

Pendle Local Plan Fourth Edition



Consultation Statement Pendle Local Plan

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Versions

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Contents

Section 1.....	4
Introduction	4
Section 2.....	6
Engagement and Consultation	6
Plan Preparation.....	6
Draft Local Plan.....	8
Focussed Consultation	10
Section 3.....	11
Representations	11
Issues raised and response.....	11
Site specific comments.....	11
Local Green Space.....	12
Section 4.....	33
Other considerations	33
National Planning Policy	33
Evidence Base.....	34
Sustainability Appraisal	35
Habitat Regulations Assessment.....	35
Equalities Impact Assessment.....	36
Section 5.....	37
What Happens Next.....	37
Publication	37
Submission	37
Examination.....	37
Adoption	38

Section 1

Introduction

- 1.1 This Consultation Statement has been prepared as part of Pendle Borough Council's ["the Council"] commitment to continuous and meaningful engagement with interested parties. It is published so that consultees can see how their comments have helped to shape the final draft of the Pendle Local Plan: Fourth Edition ["Local Plan"]. The Statement demonstrates how the Council has complied with [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) as amended in relation to public consultation in accordance with planning law and the Council's adopted [Statement of Community Involvement](#) (SCI).
- 1.2 The Council resolved to prepare a new Local Plan for Pendle in December 2021¹. The Local Plan will set the requirements for new development in the borough up to 2040. It sets out the approach for meeting development needs, including the allocation of specific sites. It establishes detailed policies to be used in decision making to help guide development, safeguard the environment, promote beautiful places, reduce greenhouse gas emissions, and mitigate the effects of climate change. Once adopted the new Local Plan will form part of the statutory development plan for Pendle and be used by decision makers to help determine planning applications.
- 1.3 This statement has been prepared to illustrate the following:
- (i) Which bodies and persons were invited to make representations under Regulation 18.
 - (ii) How those bodies and persons were invited to make such representations.
 - (iii) A summary of the main issues raised by those representations.
 - (iv) How those representations have been taken into account.
- 1.4 This statement also reports on feedback given to the Local Greenspace Assessment and Methodology Report following the nomination of sites for Local Green Space through the consultation on the draft plan. This consultation took place in November 2023.
- 1.5 To address the above matters, this Statement adopts the following structure:
- Section 2: Details the consultation that has taken place to inform the Local Plan.
 - Section 3: Confirms the quantum, content and summary response to representations submitted during the Regulation 18 consultation, and subsequent focussed consultation undertaken in relation to Local Green Space.
 - Section 4: Details the other matters to be considered when examining comments submitted in relation to Local Plan.
 - Section 5: Summarises the next steps for the plan preparation process.
- 1.5 The Statement is supplemented by the following appendices:
- Appendix 1 lists in detailed the comments made in response to the Draft Local Plan, the Council's response, and sets out whether any subsequent change has been made to the plan or its supporting documents.
 - Appendix 2 contains details about the publicity of the consultation for the draft Local Plan, including extracts of materials used.

¹ [Agendas, reports and minutes | Pendle Borough Council](#)

- Appendix 3 copies of consultation material prepared for public exhibitions and stakeholder events.
- Appendix 4 includes copies of the representation forms used to provide feedback on the consultation.
- Appendix 5 lists the detailed comments made in response to the Local Plan Scoping Consultation.
- Appendix 6 lists by site comments made in response to the focus consultation on the Council's Local Green Space Assessment and Methodology Report, the Council's summary response, and subsequent changes to made to the assessment and Council's final recommendation for designation.

Section 2

Engagement and Consultation

- 2.1 Pendle Council adopted its most recent [Statement of Community Involvement](#) (SCI) on 22 September 2022. This document sets out how members of the local community and partner organisations are to be engaged in the preparation of new planning policy documents. Since its adoption, public consultation and engagement associated with the preparation of Local Plan has been carried out in accordance with the SCI.
- 2.2 The [National Planning Policy Framework](#) (NPPF) confirms the importance of community involvement and public consultation in the plan preparation process. Paragraph 16 (c) states that '[Plans should] be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees'.

Plan Preparation

- 2.3 Work to prepare a new Local Plan closely followed the abandonment of the Local Plan Part 2. To expediate plan making and make best use of existing resources, the Council has, as appropriate, made use of existing evidence to inform the new Local Plan and its policies. Where possible the Council has sought to recycle draft policies included within the Local Plan Part 2, updating these as necessary. In particular, the plan has been drafted to reflect policy shifts in relation to climate change, the environment and design which have occurred since the Local Plan Part 2 was first prepared.
- 2.4 To ensure that the plan reflected the most up-to-date issues affecting Pendle, an initial four week public consultation regarding Local Plan Scoping Report took place in July 2022. The consultation provided the first formal opportunity for members of the community and stakeholders to influence the shape and approach of the new Local Plan. The Council also consulted on the Scoping Report of the Sustainability Appraisal, establishing the baseline position for the plan, and testing the proposed methodology and criteria to be used by the Sustainability Appraisal.
- 2.5 The Local Plan Scoping Report sought feedback regarding the proposed plan period, vision, and objectives, and set out a framework of the strategic policies proposed for inclusion within the Local Plan. The scoping report also presented an option to revise the spatial strategy adopting a hinterland approach to the three main settlements. It sought feedback on proposed changes to the policies map, including which designations should be reviewed and removed. It also presented a number of draft monitoring indicators and suggested the adoption of a plan review mechanism tied to the delivery of the plan.
- 2.6 Statutory consultees, including the Environment Agency, Natural England and Historic England were invited to make representations as well as members of the community. The consultation took place online, with written submissions accepted. News of the consultation was published on the Council's website and social media channels, through the Pendle's planning policy newsletter 'Framework', and to individuals and organisations registered on the planning policy database. A total of 14 representations were received, with four of these commenting on the SA Scoping Report.
- 2.7 Feedback received, together with the Council's response, is set out in Appendix 5. A summary of the main issues raised during this consultation is set out overleaf:

- The Council should consider whether the housing requirement should be higher than the standard methodology requirement for Pendle.
- Previously developed sites should be prioritised.
- Support focus on development at main settlements, however concern at suggested hinterland approach to spatial distribution.
- Measures to support housing delivery should be identified.
- Climate change is linked to a variety of matters and this should be reflected by the Council's policies.
- Supports review of existing flood risk policy.
- Requests specific health measures to be included within the Local Plan including restrictions on the location of hot food takeaways, adoption of minimum floorspace standards, and promoting active travel.
- The need to alter the Green Belt should be considered to meet housing needs.
- Did not support the proposed review mechanism and in particular its relationship with the delivery of the housing requirement.

- 2.8 In response to feedback gained during the scoping stage, the Council undertook the following actions:
- Commissioned updated housing and employment needs evidence, including an employment land review.
 - Revised the proposed spatial strategy to more closely align to the existing one within the Core Strategy taking into account monitoring data of delivery and site availability.
 - Arranged meetings with the LLFA to discuss an approach to managing surface water flooding.
 - Removed the proposed plan review mechanism and focussed on measures to support housing delivery.
- 2.9 In parallel to the consultation the Council conducted a Call for Sites exercise. This provided an opportunity for landowners and their agents to make the Council aware of sites available for development, helping to refresh and inform an updated Strategic Housing Land Availability Assessment (SHLAA) and subsequent site assessment process. The Call for Sites exercise also considered sites that should be protected from development.
- 2.10 Twelve new sites considered available for development were submitted through this process. Updated information was also received in relation to 18 existing sites already included within the Council's previous SHLAAs. Nine sites were put forward for protection from development by 61 individuals. These sites have been assessed as candidates for designation as Local Green Space as detailed through the Council's Local Green Space Assessment (see Table 3.4).
- 2.11 The Council has sought input from stakeholders through informal means throughout the preparation of the Local Plan. In September 2022, the Council sought updated information from landowners and their agents who had previously submitted land to the earlier iterations of the SHLAA. This information has been used to inform the most recent draft of the SHLAA, assessment of five year supply, and site allocation process. A further update to the SHLAA took place in April 2024.
- 2.12 Targeted correspondence with statutory consultees has helped to inform policy development, enabling the refinement of policy at an early stage in the plan preparation process. Regular scheduled meetings with officers from neighbouring authorities provide a forum for discussion and insight across Lancashire. These meetings provide an open door format of dialog encouraging cross boundary working and joint policy making. Details of cross boundary engagement, agreements and

working arrangements are set out in the Duty to Cooperate Statement, as undersigned by the Memorandum of Understanding.

Draft Local Plan

- 2.13 The Council's Executive approved the draft Local Plan for its Regulation 18 consultation at the May 2023 meeting². The consultation commenced on Friday 23 June for an extended eight (8) week period due to an overlap with school holidays.
- 2.14 All statutory consultees specified in the regulations were notified (Table 2.1). This includes the five neighbouring local authorities to Pendle; a further three Councils in the Pennine Lancashire sub-region; Lancashire County Council, and the 37 parish and town councils located either within, or adjoining Pendle.
- 2.15 In advance of the public consultation the 910 contacts, then on the planning policy database, were notified either by letter or email³. All emails included a special edition of the Council's award winning newsletter Framework, which focussed on the public consultation (see Appendix 2).

Table 2.1: Regulation 2 and 4, and Other Bodies Consulted During Reg. 18

Body	Representation Received?
Environment Agency	Yes
Historic Buildings and Monuments Commission for England – Historic England	No
Natural England	Yes
Civil Aviation Authority – NATS En-Route plc (NERL)	No
Homes England (<i>formerly the Homes and Communities Agency</i>)	Yes
East Lancashire Clinical Commissioning Group (CCG) (<i>formerly the Primary Care Trust</i>)	No
Office of Rail Regulation	No
Highways Authority – Lancashire County Council	Yes
Highways Authority – Highways England (<i>now National Highways</i>)	No
Lancashire Local Enterprise Partnership	No
Network Rail	No
Canal and River Trust	Yes
Coal Authority	Yes
United Utilities	Yes
Yorkshire Water	No
Historic England	Yes
Sport England	Yes

² [Agendas, reports and minutes | Pendle Borough Council](#)

³ The database records contact details for bodies that the Council is obliged to consult (statutory consultees) and those of members of the public, businesses, voluntary organisations, landowners, agents and developers who have requested to be kept informed about plan preparation.

Body	Representation Received?
Electronic Communications Code – via Mono consultants	No
Local Lead Flood Risk Authority – Lancashire County Council	Yes
Local Education Authority – Lancashire County Council	Yes
Lancashire Constabulary	No
Lancashire Fire and Rescue	No
Lancashire Local Nature Partnership – Lancashire Wildlife Trust	No
South Pennines Local Nature Partnership – Pennine Prospects	No
Forest of Bowland National Landscape Management Board – Lancashire County Council	No
Department for Levelling Up, Housing and Communities	No
Active Travel England	No

- 2.16 Dot Mailer messages were issued via the Council website to 1,262 registered users, who had expressed an interest in knowing about public consultations. 855 were opened by recipients (67.7%) and of those 83 (9.70%) clicked through for more information.
- 2.17 Social media messages were issued via the Council's official Facebook, Twitter, Instagram and LinkedIn accounts. A total of 116 posters, newsletters and flyers were produced for display at venues across Pendle including each Parish and Town Council. Advertisements were inserted into the Leader and Times and Craven Herald newspapers. An advertisement advising of the consultation recorded in Urdu played on Pendle Community Radio. Electronic adverts featured on boards located within Nelson and Colne town centres. A video summarising the Local Plan and the purpose of the public consultation was produced and made available to view on the consultation website. The video was viewed 251 times. The video was also distributed to local High Schools for inclusion on video boards in reception areas at the discretion of each school. Copies of advertisements used to publicise the consultation are included in Appendix 2.
- 2.18 The consultation webpage received 2,167 views from 2,063 users. Of these 492 users visited the documents download page. An additional 865 users reached the consultation documents webpage directly via search engine, meaning that the consultation reached around 3,000 online users.
- 2.19 Public exhibitions were arranged for the second and third week of the public consultation. Two 3-hour events were arranged each at Nelson, Colne, Barnoldswick, Barrowford, Brierfield and Earby during the mornings (09:00 to 12:00) and afternoons (1:00-4:00). 12 events took place in total. Venues were located centrally within each settlement to aid accessibility and encourage increased attendance. Each event featured 8 colour exhibition boards (Appendix 3) which summarised what the consultation was about, the key issues affecting Pendle, the Local Plan's proposals, and how to comment on proposals (the exhibition boards were later also published on the Council's website as a pdf document). The events took place using a drop-in format with attendees having the opportunity to ask questions of officers (x2) who attended each event. Copies of comments forms together with the most recent copy of the Framework newsletter, and leaflet were made available for attendees to take home. A total of 102 people attended the arranged public exhibitions.
- 2.20 To reach a wider audience, a further six online meetings were scheduled to take place in the evenings (7:30-9:00) of week 3 and 4 of the consultation. The events were intended to last for up to 90 minutes and consisted of an officer led presentation (see Appendix 3) followed by a round table

discussion. This format proved popular during the preparation of the Local Plan Part 2 which was affected by the COVID pandemic, however this time were poorly attended, with only 3 attendees. This resulted in 4 out of 6 planned events being cancelled. These cancellations and lack of interest shown meant that no further evening events were organised.

Focussed Consultation – Local Green Spaces

- 2.21 Following the close of the consultation on the draft Local Plan, a focussed consultation extending 4-weeks took place in November 2023 to seek responses to the Council's assessment of nominated Local Green Spaces.
- 2.22 The consultation took place online and was publicised via the Council's website and social media outlets. A further edition of the Council's planning policy newsletter advising of the consultation was published and distributed to individuals and organisations on the Council's database, including Town and Parish Councils. Details of the consultation were also distributed to individuals who had previously submitted a nomination through the consultation on the draft Local Plan as well as landowners of nominated sites. Comments could be made by letter or email. Feedback gained from the consultation, together with the Council's response is set out in Appendix 6.

Section 3

Representations

- 3.1 The public consultation to consider the first draft of the Pendle Local Plan Fourth Edition took place between Friday 23 June and Friday 18 August lasting for eight weeks.
- 3.2 Comments could be submitted by completing an electronic form made available on the Council's website, completing and returning a word version of this form (Appendix 4), or via written representations submitted by post or email.
- 3.3 A total of 66 valid representations were received during the consultation period. Representations were submitted from a variety of individuals and organisations including members of the community, developers, landowners, statutory consultees, statutory providers, and neighbouring authorities. A variety of issues were raised (summarised below), expressing a mix of support and objection to draft proposals of the local plan, and in particular its approach to development.

Issues raised and response

- 3.4 Appendix 1 provides a full account of all comments received during the consultation on the draft Local Plan. It also provides detailed responses to the issues that they raise.
- 3.5 Appendix 1 demonstrates that the Council has positively considered the merits of all the comments it has received, including any new evidence, with changes made to the Local Plan where justified and consistent with national planning policy.
- 3.6 To aid presentation and provide for a concise document Table 3.1 provides a summary of:
- The main issues raised during the public consultation, which addressed either a concern about document preparation or a proposed policy approach.
 - The Council's response to the issues raised.
 - Any changes that have been made to the Publication Draft to address the issues raised.

Site specific comments

- 3.7 Comments received concerning sites proposed for allocation for housing or employment through Policy AL01 and AL02 respectively are addressed in Table 3.2. Again, the table summarises the issues raised, the response of the Council, and any subsequent changes made to the Plan and/or policy. Comments are grouped by each relevant site.
- 3.8 Several comments were received during the public consultation referring to sites that were not proposed to be allocated for development through the draft Local Plan (omission sites). These sites had been submitted to the Council as potential sites for future development. They were not screened-out in the initial stages of the site assessment process and haven been fully assessed. But, when the draft of the Plan was prepared, they were not selected for allocation.
- 3.9 All comments received in relation to omission sites have been accepted and recorded. The Council has categorised any comment critical of omission sites as a submission which is supportive of the draft plan. The submission of further evidence in favour or against an omission site which aids the assessment of sites, and in particular helps to demonstrate availability, suitability and achievability

has been taken into account and will help inform the final version of the Local Plan and its supporting evidence base. Details of all comments received in relation to the draft Local Plan, and the Council's response, are set out in full in Appendix 1.

Local Green Space

- 3.10 The consultation on the draft Local Plan enabled the submission of nominations of sites for designation as Local Green Space. A total of 55 sites were nominated for designation as Local Green Space by 46 individuals or organisations. These nominations are considered within the Pendle Local Green Space Assessment and Methodology Report and so are not repeated here.
- 3.11 The Council's assessment of these nominations was published for a focussed 4-week consultation in November 2023. A total of 151 representations were received in relation to 32 of the candidate sites. The consultation has resulted in changes to the site specific assessment and recommendations of a number of sites within the Local Green Space Assessment and Methodology Report. This includes Land at Knotts Lane/Lenches Road, Colne (now recommended for designation as Local Green Space), Land at Silentnight Woods and Clifford Street, Barnoldswick (no longer recommended for designation as Local Green Space) Land at Greenberfield Locks, Barnoldswick (site boundary amended), and Land at South Valley Road, Colne (site boundary and assessment amended). A full account of the comments received, and responses of the Council is set out in Appendix 6.

Table 3.1: Summary of Main Issues Raised in Relation to Local Plan Policies

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
The plan period should be revised to ensure a post adoption period of at least 15-years in accordance with the NPPF.	The Council considers that the plan remains on target for adoption in 2025.	No change.
The Key Diagram is unclear and inaccurate.	Agreed that the Key Diagram could be made clearer in terms of what is showing and how it is showing this.	Key Diagram revised.
Policy SP02 - Support the proposed spatial strategy and in particular the focus on existing settlements to meet development needs.	Support noted.	No change.
Does not consider the Settlement Sustainability Review to be robust. Questions why specific settlements are within a specific tier. The report ignores recognised accessibility standards with requirements inconsistently applied.	<p>The Council considers that the settlement hierarchy is sound and represents an appropriate approach to development in Pendle.</p> <p>Shortcomings with the Settlement Sustainability Review are acknowledged particularly in terms of its use of data and updates have been sought where possible. The Settlement Sustainability Review has been revised to make its methodology clearer and to better align its assessment of accessibility with that used to inform the site selection process, as previously consulted upon during the preparation of the Local Plan Part 2 (now abandoned). This approach ensures a consistent approach to assessing sustainability, suitability and accessibility across the evidence base used to inform the emerging Local Plan.</p>	<p>A revised Settlement Sustainability Review has been prepared.</p> <p>No changes are proposed to the settlement hierarchy.</p>
Policy SP02 is too restrictive in terms of what development can be accommodated at 'rural villages' setting an onerous requirement.	The Council consider that Policy SP02 sets out a proportionate approach to development which is consistent with the level of service provision and infrastructure available in that settlement.	No change.
Considers that the approach of establishing a settlement hierarchy is flawed and will promote development in unsustainable	Disagree. The role and need to determine a settlement hierarchy is set out in the NPPF. The settlement hierarchy helps to direct development towards sustainable locations therefore helping to reduce reliance on travel by car by directing	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
development and car usage. Development needs should be defined from the ground up.	development to locations where services and infrastructure already exist. The proposal would create uncertainty as to how and if the housing requirement was to be met. It would be inconsistent with national planning policy.	
Support the proposed distribution across the three spatial areas.	Support noted.	No change.
The Green Belt should be reviewed in response to the findings of the Green Belt Assessment.	The Council does not consider that the exceptional circumstances required by the NPPF exist to justify changes to the Green Belt boundary.	No change.
Insufficient flexibility provided within the current policy wording of SP05 to support investment in water infrastructure especially in the context of requirements of the 2021 Environment Act.	Acknowledged. The policy will be revised to provide for a more flexible position whilst maintaining compliance with national green belt policy.	Amendments made to Part 5 of the Policy with regards to the redevelopment/infilling of Burnley Waste Water Treatment Works.
It is unclear what response is needed to part 1 of Policy SP06 in regard to considering alternatives to development. The policy is onerous and not justified. It is unclear how it would be implemented.	Agreed. The Council agree that this is not a planning policy and so shouldn't feature within Policy SP06. The topic of embodied carbon and its role in addressing climate change is nevertheless important and the need for applicants to first consider 'can this proposal be met by existing buildings'. As a public document the Local Plan has an important role to play in raising the awareness of important issues and informing the public what measures can be taken to respond to these. The Council therefore intends to retain the discussion regarding embodied carbon and its role in tackling climate change within the supporting text to Policy SP06 and its inclusion within the Local Plan's Glossary.	Part 1 of Policy SP06 deleted.
Policy SP06 should not adopt independent standards without evidence or justification.	Comments noted. The policy doesn't require these standards to be applied but encourages their adoption to help raise awareness of the need to reduce emissions and build energy efficient buildings.	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
Stronger wording and a more positive approach towards energy efficiency standards and renewable energy sources is needed (Policies SP06/DM01/DM03)	Comments noted. The Council must balance the need to secure a low carbon future with the need to ensure the deliverability of the Local Plan. Supporting evidence to the Local Plan demonstrates viability pressures which are especially acute within the M65 urban corridor. These pressures means that the Council cannot apply policies causing significant cost to developments without risking the deliverability of the Local Plan. The Local Plan features a wide range of policies which seeks to minimise the need to travel, to encourage sustainable living, and to ensure that developments are resilient to the effects of climate change.	Policies to be reworded to more positively address renewable energy solutions.
Supports proposal to adopt water efficiency standard through Policy DM01 but does not consider that 110ltrs per person per day should be referred to in the policy to ensure that this does not date the policy.	Agreed.	Amend paragraph 3(d) to read: 'Adopt water efficiency techniques; including the implementation of optional technical standards for water efficiency set in the Building Regulations.'
Water efficiency standards applied through Policy DM01 must be evidenced and tested through the viability appraisal.	Acknowledged, the Council has produced evidence to demonstrate the need for the application of optional standards for residential floorspace, adaptability, and water efficiency. The viability assessment has tested the effects of these policies.	Supporting text to policy to be updated to reference evidence findings and viability assessment.
Recommend that Policy DM02 is split to address flood risk and surface water drainage separately.	Agreed.	Policy to be split to address matters of flood risk and surface water drainage separately.
Policy DM02 needs to make specific mention to addressing flood risk from 'all sources' to ensure consistency with the NPPF.	Agreed.	Amendments made to policy as requested.
The Council should ensure that Policy DM02 refers to the latest standards and guidance in relation to flood risk and surface water drainage.	Agreed.	Suggested updates incorporated into policies.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
Policy DM02 should prioritise multifunctional above ground SuDs to secure consistency with PPG, and noting their wide ranging benefits including safeguarding water abundance and quality, and delivering environmental and amenity benefits.	Agreed. The approach would benefit the plan's consistency with national planning policy and would support the implementation of other policy objectives.	Insert text into part 3(d) of Policy 2b 'Multifunctional above ground SuDs should be prioritised and designed to adoptable standards'
Wish to emphasise the importance of the need for applicants to follow the hierarchy of drainage options for surface water in national planning practice guidance which clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.	Agreed. The adoption of natural features within surface water drainage schemes is already emphasised with Policy DM02. Further wording has been inserted to provide for clearer guidance for applicants.	New text into Policy DM02b 'applicants wishing to discharge into a public sewer must submit clear evidence to demonstrate why alternative options are inappropriate. The right to connect surface water runoff to public sewers is conditional upon a drainage system being approved before any construction work can start'
The requirements of Policy DM04 with regard to offsite biodiversity net gain provision is in conflict with legislation.	Agreed, the wording of the policy will be revised to make clear this is a preference of the Council but not a requirement. The draft wording missed the opportunity to better link the policy and its delivery with the implementation of the LNRS.	The policy has been revised to encourage the delivery of off-site BNG provision in accordance with the LNRS.
Policy DM04 should specify the need to provide swift nesting bricks and bat boxes as measures to address biodiversity net gain.	Comments noted. It would be inappropriate for the policy to mandate specific mitigation measures to be used by developments in addressing BNG requirements. The policy is flexible to ensure that the best outcome for nature can be delivered for that site depending on its characteristics.	No change.
Points out that further updates are required to reflect the legislation including that statutory credits are seen as a last resort and that new habitats must be maintained for a minimum period of at least 30-years.	Agreed.	Amends made to Policy DM04 and supporting text in response to comment.
Considers that the under values water feature. Requests that Policy DM06 is amended to provide more detailed	Disagree. The Local Plan does not 'under value' the conservation and enhancement of water features, as reflected through Policies SP07, DM01 and DM02. The Council is satisfied that the	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
information of measures to protect and enhance the water environment.	plan provides a proportionate response to the need conserve and enhance water features.	
Replacement tree policy outlined in Policy DM07 goes beyond the NPPF and is not justified.	The proposal is responsive to the low tree coverage of the borough and the need to secure BNG at development sites. The policy has flexibility enabling off-site provision by way of a financial contribution.	No change.
It should be recognised that Green Infrastructure also benefits the historic environment.	Agreed.	Supporting text amend to reflect this link.
Policy DM09 should recognise that development which is demonstrably sustainable and consistent with development plan policy can be supported outside of a defined settlement framework.	Disagree. This has the potential to undermine the delivery of the spatial strategy and increase pressure on infrastructure. The Council does not believe that the presumption in favour of sustainable development is applied outside of settlement boundaries.	No change.
The Council should not be considering Local Green Space designations so soon after the Colne Neighbourhood Plan has been made.	Strategic policy for the Colne Neighbourhood Plan is set by the Pendle Core Strategy. The Local Plan will replace the Core Strategy on its adoption. It will set the spatial strategy for the plan period. It is within the scope of this plan, noting the requirements of the NPPF, for it to define and designate Local Green Spaces.	No change.
Objects to wording of Policy DM12 as it is inconsistent with that of Paragraph 99 of the NPPF.	Policy DM12 applies national green belt policy towards proposals located within areas designated as Local Green Space. Naturally, given that they are valued by communities, open spaces including sports provision will be included within Local Green Space sites. The Council consider the approach of Policy DM12 to be consistent with the NPPF.	No change.
Considers that the designation of specific Local Green Spaces through Policy DM12 would be contrary to the NPPF in terms of its	The Council disagrees. The plan sets a housing requirement of 148 dpa. Sufficient land is identified within the plan to meet this need. The SHLAA shows potential to meet housing needs	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
effects on the delivery of sustainable development.	elsewhere within the borough beyond those sites assessed for Local Green Space designation.	
We request that existing Local Green Spaces defined through neighbourhood plans are removed from Appendix 8.	The Council disagree. It is clear that these Local Green Spaces are already designated and not therefore subject to the examination of the Local Plan. Policy DM12 however links to these sites and seeks to protect them from inappropriate forms of development. It provides clarity if all Local Green Space sites are listed in a single place.	No change.
Would like to see stronger emphasis within Policy DM13 of the need for development proposals to consider the effects of wastewater infrastructure and adopt the necessary mitigation measures if possible.	Agree although the Council consider that Part 2 of the policy could be amended to address this.	Part 2 of Policy DM13 amended to specifically refer to dust and odour within the policy.
Policy DM14 should ensure that developments do not result in groundwater pollution from construction or operation.	Agreed. Policy DM14 will be revised in response to the request made. In addition a link to Policy SP07 will be inserted strengthen the policy.	New part 6 inserted into Policy DM14: 'Development must not result in groundwater pollution. Where the release of contaminants into the soil during construction or operational phases of a development is possible, applicants must address the relevant requirements of Policy SP07.'
Welcomes the acknowledgement of Sport England's Active Design Principles within Policy DM16 particularly noting local baseline information with regard to health and inactivity.	Support noted.	No change.
The proposed housing requirement too low and is not supported by the evidence base. Its adoption will lead to economic decline or result in an unsustainable increase in inward commuting increasing labour resource pressure for neighbouring authorities.	A housing sensitivity report has been commissioned by the Council. The report outlines that the standard methodology requirement for Pendle is 124 dpa. It finds that local patterns in demography requires the adoption of 148 dpa, an uplift of 24 dpa from the advisory starting point. The report sets out that 230 dpa is required to support projected economic growth over the plan period but notes that improvements in economic	The housing requirement is to be amended to 148 dpa, with supporting text amended accordingly to reflect this updated position.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
	inactivity of the existing workforce would reduce this need to 144 dpa.	
ONS 2014 figures are out-of-date and projected unrealistically high population change which has not happened. More recent projections should be used.	The use of the 2014 based household projections is enshrined in the governments standard method. More recent data, including the 2021 census has been used to inform the findings of the HEDNA and its subsequent update.	No change.
The affordable housing needs of the borough as set out within the HEDNA support the need for the housing requirement to be adjusted upwards.	The need for affordable housing in Pendle is acknowledged as demonstrated through the HEDNA. PPG asks local planning authorities to consider the need for an adjustment to the housing requirement where this would assist with affordable housing delivery. Viability evidence shows that market led delivery of affordable housing is likely to be minimal and this reflects the Council's experience. The majority of affordable housing delivered in Pendle are at windfall sites, with 100% of homes affordable and secured by third party funding. This is illustrated by the low levels of affordable housing delivered in Pendle through market-led provision as demonstrated by DCLG's live tables. This is despite the overall level of housing being completed during this period being amongst the highest recorded in recent times. The evidence demonstrates to the Council that a further adjustment to the housing requirement is unlikely to support increased levels of affordable housing delivery.	No change.
Support proposals to adopt a housing requirement which reflects to standard methodology.	A housing sensitivity report has been commissioned by the Council. The report outlines that the standard methodology requirement for Pendle is 124 dpa. It finds that local patterns in demography requires the adoption of 148 dpa, an uplift of 24 dpa from the advisory starting point. The report sets out that 230 dpa is required to support projected economic growth over the plan period but notes that improvements in economic inactivity of the existing workforce would reduce this need to 144 dpa.	The housing requirement is to be amended to 148 dpa, with supporting text amended accordingly to reflect this updated position.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
The Local Plan does not plan positively to meet its housing requirement. There is too significant reliance on brownfield sites located in weak market areas. Further greenfield sites should be identified in order to secure the delivery of the housing requirement.	The Council disagrees. The plan provides capacity to accommodate an annual requirement of 162 dpa. This is in excess of the proposed housing requirement and standard method. All but four sites allocated through the Local Plan are subject to a planning application. The Local Plan allocates a range of housing sites and scale in a variety of locations and market which will help encourage delivery and diversify supply. The plan adopts a presumption in favour of sustainable development for proposals relating to sites located within settlement boundaries to promote opportunities for windfall development over the plan period. The housing requirement is not a cap to sustainable development that is compliant to the policies of the Local Plan. The housing requirement is expressed as a minimum position.	No change.
Proposed sites/housing trajectory is not deliverable.	No evidence has been submitted to support this comment.	No change.
The Local Plan is too reliant on delivery at Trough Laithe	The NPPF makes clear the role of sustainable urban extensions in meeting housing needs. The role of Trough Laithe within the Local Plan is therefore in accordance with the NPPF. Trough Laithe is currently being developed with completions recorded. The developer has confirmed the deliverability of the site in full within the plan period.	No change.
The Local Plan requires the identification of reserve site.	The Council disagrees. The plan provides capacity to accommodate an annual requirement of 162 dpa over the remainder of the plan period. This is in excess of the proposed housing requirement and standard method. All but four sites allocated through the Local Plan are subject to a planning application. The Local Plan allocates a range of housing sites and scale in a variety of locations and market which will help encourage delivery and diversify supply. The plan adopts a presumption in favour of sustainable development for proposals relating to sites located within settlement boundaries to	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
	promote opportunities for windfall development over the plan period.	
The reliance made by the Local Plan on windfall development is unsound.	Paragraph 72 of the NPPF permits a windfall allowance to be applied where there is compelling evidence. Evidence of windfall delivery and the contribution made to the housing land supply can be found within the Council's five year housing land supply statements. A small site windfall allowance has been applied in response. The Council has been careful to ensure that double counting is avoided.	No change.
Welcomes the mechanisms set out in Policy DM20 to support housing delivery but considers that the presumption in favour of sustainable development should be applied before there is evidence of a failure to deliver or maintain a five year land supply.	Disagree. The Local Plan must be given the opportunity to be implemented to ensure that its vision and objectives can be met. Policy DM20 sets out numerous measures which can be implemented by the Council ahead of needing to implement the presumption in favour of sustainable development. In addition, Policy SP02 applies the presumption in favour of sustainable development to all proposals submitted within defined settlement boundaries.	No change.
Proposals for optional housing standards should be evidenced and tested for their viability.	Acknowledged, the Council has produced evidence to demonstrate the need for the application of optional standards for residential floorspace, adaptability, and water efficiency. The viability assessment has tested the effects of these policies.	Supporting text to policy to be updated to reference evidence findings and viability assessment.
Reliance on adaptable space standards to meet the housing needs of the elderly is inadequate.	The policy adopts a multifaceted approach to meeting the housing needs of the elderly. It is not limited adaptable homes and also includes housing mix policy (DM22) in terms of size and house types and policy for the determination of proposals for specialist housing (DM28).	No change.
Disagree with the housing mix proposed. The mix provided does not reflect the character or needs of the area.	The housing mix outlined in Policy DM22 is based on the conclusions of the HEDNA. It is required to meet the needs of an ageing population, by providing housing stock which is suitable to meet their housing needs. This will help to free up existing larger housing stock for families. The policy does not reject a	No change.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
	specific form of housing. It sets out that developments should provide 'a range of house types and sizes' which could include terraced housing.	
Bungalows are not an effective way in meeting the housing needs of the elderly. Developers will deliver the minimum required.	The Council has been successful in securing bungalows at sites around the borough in recent years. These dwellings have made an important contribution to meeting the housing needs of the community including the elderly. The policy adopts a multifaceted approach to meeting the housing needs of the elderly. It is not limited to the need to secure bungalows and also includes the adoption of adaptable homes standards (DM21), housing mix policy (DM22) and policy for the determination of proposals for specialist housing (DM28).	No change.
Considers that requirements for affordable housing as set out in Policy DM23 should be increased in response to the Council's affordable housing need.	The percentages set out in the policy respond to the findings of the Local Plan viability report. To meet the tests of soundness, the Council cannot adopt policy which is wholly undeliverable even if there may strong evidence to do so. To support levels of higher delivery of affordable housing, the policy confirms that greater weight should be applied in favour of a development proposal where it delivers affordable housing in excess of those required by the policy.	No change.
Policy DM23 does not align with the NPPF in terms of its failure to support affordable home ownership.	Comments noted. The policy responds to the findings and recommendations of the HEDNA which shows that the majority of housing need is for social or affordable rented dwellings. The policy outlined in the NPPF would obstruct the delivery of this need and reduce the effectiveness of the Local Plan in addressing identified local housing need.	No change.
The draft plan has been published without an up-to-date viability assessment. It is therefore difficult to comment on whether proposed policy is deliverable or not.	Comment acknowledged. The Council has commissioned an update to the existing assessment which will be used to help inform the final draft version of the Local Plan. The Council's approach helps to ensure that the plan is submitted based on the latest evidence available.	Review of relevant policy requirements pending findings of updated viability assessment.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
Policy DM24 should allow developments of a similar scale or design to become permitted development where these have already occurred within the same street.	Disagree. Each case is considered on its own merits and in accordance with planning policy. Permitted Development Rights are set out within the General Permitted Development Order not the Local Plan.	No change.
Policy DM24 should be revised to acknowledge the role and affordability of dormer extensions. Object to current restrictions on dormers set out in the Design Principles SPD.	This is a detailed matter more appropriately addressed through a review of the Design Principles SPD. Dormers as a form of household extension are generally supported but their suitability will vary dependent on location. The Council will aim to review the Design Principles SPD following the adoption of the Local Plan.	No change.
Unclear what evidence there is to justify the self-build policy.	The Council has a duty to have regard to the self-build register including in the preparation of Local Plan policies. Following engagement through the SHLAA process it is clear that limited site-specific opportunities for self-build exist. As such the policy takes a multifaceted approach to meeting this need. The policy helps to ensure that the Local Plan is responsive to changes in demand for self-build plots that may occur during the plan period.	No change.
The plan should allocate specific sites to meet the needs of the elderly.	The Council considers that the Local Plan adopts a range of methods to meet the needs of an ageing population. Firstly is the allocation of sites, all sites are suitable to accommodate homes for the elderly, and the wording of Policy AL01 will be amended to make this clear. Secondly are windfall sites. The plan adopts a presumption in favour of sustainable development for proposals located within settlement boundaries. Thirdly is the housing density standards set out in Policy DM21. This requires all new dwellings to be accessible and adaptable meeting M4(2) standard. Fourthly is housing mix (Policy DM22) which sets out the need for smaller homes of two-three bedrooms to meet the needs of an ageing population in response to findings of the HEDNA, including bungalows. Fifth and finally is the specialist housing policy which adopts a	Policy AL01 amended to support the provision of homes for the elderly at allocated sites. Policy DM28 amended to set a clearer framework for the determination of proposals for older persons housing and assisted living accommodation.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
	positive decision making framework for the determination of specialist housing proposals.	
The approach of Policy DM31 towards the redevelopment of existing areas of open space is onerous and does not reflect the NPPF.	Agreed. On reflection the Council acknowledge that the draft policy introduced requirements/tests which did not reflect those set out in the NPPF and without justification.	Policy DM31 revised to omit this part of the policy with revised wording requiring proposals to be in accordance with other policies of the Local Plan where they are relevant.
Policy DM31 is inconsistent with the NPPF in terms of its approach to protecting open spaces. The use of the word 'normally' weakens the policy position and the protection it affords.	Disagree – Paragraph 103 of the NPPF sets out the instances where land in sport or recreational use can be redeveloped where specific criteria are met. Use of the word 'normally' is therefore consistent with the NPPF.	No change.
Supports measures to restrict hot food takeaways in certain locations where criteria of policy are met is supported. Recommend that point ii Policy DM33 2b) is amended to fully reflect the recommendations set out in Lancashire County Council's Public Health Advisory Note – Hot Food Takeaways: 1. Also recommended that proposals are directed to outside of wards classified within the 20% most deprived in England.	The Council note the evidence submitted in support of the comments made. The Council agree there is justification to amend the policy to adopt the recommendations of the Lancashire County Council Public Health Advisory Note – Hot Food Takeaways 1 and in relation to wards within the 20% most deprived in England.	Policy DM33 2b ii amended to 'outside a ward where more than 15% of Year 6 pupils or 10% of reception pupils have been classified as obese' 2b iii introduce 'outside a ward classified within the 20% most deprived in England.'
Concerned Policy DM34 is overly onerous and unnecessary.	The policy seeks to enhance the efficiency of the decision making process by promoting pre-application engagement to reduce barriers to development. The policy is proportionate and considered responsive to Paragraph 40-42 of the NPPF.	No change.
The Local Plan is too restrictive and does not cover the full range of facilities and services cited in the NPPF – in particular it fails to protect the borough's cultural facilities. It is recommended that the definition used in Policy DM35 is broadened.	Agreed. The Council acknowledge that Policy DM35 is too narrow in its focus on uses featuring within the F2 use class and as such did not comply with the NPPF.	The Policy has been revised to relate to 'community and cultural facilities.' A revised decision making framework has been adopted which seeks to support new or expanded community and cultural facilities as suitable and protects existing community and cultural facilities from loss.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
We would anticipate that the parking standards outlined in Appendix 5 would alter by Zone, with the lowest standards applied in Zone 1.	Agreed. The Council acknowledge that there is scope for a more flexible approach to parking standards within Zone 1 which are the most sustainable, are served by public transport, and feature the largest capacity of public car parks.	The Zones referred to in Appendix 5 have been revised with Zone 1 expanded to include 'edge of centre sites' in recognition of the sustainability of these locations and their accessibility to services, facilities and infrastructure available within town centres. The standards set out in Appendix 5 have also been revised, with Zone 1 standards 'considered on their own merits' for C3 class development and most E class development.
The Council should allow the redevelopment of town centre car parks for other land uses which are oversupplied.	Town centre car parks are important to maintaining the vibrancy and vitality of these centres. The car parks protected under policy DM37 and listed in Appendix 6 have been reviewed. Policy DM37 outlines that protected car parks may be redeveloped where alternative provision can be provided to the satisfaction of the Council.	More positive wording inserted into Policy DM37 to make this clearer.
Consideration should be given to how AirBnBs can be controlled through Policy DM45.	Airbnb is not a formally recognised land use and cannot be controlled through plan. The classification of properties used to provide overnight accommodation is dependent on the intensity of its use.	Policy DM45 revised to introduce the possibility of the Council introducing article 4 directions to remove permitted development rights where it is clear that the prominence of tourist accommodation (including short term lets) is restricting access to housing for local residents.
Development allocated through Policy AL01 should accord with requirements of Policy SP03.	Policy AL01 is in broad accordance with Policy SP03. The percentages set out in Policy SP03 act as a guide and the policy is flexibly worded. The approach allows for the most sustainable sites to be selected. It also safeguards against disproportionate growth at any one settlement.	No change.
Policy AL01 includes sites which are arguably less sustainable and less suitable for housing than omission sites. In particular many of the sites identified are subject to a high risk of	All sites have been subject to thorough site assessment and sustainability appraisal. The Council is confident that the Local Plan as draft represents an appropriate strategy. The Council acknowledge that many of the site's identified experience some level of constraint in regards to flood risk and surface water	Review site specific policy requirements pending the outcome of the Level 2 SFRA.

Issue Raised	Council Response	Changes to the Plan and/or supporting documents
flooding and contrary to national planning policy.	drainage. This is a reflection of Pendle's economic development over time with industries reliant on water for power. As a result many brownfield sites are affected by flood risk to some degree. Sites have been assessed through the Level 2 SFRA. Policy requirements will be amended to reflect the findings of the Level 2 SFRA.	
Proposed allocations result in the need for additional school places at both Primary and Secondary School level. Based on current information an additional 2 form entry primary school will be required in the borough and an addition 1 form entry secondary school will be required.	Subsequent dialog with the County Council has shown that there is sufficient provision across the borough except in Brierfield. The County Council has reviewed the mechanisms included in Policy SP012 for developer contributions towards education infrastructure and is satisfied that sufficient provision towards education needs can be made during the plan period.	No change.

Table 3.2: Summary of Issues Raised Concerning Site Specific Allocations in Policies AL01 and AL02

Note: Table is organised by site reference and then issue raised.

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
BD065	Trough Laithe, Barrowford	Confirms the full delivery of site within the plan period.	Comments noted.	No change.
BD065	Trough Laithe, Barrowford	Requests that a policy relating to the site's development is inserted into the plan to help direct and secure the delivery of the site for the remainder of the plan period. Wording for the policy has been suggested.	Agreed. This approach would provide clear guidance for any proposals submitted which seek to change or alter the development of the site and for which a new planning application is required. The approach would benefit the deliverability of the housing requirement, in response to which, the site makes a major contribution. It will also allow the Fourth Edition Local Plan to fully replace the Core Strategy on its adoption providing a more concise decision making framework.	Policy for Trough Laithe and Lomeshaye Phase 2 inserted into the Local Plan – see policies AL01 and AL02.
P013	West Craven Business Park Extension, Earby	Level 2 SFRA required to compare with applicant's proposals. Surface water flow path through the site with associated low to high surface water flood risk will need to be given due consideration through the planning, design and construction process.	The Council accepts the need to ensure that development occurs in accordance with national planning policy in relation to flood risk. Policy AL02 is to be amended to make clear the requirements in relation to flooding and drainage for sites allocated through the policy. A Level 2 SFRA has been commissioned.	Policy AL02 part 6: 'Flood risk from all sources should be considered from an early stage through the design process, ensuring that any potential risk is not increased or displaced (Policies SP07, DM02(a) and DM02(b)).' Site specific development requirements to be reviewed pending recommendations of the Level 2 SFRA.
P026	Riverside Mill, Nelson	Noted that the site is in close proximity to Walverden Water. It would be	Noted. The site has planning permission and as such it's development is accepted in	Policy amended to enable consideration of further modelling work produced for the applicant.

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
		advised to provide detailed modelling to compare with applicant's proposals.	principle. Requirement for detailed modelling inserted into policy.	
P052	Former Railway Sidings, Railway Street, Brierfield	Notes area of high risk of surface water flooding crossing the site. It is also located in a catchment with high risk of surface water flooding downstream. The development would be expected to include measures to reduce the causes and impacts of flooding in line with Paragraph 161 of the NPPF.	Comment noted. Policy AL01 amended to ensure that all allocations address flood risk from all sources early on in the design stage.	Part 4 Policy AL01 amended: 'Flood risk from all sources should be considered from an early stage through the design process, ensuring that any potential risk is not increased or displaced Policies SP07, DM02(a) and DM02(b)'
P052	Former Railway Sidings, Railway Street, Brierfield	Level 2 SFRA required. To address concerns either: a) The proposed boundary is revised to ensure no part of the site falls within FZ2. b) A Level 2 SFRA is required to justify allocations to ensure that the site satisfies the requirements of the sequential test and, where necessary, exception test.	A Level 2 SFRA has been commissioned.	Site specific development requirements to be reviewed pending recommendations of the Level 2 SFRA.
P060	Former Mansfield High School, Taylor Street, Brierfield	Culvert runs through site is a statutory main river. Recommend future development within 8m of culvert should obtain a flood risk activities environments permits before the commencement of any work. An investigation of the condition and capacity of the culverted water course should take place as this could directly	Comments noted.	Part 4 of the text amended. 'An 8m easement either side of the culvert through the site will need to be kept free from housing development. Alternatively the culvert could be restored to an open channel' Part 4 Policy AL01 amended: 'Flood risk from all sources should be considered from an early stage

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
		impact the hierarchy of drainage options available.		through the design process, ensuring that any potential risk is not increased or displaced Policies SP07, DM02(a) and DM02(b)'
P060	Former Mansfield High School, Taylor Street, Brierfield	The site has been used as a playing field in the past as part of the school. In order to bring the site forward there would need to be mitigation in place to replace the playing field to comply with Paragraph 99 of the NPPF and Sport England's Playing Fields Policy.	Mansfield High School closed in June 2006. The Taylor Street site has been fenced off since this date and has not been used as a playing field. The school was replaced by the new Marsden Heights Community College, just to the north, which has significantly enhanced sports provision. There is no need for further mitigation measures in this instance.	No change.
P064	Brook Shed, New Road, Earby	Confirm the availability of the site for development and its deliverability within the plan period.	Comments noted.	No change.
P064	Brook Shed, New Road, Earby	Site capacity is incorrect and does not reflect the promoted scheme to develop the site.	Acknowledged. The draft policy was written before the planning application to redevelop the site was submitted and approved.	Capacity to be updated to '50 dwellings'
P064	Brook Shed, New Road, Earby	Site specific viability evidence shows that affordable housing is not viable at the site. The requirement in part 1 of the site specific policy should be removed.	Comments noted. The policy was drafted before the application was submitted and approved. The application itself was determined on its own merits. The Council consider that the existing policy wording provides sufficient flexibility and is to be retained noting the significant affordable housing need identified.	No change.
P064	Brook Shed, New Road, Earby	Parts 3 and 4 of the policy seek the retention of the chimney and engine house. These elements have since	It is acknowledged that matters have moved on since the policy for this site was drafted. The site is under construction and both	Parts 3 and 4 of site specific policy deleted.

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
		been demolished as agreed through the decision making process.	assets no longer exist. These aspects of the policy are now redundant.	
P064	Brook Shed, New Road, Earby	Noted that the site is in close proximity to Walverden Water. It would be advised to provide detailed modelling to compare with applicant's proposals.	The site has planning permission and is currently under construction.	Policy amended to enable consideration of further modelling work produced for the applicant.
P064	Brook Shed, New Road, Earby	Request that a Heritage Impact Assessment is prepared.	The site has planning permission and is currently under construction. A Heritage Impact Assessment is not therefore necessary.	No change.
P067	Land south of Colne Water, Cotton Tree Lane, Colne	Flooding constraints affect the site, likely to be worse when climate change taken into account reducing the capacity for development at the site. This matter should be fully investigated.	Comment acknowledged. An application is currently being determined by the Council at this site. It is understood that a resolution to flood risk matters has been agreed. The site now has planning permission.	Part 4 Policy AL01 amended: 'Flood risk from all sources should be considered from an early stage through the design process, ensuring that any potential risk is not increased or displaced Policies SP07, DM02(a) and DM02(b)'
P067	Land south of Colne Water, Cotton Tree Lane, Colne	Object to development on greenfield part of the site. This should be removed from the allocation.	Acknowledged. The site is being promoted as a whole and is not available in part. It is likely that this is required to cover the cost of redeveloping the site for housing.	No change.
P237	Land at former Barnsey Shed, Long Ing Lane, Barnoldswick	Confirm the availability of the site for development and its deliverability within the plan period.	Comments noted.	No change.
P237	Land at former Barnsey Shed, Long Ing Lane, Barnoldswick	Surface water drainage problems affecting the southern part of the site.	Comment acknowledged. An application is currently being determined by the Council at this site. It is understood that a resolution to flood risk matters has been agreed.	Part 4 Policy AL01 amended: 'Flood risk from all sources should be considered from an early stage through the design process, ensuring that any potential risk is not increased

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
			The site now has planning permission.	or displaced Policies SP07, DM02(a) and DM02(b)'
P237	Land at former Barnsey Shed, Long Ing Lane, Barnoldswick	Object to the development of the rear greenfield. This part of the site should be omitted from the allocation.	The site is being promoted as a whole. Development of the greenfield parts of the site are likely required to cover the cost of remediating and developing the brownfield parts of the site. The whole of the site has been previously concluded as suitable for housing by the Council. As demonstrated by the previous outline planning permission.	No change.
P257	Land at Giles Street, Nelson	Noted that the site is in close proximity to Walverden Water. It would be advised to provide detailed modelling to compare with applicant's proposals.	Comments noted. A Level 2 SFRA has been commissioned.	Site specific development requirements to be reviewed pending recommendations of the Level 2 SFRA.
P309	Land at Jackdaw Road, Barnoldswick	Level 2 SFRA required to compare with applicant's proposals. Surface water flow path through the site with associated low to high surface water flood risk will need to be given due consideration through the planning, design and construction process.	Comments noted. A Level 2 SFRA has been commissioned. The Council accepts the need to ensure that development occurs in accordance with national planning policy in relation to flood risk. Policy AL02 is to be amended to make clear the requirements in relation to flooding and drainage for sites allocated through the policy.	Site specific development requirements to be reviewed pending recommendations of the Level 2 SFRA. Policy AL02 part 6: 'Flood risk from all sources should be considered from an early stage through the design process, ensuring that any potential risk is not increased or displaced (Policies SP07, DM02(a) and DM02(b)).'
P309	Land at Jackdaw Road, Barnoldswick	Historic landfill site. Request that a site specific remediation strategy to deal with risks associated with contamination of the site is submitted.	Acknowledged and agreed. This is especially important noting the proximity of the site to the Leeds and Liverpool Canal and role this waterway has for wildlife and recreation.	New policy text: 'Prior to construction, comprehensive and safe remediation of the site is required. This should be informed by a detailed site investigation submitted

Site Ref	Site Name	Issue raised	Council response	Changes to the Plan and/or supporting documents
				to and approved by the Council. A Construction Method Statement will be required confirming how contaminated and waste materials will be stored and removed from the site.'

Section 4

Other considerations

- 4.1 Public consultation has helped to shape the Local Plan and provide locally distinctive policy responses to the material planning issues we need to address in Pendle.
- 4.2 Our chosen strategy must however be in general conformity with national planning policy, reflect the strategic priorities of key stakeholders, and be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area.

National Planning Policy

- 4.3 The Government's national policy for planning is set out within the National Planning Policy Framework (NPPF) as published in December 2023. The NPPF must be taken into account when preparing development plan documents and read as a whole. It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and in doing so achieve three interdependent overarching objectives relating to the economy, society, and the environment (Paragraph 7).
- 4.4 Paragraph 11 outlines that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means:
 - (a) All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other areas, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.5 Paragraph 35 of the NPPF states that Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
 - (a) **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;
 - (b) **Justified** – an appropriate strategy, taking into account the reasonable alternative, and based on proportionate evidence;
 - (c) **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; and

- (d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy.

Evidence Base

- 4.6 The tests of soundness as set by the NPPF make clear the need for plans to be justified, based on proportionate evidence, to provide an appropriate strategy based on the reasonable alternatives.
- 4.7 The analysis of published data considering both past trends and future projections, together with new empirical research to address gaps in our knowledge, are all important components of the evidence base underpinning Local Plan.
- 4.8 The key evidence base documents, prepared or commissioned by Pendle Council, during the preparation of Pendle Local Plan are listed below in date order:
- Pendle, Rossendale and Burnley Playing Pitch Strategy (2016), Knight, Kavannah and Page
 - Pendle Green Belt Assessment (2017), DLP Planning
 - Pendle Open Space Audit (2018), Pendle Council
 - Pendle Green Infrastructure Strategy (2019), LUC
 - Pendle Local Plan Viability Appraisal (2019), Lambert Smith Hampton
 - Settlement Sustainability Review (2022), Pendle Council
 - Pendle Housing and Employment Development Needs Assessment (2023), Icen Projects
 - Pendle Retail and Leisure Capacity Study (2023), Lichfields
 - Pendle Strategic Housing Land Availability Assessment (2023), Pendle Council
- 4.9 These documents were made available for public consultation as part of the public consultation held in accordance with Regulation 18. Any comments relating to these evidence base documents are listed and addressed in Appendix 1.
- 4.10 The following documents have been published since the public consultation on the draft plan. They will be made available for comment alongside the Publication Version of the Local Plan:
- Pendle Level 2 Strategic Flood Risk Assessment (2024), JBA Consulting
 - Pendle Local Plan Viability Assessment Update (2024), Aspinall Verdi
 - Pendle Infrastructure Delivery Strategy (2024), Pendle Council
- 4.11 Updates have also been made to the following supporting documents:
- Sustainability Review
 - Strategic Housing Land Availability Assessment
 - Pendle Housing Need Sensitivity Report
 - Local Green Space Assessment and Methodology Report.

Sustainability Appraisal

- 4.12 Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Council's to carry out a Sustainability Appraisal (SA) of their Local Plan. The SA process runs in parallel with the preparation and implementation of Local Plan. The SA seeks to strike a balance by identifying, describing and appraising the environmental, social and economic effects of the Local Plan. In doing so it addresses the process known as the Strategic Environmental Assessment as set out in UK regulations.
- 4.13 The SA is an iterative process and forms part of the evidence base which informs the approach of Local Plan. It helps to demonstrate that the preferred strategy is justified, providing an appropriate strategy, when assessed against the reasonable alternatives.
- 4.14 There are five key stages in the SA process. Stage A identifies the Scope and the level of detail of information to be included within the final SA Report. This establishes the context objectives and approach of the assessment, including the identification of the relevant environmental, economic and social issues and objectives. Stage B develops and refines alternatives and assesses the effects. Stage C relates to the preparation of the SA. Stage D seeks representations on the SA from consultation bodies and members of the public. Stage E relates to post adoption of the plan and the implementation, report and monitoring.
- 4.15 A scoping consultation to consider the approach and detail of the SA; the background context; and the identification of objectives was conducted in July 2022. Details of the comments submitted during this consultation event and changes made to the SA in response are detailed in Appendix 10 of the SA.
- 4.16 The Non-technical Summary, Main Report, and supporting appendices were made available for view and comment as part of the consultation on the draft Local Plan between Friday 23 June and Friday 18 August.
- 4.17 The Sustainability Appraisal has been updated to reflect changes made to Local Plan since the first draft including any comments made regarding its approach or assessment, changes in evidence or policy direction. This document will be made available in full for comment through the consultation on the publication version of Local Plan and will form part of the supporting documents submitted alongside Local Plan for independent examination.

Habitat Regulations Assessment

- 4.18 A Screening Report assessing the Likely Significant Effects on local European Sites⁴ caused by proposed policies and allocations included within Local Plan (cumulatively and individually) was published as a supporting document as part of the consultation on the Draft Local Plan.
- 4.19 The Screening Report determines whether an Appropriate Assessment is required in response to Article 6(3) of the EU Habitats Directives (EU Directive 92/43/ECC) and Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The Screening Report is prepared following two main steps:
- Collation of information – This involves gathering evidence regarding the relevant European Sites that the plan or project may affect. This includes determining whether the plan or project is directly connected with the management of any European Site(s), the conservation objectives of the European Site(s), and the details of the plan or project and those that may, in combination, affect the site(s).

⁴ Identified as including: The South Pennines SAC/SPA, North Pennine Moors SAC/SPA, North Pennine Dales Meadows SAC, Bowland Fells SPA, Ribble and Alt Estuaries SPA/Ramsar.

- Assessing the Likely Significant Effects – A form of risk assessment that determines whether there is a requirement for an Appropriate Assessment. The test being:
“Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European Sites?”
The objective of this is to ‘screen out’ any plan or project that is unlikely to have any adverse effect on the European Site(s) excluding any compensatory or mitigation measures proposed.

- 4.20 The Screening Report finds that none of the proposed policies or allocations (at the draft stage) would result in Likely Significant Effects which would result in the requirement for an Appropriate Assessment either individually or cumulatively, or in combination with adopted policies in existence locally or prepared by other bodies/neighbouring authorities.
- 4.21 No objections were received during the consultation on the Draft Local Plan regarding the approach or findings of the HRA. Like the SA, the HRA is an iterative process which evolves as part of the plan preparation process. As such, a new screening report for the HRA has been prepared to support the updated document.
- 4.22 The HRA will be made available for comment as part of the consultation on the publication version of Local Plan. The HRA, together with any comments submitted regarding its approach and findings will then be submitted alongside Local Plan for independent examination.

Equalities Impact Assessment

- 4.23 In accordance with the Race Relations Act 1976, Race Relations (Amendment) Act 2000, Disability Discrimination Act 1995 and 2005, Equal Pay Act 1970, Sex Discrimination Act 1975 and Equality Act 2010, Pendle Council has a legal requirement to assess the impact of all its existing and proposed plans and policies.
- 4.24 The Equality Act, which came into force from October 2010, introduced a new public sector equality duty effective from 5th April 2011. It states that local authorities have a public duty to have due regard to:
- eliminating unlawful discrimination;
 - advancing equality of opportunity; and
 - fostering good relations between people from different groups.
- 4.25 The equality duties placed on local authorities previously covered gender, disability and race. Under the Equality Act 2010 these have been extended to cover age (younger and older), faith (religion or belief), sexual orientation, gender reassignment and pregnancy/maternity. Local authorities must also exercise their functions in a way that reduces any inequalities that may arise from socio-economic disadvantage.
- 4.26 The Council’s Service Impact Assessment template gives proper consideration to a range of impacts that Local Plan may have on our community. The Equalities Impact Assessment will be published alongside the final version of the Local Plan.

Section 5

What Happens Next

Publication

- 5.1 The Local Plan (Publication Report) represents what Pendle Council considers to be the final version of this document.
- 5.2 A six-week public consultation on the Publication Report will commence in October 2024. Unlike earlier public consultations, which helped to shape the content of Local Plan, the consultation carried out under Regulation 19 is concerned only with the 'soundness' of the document (see NPPF, Paragraph 35).

Submission

- 5.3 In accordance with Regulation 22, following the close of the consultation period, Pendle Council will submit copies of the Publication Report, all supporting documents, and the representations received to the Secretary of State. This represents the start of the Examination process.

Examination

- 5.4 The Secretary of State will ask the Planning Inspectorate to appoint an inspector(s) to conduct an independent examination of the plan. The purpose of this examination is to consider the soundness of the Local Plan and whether it complies with the requirements of the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and associated regulations. The presumption is that the document is sound unless it can be shown otherwise.
- 5.5 The Inspector(s) will carry out a preliminary assessment of Local Plan and other submitted material. If there is any concern about the soundness of the document, the Inspector may call an exploratory meeting.
- 5.6 A Pre-hearing Meeting may be held approximately eight weeks after the date of submission, to consider how the examination is to be managed.
- 5.7 The purpose of the Pre-hearing Meeting is to:
- Advise those who have asked to be present and heard at the examination, how their representations will be dealt with (i.e. written representations, formal hearings etc.);
 - Consider who else might need to be invited to the examination to help the inspector consider the soundness of the plan;
 - Identify the issues that need to be considered at the examination in order to determine the soundness of the plan;
 - Consider how those issues relate to one another and the most logical order for their examination;
 - Identify the nature of the evidence to be brought to the examination and to set the timetable for the submission of that evidence; and
 - Establish the programme for the examination and the timetable for any hearing sessions.
- 5.8 Shortly after the Pre-hearing Meeting, the Inspector(s) will publish a list of Matters for Examination. This will provide a brief description of the issues to be covered, with the names of those who have

asked to be heard in person. It will form the basis of the programme for the hearings or round table sessions led by the Inspector, which will be published at the same time.

- 5.9 It should be noted that the hearing sessions arranged by the Inspector(s) will not seek to address every representation. Written representations will carry exactly the same weight with the Inspector(s) as those pursued by a personal appearance at the examination.
- 5.10 Hearing sessions will normally commence 14 weeks after the date of submission. Following the end of any hearing or round table sessions the Inspector will retire to produce a report. This may, or may not, recommend changes to Local Plan, based on the evidence presented at the examination.
- 5.11 The Examination formally ends on receipt of the Closure Letter from the Planning Inspectorate, which will accompany the Inspector's Fact Check Report and appendices. Following consideration of the Council's comments on the Fact Check Report, the Inspector(s) will issue a Final Report and appendices approximately 29 weeks after the date of submission.
- 5.12 The Final Report is not binding on the Council, but under normal circumstances the Inspector's recommendations will be incorporated into the final version of Local Plan to be put forward for adoption at Full Council.

Adoption

- 5.13 The Council can only adopt the Local Plan – together with any 'main modifications' suggested by the Inspector(s) – where the Inspector(s) has issued such an instruction. The Council can make non-material changes (called 'additional modifications'), or withdraw the Plan, at any time prior to adoption.
- 5.14 Council procedures require the Local Plan to be adopted at a meeting of the Full Council. The plan-making process is then concluded, and the adopted Plan provides the framework for development across the borough.
- 5.15 A judicial review challenge, against the decision to adopt, can be lodged with the High Court no more than six weeks after the date of adoption. Challenges normally reference non-compliance with legal or procedural requirements during the plan making or examination process, rather than the 'soundness' of the plan, which is addressed solely through the Examination process.