

Kelbrook NP

General

Prior to this Regulation 14 submission the Parish Council have received informal feedback from Pendle Council planning staff although some points have not been addressed.

Consider spacing text between subheadings and the body of text.

- P8 – Text refers to appendix 2 – this is however the site methodology not what is referred to in the text
- P9 ‘Note, this site was withdrawn from Pendle’s Part 2 Local Plan in September 2021 and they are not looking for another site.’ – This is incorrect, Pendle is still looking for alternative housing sites in Kelbrook.
- P12 ‘Character Assessment should be used to help inform any green infrastructure proposals’ this is not correct a character assessment is to maintain character not green infrastructure
- A policies map showing all the potential designations and allocations on a single map should be provided. This map should be legible for all readers.

Evidence Base

- Evidence base links in the document need to be updated. Current links do not directly relate to the relevant document. These links need to be updated to ensure the accessibility and transparency of the plan.

Policy

- **KS DEV 1 – This policy does not meet the basic conditions**
- If the character assessment is to be used as a consideration for this policy, the character assessment itself needs to be redrafted – see later comments of character area 2.
- The determination of applications needs to be linked to the findings of the Character appraisal which should identify the key characteristics and locations that need specific attention.
- Reference made to emerging policies of the Pendle Local Plan Part 2 within KS Dev 1. This becomes an issue if the LPP2 is not progressed or is significantly altered. To avoid this, the final paragraph of the policy should be deleted. The policy is applicable to all developments and will be taken into account in the decision making process.
- **KS DEV 2 - This policy does not meet the basic conditions**
- Again refers to the character assessment which requires revision.
- **KS DEV 3 - This policy meets the basic conditions**
- The requirement for bin storage requires justification as the policy needs to respond to an issue that has been brought up by evidence. The requirement could better be incorporated into a general design policy.

- **KS ENV 1 - This policy does not meet the basic conditions**
- The policy is making two distinct points, green infrastructure and green space are two different things.
- We have previously commented that Local Green Space is different to Green Infrastructure, this needs to be made clear in the plan. The terminology in Appendix 3 should be consistent with the text and is made clear as to whether it is discussing Green Space or Green Infrastructure. The designation of Local Greenspace requires a specific evidence based process. The inclusion of land designated Local Greenspace would require a second consultation on the draft Neighbourhood Plan.
- Policy KS ENV1 – It is unclear what is being defined as green infrastructure. The supporting text and image to the policy refers to farmland which are generally not considered to be green infrastructure. The list of green spaces not referred to in policy and this link should be made in the policy as it is unclear what the Neighbourhood Plan is seeking to do in relation to these green spaces. The Council's Green Infrastructure Strategy forms a more relevant evidence base document to the policy than the biodiversity audit which is currently referenced.
- **KS HER 1 - This policy does not meet the basic conditions**
- The Non-designated Heritage Assets policy does not accord with 2021 NPPF, which requires a balanced judgement taking into account the scale of harm or loss caused (see Paragraph 203 of the NPPF). The policy as introduced brings in a higher test than is in the NPPF. More fundamentally it introduces a higher test than is in Section 72 of the Listed Building Act. Policy can never have a higher test than statute which this does. The text needs to be re-worded to reflect the NPPF in full or omitted.
- The listed milestone, formerly in Sough Memorial Park, was relocated to Earby Old Grammar School a few years ago and is no longer within the neighbourhood area. The reference to the milestone should be removed.
- **KS HER 2 -**
- Change understanding to 'have consideration for'
- A definition of what the policy means by the historic environment is required. For this the policy could link to Policy ENV1 of the Pendle Core Strategy
- Part C is inconsistent in terms of its requirement for evidence with NPPF Paragraph 194.

Housing (General)

- The identified allocations provide sufficient capacity to meet the housing needs for designated plan area as defined through Policy LIV1 of the Pendle Core Strategy. However it will not meet the overall requirement if KSHOU3 has a release mechanism built into it which it currently has.

- **KS HOU1** - Consider the need for a sequential assessment for this site and consider viability. Pendle Council records indicate that the yield from this site will be 3 not 10, which is a substantial change.
- Refers to 'local knowledge' - weighting and relevance of 'local flood risk knowledge'
- Policy needs to consider existing buildings and the value of these for ecology – e.g. bats.
- The housing number proposal is dense compared to site area. The proposal is equivalent to 100dph. Only an apartment scheme would deliver this sort of density but is not likely to be suitable in this location given its inconsistent form in contrast to the wider village. The density should be much lower taking this into account. The capacity of the site should be reduced to 4-5 dwellings.

- **KS HOU2** -
- This site outline planning permission expired 05/09/21, although a reserved matters has been received and is waiting to be decided
- See previous point on flood risk etc
- What is 'high quality' design – where is this documented

- **KS HOU3** -
- The safeguarding mechanism for this site is not justified and its implementation would conflict with strategic policies SDP1, SDP2, SDP3 and LIV1. Development of the site is required now in accordance with Policy LIV1 of the Pendle Core Strategy. The housing requirement for Pendle remains 298 dwellings per year until it is formally replaced by an independently assessed "sound" requirement. The Pendle Local Plan Part 2 is not at a sufficiently advanced stage in the plan preparation process to attract weight for plan making through the Neighbourhood Plan. It does not therefore provide the strategic plan making context for the neighbourhood plan.
- Pendle Borough Council have this site as entertaining 64 dwellings
 - The neighbourhood plan is not the place to make representations about the local plan – these should be removed
 - See previous point on flood risk etc
- Supporting text referring to adjacent industrial uses and the compatibility of dwellings with this is not relevant to this site. A key consideration for the suitability of this site will be its access to the highway for vehicles and pedestrian. The policy should reference a Pedestrian link to A56 which would provide an alternative pedestrian link into the heart of the village. An extension of footpath along B6383 is also required to provide safe access to existing bus stops on Barnoldswick Road.

- **KS HOU 4 - This policy meets the basic conditions**
 - No comments

- **KS PATH - This policy meets the basic conditions**
 - It may be more appropriate to use a different word than 'Movement' such as 'Travel' or 'Transport'

- **KS TOUR - This policy meets the basic conditions**

- No comments
- **KS INFRA 1 - This policy does not meet the basic conditions**
- **Whilst acknowledged that flooding and drainage issues are significant within the designated area, following to observations made below it is suggested that this policy is deleted.**
 - This policy still refers to local knowledge being used. Expanded comments below:
 - Part 1 unjustified weight to local knowledge for considering flood risk. How does this relate to National Planning Policy and advice from EA, LLFA and Yorkshire Water - mentions “local knowledge of flooding what weight can the EA, LLFA attach to “local knowledge”, which should already be reflected in the SFRA – local knowledge is not evidenced
 - Part 2 – This issue does not relate to planning. As has been previously advised is unclear and vague; for example who advises the homeowner?
 - Part 3 – This point is not precise enough and lacks meaning.
 - Part 4 – The terminology “some things” is not precise and open ended. Managing flood risk should not contradict local and national requirements or the practices of the Environment Agency and Lancashire County Council, who are the lead Local Flood Authority (LLFA).
 - Point 1 is too vague. It is unclear what flood events are being referenced? The policy should relate 1 in x year events, which drainage capacity addressing the effects of climate change.
 - Point 2 is not a planning matter.
 - Point 3 it is questionable as to whether this can be effectively enforced.
 - Point 4. The term flood store should be clarified to flood storage capacity. This is typically only required at sites located in locations which are prone to flooding, and brownfield sites where policy requires greenfield run-off rates to be maintained. Otherwise such storage is a betterment of a development and should be considered favourably through the decision making process rather than a blanket requirement particularly where this is not possible owing to site scale, development type, site constraints, viability and feasibility.
- **KS COM 1 - This policy does not meet the basic conditions**
- These buildings can be placed on the local list however a neighbourhood plan cannot guarantee who buys the building in future
- Policy KS COM1 – policy should allow for replacement asset where this is accessible to the community it serves and of same or better quality than existing provision.
- **Section 5 – The inclusion of monitoring the effectiveness of the NDP is welcomed**
 - As previously discussed. Spending of CIL – this is beyond the scope of a neighbourhood plan and needs to be removed – The inclusion of CIL = **This does not meet the basic conditions**

Appendices

- Appendix 1 – Noted
- Appendix 2 – Consider whether this would be better in your consultation statement, with the notion in the main text altered accordingly.
- Appendix 3 – Noted
- Appendix 4 – Noted
- Appendix 5 – The mapping needs to be more precise, some areas may not be considered green space – see previous comments
- Appendix 6 –
 - Sites – P068 Land at Barnoldswick Road/Colne Road, Barnoldswick Road, Kelbrook
 - The site has the potential to meet the requirements of the local plan and housing requirement at the present time, although the housing requirement may change
 - Traffic and access may be an issue and Lancashire County Council will comment in this
 - P243 Cob Lane – planning permission expired on 05/09/21, a reserved matters application has been submitted
 - P183 Dotcliffe Road – the site will yield 3 dwellings

Supporting Evidence

- Local Green Spaces – need to meet the established criteria for designation:
 - It is unclear why some of the allocated Local Green Spaces meet some of the criteria of being ‘demonstrably special’ (see below):
 - Criteria NPPF 2021
 - ‘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.’
- You need to identify where ‘Stoop Farm’ is – number 12 site for local green space looks like Cob Lane site which already has planning permission
- Site scoring – this requires some sort of key to explain what the numbers mean. A justification based on the scoring, could be added to Section 2 of Appendix 3 – 2

Character Assessment

- In planning terms, Kelbrook is not a village but is formally designated as a Rural Service Centre. This may seem a minor point but there are different policies that apply to different types of settlement.

- The justification for establishing a Character Area for Area 1 around the Main Road is much stronger than that for Area 2. You may wish to strengthen the latter, which contains a mix of building types.
- Character area 2 includes the Cob Lane development site which already has planning permission but the outline has now expired
- The references to the milestone should be clarified to say - '*formerly in Sough Memorial Park*'
- Page 46 – There is not much information in the Building Details paragraph. To encourage locally distinctive traditional designs, reference to the importance of simple buildings, roof forms and fenestration (e.g. straight gable ends, plain roofline detailing, chimney stacks, sandstone/gritstone to reflect local types, stone slates, stone boundary walls, etc.) would be useful.
- Pages 53 and 55 - Listed building No.5 (marked on the map) does not exist and should be deleted. There is a corresponding error on the Council's online map, which also needs to be amended.
- Page 56 - Sough Mill is not on the Council's Local List, as we do not yet have one.