

**Lidgett & Beyond**

Planning, Building Control and Regulatory Services,

Pendle Council,

Town Hall,

Market Street,

Nelson BB9 7LG

15th August 2023

**Re: Pendle Local Plan Fourth Edition Consultation**

Dear Planning Team,

Thank you for giving us the chance to review and comment on the Pendle Local Plan. Our comments are below.

Lidgett & Beyond (“L&B”) applauds the opening comments in the Spatial Portrait and agrees with the comment in 2.2 that there is “increasing concern that towns and villages throughout the country are losing their identity.” The anonymous and alien large housing estates built by national, and even large local, housebuilders are examples of what causes this.

As 2.18 states, there is indeed a significant challenge to deliver new housing. The large areas of the borough designated as Green Belt the areas of open countryside which are valued for their landscape character and importance for biodiversity are what gives Pendle its most valuable assets and both the residents and the Councillors of all parties are loathe to sacrifice them to insensitive and unsustainable development. Added to that are the topographical issues of river valleys and steep slopes noted in 2.36.

We feel that there is too much “talking down” of genuine development opportunities as the borough has overdelivered on its housing in recent years. Hence, to say in 2.18 that “The development of Greenfield land, both within and adjacent to our urban areas, is not viable without third party intervention, and previously developed (Brownfield) land is largely unviable” is overly pessimistic and one that does not market our borough very well to the outside world. In addition, it does not feed in very well to the Spatial Vision and the Objective 1 in Table 3.1.

As acknowledged in 2.17, affordability is good for the lower-/mid-priced housing stock whilst the overall position is worsening slightly due to the higher demand in selected rural areas. The way to attract ambitious people into the borough, who may be commuters to Manchester or Leeds, is to retain the setting of such rural stock. In the meantime, our excellent terraced housing stock are affordable, solidly built and are available to be improved. It should be noted that these 19th century houses have locked-in carbon so should not be considered for demolition and replacement by new-builds and the mindset and any comments that people are deprived because they live in terraced houses should be removed from all Council reports.

One key set of metrics to “test” is to benchmark / sense-check the relationship between:

* Population 95,800
* Dwellings 41,000
* Local jobs 33,500, noting a net outflow to Burnley/other places

We agree wholeheartedly with the Spatial Vision set out in 3.2 and 3.3 and expanded on page 26. We specifically highlight the need to build our local economy first, along with connectivity to other employment centres, as those actions will bring extra salaries and spending power into the borough and that will drive demand and viability of housing developments. In the meantime, it is paramount to protect and enhance our high-quality landscapes and biodiversity as they are the main factors driving the rise in tourism.

Given the comments about the ageing population as well as the mix of housing required for the starter, affordable and aspirational markets, it is clear that a focus on developing homes for pensioners to downsize and to enjoy supported living is an important task to free up underoccupied larger houses to feed into the aspirational purchasers and to eventually filter down to first-time buyers. The fact that this virtuous housing circle is not functioning properly is evidenced by the volume of planning applications to add extensions and dormers. it is worth noting that many families actually want to live in multi-generational and denser units and this is to be encouraged and should be factored in to new developments. Such semi-detached and terraced houses have a relatively small footprint and serve families flexibly over time. People often report that they could move, but they like where they live and so they choose to adapt their homes to cope with their changing circumstances. This philosophy also builds stronger and more resilient communities.

A key action for the Council is to engage proactively with specialist developers who can address this issue. If they are unwilling, then one of the Council’s strategic JVs or partners should be utilised. This is also noted in the comments regarding delivery in inner urban Brownfield sites in para 6.72.

The NPPF requires a presumption in favour of sustainable development and L&B agrees that any development should improve the economic, social and environmental conditions as stated in SP01.

SP02 – L&B supports the categorisation of Colne as a Main Town and its neighbouring villages of Trawden as a Rural Service Centre and Laneshaw Bridge as a Rural Village. In particular, the restriction in Laneshaw Bridge is welcomed to permit only development which addresses an identified local need.

In Part 3 of SP02, L&B supports the requirement that any development should be of a “nature and scale that is proportionate to the role and function of the settlement.” This overlaps well with the Colne Neighbourhood Plan and its development and design code policies, and will ensure that no large characterless developments take place. Further comments re development outside the settlement boundary covered by DM09 are made below.

SP06, para 4.61 and DM03 – L&B also supports green energy, but wishes to state that it will not support developments that conflict with any of the Significant Views described within the Colne Neighbourhood Plan. The setting of Colne, which is provided by the upland landscape surrounding the town is a very important element of our townscape. We agree with the current conclusions in 4.66 and 4.68 re commercial scale renewable energy systems.

SP09 - L&B welcomes protection for our historic environment and supports this policy wholeheartedly. Especially welcomed are 5a, 5c, 5f and 5h and the statements in 4.119 and 4.121/4.123.

SP10 – L&B supports Healthy and Vibrant Communities, especially para 4.131. We look to Pendle Council to designate the Upper Rough as a Local Green Space via its Local Plan. Such sites are valuable for the physical and mental health of local residents, the wider residents of Colne and our visitors. Whilst active travel initiatives are welcomed, it must be acknowledged that the challenging topography of Colne makes it difficult to achieve wide take-up of sustainable cycling and walking and hence any development application that promises this should be treated with healthy scepticism.

SP11 – L&B supports this Transport and Connectivity Policy and are especially pleased to see Policy 9 which recognises that topography, rather than distance can make some developments reliant on the car, as noted above in our comments on SP10.

Regarding Policy 1 (and described in 4.138-4.140), we assume the strategic road link to Yorkshire is the one previously downselected to go from the end or near the end of the M65 to the A56 north of Foulridge. Further, the Colne Masterplan, currently under preparation, highlights better rail links to Preston and a new direct link to Manchester as key initiatives.

The area covered by the Colne Masterplan includes the South Valley and seeks to support investment in developing housing and commercial buildings which fits well with Policy 5.

SP12 – L&B supports this policy and would be especially pleased to see CIL or any similar “streamlined low-level tariff” being potentially introduced for viable developments in the Borough and especially in rural areas, as well as viability being verified via open book methods at the application stage.

L&B applauds the opening comments in Section 5 covering the Environment and agrees with the comments in 5.2 about the quality and importance of Pendle’s natural environment and how much it is appreciated by residents and visitors. That is why it must be valued and looked after for future generations.

DM02 Policies 7-10 – L&B agrees with the value put on retaining existing landscape features which contribute to the natural prevention of flooding and/or slow the flow of water. Whilst much has been made about man-made SuDS achieving great things, in many edge of town and rural areas such flood prevention has been achieved successfully by nature and this should be respected.

L&B questions Policy 14 as to the extent the proposed final drainage system must be modelled in applications that are Outline / Access-only. Such applications, as we have seen for the Upper Rough recently, tend to cover larger developments where getting the drainage solutions right are most important. We support not being able to condition this until a later detailed design stage. Following on from this, L&B supports the requirements of Policy 15, with part ( e ) in particular often being left to ad hoc engagement by service management companies.

DM04, DM05 and DM06 – L&B supports these policies on Biodiversity Net Gain, Ecological Networks and Green Infrastructure. In order to protect the Curlew and Lapwing – red listed birds that nest in our area – we would like to see Grey Squirrel Control Measures introduced. This would also allow the red squirrels recently sighted locally to colonise new areas and flourish. We especially support paras 5.98 and 5.99.

DM07 – L&B supports this policy area on Trees and Hedgerows. However, dealing with the first two policy points, they contain “wherever practicable” and “should”. L&B would like to see stronger wording.

L&B fully supports DM09 on Open Countryside, noting the balance to be struck in paras 5.146-5.148, and DM10 on Landscape Character, especially policy 1, 5a, 6b, 6c, 6f and 6g.

L&B would like to see the Upper Rough included as a Local Green Space under policy DM12, as stated above. We understand that Colne Town Council has submitted a formal nomination form but, to reinforce our support for the Upper Rough being designated, we have submitted a nomination form as well.

This land parcel was independently examined in the recent Colne Neighbourhood Plan and was found to have fulfilled all the criteria for a LGS laid out in para 102 of the NPPF. Having read the draft Plan, it is clear that there can be no argument that this LGS qualifying land is needed to fulfil the Borough’s Housing Quota until 2040, as not only has the Neighbourhood Plan designated sites in Colne but, additionally, Pendle Council has included a large site on Cottontree Lane and there are numerous windfall sites coming forward, as well as many extant planning permissions granted.

The Upper Rough has low accessibility by transport modes other than the private car and is remote from local facilities. As discussed recently in refusing the application, it is simply not a sustainable location and therefore is contrary to Policy LIV1. Nor does it comply with other policies of the Core Strategy (SDP2, ENV1 and ENV4). A lot of this reasoning flows into the new Local Plan. The site has been assessed in the SHLAA, but this is an evidence base document, not policy, and its development plan status remains open countryside. This view is currently held by Pendle Council and was set out in response to a local authority land search:

*“Site 2 has been assessed through the Strategic Housing Land Availability Assessment (SHLAA) process as a potential location for development. The site was found to be unsuitable for development. This indicates that whilst the owner may be keen to develop the land, the Local Planning Authority are unlikely to grant planning permission. It should be noted that this land could be promoted again in the future. The site can be considered a low / medium risk of development. If it was ever granted planning permission the site will have a significant impact on the subject property. If development was to be attempted on this site and you were not supportive we would recommend you request more detailed reports on the application site title from your solicitor. Whilst this would reasonably incur an extra legal fee it may uncover a covenant that may control the development potential of this land.* *The property itself is part of a modern development, therefore the immediate area has already been exploited to its maximum. With the exception of the usual householder extensions and improvements we would expect little or no change. Further development is very unlikely."*

As advised by L&B’s planning consultant, who has experience of lots of Neighbourhood Plans, the other Green Spaces already designated in the Colne Neighbourhood Plan should not be included in the Pendle Plan as that supersedes the Colne Plan and therefore opens them up to new scrutiny and challenge. A similar argument applies to other Neighbourhood Plans in Pendle e.g. Trawden and Barrowford.

L&B suggests that for DM13 Pollution - Air Quality policy 4, the radius is expanded to be at least 1km given the impact such major development would have. This is important for East Colne as it is noted in 5.197 that there is only one AQMA in Pendle.

Re DM16, L&B notes that Colne has developed its own Design Code as part of the Neighbourhood Plan and this gives the additional local detail for the overarching Pendle guidelines. We wonder what Pendle will do to address the wider need for a Design Code across the Borough?

Preserving heritage is very important to L&B. We have devised the popular East Colne Way and have placed information boards on heritage, wildlife and botany at both Ball Grove and Lidgett, so it is good to see this concern reflected in DM18. We are particularly pleased to see the inclusion of policy 6, as neglect or damage should never be used to justify a development proposal.

L&B supports the positive approach to development in DM20 and being clear about where the borough’s housing will come from and how any shortfall will be addressed.

Para 6.21 explains the need to consider the best interests of a range of stakeholders as part of securing “sustainable development beneficial to the area as a whole”. It is important to note that sustainability should not just consider the economic aspects, but also the social and environmental aspects of people’s lives.

Paras 6.23-6.24 note that population growth in recent years has exceeded the original 2014 forecasts, but that this has not flowed through into a similar growth in households. Para 6.25 highlights the ridiculous comment in the HEDNA report that continued population growth along this line would lead to an enormous housing target, but correctly concludes that this would be unrealistic, with paras 6.26 & 6.27 noting the absence of data and information and of proposed housing requirements. The link to economic growth seems to be based on an extra 2,100 jobs in a ten year period requiring 2,700 houses which somewhat defies common sense and merely illustrates that the authors are unaware of the Pendle housing market and the way in which people more and more choose to live. A similar argument applies to affordable housing in para 6.33-6.34, where it notes that people seeking such houses are generally already housed and we highlight that unaffordable full price houses do not suddenly become affordable at 80% of that price and that market-led developers now seem to universally renege on such commitments. As noted earlier, the Council’s strategic JVs or partners should be utilised for such special housing projects.

Paras 6.28-6.30 align with the beliefs of L&B regarding housing numbers. The standard methodology figure is not a cap and we also believe that the spatial strategy will deliver extra houses, substantiated by projects that are or will be in the pipeline in the short-medium term. The same can be said of the Colne Neighbourhood Plan. We support the environmental impact line of argument and conclusion of the harm it would cause and our members are of the strong belief that 140 new homes per year is sufficient for Pendle, as laid down by the Government’s standard methodology. Further detailed comments re the HEDNA are included in the Appendix to this letter.

L&B and no doubt many of our local Councillors wholeheartedly support the conclusions in para 6.38 about Pendle being able to take and keep control of making informed choices about its own housing development sites, rather than the previous environment where it was led by developers cherry-picking sites which lead to “bringing uncertainty to our communities, and a pattern of development that does not properly reflect the spatial strategy.”

L&B agrees with the policies of DM22 regarding the need to supply a range of housing types, especially policy 5 re bungalows and policy 6 re apartments, although we suggest that some one-bedroom apartments would help first-time buyers and help pensioners and the disabled as part of supported living set-ups. There seems to be mislabelling in using Table DM22a and DM22b.

Para 6.24 asks why have household numbers not gone up to accommodate the population growth and this is answered in para 6.55 by acknowledging the increase in average household size. To put this in context, a large number of these increased households are actively choosing to live in this way, with multi-generational arrangements becoming more popular to supply childcare and to provide support for older people, as well as addressing the cost of living and mortgage cost issues. That is why there are a lot of planning applications for extensions and dormers as that is cheaper than moving to a larger house or extended families having multiple homes.

DM23 is a chimera. Pendle is the second most affordable borough in England in which to buy a home. The most affordable homes are those that already exist. These houses would cost more to build than they are worth – something that is not true in vast swathes of the nation. Any “affordable housing” at 80% of the sale price on new developments is still bound to be far in excess of the average town house in Pendle. New houses in Pendle are out of reach of most first time buyers and this is something that should be acknowledged in the Local Plan and in the NPPF too.

DM23 policy 4’s requirements for a viability assessment if a developer wishes to avoid the affordable housing requirement are to be applauded but we know that developers both locally and nationally are employing various methods to manipulate such calculations. Nevertheless, they should be carried out and the final sentence should be tightened to state that failure to submit one “will result in the refusal of the application.”

L&B supports the affordable rural housing initiatives set out in paras 6.74-6.80, but notes that there should be appropriate scrutiny of all rural developments to ensure the support for such useful housing for rural communities and young people seeking to continue working there is not abused.

DM24 - L&B supports this policy, but notes the need for borough-wide compliance with design standards to ensure that no precedents are set. This is especially the case where Conservation Areas are involved as residents must realise that living in such areas brings great benefits but also imposes obligations which need to be followed.

DM26 - L&B supports this policy.

DM28 – L&B supports this Policy and refers back to our earlier comments about more efficient entry, upsizing and downsizing opportunities in the local housing market.

DM31 and DM32 - L&B supports these policies on Open Space, Sport and Recreation and on Walking & Cycling.

L&B has experience of speculators’ consultations for large housing estates and many L&B members have taken the time to respond to them. They have been dismayed to see that the results of the surveys were no published – presumably because they did not fit the speculators’ narrative. We therefore welcome DM34 Engaging the Community, Policy 3b. For Policy 4 re design codes, the Colne Neighbourhood Plan has made it very easy for developers – simply follow our Design Code and do not even try to invent your own.

The Lidgett and Beyond area has been adversely affected by the poorly planned and under provision of parking on the Lower Rough, leading to selfish parking on a narrow section of Skipton Old Road by residents on the new estate. We therefore welcome the policies laid out in DM37 on Parking, especially policies 2 on permeability, 3 on drive size, 4 on parking and the quality of the street scene, and 6 & 7 on garages. There should be more consideration on the provision for parking for visitors, delivery drivers and the providers of home services. Most new developments provide parking for the residents only and the street layouts and frequent driveways militate against on-street parking.

L&B supports DM40-DM44 regarding economic development and retail.

Paras 7.78 & 7.80 and DM45 are supported, but reference should be made to the increasing numbers of AirBnB properties in certain neighbourhoods. L&B has seen several appearing in East Colne and whilst they are good for tourism, they can leave an empty feeling at quieter times of the year. Perhaps there should be density limits, similar to those for HMOs?

We are wholly in support of para 7.98 about the impact of development for economic growth.

L&B supports the choice of housing site allocations in AL01 and the reasons for their selection.

In Table 8.1, we note/suggest:

* Housing delivery 2022/23 figure to be included and extant planning permissions to be rolled forward to 31 March 2023
* Small sites windfall allowance should not exclude the first 4 years, just the first 2 covering 2021/22 and 2022/23 as they are the ones to be completed or committed; years 3 & 4 will not be. This adds 76 to the total.

Both of these adjustments will reduce the residual requirement.

L&B applauds the clarification of what the SHLAA actually is in paras 8.11-8.12 and potentially it is worth adding that politicians cannot remove sites from it, only landowners can do that.

L&B wholeheartedly supports the conclusions in paras 8.18 & 8.19.

AL02 could consider some of the brownfield / flytipped land in South Valley in Colne as employment sites. The Colne Neighbourhood Plan sought to allocation some for regeneration housing, but landowners expressed a preference for commercial development and some have already progressed. We even suggested mixed commercial / residential development to cut down on using cars for the journey to work.

Appendix 2 should reflect Gib Hill as an LNR and that it is shared between Colne and Nelson.

Appendix 7, Stage 1, Criterion 5 – note that Locality’s advice is that “double designation” can be done as different designations have different longevity, flexibility and protection. This approach was followed in the Colne Neighbourhood Plan and passed Examination and met the Basic Conditions.

Appendix 7, page 293, final paragraph – whilst this merely states that landowners will be contacted, under planning law, it is not possible for such owners to veto such a Local Green Space designation.

Appendix 8 – the 3 Trawden LGSs identified under Policy 9 of the Trawden Forest Neighbourhood Plan should not be listed here. As previously stated, Local Green Spaces already designated in Neighbourhood Plans (Colne, Trawden, Barrowford) should not be included in the Pendle Plan as that supersedes those Plans and therefore opens them up to new scrutiny and challenge.

If you wish to discuss or clarify any of the points raised in this response, please contact one of the L&B Trustees.

Yours faithfully

**David Cockburn-Price**

**Chairman of the Trustees**

**Lidgett & Beyond Charity**

**Appendix - Comments on Housing Target numbers and the HEDNA Report**

The draft Local Plan para 2.13 states that “The most recent projections suggest there will be limited population growth over the next 20 years. Pendle has an ageing population, but the birth rate is relatively high. Outward migration amongst young people, and those of working age, is not compensated for by corresponding domestic or international inward migration.”

The PPG is clear (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>) that the Standard Methodology (SM) figure identifies a minimum annual housing need figure and does not produce a final housing requirement figure. It uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The calculation continues to use the 2014-based household projections as its baseline, with a percentage uplift to reflect the affordability of housing. It has been set at 140 dwellings per annum (dpa) for Pendle.

The HEDNA report concludes that the annual housing requirement for the borough should be set at 270dpa. This is derived from an economic-led scenario which marries the identified requirements for employment floorspace with a housing figure.

From 2014-based household projections data (<https://www.gov.uk/government/statistical-data-sets/2014-based-household-projections-detailed-data-for-modelling-and-analytical-purposes>), total Pendle households to rise from 39,536 in 2023 to 41,371 in 2039. This growth of 1,835 households is broken down:

A picture containing text, screenshot, font, number

Description automatically generated

The table shows growth in household numbers is entirely focussed on one and two person households. The demographic analyses are similarly skewed towards older people, with aged 65+ growing by 2,773 to 14,977 and the biggest falls of 972 to 11,448 seen in ages 25-44. This is alluded to in the Local Plan para 2.36 2nd bullet.

Note the discrepancy with the 41,000 dwellings figure quoted in para 2.16 of the Local Plan. Para 2.19 notes there are ~33,500 employee jobs, an average of 0.82 jobs per dwelling, whilst para 2.21 notes that overall, there is a net outflow of commuters to neighbouring areas e.g. Burnley. That would increase the average jobs per dwelling to perhaps 0.9-1.0.

The HEDNA report para 1.6 quotes 41,195 dwellings in Pendle in 2021, with a vacancy rate in the borough back in 2011 of 5.17%. This % went down with early Core Strategy focus, but has been rising again recently and is estimated to be ~5%, well above national average of 3.3%. 5% is over 2,000 houses and many of these blight neighbours, streets and areas and should be focussed on again.

Para 1.7 notes that annual completions have varied since 2003/04 with a high of 342 dpa in 2020-21 and two years of net losses in 2008/09 (-46) and 2009/10 (-67). Average completions have been 164 dpa and hence the SM figure looks comparable with what has been achieved and is realistically deliverable.

Para 1.11 notes there is a larger proportion of Over Occupied properties in Pendle (5.2%) than other benchmark areas. The HEDNA suggests that this can be a symptom of deprivation and a high Black Asian and Minority Ethnic (BAME) population. It may indeed be deprivation but, as outlined in the comments made in main body of the response, it may be that many more people are choosing to live in multigenerational extended families! The PBC stat states that the average household has 2.51, but a population headline of 96,000 people only makes 38,247 houses, not the 41,000 quoted in the Local Plan which gives an average household of 2.34.

Para 1.42 asserts that for Pendle there is a clear case to support exceptional local circumstances – the 2021 Census shows population growth in the Borough has been higher than had previously been estimated and this is likely to work through into population projections (given these are trend based). That may be the case but the biggest growth is amongst those aged 0-15 and 65+, and it is clear that neither groups will be breeding very actively in the short- to medium-term, whilst the youngest group will not have the salaries to support buying their own houses and hence will continue to live at their current home.

Para 6.85 works through an analysis of age and sex specific economic activity rates and concludes that the number of economically active people in the Borough (Table 6.20) will grow by 392 linked to the Standard Method or 3,199 using the trend-based projection. However, Table 6.14 notes that most of the growth in population using that trend-based projection is in the age group of 65+, with the second group being 16-64 and there being an actual reduction in the number of children. As the Local Plan questions and concludes in paras 6.24 & 6.26, during that period, which supposedly creates a trend for the future, household growth has not followed population growth and hence there is no clear data to support a higher figure. This is acknowledged in the HEDNA report paras 6.69 which notes housing completions of 154 per annum and household growth of just 75 per annum in the last decade.

As for the statement in para 6.95 that job growth will be 2,135 over the next decade, this time in line with the period 2008-2020, and comparing this with the aspirational housing figure needed of 270dpa to give 2,700 new homes over that period, this gives 0.79 jobs per house and really doesn’t make sense both in isolation and in comparison to the current average of 0.9-1.0.

So would all these new houses be for commuters? People who don’t work in Pendle? Encouraging commuting is against published Council policy as per the Employment Land Review (ELR) 6.168, which recognises ”… The need to reduce the high level of out-commuting…”.

Para 6.90 notes the assumption that double-jobbing will continue at 4.5%, but we know that in the post-pandemic world there are lot more people working in flexible, part-time ways as part of the gig economy.

6.108 Figure 6.7 shows housing completions 2011-2021 which gives an average of 154 per annum and a higher figure of 234 per annum over the past 5-years. Whilst this does indeed suggest that the Council could potentially provide more than the SM figure of 140dpa, it should be noted that the last 3 years have seen completions of larger estates and both politicians and people do not want that to continue. The approach should be to supply 140dpa, but if demand is higher, then prices will rise and more can be built in less viable areas which Pendle’s Spatial Vision supports. It is a simple case of the Law of Supply & Demand, not a case of “Build and they shall come”, as we need economic development to pull people in and build houses in sustainable and regeneration areas.

Hence, the HEDNA’s assertions that 5- and 10-year trend projections support a range of 212-315dpa and that failing to deliver the suggested 270dpa will either stifle local economic growth or result in more people commuting into the borough than before are flawed and do not reflect a true understanding of how people actually live and want to live in Pendle as well as what is important to the character and strengths of the way in which the borough can be sustainably developed.