

Appendix 5 – ‘Publication’ Comments and Proposed Council Response

Hyndburn DM DPD
Consultation Statement (Regulation 22)
January 2017

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: <input type="text" value="316"/> Subject: Whole Document Policy Ref: Whole Document Page No: Paragraph:	Contact I <input type="text" value="917"/> Jenny Hope United Utilities Plc	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			United Utilities wishes to highlight that we will seek to work closely with the Council during the Local Plan process to develop a coordinated approach for delivering sustainable growth in sustainable locations. New development should be focused in sustainable locations which are accessible to local services and infrastructure. United Utilities will continue to work with the Council to identify any infrastructure issues and appropriate resolutions throughout the development of the Local Plan. We recognise that the emerging Development Management DPD does not seek to allocate sites for development, but rather this will be the role of the future Site Allocations DPD. Nevertheless, we would like to emphasise that United Utilities seeks to undertake further discussions with the Council on technical matters relating to site-specific development, such as site drainage and the Surface Water Hierarchy, once the Council identifies its preferred site allocations. In your selection criteria, we would encourage the Council to consider the availability of alternatives to the public sewerage system for surface water discharges. For example, sites with land drains or near to watercourses are a more sustainable alternative to the public sewer.	Agree - no change The Council will work with United Utilities in preparing the Site Allocations DPD to ensure a co-ordinated approach and appropriate site selection criteria are employed.
Rep ID: <input type="text" value="306"/> Subject: Whole Document Policy Ref: Whole Document Page No: Paragraph:	Contact I <input type="text" value="524"/> Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	5. The Council will be aware of the Governments desire for plans to be kept up to date. In this regard whilst progress upon the Development Management DPD is supported the Council may be at risk of failing to have an up to date local plan due to the fact its housing requirement, set within the Core Strategy, is out of date. 6. The Core Strategy, Policy H1, sets a housing requirement of 3200 dwellings over the period 2011 to 2026. Paragraph 4.33 of the Core Strategy states that; "The housing requirement for Hyndburn is set out in the RSS. This sets out a requirement of 189 dwellings per annum for the period 2003-2021. Over the 15 year plan period 2011 to 2026 this equates to 2835 dwellings. The RSS has a base date of 2003 and based on annual monitoring of housing completions it is estimated that there has been a shortfall of 362 dwellings during the period 2003-2011 when assessed against the RSS requirement. When this shortfall is added to the 15 year requirement this gives a total figure of about 3200 dwellings. This figure is net of demolitions". 7. The housing requirement is therefore based upon the now revoked RSS and as such can be considered out of date. Whilst this does not necessarily make this document unsound it does have implications for certain policies, such as affordable housing. 8. Since the adoption of the Core Strategy in January 2012 work upon an objective assessment of housing need (OAHN) has been undertaken through the 2014 Strategic Housing Market Assessment and Housing Needs Study (SHMA) undertaken jointly with Blackburn with Darwen and more recently the 2016 Hyndburn Housing Needs Assessment 2012-based Household Projections Update. This latter document identifies an OAHN range of 175 to 317dpa. Whilst the current housing requirement falls within this range its appropriateness has not been tested at examination. 9. Furthermore paragraph 13.13 of the 2014 SHMA, in reference to the housing requirement identifies; "...given the scale of affordable housing needed it could be inferred that a higher level of housing should be provided overall by the LPAs in an effort to address one of the key market signals identified in the Practice Guidance". 10. The Hyndburn Housing Needs Assessment 2012-based	12. It is therefore recommended that the Council consider reviewing their housing requirement as a matter of urgency. This could be either done through a partial review of the Core Strategy or as part of another DPD.	Agree - no change The Council agrees that the housing requirement set in the Core Strategy is now out of date and requires updating. It has set out its plans to undertake a partial review of the Core Strategy, alongside preparing the Site Allocations DPD, in the latest LDS published October 2015, to address this matter.	

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			Household Projections Update suggests "...the Council should move towards in identifying its housing requirement, greater weight should be given to a figure towards the top end of the aforementioned range" (paragraph 5.26). 11. It is therefore clear that, based upon the current evidence before the Council, the current housing requirement would not meet the OAHN for the area and is based upon an outdated strategy. Whilst the HBF note that neighbouring Blackburn with Darwen are planning for a greater quantity of housing than the recommended range within the 2014 joint SHMA. It is understood that this increase is based solely upon the economic ambitions of Blackburn with Darwen rather than to meet any of the unmet needs within Hyndburn. The Council will therefore need to consider raising its own housing requirement to meet its OAHN.			
Rep ID: 272 Subject: Whole document Policy Ref: Whole Document Page No: Paragraph:	Contact I: 268 Emily Hrycan Historic England - NW Office	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>				Noted The Council notes that Historic England has no specific comments to make and therefore is taken to support the DM DPD
Rep ID: 262 Subject: Whole document Policy Ref: Whole Document Page No: Paragraph:	Contact I: 265 Dave Hortin Environment Agency	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>				Noted The Council notes that the Environment Agency has no specific comments to make and therefore is taken to support the DM DPD
Rep ID: 305 Subject: Whole Document Policy Ref: Whole Document Page No: Paragraph:	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Persimmon Homes supports the mention of timely reviews, as well as further urban extensions to meet requirements to be done under Site Allocations DPD. This work should be embarked upon sooner rather than later. In relation to reviews, there is a risk that these will not be undertaken as current evidence would suggest this isn't being maintained at present. There are already implications on the wider plan, that impact the weight that this DPD can hold: Hyndburn Borough Council adopted their Core Strategy in January 2012. The housing requirement in the Core Strategy was set in line with the Regional Spatial Strategy (RSS), the North West of England Plan. This has since been revoked. The RSS is therefore no longer the basis upon which housing needs / requirements are derived. This is done by the NPPF (in that it sets the requirements for local planning authorities to establish a locally led housing requirement). The adopted housing requirement cannot therefore, be considered up to date as Hyndburn do not have an identified objectively assessed housing need, and as such cannot demonstrate a five year housing land supply. The national planning policy framework is clear on the implications for plan and decision making in this instance.			Agree - no change The Council agrees that the housing requirement set in the Core Strategy is now out of date and requires updating. It has set out its plans to undertake a partial review of the Core Strategy, alongside preparing the Site Allocations DPD, in the latest LDS published October 2015, to address this matter.

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Rep ID: 326 Subject: Whole Document Policy Ref: Whole Document Page No: Paragraph:	Contact I 940 Tim Bettany-Simmons Canal and River Trust	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			<p>The Canal and River Trust (The Trust) welcome and support this policy document and are pleased to note the references and acknowledgement to our waterways made throughout the document and within the policies, as well as the acknowledgement of the Trusts role as a statutory consultee. We do however have a few suggested modifications/edits to the document, but these are not on the grounds of the document being legally complaint or sound, hence we have not completed the sections above. We hope that the Inspector can take the following points into account and modify the text accordingly.</p> <p>Policy DM29 – Environmental Amenity The Trust welcome the acknowledgement of the impact of lighting on canal/corridor/waterways. However para 7.35 (page 106) refers to part (d) of policy DM29, however there is no part (d). Within the text of the policy under point 2 there is also a reference to point 1d, again there is no point 1d in the policy. These needs to be corrected and part d inserted back into the policy.</p> <p>Policy DM33 – Sustainable Transport We welcome the insertion of criteria 4 within the main body of this policy (page 121) however request that all the abbreviations of the Canal and River Trust are changed from CRT to 'the Trust'. This also needs editing at paragraph 8.10 of the supporting text. We suggest it may also be prudent to modify the criteria listed under criteria 4 to better reflect the wording in the Development Management Prodecure Order 2015. We suggest:</p> <p>The Council will work closely with the Canal and River Trust (the Trust) to ensure that impacts on the canal, supporting infrastructure and user safety are minimised where proposals are:</p> <p>a)Within the Trust consultation buffer zone, and, where there may be b)Impacts on any inland waterway (whether natural or artificial) or reservoir, canal feeder channel, watercourse, let-off or culvert owned or managed by the Trust; or c)Impacts on the structural integrity of the canal/and or its infrastructure; or d)Impacts on the operation and access of the waterways and towpaths</p>	Agree - minor modification Policy DM29 - Re-insert criteria 1b-d omitted in error from Reg19 version as follows: "b. does not result in the unacceptable loss of outlook; c. benefits from adequate levels of daylight and sunlight; and d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development". Policy DM33 - Amend abbreviations of CRT to 'the Trust', and insert additional criteria 4b in line with the DMPO 2015 stating that: "likely to impact on any inland waterway (whether natural or artificial) or reservoir, canal feeder channel, watercourse, let-off or culvert owned or managed by the Trust"
Rep ID: 322 Subject: Infrastructure, Planning Obligations Policy Ref: GC2 Page No: 11 Paragraph:	Contact I 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			<p>United Utilities supports the inclusion of draft Policy GC2. However, we recommend the following addition is included as part of the Development Management DPD in relation to infrastructure provision:</p> <p>"Once more details are known on development sites, for example the approach to surface water management and proposed connection points to the foul sewer network, it may be necessary to coordinate the delivery of development with timing for the delivery of infrastructure improvements. We encourage the Council to carefully consider the deliverability issues and practical issues associated with sites in fragmented ownership. On such sites, we would strongly encourage the council to challenge the site promoters to present a clear site wide infrastructure strategy. On larger sites, it should be clearly demonstrated there is a formal mechanism which will ensure the landowners will work</p>	Agree - no change The Council agrees with these comments however it believes that paragraph 5 of Policy GC2 already sufficiently covers this point in the context of the DM DPD policy framework.

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Rep ID: <input type="text" value="307"/> Subject: Infrastructure, Planning Obligations Policy Ref: GC2 Page No: 11 Paragraph: 2b	Contact I <input type="text" value="524"/> Matthew Good The Home Builders Federation	Legally Compliant? <input type="checkbox"/> Not Stated Sound? <input type="checkbox"/> No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Part 2(b) of the policy indicates that developments will be required to provide or make contribution to specific requirements set out within Supplementary Planning Documents (SPDs). This suggests that an SPD may be used to place further burdens upon a development. The NPPF, paragraph 153, clearly states that; "...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." The PPG builds upon this stating; "...Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy..." (PPG ID 23b-003) The policy, does therefore, appear to place undue emphasis upon the role of SPDs.	It is therefore recommended that the reference to SPDs be struck from the policy or the wording be appropriately amended.	together to deliver a coordinated approach to infrastructure over the whole site. This is a key element of delivering sustainable development and is in the best interests of good planning. Whilst we appreciate the Council has yet to identify any potential development sites as part of the Local Plan process, we strongly recommend this is addressed in advance of allocating specific sites through the future Site Allocations DPD.	Agree - minor modification The Council would support removal of point 2b from the text of Policy GC2
Rep ID: <input type="text" value="278"/> Subject: Infrastructure, Planning Obligation Policy Ref: GC2 Page No: 11 Paragraph: 2b	Contact I <input type="text" value="977"/> Rachael Graham Persimmon Homes	Legally Compliant? <input type="checkbox"/> Not Stated Sound? <input type="checkbox"/> No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	We feel that point 2(b) is unjustified and is inconsistent with national policy: To require development to provide / contribute towards "any specific requirement set out in supplementary Planning Documents" (emphasis added by Persimmon Homes) could result in development contributing to requirements that have not been fully justified, having been identified through documents that have not been through an adequate level of consultation / scrutiny.	National guidance is clear upon this matter: "...Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy..." (PPG ID 23b-003, emphasis added by Persimmon).		Agree - minor modification The Council would support removal of point 2b from the text of Policy GC2
Rep ID: <input type="text" value="323"/> Subject: Infrastructure, Planning Obligations Policy Ref: GC2 Page No: 11 Paragraph: 2b	Contact I <input type="text" value="991"/> Tim Partridge RPS Planning	Legally Compliant? <input checked="" type="checkbox"/> Yes Sound? <input type="checkbox"/> No Not positively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Generally we are supportive of the Development Management DPD and endorse its pragmatic approach to development and economic growth and investment as reflected generally in Policies GC2 part 3 and 4. However, we believe there are relatively small changes needed to make the plan more robust and ultimately sound. GC2 part 2 (b.) of this policy seeks to ensure development proposals provide or contribute to the provision of any specific requirement set out in Supplementary Planning Documents. It simply cannot be correct that a Development Plan can be adopted that requires informal documents be given Development Plan status. Indeed the NPPF sets out (paragraph 17.1 refers) that the "Local Plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency". Furthermore paragraph 154 sets out that "Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where".	GC2 2. b. should be deleted to remove a policy which defers indicating how a decision maker should react to a development proposal to a document, yet to be written, outside the Local Plan procesal.		Agree - minor modification The Council would support removal of point 2b from the text of Policy GC2

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			<p>The NPPF also clarifies 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". On the basis of the same principle, RPS sets out that such policies should not be outside of the local plan.</p> <p>With regard to specifically setting out the manner in which development should come forward the NPPF sets out at paragraph 58 that "Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of the development that will be expected for the area". Paragraph 70 of the NPPF provides further clarity on the role of planning policies in respect of planning for social, recreational and cultural facilities.</p> <p>In respect of allocating sites, paragraph 157 of the NPPF sets out that "Crucially, Local Plans should allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate".</p> <p>It is expressly clear therefore that the NPPF sets out that the development framework and planning policies should be included within a Local Plan.</p> <p>In addition to the NPPF, it has been clarified by recent case law what is required to be contained in a development plan in the context of planning policy and site allocations.</p> <p>Against the NPPF and legislative requirements set out above, the current emerging DPD for Hyndburn does not provide a clear practical framework within which decisions can be made with a high degree of predictability and efficiency. Instead, it defers some the detail to a Supplementary Planning Document which does not comprise any part of the Local Plan, nor have development plan status. This is inappropriate and unsound as the Local Plan is now absent of policies that provide a clear indication of how a decision maker should react to a development proposal as these policies are contained in an SPD outside of the Local Plan process.</p> <p>Following the clarification of recent case law it is apparent that the approach being advocated by the Council of excluding detailed planning policies from the Local Plan and including these detail in SPDs is not appropriate.</p> <p>In this context, RPS also refers to the letter written to the West Dorset, Weymouth and Portland Local Plan by the authorities Inspector (10 December 2013) in which he states that any intention by the authorities to identify new policies or add amendments to existing development plan policies or sites in SPDs would be contrary to the 2012 Local Planning Regulations.</p>			
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Rep ID: 308 Subject: Infrastructure, Planning Obligations Policy Ref: GC2 Page No: 11 Paragraph: 3	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Part 3 of the policy appears to imply that the requirements of the policies listed 'a' to 'h' will be required in every case. Given this implication is not consistent with the wording of the listed policies it is not considered that this is intentional.	The HBF therefore recommends a minor alteration to part 3 of the policy to read: "...The DM DPD contains a number of policies requesting S106 contributions, which are summarised below. These will only be sought where required and appropriate mitigation or compensation measures cannot be secured through the use of planning conditions..."	Agree - minor modification The Council would be happy to add '... required and ...' into paragraph 3 of Policy GC2 after 'these will only be sought where ...' to resolve and clarify that not all contributions would be sought in every case.
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Rep ID: 279 Subject: Infrastructure, Planning Obligation Policy Ref: GC2 Page No: 11 Paragraph: 5	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	In relation to point 5: "On larger sites, it may be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy time periods and by numerous developers." we advise that care is required to ensure that any infrastructure coordination and requisite contributions meet current CIL regulations. Such strategies need to be appropriately prepared, evidenced and implemented in order to be consistent with national policy. This would more appropriately be done at a plan wide level to support the Local Plan allocations.			Agree - no change The Council agrees with this point and will ensure that this is done as part of the forthcoming Site Allocations DPD
Rep ID: 324 Subject: Employment Development Policy Ref: DM1 Page No: 19 Paragraph:	Contact I 991 Tim Partridge RPS Planning	Legally Compliant? Yes Sound? No Not positively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	DM1 This policy is imprecise and the policy needs to be permissive of employment development on allocated sites which may not be within the defined urban area. The policy also needs to be supportive of development on sustainable sites not within the defined urban area. The policy is written such that all criteria must be met, such that employment development of sites that may not be within the defined urban area but which met all other criteria including those requiring the site to be sustainable would not be supported. Whilst supporting a mix of uses on employment sites; incorporation on non-B Class uses should not be seen as an absolute requirement for employment development of large sites to be supported. Non-B Class uses, other than "community uses" should be defined.	DM1 1. criteria "a" should be amended to state "Employment development will be supported provided it is within the defined urban area or on an allocated employment site or in a sustainable location. DM1 1. criteria "g" should be amended so that support for large scale employment development is not dependant on introducing undefined non-B Class uses which my not be viable or needed. Part g should be made a separate policy section to make clear that mixed use development will be supported where it is proposed but that the Council's support for large scale employment is not dependat on including non-B Class uses. DM1 4. Seems to be repetitive and confused. The first paragraph seems to sufficient to ensure office development follows a sequential approach as required by NPPF. The second paragraph seems to be repetitive of the first and seeks to direct proposals on unallocated land to town centres. The paragraph goes on to say other locations within the urban boundary may be acceptable, if this is retained reference should also be made to sustainable locations outside the urban boundary.		Agree - minor modification The Council proposes the following changes to address the points raised here: 1) change para 1a to 'it is within the defined urban area, or in line with paragraph 7 (Rural Employment)' which also references Policy DM34 -36 which set the framework for development outside of the urban area; 2) add text at the end of para 1i 'unless this can be demonstrated to be unviable'; 3) replace paragraphs 5 and 6 with the following to clarify and remove repetition. 'Office (B1a) development should be located within town and district centres first, then sites within 300m of the edge of the defined centre, then other locations with good access to high quality public transport. Proposals should be of a scale compatible with the character of that centre. Where proposals are located in out of centre locations applicants should demonstrate that: •the sequential test has been fully met; and •the proposal is part of enabling a mixed use development in an accessible location (including strategic allocations); or •the proposal forms an ancillary part of a large scale mixed use development and is located on an established industrial estate or business park' 4) the Council does not believe that reference should be made to locations outside of the urban boundary as this is covered by paragraph 7 of DM1 and policies DM34-36.

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Rep ID: 327 Subject: Employment Development Policy Ref: DM1 Page No: 19 Paragraph: 2	Contact I: 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>Part 2 of the policy is confused. It refers to employment sites of "adequate" quality, and then cross refers to parts b) and c) of Core Strategy Policy E2, but part c) of that (Core Strategy) policy does not relate solely to "adequate" sites; rather, it also relates to sites not of "adequate" quality.</p>			Agree - minor modification The Council would be happy to remove specific reference to Policy E2 in paragraph 2 of DM1 to help clarify interpretation.
Rep ID: 328 Subject: Employment Development Policy Ref: DM1 Page No: 19 Paragraph: 3	Contact I: 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>Part 3 of the policy risks inviting an academic exercise which focuses solely on the theoretical viability of a site without having regard to other key considerations such as market demand. Without full consideration of all factors which have a bearing on the redevelopment of employment sites there is a risk of conflict with the provisions of paragraph 22 of the NPPF which states that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."</p> <p>For clarity, the policy should also confirm the position with regard to sites of less than "adequate" quality.</p> <p>Unless these changes are made the policy will not be effective. It will be unclear, confused, and partial in its coverage. These are important points. It is of course necessary for policy to afford employment land an appropriate degree of protection. However, it is also essential that policy clearly discriminates between the most valuable employment land which should be protected, employment land of lower quality where a more flexible approach might be adopted, and that of the lowest quality where alternative uses should be positively encouraged. If this is not the case, then best use will not be made of previously developed land, and sustainable development proposals for alternative uses to meet Hyndburn's needs across all sectors outside the traditional employment uses will be frustrated</p>	<p>Part 3 of the policy should refer to the requirement for a "viability and market demand" exercise, and the continuing use being "unviable or unattractive in market terms". A further part to the policy should be added after the existing part 3 and before the existing part 4 to positively encourage the redevelopment of sites which are of less than adequate quality, having regard to market signals and the relative need for different land uses to support sustainable local communities. This wording should be supportive of development across a range of sectors, subject to other development management considerations, to help meet Hyndburn's needs.</p>		Agree - minor modification The Council agrees with the first point raised here regarding the need to refer to a 'viability and market demand' exercise in paragraph 3 of DM1 as this is the intention of the policy (as set out in Core Strategy Policy E2c). However the second part of this representation, to add specific reference to 'poor' quality employment sites is not considered necessary. The acceptance of the redevelopment of 'poor' quality employment sites is considered implicit in the strategy set out in Core Strategy Policy E2.
Rep ID: 343 Subject: Employment Development Policy Ref: DM1 Page No: 19 Paragraph: 4	Contact I: 1001 Claire Pegg Cushman & Wakefield	Legally Compliant? No Sound? No Not positively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	<p>Policy DM1 (Employment Development) states that employment sites will be considered appropriate for alternative uses subject only to being of an 'adequate' quality, retaining at least 25% gross internal floor space where it is viable to do so, and having consideration to any impacts on traffic generation.</p> <p>The protection of existing operations and amenity is a crucial issue for Royal Mail, particularly where there is potential for sanctions to be placed upon them when sensitive uses, such as residential units, are introduced in close proximity to existing Mail Centres and Delivery Offices. Due to the nature of their delivery requirements and targets, Delivery Offices operate during early mornings and late evenings, generating large numbers of vehicular movements and associated mail sorting and loading activity, all of which result in noise, light and other associated impacts that are not normally experienced in a residential environment.</p> <p>The issue of neighbouring land uses and their compatibility,</p>	<p>We therefore respectfully request that the Council revise the wording of Policy DM1 to require that in addition to considering the impact on traffic generation, applicants are also required to ensure that an acceptable amenity can be provided for future occupiers with regards to noise and light in particular. This will ensure that proposals for new development close to the Accrington Delivery Office are designed to attenuate the impacts of Royal Mail's operations, including, for</p>		Agree - minor modification The Council agrees that the amenity and operation of existing businesses should be protected, as well as future occupiers of residential schemes. Existing businesses are covered by Policy E2 of the Core Strategy, however reference should be made at the end of paragraph 4 to other relevant policies in the plan. Specific reference to the amenity of future residential occupiers with regards to noise and light could then be added to criteria 1d of Policy DM10: New Residential Development (see ReplID 344).

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			<p>including potential environmental / amenity impacts, is fundamental to Royal Mail. This particular issue is recognised within the National Planning Policy Framework (NPPF) at paragraphs 123 and 109, which support the protection of existing businesses and their operations. In particular, paragraph 123 states that "planning policies...should aim recognise that...existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".</p> <p>The proposed policy wording of Policy DM1 does not prohibit existing employment sites close to Royal Mail's property interests being redeveloped for housing and thus introducing sensitive uses in close proximity to a nearby existing employment use. It does not therefore require such proposals to have consideration to the operational activities of Royal Mail and the impacts of these activities on residential amenity. Royal Mail is thus concerned that the currently proposed policy wording may permit housing close to the Accrington Delivery Office which could result in noise complaints from new residents and sanctions being imposed on the Delivery Office.</p> <p>Royal Mail have a statutory duty to maintain a 'universal service' for the United Kingdom pursuant to the Postal Services Act 2011, and as such, it is essential to ensure that sensitive uses, such as residential development, are not introduced in close proximity to the Delivery Office without adequate mitigation measures being provided to ensure this statutory duty can continue to be undertaken.</p>	<p>example, triple glazing and the careful positioning of windows.</p>		
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<p>Rep ID: <input type="text" value="349"/></p> <p>Subject: Town Centre Developme</p> <p>Policy Ref: DM3</p> <p>Page No: 24</p> <p>Paragraph:</p>	<p>Contact I <input type="text" value="948"/></p> <p>Nicole</p> <p>Roe</p> <p>NJL Consulting</p>	<p>Legally Compliant? <input type="checkbox"/> Yes</p> <p>Sound? <input type="checkbox"/> No</p> <p>Not postively prepared <input type="checkbox"/></p> <p>Not justified <input type="checkbox"/></p> <p>Not effective <input checked="" type="checkbox"/></p> <p>Not consistent with national polic <input type="checkbox"/></p> <p>Not stated <input type="checkbox"/></p>	<p>We observe from the draft policy that there is an intention to examine the potential designation of the Peel Centre within the Site Allocations DPD or at least to examine the appropriateness of doing so. Therefore, to avoid any future confusion we recommend that the headings "In Town Centre Locations" and "Outside of Town Centre Locations" are removed.</p>	<p>We are aware that elsewhere in the UK it is customary to designate retail parks as 'commercial centres' which whilst they do not have the same status as 'town centres' they do have a standing which places them above other 'out-of-centre' locations when it comes to sequential testing of sites. If the preparation of the Site Allocations DPD concludes that such a designation is warranted, then the headings of Policy DM3 would no longer be appropriate. To remove the headings would not detract from the thrust and sentiment of the policy, therefore that is what we propose.</p>		<p>Disagree - no change</p> <p>The Council does not agree with the suggested change to remove the headings of 'in town centre' and 'outside of town centre' locations. Even if a decision is made to designate the Peel Centre in the Site Allocations DPD as a formal part of the retail hierarchy, the Peel Centre does not form the only potential location for future retail proposals outside of traditional town/district centres. Proposals for retail in other locations may still come forward and therefore the policy framework for dealing with that scenario is necessary and justified.</p>
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<p>Rep ID: <input type="text" value="351"/></p> <p>Subject: Policy DM3 as a Whole</p> <p>Policy Ref: DM3</p> <p>Page No: 24</p> <p>Paragraph:</p>	<p>Contact I <input type="text" value="948"/></p> <p>Nicole</p> <p>Roe</p> <p>NJL Consulting</p>	<p>Legally Compliant? <input type="checkbox"/> Yes</p> <p>Sound? <input type="checkbox"/> No</p> <p>Not postively prepared <input type="checkbox"/></p> <p>Not justified <input type="checkbox"/></p> <p>Not effective <input checked="" type="checkbox"/></p> <p>Not consistent with national polic <input type="checkbox"/></p> <p>Not stated <input type="checkbox"/></p>	<p>Lastly, given the intention to look at the designation of the Peel Centre, and potentially other established commercial locations in Hyndburn, we strongly recommend that the Site Allocations DPD should be progressed at the same time as the Development Management DPD. To not do so has implications for Policy DM3 and could create a policy void for designated sites in the future.</p>			<p>Disagree - no change</p> <p>The Council has taken the decision to progress the DM DPD separately to the Site Allocations DPD following peer review Local Plan support provided by the Planning Advisory Service in 2015. Policy DM3 has been written specifically to set the policy framework for future applications at the Peel Centre in advance of any specific policy that may arise in the Site Allocations DPD (which is specifically referenced in paragraph 4 of the DM3)</p>
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Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 325 Subject: Town Centre Developme Policy Ref: DM3 Page No: 24 Paragraph:	Contact I 991 Tim Partridge RPS Planning	Legally Compliant? Yes Sound? No Not postively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	DM3 – The policy on town centre uses should allow for appropriate provision of such uses as part of sustainable development proposals. This would be consistent with Policy DM1 and the social dimension of sustainable development including the provision of local services that reflect the community's needs and one of the Core Planning Principles of delivering sufficient community facilities to meet local needs. NPPF also requires that, where practical, particularly within large-scale developments, key facilities including local shops should be located within walking distance of most properties	DM3 a further criteria needs to be added that is permissive of appropriate town centre uses as part of mixed use sustainable development to meet local needs.		Agree - no change The Council agrees with the comments regarding provision of local services and community facilities, however paragraph 8 of DM3 and DM7: Cultural and Community Facilities covers these points. Where more significant provision of services may be required in conjunction with large-scale developments, this will be covered by relevant site-specific policies in the Site Allocations DPD.
Rep ID: 352 Subject: Town Centre Developme Policy Ref: DM3 Page No: 24 Paragraph: 4	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	We recommend the replacement of paragraph DM3.4 to recognise the status which sites may achieve through the Site Allocations DPD and the fact that the grouping of facilities is more sustainable than stand-alone stores and/or facilities.			Disagree - no change The Council considers that para 3.4 clarifies the application of the sequential test for retail in Hyndburn and should remain in the policy.
Rep ID: 353 Subject: Town Centre Developme Policy Ref: DM3 Page No: 24 Paragraph: 4a	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	The reference to sites needing to be 'viable' should be removed as there is no requirement to assess the viability of sites under national policy.			Agree - minor modification The Council agrees with this comment. Viability is only a consideration in terms of the sequential test in terms of plan-making, not decision making, and the Council do not intend to add this as a local policy requirement. Reference to viability from para 1a. should be removed.
Rep ID: 354 Subject: Town Centre Developme Policy Ref: DM3 Page No: 24 Paragraph: 5	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	We continue to recommend that the word 'additional' be inserted to this part of the policy to ensure that the test is properly applied to additional floorspace rather than alterations to existing floorspace.	We still recommend the following points from our previous representations to Policy DM3: If the policy remained in its current form it would have to 1. Clearly define the catchment areas of the settlements to ensure clarity on which threshold should apply. 2. Explain what would happen if a proposed development would sit on the edge of two catchments [we acknowledge that footnote 22 now deals with this point] 3. Explain the approach that would be taken should a proposed development provide a combination of convenience and comparison goods floor space. For example, a general retailer such as B&M, Poundland, PoundStretcher etc. might provide 1,500sqm of		Disagree - no change The Council's view is that the retail impact thresholds should apply to both new retail floorspace and alterations to existing floorspace as both have the potential to impact upon town centres. The inclusion of the word 'additional' is not therefore deemed appropriate. The other points 1, 2 and 3 raised in this representation are considered to be dealt with in the Publication version of Policy DM3. Points 1 and 2 are resolved by footnote 22, point 3 by footnote 20.

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
				comparison goods floor space and 300sqm of convenience floor space in the catchment area of Accrington. Would such a unit have to provide an impact assessment for purely the convenience goods element or for both?"		
Rep ID: 348 Subject: Town Centre Developme Policy Ref: DM3 Page No: 24 Paragraph: All	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Peel Holdings Land and Property PLC (Peel), in the first instance observe that the numbering within the policy is not correct, there are two points, 3 and 8 and three point 1s. This makes it difficult to reference the parts of the policy which are being referred to within these representations.	To overcome the issue, it is assumed that they should be numbered 1-9 and we, therefore, refer to them in that manner. For the avoidance of doubt we have recreated the policy at the end of this section with recommended amendments and the appropriate numbering.		Agree - minor modification The Council agrees with the proposed re-numbering which is incorrect due to typographical errors
Rep ID: 355 Subject: Town Centre Developme Policy Ref: DM3 Page No: 25 Paragraph: 6	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Peel welcome the change to this policy which increases the thresholds for impact assessment from those previously proposed during the last round of consultation. However, they feel that further changes could be made to make the policy more appropriate for the local context. We have previously presented evidence (which is also attached here) to demonstrate the make-up of the centres within Hyndburn, demonstrating how the changes in retail provision have, to a large extent, mirrored the national context. We have also presented commentary on the issue of 'like impacting like' and how measuring the requirements for a retail assessment for development at the Peel Centre against a small scale local centre such as Rishton is arbitrary and counter-productive. We appreciate that paragraph 3.26 of the supporting text for the policy was inserted in response to these comments but feel that the issue would be better dealt with through inclusion of the Peel Centre as its own category on the impact thresholds table. To do so is a much simpler and more transparent method of communicating the policy approach for the Peel Centre. Based on our research our recommendation on the impact thresholds was, in the first instance, to adopt the national threshold across the board but with a caveat that an assessment may be needed for smaller scale development where it is felt that there is potential for a significant adverse impact to a centre or centres (this was the approach under the previous iterations of national policy (paragraph 3.23 of PPS6) and is entirely appropriate under the current policy and guidance.	Under this approach DM3.5 would be worded: "Proposals for new additional retail floorspace that are not in accordance with specific policies in the Site Allocations DPD, and are 2,500sqm gross or more must submit a retail impact assessment. The Council will assess the proposal against the likelihood of any significant adverse impacts on designated centres. An assessment of any predicted impacts on local markets should be made (where they are in operation within the catchment area of a proposal) as part of any retail impact assessment." We understand that the reasoning behind the imposition of a local threshold was to give applicants certainty over the level of information that they would have to submit in support of applications for retail uses. However, the thresholds proposed at DM3.5 are accompanied by caveats which say that a case can be presented against preparing a full assessment for some centres (DM3.6a and paragraph 3.26) and that in some instances one will be required for proposed development that is below the threshold (DM3.6b). This means that it is very		Disagree - no change The Council has produced and published a Retail Thresholds Evidence Note (dated July 2016) that explains the reasoning and justification behind the imposition of local thresholds in Hyndburn using a 'balanced assessment' of key criteria.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
<p>Rep ID: <input type="text" value="347"/></p> <p>Subject: Town Centre Developme</p> <p>Policy Ref: DM3</p> <p>Page No: 25</p> <p>Paragraph: 6a</p>	<p>Contact I <input type="text" value="1002"/></p> <p>Gavin Prescott</p> <p>Blackburn with Darwen Borough Council</p>	<p>Legally Compliant? Yes</p> <p>Sound? No</p> <p>Not postively prepared <input type="checkbox"/></p> <p>Not justified <input checked="" type="checkbox"/></p> <p>Not effective <input type="checkbox"/></p> <p>Not consistent with national polic <input type="checkbox"/></p> <p>Not stated <input type="checkbox"/></p>	<p>Blackburn With Darwen Borough Council (BwD)OBJECT to the wording in Policy 1a: "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 district centre, nor is likely to be provided in the future, that centre may be excluded from any impact assessment;" and paragraph 3.26</p> <p>"firstly, where an applicant can provide compelling evidence that a proposed development will not provide a type or form of retail development that will compete with a specific town or district centre, the Council may agree to exclude that centre from any impact assessment. This approach is intended to reflect the established principle that 'like affects like' in terms of retail impact assessments and is primarily aimed at reducing the need to model impact of large retail proposals on smaller/lower order centres"</p> <p>BwD acknowledge that it is a principle of retail policy to include "like impacts like". However, there is a strong concern that by allowing this to be included in the policy, will lead to greater inconsistencies in decision making, whereby developers will be demonstrating that their proposal would not impact on the smaller town/district centres e.g. Accrington, Great Harwood, Rishton, etc. How can you consider that a proposal for a large supermarket or discount food store would not have an impact on a smaller store or food shop in the district centre e.g. Rishton.? As a neighbouring authority, facing the same pressures and challenges, it is expected that all large retail proposals should have to undertake an impact assessment on the adjacent town/district centres, and as such by allowing a developer to provide "compelling evidence" opens up uncertainty to the developers and will lead to inconsistent decisions being made, which could have disastrous implications on the existing centres.</p>	<p>questionable whether the objective of imposing the threshold has been achieved. If the Local Authority are minded to keep the approach of imposing a local threshold with caveats against our recommendation, then we would propose the following are more appropriate: (Look at the table provided)</p>		<p>Disagree - no change</p> <p>The Council believes that the policy wording in para 1a is a pragmatic approach to dealing with potential future proposals in line with the requirement to be 'proportionate' as set out in the Planning Practice Guidance. The onus will be on the applicant to demonstrate a 'compelling case' which will ensure that only where there would clearly be no impacts on local town or district centres would the requirement for an impact assessment be dropped. Further justification is provided in para 3.26 of Policy DM3.</p>
<p>Rep ID: <input type="text" value="346"/></p> <p>Subject: Town Centre Developme</p> <p>Policy Ref: DM3</p> <p>Page No: 26</p> <p>Paragraph:</p>	<p>Contact I <input type="text" value="1002"/></p> <p>Gavin Prescott</p> <p>Blackburn with Darwen Borough Council</p>	<p>Legally Compliant? Yes</p> <p>Sound? No</p> <p>Not postively prepared <input type="checkbox"/></p> <p>Not justified <input checked="" type="checkbox"/></p> <p>Not effective <input type="checkbox"/></p> <p>Not consistent with national polic <input type="checkbox"/></p> <p>Not stated <input type="checkbox"/></p>	<p>The Retail Study 2016 by Peter Brett Associates which has been used as the evidence base is considered to be incomplete because the Peel Centre has not been included within the study area. . Section 4.4 of the study explains that "the study area was defined with reference to the administrative boundary of the Borough and also includes parts of Ribble Valley and the built-up areas of Burnley and Blackburn", however the study has specifically omitted the Peel Centre; which is within the administrative boundary of Hyndburn. The Policy refers to "Proposals for main town centre uses that are not located in defined town or district centres (footnote 17), and are not in accordance with specific policies in the Site Allocations DPD". How can you use the policy to assess proposal at the Peel Out of Centre Retail Park? It appears that the Peel Site will receive some form of designation in the pending Site Allocations DPD, however it is unclear where in the retail hierarchy this will sit.</p>	<p>It is flawed to have omitted the Peel Centre from the study area. It is accepted that a large proportion of the catchment would be within the Blackburn With Darwen postcode areas, however in order to ensure the study is complete to provide the evidence base for this policy, it is important that the catchment area for the Peel Centre includes the administrative boundary of Hyndburn Borough. Blackburn With Darwen</p>		<p>Disagree - no change</p> <p>The study area used by Peter Brett Associates in the Retail Study included all residential areas of Hyndburn which is sufficient to understand the shopping patterns of residents of the Borough, a key purpose of the study. The intention of the Retail Study was not to provide a full assessment of the catchment area of the Peel Centre therefore the Council does not consider the study to be flawed. NJL Consulting (on behalf of Peel) has undertaken a comparable survey (referred to by them as the "Whitebirk Retail Park Household Survey") to identify catchment details of the Peel Centre on the Blackburn with Darwen side. Policy DM3, as worded, provides clarity on the status of the Peel Centre (via</p>

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
				Borough Council would like some form of text inserting in Policy DM3 "Out of Town Centre Locations" (1) to explain how the policy would operate in advance of the Site Allocations DPD being produced and adopted.		footnote 17) in terms of the sequential test. Therefore the Council considers that the application of Policy DM3 in advance of the Site Allocations DPD is clear enough as it stands and does not require additional text.
Rep ID: 350 Subject: Town Centre Developme Policy Ref: DM3 Page No: 26 Paragraph: 3.21	Contact I 948 Nicole Roe NJL Consulting	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	With the above point in mind relating to the Site Allocations DPD which is still to be prepared and the recognition at paragraph 3.21 of the policy's supporting text that grouping facilities together is more sustainable than stand-alone facilities	We propose that the words "and other established commercial locations" be inserted. This alteration would strengthen the recognition of the sustainable credentials of the grouping of facilities in locations such as Peel Centre.		Agree - minor modification The Council would be agreeable to inserting '... and other established commercial locations ...' after 'Grouping of shops and services in centres ...' in the second sentence of paragraph 3.21
Rep ID: 329 Subject: Town Centre Developme Policy Ref: DM3 Page No: 27 Paragraph: 3.26	Contact I 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	In the part of the policy dealing with development outside town centres, flexibility is required of developers and operators in applying the sequential test. However, the NPPF is clear (paragraph 24) that flexibility is also required of local planning authorities in this regard. This should be reflected in the policy. The first part of the policy dealing with exceptions to the application of the retail impact thresholds (i.e. where the retailing proposed is not of a form and type currently provided) is supported. This is a pragmatic and positive variation of national policy of local relevance and applicability in Hyndburn. However, its application would benefit from clarification in the supporting text to ensure that its relevance is fully understood.	Specific reference, or a footnote, should be added to confirm that the local planning authority will also show flexibility in the application of the sequential test. (NB the numbering of this policy goes awry and out of sequence; this should be corrected). The first bullet point of paragraph 3.26 should be expanded to confirm that this approach might equally apply to a specialist or niche form of retail, or one targeting a particular sector of the market, which is not currently provided in a centre.		Agree - minor modification The Council considers that inclusion of the exception to the sequential test set out in para 6a demonstrates flexibility on behalf of the Local Authority. The numbering of the policy is recognised as being incorrect due to typographical errors and should be corrected sequentially. The Council would be happy to include additional clarification in para 3.26 to confirm that the approach may apply equally to a specialist niche form of retail, or one targeting a specific sector of the market, however this will be subject to 'compelling evidence' being provided by the applicant.
Rep ID: 334 Subject: Retail Frontage Policy Ref: DM4 Page No: 29 Paragraph: 1a	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	No reference is made within the policy to either primary or secondary frontages within Accrington town centre. This is surprising, given that Accrington is identified as the main centre within the borough. Targets set within the proposed policy for 80% of primary frontages to remain in retail use, and 60% of secondary frontages, seem exceptionally high. We feel that this does not promote a proactive approach towards ensuring that centres remain vibrant, and further consideration is needed of the changing roles of town centres in general. In particular, the Council will be aware that the leisure sector is a significant area of growth within town centres and, taking account of guidance within the NPPF, policies should promote vibrancy and vitality.			Agree - no change Policy DM4 does not make reference to frontages within Accrington as these are covered by Policy ATC2 in the adopted Accrington Area Action Plan. Para 3.29 of Policy DM4 references this fact. The percentage of frontages to remain in retail use follows the approach adopted in the Accrington AAP. The Council recognises however that the town centres in Hyndburn are changing and therefore para 2 of Policy DM4 does provide flexibility where an applicant can demonstrate that the property has lain vacant for 18 months, or evidence is provided that the proposed use will help to diversify and support the future health of the centre.

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 335 Subject: Retail Frontage Policy Ref: DM4 Page No: 29 Paragraph: 2	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Exceptions provided regarding changes of use within primary or secondary frontages require an 18-month period of marketing, which is too long. No specific reason is given as to why the period of marketing is six months longer than would be required for the change of use of a public house. JWPC are surprised that the Council is willing to allow existing retail units to sit vacant for 18 months given the current state of centres and the overall number of vacancies. The Council should take a realistic approach to how they can encourage vibrancy and vitality within centres, and significantly reducing the stipulated marketing period would assist in this.			Disagree - no change The Council has included an 18-month marketing period in Policy DM4 line with the marketing requirements set out in adopted Core Strategy Policy E2: Protection, Modernisation and Development of Employment Sites. The lower 12 month period quoted for Public Houses (set out in DM8: Public Houses) should be considered the exception in policy terms in Hyndburn, due to the additional policy requirements set out in that policy that are required to be met in conjunction with the marketing exercise. The Council considers 18-months in the context of the loss of retail units in high streets in Policy DM4 to be an appropriate balance in light of the alternative exception available under para 2b.
Rep ID: 336 Subject: Hot Food Takeaway Policy Ref: DM5 Page No: 31 Paragraph: 1b	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	At Criterion B, the Council should identify what constitutes an over-concentration of hot food takeaways within an area. Based on the wording of the policy, we would not be able to advise clients on whether the Council considered more than one unit to represent an over-concentration.	More definition is required.		Disagree - no change The Council believes that an 'over-concentration' of takeaways will depend upon the individual circumstances of a case. This will take into account factors such as the location of the proposal, the local population catchment and consideration of other services within the local area. This is not therefore a matter that can be strictly defined within the policy and instead should be a matter of planning judgement based on each case.
Rep ID: 337 Subject: Hot Food Takeaway Policy Ref: DM5 Page No: 31 Paragraph: 1c	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	JWPC previously raised concerns regarding the implementation of hot food takeaway restriction zones. Whilst the intention of Criterion C is to prevent children from accessing such facilities (in the interests of long-term health), JWPC perceive that access to Class A3 (restaurant and café) uses are just as problematic, if not more so. The policy does not restrict fast-food restaurants with ancillary takeaway elements, which serve food at prices which are usually much cheaper than those of hot food takeaways with no more than 100 m2 in floor space. The exclusion of fast food related Class A3 uses such as these therefore undermines the very purpose of this criterion and no reference or explanation is given regarding this within the reasoned justification text which accompanies the policy.			Agree - no change The Council agrees with the main points raised in this representation. A1/A3 uses can also sell high-fat and high-sugar food and drinks, however such facilities tend to serve a wider role and function as well. In terms of any takeaway food element therefore they are more likely to provide a choice and offer alternative healthier options. The Council considers that by focusing the policy on A5 uses only (and restricting opening hours via criteria 1c) that this provides the appropriate balance between supporting local services and the economy, and reducing access to the most predominant high-fat and high-sugar food and drink to children.
Rep ID: 338 Subject: Cultural and Community Policy Ref: DM7 Page No: 38 Paragraph:	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Given that the Council wishes to pursue a separate policy which relates to the change of use of former public houses (Policy DM8), Policy DM7 should make specific reference to the fact that such facilities / buildings are excluded from this.			Agree - minor modification Add reference to footnote 42 stating that 'cultural or community facilities' for the purposes of Policy DM7 does not include Public Houses which are covered by a separate Policy DM8.

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 261 Subject: Cultural & Community Facilities Policy Ref: DM7 Page No: 38 Paragraph:	Contact I 144 Ross Anthony The Theatres Trust	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			Reproposed policy DM7, while the Trust does support this policy, we do caution against the use of the word 'Viable' in relation to community and cultural buildings, as many such facilities are run but charitable trusts, not for profit organisations, or council and are there for not always considered 'viable' in a developer sense. It should instead refer to 'there is no longer a community need'. It may also be useful to expand the policy by noting the council will support: The temporary and meanwhile use of vacant buildings and sites by creative, cultural and community organisations will also be supported, particularly where they help activate and revitalise town centre locations.	Agree - minor modification The Council notes the support for Policy DM7 expressed by the Theatres Trust. The use of the word 'viable' within the policy is linked to demonstration that there is no longer demand for a facility, and that consideration has been given to grant funding or other support and that it cannot be used for other community or cultural uses. The Council believes that this policy approach will ensure that there is 'no longer a community need' before facilities are lost to other uses. The Council is happy to add the additional text suggested, stating that 'the temporary and meanwhile use of vacant buildings and sites by creative, cultural and community organisations will also be supported, particularly where they help activate and revitalise town centre locations'.
Rep ID: 339 Subject: Public House Policy Ref: DM8 Page No: 40 Paragraph:	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	JWPC continue to feel that the policy should allow for a more pragmatic approach towards the change of use of public houses. Many Victorian public houses are in a deteriorating condition as a result of poor trading over the past decade (leading to a lack of investment into the buildings). If buildings sit vacant for 12 months while it is marketed there is the potential for further deterioration which will deter potential investors – driving down values. JWPC object to the specific reference to the use of CAMRA's Public House Viability Test. This is nonstatutory guidance and may be subject to change over the course of the plan period. It would be better to reference this as a footnote within the reasoned justification text, to allow for a pragmatic approach to be taken in certain instances.			Disagree - no change The Council considers a period of 12 months set out in Policy DM8 to be a short time period for marketing purposes. It is lower than the 18 month time period set out in other policies of the Local Plan such as DM4: Retail Frontages and E2: Protection, Modernisation and Development of Employment Sites (Core Strategy). The reason for the lower figure of 12 months being set out in this policy is due to the requirement for other criteria to be met as well (either 1b or 1c). The CAMRA Public House Viability Test is considered to provide a comprehensive framework upon which to question and base decisions on viability. The Council considers that removal of reference to this document to a footnote in the justification text of Policy DM8 would unnecessarily dilute this message.
Rep ID: 309 Subject: New Residential Developme Policy Ref: DM10 Page No: 47 Paragraph: 1c	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part C of Policy DM10 identifies that schemes of 5 or more dwellings will be required to demonstrate; "...how they have considered and addressed the requirements of the 'Building for Life 12' assessment criteria in the design of their scheme." This requirement is also duplicated in Policy DM26 of the plan, but in no greater detail. The following comments are therefore relevant to both policies. The HBF supports good design and indeed is a key partner in the Building for Life (BfL) standard. It is also clear that many of our members actively employ the principles of BfL in site design. It should, however, be recognised that it is not, and was never intended to be, a mandatory standard for all developments. It is intended to assist the facilitation of discussions. The threshold of 5 or more units will encompass a wide range of developers and developments and as such it is unclear if the Council will assist applicants, with advice, to meet the principles of BfL12, the level of compliance required or if the Council has the resources and expertise to adequately consider such assessments. The supporting text (paragraph 5.7) identifies that applicants will be expected "...to use the principles set out in Building for Life 12 (BfL12)..." Suggesting a flexible approach will be utilised, rather than a rigid assessment requiring a certain number of criteria to be fulfilled. The HBF supports such an approach and encourages the Council to amend the policy to ensure that this is explicit			Agree - minor modification Criteria 1c is specifically worded to state that applicants should demonstrate how they have 'considered the requirements' of the BfL criteria and set this is out in their Design and Access Statement. The policy is written this way to ensure that applicants take the principles of BfL (which exist to champion good design) into account, however it does not state they they will be enforced on all schemes. Where it is not feasible to adopt all such principles this can be set out and justified by the applicant in the D&A Statement and the Policy would not preclude permission being granted in such circumstances. The Council is happy to add wording to the justification text of paragraph 5.7 clarifying that the policy will be applied flexibly in this way.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
			within the text and policy. A flexible approach will be required to ensure that the much needed housing delivery is provided across a wide range of sites is not compromised within Hyndburn.			
Rep ID: <input type="text" value="280"/> Subject: New Residential Developme Policy Ref: DM10 Page No: 47 Paragraph: 1c	Contact I <input type="text" value="977"/> Rachael Graham Persimmon Homes	Legally Compliant? <input type="checkbox"/> Not Stated Sound? <input type="checkbox"/> No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	(Point c) Building for Life (BfL): Persimmon encourages the principles of BfL 12 to aid discussion upon design issues. It should be noted however, that it is not a regulation or mandatory requirement as suggested in the policy justification and a flexible approach should be used. It is unjustified to request a formal submission scheme within local policy			Agree - minor modification Criteria 1c is specifically worded to state that applicants should demonstrate how they have 'considered the requirements' of the BfL criteria and set this is out in their Design and Access Statement. The policy is written this way to ensure that applicants take the principles of BfL (which exist to champion good design) into account, however it does not state they they will be enforced on all schemes. Where it is not feasible to adopt all such principles this can be set out and justified by the applicant in the D&A Statement and the Policy would not preclude permission being granted in such circumstances. The Council is happy to add wording to the justification text of paragraph 5.7 clarifying that the policy will be applied flexibly in this way.
Rep ID: <input type="text" value="281"/> Subject: New Residential Developme Policy Ref: DM10 Page No: 47 Paragraph: 1e	Contact I <input type="text" value="977"/> Rachael Graham Persimmon Homes	Legally Compliant? <input type="checkbox"/> Not Stated Sound? <input type="checkbox"/> No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	(e) Manual for Streets (MfS): Careful consultation should take place with Lancashire County Council as the Highways Authority to ensure that their current policies align with the MfS guidance.			Agree - no change Lancashire County Council have been involved throughout the course of preparation of the DM DPD as a statutory consultee. In addition they will continue to be consulted on planning applications in the Borough on highway matters.
Rep ID: <input type="text" value="344"/> Subject: New Residential Developme Policy Ref: DM10 Page No: 47 Paragraph: 1h	Contact I <input type="text" value="1001"/> Claire Pegg Cushman & Wakefield	Legally Compliant? <input type="checkbox"/> No Sound? <input type="checkbox"/> No Not postively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Policy DM10 (New Residential Development) states (at part h.) that where new housing development is proposed in a town or district centre location, there should be no unacceptable adverse impacts on amenity from noise or odour. There is no mention of other amenity impacts, nor is it explicitly confirmed whose responsibility it will be for providing appropriate mitigation i.e. the applicant or the source of the adverse amenity impact. Royal Mail operates the Accrington Delivery Office in a town centre location, which as stated above, includes operations during early mornings and late evenings with associated traffic movements, noise and light impacts. The currently proposed wording of Policy DM10 does not require proposals for residential development in a town centre location to have consideration to the impact of existing traffic movements or light pollution on future residential amenity. In addition, the proposed wording is not explicit that the applicant should be responsible for meeting the costs of, and implementing, any mitigation measures required to ensure an acceptable residential amenity can be achieved.	We would therefore request that part h. of Policy DM10 is expanded to state the following: "where it is located in a town or district centre, that there will be no unacceptable adverse impacts on amenity (from noise, odour, traffic movements or light)" We would also request that reference is inserted either in the policy wording itself or the supporting text to explicitly state that the applicant is wholly responsible for meeting the costs of, and implementing, any mitigation measures required to ensure an acceptable residential amenity can be achieved. This approach is in accordance with the 'agent of change' principle whereby the onus of adopting noise management measures should be placed on the incoming individual or		Agree - minor modification The Council would be happy to expand criteria 1h of Policy DM10 to include reference to traffic movements and light. It is also happy to add reference within the justification text to state that the applicant is wholly responsible for meeting the costs of, and implementing, any mitigation measures required to ensure an acceptable residential amenity can be achieved.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: <input type="text" value="282"/> Subject: New Residential Developme Policy Ref: DM10 Page No: 48 Paragraph: 5.6	Contact I <input type="text" value="977"/> Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	Paragraph 5.6 States that the LPA will resist high density development / high proportion of terraced / town houses. It is recognised that there is an over supply of these house types in areas of the borough, however exception must be made in order to meet affordable housing policy. The Council's own housing need states that affordable housing should be made up of 1-3bed properties in the main. It will significantly impact the viability of a development if these are, in the majority, to be provided as semi-detached and detached properties.	business, as opposed to having a detrimental impact on the incumbent business operation.		Disagree - no change The Council's latest evidence on affordable housing needs remains that published in the joint 2014 SHMA with Blackburn-with-Darwen Council. Table 11.8 of the 2014 SHMA identifies an indicative requirement of 60% of affordable units in Hyndburn to be 1 or 2-bed, and 40% 3 or 4-bed. This is based on the period 2011-2029 and is based on a balanced judgement (of stock, need and aspirations). The split of house type is also set out in para 5.19 of the DM DPD which does not reflect very high-density development types. As such the Council believes that the statement in paragraph 5.6 regarding high-density schemes is justified (flexible) and appropriate based upon the evidence available.
Rep ID: <input type="text" value="283"/> Subject: Open Space Provision Policy Ref: DM11 Page No: 50 Paragraph:	Contact I <input type="text" value="977"/> Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input checked="" type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Both the local evidence and national referenced guides are now more than a few years old. This is not considered positive planning. The local evidence need for the quantum of provisions required needs to be updated in order for it to be justified.			Disagree - no change The Council agrees with the fact that local evidence on open space provision is now becoming dated and plans to update the evidence base on open space and green infrastructure matters as part of progressing the Site Allocations DPD. It does not however mean that inclusion of Policy DM11 is not positive planning. The Council is providing a clear policy framework for consideration of open space matters in the absence of such a policy elsewhere in the adopted Local Plan. To not provide such a policy in a DM DPD would not be positive planning.
Rep ID: <input type="text" value="330"/> Subject: Open Space Provision Policy Ref: DM11 Page No: 50 Paragraph: 1f	Contact I <input type="text" value="1000"/> Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part 1f of the policy deals with the maintenance of open space, but is inflexible in that it does not allow for the possibility of the Council adopting the space, or for circumstances where an alternative period of maintenance might be appropriate. This should be addressed to ensure that all possible solutions in this regard are adequately dealt with.	Part 1f of the policy should be amended to read, "where public open space is provided on-site, and is not adopted by the Council, the developer will be expected to fund its maintenance for a period of time to be agreed with the Council, or put in place a sustainable scheme of management." Paragraph 5.16 should be amended simply to confirm that it is the Council's current policy not to take on any additional maintenance liabilities. It is inappropriate for wider Council policy to be hamstrung over an extended period in a planning document such as this.		Agree - minor modification The Council is happy to amend criteria 1f to include '....and is not adopted by the Council, ...', however it does not agree with removing the reference to 'at least 20 years' in relation to maintenance of open space as this would introduce more uncertainty into the policy. Paragraph 5.16 of the supporting text should be edited in line with the policy text amendment to confirm that it is currently the Council's policy to not take on any additional maintenance liabilities as it accepts that this could change over the lifetime of the DPD.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 331 Subject: Open Space Provision Policy Ref: DM11 Page No: 50 Paragraph: 2	Contact I 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part 2 of the policy, which encourages deliverability by allowing for viability to be taken into account in terms of the standards and obligations that will be required, is supported.			Noted The Council notes support for Part 2 of Policy DM11
Rep ID: 284 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph:	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	Persimmon's response to this policy should be read in conjunction with our response to the Viability Study (June 2016). Persimmon supports the delivery of tenure blind affordable housing. The practice of pepper potting through out a site can, if not done carefully lead to management issues from Registered Providers, reduce the saleability of a site and increase tension between neighbours.			Noted The Council notes these comments in relation to tenure blind affordable housing
Rep ID: 310 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph: 1	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>The HBF support the need to deliver affordable housing and note a significant level of need, equating to 542dpa (inclusive of backlog over five years) and a net newly arising need of 377dpa, is identified for Hyndburn within the 2014 SHMA. It is notable that low levels of affordable housing delivery have been provided in the past with an average of just 26 units per annum quoted in the Hyndburn Housing Needs Assessment 2012-based Household Projections Update. There is therefore a significant gap between delivery and need.</p> <p>This gap, where the burden is placed upon market housing, must be balanced against the housing requirement and economic viability. We note in our general comments that the housing requirement set within the Core Strategy to be out of date and recommend an urgent review of this position which should take account of affordable housing needs.</p> <p>The policy requires a 20% affordable housing requirement from sites of 15 units or more. This requirement is consistent with the adopted Core Strategy Policy H2 which states; "On developments of 15 or more houses the developer will be required to make provision for 20% of the houses to be affordable. In meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments."</p> <p>Whilst conformity with the Core Strategy is important it also needs to be considered that the Core Strategy was adopted prior to the final publication of the NPPF (March 2012) and the need to undertake a thorough plan wide viability assessment.</p> <p>The Council has recently concluded (October 2016) an 'Economic Viability Study'. This indicates (tables 6.1 to 6.12) that the 20% affordable housing contribution is either unviable or marginal across a wide swathe of the plan area. The only exception being within zone 1 and zone 2 (higher densities). The NPPF is clear that the cumulative impacts of policies and obligations should not put the delivery of the plan at serious risk (paragraph 174). The PPG builds upon this and also advocates a viability buffer be built into the testing; "Plan makers should not plan to the margin of viability but should allow for a buffer to respond to changing markets and to avoid the need for frequent plan updating. Current costs and values should</p>	It is recommended that further consideration of the likely Section 106 and 278 costs is undertaken. This should take into account an understanding of likely future infrastructure requirements across all sites, but in particular larger sites.	Further consideration required In general the Council considers that Policy DM12 provides sufficient flexibility (via paragraph 5 of the policy text) in the event that 20% affordable housing provision affects viability of a scheme. The recently published Economic Viability Study (undertaken by Keppie Massie consultants) provides up to date evidence to help assess viability issues across the Borough. The Council will consider the specific issue raised around S106 and S278 costs further with Keppie Massie prior to providing a formal response.	

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
			<p>be considered when assessing the viability of plan policy. Policies should be deliverable and should not be based on an expectation of future rises in values at least for the first five years of the plan period..." (PPG ID 10-008).</p> <p>Given the evidence suggests that many of the tested sites are currently either unviable or marginal it is recommended that the policy be amended to reflect this through lower affordable housing contributions across more marginal areas of the district. Furthermore whilst the study suggests that larger sites tend to be more viable, the HBF does query the assumed Section 106 / 278 contributions for such sites. The study assumes just £500 per unit. In our experience this is low for any site but particularly for larger sites where infrastructure requirements are often significantly higher.</p> <p>The analysis of previous S106 costs, at appendix 6 of the viability report, is noted. However, this only takes account of previous infrastructure requirements and not future requirements. The future requirements should be identified through an up to date infrastructure delivery plan. It is also notable that the sites analysed at appendix 6 are generally quite small and indeed none exceed 100 units. The HBF therefore question the veracity of the assumed £500.</p>			
Rep ID: 312 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph: 1b	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part 1(b), paragraph 5.19 and paragraph 3.7 of Guidance Note 2 all refer to the split in housing tenure being 60:40 between social or affordable rent and intermediate housing or based upon the latest housing needs evidence and specific housing types. Whilst the HBF appreciate the need to plan for the needs of the area it is important that the Council does not seek to apply this split rigidly to all sites. This is because housing needs will vary across a local authority area as well as over time, a point which is acknowledged in the Guidance Note, and a housing needs assessment is inevitably a snap-shot in time. The split may also have significant implications for viability, particularly upon marginal sites. Finally the proposed split takes no account of the forthcoming Government requirement for a percentage of 'Starter Homes' to be provided on site. The Council will need to take account of these issues and their impact upon delivery.			Agree - no change The Council agrees with the comments from the HBF but considers that the policy provides sufficient flexibility as currently worded and that no further amendments are necessary. The policy text itself (paragraph 1b) does not explicitly refer to the 60:40 housing tenure split identified in the latest SHMA. Paragraphs 5.18-5.20 clarify the sources of evidence base that will be used in decision making, and the final sentence of paragraph 5.20 explicitly states that 'where affordable units are provided, the Council will adopt a flexible approach in negotiating a suitable mix of provision based on site specifics and location'. Paragraph 3.7 (of Guidance Note 2) also explicitly states that the Council 'will negotiate the tenure split site by site based on site specifics and location'.
Rep ID: 311 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph: 2	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part 2 of the policy identifies that landowners and developers will be required to take account of the cumulative costs of obligations and policies upon sites. The HBF notes that this is usual practice in most development land transactions. But this criterion should not be used as a reason to either retain or increase the level of contributions sought. In identifying obligations the Council will also need to take account of the need to ensure that the scale of obligations sought do not threaten the ability of a site to be developed viably and the need for a competitive return for a willing land owner and developer (NPPF, paragraph 173). This must be set within the overall context of the district and the need to deliver as a minimum the housing needs for both market and affordable housing.			Agree - no change The Council notes the comments from the HBF on paragraph 2 of Policy DM12 and that no changes are proposed.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 285 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph: 2	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	The inclusion of point 2 ("Landowners and developers are expected to fully consider the overall costs of development, including the required planning obligations prior to negotiating the sale or purchase of land. The overall cost of the development should include the provision of affordable housing, whether provided on site, off site or via a commuted sum.") within DM12 is considered to make the policy unsound. This should be included in the supporting text of the policy, if at all. Although it is standard practice, the first sentence is not justified in planning. It is not always possible to understand all of the costs fully associated with a site, particularly at Outline Planning stage or when some time has elapsed following a planning permission / original work. In limited complex cases, consideration of all the costs of development of a site may render a site unviable and prevent delivery. It would in the very least delay planning in almost all cases as some costs only become apparent through the planning process (off site highway requirements for example). The wording of this point contradicts point 5 of the same policy (which Persimmon supports).			Agree - minor modification The Council would be happy to amend the first sentence of paragraph 2 of Policy DM12 to remove reference to 'overall development costs' and move the remaining point into the justification text to help resolve this objection.
Rep ID: 313 Subject: Affordable Housing Policy Ref: DM12 Page No: 52 Paragraph: 5	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>		The HBF supports part 5 of the policy which refer to viability considerations. This is considered an essential element of the policy given that the viability of individual sites will vary considerably.		Noted The Council notes the support for paragraph 5 of DM12 by the HBF
Rep ID: 286 Subject: Affordable Housing Policy Ref: DM12 Page No: 53 Paragraph: 5.19	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	Paragraph 5.19 Although it is caveated to the latest evidence, the proposed split of affordable house types is very prescriptive. It could be considered sound if reference to demand was also included. This would ensure that any consumer / Register Provider aspirations / national guidance not covered off in the most recent SMHA could be provided for.			Disagree - no change The Council has set out in paragraph 5.18 the evidence that will be used in relation to affordable housing matters which includes the SHMA & Housing Needs Study, which is based on demand side research. Paragraph 5.20 also states that 'the Council will adopt a flexible approach in negotiating a suitable mix of provision based on site specifics and location'.
Rep ID: 341 Subject: Development of Housing Policy Ref: DM13 Page No: 55 Paragraph:	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	JWPC object to the Council's strong presumption against the development of housing within the garden or curtilage of residential properties. We have much experience of taking forward and applying for well-designed housing developments within residential curtilages which are sometimes located to the side of properties. The Council must ultimately understand that not all applications within curtilages will be 'back land' development and that good design can be achieved. We would be happy provide successful examples of where this has been achieved. Given Hyndburn's under-supply of housing land it is considered inappropriate for the Council to be pursuing further barriers to development where it falls within existing urban boundaries and other sustainable locations.			Agree - minor modification The Council agrees that the policy could be modified to clarify that in some circumstances good design can be achieved with developments in the curtilage of residential properties, without causing undue harm to character and setting. The Council would propose separating part 1bii. of the current policy into part 1c, so that this is not reliant upon also being on the footprint of an existing building. The Policy should then permit development if either part a, b or c is demonstrated.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 340 Subject: Housing with Care for Older Policy Ref: DM13 Page No: 55 Paragraph:	Contact I 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	The title of this policy is the same as Policy DM14	It is considered advisable to change this to avoid confusion in the determination of planning applications.		Agree - minor modification Change policy name to 'Development of Housing within Residential Gardens' to remove typographical error
Rep ID: 287 Subject: Development of Housing Policy Ref: DM13 Page No: 55 Paragraph:	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	DM13 - There is a typo in the document, the wrong heading has been added to this policy.			Agree - minor modification Change policy name to 'Development of Housing within Residential Gardens' to remove typographical error
Rep ID: 314 Subject: Housing Standards Policy Ref: DM16 Page No: 61 Paragraph: 1a	Contact I 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>The policy seeks to apply the optional housing standards for access and internal space. The Planning Practice Guidance (PPG) issued on 27 March 2015 covered Optional Technical Standards for housing identifying that they can only be introduced through the preparation of a Local Plan and then only where justification is provided. In terms of access the PPG clearly indicates this justification must be based upon (Reference ID 56-007);</p> <ul style="list-style-type: none"> ▫ the likely future need for housing for older and disabled people (including wheelchair user dwellings). ▫ size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes). ▫ the accessibility and adaptability of existing housing stock ▫ how needs vary across different housing tenures. ▫ the overall impact on viability. <p>Whilst the consultation document references the 2014 SHMA as fulfilling these requirements there are obvious gaps in the evidence base. The HBF agrees that the SHMA does identify an increasing older population and that there is a need for accommodation to meet specialist needs. It is, however, less clear on the accessibility and adaptability of the existing stock and how needs vary across different tenures. These issues all need to be addressed and clarified to ensure the introduction of the optional standards can be adequately justified.</p> <p>In terms of viability it is noted that optional Building Regulations Requirement M4 (2) Category 2 is taken into account within the Council's 'Economic Viability Study'. As already noted against Policy DM12 above viability issues are already apparent within parts of the plan area without the imposition of additional optional standards. It is therefore unclear how the optional standard can be justified in these areas based solely upon the viability considerations. Furthermore it is noted that the viability study utilises a cost of £1,000 for this optional requirement. This is below the findings of the Housing Standards Review – Cost Impacts report prepared by EC Harris LLP1 which suggest a cost of between £1,100 and £1,400. These higher costs would inevitably impact upon viability further.</p>			Disagree - no change In line with the recommendation in the SHMA (paragraph 13.33(2)) the Council has provided flexibility with regards to access standards in Policy DM16 para 2. The SHMA highlights (Paragraph 13.33(4)) that 71% of homes containing a member with special needs had not been adapted or purpose built, which suggests problems with adapting many of the existing houses in Hyndburn. The Council has also undertaken an Economic Viability Study (EVS) which takes into account the costs of access and space standards in construction costs, confirmed in paragraph 5.44 of the EVS. The Council therefore believes that the policy is justified and flexible in relation to the viability of applying access standards in Hyndburn.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 289 Subject: Housing Standards Policy Ref: DM16 Page No: 61 Paragraph: 1a	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Optional Standards for Access: In line with the PPG, we feel that this policy is unjustified in relation to viability.			Disagree - no change The Council has undertaken an Economic Viability Study (EVS) which takes into account the costs of access and space standards in construction costs, confirmed in paragraph 5.44 of the EVS. The Council therefore believes that the policy is justified in relation to viability.
Rep ID: 315 Subject: Housing Standards Policy Ref: DM16 Page No: 61 Paragraph: 1b	Contact I: 524 Matthew Good The Home Builders Federation	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>In terms of the nationally described space standards (NDSS) the PPG (reference ID: 56-020) requires LPAs to identify need and establish a justification considering;</p> <ul style="list-style-type: none"> ▫ need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes. ▫ viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted. ▫ timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions. <p>As it stands, the Council is taking a one-size-fits-all approach. There is no assessment of the need for and effects of NDSS adoption across different forms of residential development, whether new-build or conversion. It is noted that at the previous consultation the Council intended to provide further evidence to justify the introduction of the NDSS (Development Management DPD: Consultation Draft Regulation 18, paragraph 5.40). Other than the viability evidence the HBF is unaware any further evidence has been provided. As noted against Policy DM12, above, viability is already problematic across much of Hyndburn and as such the justification for the policy is questionable. The 2014 SHMA notes affordability is already a significant problem for Hyndburn and one which the current rate of housing delivery is unlikely to solve. These issues are particularly acute for first time buyers and those down-sizing in advance of or during retirement. The additional costs of purchasing and running (e.g. increased fuel bills and council tax) as well as buying a larger home are unlikely to be compatible with the desire to downsize and may put home ownership out of the reach of first time buyers. Furthermore the blanket introduction of the space standards may actually reduce choice. This is because many developers have entry level three and four bed properties, some of which may not currently meet the space standard. These types of properties provide a valuable product for those with a need for a certain number of bedrooms but who are unable to afford larger three and four bed properties. The consequent increase in costs and reduction in variety could have a detrimental effect upon affordability and delivery, particularly in more marginal areas. Given the Council is already failing to meet its affordable housing needs in full this should be a key consideration. It should also be noted that the HBF undertakes an annual customer satisfaction survey of new home buyers. The most</p>	The HBF would like to be made aware of the following; <ul style="list-style-type: none"> ▫ Submission of the plan for examination; ▫ The publication of the examiner's recommendations and any publicly available correspondence regarding the plan; and the ▫ Adoption of the plan. 	Further consideration required It was the Council's understanding at the Publication stage that the application of space standards must be a 'blanket introduction' across the Borough or not at all. On balance based on the evidence provided in the Economic Viability Study (EVS) which takes account of the costs of applying the space standards in construction costs, the Council believed that it was justified in applying them in Hyndburn. Further consideration will however be made to this representation prior to Examination. If it is evident that the Council is able to apply the standards selectively then the Council may recommend this approach (perhaps using the findings of the Economic Viability Study for example) or suggest making the policy more flexible.	

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
			<p>recent survey identified that 86% of buyers were satisfied with the quality of their new home and 92% were satisfied with the internal layout. The full report can be accessed at www.hbf.co.uk. It is therefore clear that the vast majority of new home buyers are very happy with the homes currently being built and they meet their needs.</p> <p>Finally the implications of adoption of the NDSS would also need to be considered within the forthcoming Site Allocations DPD due to the impact upon density and likely requirement for greater land-take.</p>			
Rep ID: 342 Subject: Housing Standards Policy Ref: DM16 Page No: 61 Paragraph: 1b	Contact I: 951 Matthew Wyatt JWPC Ltd	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>Whilst JWPC understand the intentions of the policy, we frequently find ourselves in situations relating to the proposed conversion of existing buildings, where it is not been possible to specifically to meet policy requirements for internal spacing standards. In these instances, the proposed accommodation has fallen short by a few square metres.</p> <p>JWPC feel that provision should consequently be made for instances such as this. It will assist in proposals for the conversion of redundant buildings, which is important for addressing Council's current under-supply of housing land and established needs for more accommodation within the borough for single-person households. The Council should ultimately take a pragmatic approach to the application of spacing requirements where it has the potential to affect delivery.</p>			Further consideration required <p>It was the Council's understanding at the Publication stage that the application of space standards must be a 'blanket introduction' across the Borough or not at all. On balance based on the evidence provided in the Economic Viability Study (EVS) which takes account of the costs of applying the space standards in construction costs, the Council believed that it was justified in applying them in Hyndburn. Further consideration will however be made to this representation prior to Examination. If it is evident that the Council is able to apply the standards selectively then the Council may recommend this approach (perhaps using the findings of the Economic Viability Study for example) or suggest making the policy more flexible.</p>
Rep ID: 288 Subject: Housing Standards Policy Ref: DM16 Page No: 61 Paragraph: 1b	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>Nationally Described Housing Standards: As discussed in Persimmon Homes' Viability Study consultation response (June 2016) the cost implications of this policy need to be carefully and fully considered. It has not been evidenced that Hyndburn has a housing market that can absorb the higher revenues required to cover the higher build costs of smaller new build properties built to meet space standards. For example, within a certain margin of size variation, a 3bed new build property will only demand a certain value regardless of its size.</p> <p>The evidence discussed by the Council in the DPD document appears to relate net out-migration to bedroom nos. rather than the proportional size of the dwelling. It is not felt that the requirement for nationally described space standards is justified across Hyndburn for "all new residential development".</p>			Further consideration required <p>It was the Council's understanding at the Publication stage that the application of space standards must be a 'blanket introduction' across the Borough or not at all. On balance based on the evidence provided in the Economic Viability Study (EVS) which takes account of the costs of applying the space standards in construction costs, the Council believed that it was justified in applying them in Hyndburn. Further consideration will however be made to this representation prior to Examination. If it is evident that the Council is able to apply the standards selectively then the Council may recommend this approach (perhaps using the findings of the Economic Viability Study for example) or suggest making the policy more flexible.</p>
Rep ID: 290 Subject: Trees, Woodland and Policy Ref: DM17 Page No: 65 Paragraph: 3a	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	<p>The wording of point 3(a): (Development proposals should: a. not result in the loss of trees or woodland which are subject to a Tree Preservation Order70, or which are designated as Ancient Woodland, Ancient/Veteran trees, or which are considered worthy of protection;") is unsound as it does not represent positive planning, nor is it justified. Persimmon Homes fully supports a requirement to seek retention of, avoid the loss of, and minimise the risk of harm to all good quality, safe trees, whether TPO'd or otherwise. It is also appropriate to retain the footnote specifying the greater consideration of TPO'd trees. Their loss however, can sometimes be unavoidable, either because they are unsafe, or their loss is necessary outweighed by the benefits of bringing the site forward for development.</p>	<p>This point should be removed as point 5 of the policy already provides for a sound approach.</p>		Agree - minor modification <p>Paragraph 1 of policy DM17 and paragraph 6.8 of the supporting text both reflect the fact that the Council recognises that sometimes the loss of trees will be unavoidable. The Council would suggest adding the following text into paragraph 6.8 to clarify that, in some circumstances, the loss of TPO'd trees may be necessary: 'The Council will only consider the loss of a tree subject to a TPO as justifiable where the tree is considered to be imminently dangerous (highly likely to fail within 5 years), or its loss is significantly outweighed by the benefits of a proposed scheme and there are no viable development alternatives'.</p>

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 292 Subject: Trees, Woodland and Policy Ref: DM17 Page No: 65 Paragraph: 4	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	The requirement for compensatory planting at 3:1 across all sites is unjustified. What size of plant is considered as a tree worthy of this rate of replacement? What standard of tree is considered worth of this rate of replacement?			Disagree - minor modification The Council believes that the 3:1 compensatory planting element is justified as on average only 35% of trees reach maturity (as proven in 'Trees in Towns', DCLG publication). It is also justified as a result of the NPPF requirement to demonstrate a net gain in biodiversity. In terms of the size of plant and standard, this would vary on a case by case basis. In highly visible areas the Council would expect larger nursery stock to go in, in less visible areas smaller stock can go in (smaller stock has a higher survival rate but obviously doesn't offer immediate amenity). It would always require a minimum standard of root-ball trees (bare-root are highly unlikely to survive), and again, in more visible areas where larger trees are required the Council would need to see containerised trees to give them the best chance of survival. The Council would be happy to add further guidance to this effect into the justification text if necessary for clarity.
Rep ID: 291 Subject: Trees, Woodland and Policy Ref: DM17 Page No: 65 Paragraph: 5 & 6	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Yes Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Points 5 & 6 appear to be the same point mistakenly repeated.			Agree - minor modification Paragraph 6 should be deleted as it is a typographical error (repeating paragraph 5)
Rep ID: 274 Subject: Protection and Enhancem Policy Ref: DM18 Page No: 68 Paragraph:	Contact I 306 Joanne Macholc Ribble Valley Borough Council	Legally Compliant? Yes Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Policy DM18 refers to ecological networks (grasslands and woodlands) shown on the Proposals Map. Some of these areas about the boundary between the boroughs and are likely to extend into the Ribble Valley. I am aware that the information is derived from work undertaken by LCC/LERN and whilst there is no objection in principle to the policy, the notations on the Proposals Mapis schematic (maybe based on grid squares?) and bear no relation to features or boundaries on the Ordnance Survey Base. As such it is difficult to interpret the policy in relation to specific sites.			Agree - minor modification The Council agrees with the comment that the networks indicated on the Proposals Map are schematic, they are as provided by LERN and are indicative only and are not expected to directly reflect features on the ground. Paragraphs 6.16-6.18 of the supporting text to Policy DM18 sets out how the networks will be used in decision making and confirms that advice may be sought from LERN on an application basis where necessary. The Council would be happy to consider adding further reference into the supporting text to clarify the types of features that would be important to avoiding fragmentation such as trees, hedges, river banks, watercourses, water bodies and important habitats.
Rep ID: 317 Subject: Flood Risk Manageme nt and Policy Ref: DM20 Page No: 74 Paragraph:	Contact I 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>				Noted The Council notes the support for the revised structure of Policy DM20 by United Utilities

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 318 Subject: Flood Risk Management and Policy Ref: DM20 Page No: 74 Paragraph: 3	Contact I: 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			In regards to the surface water drainage policy we recommend expanding upon Point 3 and would suggest including the following text beneath the drainage hierarchy. Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available. Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes. On large sites it may be necessary to ensure the drainage proposals are part of a wider, holistic strategy which coordinates the approach to drainage between phases, between developers, and over a number of years of construction.	Disagree - no change The Council considers that the three separate points raised in this representation are already covered in Policy DM20 or elsewhere within the DM DPD and does not wish to provide unnecessary repetition. The first point referring to discharge to public sewers is included as footnote 87; the second point regarding maintenance and management regimes is included within paragraph 2 of the DM20; the third point is covered in paragraph 5 of Policy GC2: Infrastructure, Planning Obligations & CIL.
Rep ID: 319 Subject: Flood Risk Management and Policy Ref: DM20 Page No: 74 Paragraph: 5 & 6	Contact I: 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			United Utilities welcomes the addition of Points 5 and 6 within the body of the policy, which state: "5. Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge. This can include hard and soft landscaping such as permeable surfaces. 6. The treatment and processing of surface water is not a sustainable solution. Surface water should be managed at source and not transferred. Every option should be investigated before discharging surface water into a public sewerage network. A discharge to groundwater or watercourse may require the consent of the Environment Agency."	Noted The Council notes the support from United Utilities for paragraphs 5 & 6 of DM20
Rep ID: 320 Subject: Flood Risk Management and Policy Ref: DM20 Page No: 75 Paragraph: 9	Contact I: 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			In terms of water efficiency, United Utilities welcomes the inclusion of Point 9 within the body of the policy, and wishes to highlight the importance of incorporating water efficiency measures as part of the design process for all new development. There are a number of methods that developers can implement to ensure their proposals are water efficient, such as utilising rainwater harvesting and greywater harvesting for example. Improvements in water efficiency help to reduce pressure on water supplies whilst also reducing the need for treatment and pumping of both clean and wastewater. Water efficiency measures contribute to the delivery of sustainable development.	Noted The Council notes the support from United Utilities for paragraph 9 of DM20
Rep ID: 293 Subject: Flood Risk Management and Policy Ref: DM20 Page No: 77 Paragraph: 6.34	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Paragraph 6.34 – This supporting text is set out like a policy and if this is the intention should be included as such. Persimmon Homes consider the requirement for the FRA to include levels and cross sections is unjustified. Certainly to support outline planning this is not possible. This is considered unjustified for an up front submission requirement for each and every full application even. There is considerable cost to engineering the whole of site prior to a planning approval, and more if it has to be redesigned a number of times following LPA comments. The requirement for cross sections in the majority of cases is considered an appropriate and justified pre-commencement condition.			Disagree - minor modification The Council has verified the requirements set out in paragraph 6.34 with the Environment Agency (EA). The EA has confirmed that it would return any FRA that doesn't clearly provide this information. Paragraph 29 of the Planning Practice Guidance (Flood Risk and Coastal Change) also states that 'Developers and applicants need to consider flood risk to and from the development site, and it is likely to be in their own best interests to do this as early as possible, in particular, to reduce the risk of subsequent, significant additional costs being incurred'. As such the Council believes that the requirements set out within paragraph 6.34 are justified. Following further discussion with the EA in relation to this representation however, the Council would propose additional wording into the 3rd bullet point referencing the need to consider climate change. Insertion of '(for its lifetime)' after 'flood resilient and resistant' would adequately cover this.

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 294 Subject: Flood Risk Management and Policy Ref: DM20 Page No: 77 Paragraph: 6.36	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Paragraph 6.36 is unnecessary as it is a repeat of policy.	Should be deleted		Agree - minor modification The Council agrees that paragraph 6.36 simply repeats paragraph 3 of Policy DM20 therefore could be removed
Rep ID: 332 Subject: Heritage Assets Policy Ref: DM22 Page No: 82 Paragraph: 7	Contact I: 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Part 7 of the policy seeks to establish equivalence between designated and non-designated heritage assets. There is no policy basis for this. The various designations exist under the relevant legislation and are defined as such in the NPPF precisely because they afford specific levels of protection and establish other considerations. If heritage assets are worthy of it they should be designated. Those promoting development need certainty in this regard, the system of designation provides this, and should not be circumvented in this manner. The policy as drafted would unnecessarily and inappropriately frustrate development, and should be changed.	The second sentence of part 7 of this policy, commencing, "Non-designated heritage assets that..." should be deleted.		Disagree - no change This sentence was added as a result of comments received from LCC Archaeology Service at the Preferred Options stage which the Council agreed with. The Council is not seeking to establish 'equivalence' between designated and non-designated heritage assets, it is simply acknowledging that, where it can be demonstrated that an un-designated heritage asset has equal significance, that this should be recognised in the decision making and planning process. It is not anticipated to be a common occurrence however DM22 will set the local policy framework for such an eventuality.
Rep ID: 333 Subject: Demolition of Building in Policy Ref: DM23 Page No: 85 Paragraph: 2	Contact I: 1000 Robert Barnes Planning Prospects Ltd	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Part 2 of this policy suggests that the benefits of new development should only be weighed against arguments in favour of the preservation of a building in the conservation area "in exceptional circumstances". This test of "exceptional circumstances" sits uneasily with paragraph 134 of the NPPF. It is easy to imagine circumstances in which the loss of a building within a conservation area will give rise to less than substantial harm to the heritage asset in which case, as invited by paragraph 134, the approach is simply one which weighs harm against public benefit; there is nothing "exceptional" about this. The policy as drafted would unnecessarily and inappropriately frustrate development, and should be changed.	The words, "In exceptional circumstances" should be deleted from part 2 of the policy.		Agree - minor modification The Council would agree that 'exceptional circumstances' does not sit naturally with the policy thrust of the NPPF. The removal of this term from paragraph 2 of the DM23 and paragraph 6.55 of the supporting text would be acceptable subject to alternative reference being made to the 'significance' of any buildings which are the subject of demolition.
Rep ID: 277 Subject: Contaminated & Unstable Policy Ref: DM24 Page No: 87 Paragraph:	Contact I: 250 Mark Harrison The Coal Authority	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			The Coal Authority supports Policy DM24: Contaminated or Unstable Land & Storage of Hazardous Substances as this deals appropriately with land instability and takes into account the comments we made previously	Noted Support for Policy DM24 is noted
Rep ID: 321 Subject: Pollution Control Policy Ref: DM25 Page No: 90 Paragraph: 3	Contact I: 917 Jenny Hope United Utilities Plc	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>				Noted Support for paragraph 3 of Policy DM25 by United Utilities is noted

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Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 295 Subject: Design Quality and Policy Ref: DM26 Page No: 96 Paragraph: 3	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Please see our comments on Policy DM 10 in relation to Building for Life (Point 3).			Noted The Council has addressed this point separately under Rep ID 280 (under Policy DM10)
Rep ID: 296 Subject: Design Quality and Policy Ref: DM26 Page No: 96 Paragraph: 5	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Part 5 of the policy, is unjustified in its current form. It is understood that on larger, mixed use, strategic sites, such a panel can bring impartiality to the process. Formal Design Review however, is both costly and time consuming.	The wording should ensure that it is clear that this is an optional standard / process and not a regulation or mandatory requirement.		Disagree - no change The requirement for 'design review' in Policy DM26 is in recognition of paragraph 62 of the NPPF which clearly states that 'local planning authorities should have local design review arrangements in place'. The Council believes that paragraph 5 (and bullet point 98) of DM26 clearly set out the likely circumstances in which design review will be required and do not consider that the cost is significant in the context of such large schemes. The cost has been incorporated into the plan viability work presented in the Economic Viability Study 2016. Design review, if undertaken early on in the process, can speed up the overall planning process of major 'significant' schemes.
Rep ID: 263 Subject: The Control of Advertisem Policy Ref: DM27 Page No: 100 Paragraph:	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? Yes Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			We consider that Policies DM27 and DM28 (insofar as the latter concerns advertisement displays) are generally sound. Policy DM27 alone is adequate for the proper control of advertisements.	Noted The Council notes the comments in support of DM27
Rep ID: 264 Subject: Shop Fronts and Security Policy Ref: DM28 Page No: 102 Paragraph:	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>			All references to advertisements in Policy DM28 and GN5 should be deleted.	Disagree - no change The only reference to Advertisements remaining in Policy DM28 is in paragraph 2d and supporting text paragraph 7.29. Both of these references simply point to Policy DM27 on Advertisements for matters of signage. The Council would seek to retain these references within Policy DM28 to ensure that applicants are fully aware of the requirements of both policies which will commonly be applied in conjunction with one another. Similarly references retained within the Guidance Note 5 (paragraphs 4-6 on p160) simply cross-refer to relevant advertisements aspects of the DM DPD.

Hyndburn DM DPD 'Publication' consultation (29th September 2016 - 10th November 2016)

Representation Details	Representee Details	Reason for Representation	Q5: Why is this part of the DM DPD not legally compliant or sound?	Q6: What changes are necessary?	Q8: Are there any additional comments you would like to make?	Proposed Council Response
Rep ID: 345 Subject: Environment Amenity Policy Ref: DM29 Page No: 105 Paragraph: 2	Contact I 1001 Claire Pegg Cushman & Wakefield	Legally Compliant? No Sound? No Not positively prepared <input checked="" type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Policy DM29 states that "in accordance with 1d. proposals for sensitive new developments (such as residential) should be located an acceptable distance away from sources of pollution (including noise, dust, air, odour, light and traffic) from existing operational businesses, and be in line with Policy DM25: Pollution Control." Royal Mail support the broad list of potential pollution sources referred to within the policy wording and which proposals for residential development should be required to take account of. However, there is no clarification provided within the policy wording or the supporting text to confirm what an 'acceptable' distance is. Furthermore, the reference to "1d" within the policy wording is unclear, as there is no 1d contained in Policy DM29. We would thus seek clarity as to this reference. As described above, Delivery Offices operate out of hours generating noise, traffic and light pollution. As such, it is imperative that residential development proposed in close proximity to Delivery Offices takes account of the existing situation to ensure there are no complaints from future residents and restrictions placed on Royal Mail's operations thereto.	We would therefore request that an explanation is inserted either in the policy wording itself or the supporting text to clarify what an 'acceptable' distance is and how this will be assessed and applied in decision taking.		Agree - minor modification Due to typographical/graphics errors, criteria 1b-d were omitted from the Policy. These should be re-inserted to read: "b. does not result in the unacceptable loss of outlook; c. benefits from adequate levels of daylight and sunlight; and d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development" The Council does not consider this to be a main modification due to the detailed supporting text provided that set out the policy requirements, even though they were missing from the Policy text itself The Council does not consider that a definition of 'acceptable' is required as this will very much depend upon the context of the specific application.
Rep ID: 297 Subject: Waste Management in all Policy Ref: DM31 Page No: 112 Paragraph: 1	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	In relation to the cost of provision of waste bins being covered by the developer, this matter should be considered in the viability study.			Agree - no change The Council agrees with this point and can confirm that the costs were built into the cost assessments as part of the plan viability work undertaken in support of the DM DPD. This is confirmed in paragraph 5.42 of the Economic Viability Study.
Rep ID: 298 Subject: Waste Management in all Policy Ref: DM31 Page No: 112 Paragraph: 3	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Point 3 states "Onus on applicant to demonstrate that it satisfies sustainable design and construction techniques in relation to water saving devices, grey water recycling and rainwater harvesting". The wording of this does not provide any certainty and as such does not represent positive planning, whilst its justification is unclear. It does not specify what constitutes the 'sustainable design and construction techniques' that should be satisfied. Regardless, the Housing Standards Review and ministerial statement dated 25th March 2015 clearly identified that, in relation to housing, sustainability measures will be solely dealt with through the Building Regulations.			Agree - minor modification The Council agrees that paragraph 3 of DM31 runs contrary to national policy and should be removed. As set out in paragraph 5.40 of the DM DPD, Hyndburn is not an area under water stress and therefore the Council has not opted to adopt the optional water efficiency standards (set out in the National Housing - Optional Technical Standards). As such Building Regulations alone are deemed sufficient to regulate water usage within new developments in the borough.
Rep ID: 299 Subject: Sustainable Transport, Traffic and Policy Ref: DM32 Page No: 117 Paragraph: 2	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input checked="" type="checkbox"/>	Point 2 states "[Development] should be located where the need to travel will be minimised". As sites adjacent to leisure / retail / employment centres are developed, new development must be located more remote from these uses. This policy will gradually become more difficult to fulfil. There are instances where the need to travel can be embraced and supported through existing or newly supported public transport, and in itself should not constitute a reason for refusal. The wording of the policy is currently unsound. Point 2 goes on to state that "Proposals should not give rise to traffic volumes that exceed capacity of local or strategic highway network". Persimmon acknowledge that all new development needs to provide essential infrastructure to support it, however the current wording of the policy is inconsistent with national policy which states: "Development should only be prevented or refused on transport grounds where the residual cumulative			Disagree - no change Paragraph 34 of the NPPF specifically states that "plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised". The Council therefore disagrees that the use of the phrase 'where the need to travel will be minimised' in Policy DM32 is unsound. With regards to the second point raised, the Council's view is that the statement in paragraph 2 of DM32 regarding capacity of the local or strategic highway network is also sound and consistent with paragraph 32 of the NPPF. If a proposal was to give rise to an increase in traffic volume that exceeded the capacity of the local or strategic transport network this would be considered 'severe' in line with the NPPF.

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			impacts of development are severe." (NPPF, para 32, emphasis added by Persimmon). This is not positive planning. All new development will, by default, increase pressure on existing infrastructure, exceedances of capacity cannot be defined so definitely. The level of this proposed impact in the context of the existing capacity must be carefully weighted up, along with the wider benefits and adverse impacts of each development.			
Rep ID: 300 Subject: Sustainable Transport Infrastructure Policy Ref: DM33 Page No: 121 Paragraph: 1	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Point 1 of the policy is inconsistent with national policy and does not represent positive planning. It requires that developers "mitigate the impact of the development". As above, Persimmon accept that all development needs to provide, (either through physical works, s278 agreements, s106 agreements or planning conditions) for mitigation against unacceptable impacts of a development. There will always be impacts of development (positive and negative) and the NPPF is clear that for plan making, its key thread of sustainable development means that development should proceed unless specific policies indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is not appropriate or feasible for a development to mitigate all of its impacts if they are not unacceptable.			Agree - minor modification The Council agrees with the points raised, however the general thrust of paragraph 1 should be retained. To ensure that the statement is more in line with the NPPF (and paragraph 2 of Policy DM33), the Council would proposed changing 'will' to 'may' so that it reads '... developers may be expected to undertake ...'
Rep ID: 301 Subject: Sustainable Transport Infrastructure Policy Ref: DM33 Page No: 121 Paragraph: 2	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Point 2 in relation to 'appropriate contributions' should be further caveated to state that appropriate means necessary, related and reasonable in scale and kind. This will ensure that the policy is consistent with national policy.			Agree - minor modification The Council would be happy to clarify that 'appropriate' means in accordance with paragraph 204 of the NPPF (i.e. necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development). The Council would suggest that this would be best inserted into footnote 112 of Policy DM33.
Rep ID: 259 Subject: Development in the Green Belt Policy Ref: DM34 Page No: 127 Paragraph:	Contact I: 898 Andrew T Coney P Wilson & Company	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	A further review of the Greenbelt boundaries as Stanhill is required to remove our land from the Greenbelt, for the reasons stated in the attached document.	A further review of the Greenbelt boundaries as Stanhill is required to remove our land from the Greenbelt, for the reasons stated in the attached document.		Disagree - no change The DM DPD is not considering relevant amendments to the Green Belt boundary in Hyndburn, this will come about following a formal Green Belt Assessment and through the Site Allocations DPD work. The boundaries set out in the accompanying Policy Maps to the DM DPD are simply clarifying the existing boundary and other constraints referenced within the DM policies. The potential for this site to be removed from the Green Belt will therefore be considered further through the Site Allocations DPD.
Rep ID: 302 Subject: Guidance Notes Policy Ref: GN All Page No: 139 Paragraph:	Contact I: 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	It is appreciated that almost all aspects of development are interrelated, and relevant policies cannot be read in isolation. However, many of the policies, particularly in relation to design cross reference each other as well as the Development Management Notes (now included as appendices to the plan) to the extent that the policies can become cumbersome and difficult to read. It is not always clear why the contents of the Development Management notes cannot be subsumed into the policies or accompanying text in the body of the document.			Noted The Council notes the comments in relation to the Guidance Notes. The Guidance Notes are intended to provide additional guidance to the relevant policies, where more technical or detailed matters are considered relevant to proposals. Inclusion of the content of the Guidance Notes within each policy is not considered to be appropriate, as this level of detail would potentially detract from the main thrust of each policy and the general flow of the document.

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Rep ID: 303 Subject: Affordable Housing Policy Ref: GN2 Page No: 149 Paragraph: 7.1	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not postively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	This note introduces a requirement to provide all properties to the latest Homes and Communities Design and Quality Standards. This introduces additional standards over and above building regulations, Council Policy & Registered Providers design briefs. Most specifically it requires the certification of Code for Sustainable Homes, a standard which can no longer be required. This has been made clear in parliamentary statements.			Agree - minor modification The Council agrees that reference to HCA Design and Quality Standards is no longer consistent with national policy on the optional technical standards for housing. The Council would suggest deletion of the second sentence of paragraph 7.1 to ensure that the Guidance Note remains consistent with national policy.
Rep ID: 265 Subject: Advertisem ents Policy Ref: GN4 Page No: 156 Paragraph:	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	We consider that the additional advice in Guidance Notes 4 and 5 on advertisement is unnecessary and excessively detailed and prescriptive, particularly bearing in mind that the Control of Advertisements Regulations require each application to be determined on its own merits.	We therefore consider that Guidance Note 4 and reference to advertisement in GN5 should be totally removed from this document, since the policy advice in DM27 is adequate for the control of advertisement.	We remain convinced that GN4 is superfluous.	Disagree - no change The Council does not agree with removing GN4 entirely from the DM DPD as it is considered to provide useful additional guidance on Policy DM27 at a level of detail innappropriate for the policy itself. The first paragraph of GN4 confirms, as pointed out by the representee, that 'each application should be determined on its own merits', but the guidance provides further detail on how the Council will assess applications with regards to 'amenity' and 'public safety' issues. The second matter regarding references to Advertisements within GN5 is covered by the Council's response to Rep. No 264 (under Policy DM28).
Rep ID: 268 Subject: Advertisem ents Policy Ref: GN4 Page No: 156 Paragraph: A2	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	"Signs should be normally displayed at the fascia height of the building". This sentence has been altered just by removing the word "normal(y)". This may be so for fascia signs, but what about all the other types of signs and advertisements which may commonly be seen on buildings. Look around the central commercial area of Accrington - we would suggest that over 50% of advertisements on view from the street are not at fascia level.	This generalisation should be deleted.		Disagree - no change The Council has made more significant amendments to paragraph A2 of GN4 from the Consultation Draft version than stated in this representation. The statement now reads that 'signs should be normally displayed at the fascia height of the building'. Far from being a generalisation the Council view is that this statement sets expectation and aspiration to minimise clutter and impact on the architectural qualities of buildings and street scenes around the Borough. The statement that over 50% of advertisements on view from the street in Accrington are not at fascia level is simply incorrect. A quick view of Blackburn Road and Abbey Street for example shows few examples of this except for Estate Agents (which are exempt) and the 1960s box signs which were ineffect installed 'pre-policy'.
Rep ID: 269 Subject: Advertisem ents Policy Ref: GN4 Page No: 156 Paragraph: A5	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not postively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Why should such projecting and hanging signs be at fascia level? It is often not possible to display hanging signs at fascia level. The height needed for the means of support (bracket and chain/wires) as well as the sign itself is rarely available within the height of a fascia. As to practicality and reality, take, as an example, the parades of shops etc at 116-144 Market Street. Virtually all the projecting/hanging signs are not at fascia level. Yet none of them look particularly out of place either on the respective buildings or in the street. There is no justification for the restriction on projecting box signs in conservation areas or on listed buildings. Modern internally illuminated box signs are often slimline and can be successfully intregated into modern-style shopfronts without any adverse impact on amenity. And this is so whether the site is a listedbuilding and/or in a conservative area. Provided the sign does not harm amenity, it should be permitted. There is no justification for the suggested ban on such commonly-	All od A5 is unrealistic and unnecessary. It should be deleted		Disagree - no change As with rep#268, the statement here regarding the parade of shops at 116-144 Market Street is simply incorrect as there is no Market Street in Accrington, also paragraph A5 does not propose a complete 'ban' on projecting box signs. The Council considers that the guidance contained within paragraph A5 is appropriate. Firstly it is guidance, not policy. Secondly it states that they will be 'generally considered unsuitable'.

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			seen forms of shop signs, particularly within the mainly commercial parts of conservation areas or on listed buildings which have modern shopfronts.			
Rep ID: 270 Subject: Advertisements Policy Ref: GN4 Page No: 158 Paragraph: F2	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Although these paragraphs have been much altered, the advice still appears to have been written in relation to some imagined perfect Edwardian row of shops which have never, in fact, existed. It takes little account of today's commercial environment and practices; and, in practice, much of the advice will never be achieved. For example, the preference for painted-on fasciasigns of is simply impracticable. There are not enough signwriters left in the UK to fulfil this preference even in Accrington alone. The size, style and materials of any fascia sign should be dictated by those of the shopfront and building as a whole. A painted wooden fascia would look wholly out of place above a modern plastic/ aluminium framed, fully glazed shopfront.	The generalities in these paragraphs are wholly unjustified and should be deleted. In F2, the suggestion that corporate signs should be "sensitive to traditional form and materials" is again too general. Corporate signs may need to be modified. So we suggest, as before, that "Where considered essential" should be inserted after "forms and materials."		Disagree - no change The Council considers that the guidance contained within paragraphs F2 and F3 is appropriate. Firstly it is guidance, not policy. Secondly the terminology used is practical and specific.
Rep ID: 271 Subject: Advertisements Policy Ref: GN4 Page No: 158 Paragraph: F3	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	Although these paragraphs have been much altered, the advice still appears to have been written in relation to some imagined perfect Edwardian row of shops which have never, in fact, existed. It takes little account of today's commercial environment and practices; and, in practice, much of the advice will never be achieved. For example, the preference for painted-on fascia signs is simply impracticable. There are not enough signwriters left in the UK to fulfil this preference even in Accrington alone. The size, style and materials of any fascia sign should be dictated by those of the shopfront and building as a whole. A painted wooden fascia would look wholly out of place above a modern plastic/ aluminium framed, fully glazed shopfront.	The generalities in these paragraphs are wholly unjustified and should be deleted. In F3, this still overlooks the fact that all signs within the buildings are either expected from the local authority's control (Class 1 in Schedule 2) or have deemed consent (Class 12 in Schedule 3). The advice is therefore impractical and unenforceable. It should be deleted - who is going to etch or paint glass when there are ready-made posters to display?		Disagree - no change The Council considers that the guidance contained within paragraphs F2 and F3 is appropriate. Firstly it is guidance, not policy. Secondly the terminology used is practical and specific for where 'express consent' is required.
Rep ID: 266 Subject: Shop Front Design Policy Ref: GN5 Page No: 159 Paragraph:	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	We consider that the additional advice in Guidance Notes 4 and 5 on advertisement is unnecessary and excessively detailed and prescriptive, particularly bearing in mind that the Control of Advertisements Regulations require each application to be determined on its own merits.	We therefore consider that Guidance Note 4 and reference to advertisement in GN5 should be totally removed from this document, since the policy advice in DM27 is adequate for the control of advertisement.		Disagree - no change The Council considers that GN4 and GN5 provide important guidance, principles and matters of detail in relation to Policies DM27 and DM28 that would not be appropriate within the policies themselves.
Rep ID: 267 Subject: Shop Front Design Policy Ref: GN5 Page No: 159 Paragraph:	Contact I 515 Chris Thomas Chris Thomas Ltd, Outdoor Advertising Consultants	Legally Compliant? Yes Sound? No Not positively prepared <input type="checkbox"/> Not justified <input checked="" type="checkbox"/> Not effective <input checked="" type="checkbox"/> Not consistent with national polic <input checked="" type="checkbox"/> Not stated <input type="checkbox"/>	As to GN5 (if it is retained), we are content that the overlap and conflict with GN4 has been removed. But we still see no point in this note having any reference to advertisements at all.	Simple reference to GN4 should suffice.		Disagree - no change The reference to Advertisements in GN5 remains minimal, merely pointing to other relevant points of guidance (including GN4 and Policy DM27). The Council consider this to be a relevant cross-reference to retain in the DM DPD to prevent potential applicants viewing GN5 in isolation.

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Rep ID: 304 Subject: Car Parking, access Policy Ref: GN8 Page No: 180 Paragraph: Domestic G	Contact I 977 Rachael Graham Persimmon Homes	Legally Compliant? Not Stated Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	Minimum garage sizes are specified at 6x3m to enable a bike to be stored as well. This should therefore be relaxed if a wall mounted bike frame is provided, or alternative storage is provided.			Agree - minor modification The Council would be happy to add reference to the 'Domestic Garages' element of GN8 stating that where alternative bicycle storage provision is provided the Council will be more flexible in applying the minimum size of 3m X 6m.
Rep ID: 273 Subject: Policy Maps Policy Ref: Policy Maps Page No: 195 Paragraph:	Contact I 306 Joanne Macholc Ribble Valley Borough Council	Legally Compliant? Yes Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	The land either side of the boundary between our repctive boroughs is Green Belt and thus I consider this constitutes a cross boundary matter. The repctive areas of Green Belt align with one another and therefore no issues are raised in this respect.			Noted The Council notes the comments from Ribble Valley Borough Council regarding the Green Belt boundaries.
Rep ID: 276 Subject: Policy Maps Policy Ref: Policy Maps Page No: 195 Paragraph:	Contact I 306 Joanne Macholc Ribble Valley Borough Council	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			I note the removal from the Proposals Maps of an area of Ancient Woodland adjacent to the Ribble Valley to the N/NW of Great Harwood as referred to in my response of 23rd March 2016 to the Reg 18 Consultation draft. I also note the additional of a Local Geodiversity site at Turn Hill.	Noted The Council notes the comments from Ribble Valley Borough Council regarding the changes to Ancient Woodland and Local Geodiversity Sites which it takes as support.
Rep ID: 275 Subject: Policy Maps Policy Ref: Policy Maps Page No: 195 Paragraph:	Contact I 306 Joanne Macholc Ribble Valley Borough Council	Legally Compliant? Yes Sound? Not Stated Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>	There are areas of Flood Risk (flood zones 2 and 3) which straddle the boundry between the boroughs. I note that policy DM20 of the written plan refers to these and that they are not shown on the Proposals Map because the information is updated regularly by the Environment Agency. The Flood Risk Zones are shown on the draft Proposals Map which accompanies the Ribble Valley Housing and Economic Development DPD (reg 18) so the two plans will not align in this respect.			Noted The Council notes the comments from Ribble Valley Borough Council regarding the omission of Flood Risk Zone maps from the accompanying Policy Maps. Justification for this is provided via footnote 85 of the DM DPD. Reference for the need to consult the Environment Agency is also specifically stated in the introduction to the DM DPD Policy Maps (p195 of the DM DPD). The Council do not see the fact that Ribble Valley Borough Council has chosen to include Flood Risk maps on their own Housing and Economic Development DPD as a problem so long as potential applicants are aware of the need to consult such maps and how to do if they are not presented in the DM DPD itself.
Rep ID: 260 Subject: Developme nt in the Green Belt Policy Ref: Policy Maps Page No: 195 Paragraph:	Contact I 898 Andrew T Coney P Wilson & Company	Legally Compliant? Yes Sound? Yes Not positively prepared <input type="checkbox"/> Not justified <input type="checkbox"/> Not effective <input type="checkbox"/> Not consistent with national polic <input type="checkbox"/> Not stated <input type="checkbox"/>			We support the proposed greenbelt and countryside are boundaries proposed at Knusden Brook	Noted Support for the DM DPD is noted