

Trawden Forest Neighbourhood Plan



Decision Statement Regulation 18(2)

September 2018



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Pendle Borough Council

Trawden Forest Neighbourhood Plan – Regulation 18 (2) Decision Statement

1. Introduction

- 1.1 Pendle Council [“the Council”] has a statutory duty to assist communities in the preparation of neighbourhood development plans.
- 1.2 Following the examination of the Trawden Forest Neighbourhood Plan [“TFNP”], Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide what action should be taken in response to the recommendations made by the Independent Examiner.
- 1.3 The Council must also determine whether the plan meets the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as applied by section 38A of the 2004 Act), and can proceed to referendum.
- 1.4 This Decision Statement sets out the Council’s decision and the reasons for it.

2. Background

- 2.1 In July 2016 Trawden Forest Parish Council submitted an application to Pendle Council for the designation of Trawden Forest Parish as a Neighbourhood Area for the purposes of preparing a neighbourhood plan. The neighbourhood area, which is coincidental with the parish boundary, was formally designated by the Council on 25 August 2016.
- 2.2 The TFNP Steering Group prepared the pre-submission version of the TFNP during 2017. A six week public consultation, held in accordance with Regulation 14, was carried out between 27 November 2017 and 8 January 2018.
- 2.3 The submission version of the TFNP was submitted to the Council on 6 February 2018 and a formal six week public consultation, held in accordance with Regulation 16, was carried out between 23 February 2018 and 6 April 2018.
- 2.4 An Examiner, Mr David Proctor BSc, MTPL, MRTPI, MInstLM was appointed by the Council in March 2018 to carry out the independent examination of the submission version of the TFNP. The examination was conducted by written representations and concluded on 16 August 2018 with the receipt of the Examiner’s report.

3. Decision

- 3.1 The Examiner has concluded that, with certain modifications, the TFNP meets the Basic Conditions and other relevant legal requirements.
- 3.2 The Council is required to consider each of the Examiner's proposed modifications to the plan and decide what action to take in response. The table attached to this statement sets out each of the modifications and the Council's decision in respect of them.
- 3.3 At its meeting on 25 September 2018, the Council accepted that, with these modifications, the TFNP meets the Basic Conditions and legal requirements, and that no further modifications are required.
- 3.4 The TFNP can now proceed to referendum. The Council agrees with the Examiner's recommendation that the area for the referendum should be that of the Neighbourhood Area as designated by the Council on 25 August 2016.
- 3.5 To meet the requirements of the Localism Act 2011, the Council will hold a referendum which poses the following question:

Do you want Pendle Borough Council to use the neighbourhood plan for Trawden Forest to help it decide planning applications in the neighbourhood area?

- 3.6 The proposed date for the referendum is **8 November 2018**.
- 3.7 This Decision Statement, the Examiner's Report and the Trawden Forest Neighbourhood Plan can be viewed on the Pendle Council website: www.pendle.gov.uk/trawdenforestnp
- 3.8 The documents are also available for inspection at the following locations during their normal opening hours:
- Trawden Forest Parish Council Office, Unit 2A, Black Carr Mill, Skipton Road, Trawden, BB8 8QU
 - Trawden Forest Community Centre, Church Street, Trawden, BB8 8RU
 - Colne Library, Market Street, Colne, BB8 0AP
 - Number One Market Street, Nelson, BB9 7LJ

Schedule of Modifications to the Trawden Forest Neighbourhood Plan

Paragraph / Policy	Modification	Reason	Decision
Page 29 Policy 1 3 rd Paragraph	<p>Amend the third paragraph of Policy 1 to read:</p> <p>Proposals to develop outside a settlement boundary, in the open countryside, Outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:</p> <p>(1) Where it requires a countryside location for tourist tourism related purposes as described under and complies with Policy 5, or to will support agricultural...</p>	To more accurately reflect its intent and to ensure that it produces outcomes which are consistent with national policy.	Accept Modification
Page 29 Paragraph 4.1.2	Delete the last sentence of paragraph 4.1.2 beginning “There are...” and ending “...landscape.”	To ensure consistency with national policy which requires the Plan to plan positively for development. Also prevent the plan from becoming out of date.	Accept Modification
Page 31 Policy 2	<p>Do not insert the replacement wording for criterion v) proposed by the Parish Council on 10th July 2018.</p> <p>Instead retain criterion v) in its original form (which will apply to development on all the allocated sites), and insert new criterion xii) as follows:</p> <p>xii) Any application for new development at site 012 or site 015 shall be accompanied by a detailed site specific flood risk assessment (FRA), which provides details of how flood risk will be managed having regard to the detailed layout and design of the development proposed. This must, as a minimum:</p> <ul style="list-style-type: none"> • Provide a complete understanding of how the development layout will affect flood flow routes through the site, including depth and velocity of flooding during a design flood plus climate change; • Identify comprehensive flood resilience measures; • Include detailed building designs to demonstrate how the development will avoid displacement of flood water; 	To ensure that the requirements pertaining to a planning application are incorporated into the policy text rather than the supporting text. To ensure that the plan has regard to national policy.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
	<ul style="list-style-type: none"> • Include a robust emergency evacuation plan, to be reviewed and agreed by the Local Planning Authority and the emergency services, considering evacuation or the use of internal safe refuge and demonstrating how any part of an evacuation route not within the developer's control is to be kept available for use at all times; • Characterise the nature of flooding, considering how the rate of onset and duration of any flood event will affect the evacuation plan; and • Consider the need to remove or vary any permitted development rights that would normally be enjoyed by the proposed dwellings, in order to ensure that design features intended to manage flood risk are retained 		
Page 31 Policy 2	Do not incorporate any of the additional supporting text to Policy 2 proposed by the Parish Council on 10th July 2018.	As a consequence of the changes proposed to the policy text.	Accept Modification
Page 31 Policy 2	<p>After new criterion xii), insert:</p> <p>xiii) Unless it is demonstrated that such a form of development is not practicable or viable, proposals for the development of site 011, Land adjacent to 37 Hollin Hall, shall additionally provide for a car park available for the use of motorists not associated with the residential element of the development. Any planning application for the development of this land for this purpose shall be accompanied by proposals setting out arrangements for the ongoing management of the car park, including any criteria or mechanism for the allocation of spaces.</p>	To ensure that Site 011 Land adjacent to 37 Hollin Hall is developed for a combination of housing and parking to serve the wider area, enabling the sustainability benefits of developing the site to be met.	Accept Modification
Page 34 Paragraph 4.2.11	<p>Delete the paragraph under 4.2.11 which begins <i>"The development adjacent to 37 Hollin Hall..."</i> and ends <i>"...(between Far Wanless and Alderbarrow)"</i> and replace with:</p> <p>The development adjacent to 37 Hollin Hall (ref. 011) is in two parts: residential dwellings and a car park. This is a greenfield site and the Steering Group expects that designs will be appropriate to a rural location, and be as unobtrusive as possible within the landscape. Bungalows would be considered an appropriate form of residential development on this site.</p>	As a consequence of the changes proposed to the policy text.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
Page 36 Policy 3	Amend the first paragraph of Policy 3 to read: Proposals for small scale housing developments within the Settlement Boundaries of Trawden and Cotton Tree, as shown on the Proposals Map, Within the Settlement Boundaries of Trawden and Cotton Tree, as shown on the Policies Map, proposals for residential development which comprise nine or fewer net additional dwellings, and which do not constitute a partial development of a larger site, will be supported, provided their design...	To provide clarity to the wording of the policy and ensure that the policy supports the delivery of the Core Strategy housing target.	Accept Modification
Page 37 Paragraph 4.3.8	Amend the first sentence of paragraph 4.3.8 to read: Residential gardens are not considered as do not fall within the definition of previously developed land.	To resolve an inaccuracy / ambiguity in respect of national policy.	Accept Modification
Page 38 Policy 4	Amend the first paragraph to read: <u>Within the defined settlement boundaries of Trawden and Cotton Tree, Any opportunities that arise to enhance parking provision address a recognised local parking shortfall or safety issue relating to on street parking throughout the village will be supported, provided they are appropriate in scale and character and comply with the other policies of this Neighbourhood Plan and the Pendle Local Plan.</u> Delete the second paragraph beginning <i>"This Policy..."</i> and ending <i>"...Protected Car Parks:"</i> Remove the bullets from the 3rd to the 8th paragraphs (retaining the paragraphs themselves) and align the paragraphs with those above so that they become main criteria in the policy. Delete the paragraph beginning <i>"The Parish Council will seek..."</i> and ending <i>"...pavement parking are prevalent"</i> which has the same effect as the first paragraph in the policy. <u>Where planning permission is necessary for the alteration or extension of a property support will not be given for the conversion of garage space to habitable rooms or other residential uses unless there is conversion of garage space to habitable rooms or other residential uses, permission will only be granted where it is demonstrated that there is adequate space to park vehicles off the public highway in line with ,</u>	To ensure that the policy meets the requirements of national policy and does not impose blanket restrictions on a particular form of development. To ensure that protection is afforded to the proposed car park as allocated under Policy 2.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
	<p><u>having regard to the parking standards set out in the Pendle Local Plan and the parking guidelines set out in this Neighbourhood Plan;</u></p> <p>Car parks shown on the Policies Map (see Appendices 9C and 18) are protected from development. Development which would lead to the partial or complete loss of a car park identified on the Policies Map and listed in Paragraph 4.4.7 will only be permitted where there is clear evidence that equivalent and suitable alternative provision can be secured through the development.</p> <p>Amend the Policies Map to show an additional Protected Car Park in the location of Site 011: Land adjacent to 37 Hollin Hall.</p>		
Page 39 Paragraph 4.4.3	Delete the final sentence of paragraph 4.4.3 beginning <i>"The development at Weaver's Court..."</i> and ending <i>"...properties in Colne Road."</i>	To remove a statement which does not address a planning or sustainable development issue.	Accept Modification
Page 39 Paragraph 4.4.5	<p>Amend the final sentence of paragraph 4.4.5 to read:</p> <p>It is sensible to insist that all new developments incorporate access to a charging point to promote the incorporation of charging points in all new developments.</p>		Accept Modification
Page 39 Paragraph 4.4.7	<p>Amend paragraph 4.4.7 to read:</p> <p>Existing car parking sites will be protected by designating them as Protected Car Parks. The Parish Council will maintain a list of these Protected Car Parks. The list of these is shown on the Proposals Map (see Appendices 9C). Policy 4 seeks to ensure the retention of a number of existing parking sites by designating them as Protected Car Parks. The list is as follows:</p> <p>Add to the list of car parks under 4.4.7:</p> <p><u>Any car park created through the development of Site 011: Land Adjacent to 37 Hollin Hall.</u></p>	To ensure consistency between the policy and supporting text.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
Page 41 Policy 5	<p>Amend Policy 5 to read:</p> <p>In Wycoller Country Park (as defined on the proposals map Policies Map) development proposals which encourage tourism will be supported <u>where they:</u>. Re-use of existing buildings is preferred ahead of new build.</p> <ul style="list-style-type: none"> • <u>Involve the re-use of existing buildings where possible;</u> • Proposals should not Have no significant adverse impact on the landscape, biodiversity, natural heritage, cultural heritage or local community; • should be <u>Are</u> of an appropriate scale and design; and • should <u>Do</u> not result in any additional pressure on the existing infrastructure without adequate mitigation. <p><u>Improvements to existing tourist attractions and facilities, including extensions, will be supported where they respect the character of the existing building and comply with other policies in this Neighbourhood Plan and the Pendle Local Plan.</u></p>	To ensure that the policy is consistent with Policy WRK5 of the Core Strategy.	Accept Modification
Page 44 Policy 6	<p>Amend the final sentence of the first paragraph:</p> <p>The Parish Council will prepare a list of non-designated heritage assets which have particular local significance and which should be taken into consideration in planning decisions. <u>Where development is proposed which will affect a heritage asset identified on this list, any planning application should be supported by proportionate evidence explaining the significance of the asset, detailing any harm that the development would cause to the asset's significance, and setting out why any such harm cannot reasonably be reduced or avoided.</u></p> <p>Delete the third and fourth paragraphs.</p>	To ensure that the policy is consistent with the national policy tests for heritage assets.	Accept Modification
Page 46/47 Policy 7	<p>Amend the paragraph beginning "Development proposals..." as follows:</p> <p>Development proposals in an Area of Townscape Character, will be supported, provided applicants can demonstrate that they have had regard to the potential impact on the <u>which comply with other policies of this Neighbourhood Plan and the Pendle Local Plan, will be supported where there is no unacceptable impact on the character and appearance of the area.</u></p> <p>Amend the paragraphs under the heading "Lane Top, Well Head and New Row" as follows:</p> <p><u>Proposals for development involving the creation of new buildings or the substantial alteration of existing ones, in the area of Hill Lane Top, should consider</u></p>	To ensure consistency with the Core Strategy and to correct a typographical error.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
	<p>must demonstrate that they have had regard to the impact on long range views from the north, and proposals for in the area of Well Head and New Row should consider <u>must demonstrate that they have had regard to the impact on views from the west and northwest.</u></p> <p>Where applicable, P<u>proposals for development in this area must demonstrate that they have had regard to the impact on the historic...</u></p> <p>Amend the paragraphs under the heading “Hill Top and Foulds Road” as follows: ...valley from the east. Within t<u>The open fields ... Dean Street and Hall Road, should be protected from development to retain</u> <u>development will only exceptionally be permitted, where it is demonstrated that the benefits of the development very clearly outweigh the harm to the contribution of this land to the special settlement character of this area.</u></p> <p>Where applicable, P<u>proposals for development in this area must demonstrate that they have had regard to the impact on the historic...</u></p> <p>Amend the final paragraph as follows: Within T<u>the open space, ... should be protected from development to retain</u> <u>development will only exceptionally be permitted, where it is demonstrated that the benefits of the development very clearly outweigh the harm to the contribution of this land to the special settlement character of this area.</u></p>		
Page 49 Paragraph 6.1.7	Delete the final two sentences of the second paragraph within 6.1.7, beginning <i>“Fortunately...”</i> and ending <i>“...attempts to release it.”</i>	To removal a political statement which is not relevant to the statutory role of the Neighbourhood Plan.	Accept Modification
Page 53 Policy 8	<p>Amend Policy 8 to read:</p> <p>The change of use, redevelopment or demolition of shops, leisure, sporting and community facilities will only be permitted if it can be where it has been demonstrated that reasonable efforts have been made to secure their continued use for these purposes and / or alternative provision is made. Specifically, any proposal for change of use, which would adversely affect or result in the loss of a Locally Valued Resource (as defined in the list below) will not only be permitted unless it has been clearly demonstrated to the most locally acceptable solution, taking into account all relevant factors including: where evidence has been provided</p>	To ensure general conformity with Core Strategy Policy SUP1. To remove any ambiguity and ensure proper application of the policy.	Accept Modification

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	<p><u>that all the following have been considered to a reasonable extent:</u></p> <ul style="list-style-type: none">• full exploration of options to secure the continuation of the facility;• designation as an Asset of Community Value (**)• community purchase• possible alternative provision <p>to the extent that each factor is applicable.</p> <p><u>The following community assets are defined as Locally Valued Resources:</u></p> <table><tr><td><u>Trawden School</u></td><td><u>Ball Grove Cafe</u></td></tr><tr><td><u>Village Community Centre</u></td><td><u>Community Shop / Post Office (*)</u></td></tr><tr><td><u>Harambee Surgery & Dispensary</u></td><td><u>The Trawden Arms</u></td></tr><tr><td><u>St Mary’s Church</u></td><td><u>The Cotton Tree Inn</u></td></tr><tr><td><u>Old Rock Cafe</u></td><td><u>Wycoller Visitor Centre</u></td></tr><tr><td><u>Wycoller Craft Centre</u></td><td><u>Cockhill Club</u></td></tr></table>	<u>Trawden School</u>	<u>Ball Grove Cafe</u>	<u>Village Community Centre</u>	<u>Community Shop / Post Office (*)</u>	<u>Harambee Surgery & Dispensary</u>	<u>The Trawden Arms</u>	<u>St Mary’s Church</u>	<u>The Cotton Tree Inn</u>	<u>Old Rock Cafe</u>	<u>Wycoller Visitor Centre</u>	<u>Wycoller Craft Centre</u>	<u>Cockhill Club</u>		
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<u>Wycoller Craft Centre</u>	<u>Cockhill Club</u>														
Page 54 Paragraph 7.1.4	<p>Amend the final sentence of paragraph 7.1.4 to read:</p> <p>Consequently it was decided that a list of Locally Valued Resources be drawn up and reviewed on a regular basis.</p>	As a consequence of the changes proposed to the policy text.	Accept Modification												
Page 55 Policy 9	<p>Amend Policy 9 to read:</p> <p><u>Open Spaces</u></p> <p>This Policy protects a A number of <u>Designated Open Spaces</u>, as listed in Appendix 10 and shown on are defined on the <u>Proposals Policies Map</u> and listed in Appendix 5.</p> <p>Each of these areas...</p> <p><u>Development leading to the partial or complete loss of the function of a Designated Open Space</u> will only be permitted in exceptional circumstances where, as part of the proposal...</p> <p>...</p> <p><u>Local Green Spaces</u></p> <p>The Policy provides further protection to Three locally important places designated as <u>Local Green Spaces</u> are defined on the <u>Policies Map</u> and illustrated in Appendix 2. These are also shown on the <u>Proposals Map</u>. New development will only...</p>	To ensure that the policy wording is consistent with national policy and to ensure correct cross referencing with the Appendices.	Accept Modification												

Paragraph / Policy	Modification	Reason	Decision
Page 2 Foreword	Foreword <ul style="list-style-type: none"> Amend the first paragraph: "...It adds detail to the Pendle Local Plan and, following a successful referendum, will be used alongside the Pendle Local Plan it to help determine..." Amend the last paragraph: "...concerns and ideas for the village parish, both now..." Correct the line spacing. 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Page 3 Contents	<ul style="list-style-type: none"> Update headings and page numbers to reflect all other changes recommended 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Pages 5-8 Introduction and Background	Introduction and Background <ul style="list-style-type: none"> Delete paragraphs 1.1.3, 1.1.4 and 1.1.5. Paragraph 1.1.6: delete the final sentence beginning "At Examination..." and ending "...NPPF". Diagram on page 7: include a key indicating the meaning of the colours used: Green = "National Policy"; Yellow = "The Development Plan" Delete paragraphs 1.1.15 and 1.1.16 which repeat paragraphs 1.1.11 and 1.1.12. Amend paragraph 1.3.26: "The Borough of Pendle has a particular problem with overcrowded accommodation relatively high proportion of larger households, with over..." 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Pages 19-21 Paragraphs 2.1.1, 2.2.2, 2.2.3	Key Issues for Trawden Forest <ul style="list-style-type: none"> Paragraph 2.1.1: delete "together with informal comments put forward directly to the Parish Council." Amend paragraph 2.2.2: "In order to be in conformity with the emerging Pendle Local Plan Part 2 Pendle Core Strategy, the Trawden..." Paragraph 2.2.3: delete the text headed "Note:" 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Page 58 Chapter 8	Section 8: The Next Steps <ul style="list-style-type: none"> Delete this section in its entirety. 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
-	<i>The Policies Map</i> <i>Insert a new section before the Appendices containing the Policies Map (or a link thereto) – this is part of the Plan.</i>	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Appendices	<i>Appendices – amend, re-order and delete as follows:</i> <ul style="list-style-type: none"> • <i>Appendix 1A – delete in its entirety – the same information is contained in Appendix 1B. Renumber and amend title of Appendix 1B.</i> • <i>Create new Appendix 2 “Detailed Boundaries”, containing, in this order to reflect the order of the policies:</i> <ul style="list-style-type: none"> ○ <i>Map from Appendix 3</i> ○ <i>Map from Appendix 4</i> ○ <i>Maps from pages 72 to 76</i> ○ <i>Maps from pages 88 and 89 (showing the additional Protected Car Park at land adjacent to 37 Hollin Hall)</i> ○ <i>Map from page 90</i> ○ <i>Maps from pages 84 to 87</i> ○ <i>Map from Appendix 17</i> ○ <i>Three new maps showing the three Local Green Spaces at a larger scale</i> • <i>Appendix 2 – becomes Appendix 3</i> • <i>Appendix 3 – incorporated into new Appendix 2</i> • <i>Appendix 4 – incorporated into new Appendix 2</i> • <i>Appendix 5 – delete in its entirety.</i> • <i>Appendix 6A, 6B, 6C, 6D – delete in their entirety, except the maps on Pages 72 to 76 which are incorporated into new Appendix 2.</i> • <i>Appendix 7 – delete in its entirety – setting of the Green Belt boundary is a matter for the Pendle Local Plan Part 2.</i> • <i>Appendix 8 – becomes Appendix 4</i> • <i>Appendix 9A – delete (replaced by three new maps in new Appendix 2)</i> • <i>Appendix 9B – incorporated into new Appendix 2</i> • <i>Appendix 9C – incorporated into new Appendix 2</i> • <i>Appendix 10 – becomes Appendix 5</i> 	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
	<ul style="list-style-type: none">• <i>Appendix 11 – move to end to become Appendix 6</i>• <i>Appendix 12 – delete in its entirety</i>• <i>Appendix 13 – delete in its entirety – the map shows data which is produced and updated by the Environment Agency</i>• <i>Appendix 14 – delete in its entirety – this references a separate process which is unconnected to the Neighbourhood Plan</i>• <i>Appendix 15 – delete in its entirety</i>• <i>Appendix 16 – delete in its entirety</i>• <i>Appendix 17 – incorporated into new Appendix 2</i>		

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in a way which is better for you,
please telephone us.**

اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ
آپ کے لئے زیادہ مفید ہو تو براۓ مہربانی ہمیں ٹیلیفون کریں۔

