

REPORT FROM: PLANNING ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER

TO: POLICY & RESOURCES

DATE: 25 November 2021

Report Author: John Halton
Tel. No: 01282 611330
E-mail: john.halton@pendle.gov.uk

**PENDLE LOCAL PLAN PART 2
SITE ALLOCATIONS AND DEVELOPMENT POLICIES**

PURPOSE OF REPORT

- (1) For Committee to consider the responses to the consultation on the Part 2 Local Plan and the format of the Plan to go to Publication in order to further the social, economic and environmental wellbeing of the Borough.
- (2) To allow Committee to consider the supporting and evidence base documents accompanying the Local Plan Part 2 (Publication Report), so that they can be considered by Full Council and form part of the public consultation.

RECOMMENDATIONS

- (1) That Committee agree that the Local Plan Part 2 (Publication Report) [Appendix 1] can proceed to Full Council as set out in the attached documents.
- (2) That Committee agree that the following supporting and evidence base documents can also proceed to Full Council: the Housing Impact Analysis [Appendix 2]; Pendle Strategic Flood Risk Assessment [Appendix 3]; the Regulation 18 Consultation Statement [Appendix 4], the Pendle Local Plan Part 2: Sustainability Appraisal Non-Technical Summary [Appendix 5] and the Habitat Regulations Assessment [Appendix 6].

REASONS FOR RECOMMENDATIONS

- (1 & 2) To comply with the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended and in order to ensure that Pendle has an up to date Local Plan and development strategy to facilitate the right opportunities for people to live, work and recreate in Pendle

ISSUE

Background

The Local Plan is the main policy document in Pendle that formally sets out a strategy and vision for the Borough by setting out planning policies and site allocations to provide for the necessary new development the Borough needs. The Plan seeks to facilitate the right quantum of development whilst respecting and preserving the main elements of landscape and the environment that should be preserved.

The Part 2 Plan builds on the strategic policies set out in the Part 1 Core Strategy but also reconsiders some of the policies in the Part 1 Plan principally surrounding housing numbers and the provision of affordable homes.

The Plan has to conform to the requirements in the National Planning Policy Framework and will be tested for soundness based around that conformity.

Pendle Local Plan Part 1: Core Strategy (December 2015) ["LP1"] sets out the strategic framework for promoting sustainable development and growth in Pendle up to 2030. It includes:

- The long-term spatial vision for the borough, and the overall strategy for delivering that vision.
- The amount of development proposed for particular uses (e.g. housing and employment) and its geographic distribution across the borough.
- The main infrastructure improvements required to support the projected scale and distribution of growth.
- The strategic planning policies that will be used to help determine applications for planning permission.
- A key diagram; illustrating the spatial implications of the strategy.

Pendle Local Plan Part 2: Site Allocations and Development Policies ["LP2"]

LP2 (Appendix 1) must be in general conformity with LP1 as it builds on the strategic policies, vision and objectives set out in that document. A new figure for our local housing requirement; detailed site assessment work; and sustainability appraisal have informed the selection of a portfolio of specific development sites which will help to deliver our vision for the future of the borough. These sites meet the crucial deliverability test set out in the National Planning Policy Framework (2021).

LP2 also includes a wide range of detailed non-strategic policies. These policies will be used by planning officers on a day-to-day basis to help determine new applications for planning permission. They also help to ensure that development in Pendle will meet the Government's requirements to promote high quality and beautiful design; low carbon environments, which help us to mitigate and

adapt to the effects of climate change; and deliver Biodiversity Net Gain in a meaningful way to the benefit of the Borough.

The content of the Publication Report has been influenced by the comments and evidence submitted in response to the Regulation 18 public consultation, which took place earlier this year (see Appendix 4); data from the 2020/21 monitoring year; updates to national planning policy and the accompanying planning practice guidance; and any refinements to the supporting evidence, site appraisals, and policy. It is anticipated that there will be further policy changes that the Plan will have to respond to with the evolving response to climate change and to expected changes to the national planning system.

At Full Council on 25th March 2021 a motion to align the borough's housing requirement figure with that generated by the Government's Standard Methodology taken. However, this can only be brought into effect through the adoption of a new Local Plan. Plan making is an iterative process, which must be supported by formal evidence balancing the evidence on the development needs of the Borough with the other constraints that are present. It must be stressed that the process is evidence based and decision on policy must be able to be justified in front of an Inspector. The Local Plan is tested at an independent public examination before it can become part of the development plan for the borough (paragraph 35 of the NPPF). Until such time that LP2 is found sound at examination, and subsequently adopted at Full Council, the housing requirement for Pendle remains at 298 dwellings per annum as set out in Policy LIV1 of LP1.

Having considered the comments submitted in response to the Regulation 18 public consultation; the content and context of the available evidence; and current national policy and guidelines, the evidence is that a housing requirement of 240 dwellings should be included as set out in the Regulation 18 consultation.

Further work has been commissioned and is set out at Appendix 2 looking at the impacts of a lower housing figure. The main findings as summarised are:

- The Government is clear that the figure generated by their Standard Methodology (142 dpa in Pendle) does not represent a target, but reflects a baseline position. Local planning authorities may wish to increase this figure to take account of local circumstances (e.g. a shortage of affordable housing); aspirations for economic growth etc.
- LP1 adopts a “policy-on” economic growth target, and this underpins its vision and objectives. The adoption of a housing requirement which fails to reflect and support this level of growth will result in a disconnected strategy, and is likely to result in LP2 being found unsound at examination.
- The adoption of a housing requirement based on the Standard Methodology would continue demographic trends experienced between 2009 and 2014, as these underpin the household projections used in the calculation. In Pendle, during this period, there were unusually low figures for net housing completions due to a combination of the economic effects arising from the economic situation the country was in and demolitions associated with the implementation of the housing market renewal programme. The adoption of the Standard Methodology figure for Pendle would therefore place an artificial constraint on the local housing market, which has recovered in recent years.
- Use of the Standard Methodology figure would also ‘lock-in’ unsustainable patterns of demographic change. Projections show that births will significantly outstrip deaths in Pendle over the plan period. But this is not balanced by domestic or international migration. The result is a significant reduction of economically active residents in Pendle,

placing increased pressure on the local services required to support younger and older residents, and discouraging economic investment.

- The net economic benefits of adopting a figure of 240 dpa (as opposed to 142 dpa) are significant. An extra £39 million will be contributed to the economy through the construction sector; and an additional 731 direct/indirect jobs will be created. The additional residents will generate a further £42 million and Council Tax receipts will increase by £2.6 million.
- A higher housing requirement provides a genuine opportunity to help rebalance the local housing market by providing much needed affordable housing and helping to diversify the current housing stock, which is dominated by inefficient and poor quality terraced housing. New family homes will reduce the need for Pendle residents to look outside the borough if they are to meet their aspirations for modern energy efficient housing. They will also reduce the number of households living in poor quality, overcrowded, inefficient accommodation; helping to lower the high levels of deprivation and fuel poverty in parts of the borough.

The housing supply position in Pendle has moved on since the first draft of LP2 earlier this year. This has implications for our residual housing needs, which is primarily met through site allocations in the Plan. The data now takes account of results for the 2020/21 monitoring year for housing completions; the granting of planning permission for housing; and the removal of sites where planning permission has expired. Within the most recent monitoring year planning permission has lapsed at two 'major' sites: Barnsey Shed, Barnoldswick (129 dwellings) and Woodclough Platts, Brierfield (48 dwellings). This is reflected in the residual position as presented in Appendix 2 of LP2.

Where appropriate, LP2 has also been amended to reflect comments submitted by members of the public, statutory consultees and the development industry, in response to the public consultation held earlier this year. The decision to remove sites previously allocated for housing from the Council's disposal list (e.g. Aspen Grove, Earby) has had a knock-on effect. Other changes to the Plan include:

- The removal of Brook Shed, Earby as a housing allocation on account of flood risk in response to new modelling evidence and comments submitted by the Environment Agency.
- Allocating additional Brownfield sites to help reduce the amount of development on greenfield land (the number of homes planned on greenfield sites has halved in Policy LIV7 between the draft and publication versions of LP2).
- Factoring in the contribution made by the reoccupation of long-term empty homes (i.e. vacant for two or more years) in meeting our housing needs up to 2019; and
- Making an annual allowance for housing delivery on small scale windfall sites.

To address the tests of soundness, against which the Plan will be assessed at examination, the Council must be realistic about the deliverability of sites allocated in the Plan. They must be available, suitable and achievable within the plan period (i.e. up to 2030). Poor levels of viability within the existing supply of Brownfield land means that there is still a requirement for the Plan to meet a proportion of our future development needs on Greenfield sites, if we are to meet our identified housing needs in full.

As revised, Policy LIV7 allocates 14 sites for housing. Of these, four require development on wholly Greenfield sites. These account for a total area of 7.62 hectares and provide around 195 new homes. The four Reserve Housing Sites identified Policy LIV8 have the potential to provide around 310 new homes. They are on Greenfield land to ensure that they can be delivered in a timely manner, should any of the housing allocation in Policy LIV8 fail to come forward as anticipated, or

should sites currently with planning permission for housing lapse, as observed within the last 12 months.

Any changes to the portfolio of development sites identified in Policies LIV7, LIV8 or WRK7 will require the identification of replacement sites that can be considered to be deliverable – i.e. available, suitable, and achievable. Increasing the size or density of sites currently identified as allocations is a potential option, but will require further evidence to show that this is feasible.

If the Plan fails to identify sufficient opportunities (site allocations), to meet the development requirements identified in LP1 and the evidence base, this increases the chances of the Plan being found unsound at Examination. It also increases the possibility that the Inspector may recommend including less favourable sites in the Plan, although these would be subject to public consultation as part of the Main Modifications process.

Public Consultation and Future Stages

The Publication Report represents the final version of our Plan. It is this version of LP2 that will be tested by the Inspector appointed to conduct the independent examination of the Plan. The examination process will have particular regard to any legal requirements, the tests of soundness and general conformity with LP1.

To comply with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, before the Plan can be submitted to the Secretary of State, the Council must engage and consult with the public and key stakeholders for a period of not less than six weeks.

The Council must be satisfied that the Plan represents an appropriate and ‘sound’ strategy as there is no scope for further alterations to the Plan, without taking a step-back and repeating the Regulation 19 public consultation.

All comments received in response to the Regulation 19 public consultation are sent to the Inspector. The Examination itself is likely to involve a series of public hearings, and these would take place in summer 2022. Anyone objecting to the Plan will be invited to participate in these sessions, or asked to submit written representations. Both carry equal weight.

If the Inspector’s Report concludes that LP2 is “sound” – including any Main Modifications that may be required by the Inspector – the Plan can be adopted by the Council.

Evidence Base Documents

The policies and site allocations in LP2 are underpinned by an extensive evidence base. All supporting and evidence base documents, including any new documents not previously consulted upon, will also be made available for comment. These include:

1. Housing Impact Analysis (Appendix 2)

The Housing Impact Analysis (Lichfields, 2021) reviews the effects of adopting 142 dwellings per annum as currently projected for Pendle by the Standard Methodology in contrast to the benefits of 240 dwellings per annum and the justification for adopting this higher figure. A summary of the key findings has been provided in this report.

2. Strategic Flood Risk Assessment (SFRA) (Appendix 3)

The National Planning Policy Framework [“NPPF”] requires local authorities to front load the assessment of flood risk through the Local Plan process. The Level 1 SFRA (JBA Consulting, 2021) tests all submitted sites for the potential risk of flooding from all sources. Sites allocated in the Plan for housing and/or employment, which are found to be at some risk of flooding, are also subject to further detailed assessment, to assess the severity of risk and depth to inform site capacity and drainage infrastructure design (Level 2 SFRA) .

Supporting Documents

In addition to the evidence base, the following documents also accompany the Plan. These documents will also be made available during the forthcoming public consultation to show how the policies and site allocations in the Plan have been informed by the available evidence.

1. Consultation Statement (Appendix 4)

Provides a summary of the material planning issues raised by members of the public, statutory consultees and providers, developers and landowners during the Regulation 18 consultation which took place between February and April 2021. It sets out the Council’s response to comments made confirming whether changes have been made to the LP2 in response, taking into account any evidence submitted, national planning policy, and strategic policies in LP1.

2. Sustainability Appraisal Non-Technical Summary (SA) (Appendix 5)

Prepared using a toolkit drawn-up for the Council by consultants Wood plc. This document analyses the economic, social and environmental impacts of the draft policies and site allocations in LP2. SA incorporates the process known as Strategic Environmental Assessment (SEA), which is required by European law. As this is a large and complex document it is the Non-Technical Summary, which summarises the key issues, is provided with the main report available on request. The SA has been updated to reflect changes made to the LP2 since its draft. It has also been amended in response to comments received regarding its approach to assessment.

3. Habitat Regulations Assessment (HRA) (Appendix 6)

This assesses the impact that LP2, either alone or in combination with other plans and projects, may have on internationally designated sites of nature conservation value. In Pendle, the South Pennine Moors Site of Special Scientific Interest (SSSI) contains areas that are internationally recognised as a Special Protection Area (SPA) under the Birds Directive and a Special Area for Conservation (SAC) under the Habitats Directive. The HRA also considers the potential implications for European sites further afield.

The risks associated with not having an up-to-date Local Plan

In England, the principle is that the decisions on planning applications should be made in accordance with the adopted development plan, unless there are other material considerations that may indicate otherwise.

The NPPF requires local planning policy to be kept up-to-date and reviewed at least every 5-years, with penalties applicable where this is not carried out efficiently. The LP1 was adopted by the Council in December 2015. The Core Strategy Review completed in December 2020 found some of its policies to be out-of-date. The LP2 provides an opportunity to ensure that our planning policies are responsive to and effective in addressing modern day issues and meeting up-to-date needs.

If the Council does not have an up-to-date Local Plan its ability to influence the amount and location of new development in the Borough will be restricted. In such circumstances, applications for planning permission will primarily be determined against the National Planning Policy Framework (NPPF, 2021).

Policy LIV1 (LP1) established a housing requirement of 298 dwellings per annum and encouraged housing delivery in the period up to the adoption of LP2. Until it is formally replaced, the housing requirement will remain unchanged and the policy will continue to form part of the statutory development plan, attracting weight in the determination planning applications.

The site allocations in LP2 provide certainty for both communities and developers. They strengthen other policies in the Plan, which seek to protect sensitive areas of the Borough from inappropriate forms of development. Site allocations help to encourage investment where it is most needed, and help to deliver the infrastructure needed to support sustainable communities.

In August 2020, the Government issued its Planning White Paper. This proposed significant changes to the preparation and content of Local Plans. Further changes to these proposed reforms are likely. The time needed to consider these changes and introduce enabling legislation mean that continuing with the adoption of LP2 is the most appropriate approach to follow at this time. This is reflected in the letter issued to all local planning authorities by the Government's Chief Planning Officer making it clear that, local authorities should continue to prepare Local Plans using the best available evidence. The 16th December 2020 Written Ministerial Statement also reiterated the 2023 deadline for local authorities to have an up-to-date Local Plan in place although it needs to be recognised that the forthcoming white paper is not expected to deliver the full set of changes that were anticipated a year ago.

Summary

LP2 is the second part of our two-part Local Plan, complementing and implementing the strategic policies and objectives in LP1. It sets out ambitious development management policies, which represent a significant updating of the standards and requirements to be achieved in new development, bringing us in-line with the latest evidence and up-to-date legislation and policy.

It aligns with the economic development aspirations found to be sound and appropriate for the Borough as set out in the adopted LPT1 and provides for a sound balance between developing and giving residents the opportunity to improve their quality of life, by providing enough economically viable development to ensure our economic development is not constrained through lack of infrastructure whilst having a sound policy base for preserving and enhancing our environment and biodiversity.

Without LP2, the full benefits of a plan-led approach to development management cannot be released. The certainty provided by the allocation of sites will not be available, weakening other policies in the Plan, which seek to influence the amount, type and scale of development in the borough. This policy vacuum increases the pressure for development in locations that may otherwise be considered unsuitable. It also reduces the capacity of the Council and statutory providers to plan positively and proactively to meet our service and infrastructure needs, reducing the quality of life for everyone.

IMPLICATIONS

Policy: The policies in LP2 will guide future decisions on planning applications.

Financial: Public consultation will be carried out using the allocated budget.

Legal:	The Council is required to prepare a Local Plan to meet Government legislation
Risk Management:	A significant delay to the publication of LP2 for public consultation, and its subsequent submission for examination, is likely to have implications for both the Council, and the Borough. Delays will leave us in a position where we have no part 2 plan and there will be an ad hoc basis of determining applications for development. The longer the Plan is delayed the greater the risk the existing evidence base can become out of date. The lack of certainty for developers will also not encourage delivery of the development the Borough requires to sustain itself and improve resident's quality of life.
Health and Safety:	None identified as a result of this report
Sustainability:	The economic, social and environmental impact of policies are addressed in the accompanying Sustainability Report and the Habitat Regulations Assessment.
Community Safety:	None identified as a result of this report
Equality and Diversity:	The impact of planning policies on equality and diversity have been considered through the Sustainability Appraisal.

APPENDICES

- (1) Pendle Local Plan Part 2: Site Allocations and Development Policies (Publication Report) *(Pendle Council, December 2021)*
- (2) Housing Impact Analysis *(Lichfields, June 2021)*
- (3) Pendle Strategic Flood Risk Assessment *(JBA Consulting, June 2021)*
- (4) Regulation 18 Consultation Statement *(Pendle Council, November 2021)*
- (5) Sustainability Appraisal Non-Technical Summary *(Pendle Council, December 2021)*
- (6) Habitat Regulations Assessment *(Pendle Council, December 2021)*

LIST OF BACKGROUND PAPERS

- (1) National Planning Policy Framework
- (2) Planning Practice Guidance – Plan Making
- (3) Other Local Plan [evidence base documents](#)