

# Hyndburn DM DPD 'Main Mods' consultation (14th July 2017 - 25th August 2017)

All comments received and proposed Council response - ordered by DM DPD page no.

Rep. ID	Name / Organisation	Name	Surname	Subject of representation	Policy	Pg. Ref.	Main Mod	RepReg24_rep_comment	RepReg24_rep_type	Council Response	Council Notes
364	Health and Safety Executive			Whole Document			-	At this stage HSE would have no comment to make – but we do look forward to receiving sight of your Initial Consultation Exercise later in 2017 when allocations of sites will be available to comment on.	General Comment	Noted	-
372	CPRE Lancashire	Jackie	Copley	Main aims of the Local Plan			-	<p>9.The local plan should include:</p> <ul style="list-style-type: none"> <li>• Urban Concentration – policies to target existing built settlement with new investment from housing and employment to benefit existing communities and connect to local infrastructure.</li> <li>• Brownfield Target - The local plan should include a brownfield target. Urban located brownfield sites are near to existing infrastructure and should be used in advance of 'preventable' countryside loss.</li> <li>• Rural Policies - Guard against unnecessary encroachment and built intrusion, by protecting and enhancing Hyndburn's countryside and rural landscapes, especially Green Belt designated land.</li> <li>• Developer Contributions - The local plan should have adequate developer contribution requirements for affordable housing, particularly in rural places as there are huge issues with affordability in rural settlements. Other community infrastructure required to make places sustainable are required.</li> <li>• Sustainable Travel - should be promoted. Hyndburn requires safe walking and cycling routes to promote healthy modes of travel. Public transport services, such as rail and bus should be prioritised over private motor car based development due to the problem of emissions for climate change and air quality, and increase traffic congestion.</li> <li>• Energy and Waste Demand Minimisation - The energy needs and waste arising from developments should be reduced by embracing new technologies and sustainable development principles.</li> <li>• Green Infrastructure – Natural capital must be planned into new development for climate change resilience, flood risk, promotion of biodiversity, green lung function and residential amenity.</li> </ul>	General Comment	Noted	<p>The points raised do not relate specifically to any of the proposed 'Main Modifications' which are the subject of this consultation.</p> <p>In response to the points raised however, the Council has sought to integrate these aims into Local Plan policies that have already been developed (e.g. in the Core Strategy and emerging DM DPD). The Council will continue to consult and work with CPRE Lancashire on the forthcoming Site Allocations DPD.</p>
371	CPRE Lancashire	Jackie	Copley	Key Planning Issues for Hyndburn			-	<p>6.Realism must be applied to the calculations for future economic development and housing. Flawed calculations, based on too high aspirational growth rates, lead to bloated figures. An over-supply of employment property and housing has a negative impact on the property markets and can lead to areas of decline. It is important that new development is facilitated, but at a rate that supports positive economic development.</p> <p>7.The location of new development is terribly important. A focus on identifying sites for housing and employment use in the urban areas is most important to support Hyndburn to regenerate in the future.</p> <p>8.CPRE Lancashire views the call for sites stage as important. It is very important that the local authority consider all brownfield sites captured on previous National Land Use Database records, Strategic Housing Land Availability Assessments and Employment Land Registers. Also, local property firms have a good idea of clients aspirations for land holdings. Brownfield Registers will also provide an important source of intelligence, but because the Government only allows 'suitable' (viable and available) sites to be recorded it means considerable land with potential to come forward between now and 2028 may be 'missing'. CPRE Lancashire is in the process of considering whether it should research the robustness of Brownfield Register data as part of its new 'Urban Network pilot project'. It is very important that need development benefits from the central locations and available infrastructure associated with most brownfield land.</p>	General Comment	Noted	<p>The points raised do not relate specifically to any of the proposed 'Main Modifications' which are the subject of this consultation.</p> <p>Growth rates, location of new development, and use of brownfield sites will all be covered in the Council's forthcoming Site Allocations DPD.</p>

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370	CPRE Lancashire	Jackie	Copley	Sustainable Development			-	<p>2. CPRE is an advocate of plan-led development, with a focus on urban concentration, so that harm to the countryside and green space in urban places is minimised. We recommend the use of sustainable development to make the best use of existing infrastructure and to halt built intrusions into rural landscapes.</p> <p>3. CPRE wants to see the Borough's needs properly planned as this leads to more sustainable development than sporadic speculative development especially in rural areas. Hyndburn's countryside is a natural asset of considerable local pride and enjoyment to residents, businesses and visitors. Yet every year our countryside is under increasing threat from development, and despite commitments from both national and local Government to protect it, beautiful countryside is 'unnecessarily' lost. CPRE campaigns for the re-use of available, previously used land, where not of environmental value, in advance of sacrificing our green fields. Once countryside land is built, it is gone forever.</p> <p>4. Today people have a much higher level of awareness of the importance of our green natural spaces, both rural, and urban, and the elements that constitute 'Green Infrastructure'. Everyone benefits from the wide ranging roles of greenfield land: from its green lung function, flood resilience, wildlife habitats, food production, recreational opportunities, tranquillity and contribution to our cultural heritage, so we trust that the Council will take a more integrated and strategic approach to the provision and management of land for development while protecting and enhancing the countryside and green spaces that are so loved in Hyndburn.</p>	General Comment	Noted	<p>The points raised do not relate specifically to any of the proposed 'Main Modifications' which are the subject of this consultation.</p> <p>The Council intends to commission some further Green Infrastructure (GI) network related evidence base studies in advance of the Site Allocations DPD for Hyndburn. The Council will take into account the findings of this evidence in preparation of site allocations and related policies.</p>
369	Ribble Valley Borough Council	Joanne	Macholc	Whole Document			-	Thank you for notifying Ribble Valley BC about the Main Modifications to the Development Management DPD. I have considered them at an officer level and have no comments to make from this authority's point of view.	General Comment	Noted	-
366	Education and Skills Funding Agency (ESFA)	John	Pilgrim	Provision of school places			-	<p>- The National Planning Policy Framework (NPPF) advises that local planning authorities (LPAs) should take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of communities and that LPAs should give great weight to the need to create, expand or alter schools to widen choice in education (para 72).</p> <p>- The ESFA supports the principle of Hyndburn Borough Council safeguarding land for the provision of new schools to meet government planning policy objectives as set out in paragraph 72 of the NPPF. When new schools are developed, local authorities should also seek to safeguard land for any future expansion of new schools where demand indicates this might be necessary.</p> <p>- Hyndburn Borough Council should also have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on 'Planning for Schools Development' (2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.</p> <p>Ensuring there is an adequate supply of sites for schools is essential and will ensure that Hyndburn Borough Council can swiftly and flexibly respond to the existing and future need for school places to meet the needs of the borough over the plan period.</p>	General Comment	Noted	<p>The points raised do not relate specifically to any of the proposed 'Main Modifications' which are the subject of this consultation.</p> <p>The Council will continue to work with Lancashire County Council and the ESFA in preparing the Core Strategy partial review and Site Allocations DPD to ensure that sufficient school places are provided over the period of the Local Plan.</p>
357		Michael	Miller	Whole document			-	<p>While I appreciate the need for controls in development of the area I am mindful that peoples views and aspirations are far different than those of previous generations and planning long term development framework may not be adaptable to meet the needs of future generations.</p> <p>Housing requirements need to reflect future requirements in terms of design, materials, resource efficiency, innovation, social mobility and employment lifestyle.</p> <p>The new plan does not appear to demonstrate a forward thinking mentality.</p>	General Comment	Noted	<p>The points raised do not relate specifically to any of the proposed 'Main Modifications' which are the subject of this consultation.</p> <p>The Council has demonstrated through the Examination process how it has prepared what it considers to be a 'positively prepared', 'justified', 'effective' plan in line with the requirements of paragraph 182 of the NPPF. Should policies be shown to be inflexible, or not operating as intended, the monitoring arrangements will ensure that, at least every five years, the need for revision is fully examined.</p>
365	Network Rail			Whole Document			-	Network Rail has no comments	General Comment	Noted	-
362	Lancashire County Council (Schools Planning - Asset Mgmt)	Andrew	Curtis	Whole Document			-	I have read through the main modifications set out after the recent examination by the inspector and see no issues relating to education	General Comment	Noted	-

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361	Historic England - NW Office	Emily	Hrycan	Sustainability Appraisal			-	Thank you for consulting Historic England on the DM DPD - Main Modifications - Sustainability Appraisal Consultation, we have no comments to make on it.	General Comment	Noted	-
360	Historic England - NW Office	Emily	Hrycan	Whole Document			-	Thank you for consulting Historic England on the DM DPD - Main Modifications Consultation, we have no comments to make on its content.	General Comment	Noted	-
359	Highways England	Warren	Hilton	Whole Document			-	There are no comments which Highways England needs to make regarding the proposed main modifications to the DPD	General Comment	Noted	-
390	The Coal Authority	Melanie	Lindsley	Whole Document			-	I can confirm that the Coal Authority has no specific comments to make on the modifications indicated	General Comment	Noted	-
391	Natural England			Whole Document			-	Natural England does not consider that this Local Plan Update - Development Management Development Plan Document (DPD) Main Modifications poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.	General Comment	Noted	-
392	Environment Agency	Liz	Locke	Whole Document			-	We have no comment to make on any of the proposed modifications to this document.	General Comment	Noted	-
373	CPRE Lancashire	Jackie	Copley	Infrastructure, Planning Obligations & CIL		11	1-MM	<p>CPRE Lancashire believes 2b should not be deleted. In National Planning Policy Framework, 2012 (NPPF) Paragraph 153 states Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.</p> <p>Furthermore, in the NPPF Annex 2: Glossary, supplementary planning documents are defined as documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.</p> <p>2b does not place unnecessary burden. CPRE Lancashire argues that it is justified and compliant with NPPF to retain 2b. any specific requirements set out in Supplementary Planning Documents;</p>	Object	Disagree - no change	Main Modification 1-MM is necessary to ensure that Policy GC2 is consistent with national policy, specifically paragraph 153 of the NPPF which states that 'Supplementary planning documents ... should not be used to add unnecessarily to the financial burdens on development'.
383	The Home Builders Federation	Matthew	Good	Infrastructure, Planning Obligations and		11	1-MM	The HBF supports the proposed modifications which are in conformity with our comments upon the publication version of the DPD. It is considered the modifications are required to make the plan sound.	Support	Noted	-
374	CPRE Lancashire	Jackie	Copley	Infrastructure, Planning		12	3-MM	CPRE Lancashire supports the inclusion of the additional text promoted by Lancashire County Council to ensure infrastructure requirements are met in the future as development comes forward.	Support	Noted	-
367	Education and Skills Funding Agency (ESFA)	John	Pilgrim	Infrastructure, Planning Obligations and CIL		12	3-MM	The ESFA supports the proposed change to Policy GC2 (Page 1). The addition of a paragraph outlining the role taken by Lancashire County Council in assessing the infrastructure needs generated by new housing proposals would be helpful, in ensuring that education infrastructure needs are fully taken into account. The ESFA Forward Planning Team are presently working with a selection of developers and house builders nationally to identify opportunities where the ESFA may be in a position to support specific developments to bring forward potential school sites through an emerging forward loan fund. The ESFA would be keen to discuss such opportunities with the council in relation to new education requirements generated by new housing proposals.	Support	Noted	The Council will engage further with the ESFA specifically in relation to the Core Strategy partial review and Site Allocations DPD.

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375	CPRE Lancashire	Jackie	Copley	Employment Development		19	6-MM	<p>CPRE argues this addition is contrary to the NPPF Core planning principle Bullet 9:</p> <ul style="list-style-type: none"> <li>• promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);</li> </ul> <p>NPPF Paragraph 69 states planning policies and decisions, in turn, should aim to achieve places which promote:</p> <ul style="list-style-type: none"> <li>• opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;</li> </ul> <p>Rather than providing flexibility, CPRE Lancashire believes that this would act as a loophole for developers to avoid mix used schemes to the detriment of the sustainable growth of Hyndburn in the future. This is because CPRE Lancashire has witnessed developers using viability arguments as a means of negotiating out of agreed contributions for affordable housing and other infrastructure, which has led to the development of rural land, even protected Green Belt due to 'very special circumstances' without the community benefits delivered as originally intended. The resultant planning balance is negative.</p> <p>The Housing White Paper "Fixing Our Broken Housing Market" seeks to address the significant problem of land banking by developers as they claim viability issues in order to avoid developer contributions and to achieve planning consents on more 'choice' sites. Viability issues need to be dealt with in a more transparent way in planning decisions. It is right and just that a local plan seeks community benefits.</p> <p>CPRE believes it is not good enough, or indeed fair to the local community of Hyndburn to minimise the level of contribution to needed infrastructure as it will result in unsustainable developments being brought forward, contrary to stated national planning policy and the local plan aspirations.</p>	Object	Disagree - no change	Whilst the Council agrees with the importance of the core planning principles set out in paragraph 17 of the NPPF, paragraph 173 also makes clear that 'pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking' and that plans should be deliverable. It goes on to state that obligations and policy burdens should not threaten the ability of sites to be developed. Main Modification 6-MM provides the flexibility to ensure that paragraph 173 is met. Where applicants argue that viability is a concern they will be required to submit a full viability appraisal and pay for its independent assessment on behalf of the Council (see paragraph 4 of Policy GC2).

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393	Savills	Matthew	Sobic	Town Centre Development		25	21-MM	<p>This representation is made on behalf of Capital &amp; Regional ('C&amp;R') as the owner of The Mall in Blackburn town centre in relation to Policy DM3 of Hyndburn Council's ('the Council') emerging Development Management Development Plan Document ('DPD'), and specifically 21-MM. The emerging Policy will provide the Council's development plan policy for the assessment of main town centre uses.</p> <p>C&amp;R has seen the representation provided by Helen Holland, Planning Strategy Manager at Blackburn with Darwen Council ('BWDC'), in relation to 21-MM. C&amp;R agree with the representation made by BWDC and its own representation supports the comments made by BWDC in relation to 21-MM.</p> <p>As the Council will be aware, C&amp;R is a significant stakeholder in the local area. It will also be aware that Blackburn won the overall 'High Street of the Year 2016' and the 'Town Centre of the Year 2016' awards at the Great British High Street Awards 2016 in December 2016.</p> <p>In commenting on the Awards, Communities Secretary Sajid Javid MP stated:</p> <p>"Our high streets are going from strength to strength as this year's Great British High Street competition shows. Town centres are being revitalised, with vacancy rates falling over the last year, and Blackburn is a great example of how hard work and support for local businesses can turn things around. The strong Blackburn Business Improvement District is working closely with the council to invest in the town and put on a vibrant calendar of events that has seen visitors flock in their thousands to the town centre – long may it continue. One of the first industrialised towns in the world, Blackburn has reinvented itself over recent years with the council investing £9 million in its heritage buildings to bring them back to their former glory."</p> <p>The retail and leisure elements of Blackburn town centre are underpinned by The Mall, located centrally within the town centre providing approximately 56,000 sq. m of floorspace (this is approximately 70% of the floorspace within the town centre). It is the prime retail destination for East Lancashire.</p> <p>Given its size and scale within the wider town centre offer, it follows that The Mall is a critical component of the town centre and has contributed substantially to the centre's improvement. This includes the redevelopment of The Mall over the last few years including the £66million development scheme that added approximately 10,000 sq. m of retail floorspace during the period 2008 – 2010 at the depths of the previous recession and the recent £3.25m redevelopment that provided a new 1,487 sq. m health and fitness club and new retail units that opened last year. C&amp;R's investments in the town centre contributed to an increase in footfall at The Mall of 8.7% in 2016 when compared to 2015. This increase in footfall at The Mall is a significant positive when during the same period shopping centre footfall fell by approximately 2% between 2015 and 2016 nationally[1].</p> <p>It follows that substantial investment has been made in Blackburn town centre that has led to its current success. A momentum to continue investment in the town centre is required in order to ensure that this initial success can be built on. Further investment is planned both by C&amp;R who intend to increase the attraction and leisure offer of The Mall and by Blackburn with Darwen Council as part of town centre regeneration projects including the former Markets site and the former Waves Leisure Centre site.</p> <p>As the Council will be acutely aware, consumer confidence in retail spending is decreasing and inflation is increasing. On 21st April, UK retail sales posted its biggest quarterly fall in the last seven years since the end of the previous recession. Accordingly, it is critical that all efforts to deliver viable town centre locations are maintained and increased in order to ensure their future vitality and viability. This is at the core of the 'Town Centre First Approach' to national and local planning policies.</p> <p>C&amp;R support the overall objectives of emerging Policy DM3 that:</p> <ol style="list-style-type: none"> <li>1.Requires applicants of proposals in edge and out of centre locations to undertake a sequential assessment</li> <li>2.Provides thresholds for requiring impact assessments for edge and out of centre proposals</li> <li>3.Provides an opportunity for the Council to require an assessment of impact for proposals below the stated thresholds where there may be a concern in relation to the effects of a proposal on a specific centre</li> </ol> <p>However, Part 7 of Policy DM3 and 21-MM states:</p> <p>"7. For proposals below the national threshold of 2,500sqm where the applicant is able to demonstrate a compelling case that the type and form of retailing proposed is not one currently provided in a specific Town or Local Centre, nor is likely to be provided in the future, that centre may be excluded from any impact assessment."</p> <p>It is axiomatic that all retail proposals will have an impact on other retail locations. It is well established that national planning policy in The Framework and development plans should adopt a 'main town centre first approach' to assessing proposals not located within a centre. The title of the relevant policy section in the National Planning Policy Framework ('The Framework') at</p>	Object	Disagree - no change	<p>The Council is aware of the significant investments (planned and undertaken over recent years) in Blackburn Town Centre, along with the recent success and national recognition of its high street. The Council's view is that Policy DM3 provides a suitable policy framework to ensure that the vitality and viability of Blackburn (and Hyndburn) town centres are supported over the plan period.</p> <p>Paragraph 7 and proposed Main Modification 21-MM would not allow an applicant to remove certain centres from its impact assessment (as stated) unless the Council is in agreement (to be agreed as part of the scoping of any retail impact assessment). Further justification and context of the circumstances under which this would be permitted is provided in paragraph 3.26 of the supporting text. Main Modifications 25-MM and 26-MM have also been proposed to help clarify the application of this policy further, following representations and discussions during the examination hearing session.</p>

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393				Town Centre Development		25	21-MM	<p>Paragraphs 23 – 27 is explicit in this approach (i.e. 'Ensuring the Vitality of Centres'). Paragraph 23 sets the context to drawing up development plan policies that ensure the vitality of centres. This includes drawing up development plans that: 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.'</p> <p>There are no provisions set in Paragraph 23 of The Framework or anywhere else in The Framework that provide policy support for councils to adopt an approach that would remove the requirement for an applicant to assess certain centres where an impact assessment is required.</p> <p>Paragraph 151 of The Framework states:</p> <p>'Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.' (Savills' emphasis in bold and underlined)</p> <p>It follows that the policy approach at 21-MM, and therefore the overall emerging Policy DM3, that enables an applicant to remove certain centres from its impact assessment is in direct conflict with The Framework. On the basis of the above, the emerging DPD would not be sound.</p> <p>C&amp;R also agrees with the comments of BWDC that 21-MM conflicts with:</p> <ol style="list-style-type: none"> <li>1.Paragraph 17 of The Framework as it provide an ambiguous approach to policy when The Framework is clear that development plans should: '...provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.'</li> <li>2.Paragraph 154 which requires that: 'Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.' 21-MM does not provide a clear indication of how a decision maker should react to the proposal. It is vague and provides an opportunity for applicants to remove centres from the assessment of impact in direct conflict with the main town centre first approach and the well-understood and established principles for undertaking impact assessments.</li> </ol> <p>Given the proximity of Hyndburn's administrative area to BWDC's, it follows that its approach to policies impacts on planning matters in Blackburn. In this case the retail policies have an effect on town centre matters in the BWDC administrative area. Paragraph 178 of The Framework states that: 'Public Bodies have a duty to cooperate on planning issues that cross administrative boundaries.' Given both BWDC and C&amp;R's position on the unsoundness of Part 7 of emerging Policy DM3, it follows that Hyndburn is under a duty to cooperate with BWDC on this matter.</p> <p>The most appropriate way forward to cooperate in accordance with the request from BWDC is for Part 7 to be removed from emerging Policy DM3. This would enable the DPD to be found sound as emerging Policy DM3 would then accord with The Framework.</p> <p>We would therefore be grateful if you could confirm by return correspondence that Part 7 of emerging Policy DM3 will be removed in accordance with both the representations by BWDC and ourselves.</p>	Object		

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389	Blackburn with Darwen Borough Council	Helen	Holland	Town Centre Development		25	21-MM	<p>Further to our representations at previous stages, BwDBC write to express objection regarding main modification 21-MM which affects draft Policy DM3: Town Centre Development. As written, Policy DM3 is considered to be unsound as it's not effective or consistent with national policy.</p> <p>The policy wording of concern is:</p> <p>"7. For proposals below the national threshold of 2,500sqm where the applicant is able to demonstrate a compelling case that the type and form of retailing proposed is not one currently provided in a specific Town or Local Centre, nor is likely to be provided in the future, that centre may be excluded from any impact assessment."</p> <p>This sentence should be removed from the policy. It introduces the potential for great inconsistencies and planning by appeal. How could an applicant robustly demonstrate a case that a "type and form of retailing proposed" is not "likely to be provided in the future"? This ambiguousness would cause unnecessary confusion for applicants and decision-makers. The proposed wording would result in the policy failing to contribute towards the achievement of sustainable development; contrary to the key principle of the NPPF. For example, NPPF paragraph 17 sets out a principle that Local Plans should "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency."</p> <p>Furthermore, the proposed ambiguous policy wording conflicts with NPPF paragraph 154, which requires that "only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan." The proposed policy, as worded in MM-21, does not provide a clear indication of how a decision maker should react to the proposal. It also removes the requirement for impact assessment on certain town or local centres, for developments which otherwise meet the local threshold for impact assessment. This would therefore remove the opportunity for a thorough planning assessment, resulting in potentially significant harm to town or local centres in and around Hyndburn as a result of unsustainable out-of-centre retail development.</p> <p>It's understood that the wording has been included with the good intention to provide a form guidance for applicants on the scope of impact assessments, however this guidance should not be stated within the Development Plan Policy. Rather, the scope and level of detail required in advance of applications being submitted should be handled on a case-by-case basis via pro-active pre-application discussions. This would provide the necessary clarity for applicants and decision makers when scoping the information required for the sequential test and impact assessment.</p>	Object	Disagree - no change	<p>The points raised do not directly relate to any of the proposed 'Main Modifications' which are the subject of this consultation, as 21-MM refers to the split of paragraph 6 into two separate paragraphs, not a change in content of the exception text to which these comments refer.</p> <p>Nevertheless, in response to the issue raised this specific exception test was discussed at the examination hearings. The Council's view is that it will help ensure that a proportionate approach to future retail impact assessments (RIA) is taken (in line with Planning Practice Guidance Paragraph: 015 Reference ID: 2b-015-20140306). It also enshrines the 'like affects like' principle, advocated as a guiding principle in Planning Practice Guidance (Paragraph: 016 Reference ID: 2b-016-20140306). The Council has provided supporting text paragraph 3.26 of the DM DPD to help clarify the purpose and application of this exception test, and proposed Main Modifications 25-MM and 26-MM to further enhance this. For clarity the Council also set out in Appendix 1 of its response to the Inspector's Initial Issues and Questions example scenario's under which potential future applications will be considered. Only where a 'compelling' case is provided would an applicant be permitted to exclude specific centres from RIA work.</p>
363	The Theatres Trust	Ross	Anthony	Cultural and Community Facilities		38	33-MM	The Trust supports Modification 33-MM to Policy DM7: Cultural and Community Facilities. We note this is in response to our earlier submission and thank you for taking it into consideration and supporting cultural infrastructure in this plan	Support	Noted	-
368	Education and Skills Funding Agency (ESFA)	John	Pilgrim	Cultural and Community Facilities		38	33-MM	The ESFA welcomes the proposed changes to Policy DM7 (Page 9) and the proposed addition of a new paragraph to cover the temporary use of empty buildings and sites. However, it would be helpful if the text also included specific reference to education infrastructure, as this would provide welcome flexibility to Trusts seeking to provide new free schools. In addition, it would be helpful to acknowledge within Policy DM7 the role that new schools can play in revitalising town centres. The ESFA have and will continue to deliver investment in Free Schools and PSBP projects across Lancashire. We would welcome early discussions to identify and bring forward site solutions in collaboration with the local authority for both open and planned new schools that are part of the ESFA pipeline.	Support	Noted	The Council considers that educational Trusts and infrastructure would already be covered by Policy DM7 as it is worded (see footnote 43) so no further reference is required.
384	The Home Builders Federation	Matthew	Good	New Residential Development		48	38-MM	The HBF supports the additional text which provides greater clarity upon the interpretation of the policy. This is considered to be in accordance with our previous comments and is considered necessary to make the plan sound.	Support	Noted	-

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376	CPRE Lancashire	Jackie	Copley	New Residential Development		48	38-MM	The additional text undermines the local plan policy that seeks to achieve a high quality of development for Hyndburn. Building for Life 12 is current best practice and developers should be expected to achieve whatever the latest best practice is when bringing proposals forward.	Object	Disagree - no change	The Council agrees that BfL 12 represents current best practice for achieving high quality developments and has built the expectation that the BfL 12 principles are considered in any design of 5 or more dwellings into Policy DM10. However not all principles are possible to meet in all schemes. The BfL 12 assessment method acknowledges this itself. On its website ( <a href="http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition">http://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition</a> ) Design Council Caba states that if the BfL traffic light system is applied in assessing a specific development, 'amber is used where there is clear evidence of local constraints on the scheme beyond the control of the design team that prevent it from achieving a green'. For this reason the Council believes that the flexibility introduced through 38-MM provides appropriate clarity to future applicants.
385	The Home Builders Federation	Matthew	Good	Affordable Housing		52	84-MM	Whilst the proposed modification is welcomed it is not considered to sufficiently address our concerns identified within paragraphs 22 to 33 of our response to the Publication version of the Development Management DPD. This highlights that the Council's own evidence indicates that a 20% affordable housing target will be unviable across large swathes of the plan area. Given this conclusion the plan should provide a more realistic affordable housing target in these areas.	Object	Disagree - no change	The Council has already set out in its supporting documents to the EiP why it feels that the 20% affordable housing target is appropriate to be retained in the DM DPD. Main Modification 84-MM is considered to provide sufficient flexibility within the policy to negate the need for viability assessments in appropriate circumstances. The modification is in line with the issues that were raised and discussed at the hearing session.
377	CPRE Lancashire	Jackie	Copley	Affordable Housing		52	84-MM	CPRE Lancashire is supportive of developers being more effectively held to account for building affordable housing on sites. We are concerned at the lack of affordable housing being built, particularly in rural settlements, where identified as needed. Too frequently large developers claim their land is unviable, as a tactic to achieve further consents on land that otherwise would not be allocated. CPRE Lancashire has observed the very same developers declare substantial increased annual profits irrespective of market conditions, and it is questionable that shareholders achieve bumper dividends when communities suffer chronic lack of affordable housing and other much needed community facilities.  We applaud any attempt in the Main Modifications to make viability assessments more transparent, but are wary that consultants paid for by housing developers are likely to conclude viability is an issue to achieve the developer's business model, but not the aspiration of Government or Hyndburn Council for the delivery of sustainable development and a balanced community in the future.	General Comment	Noted	-
386	The Home Builders Federation	Matthew	Good	Housing Standards		61	90-MM	The HBF supports the inclusion of this additional text which provides further clarity. This does not, however, overcome our fundamental concerns set out within paragraphs 34 to 36 of our response to the Publication version of the Development Management DPD and response to the Inspectors' question 34 in our matter 5 examination hearing statement.	Object	Disagree - no change	The Council has already set out in its supporting documents to the EiP why it feels that the principle and approach of adopting Access standards in Hyndburn is justified. Main Modification 90-MM is considered to improve the effectiveness of the policy and is proposed in response to specific discussions at the hearing session.

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387	The Home Builders Federation	Matthew	Good	Housing Standards		61	46-MM	<p>The proposed modification whilst welcome remains unsound as the policy requirement remains unjustified.</p> <p>The proposed modification does provide greater flexibility, this is welcomed. However the modification does not overcome our fundamental concerns set out within paragraphs 37 to 42 of our response to the Publication version of the Development Management DPD and response to the Inspectors' question 34 in our matter 5 examination hearing statement. The HBF remains firmly of the opinion that the blanket introduction of the optional space standard across Hyndburn has not been fully justified in accordance with the PPG (ID 56-020) and will have a detrimental impact upon housing delivery and affordability.</p>	Object	Disagree - no change	The proposed modification 46-MM provides added flexibility and effectively moves the policy away from a blanket introduction across the whole Borough. Where viability is clearly an issue in a particular area (as evidence through the Council's own studies, or an applicant's own viability assessment) the Council will apply a more flexible approach. In terms of the impact on housing delivery and affordability, the Council has provided additional information (via document EX 35) to demonstrate that any impacts of adopting the housing standards would be immaterial in terms of sales prices.
378	CPRE Lancashire	Jackie	Copley	Trees, Woodlands and Hedgerows		67	48-MM	<p>CPRE Lancashire is concerned that the insertion of text proposed is likely to result in substantial harm to trees covered by Tree Preservation Orders and should not be allowed in the Local Plan. We are particularly concerned about the effect on bird nests and the loss of important trees and the potential for an offence under the Wildlife and Countryside Act 1981. Furthermore, CPRE Lancashire believes reference to the Hedgerow Regulations 1997 is omitted as Hyndburn Council has a statutory responsibility to protect them from harm as future development is planned.</p> <p>Reference in the Local Plan to both the Wildlife and Countryside Act 1981 and Hedgerow Regulations 1997 is important to help conserve and enhance important green infrastructure.</p>	Object	Disagree - no change	Main Modification 48-MM is intended to provide greater clarity on the application of Policy DM17. The Council believes that the additional text is sufficiently strong to ensure that substantial harm to trees covered by TPOs is not approved. Paragraph 6.5 of the supporting text does refer to the Hedgerow Regulations 1997, and the Wildlife and Countryside Act 1981 is indirectly referenced via habitats and species of principal importance through Policy DM18: Protection and Enhancement of the Natural Environment (footnote 78).
379	CPRE Lancashire	Jackie	Copley	Heritage		82	87-MM & 60-MM	CPRE Lancashire recommends reference to Historic England's document "Managing Significance in Decision Taking and the Historic Environment, 2015" for the above mentioned policies concerning development in heritage context. It is a good source of information concerning assessing heritage significance as part of the planning process.	General Comment	Noted	The document quoted is already referenced as a key document of relevance in the 'Policy context and relationships' table of Policy DM22.
381	Canal and River Trust	Tim	Bettany-Simmons	Sustainable Transport Infrastructure		121	73-MM	<p>The Trust welcomes the amendment and clarification in relation to 73 MM – Sustainable Transport Infrastructure. The only additional comment the Trust would like to make in relation to this modification is to change 'Canal and River Trust' to 'Canal &amp; River Trust'. This was a drafting error on behalf of the Trust in our initial response. I hope that this minor change can be made.</p> <p>The Trust have no further comment on the Main Modifications.</p>	Support	Noted	The Council will change references to 'Canal and River Trust' to 'Canal & River Trust' as an additional modification.
380	CPRE Lancashire	Jackie	Copley	Development in the Green Belt and Countryside Area		127	91-MM	<p>CPRE Lancashire makes the case that infilling should relate specifically to the provision of affordable housing or brownfield land, which will not impact on openness in order to be justified. These words should be inserted into 1b and 1c for clarity.</p> <p>Reason: NPPF Section 9. Protecting Green Belt land, Paragraph 89 that sets out development in Green Belt is inappropriate. Exceptions for building in Green Belt are set out in bullet points 5. And 6:</p> <ul style="list-style-type: none"> <li>• limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or</li> <li>• limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.</li> </ul> <p>The Government has been clear about the need for Green Belt policy to have continued protection. Rt Hon Sajid Javid, Secretary of State for the Department of Communities and Local Government said in the House of Commons on 7 February 2017 regarding the housing white paper "Let me reassure the House that this will not entail recklessly ripping up our countryside. In 2015 we promised the British people that the green belt was safe in our hands. And that is still the case. This white paper does not remove any of its protections. Government shouldn't be in the business of land-banking, so we will free up more public sector land more quickly."</p>	General Comment	Disagree - no change	The Council believes that Main Modification 91-MM provides sufficient clarity and protection for the Green Belt in line with paragraph 89 of the NPPF. To restrict infilling to just affordable housing or brownfield land as suggested would limit development even more than the NPPF itself. The definition of 'limited infilling' provided under 91-MM is considered to provide the necessary protection to ensure that the general openness of the Green Belt is maintained.

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358		Michael	Miller	Development in the Green Belt and Countryside Area		127	91-MM	<p>I do not agree with the footnote inclusion 124 as this is too restrictive and would have a detrimental outcome to my current planning application which was based on the current planning document. I would like to see this footnote removed in its entirety. If this is not possible I would like to amend the criteria to be limited to a single dwelling not necessarily to fill a "small gap" or bounded by "at least 2 sides"</p> <p>In addition there are other planning conditions which may impact on the criteria such as over looking and loss of light from adjoining properties which would indicate the small gap would have to include 21m either side of the property if it is overlooked by properties either side of the new build. I don't think the wording is appropriate when considering other planning criteria.</p> <p>In addition this planning condition does not reflect the potential long term housing requirements such as a varied housing stock to meet the needs of an ageing population in rural locations. The terracing effect of infilling to meet the criteria would add to the already oversupply of terraced properties in the locality and does not meet priorities for a varied and mixed supply of housing for local communities. The house I plan to build is for my own retirement needs to downsize vacating my current home for my children to get onto the housing ladder while remaining in the local community. My family will then be in a position to look after our requirements in old age and be in very close proximity for care provision.</p> <p>This amended statement does not reflect the national planning policy framework section 9 Protecting Green Belt land paragraph 89.</p>	Object	Disagree - no change	The Council believes that Main Modification 91-MM provides sufficient clarity and protection for the Green Belt in line with paragraph 89 of the NPPF, whilst allowing a limited number of appropriate developments to come forward. The policy is concerned with development in the Green Belt (and Countryside Area) only and other relevant planning considerations and conditions will be dealt with under relevant policies (e.g. DM29: Environmental Amenity for distances between other properties).
382		Michael	Miller	Development in the Green Belt and Countryside Area		127	91-MM	<p>The policy refers to limited infilling in villages. However the definition of what a village is in 2017 is not clear. Historical information and classification includes, shops, church, schools, village green all of which are not now located within these settlements due to changing lifestyles and market forces. Many of the services provided no longer exist and a new definition is required to capture current trends to reflect how villages have been shaped over the decades. This will clarify the definition so there is no dispute or ambiguity in the policy change.</p> <p>I propose that the classification of a village especially rural and semi rural locations with dispersed housing should refer to a collection of 10 or more houses in a defined area to make the policy definitive and provide a clear description for the classification of a village.</p>	General Comment	Noted	The Council agrees that the definition of a village is not set out anywhere in the DM DPD as this is not a matter for the DPD. This will be clarified through the forthcoming Core Strategy Partial Review and Site Allocations DPD. In the meantime Paragraph c) of Policy BD1: The Balanced Development Strategy, and Policy RA1: Amount and Distribution of Housing in Rural Areas, of the Core Strategy provides a suitable framework against which DM34 will apply. This confirms that Altham and Belthorn are considered villages and smaller settlements within the rural areas are hamlets.
388	The Home Builders Federation	Matthew	Good	Affordable Housing		149	78-MM	The HBF supports the proposed deletion which is required to ensure it is consistent with national policy.	Support	Noted	-