

## **Colne Neighbourhood Development Plan**

### **Examiner's Clarification Note**

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of doubt, matters of clarification are entirely normal at this stage of the examination process.

### **Initial Comments**

The Plan provides a clear and concise vision for the neighbourhood area.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. The Plan makes good use of the various maps and the excellent photographs. The various background reports helpfully underpin the policies. The Design Code and the Local Green Spaces Report are particularly informative.

A key element of the Plan is the way in which its vision, themes and objectives inform and underpin the resulting policies. This provides assurance that the Plan has addressed key local issues. The relationship between the supporting text and the policies is also well-considered. The way in which the Plan comments about how the policies are informed by local policies and identifies monitoring indicators is very effective.

### **Points for Clarification**

I have read the submitted documents and the representations made to the Plan. In addition, I have visited the neighbourhood area and am now able to raise issues for clarification with the Town Council and with the Borough Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to ensure that the Plan meets the basic conditions. This note does not seek clarification on each policy.

### **Questions for the Town Council**

I set out specific clarification points below in the order in which the policies appear in the submitted Plan:

#### *Policy CNDP 1*

On the one hand, the policy has been designed to add value to the policies in the Core Strategy and the emerging work on a master plan for the town centre. On the other hand, the policy is unclear about the relationship between the proposed Redevelopment Zone and the emerging master plan for the town centre. Please can the Town Council advise on its thinking on this matter?

Please can the Town Council also advise about the structure of the policy. As I read the policy the first paragraph is general in nature, part A relates to the Redevelopment Zone, part B adds value to criterion B of part A and part C relates to hot food take aways. Is this correct?

If so, detailed questions arise as follows:

- In the final element of Part A of the policy how would a decision be made about the extent to which any proposal related to or conflicted with wider proposals for the Regeneration Zone?
- Is Part B effectively a schedule of elements which would be expected to be included in a comprehensive package for the Redevelopment Zone?

- Is part C of the policy reasonable? Is it underpinned by evidence which would support such an approach beyond the high-level analysis as shown in Appendix 2?

#### *Policy CNDP2.*

In general terms the policy reads well. Whilst I can understand the focus on traditional shopfronts might the approach be more rounded if it referred to well-designed shop fronts which respected the character and scale of the host building? In conservation areas and in relation to listed buildings this would naturally lead to the development of a traditional shop front. Elsewhere it would support and encourage good-quality vibrant design.

#### *Policy CNDP3*

This is a very good policy. It is an excellent local response to Section 12 of the NPPF.

The Design Guide has been well-considered.

#### *Policy CNDP4*

The policy includes a good selection of buildings. They reflect the town's heritage which results in many character buildings which fall slightly short of the exacting requirements to be listed.

Nevertheless, I am minded to recommend a modification to the policy to ensure that it has regard to paragraph 206 of the NPPF. I am also minded to recommend that the properties are identified by their postal addresses rather than by their current business uses. Plainly business uses/names/occupancies may change in the Plan period.

Does the Town Council have any comments on these propositions?

#### *Policy CNDP5*

Am I correct to conclude from paragraph 6.2.12 of the Plan that the Character Areas were defined by the Plan's Advisory Committee rather than as part of the work on the Design Code?

In the round this is another locally distinctive policy which adds value to Policy CNDP3

#### *Policy CNDP6*

The Plan includes a comprehensive range of allocations. Is the Town Council satisfied that the various sites are available and deliverable within the Plan period?

Should the final part of the policy be supporting text rather than policy?

Is there a risk that paragraph 6.3.3 of the Plan is making a strategic statement on a matter which is for the Borough Council to resolve through the production of the new Local Plan?

#### *Policy CNDP7*

In general terms this is a good policy. The Local Green Spaces Report is both thorough and comprehensive.

The Borough Council comments that the Report refers to 'open, extensive tracts of land' rather than 'extensive tracts of land' in relation to the third criteria in paragraph 102 of the NPPF. Does the Town Council wish to comment on this matter and the extent (if any) to which it would have reached different conclusions on the identified green spaces if it had applied the third criterion as stated in the NPPF?

Does the Town Council wish to comment on the specific representation from Little Cloud on proposed LGS 4 Upper Rough?

My role is to examine the submitted Plan and not an alternative Plan. In this context I note that the Plan has not proposed the designation of land at Lenches Road as a local green space (LGS). Nevertheless, given the level of public comment on this matter does the Town Council wish to elaborate on its judgment about the extent to which the land concerned does not meet the criteria in NPPF for designation as a LGS?

*Policy CNDP9*

This is generally a good policy

However, is the third criterion necessary? Is its intention already captured in the first criterion?

*Policy CNDP11*

Am I correct in concluding that the second part of the policy intends to safeguard any additional allotments which may come forward in the Plan period?

*Policy CNDP12*

The purpose of this policy is clear.

Nevertheless, I am minded to recommend that criterion b is modified to ensure that it has regard to Section 16 of the NPPF. Does the Town Council have any comments on this proposition?

*Policy CNDP13*

The policy's title refers to 'valued landscapes' whereas the opening element of the policy refers more generally to 'landscapes'. It would be helpful if the Town Council would elaborate on its approach.

Is there any reason why the opening part of the policy includes a requirement for development proposals to 'enhance' the landscape? Will enhancement always be practicable?

I can see that the seventeen identified views are captured in the Significant Views Assessment. Is there any reason why they are not shown on the Policies Map (and therefore require the reader to refer to a separate document)?

Will the Plan need to comment that the part of the policy on significant views would only apply in the neighbourhood area?

*Policy CNDP14*

As with the previous policy is there any reason why the opening part of the policy includes a requirement for development proposals to 'enhance' the landscape?

Otherwise, the policy reads well and the criteria are both appropriate and locally-distinctive.

***Questions for the Borough Council***

Is there an update on the emerging master plan for the Town Centre?

Is the work on the new Local Plan still proceeding to the timetable included in the Local Development Scheme (May 2022)?

## **Representations**

Does the Town Council wish to make any comments on the representations made to the Plan?

Does the Town Council wish to comment specifically on the representations from:

- Lancashire County Council;
- Little Cloud;
- Pendle Borough Council;
- Dr M Pusey;
- Nelson and Colne College; and
- The Theatres Trust?

The Borough Council suggests a series of refinements to elements of the supporting text (and the maps) to ensure that the wider Plan meets the basic conditions. Does the Town Council have any specific comments on the matters raised?

## **Protocol for responses**

I would be grateful for responses by 20 February 2023. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the Borough Council and make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Colne Neighbourhood Development Plan.

23 January 2023