures, sustainability appraisal and independent examination. DPDs can only be adopted once the inspector appointed by the Government to oversee the examination has issued his/her binding report.</p>
Duty to Cooperate	DtC	<p>A legal requirement on local planning authorities to engage with other relevant authorities and bodies constructively, actively and on an ongoing basis for strategic planning matters. The guidance was withdrawn in September 2018 and the Duty itself is to be repealed and replaced by a more flexible alignment test.</p>
Evidence Base	-	<p>The body of information and data prepared or commissioned by a local planning authority to help justify the soundness of the policy approach set out in the Local Plan.</p>
Front Loading	-	<p>The term used to reflect that public input and consensus will be sought at the earliest opportunity in the production of the Local Plan and other planning policy documents.</p>
General Consultation Bodies	-	<p>The Regulations require local planning authorities to consult such of the ‘general consultation bodies’ as they consider appropriate, in the preparation of documents that will form part of the Local Plan. General consultation bodies include:</p> <ol style="list-style-type: none"> <li>Voluntary bodies some or all of whose activities benefit any part of the authority’s area</li> <li>Bodies which represent the interests of different racial, ethnic or national groups in the authority’s area.</li> </ol>

Term / Common abbreviation		Brief Description <small>Bold Text = A term also addressed within the glossary</small>
		<p>c. Bodies which represent the interests of different religious groups in the authority's area.</p> <p>d. Bodies which represent the interests of disabled persons in the authority's area.</p> <p>e. Bodies which represent the interests of persons carrying on business in the authority's area.</p> <p>Also refer to: Specific consultation bodies</p>
Green Infrastructure	-	<p>The term used to describe natural and managed areas of 'green' land lying both in, and between, our towns and villages, that together make up a network of inter-connected, high quality, multi-functional open spaces and the corridors that link them, which provide multiple social, economic and environmental benefits for both people and wildlife.</p> <p>Also refer to: Infrastructure</p>
Housing Market Renewal	HMR	<p>A Government programme that ran from April 2002 to March 2011. It sought to coordinate public sector intervention to help sustain areas where housing market failure was evident – i.e. low demand and high levels of abandonment.</p>
Infrastructure	-	<p>Collective term for the basic services necessary for development to take place i.e. transport, electricity, sewerage, water, education, health and community facilities.</p> <p>Also refer to: Green infrastructure</p>
Local Development Scheme	LDS	<p>Sets out the timetable to produce the Local Plan and other planning policy documents.</p>
Local Plan	-	<p>Document setting out detailed proposals concerning the use of land in an area. The Plan consists of a Written Statement and accompanying Policies Map. The Plan provides the basis for the determination of planning applications and to help co-ordinate new development.</p>
Local Transport Plan	LTP	<p>A bidding document to help secure funding for local transport projects. Lancashire County Council is responsible for preparing the Lancashire Transport Plan.</p>
National Planning Policy Framework	NPPF	<p>The National Planning Policy Framework was first published by the Department of Communities and Local Government on 27<sup>th</sup> March 2012, consolidating information previously contained in a large number of individual Planning Policy Statements (PPS) or Planning Policy Guidance Notes (PPG).</p>
Neighbourhood Development Plan	-	<p>Introduced by the Localism Act 2011, they enable local communities to shape development in their areas through the production of a Neighbourhood Development Plan (often abbreviated to Neighbourhood Plan). When made (adopted) they become part of the Development Plan and are used in the determination of planning applications.</p> <p>In Pendle, which is fully parished, their preparation must be led by a Parish or Town Council.</p>
Planning Practice Guidance	PPG	<p>Launched on 6 March 2014, this is a web-based resource that brings together detailed information on various topics.</p> <p>It is important to note that the guidance should not be seen as representing Government policy. This is set out in the</p>

Term / Common abbreviation		Brief Description	Bold Text = A term also addressed within the glossary
		National Planning Policy Framework.	
Policies Map	-	A map of the borough, using an Ordnance Survey base to illustrate the spatial implications of the policies and proposals contained in the Local Plan and other Development Plan Documents. The map defines sites where particular developments or land uses are favoured, or those areas that are protected from development. Detailed inset maps are used where additional clarity is required.	
The Regulations	-	Refers to The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, which govern all matters relating to the preparation of Local Plan documents.	
Site Allocations	-	The allocation of land for particular uses within a Development Plan Document.	
Soundness	-	<p>For a document to be considered sound it must be legally compliant (i.e. prepared in accordance with The Regulations) positively prepared, justified, effective and compliant with national policy.</p> <p>Documents must be founded on adequate, up-to-date and relevant evidence and represent the most appropriate strategy when considered against the reasonable alternatives.</p>	
Spatial planning	-	<p>Spatial planning refers to the methods used by the public sector to influence the distribution of people and activities in a particular area. It goes beyond traditional land use planning, in that it brings together and integrates policies for the development and use of land with other policies and programmes which influence the nature of places and how they function.</p> <p>This will include policies which can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.</p>	
Specific Consultation Bodies		<p>The Regulations require local planning authorities to consult each of the ‘specific consultation bodies’, to the extent that they consider that the proposed subject matter affects the body, in the preparation of documents that will form part of the Local Plan.</p> <p>The list of specific consultation bodies is identified in the regulations. It includes organisations such as major government departments, infrastructure providers neighbouring local authorities and parish councils both within and adjoining the borough boundary.</p> <p>Also refer to: General consultation bodies</p>	
Stakeholder	-	The term used to describe any organisation or individual that has a direct interest in, or is affected by, the actions or decisions of another individual or organisation.	



Term / Common abbreviation	Brief Description
Statement of Community Involvement	<p>SCI</p> <p>Sets out how a local planning authority (e.g. Pendle Council) intends to consult the public and selected organisations in the preparation, alteration and continuing review of the Local Plan, other planning policy documents and Development Management decisions. It explains how people and organisations can get involved in the preparation of new planning policy and how they will be consulted on planning applications.</p> <p>The SCI is no longer subject to independent examination but is still part of a comprehensive approach to engagement.</p>
Strategic Environmental Assessment	<p>SEA</p> <p>A legally enforced procedure required by EU Directive 42/2001/EC. It aims to introduce a systematic assessment of the environmental effects of strategic planning and land use decisions. In England the SEA requirements have been incorporated into the Sustainability Appraisal process.</p>
Statutory	<p>-</p> <p>Required by law (statute), usually through an Act of Parliament.</p>
Sub-regional	<p>-</p> <p>The term used to describe any subdivision of a region, larger than a district authority. For example Lancashire and East Lancashire are both regarded as sub-regions within the North West of England.</p>
Supplementary Planning Document	<p>SPD</p> <p>Cover a thematic or site specific issue. They provide additional information and guidance that expands on a 'parent' policy in a Development Plan Document. They do not form part of the statutory Development Plan and cannot be used to allocate land or introduce new planning policies (Development Plan Document). Although SPDs go through public consultation procedures and sustainability appraisal, they are not subject to independent examination.</p>
Sustainability Appraisal	<p>SA</p> <p>The process of assessing the policies and site allocations in a Development Plan Document, for their global, national and local implications on social, economic and environmental objectives.</p> <p>Also refer to: Strategic Environmental Assessment</p>
Sustainable Development	<p>-</p> <p>Various definitions of sustainable development have been put forward over the years, but that most often used is the Brundtland definition: enabling development that meets the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>Planning seeks to promote sustainable development by helping to achieve a balance between economic growth, social advancement and environmental conservation.</p>

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## Local Development Scheme Revision

The following pages of the Local Development Scheme replace those in the version adopted at Executive on 14<sup>th</sup> March 2024.

Pendle Local Plan (Fourth Edition)		
Status	Development Plan Document [DPD]	
Scope	Sets-out strategic policy including defining development needs and how this need will be met. Site specific allocations for different types of development. Identifies areas where development will be resisted or required to meet higher standards of design. Establishes a suite of detailed policies for development management.	
Chain of Conformity	National Planning Policy Framework	
Geographical Coverage	Borough-wide	
Production Timetable & Key Milestones	Consult statutory bodies on the scope of the Sustainability Appraisal	June – July 2022
	Commence document preparation	April 2022
	Preferred Options consultation	June – August 2023
	Local Green Space Site Appraisal Consultation	October - November 2023
	Publication consultation (Regulation 19)	October - November 2024
	Submission to the Secretary of State	January 2025
	Hearing Sessions	April 2025
	Receipt of Inspector's Report	October 2025
	Adoption	December 2025
Lead Officer	Principal Planning Officer (Policy)	
Management	Assistant Director: Planning, Building Control & Regulatory Services Manager Pendle Council Management Team	
Political Management	Lead member for planning Draft documents for public consultation reported to Executive and/or Council. Council resolution required for adoption.	
External Resources	Squire Patton Boggs is engaged to provide legal advice.	
Council Resources	The Local Plan budget is ring-fenced.	
Community Engagement	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.



## REPORT TO COLNE AND DISTRICT COMMITTEE

**Application Ref:** 22/0790/OUT

**Proposal:** Outline (Major): Development of 150 new homes; refurbishment and extension of an existing pump house building and its change of use to a Class E or Class F community use; formation of a new means of access onto Windermere Avenue; alterations to an existing means of access onto Castle Road; and other associated works (Access only).

**At:** Land off Windermere Avenue, Colne

**On behalf of:** Accrue Capital Limited

**Date Registered:** 21.11.2022

**Expiry Date:** 20.02.2023

**Case Officer:** Neil Watson

### **Site Description and Proposal**

The application site is an area of agricultural land located between Skipton Old Road, Favordale Road and Castle Road, on the north east side of Colne. The proposal is to erect up to 150 houses. The application site is a green field site with no development on it except for a dilapidated former pump house on the southern fringe. The Lidget and Bents Conservation Area is designated on part of the lower southern section of the site.

Two access points are proposed from the site. The first is onto the new development found on the western side of the site and the second onto Castle Road.

The proposal is to develop circa two-thirds of the site with the south eastern section remaining open. The pump house on site is proposed to be developed as a café with an access track leading down to it to serve a car parking area.

A pond and play area are proposed to be provided on the southern lower section of the site.

### **Relevant Planning History**

13/14/0580P – Outline. Erection of 90 houses. Refused – Allowed on appeal

13/14/0581P – Outline Erection of 270 houses. Refused. Appeal dismissed on impact of the development on the conservation area.

13/94/0084P - Outline: Application for Residential Development (9.8 acres). Refused 25/04/1994. Appeal Dismissed, 21/12/1994.

13/95/0031P - Outline: Erect 87 detached dwellings (9.8 acres). Withdrawn, 24/02/1995.

13/98/0407P - Erect 78 houses and associated access roads. Withdrawn, 13/04/1999.

13/99/0026P - Outline: Erect 78 houses and associated access roads. Refused, 04/03/1999.

## **Consultee Response**

### **Trawden parish Council**

Councillors thought it important that we object to the proposals within this application. Any further development of 'The Rough', would be highly visible from many vantage points within the Trawden Conservation Area. It will have a detrimental effect on the status of the long-range views from many areas of the parish

### **Greater Manchester Ecology Unit (Advice to PBC)**

Accept that the development proposal will not cause any direct harm to national, statutorily designated sites or locally designated sites. It is considered too distant from such sites for direct effects to occur.

Bird surveys undertaken to inform the planning application have not found sufficient bird interest on the site to indicate that the site is functionally linked to the designated sites, but there is some notable bird interest associated with the Foulridge Reservoirs, approximately 500m to the north of the site. The development of the application site may have indirect impacts on birds using the Reservoirs and surrounds because residents of the new development may use nearby sites for recreation. Residents may also visit the Moors for recreation. I would therefore advise that, to mitigate for this potential indirect impact, new residents should be provided with information concerning the importance of the above sites for birds, and of the need to avoid disturbance to birds while using these sites.

### *Supplementary Response to the Representations from the Lancashire, North Merseyside Wildlife Trust*

I have received representations from the Lancashire Wildlife Trust (LWT) about the above planning application. They are concerned that the Ecology surveys which have been carried out by consultants on behalf of the developer have underplayed the value of the site; in particular they consider it likely that the site does support breeding Curlews (the consultants' view was that the site is used for foraging by Curlews but not



for breeding), and that the grassland is more botanically rich than the surveys provided to inform the planning application would suggest.

I am therefore faced with two sets of surveys undertaken by professional consultants (the recent TEP survey and the surveys undertaken for previous applications / appeals) and the results of less structured surveys and anecdotal evidence undertaken by the LWT and reported by local residents, all of which value the site differently. The LWT botanical species lists do not allow for detailed abundance or distribution assessments – that is, whether the whole site has high value or whether this value is confined to only parts of the site – but TEP in their survey do report that parts of the site are more species-rich than others. My own site visit was made in March, outside of the optimum period for either botany or breeding birds. It's unclear whether the botanical value of the grassland may be a function of the grassland recovering from past improvement, which may explain discrepancies in species recorded at different times, or whether it always had a level of botanical interest which may have been overlooked in previous surveys. Both sets of consultants, and the LWT, are suitably qualified and experienced field naturalists.

I am not clear whether the LWT have submitted formal comments to the planning authority on the application, or whether they have just provided comments directly to GMEU. Nevertheless, I have reviewed the application in the light of their comments, which I regard as very credible.

Even if I give greater weight to the views of the Wildlife Trust than the survey results provided by the consultants, I would consider it doubtful that there is sufficient ecological value on the site to merit an outright refusal of the application on nature conservation grounds which would not then be subject to substantive challenge, because -

- the site is not currently designated for its ecological value,
- the development will not directly affect any designated sites,
- curlew numbers affected would be low, possibly only a single pair which also uses nearby fields,
- numbers of other protected, priority and notable species associated with the site are low,
- the application is in outline, with further opportunities for designing site layouts which would be able to avoid more species-rich areas and enhance retained grassland,
- mitigation and compensation measures are available for potential ecological harm,
- previous applications were not refused on ecological grounds.

Nevertheless, further measures to avoid, mitigate and compensate for ecological harm are justified. I am conscious of the comments made in the Biodiversity Net Gain Design Stage Report (TEP October 2022) that -

*“Should it not be possible to achieve 10% net gain (and satisfy trading rules) on site during detailed design, a biodiversity offsetting strategy will be developed to provide the shortfall in biodiversity units which could include partnering with a landowner within the same authority area or financially offsetting through a net gain broker or Pendle Borough Council”.*

In the light of the new comments received, I would now consider that a biodiversity off-setting strategy **will be required** for this development, not just for net gain, but also for achieving a satisfactory level of compensation for ecological harm. An off-setting strategy should focus on the need to improve nearby land for ground nesting birds (particularly Curlews) and the need to enhance grasslands through positive management for biodiversity. This is in addition to the detailed Habitat and Landscape Plans already recommended.

The biodiversity metric calculation will need to be re-visited at detailed design stages, taking into account the higher value of the grasslands, and any off-setting proposals.

## **LCC Highways –**

Initial response is that further information is required. Wish to have further information on the Byron Road/Skipton Road roundabout capacity as well as the Skipton/Castle/Regent crossroads.

Amendments to the Castle Road site access are likely to be required. Speed data and site lines are requested at Castle Road.

There is no committed development traffic included in the assessment modelling which needs to be included.

It cannot be assumed that traffic matters were accepted by the Planning Inspector under Site B and off site works and mitigation must be considered for this application.

Accept the presented Trip Rates.

The priority-controlled junctions listed below are assessed with the developers Transport Assessment using the industry standard JUNCTIONS software:- 1. Castle Road/Venables Avenue priority controlled junction 2. Windermere Avenue/Venables Avenue priority controlled junction; 3. A6068 Byron Road/Venables Avenue priority controlled junction; It is concluded that the junctions operate within theoretical capacity

in future year 2027. The methodology is sound; however the results will require updating with committed development to be fully representative of future traffic conditions.

At the appeal the junctions of A6068 Byron Road / A56 Skipton Road roundabout and A56 Skipton Road / Castle Road C681 /Regent Avenue crossroads priority junction were tested, and capacity issues were highlighted. We would request that this application assesses these junctions for capacity and safety, including a collision investigation to understand any highway safety related mitigation measures which may be required.

Windermere Avenue – no visibility splays shown on the drawings.

The existing carriageway of Windermere Avenue measures 5.5m wide and has 2m footways on both sides. The Windermere Avenue extension, built by McDermott development, will have physical traffic calming measures to support speed compliance.

Access onto Castle Road: The principle appears deliverable within the highway.

We understand that the resident of 122 Castle Road has concerns about the arrangement in terms of the impact upon their driveway. The scheme will be subject to an independent road safety audit and we foresee that the new footway will result in some benefits for the drivers emerging from the driveway of 122 Castle Road with vehicles approaching from the east being further away from the boundary wall of 122 which will allow the vehicles to emerge from the driveway at 122 with increased visibility.

The latest speed data collected on Castle Road approximately 250m west of the proposed site access during the week commencing 21st November 2017 by Lancashire County Council records 85%ile speeds at 36mph eastbound and 34mph westbound.

## Sustainability

There are two Primary Schools located within 800-900m of the site which have the potential to be accessed on foot. The route to Christ Church on Bent Lane is via a narrow footway on Skipton Old Road which is partially overgrown with vegetation. This route would be improved by clearing back the vegetation to provide an increased width.

Colne Park Primary is served by good quality footway links and a signalised crossing on Byron Road. Park High School is located adjacent to the site and has good quality footway links. The nearest local food shop and mainline bus stops are located on Keighley Road approximately 700-800m from the site.

The nearest bus stops are located on Venables Avenue and are served by Lancashire County Council subsidised bus service 6 which runs between Colne and Burnley, Monday – Saturday at hourly intervals between 07:30 and 19.00. The bus stops are

within the 400m walking distance equating approximately to a five minutes' walk which is stated recommendations in the CIHT document and IHT 'Planning for Public Transport in Developments' (1999) and the gradient of the direct route is within the recommended guidance in Inclusive Mobility and Manual for Streets. The bus stops closest to Windermere Avenue will be upgraded to quality bus stop standard by McDermott Development, under a S278 agreement with Lancashire County Council. This is a planning condition on the appeal decision for site A.

The bus stops to the northern and southern ends of Venables Avenue references 2500446 and 2500LAA07260 require upgrading to quality bus stop standard for this application to serve the residents at the northern and southern ends of the site using the Castle Road access. There is a proposal in the Transport Assessment that the bus service will divert through the site. The nearest bus service is an LCC subsidised service and our Bus Services Team have confirmed that this is a feasible option with the service running in an anti-clockwise loop around Venables Avenue, Castle Road and Windermere Avenue. The estate road would need to be designed for a bus including the provision of at least one new bus stop.

The nearest mainline bus stop services are located on Keighley Road (M3 Burnley – Trawden and M4 Keighley – Burnley at 30 minute intervals).

A unilateral undertaking was signed between McDermott Homes, Pendle Borough Council and Lancashire County Council for £100,000 for site A of the appeal, payable in sums of £20,000 over 5 years. This was for the running of bus service 6. We would seek a contribution of £30,000 over 5 years for this development to support the diversion and running of this bus service. 6

The site is located approx. 2.2km from the long-distance off-road cycle link - Pennine 68, through neighbouring Towns. The same unilateral undertaking with McDermott Development, agreed £40,000 for a cycle strategy to be developed to improve cycle routes between the site and the North Valley.

A further contribution of £40,000 is requested to match the previous contribution to implement measures highlighted in the strategy. The strategy is currently being examined. A Framework Travel Plan is submitted with the application. Lancashire County Council offer a range of Travel Plan services which include:

- Appraise initial Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Work closely with the Developer's appointed Travel Plan Coordinator, the end use where appropriate, local community groups
- Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales.
- Monitor and support the development, implementation and review of the Full Travel Plan. This will Include reviewing: Annual surveys o Progression of initiatives / actions plan o Targets
- Where appropriate suggest further cost effective meaningful intervention to maintain/satisfy travel plan targets using local knowledge

If the application is approved, a contribution of £6,000 would be sought to fund this supportive approach.

## Pedestrian and cycle links

There is a pedestrian and cycle link between the Windermere Avenue extension and Skipton Old Road and public footpaths 13-4-FP139 and 13-4-FP216 run across and bound the site connecting Skipton Old Road to Castle Road. Diversions of the public footpaths are proposed. Early engagement with the LCC PROW Team is encouraged to ensure that they necessary processes are followed. There is a pedestrian desire line on Keighley Road between Craven Street and Avondale Street to the mainline local convenience food shop and the mainline bus stops. A new signalised crossing is requested to support a safe pedestrian route to the local facilities.

## Off-site highway works

Should the application be approved, we would seek the following works to be completed under a Section 278 (Highways Act) agreement with Lancashire County Council.

- Formation of the two site accesses on Castle Road and Windermere Avenue.
- The provision of 2 quality bus stops on Venables Avenue (northern and southern ends) references 2500446 and 2500LAA07260.
- Castle Road footway and shuttle working traffic management scheme.
- Traffic calming measures on Castle Road between Skipton Road and the site access.
- New signalised pedestrian crossing on Keighley Road between Craven Street and Avondale Street.
- Clearing of vegetation on footway of Skipton Old Road between the site and Bents.
- Any measures at the junctions of A6068 Byron Road / A56 Skipton Road roundabout and A56 Skipton Road / Castle Road C681 /Regent Avenue crossroads priority junction subject to further testing and collision investigation.

## Parking

The level of car parking across the site should be provided in accordance with the Pendle car parking standards

## Conclusion

To conclude the Highway Authority would not object to the principle of residential development at this site. However we would request further testing of junctions A6068 Byron Road / A56 Skipton Road roundabout and A56 Skipton Road / Castle Road C681 /Regent Avenue crossroads priority junction and a collision investigation before we are able to conclude the assessment of the transport implications of the proposal.

We would highlight that inclusion of the committed development should be added into the junction models including that already undertaken.

Further speed data must be collected at the proposed site access on Castle Road to advise on necessary visibility splays and subsequently appropriate visibility splays to be shown at both site accesses within the adopted highway or land controlled by the applicant.

As submitted mitigation measures identified inclusive of the bus stop infrastructure improvements on Venables Avenue, pedestrian infrastructure enhancements on Skipton Old Road and Keighley Road, speed compliance measures on Castle Road and contributions to the local public transport service and local cycle strategy. However as detailed above additional information is required to complete the assessment of the transport impacts. This may result in additional mitigation requirements

### **National Highways**

No comments to make on the application.

### **Growth Lancashire (Heritage Comments):**

Outline (Major): Development of 150 new homes; refurbishment and extension of an existing pump house building and its change of use to a Class E or Class F community use; formation of a new means of access onto Windermere Avenue; alterations to an existing means of access onto Castle Road; and other associated works (Access only).

Land To The East Of Windermere Avenue Colne Lancashire

#### *Designations*

The southern portion of the site, which runs along Skipton Old Road, lies with Lidgett and Bents CA.

Standroyd - Grade 2 Listed Building lies on the south side of Skipton Old Road outside of the application site.

#### *Duty under Act - Legislation*

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following:

### *Listed Buildings –s.66*

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### *Conservation Areas – s.72*

In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation area decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

### *NPPF*

In determining planning applications LPA's should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P.200 states that loss or harm to the significance of designated heritage assets needs clear and convincing justification.

P.202 identifies that where a proposal would lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## *Local Plan*

Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030) - Protecting and Enhancing Our Natural and Historic Environments.

Lidgett and Bents Conservation Area CA – March 1999.

## **Assessment**

I visited the site and the wider area around the site to help me in my appreciation of the site and to assess its contribution to the setting of those nearby heritage assets identified above and in the various reports, as part of the submission.

I have read through the relevant submission documents which include a Heritage Statement, Planning Statement, Design and Access Statement and landscape and Visual Appraisal. I have also read the Inspectors Appeal Decision letter of the Appeals made in 2016 for sites A and B. of particular interest are the comments in relation to Appeal B (APP/E2340/W/15/3131975).

The key issues for the LPA to consider are; whether the proposal would harm either the character or appearance of the Lidgett and Bents CA (through largely impact on its setting) and or cause harm to the setting of the Grade 2 listed Standroyd.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

Dealing with Standroyd (and adjacent converted barn) first, taking the HE guidance into account it is clear that there is little inter-visibility between the proposed housing site, which lies some way north of Skipton Old Road, and the listed building. In this regard I do not feel the contribution made by the site to the significance of that asset is of any consequence. Whilst I note the Planning Inspectors comments in this regard in his 2016 decision letter (paragraphs 30-31) I feel the changes to the scheme have largely eliminated any discernible harm on significance.

The bigger issue is that relating to the character of the Lidgett and Bents CA, which forms part of a wider setting to the site. From my visit I noted that the proposed housing, which is now confined to the northern part of the site, would not be visible from Skipton Old Road, which is the key historic route-way within this CA. I noted also how the built out approved houses on Windermere Avenue and Lob Common Lane



have created a new boundary to the open land to the east (known as The Rough). This is somewhat reinforced by the defined footpath (FP139) which runs alongside. The approval of housing on this parcel has changed the appreciation of the lower part of the CA, especially when travelling westwards along Skipton Old Road.

In terms of the setting to the CA I can understand the views expressed re the rural character contributing to the wider landscape setting and the significance of the Lidgett and Bents CA. The open landscape and views from outside the CA provide historic context to how this area developed and illustrates the transition, within these small hamlets and from an agrarian (cottage handloom) weaving industry into a more urban industrialised process. This change in character was discussed at length by the Planning Inspector in the 2016 decision letter. The current boundary to the CA is really not very helpful in the assessment of the level of harm. The boundary is not defined by any natural feature of boundary. I do however agree (with the previous Planning Inspector) that the land immediately outside the boundary does contribute, in a positive way, to the setting and the character and appearance of the CA.

However, since then the context has changed with the construction of the smaller phase (appeal site A). The scheme now proposed allows more open land to be retained, preserving some visual connection to the open landscape, north of Skipton Old Road. In this context, whilst the new housing will still cause some visual harm to the landscape, the impact on the setting to the CA, and to its key characteristics and significance, is lessened and would, in my view, be low. I am also mindful that when considering impacts on conservation areas that we are required to take into account the impact on the area as a whole. In this instance as the scheme has no direct impact of the properties within the CA (and the significance of the CA generated by the dispersed farms and later weavers cottages).

I note the comments/assessment in the applicants HS and the spatial analysis provided in the D&A Statement. I do agree that the setting to the conservation is a contrasting one with more urban elements along the southern and south western portions and a more open dispersed feel in the north and eastern parts. I also acknowledge that the CA is more readily viewed/experienced from the network of roads/lanes including Skipton Old Road and Bent Lane. Because of the nature of the roads and field boundaries wider views of the proposed housing, from within the CA, will be somewhat limited.

The Planning Inspector noted in Paragraph 39 of the decision letter that the wider experience of the CA would be lost, in that area, as a result of the development of houses on Appeal B site (which included the southern portion of the site down towards Skipton Old Road). That is not the case with the current scheme which seeks to retain more of the openness around the northern part of the CA.

In this context, having read through the documents, given that proposed housing is set well back from the CA boundary and preserves an open aspect to the northern boundary of the CA along Skipton Old Road I feel any harm on the CA would, in my view, be at the very low end (negligible) of the 'less than substantial' range.

I note and welcome the attempts to create a more open edge to the new housing along the exposed southern and eastern boundaries and whilst this largely has no effect on my view on the impact on the CA I feel it will help provide a softer edge to the development.

I do not feel the works and alterations to the Pump House will cause any substantive harm to the Lidgett and Bents CA. The current building is not a positive contributor to the CA. I welcome the proposal to repair and bring the building back into an active use.

### *Conclusion*

As I am required to do so, I have given the duty's imposed by s.66 and s.72 of the P(LBCA) Act 1990 considerable weight in my comments.

NPPF Paragraph 199 states that great weight should be given to the conservation of heritage assets (which includes the contribution made by their setting) regardless of the level of harm. High Court decisions have been clear that even lower levels of harm does not equate to a lesser objection given the principle duty under the Act is to preserve. As indicated above I have assessed the harm caused by the proposed housing on the Lidgett and Bents CA to be at the low end of the *less than substantial* range. I have found that the changes to the layout and the retention of the southern portion of the site to have largely removed the previous concerns over the impact on setting, with any residual impact being of a negligible scale.

I do not feel the scheme causes any harm to the significance of Standroyd or any other listed buildings in the vicinity of the site nor to any non-designated assets.

Paragraph 202 of the NPPF allows LPA's to weigh the level of harm (in this case limited – negligible harm) against the public benefits of the scheme, ensuring to give *great weight* (P.199) to any harm. If in undertaking that weighted balance a positive balance can be achieved, then the proposal would be in accordance with the requirements of Chapter 16 of the NPPF and comply with Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

## **Campaign for the Protection of Rural England (CPRE)**

Site not allocated.

No need.

Climate and biodiversity crisis.

Impact on rural character in the area known as the Rough which is enjoyed by many people.

This will result of loss of farmland.

CPRE considers there is more brownfield land than is recorded in the brownfield register and this should be developed first.

There are a number of access and site connectivity issues that are insurmountable and there is not enough community infrastructure delivered.

Furthermore, on 22nd of December 2022 the Government published the proposed changes to the NPPF and it is seeking more effective ways at utilising brownfield land under the Levelling Up agenda. CPRE has been urging the Government to improve the way brownfield land is reused. This is what the public wants, a more sustainable approach to the delivery of needed houses and jobs on accessible previously used land to prevent blight of existing communities and protect unbuilt greenfields from needless development and all the harms that follow. 5 How to better protect Best and Most Versatile land in the NPPF is also being discussed. We do need to balance the competing demands for farming, housing and energy needs, while also meeting legally binding net zero targets. Prioritising a 'brownfield first' approach to reduce the pressure of development on our green fields. And the research we've just published shows there is an urgent need for a firm presumption against development on our best agricultural land.

## **PBC Landscape Officer:**

Site

Situated approximately 1500m north east of Colne town centre, the area for the proposed development is currently open agricultural land characterised by occasional singular and groups of self-seeded trees around the boundaries and mostly fragmented hawthorn hedges internal to the site that denotes old field boundaries.

Assessment

The applicant has submitted a fully detailed 'Arboricultural Impact Assessment'

(AIA) that attempts to grade the trees on the site in accordance with the relevant BS 5837 'Trees in relation to design, demolition and construction – Recommendations'. As part of the development proposals, the intention is to remove 5 individual trees and tree groups comprising of mostly hawthorn hedgerows, subject to the final design layout. The indicative landscape masterplan is showing the planting of approximately 138 new trees as mitigation for trees lost.

## **Landscape Impact**

All new development should conserve and not detract from the character of the existing local landscape. These proposals will inevitably lead to a major change in the visual impact on the existing landscape as the key characteristics are of open grassed land with some boundary trees and associated vegetation. It is paramount that protection is afforded to the existing vegetation and ideally the provision of open land around these areas along with compensatory planting, management and enhancing mitigation measures are considered.

## **Conclusion**

When designing the layout of new development consideration must be given to any existing trees and hedges as well as other vegetation on the site. The retention of good quality vegetation is important and care should be taken to retain as much as possible with any new layout being designed around the existing vegetation that is to be retained. Existing vegetation and trees in the vicinity of new buildings creates a maturity of landscape, positively enhances the development and can add significant value in the form of wildlife benefits as well as providing amenity value.

By agreeing a sustainable design layout this allows adequate room for existing trees and buildings and removes the pressures that can be caused post development. The BS 5837 adds weight to getting the design right in Section 5.3: 'Proximity of structures to trees'. Part D mentions "Future pressure for removal" and describes the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. It goes on to say "Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread".

If you are minded to approve this application in principle, I would suggest an Arboricultural Method Statement (AMS) is submitted upfront prior to approval. This would detail how a precautionary approach towards tree protection would be adopted and any operations, including access, proposed within the RPA (or crown spread where this is greater) should be described that demonstrates that operations can be undertaken with minimal risk of adverse impact on trees to be retained. The AMS would also include a Tree Protection Plan that show methods of tree protection in accordance with BS5837:2012.

Also, a fully detailed compensatory landscaping scheme should be conditioned that covers in detail all aspects of how the loss of trees on the site are to be mitigated.

## **PBC Public Rights of Way:**

I have not seen a plan showing the public rights of way on the site. Nevertheless, I can see from the plans that the proposals as they currently stand will require the diversion of both footpaths, which the applicant has acknowledged by the answer to the relevant question in the application form. The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and therefore the potential consequences in as far as the footpaths are affected should be taken into account.

The proposed development will have significant consequences for the enjoyment of users of these footpaths by altering the open character of the land from being rural land on the edge of town to one of being within the urban environment. However, it is noted that the proposed open space at the south of the site is intended to retain the character of the landscape which these footpath pass through currently.

One effect of the proposed development is that the use of the footpaths is likely to increase in consequence of the additional residents moving into the new houses. The increase in use could be for the purpose of recreation or journeys on foot for work, education or shopping etc. For example, footpath 216 would form a direct walking route to Christ Church Primary School on Bents Lane. As a condition of planning permission either at this stage or reserved matters the developer should be required to upgrade the existing public rights of way as far as the nearest road junction, or to enter into a binding agreement with the Council to fund the costs of such improvements.

The developer should note that the grant of planning permission at the reserved matters stage does not entitle them to obstruct the rights of way. It cannot be assumed that an order to divert the footpaths will invariably be made and confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site. It is requested that the effect on the footpath be advertised as such at the reserved matters stage.

The proposed development will have significant consequences for the enjoyment of users of these footpaths by altering the open character of the land from being rural land on the edge of town to one of being within the urban environment. However, it is noted that the proposed open space at the south of the site is intended to retain the character of the landscape which these footpath pass through currently.

## **PBC Environmental Health:**

### **East Lancs NHS:**

Request a contribution of £34,130 for non-recurrent capital costs and recurrent service provision costs for year one service provision. The comments were subsequently withdrawn.

**United Utilities:** Request the developer submit a detailed layout of the development which overlays the proven location of the sewer.

We request the following drainage condition is attached to any subsequent approval: **CONDITION** Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

### **Lead Local Food Authority**

Objects: Inadequate surface water sustainability strategy. In particular failure to justify runoff destinations. Calculation for SuDs discharge does not include permeable areas.

Further information has been supplied with the LLFA commenting further:

Maintain objection. No information on post development discharge rates as the areas of open space have not been included on runoff rate calculations.

**LCC School Planning Team:** If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be

considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

The response sets out the methodology for assessing the need for school places resulting from a development based on existing place provision and a yield of pupils arising from the new houses.

The development will not result in a need for primary school places as there will be a net surplus in the design years but there will be a net increase of 14 places needed for secondary school places. A contribution of £346,542 is requested to provide 14 places at secondary schools in Colne.

A further assessment has been undertaken. That concludes:

“An education contribution is **not** required at this stage in regards to this development.”

**Lancashire Constabulary:** Strongly recommend that the development is built to secured by design standards using the SBD “Homes 2019” design guide specification.

**Colne Town Council:**

Detailed comments have been submitted based on the following:

The applicant is not a developer and will not deliver the site themselves and it cannot be conditioned that a future developers in accordance with the illustrative material.

The starting point for considering applications is the development plan. As the Council has more than a 5 year supply of housing land paragraph 11d of the Frameworks does not apply.

The naming of the site is not the Upper Rough as known to residents and the terminology underplays the significance of the site to local people.

The development is not a Phase 2 as suggested by the developer.

The LP policy framework is set out including LP policies SPD2, LIV 1 and ENV1.

The site lies outside of the development limits. As the development is not one of the exceptions in the Framework for development outside of a settlement it is contrary to SDP2 of the Local Plan.

Refers to the Main Modifications for the LP Inspector’s report indicating that sites outside of a settlement but which are close to it can come forward in a sustainable way.

The site is low in accessibility and is not in a sustainable location.

What is in the SHLAA is irrelevant to a planning application.

Policy ENV 1 requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. The Upper Rough is not a protected wildlife site. In such instances where Habitats and Species of Principal Importance are found: “The potential effects of a proposed development on species and habitats of principal importance [ 85 as identified by Section 41 of the NERC Act 2006] will be a material consideration in the determination of planning applications. Consideration will be given to the extent and significance of any adverse effects on the habitats or species concerned.”

The site is a key nesting ground for Curlew and mistle thrush – red listed birds. It has the potential to be enhanced for further breeding. 2 breeding curlew and one pair of lapwing would be displaced with no compensatory habitat offered.

The proposed development by seeking to build 150 houses on open countryside fails to safeguard or enhance the landscape character of the area and is contrary to this section of Policy ENV1.

The other relevant part of Policy ENV1 deals with Historic environment and built heritage, such assets will be conserved and should be enhanced in a manner appropriate to their significance.

The applicant has sought to deal with these matters by suggesting the southern portion of the Upper Rough remain open land. This helps them to draw the conclusion that whilst there is still less than substantial harm this is now at the low end of the scale. This fails to address the key impacts identified by the 2016 Inspector:

- For a substantial proportion of their length, the footpaths (Nos. 139 and 216) and part of the Winewall Circular Walk, East Colne Way and Two Toms Walk would still be encompassed by housing development, inescapably altering the experience of those leaving or arriving at the Conservation Area along these routes.
- To longer distance views, the definition between Lidgett and Bents would be eroded (applicant’s Landscape and Visual Appraisal photopoints EDP7 – EDP11), and the experiences of those within the Conservation Area, where views of the development would be achieved, would be of increased enclosure and a lost connection to an important element of the agricultural setting.

The less than substantial harm remains and is not outweighed by any benefits.

Although the pump house is to remain on some form of community use it has no delivery mechanism.



The Colne Neighbourhood Development Plan (CNDP) has reached examination stage. The CNDP is, therefore, at an advanced stage of preparation. Unresolved objections will be considered at the CPD examination.

The CNDP submitted for examination includes the following policies that are considered relevant to this planning application:

- Policy CNDP3 – Design in Colne and the Colne Design Code
- Policy CNDP4 – Development Affecting Non-Designated Heritage Assets
- Policy CNDP7 - Protecting Local Green Space
- Policy CNDP13 - Conserving and Enhancing Valued Landscape Features
- Policy CNDP14 – Rural Identity and Character

The applicants planning statement fails to consider in a proper manner:

The Colne design code

Development affecting non-designated assets

The site is a designated green space

The contribution the open landscape areas make in conserving and maintaining the area's distinct settlements

The retention of the rural identity and character of the neighbourhood area. The development would be serviced by an inadequate access and inadequate highway provision particularly on Castle Road.

No visibility splays are shown on the access drawings.

There is very limited accessibility for forms of transport other than the car. The applicant's Transport Assessment Plan VN212171 – G102 shows only four bus stops, two convenience stores and a supermarket within the 1km catchment. The nearest bus stop being Fern Street is for school buses. The nearest convenience the Premier on Keighley Road 400m/10 minutes' walk at its **closest** point. Contrary to their assertion, there is no supermarket within the 1km walking catchment.

No real solutions have been presented to improve the sustainability of the site.

Based on the proposed access junctions on Windemere Avenue and Castle Road, a bus route could not safely access the site based in the proposed carriageway widths of 5.5m and 6m respectively.

The Design and Access Statement (DAS) was published over a month after the consultation on the application began and should be afforded little, or no, weight.

The final form of the indicative design is still an urban/suburban intrusion into this rural landscape (evidenced by the applicant's own indicative views in the DAS) and a design that still results in a less than substantial harm to the Lidgett and Bents Conservation Area and its setting.

The DAS indicates that there is a deficit in housing supply which is not the case in Pendle.

The DAS conclusion is that there is "no material harm to the conservation area arising from these proposals". This is not the test that should be applied and this is at odds with comments elsewhere in the applicant's submitted documents that there remains "less than substantial harm".

## Conclusions

68. This planning application is in outline only with all matters other than access reserved. The two issues to consider, therefore, are the principle of development and the means of access.

69. This statement has demonstrated that the proposal is contrary to the following policies of the development plan:

- SDP2 Spatial Development Principles
- LIV1 Housing Provision and Delivery
- ENV1 Protecting and Enhancing Our Natural and Historic Environments
- ENV4 Promoting Sustainable Travel

70. The Town Council is also of the opinion that Pendle Borough Council should afford significant weight to the emerging CNDP and its policies. The planning application is considered to be in conflict with the following:

- Policy CNDP7 - Protecting Local Green Space
- Policy CNDP13 - Conserving and Enhancing Valued Landscape Features
- Policy CNDP14 – Rural Identity and Character

71. The Upper Rough, being of low accessibility by travel modes other than the private car and remote from local facilities, is also not a sustainable location for housing development.

72. In terms of the only matter not reserved, access, the applicants have failed to demonstrate that safe and achievable access can be gained from Windermere Avenue and Castle Road.

73. The application should be refused as being contrary to the Pendle Development Plan, contrary to emerging policy in the Colne Neighbourhood Development Plan, as the Upper Rough is not a sustainable location for development, and that safe and achievable access cannot be gained to this Open Countryside location

**Lancashire Fire and Rescue:** The scheme design should fully meet the requirements of Building Regulations Document B (Fire Safety)

### **Lancashire, Manchester and North Merseyside Wildlife Trust**

I am writing on behalf of the Wildlife Trust to OBJECT to the proposed development on the following grounds:

1. The National Planning Policy Framework (NPPF, current version dated July 2021) refers to ecological networks in paragraphs 174d, 179a and 179b. Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. However, the Ecological Impact Assessment (version 4.0 dated September 2022), and paragraph 3.27 in particular, has not taken the Lancashire Ecological Networks for grassland or woodland into consideration, hence the EIA is deficient and incomplete and, as a consequent, the findings and conclusions may be inaccurate and in need of being updated and amended accordingly. Whilst I am pleased to see, and support the inclusion and application of, the EIA taking a precautionary approach to the prediction of impacts (paragraph 2.18); that “information provided by third parties, including publicly available information, is assumed to be correct at the time of publication (paragraph 2.26); and “where there is any doubt, except where specifically noted, species are assumed to be present, and the impact assessment assumes a higher level of significance (within the spectrum of possible significance)”, I am disappointed that this has not been applied to the use of the site by Eurasian Curlew for breeding, as has been seen by local residents and reported in the findings of a conservation advisor from the RSPB in March 2021. The loss of two pairs of breeding Curlew from within an Impact Risk Zone (IRZ) of the South Pennine Moors Special Protection Area has not been taken fully into account or compensated for. As a consequence, the statements in paragraphs 3.39, 3.42, 3.43, 4.32, 4.34 and 5.23, and the conclusions in paragraphs 6.3, 6.4 and 6.5 of the EIA, are all incorrect.

3. The EIA refers to the presence of Species of Principal Importance (as listed in Section 41 of the Natural Environment and Rural Communities Act 2006), also known as ‘Priority Species’. In respect of bird species, the list in paragraph 3.40 of the EIA includes seven Priority Species: Curlew, Herring Gull, House Sparrow, Lapwing, Reed Bunting, Starling and Song Thrush. Priority Species are a material planning condition, and all public bodies have a ‘Biodiversity Duty’ under the Act to “have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making”. The application and EIA as it stands does not have regard to the conservation of Priority Species found on the site.

4. The impact of development on the site upon the ‘notable species’ of breeding birds, including Priority Species and Birds of Conservation Concern, as listed in paragraphs 3.40-3.43, is not specified in section 4.0 of the EIA, hence appropriate mitigation and/or

compensatory measures have not been identified or recommended. For example, a planning application in Ribble Valley that displaced a pair of Lapwing and two pairs of Skylark from approx. one hectare (10,000 square metres) of nesting habitat, required 7.27 hectares of offsite land to be brought into suitable management as compensation. It is envisaged that a full planning application on the land east of Windermere Avenue would displace two pairs of Eurasian Curlew and possibly one pair of Lapwing, hence sufficient offsite compensatory habitat would have to be created and/or managed for 30 years as required under the Environment Act 2021.

5. A total of 177 species of vascular plants have been recorded during the surveys of the site between 1998 and 2022, see list below. Of the 177 plant species, 17 (9.6%) are listed in guideline Gr3 of the Biological Heritage Site guidelines for site selection (LCC/LWT 1998)<sup>1</sup>, and 21 (11.9%) are listed in guideline Gr4 of the District Wildlife Site guidelines for site selection (LWT 2005 for Pendle, and 2015 for Lancashire). However, the 2022 EIA recorded just 61 plant species (34.5% of 177), hence I believe it is reasonable to suggest that the biological diversity and ecological value of the site have been underestimated.

6. Regarding paragraphs 4.21 and 5.10 of the EIA, I can confirm that Bluebells were recorded on the site during the surveys by ERAP in May 2015 and LWT in June 2016, hence the EIA needs to be amended accordingly.

Note 1: The National Planning Policy Framework (NPPF 2006 as amended, current version dated July 2021) requires development to deliver net gain in biodiversity/nature and, from November 2023, all planning applications will have to deliver a minimum of 10% Biodiversity Net Gain (BNG) under the requirements of the Environment Act 2021. Whilst the application may claim to be able to deliver BNG within the red line curtilage of the site, this is an outline application, hence the design will inevitably change and any figures quoted are irrelevant at this stage of the planning process. Furthermore, all calculations from consultants claiming to deliver BNG need to be checked and confirmed by a suitably qualified independent ecologist using the current version of Defra's biodiversity metric (v3.1 as of December 2022). In my experience, consultants tend to underplay the baseline condition of habitats present on sites and overvalue the quality of the habitats that they claim will be created and managed post development. This results in over-exaggerated amounts of BNG, which facilitates the application being approved yet ultimately will not be delivered, hence biodiversity will continue to suffer and decline in contrast to the aims and intentions of Circular 06/2005, the NPPF, the Lawton Review (2010), the government's 25-year Environment Plan (2018), and the Environment Act (2021).

Note 2: The EIA contains a substantial number of spelling mistakes, botanical and other errors despite the September 2022 report being version 4.0 and having been checked and approved by two people over and above the authors. The fact that this has happened could be used to support claims that the EIA and its conclusions are unreliable. Whilst I may be being pedantic in pointing out mistakes and errors, I am also a full member of the Chartered Institute of Ecology and Environmental Management

(CIEEM) and want to see standards of professional conduct in the environmental sector raised and maintained in order that we are best placed to address the biodiversity and climate crises, reverse the declining trends in biodiversity, and help nature's recovery during this and subsequent decades. I trust that this OBJECTION will be taken fully into account and would be grateful if you could let me know the outcome of this application and inform me if there are any subsequent applications for the site.

## **The Ramblers Association**

This area is used extensively by walkers and the local community in the Colne area and beyond and is a major walking route between Skipton Old Road and Castle Road. The East Colne Way and The Winewall Circular walks, cross the Upper Rough and give long range views of the surrounding countryside and Colne itself. Hundreds of people every year walk these Pendle Borough Council approved and promoted circular walks and if this development proceeds, the stunning views and mental health benefits for walkers will be lost forever in a mass of houses. The Upper Rough is an open 'green' space and has been designated as such by the people of Colne in the upcoming Colne Neighbour Plan. It is full of wildlife including the ground nesting bird the curlew, which nests on the land during the spring to summer months and raises their chicks. A development like this would destroy their habitat.

This green area has been accessible and used by local people for at least 175 years. This is shown on the first edition OS maps from 1841, where a track is shown across The Rough, which the existing footpath follows today.

During the pandemic more and more people used the Upper Rough to exercise and improve both their physical and mental health

As this is a major construction project, the safety of any walkers during any construction phase cannot be guaranteed by the developers and the public footpaths will effectively be 'off limits', and have to have Temporary Closure Notices applied. The proposed new line of paths 139 to the west and 216 to the east, which would have to have diversion orders applied for, through this large estate will not only take away the pleasure of these well publicised and well used routes but will add stress and potential danger as these walkers negotiate the many drive ways and subsequent cars.

The Government and local councils are, supposedly, committed to increasing the health of the local community, and areas like The Upper Rough not only needs to be protected for environmental reasons but also the well-being and health of the local residents.

This is, in effect, taking away the open spaces that are a great feature and asset of this area by stealth. No doubt there will be plans to swallow up the rest of The Rough with further houses. This will be a great pity, for many reasons.

There has to be more suitable sites that will not have such an impact on the beauty of the area and on local health and wellbeing.

## **Lidgett and Beyond**

Detailed comments have been submitted based on the following:

The starting point for considering applications is the development plan. As the Council has more than a 5 year supply of housing land paragraph 11d of the Frameworks does not apply.

The LP policy framework is set out including LP policies SPD2, LIV 1 and ENV1.

The site lies outside of the development limits. As the development is not one of the exceptions in the Framework for development outside of a settlement it is contrary to SDP2 of the Local Plan.

Refers to the Main Modifications for the LP Inspector's report indicating that sites outside of a settlement but which are close to it can come forward in a sustainable way.

The site is low in accessibility and is not in a sustainable location.

What is in the SHLAA is irrelevant to a planning application.

Policy ENV 1 requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

The site is a key nesting ground for Curlew and mistle thrush – red listed birds. It has the potential to be enhanced for further breeding. 2 breeding curlew and one pair of lapwing would be displaced with no compensatory habitat offered.

The proposed development by seeking to build 150 houses on open countryside fails to safeguard or enhance the landscape character of the area and is contrary to this section of Policy ENV1.

The other relevant part of Policy ENV1 deals with Historic environment and built heritage, such assets will be conserved and should be enhanced in a manner appropriate to their significance.

The applicant has sought to deal with these matters by suggesting the southern portion of the Upper Rough remain open land. This helps them to draw the conclusion that whilst there is still less than substantial harm this is now at the low end of the scale. This fails to address the key impacts identified by the 2016 Inspector:

- For a substantial proportion of their length, the footpaths (Nos. 139 and 216) and part of the Winewall Circular Walk, East Colne Way and Two Toms Walk would still be

encompassed by housing development, inescapably altering the experience of those leaving or arriving at the Conservation Area along these routes.

- To longer distance views, the definition between Lidgett and Bents would be eroded (applicant's Landscape and Visual Appraisal photopoints EDP7 – EDP11), and the experiences of those within the Conservation Area, where views of the development would be achieved, would be of increased enclosure and a lost connection to an important element of the agricultural setting.

The less than substantial harm remains and is not outweighed by any benefits.

Although the pump house is to remain on some form of community use it has no delivery mechanism.

The Colne Neighbourhood Development Plan (CNDP) has reached examination stage. The CNDP is, therefore, at an advanced stage of preparation, one step from the referendum needed to approve Neighbourhood Plans. The CNDP should therefore be accorded significant weight in the consideration of the planning application.

The CNDP submitted for examination includes the following policies that are considered relevant to this planning application:

- Policy CNDP3 – Design in Colne and the Colne Design Code
- Policy CNDP4 – Development Affecting Non-Designated Heritage Assets
- Policy CNDP7 - Protecting Local Green Space
- Policy CNDP13 - Conserving and Enhancing Valued Landscape Features
- Policy CNDP14 – Rural Identity and Character

The development would be serviced by an inadequate access and inadequate highway provision particularly on Castle Road.

No visibility splays are shown on the access drawings.

There is very limited accessibility for forms of transport other than the car. The applicant's Transport Assessment Plan VN212171 – G102 shows only four bus stops, two convenience stores and a supermarket within the 1km catchment. The nearest bus stop being Fern Street is for school buses. The nearest convenience the Premier on Keighley Road 400m/10 minutes' walk at its **closest** point. Contrary to their assertion, there is no supermarket within the 1km walking catchment.

No real solutions have been presented to improve the sustainability of the site.

Based on the proposed access junctions on Windemere Avenue and Castle Road, a bus route could not safely access the site based in the proposed carriageway widths of 5.5m and 6m respectively.

The Design and Access Statement (DAS) was published over a month after the consultation on the application began and should be afforded little, or no, weight.

The final form of the indicative design is still an urban/suburban intrusion into this rural landscape (evidenced by the applicant's own indicative views in the DAS) and a design that still results in a less than substantial harm to the Lidgett and Bents Conservation Area and its setting.

The DAS indicates that there is a deficit in housing supply which is not the case in Pendle.

The DAS conclusion is that there is "no material harm to the conservation area arising from these proposals". This is not the test that should be applied and this is at odds with comments elsewhere in the applicant's submitted documents that there remains "less than substantial harm".

## **Conclusion**

70. This planning application is in outline only with all matters other than access reserved. The two issues to consider, therefore, are the principle of development and the means of access.

71. This statement has demonstrated that the proposal is contrary to the following policies of the development plan:

- • SDP2 Spatial Development Principles
- • LIV1 Housing Provision and Delivery
- • ENV1 Protecting and Enhancing Our Natural and Historic Environments
- • ENV4 Promoting Sustainable Travel

72. Lidgett and Beyond are also of the opinion that Pendle Borough Council should afford significant weight to the emerging CNDP and its policies. The planning application is considered to be in conflict with the following: • Policy CNDP7 - Protecting Local Green Space

- Policy CNDP13 - Conserving and Enhancing Valued Landscape Features
- Policy CNDP14 – Rural Identity and Character

The Upper Rough being of low accessibility by travel modes other than the private car and remote from local facilities is also not a sustainable location for housing development.

74. In terms of the only matter not reserved, access, the applicants have failed to demonstrate that safe and achievable access can be gained from Windermere Avenue and Castle Road.



75. The application should be refused, being contrary to the development plan, contrary to emerging policy in the Colne Neighbourhood Development, by way of the fact that the Upper Rough is not a sustainable location for development, and that safe and achievable access cannot be gained to this open countryside location.

## **Public Response**

Press and site notices were posted and 242 neighbours notified. There has been a high degree of public comments on the following issues:

Main requirement is a bypass to alleviate traffic problems

The development is unsustainable.

There are plenty of brownfield options available

It will destroy the habitat of the endangered curlew

The area does not have the infrastructure for the amount of people.

The roads do not have the capacity

Not enough dentists now so this will place greater strain on the services

We all saw during lockdown the importance of the green open spaces and countryside for our physical and mental well being. If this is approved the planning officers and councillors are showing that they do not care about this or indeed us, the local people who they represent.

The traffic calming will devalue our property.

Castle Road will have restricted visibility when leaving our house and we will not be able to exit safely.

Concern about stagnant water in the pond.

Will tree roots grow into our drains?

The wildlife surveys were carried out in winter and this is not an accurate representation of the life that depends on the Rough

It will be a blot on the landscape

Park high school is already over subscribed.

It is very obvious that this is purely a money-making venture and is not caring about the community. The people behind this plan clearly do not know or live in this area because if they did this plan would not be proposed.

Windermere Avenue has got busier due to the new development.

There are always children playing on Windermere avenue or using it to come to and from school. If the road is used as an access point then this could become very unsafe for pedestrians.

Traffic noise would also increase to all neighbouring properties. We would be able to hear the increased traffic in our back gardens.

There are two walks that exist across the Rough, the East Colne Way and the Three Villages Walk. These take advantage of the views available from the elevated position of the Rough. These walks encourage visitors from both the local area and afar. It is a green space well used by local residents.

Due to the elevated position of the proposed site, it has obviously not been thought through as it will mar the landscape.

As a resident who lives on the edge of the Rough I have witnessed the wildlife that uses it. There are curlews, lapwings, kestrels, buzzards, barn owls and woodpeckers. The bats may be seen every evening flying around the Rough looking for food.

Long range views which will be ruined and likewise the view from areas looking on to the Rough will be destroyed.

We don't need another park for teenagers to come, hang out and be a nuisance to residents. All parks create are dirty litter ridden unkept areas.

Who is going to afford these houses when we are in the middle of the biggest credit crisis of our generation.

There is no need for a café. Ball Grove already has one.

It has been proven in research that lack of green spaces affect mental health and do not create a healthy area for children's growth.

This land was subject to a planning application which was turned down by the government inspector in 2016 on appeal. Many of the reasons for this refusal to allow development remain. For example, Paragraph 17: states that there must be due regard paid to preserving the setting of listed buildings and 'this does not mean that those areas outside the boundary do not contribute to the setting of the CA.' Paragraphs 32-34 talk of the importance of views and settings and nothing has changed regarding the long range views which should be preserved. Paragraph 39 states that 'were the site in question developed then this would encompass both footpaths and notwithstanding the potential for future landscaping, would inescapably alter the experience of those leaving or arriving at the CA along these routes. To longer distance views the definition between Lidgett and Bents would be eroded, and the experiences of those within the CA, where views of the development would be achieved, would be of increased enclosure and a lost connection to an important element of the agricultural setting.

We have a 5 year supply of land unlike for the previous appeal.

Already along Skipton Old Road it is impossible for a pedestrian to walk with a pram without having to take the pram off the pavement and onto the actual road.

If a cafe/play area is at the south of this site then people logically will park on Skipton Old Road instead of driving round and round a winding estate to find a car park and make this situation even more dangerous for children walking to Christ Church Primary.

Possible chemical leakage from old Reservoir.

Flash Flooding. On this site when there is a period of heavy rain the water literally runs off as the soil is heavy clay based. Skipton Old Road has in the past been shut by the Police due to over an inch depth of consistent water like a fast flowing stream running over the tarmac making the road unsafe to use.

Proposed 3 storey houses. On an highly elevated site this would be detrimental to the town.

As for the design of the houses, they don't fit in with the conservation areas close to the development, nor the countryside around it as it clashes (traditional dry stone walls etc), nor to the houses on Castle Road, Skipton Old Road.

Need to support local farmers who are fighting to keep land.

Any housing development will result in significant urbanisation resulting in the loss of a large percentage of accessible green space within Colne.

Within the Colne Significant View Assessment which supports the preparation of the Colne Neighbourhood Plan and draft Policy CNDP15; clearly recommends that the Upper Rough is mapped as Significant Views and is to be retained.

East Lancashire NHS Trust has stated on other planning applications in Colne that "without the provision of additional facilities and services it is not possible to accommodate the health impact of the development (which is smaller in size) with the existing provision which is available." A largescale development such as this has the potential to impact the health and wellbeing of current Colne residents.

United Utilities, as part of the Pendle Strategic Housing Land Availability Assessment, have previously indicated capacity issues at Colne Waste Water Treatment Works.

The Upper Rough is an excellent area for water retention. With 50% of the total development area estimated to be impermeable (FRA) the development will increase surface flooding, impact existing residential properties and increase flood risk in the wider waterbody.

There have been numerous gas leaks on Coniston Grove due to heavy traffic

There is also a problem with water drainage on this site. When it rains heavy the run off from this land creates a river onto Windermere Avenue and Venables Avenue.

Colne residents have objected to this site for decades.

The claims that residents can easily utilise public transport and not rely on cars are inaccurate.

The ecology report shows an ignorance of the needs of Curlew.

Where will they go next if this is developed.

The development is prejudicial to emerging policy in the Colne NP.

Several mature trees on site present roosts for bats.

It is clear that that this matter cannot be dealt with at this stage of the planning process as an Outline Application deals just with the "principle of development" on site and all other matters are reserved for the future including such matters as landscaping, public access to a community café and an area of public open space.

A more fundamental reason for objecting to this Application is that the Government has just agreed to changes to the National Planning Policy Framework which aim to protect Greenfields from unwarranted developments, do away with arbitrary figures for new housing imposed by Government on Local Authorities and, instead, focus on meeting local housing needs on Brownfield sites.

When there is heavy rain there is huge run off from this site.

Restricted access to 120 and 122 Castle Road

The width of Castle Road is inaccurate

Traffic on Castle Road is already heavy

The Pendle Borough Council Green Belt Assessment (September 2017) lists the Upper Rough as a Protected Area, which should not be developed (p41). It is regarded as a 'Major' influence in "Checking the unrestricted sprawl of large built up areas." (Table 12).

Busses are not within walking distance

The outline development plan purports to respect the Lidgett conservation area by avoiding development in this zone. However the fact is missed that the Upper Rough would be built over and the undeveloped portion of the Rough would be converted from natural fields into a cultivated public open space.

The previous application sought to give public benefits which were then removed by application to vary conditions. Any public benefits should be assured this time.

The proposed access point on Castle Road, is at a pinch point on the road, with an absence of pavements on either side. The proposed design for the traffic control around the entrance would result in queuing on the road, chaos as residents on Castle Road attempt to enter & leave their properties & access for larger emergency vehicles would be nigh on impossible.

Its findings (TEP report) have not been checked and confirmed by a qualified independent ecologist It fails to take account of the Lancashire Ecological Networks for grassland or woodland in its estimate on the ways in which this development will impact on, and provide net gains for, biodiversity.

The TEP report makes no reference to reports officially recorded by both local residents and the conservation advisor from the RSPB in relation to the loss of two pairs of breeding curlew from within an Impact Risk Zone of the South Pennine Moors Special Protection Area. Its recording of vascular plants (61) differs markedly from those conducted by independent surveyors in earlier years (177). The difference is so great it is reasonable to suppose that the consultant (whose remit is to support development) have underestimated the biological and ecological diversity of the site.

There will be light pollution from the development.

Under the Clean Neighbourhoods and Environment Act 2005 & Environmental Protection Act 1990 to cover artificial light emitted from premises, Councils have a duty & responsibility to safeguard that new developments must NOT be seen to have a detrimental / intrusive effect on human lifestyle patterns or the immediate environment, ecology or biodiversity. This development if given permission will undoubtedly have an effect on all of the above.

This assessment supports the preparation of Colne Neighbourhood Plan and draft Policy CNDP15. This policy identifies six landmarks that are important to the landscape and visual amenity of the area, and seeks to retain and protect these views from future development. Following public consultation on the draft Plan a further three landmark areas were identified as important. The assessment considers the landscape character and visual amenity of the nine landmarks in relation to 21 valued viewpoints in and around Colne. It describes the key landscape and visual characteristics of the prominent views and their relationship to the town's setting, assessing their sensitivity to change, value and importance.

The Upper Rough development falls into and exceeds the criteria stated by the UK Government for an Ecological Impact Assessment (EIA) to be carried out before any decision is made by the local council.

I particularly would be directly affected if the proposed development went ahead, My wife and I live directly opposite the fields on which these plans would be developed. We chose this house specifically because of the fabulous natural view, building

another 150 houses on this land would completely ruin that view and would cause a negative impact on the long-range views within the area.

There would also be a detrimental impact upon the Lidgett and Bents Conservation Area. Key objectives and policies within the Core Strategy include protecting, maintaining and enhancing sites that make a positive contribution to character and townscape; conserving and enhancing heritage assets and their settings. I feel this development would be counter to this aim. The Planning Inspector has previously stated that important buildings of the conservation area 'present a concise summary of the historic and social development of the area, from the imposing, prominent Heyroyd set on the high point of the Conservation Area to the small, self-contained weaver's cottages in Bents. This social history is clearly read into the existing buildings and their relationship with the surrounding agricultural land and forms an important part of the CA's significance' and 'Although Skipton Old Road is lower than the surrounding fields, the view towards appeal Site B (The Upper Rough) in particular is an important one in terms of this agricultural relationship.

Pendle is building significantly in excess of the SM housing figure and is ahead in the three year delivery test. There is therefore no requirement to build another 150 new homes.

There will be polluting carbon emissions from the development.

The footpath will be built on private land.

122 Castle Road could not be safely accessed.

The Rough has helped with people's mental well being including during the Covid pandemic.

There have been a number of applications to the council of late for holiday cottages, glamping pods, increased camping facilities which is an indicator of the increased demand for tourism and visitors to the area, a demand that has these rural characteristics, green spaces and open views as a core foundation and the development would harm tourism.

Loss of green belt.

We are informed that the Land speculator that has submitted this applications is not the developer and therefore should this go ahead any developer could substantially change the application. I note that Mr Watson and his planning team have failed to make this clear in the application. I find this at best to be unprofessional, I also understand that there is a £500 per house incentive from the government for new developments paid to the Council which also has not been published. I am disappointed that the Mr Watson appears to disregard the views of the local inhabitants in this and previous planning applications.

There is significant national pressure on Curlews and their loss.

The contribution for school places is inadequate. If a one off payment of £25K is the contribution for each new school place, then based on the above assumptions LCC should be seeking a contribution of somewhere between £2,700,000 and £4,000,000 from the developer, not a paltry £347,000.

There has been a 60% decrease in flying insects over the last 20 years and many species are in decline and there is a climate crisis.

With regard to the spurious "Visualisations" I do not see the need for another children's play area when there is a large one on nearby Skipton Road. I cannot see

the wisdom of having small ponds near where children will be playing. I do not see the need for a Cafe on the Community open space either.

## **Planning Policies**

### **Development Plan**

- 5.1 The Planning and Compulsory Purchase Act 2004 sets out the statutory requirement for taking decisions on planning applications and appeals. It requires that decisions on development must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Pendle adopted its Core Strategy on 17<sup>th</sup> December 2015. This will be referred to in this report as the “LP”. There are also saved policies from the Replacement Pendle Local Plan (adopted 2006) as detailed in Table B1 (page 237) of the LP. There are also adopted Neighbourhood Plans which form part of the development plan but as these do not cover Colne they have no bearing on the application.
- 5.3 The Colne Neighbourhood Plan (“the NP”) has completed its Regulation 16 consultation and has been examined. The Council has agreed that it should go forward to referendum. The weight to be given to the NP and its policies will be considered in more detail later in the report. At this stage the NP is not part of the Development Plan for Pendle although the report of the Inspector has been received and, with modifications, the Plan has been found to meet the basic conditions.
- 5.4 The Council has a five year supply of housing land and that is accepted in the supporting statement of the developer. Housing delivery is currently at 227% as measured in the National Housing Delivery Test results.

### **Listed Buildings Act 1990**

- 5.5 Section 66 of the Act requires that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.6 Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In relation to conservation area decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

## **Pendle Local Plan Core Strategy**

- 5.7 Policy SDP2 sets out a settlement hierarchy for Pendle. It indicates that development proposals should be of a scale and nature proportionate to the role of the settlement. Colne is a key service centre in the M65 corridor and as such the policy seeks to focus growth within it.
- 5.8 The policy accepts that greenfield sites will be needed to meet the housing needs of the Borough. These need to be in a sustainable location. Sites also need to be well related to an existing settlement. This is both spatially well related as well as well related in terms of other impacts. This latter part of the policy is a restraint on development as it requires a wide view of how well a site is related to a settlement to be considered. The physical impacts and relationships of development to existing settlements cannot be ignored in decision making.
- 5.9 Policy SDP3 sets out the housing distribution for the Borough. It states that 70% of the Borough's requirement should be located in the M65 corridor, and within each spatial area, the provision for housing should follow the settlement hierarchy set out in Policy SDP2. Whilst this policy seeks to restrict housing distribution within Borough the figures are approximate targets.
- 5.10 Policy LIV1 sets out the amount of new housing required to meet the Borough's Objectively Assessed Needs (OAN) over the plan period (2011-2030). It sets out the annual housing requirement and sets the housing numbers against which the provision of deliverable sites to meet the five year housing land supply will be assessed.
- 5.11 Until the Council adopts a new Local Plan then sustainable sites for housing developments outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.
- 5.12 The policy sets a minimum amount of housing to be brought forward. It provides for a positive mechanism to bring forward housing prior to the adoption of the new LP.
- 5.13 Policy LIV3 states that in order to meet the housing needs of different groups in the community; the Council will encourage and support the provision of a range of residential accommodation. It gives "high" priority to the provision of "larger homes" and "medium" priority to the provision of "smaller homes of suitable tenures in accessible locations".
- 5.14 Policy LIV 4 sets out the level of affordable housing that would be required for new developments. It is however not a policy that would affect the deliverability of either appeal site as there is a 0% requirement.

- 5.15 Policy SDP1 (Presumption in Favour of Sustainable Development) addresses the presumption in favour of sustainable development and how the decision maker takes a positive approach that reflects how this issue underpins the Framework. This stance enables development to be approved that can improve the economic, social and environmental conditions in the area.
- 5.16 Where there are no policies relevant or the relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise - taking into account whether:
- Any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate that development should be restricted. This policy is important because it enshrines the contents of paragraph 14 of the NPPF within adopted development plan policy.
- 5.17 Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design and meet future demands whilst enhancing and conserving our heritage assets.
- 5.18 Policy ENV1 states that the development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and built environment. It deals with how proposals affecting sites with biodiversity interest should be dealt with which are not relevant to the Council's objection to the scheme.
- 5.19 Development proposals should wherever possible aim to safeguard or enhance the landscape character of the area and should show how they respond to the particular landscape character type they are located within. The protection of the landscape will affect sites that are located outside of settlements and green field sites. The policy would have a potential impact on the supply of housing as many sites that are required to meet the housing needs of the Borough are peripheral greenfield sites. The policy states that developments should show how they respond to the particular landscape character type they are located in. The impacts that a development has on landscapes cannot be ignored in taking planning decisions. Clearly the greater the impact the greater the weight should be given to the policy which seeks to protect the landscape. Whilst the policy will affect the supply of housing land weight needs to be accorded to it particularly where landscape and heritage impacts are significant.
- 5.20 The historic environment and heritage assets of the Borough will be conserved and should be enhanced according to their significance. Protecting and enhancing heritage assets is one of the objectives set out in the Framework. Indeed the Framework has a policy of restriction in it for developments affecting the significance of heritage assets. The Planning (Listed Buildings and Conservation



Areas) Act 1990 also has the statutory requirement for decisions makers to have regard to preserving and enhancing conservation areas.

- 5.21 Policy ENV7 (Water Management) states that the sequential and exceptions tests set out in the National Planning Practice Guidance will be applied to direct development to areas with the lowest probability of flooding. This policy seeks to direct development to appropriate places and to mitigate issues if sites are in vulnerable locations. The appeal sites are not in flood risk areas and there are no objections to the appeals by the LPA on issues relating to flooding or water management.

### **Replacement Pendle Local Plan Saved Policies**

- 5.22 The Pendle Local Plan Part 1: Core Strategy has replaced parts of the RPLP as set out in Table B1 (page 237). Some of the policies in it have been saved.
- 5.23 Policy 1 (Development in the Open Countryside) is a restrictive policy that requires development to be located in settlements unless in the circumstances set out in the policy. It conflicts with policy LIV 1 which allows sustainable development to come forward outside of settlement boundaries in the period up to the adoption of the new LP. No weight should be attached to it.
- 5.24 Policy 3A (Protected Areas) states that no development will be permitted which would prejudice the open character of the area or its potential for long term development, during the plan period up to 2016. This policy is out of date with the need for more housing being identified in the Core Strategy. Policy 3A should be given no weight. This has been tested at appeal in Pendle under reference APP/E2340/W/15/3035915. This appeal related to a housing site in a policy 3A protected area in a situation where the Council had a five year supply of housing. The Inspector afforded no weight to the policy and no weight should be afforded to it.
- 5.25 Policy 17 (Location of New Housing Development). This is a restrictive policy which seeks to limit the amount of housing that can be built. It also has within it a sequential approach to site selection. The policy has been replaced by the policies in the Part 1 Plan. It does not accord with the policies set out in the Framework. No weight should be attached to this in the determination of these appeals.
- 5.26 Policy 4D (Natural Heritage) seeks to protect and enhance biodiversity including those protected under the Conservation (Natural Habitats etc) Regulations 1994.
- 5.27 Policy 6 (Development and Flood Risk) was raised as a policy consideration in the draft statement of common ground. It has been replaced by policy ENV7 (Water Management) of the Part 1 Plan.

- 5.28 Policy 8 (Contamination and Pollution) has been partly replaced by ENV5 (Pollution and Unstable Land) of the Part 1 Plan which seeks to reduce the impact of pollution from developments.
- 5.29 Policy 10 (Areas of Special Architectural or Historic Interest) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. The requirements of this policy are expanded upon by the Conservation Area Design and Development Guidance SPD. This policy still has some weight and is compliant with Section 12 of the Framework.
- 5.30 Policy 13 (Quality and Design of New Development) states that the Council will protect and enhance the heritage and character of the Borough and the quality of life for its residents by encouraging high standards of quality and design in new development. The policy has been replaced by Part 1 Plan policies ENV2, LIV5, WRK6 and SUP4. It should not be given weight in reaching decisions on these appeals.
- 5.31 Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character. This policy should be given significant weight and is compliant with Section 7 of the Framework which requires developments to reflect their surroundings.
- 5.32 Policy 20 (Quality Housing Provision) has been replaced by policy LIV5 of the Part 1 Plan.

### **Colne Neighbourhood Plan (the "NP")**

- 5.33 The following information looks at the policies contained in the NP including the proposed changes of the Inspector which will make it comply with the Basic Conditions. The Council has agreed for the NP to go forward to referendum based accepting all of the changes proposed by the Inspector. This section will not deal with the weight to be given to the NP which is discussed in the Officer Comments section later in the report.

#### **Policy CNDP3 Design in Colne and the Colne Design Code**

Seeks high quality, beautiful and sustainable buildings with designs informed by the defining characteristics of the Settlement Focus Areas of Colne. There is a requirement for developments to show how they have responded to the Design Code Elements. Building form and layout to respond to and be sympathetic to the Urban Character Area they are in.

Policy CNDP4 – Development Affecting Non-Designated Heritage Assets.  
Proposals to be assessed having regard to the scale and harm or loss and the

significance of the non-designated heritage asset with proposals applying a balanced judgment.

CNDP5 Urban Character Areas – development should respond positively to street patterns, use traditional materials, retain features of local vernacular and respect the layout of the UCA it is in.

CNDP6 – New housing will be supported within the defined Pendle Local Plan Proposals Map for Colne.

Policy CNDP7 - Protecting Local Green Space. To make the Plan meet the basic conditions the Rough was taken out of the list of proposed Local Green Spaces. The Inspector indicated that the Upper Rough met the 3 criteria for green spaces but that there was a need to look at future development needs for the area so the NP would not be sound if it allocated the site as a Local Green Space.

Policy CNDP13 - Conserving and Enhancing Valued Landscape Features -  
Policy CNDP13 - Conserving and Enhancing Valued Landscape Features -

Development proposals should conserve and where practicable enhance the landscape in the neighbourhood area. Landscape impacts are to be assessed against criteria relating to industrial heritage, woodland/trees, network of habitats and the contribution that open landscape areas make in conserving and maintaining the area's distinctive settlements.

A series of viewpoints are then set out as being important in the context of the NP's Significant Viewpoints Assessment.

Policy CNDP14- Rural identity and character. Development should retain and enhance the rural identity and character of the neighbourhood area. Criteria a) states:

*The proposal maintains the existing settlement pattern of the town and its relationship with the surrounding countryside.*

Weight to be attached to the Colne NP will be considered further in the Officer Comments section of the report.

### **Supplemental Planning Guidance:**

Development in the Open Countryside (Sept 2002).  
The following criteria are set for the assessment of development:

development should consist of “rounding off” of an existing settlement and should be defined by settlement form, natural landform and established planting.

walling materials should be in natural colours, tones and textures such as neutral grey.

roofs in dark grey/blue or stone coloured materials.

where development is closely related to an existing building group, massing and details of new buildings should be based on existing form, avoiding free-standing detached buildings.

screening should be through careful siting, relationship with existing buildings and tree groups and new tree planting.

avoid visibility against the skyline.

minimise building across contours.

minimal ancillary-built elements, tanks or storage.

boundary treatment restricted to stone walls (in rolling farmland) or substantial hedges in locally native species (in drumlins), supplemented, if necessary, by stockproof fencing.

no prominent equipment, aerals or signs that could be visible from the surrounding countryside.

minimal surface area of site to be used for hardstanding and surfacing restricted to permeable crushed stone or similar; and

garden areas of decorative planting and other domestic uses sited to minimise visibility from surrounding routes and the countryside.

### **National Planning Policy Framework and its implications for decision making**

- 5.34 National planning policy is principally contained in the National Planning Policy Framework (“the Framework”).
- 5.35 The Framework states in Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework states at Paragraph 8 that there are three dimensions to sustainable development: economic, social and environmental.
- 5.36 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development being the golden thread running through plan-making and decision-taking.

For decision making this means approving development that accords with an up to date development plan. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### 5.37 Paragraph 48

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Paragraph 49 adds:

However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.38 Section 5 sets out the Governments objectives of significantly boosting the supply of homes and it states that would be on a variety of land. Para 68 states that polices should identify enough land for years 1-5 of a LP. This is supplemented by para 74 which requires a 5 year supply of housing land to be maintained using the SM figure when a LP is more than 5 years old as is the case in Pendle.

5.39 Para 98 emphasises the need for access to a network of high quality open spaces with opportunities for sport and physical activity.

5.40 Section 7, requiring good design, establishes the importance to the design of the built environment. Paragraph 58 sets out these criteria which include:

How the development will function and add to the quality of the area not just for the short term but over the lifetime of the development  
 Establish a strong sense of place to create attractive and comfortable places to live  
 Optimise the site and include green and public space  
 Respond to local character and history and reflect the identity of local surroundings  
 Create safe and accessible environments; and  
 Are visually attractive.

5.41 Paragraph 74 guides on the provision of housing land:

Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

Pendles housing policies are more than 5 years old and hence the SMN figure is used for calculating available housing land. Pendle has a 5.61 year supply of available housing land.

5.42 Para 134 states that permission should be refused for development that is not well designed.

5.43 Paragraph 76 requires housing action plans to be produced where the housing delivery test for a Council falls below 98%. Pendle has a current housing delivery figure of 227%. Although full monitoring of delivery for the 2022-2023 year is not complete the delivery test figure is highly likely to rise.

5.44 The role of high quality open spaces and opportunities for recreation in the health and well-being of communities is recognised at paragraph 73.

5.45 Paragraph 75 recognises the need to protect and enhance public rights of way.

5.46 There is recognition that local communities should be able to identify green areas of special importance to them in paragraph 76. To designate a Local Green Space needs to be in close proximity to the community it serves and where it is demonstrably special to the local community.

5.47 Part 8 seeks to promote healthy and safe communities and to make sure developments are safe and accessible. Support9tng helathy lifestyles through the

provision of safe and accessible green infrastructure, sports facilities and local shops is encouraged.

5.48 Provision of open space and recreation and access to that is important to health and well being of communities set out at para 98.

5.49 Section 9 related to sustainable transport. These issues need to be dealt with from the earliest stages of development proposals. Impacts on the transport networks have to be addressed and walking, cycling and public transport use need to be identified and pursued.

5.50 Para 11 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

5.51 Section 11 of the Framework relates to conserving and enhancing the natural environment with paragraph 109 relating to protection and enhancement of valued landscapes and paragraph 113 advocating the setting of criteria based policies against which proposals for development on or affecting landscape areas will be judged.

5.52 Section 12 gives an emphasis to ensure that well designed places are achieved and the creation of high quality, beautiful and sustainable buildings is seen as fundamental to what the planning system should achieve. The use of design codes is encouraged. Para 134 indicates that development that is not well designed should be refused.

5.53 In relation to development affecting heritage assets paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

5.54 Conserving and enhancing the natural environment is considered in section 5. Para 174 states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the*

*wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- 5.55 The historic environment is considered in section 16. Applicants are expected to describe the significance of heritage assets including any contributions setting makes to them. .
- 5.56 Paragraph 199 requires that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”
- 5.57 Paragraph 202 states “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

### **Officer Comments**

The application has been submitted in outline with only the access arrangements to be considered at this stage. This is the basis that the application needs to be determined on as well as the parameters that the applicant has sought to outline through the design and other information that has been submitted. These issues will be explored in more detail below.

There have been a significant amount of comments made comparing this application with a prior one that was dismissed at appeal. Whilst there are issues covered in the two prior appeals that will be relevant to this application it needs to be set out at the start of the consideration of the merits of this application that the application is not the same as has been previously submitted. The proposal is materially different in three overall ways.

Firstly what is being proposed is different in terms of scale and extent so the potential impacts will not be the same and will require a full assessment of its individual merits. Secondly there is a different context to the application in that the western side of the site is now developed. The third change is that there is an altered policy context both in terms of a revised Framework and the emerging Colne Neighbourhood Plan.

The individual merits of this application need to be assessed and a decision taken on the merits of the amended scheme. The fact that a previous scheme has been



dismissed at appeal does not automatically lead to a conclusion that this application should be refused, as many comments have suggested. It is a different application with different material considerations to weigh in the planning balance.

## **2. Principle of Development**

The development of housing in the Borough is strategically set out under the policies in the LP.

### **Housing Supply**

The Framework contains Government policy on how the supply of housing has to be calculated depending on the age of the Local Plan. Where a Local Plan is more than 5 years old the Framework requires the calculation to be undertaken based on the nationally set Standard Methodology figure.

As Pendle's Local Plan is more than 5 years old, the SM figure is used to calculate the five year lands supply. Pendle has a supply above the 5 year figure at 5.61%. In terms of the supply of housing therefore the presumption in the Framework at paragraph 11, d,(ii) is not engaged and the normal planning balance is applied when assessing the development.

Policy LIV 1 of the LP allows for sustainable housing sites outside of a settlement to come forward which are close to a settlement boundary until a Part 2 LP is adopted. The Colne NP has policy CNDP6 relating to future housing growth. This indicates that new housing will be supported within the defined Pendle Local Plan Proposals Map. The application site lies outside of the settlement boundary.

The NP policy is however silent on how it would approach development outside of the defined settlement boundary. This differs for example with the Trawden NP which is clear in defining what development will be permitted both inside and outside of the settlement boundary.

In the absence of any commentary in the Colne NP regarding development outside of a settlement the application would fall to be determined in principle against adopted policy LIV 1 of the LP.

The Colne NP had proposed to allocate the site as a Local Green Space under policy CNDP7. That allocation was found not to meet the basic conditions and the Inspector recommended it be removed. That has been agreed and the CNP is going forward to referendum with the site not being proposed to be a Local Green Space.

In overall terms there is no policy objection as a matter of principle to the site being considered for a housing development.

## **Colne Neighbourhood Plan (“CNP”)**

The CNP has now been through its examination and has been assessed as meeting the basic conditions with the modifications set out by the Inspector. The referendum on the NP is due to take place on 20<sup>th</sup> July 2023.

The CNP is at its last stage of adoption and has gone through all stages but the referendum. All the objections to it have been resolved to the extent that an Inspector has assessed them and determined that with modifications the CNP meets the basic conditions. The CNP has been assessed against the Framework and would not be sound were the policies in it not to meet the policies in the Framework.

The Council should give significant weight to the policies in the CNP whilst acknowledging that the Plan is not a formal part of the Development Plan for Pendle and hence cannot be given the full weight that an adopted Plan must be afforded.

## **Affordable Housing Provision and Viability**

The requirement for affordable housing in the Borough is as set out in Policy LIV 4 in the Local Plan. The Local Plan was independently assessed and the conclusion were that viability in the area was insufficient to require any affordable housing to be delivered. There is therefore a zero target in the Local Plan.

Pendle is consulting currently on its Issues and Options Local Plan. The evidence in the Housing Needs Assessment is clear in indicating that there is a high need for affordable housing units in the Borough. Delivery is still a challenging though as viability in the Borough is generally low. The majority of affordable housing that has been delivered has been through either direct delivery through an RSL or through a special purpose delivery vehicle.

The application proposes to deliver 5% of affordable housing. This would deliver up to 15 affordable units on a site that under current policy would not deliver any. As the Borough is in need of affordable housing there are some planning benefits to the scheme delivering affordable units.

## **Design Approach and Parameters Plan**

The application has been produced with the intention of integrating the development into the landscape and having a high quality design to produce a development that would fit into the townscape and landscape effectively. This is sought to be achieved by having a parameters design plan setting out the standards of design that would be a minimum for the development.

The Design and Access Statement (“the D&A”) sets out the approach which incorporates looking at guidance from several sources which result in 12 key parameters being considered. The D&A is informed by the LVIA and Conservation Area Appraisal documents submitted by the applicant.

The design is generally well conceived but there are elements that would need to be considered further and which would not likely be acceptable. For example parking of vehicles would be proposed on the southern boundaries (Indicative view 11) giving an urban feel to the transition from the built form of the estate to the open countryside. The play area would appear stark and obtrusive in the upper area of the site and would be visually disjointed in the views up from the southern extents of the site. There would need to be changes to the illustrative layouts to make the design work to an acceptable standard.

### **Impact On Designated and Non-Designated Heritage Assets**

The application site incorporates land that runs down from Castle Road to Skipton Old Road on the southern end. Here the Lidgett and Bents Conservation Area covers a section of land running parallel with Skipton Old Road. The conservation area.

Standroyd is a Grade II Listed farmhouse sitting opposite the site of Skipton Old Road to the application site. The property is some distance from the proposed area where housing is and I concur with the comments of Growth Lancashire that the distance involved negates any discernible impact on the setting of the Listed Building. The pump house is proposed to be augmented with an extension the design of which is not yet known. However the pump house exists and any extension would need to be complementary to its own design and this is highly unlikely to have any impact on the setting of the listed building. No harm will therefore be caused by the development to the listed building.

I also concur with the comments for Growth Lancashire that the bigger material issue to consider is the impact on the setting of the Lidgett and Bents Conservation Area (“the CA”) such that an impact on significant of the asset would occur.

The CA’s special interest lies in its history, architecture and contrasting rural appearance and character as set out in the CA character appraisal. The interest is also around the transition from agriculture to hand loom weaving as the area survived with that industry longer than most other places. The interaction between the buildings and the fields helps to understand the historic development of the industry. It was accepted by the Inspector in the dismissed appeal on the site that it was correct that the CA did not extend further towards Castle Road but that land beyond would contribute to the setting of the CA.

There would be an area from the CA towards where the houses are proposed that would remain open, although that openness would be affected by the play area, pond,

car parking and extension to the pump house that would detract from the setting of the CA. The wider experience of the CA from the fields would be to a degree lost but that would be from some distance from the CA and there would be an open area, albeit with the items referred to above in it, between the building form and the CA. These would also be elevated above the CA.

The appraisal submitted with the application assesses the impact as being less than substantial harm. It places a positive impact on the restoration of the pump house to a community use and that this would enhance the area. Whilst I concur that the impact overall would be less than substantial the proposed works to the pump house may have a negative impact on it. The accompanying extension and car parking may detract from the visual quality of the CA. The design concept in the Design and Access Statement shows a proposed design of an extension of the pump house which would be inappropriate. However that is only a concept drawing and the full impact would not be known until detailed plans would be submitted.

The development of up to 150 houses would have public benefits. These would include providing extra housing in the area, providing affordable housing, jobs in construction and the supply chain in particular.

Within the meaning of section 16 of the NPPF, the 'less than substantial harm' that would be caused to the significance of the CA would be at the lesser end of the scale of impact. On balance, the public benefits of the scheme would outweigh such harm and the application is not recommended for refusal in terms of heritage impacts.

### **Community Café**

The application proposes to have a community café as part of the scheme. This seeks to provide community facilities and enhance the CA through the re-use and renovation of the building.

There has been no evidence supplied to indicate that a café/community use there provides a service which is otherwise lacking in the area. There is no evidence of this filling a community need that is not there. A café would in any event require a sequential assessment being a town centre use not in a town centre.

As indicated in the heritage appraisal section the development of the building could have either a negative or positive impact on the CA depending on the nature of the use, the level of car parking and design. The design shown in the D&A would harm the design of the building but as it is not a fixed design that can be given little weight at this outline stage.

No weight should be given to the community facility in the decision making balance as there is neither an identified use or deficit in provision that has been identified which it would fill and there is uncertainty whether this aspect of the development would have a positive or a negative impact on the CA.

## **Residential amenity**

The submitted layout plan indicates that the proposed development could be acceptably accommodated on the site without unacceptably impacting upon the residential amenity of surrounding properties in accordance with policies. The impact of the final detailed layout would be assessed in a subsequent reserved matters application.

The site is near to Park High School. The school sits in a residential area with housing on all but its east side where the application site is. The school has sports pitches that would lie adjacent to the site. The pitches, both grass and artificial, lie adjacent to existing residential properties and are not a nuisance to those properties. The relationship with the school sports pitches is acceptable.

The proposal seeks to have open recreation on the southern portion of the site. This would take the form of open land with informal use on it. The land is sloping and would not be usable for any formal sports games such as football. The low intensity recreational use of the land would be compatible with the residential units on the south and west sides.

## **Ecology**

The application has been submitted with an accompanying ecological impact assessment as well as a biodiversity net gain assessment using the large site metric. Pendle is consulting on but does not currently have a biodiversity net gain requirement of 10% in its policies. Nationally the 10% requirement will not be required until some point in November 2023 when the statute enacting the start time for the requirement is issued by Government.

There have been a considerable number of comments relating to wildlife on the site and the ecological value of the flora on it. This includes comments regarding the use of the site by the Red Listed Curlew which is cited by many in their comments on the wildlife and quality of the site.

Lancashire Wildlife Trust have made comments on the application as set out earlier in this report. The wildlife trust indicates that it has undertaken surveys but there is unfortunately no details on when and what results were found at each of the surveys. This impacts on how the results can be interpreted. Surveys relating to the ecological impact assessment were undertaken for birds on 6 occasions during 2022 from March to July. Habitat surveys were carried out by a walkover survey in January 2022 and a detailed survey on 13<sup>th</sup> June 2022. These are appropriate times to carry out surveys.

Pendle has sought independent advice from the Greater Manchester Ecology Unit ("GMEU"). on the ecological impacts including on the comments submitted by the Wildlife Trust.

The ecological impact assessment submitted by the applicant was accompanied by a Biodiversity Net Gain Plan. Both were assessed by GMEU.

Overall the evidence has not found that the site, in terms of its bird interest, does not have a direct impact or relationship to designated sites which lie some distance from the site. There is concern that residents from the new site may disturb birds in future on other sites such as Foulridge Reservoir but that is not a justification to refuse the application.

The evidence that has been submitted differs in terms of who is submitting it. The submitted ecological impact assessment does not find that there are any breeding Curlews on the site. The Wildlife Trust indicate the site is likely to support breeding Curlews but do not provide evidence of that. That the Curlew forage on the site and use it is not disputed by any party.

In terms of the evidence on the distribution of botanical species the evidence by the Wildlife Trust does not give details about distribution or abundance which are important requirements in survey work. It is therefore difficult to give that evidence weight over the ecological survey evidence in the ecology impact assessment.

The site has two hedgerows that meet the guidelines for a Habitat of Principal Importance as well as a section of trees on the site which run in a roughly north west to south east direction. These would be lost in the development and this is reflected in the BNG assessment.

The development would lead to the loss of 4 TPOd trees in accordance with the illustrative plans submitted with the arboricultural report. The report indicates though that with some movement of the internal layout that the trees may be able to be retained. The loss of the hedgerow of Principal Importance in the centre of the site could not however be avoided.

Mitigation would be planting of a further estimated 138 specimen trees.

The exact design of the scheme has not yet been determined. The loss of the trees could be avoided with an alternative design to that shown on the plans.

Policy 4D of the Local Plan refers to the safeguarding of legally protected species. Paragraph 118 of the Framework requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for.

Biodiversity net gain has been assessed although it is not a current policy in the LP. The assessment concludes that the development as set out will not result in the 10% net gain that is sought. An alternative design of scheme may however achieve that. There would likely be the need to have an offsetting strategy. Offsetting is permissible within

the net gain framework and it would be for the developer to propose that in any subsequent net gain plan. It is also noted that the development could be altered to improve the onsite net gain. This would need to be explored at the reserved matters stage as the emphasis is to provide net gains on site if that is possible.

The requirement for net gains to be established on the lower southern side of the site would not necessarily be compatible with recreational use which would involve people using the area and walking over areas of grassland that will need improving. Any net gain plan that would come forward would need to deal with that possible conflict and ensure that net gains were not affected by recreational use.

In overall terms, the advice that we have is that there is insufficient evidence to conclude that the wildfire interest of the site and the impact the development would, have on that is sufficient to refuse the application provided that a full mitigation plan is developed and implemented. This would be predicated on the developer being required to submit a comprehensive biodiversity offsetting strategy to look not only at net gain but for ecological impacts. A condition requiring this would ensure that ecological interests are maintained and enhanced proportionate to the impact.

### **Trees and Landscaping**

The proposal would involve the removal of 5 trees from the site which are predominantly Hawthorne. The development itself does not have an unacceptably impact on the most important trees that lie to the north and north east of the site.

As recommended by the Council's Environment Officer any approval should be accompanied by a condition requiring an Arboricultural Method Statement that would set out how the existing trees on site would be protected as part of development of the site.

Concerns have been raised about how works to trees could take place without damaging trees and how the potential impacts on them could be mitigated. A suitable condition could be attached to any permission granted to require details of tree protection measures to be submitted to the LPA and for those measures to be implemented before work affecting the trees is commenced.

### **Flood Risk, Foul and Surface Water and Water Supply**

The application has been accompanied by a Flood Risk Assessment. The application is in outline so the purpose of the FRA is to establish the risks of flooding both onto and off the site and to establish the parameters of the details that would be required were planning permission to be granted on outline.

The site is not at risk of fluvial flooding. It lies outside of flood zones 1 and 2. The main issue is that of pluvial flooding and the impacts the development would have down stream.

The site has drainage ditches on it which help channel water away from it. The main area of channelled water runs from east to west past the south east side of Park High School.

The proposal is to implement a Sustainable Urban Drainage Scheme that would discharge via infiltration supported by future permeability testing. Any remaining surface water would be drained via gravity fed pipes and SuDs features. An indicative plan of the strategy shows discharge via SuDs features to the drainage ditch to the south side of the site and to the north of the site on Castle Road. A further discharge is proposed to the watercourse below Park High School.

The Lead Local Flood Authority initially objected to the application and asked for further information. That was supplied but not all of the issues were dealt with. Further details were asked for on post development discharge rates as some areas had not been included in the submitted valuations. Further information has been supplied which the LLFA are currently considering. An update on this will be given at the meeting.

The principle of what is proposed is acceptable subject to final detailed comments from the Lead Local Flood Authority.

## **Contaminated Land**

A Desk Study Report was submitted with the application and concludes that there would be a low risk of contamination on the site. The land has a low potential risk of contamination and a condition requiring this to be assessed and confirmed as part of any consent issued would deal with the potential for contamination adequately.

## **Air Quality**

The air quality assessment does not identify any substantive issues of air quality that would be detrimentally affected by the development and I concur with that view.

## **Highways**

This application site would be accessed off Castle Road and Windermere Avenue by vehicular traffic with further pedestrian and cycle access off Skipton Old Road.

The Appellant points in its Transport Assessment to the comments of the Inspector in the decision taken in 2016 at paragraph 83. It indicates that the inspector concluded that the transport impacts for the 270 unit scheme were acceptable. That is not correct.



The decision letter at para 55 makes clear that the conclusions only relate to the 90 unit scheme. There has been no agreement by an Inspector that the highway impacts relating to the larger scheme are acceptable.

Vehicular access is proposed to be from two points. The first is joining onto the access that connects to Windermere Avenue via the recently constructed housing development on the south west of the site.

A second access is proposed on Castle Road. Concerns have been expressed that the road width on the Windermere Avenue estate is not adequate and cannot cater for public transport and that the proposed alterations at Castle Road are poor and cannot be achieved.

The application was accompanied by a Transport Assessment. That considered the issues of the road network capacity and highway safety, traffic forecasts and the accessibility of the site. The initial documentation was commented on by Lancashire County Council as set out earlier in this report.

The capacity of the highway network to accommodate the increase in traffic that would be generated by the development was acceptable with the information that was submitted in the TA. However details of committed schemes were not included in the data which the applicant has been asked to add in. This has been supplied to LCC who are assessing the information.

Concerns have been raised about the accessibility of the site and that it is in an unsustainable location. The site is located on the periphery of Colne. There are a number of facilities that can be accessed and it is whether these are reasonably located, or can be made to be reasonably located, that will determine if the site is accessible.

There are both high and junior schools in close proximity which would be able to be accessed by foot. The junior school at Bents would be via single lane streets with limited footways. Colne Park Primary School would be able to be accessed via good footpaths and a controlled crossing point. Park High School is close and would be similarly be able to be accessed on foot via good footpaths.

There are a small number of shops on the south side of the roundabout at the east end of Byron Road. These could be accessed on foot from the Windermere Avenue access to the site.

Bus stops are in place at either end of Venables Avenue with buses at hourly intervals. These are within 400m of the site. These bus stops will be upgraded through the existing agreement with the development to the west of the site. The application also contains a proposal to divert the bus service through the development site. This could be achieved through a section 106 agreement for a contribution and would bring public transport directly to the development.

Further contributions are sought to enhance cycle routes to the North Valley.

In overall terms the site is well related to facilities. It is accepted that it is some distance from the railway station and the town centre but public transport to those would be made available as part of the application.

Concerns have been raised that a bus may not be able to use the access into the site from the Windermere Avenue direction and that the work on Castle Road to restrict the access will not work.

Windermere Avenue is capable of having a bus pass parked cars which are sometimes present on the highway. The new section of carriageway from Windermere Avenue to the new site is a standard design and the access from that into the proposed new estate would have to be constructed to be capable of taking larger vehicles. The indicative plans show the internal road layout on the new development. The design of that would need to be considered at a later stage but it could be designed to accommodate a bus.

The proposed restriction to the width of Castle Road has received objections based on it not working and that it would result in access to properties not being able to be achieved. The access arrangements have been reviewed and a design submitted with swept path analysis to demonstrate that vehicles can access Lower Clough House and 122 Castle Road. This includes access of vehicles to Lower Clough House and car and caravan access to 122 Castle Road. The information is being assessed by LCC and an update on this will be given to the meeting.

The proposal to restrict Castle Road to a single width carriageway is an acceptable solution to having a carriageway that would not allow two vehicles to pass. It would be clear through signage that the road narrows there and that there would be priority traffic. The road is not heavily trafficked and there would be no unacceptable highway dangers caused by the restriction.

The Local Highway Authority do not object to the principle of development. The site is not unacceptably poorly related to other infrastructure and services to warrant refusal of the application. It can also be made more accessible with the provision of enhanced public transport. Provided that there are no safety concerns and the design of the reconfigured section of Castle Road are acceptable there are no objections on highway grounds.

### **Public Rights of Way**

Many concerns have been raised regarding the impact of the proposed development on the use of the site as a public amenity space for walking, walking dogs, children playing etc. However, the site is private land which is not designated as open space. The only formal public amenity function of the land is as a public right of way and this is limited to the routes of the footpaths, the remainder of the site is private land to which the public

have no specific rights of continued access to, it could be fenced off tomorrow without express permission being required.

Access to and along the footpaths would be maintained within the proposed development and would be likely to offer improved accessibility over what is currently a predominantly unmarked footpath across land susceptible to being waterlogged.

The enjoyment of the footpaths will be affected by the development as will the final route of the path through the estate. The paths run from along Skipton Old Road up the rising land to the higher level where they merge at the egress point onto the road. Users experience an emergence into open countryside where the further north the path is the greater the sense of being in a countryside setting as opposed to one dominated by a sense of being in an urban area. The footpath to the west is experienced with the context of the new housing estate on the Lower Rough but there is still a significant sense of being on a site emerging into open countryside. The site forms part of the East Colne Way. This is a 5 mile walk around the east side of Colne which takes participants around valued sites of the community around the east of Colne.

The experiences using both footpaths will be significantly detrimentally affected when walking along the upper section of the site where the housing would be located. The sense of emerging and being in open countryside would be largely lost. The experience of using the footpath on the western side would be affected by the development of the pump house, attenuation pond and play area and then through the housing estate. The rural experience it currently offers will be removed and transformed into one of being in an urban setting.

### **Infrastructure Impact**

Numerous concerns have been raised regarding the impact of the proposed development on local infrastructure and services such as schools, doctors, dentists and hospitals, with many responses stating that these services are already at capacity and could not accommodate additional residents in the area.

As part of the evidence base for the Core Strategy the Council has prepared and had approved by Members a Strategic Housing Market Assessment (SHMA) and an Infrastructure Strategy. The SHMA predicts the housing needs of the borough based upon a range of housing, economic and demographic factors, trends and forecasts. The Infrastructure Strategy assesses the quality and capacity of existing infrastructure provision and takes account of the need for new strategic infrastructure. No significant infrastructure was identified as being needed as part of the LP process.

In terms of other infrastructure the infrastructure providers have made the comments they need to and where infrastructure has been needed comments have requested that be provided. The main issue is that of transport and the need for off site works and contributions to bus services.

## Visual Amenity and Landscape Impact

The application has been submitted with a Landscape and Visual Impact Assessment ("LVIA") alongside a Verified Views assessment and a Design and Access Statement setting out design parameters. The latter has been informed by the findings of the first two assessments in formulating the design approach. The Council commissioned consultants to review the landscape documentation to which the applicant have submitted further details to clarify their position in respect of those comments.

The verified views have been submitted to show the short term impacts of the development. Many of the views show that there would be some impacts locally but the short term views do not show the extent of the built form of the new development and there are no submitted views for example from the southern boundary looking north.

The application site lies on the edge of Colne lying adjacent to Park High School and to the recently developed housing site to the west of the site. The new development lies on lower land to the application site and the pre-developed land had a much greater visual link to the urban area being partially surrounded by the cottages on Skipton Old Road and to the housing on Favordale Road and Windermere Avenue. Both from nearby locations and from locations some distance away this site was a less prominent feature on the edge of Colne than the application site which is both higher in elevation and is much more visually prominent.

The application site has public footpaths across it. It can, and is, experienced by many people and is a site that is important to the local community as can be seen in the significant level of concerns about its loss expressed as part of this and other planning applications.

The site is predominantly in Landscape Character Area 35 – Lancashire Valleys - which, in the Landscape Strategy for it advises that caution should be taken in considering development in the area. A small part of the southern section lies in the South Pennines NCA – 36.

The CNP had within it a Significant Viewpoints Assessment. This assessed the site in terms of it being one of 9 identify landmarks considered in the context of 17 significant viewpoints. The site is identified in the assessment as being important to the pastoral setting of Colne and as being important to the wider rural setting of Colne. The LVIA recognises that the site sits next to open countryside with it having a strong relationship with the urban edge of the settlement. The site does have a close relationship with the urban edge and I agree with the LVIA in that respect. The LVIA recognises that the site has a wildness as part of its character. I agree with this. The wildness of the site adjacent to the urban edge gives the site value, a value that is recognised by the local community.

When viewed from areas such as Mire Ridge, one of the identified important viewpoints in the CNP, the site is clearly one that is seen not as part of the urban context but as an integral part of the open countryside, notwithstanding its juxtaposition next to the urban edge of Colne.

There would be a significant change in the character of the site which would not be mitigated by the management and landscaping proposals that are put forward. The site's character would adversely change with both the housing on the upper sections being a major change alongside the lower area which is unmanaged and natural in its current form, being impacted adversely by the man made features and paths which could be added. The natural feel of entering the open countryside would be replaced by an area heavily influenced by man made features.

The experience of users of the footpaths would also then change. The sense that users currently have of walking from the conservation area into rising land opening out to the countryside would be replaced by an experience of a site with man made features and a semi-urban feel through to a strong urban feel on the upper developed area. The experience of users would be significantly diminished.

The visual impact of the development would be higher than assessed in the LVIA. It would not conserve the visual amenity of the area and would have a detrimental impact on the urban setting of Colne which would be unacceptable. The experience of users of the public rights of way across the site would be significantly adversely affected.

The local landscape character impact has been under represented in the LVIA and the impact on landscape character would be adverse. Combined with the visual harm the development would have and the detrimental impact on the experience of users the development would cause unacceptable harm.

The development would result in a poorer relationship of the urban area to the countryside due to the reasons set out above and the development would thus be contrary to Policy CNDP14 of the emerging Colne Neighbourhood Plan.

## **Other Issues**

Concerns have been raised about light pollution. Whilst the development would be lit it lies adjacent to a main settlement where there is already lighting. It would not adversely affect an area bereft of man made light. The form of lighting could be controlled by condition to prevent pollution.

Comments have been made that the development exceeds the thresholds under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. The threshold in the Regulations for mandatory EIA are not reached. The advisory

thresholds in Schedule 2 are reached but there has to be an overall assessment of the environmental impact and a decision made about whether an EIA is required. A screening opinion has been issued indicating that EIA is not required. None was required for the previous applications or appeals.

The loss of the land to farming has been raised. The land is not the best and most versatile land that should be protected per se from development and the loss of farmlands is not a justification to refuse the application.

### **Weight to be Given to Planning Policies**

The Colne Neighbourhood Plan has now been through examination and has been found, with modifications, to meet the basic conditions. There will be a referendum on the Plan in July 2023.

The NP policies will be in line with the Framework as that has been examined and alterations to ensure they comply have been made. There are no unresolved objections as these have now all been concluded through the examination process.

The NP is nevertheless not made so the policies cannot be afforded statutory weight under Section 38A of the Planning Act. However significant weight should be afforded to the policies which have reached an advanced stage in the adoption process.

### **Contributions**

An initial request was made by LCC for an education contribution of £346,542. A further assessment was carried out by LCC who have subsequently confirmed that no contribution is required.

A request had been made for £34,130 towards the NHS for year one service provision but this request was later withdrawn.

Lancashire County Council have made requests for highway contributions relating to enhanced bus services, cycle routes and travel plans. Should Committee be minded to approve the application these contributions should be considered to be required as part of a section 106 agreement.

## **16. Conclusion and Recommendation**

The application would provide housing in the Borough and would contribute to the supply of both open market housing and affordable housing. The supply of housing and its contribution in the Borough to supporting general prosperity and to providing accommodation to support economic growth are both recognised and which will provide positive benefits to the Borough.

The development can be provided with safe access arrangements and with the upgrade of highway infrastructure alongside an augmented bus service the development would be sustainable in transport terms.

Whilst the development would cause harm to the significance of the conservation area this would be less than substantial harm which would be at the lower end of the scale and which would be outweighed by the public benefits brought by this housing scheme.

The development could also be provided with a drainage scheme that would prevent flooding off site and which would be resilient to climate change.

There would be ecological harm caused by the development both in terms of loss of species of Principal Importance and loss of habitat for the red list Curlew. There would also be a need to improve habitats to achieve the 10% net biodiversity net gain as set out in the Metric 3.1 BNG assessment. There would need to be a net gain plan to be produced to set out how both net gain would be achieved as well as to compensate for the ecological impacts.

There would be planning benefits to the scheme but as set out above there would be harm to landscape and visual amenity which would not be outweighed in the planning balance. The Council is in a position where it has more than a five year supply of land. It is also in a position where delivery of housing is significantly above its Housing Delivery Test target. The development would not therefore be one that would help to address significant lack of choice in available housing land or which would address under delivery. The tilted balance is not applicable in Pendle and hence the development needs to be assessed on the normal planning balance.

The landscape impact would be unacceptable. The Colne Neighbourhood Plan identifies this as being important in the context of the views of Colne and the development would not preserve the landscape in which it sits contrary to Policy CNDP 13 of the emerging NP. This has to be given significant weight in the planning balance.

Overall, harm to local landscape and visual amenity would not be outweighed by the planning benefits brought by the scheme. As a result, the proposed development would be contrary to Policy ENV 2 of the adopted Pendle Local Plan (Core Strategy), Policies 13 and 20 of the adopted Replacement Pendle Local Plan, Policy 13 of the emerging CNDP and paragraph 137 of the NPPF. Accordingly, the proposed development would not comply with the adopted development plan when read as a whole and there are no material considerations which would lead to a different result. Planning permission should be refused.

## **RECOMMENDATION**

It is recommended that the application be refused for the following reason:

The proposed development would result in the unacceptable loss of a prominent greenfield site to the east of the settlement of Colne that currently makes a significant contribution to the landscape character and quality of the area. The development would lead to a poor relationship with the town and countryside. In visual terms, there would be unacceptable impacts on views looking towards the application site from the east, in particular from the opposite side of the valley and for users on the footpaths approaching and passing through the site. The proposed development would be contrary to policies ENV 2 of the adopted Pendle Local Plan (Core Strategy), policies 13 and 20 of the adopted Replacement Pendle Local Plan, policies CNDP 13 and CNDP 14 of the emerging Colne neighbourhood Plan and paragraph 137 of the National Planning Policy Framework.





## PLANNING, BUILDING CONTROL AND REGULATORY SERVICES

Town Hall, Market Street, Nelson,  
Lancashire BB9 7LG

**Town & Country Planning Act 1990**  
**Town & Country Planning**  
**(Development Management Procedure) Order (England) 2015**

# REFUSAL OF OUTLINE PLANNING PERMISSION

**Application Ref:** 22/0790/OUT

**Applicant:**  
Accrue Capital Limited  
C/O Agent

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**Agent:**  
Miss Amy Bronte Littlejohns  
Beehive Mill  
Jersey Street  
Manchester  
M4 6JG  
United Kingdom

Under the provisions of the above mentioned Act and Order, **Pendle Borough Council** as Local Planning Authority hereby refuses to grant planning permission for:-

**Proposal:** Outline (Major): Development of 150 new homes; refurbishment and extension of an existing pump house building and its change of use to a Class E or Class F community use; formation of a new means of access onto Windermere Avenue; alterations to an existing means of access onto Castle Road; and other associated works (Access only).

**At:** Land To The East Of Windermere Avenue Colne

**Decision Date:** 19th July 2023

In Accordance with the application and plan(s) submitted to the Council on 21st November 2022

### Reasons for refusal:

- 1 The proposed development would result in the unacceptable loss of a prominent greenfield site to the east of the settlement of Colne that currently makes a significant contribution to the landscape character and quality of the area. The development would lead to a poor relationship with the town and countryside. In visual terms, there would be unacceptable impacts on views looking towards the application site in particular from the opposite side of the valley and for users on the footpaths approaching and passing through the site. The proposed development would be contrary to policies LIV1, ENV1, ENV 2 of the adopted Pendle Local Plan (Core Strategy), policies 13 and 20 of the adopted Replacement Pendle Local Plan, policies CNDP 13 and CNDP 14 of the emerging Colne neighbourhood Plan and paragraph 137 of the National Planning Policy Framework.

- 2 The development would lead to unacceptable harm to the ecological value of the area with specific harm to the ornithological value of the site. The development would thus be contrary to policy ENV1 of the adopted Pendle Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

A handwritten signature in blue ink, appearing to read 'N. Johnson', is positioned above the title.

**Planning, Building Control and Regulatory Services Assistant Director**

**Application Ref: 22/0790/OUT**

**Date: 19th July 2023**

## **GUIDANCE NOTES FOR APPLICANTS**

### **Appeals to the Secretary of State**

- If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may appeal to the Secretary of State in accordance with sections 78 and 79 of the Town and Country Planning Act 1990 within six months of the date of this notice.
- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice whichever period expires earlier.
- The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Council. Appeals that are pursued unreasonably may be the subject of an award of costs in accordance with the provision of Circular 8/93.
- If it is your intention to appeal and request the Inquiry procedure then you must notify the Local Planning Authority ([planning@pendle.gov.uk](mailto:planning@pendle.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on [www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal](http://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal)
- Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from the web site <https://www.gov.uk/planning-inspectorate>. All information submitted will be available for the public to view on the internet.
- The Planning Inspectorate have introduced an online appeals service which you can use to make an appeal online – see <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet, including the original planning application form, supporting documents supplied to the local authority by you and with the completed appeal form and information you sent to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.