

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

TO: Executive / Council

DATE: 19 / 26 September 2024

Report Author: John Halton

Tel. No: 01282 661330

E-mail: 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 Members agree that this report can be submitted to the Council meeting on 26 September 2024.

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 allow Council to ratify the decision of the Executive on a matter of Council policy.

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*)

