



Andrew Ashcroft
Independent Examiner

< by email >

1st February 2023

Dear Mr Ashcroft,

Further to your Clarification Note of 23rd January relating to the Colne Neighbourhood Development Plan ("CNDP" or "Plan"), we have responded to your initial comments below and please find overleaf the comments of Colne Town Council ("CTC") in respect of each of the points you have raised - **for ease of separation, CTC's comments are all in our corporate colour.**

Initial Comments

Thank you for your encouraging and kind comments about our Plan providing a clear and concise vision for the Colne and its environs, the quality of the presentation of the Plan, and the various background reports we have prepared. Our Plan has involved a significant investment of time over years by our team of largely volunteers and it is always good to hear such feedback from appropriately qualified and experienced people.

We have found the experience to be very informative and we have all learned facts and history about our town's buildings and green spaces. We have also been able to focus on the key issues and development opportunities in the town and this has already helped to shape the Town Council's strategy and will feed into Pendle Borough Council's Masterplan and Local Plan as part of its development.

We have also found that some of our unique designations, on which we have fulsomely consulted, have already undergone development, or detailed plans, as developers and grant awarding bodies have appreciated how they will improve the town both residentially and economically. The two foremost examples are the new eco, social housing at Harrison Drive and the plans to redevelop the Market, Bus Station, Service Yard and Parliament Street Car Park.

If you want further explanation or information on the points you have raised and our responses, or you have additional points you wish to raise, please do not hesitate to get in touch.

Yours sincerely,

Clr Sarah Cockburn-Price
Chairman of the Colne Neighbourhood Plan Advisory Committee

Responses to Points for Clarification

Policy CNDP1

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?

As we wrote in our responses to the Pendle Borough Council's Reg 16 comments, which has been sent to you by separate email, we want to steer our own locally-informed vision of the Town Centre. Our Plan's Policy can't require compatibility with a Masterplan that is still in preparation. In any case, the Pendle Officer scoping the Masterplan has said that the CNDP gives a strong starting point and hence has opted to focus the Masterplan not on the Town Centre, but on the South Colne regeneration, with which CTC agrees, as these South Colne sites (as per Policy CNDP6) have been subject to demolition and neglect for many years, as well as the interaction with other Pendle towns.

We believe the Core Strategy and CNDP set the planning policy framework (as parts of the development plan) and that the masterplan (not a part of the development plan) follows the lead and adds detail to the development plan.

There is currently no comprehensive scheme for the redevelopment of the Town Centre. CTC would willingly accept modified wording to recognise that redevelopment of this area may be done on an incremental basis, so the Policy will be applied accordingly. It's a matter of fact that small-scale developments following these principles will fit in with the ongoing Levelling Up Fund redevelopment.

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?*

Part A would be a matter for the decision maker based on CNDP1 and other parts of the development plan. Proposals could be inconsistent with the redevelopment zone for a number of reasons e.g. land use; design, layout and configuration that would prejudice wider redevelopment proposals.

Part B covers the whole Town Centre, incorporating the Part A Redevelopment Zone which is a subset of the Town Centre. We are happy to reorder and renumber the policy to make that clearer.

For Part C, we feel sufficient evidence has been provided re the adverse impact of the growing number of takeaways in Colne's town centre. As there was complete consensus and support for this policy, both from members of the public and members of the Working Group, and then Advisory Committee, we would accept modified wording. This could widen the policy to cover amenity, litter, noise, disturbance etc. and make it positive to say that they will "only be supported if..." such matters are acceptable. We would also need to add to the text in para 6.1.6 to reflect this.

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.

Agreed - The guide produced by the Colne BID supports the design focus inside the Conservation Area ("CA") and we would support good quality vibrant design outside the CA.

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.

Thank you. We think it might be appropriate to include some more of the guidance/tables from the Design Guide in the Policy to help readers looking to apply the Design Code within future developments.

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?

We would accept a modification to have regard to Para 206 of the NPPF. The Policy could be simplified to state "Support will be given to sensitive reuse and refurbishment of NDHA providing the scheme preserves or enhances the asset and its setting" and we could refer to Para 206 in the Background/Justification and add a précis or salient points from it.

Yes, we agree that all the properties should have their postal addresses and we have already gathered this information – please see the attached spreadsheet.

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

Yes, they were defined before we developed the Design Code, so they do add value to it. It may work better to make Clause 2 more generic and remove references to Urban Character Areas in this policy, then (a)-(d) could be added into CNDP3 to further strengthen it.

CNDP5 could then simply state that “Any development should take account of the background character of the area.”

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?

Yes, we are satisfied. During the development of the Plan, several shortlisted sites which the Plan allocated have already come forward and are being or will soon be developed (e.g. Harrison Drive, ELE), with others having offers on the land from developers (e.g. Bunkers Hill).

As you can see from our supporting Sites Assessments Report, we followed a robust methodology for the site assessments based on that developed by Pendle Borough Council:

- The Town Council sought to identify sites in Colne in the most sustainable locations and more preferable than greenfield/Green Belt sites
- After an initial sift to assess sites for suitability identified through the call for sites and Pendle Borough Council’s Housing Land Available work, those selected were considered for more detailed assessment and scoring
- Following informal consultation in 2018, we responded to the comments received from Historic England, the Coal Authority and the Environment Agency
- Additional sites identified were appraised in 2020 and the portfolio of 28 sites were considered at Reg 14
- Comments received were broad support from many respondents on our “previously developed land within the Settlement Boundary” approach, counter-balanced by developers and landowners seeking to put forward greenfield sites, and detailed site-specific comments
- To address the issue of availability, we contacted site owners/developers and deleted those sites where the landowner indicated there was a competing demand, such as the former Spring Mill in the South Valley (CNDP6/28).
- Progressing the evidence base around viability, we commissioned Viability Studies in 2018 and 2022 with AECOM appointed to undertake more detailed site masterplans
- Once the ELE site (CNDP6/24) was removed because of flood risk concerns identified by the EA (now the subject of a planning application), the final list of 15 sites were allocated in the CNDP

The theoretical positions regarding lack of availability, viability or deliverability have proven not to be the case on a range of sites in Colne, many of which were considered in previous iterations of our CNDP assessment. Sites have come forward for development and, as has happened in the recent past, particularly in a former manufacturing town such as Colne, windfall sites and building conversions continue to come forward every month.

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

Yes, we would accept both the first para and the final para of the policy moving into the supporting text. That would then be clear about the sites selected to help meet future housing growth requirements.

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?

In Para 6.3.3, we are simply reporting a statement of fact of where we are in relation to the Local Planning Authority's development of its Local Plan and it is not a judgement on Pendle Borough Council, nor are we seeking to push them to a particular conclusion. The Town Council also considers it important to include up-to-date background information of this nature so that local residents, in particular, can understand the approach taken in the CNDP and relationship this has with emerging strategic planning policy.

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?

The correct test under the NPPF was applied and evidenced to assess green spaces as to whether or not they are an "extensive tract of land". The inclusion of the word "open" is a typographical error and hence has no impact on the work done and the conclusions reached. We are happy to update the Report.

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

Little Cloud is the new owner of the Upper Rough. They are investors, not developers, and have recently submitted an outline planning application for access-only to develop the land with 150 houses (22/0790/OUT), despite a similar-sized and similar-scoped proposal in 2016 being rejected at Appeal (APP/E2340/W/15/3131975).

Their objection to the green space designation is based entirely on size, not its proximity nor being demonstrably special nor being local in character. We highlight that:

- We did a proper and in-depth analysis of this proposed green space, along with all the others, against the NPPF criteria and the results are in our evidence base
- For this site in particular, there was a significant number of public comments as part of the informal and formal consultations, demonstrating widespread public support and its community value
- Evidence from other Neighbourhood Plans supports the designation of large sites (e.g. Hare Pie Bank at Hallaton at 10ha and several spaces in Taverham ranging from 7.5-12.5ha), with the CNDP itself also designating Alkincoates Nature Reserve (8ha), Alkincoates Park (14.68ha), the Upper Foulridge Reservoir Walking Area (11ha) and Ball Grove Park & Nature Reserve (12.79ha). Little Cloud has merely provided evidence from small Plans from villages or small towns e.g. Gargrave, Trawden & Barrowford locally.
- Advice from Locality supported the view that a larger town, like Colne, with a population of nearly 19,000 covering an area of ~1,850ha, could designate larger green spaces as they would be in proportion to its size. This was covered in a Neighbourhood Planning Champions webinar on 21st October 2020.
- Our conclusion is that the CNDP7/4 Upper Rough does meet the criteria as per Para 102.

National Planning Practice Guidance (NPPG) is clear that "There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed." (Paragraph: 015 Reference ID: 37-015-20140306 Revision date: 06 03 2014).

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?

The original set-up of the Plan's Working Group was to have Councillors representing each ward and specific community groups involved, so that they could help with nominating sites for development, non-designated heritage assets, and local green spaces.

Lenches is in the former ward of Waterside (now contained within the bigger ward of Waterside and Horsfield), which was represented by the ward Councillor and by a representative from the Waterside Action Group. Over time, the Action Group's representative became the ward Councillor. This ensured strong continuity throughout the development of the Plan, with the former ward of Waterside always having more than one representative on the Working Group and Advisory Committee during the Plan's development.

The Local Green Spaces Report describes the process that was followed in paras 1.5-1.6, with more detail in Section 3. This shows how the initial list was added to with new suggestions and reduced as some spaces failed the criteria during the Preferred Options consultation and the Reg 14 consultation. At no stage was the field at Lenches Road suggested for consideration, with most discussions in Waterside focussing on Gib Hill and adding a few small spaces late in the process e.g. Wood Street and Essex Street.

The newly-created Lenches Residents' Group was formed, alongside its Facebook page, Protect Pendle's Countryside, to raise objections to Pendle Borough Council's Local Plan II, which allocated development across the Borough. The consultation for the Local Plan II followed the closing of the extended public and heavily publicised consultation the Town Council held for Reg 14. The Lenches was not allocated in the Local Plan II (which Borough Councillors did not support, so it did not progress), but it featured as an Alternate Site. Almost simultaneously, an application came forward to develop half the Lenches site and the new group then petitioned the Town Council to wind back the clock to return to Reg 14 solely so this site, which is not adjacent to the settlement boundary, could be considered for inclusion as a Local Green Space. The Town Council reviewed the Green Space Designation in April 2021 and held an Extraordinary Full Council Meeting on 8th June 2021 to consider this proposal, but voted not to return to Reg 14 and to progress the Plan as developed. The working papers are provided in the links below:

[Full Council – Colne Town Council](#)

[Extraordinary Full Council Meeting - June 2021 - Colne Town Council](#)

The recordings of the meetings can be reviewed by clicking the following links:

[Full Council – April 2021 – YouTube](#)

[Extraordinary Full Council - June 2021 - YouTube](#)

[Full Council - June 2021 - YouTube](#)

Subsequently, the planning application (21/0947/FUL) was withdrawn by the applicant after several formal consultee objections, including road safety, coal mine issues and being an unsustainable site due to its location away from the south of the town and up a hill.

Regarding the wider points made about development sites and green spaces in Waterside, it is important to set the area in context. Waterside, previously known as Wapping, is the oldest settlement in the South Valley which was an industrial heartland of Colne and had large numbers of densely packed terraced housing. As the industries closed, the basic housing, lacking indoor plumbing, was subject to widespread demolition and clearance. It is estimated that 1,200 houses were demolished between 1930s-1980s, leaving isolated buildings (e.g. Lord Rodney pub) and many brownfield sites.

Despite being inside the settlement boundary, little or no development has taken place and the proposed South Valley Masterplan, which would have seen this area developed as Waterside Village, came to nothing. This much vaunted previous plan has fed into the CNDP and is feeding into the new Colne Masterplan being developed by Pendle Borough Council (see comments under CNDP1).

The Neighbourhood Plan's Working Group tapped into that background knowledge from Councillors and local people and earmarked numerous areas for development to provide the much-needed investment. The larger housing sites on the demolished mills are now being redeveloped as industrial units, providing valuable employment in the area (estimated to be more than 100 jobs). The smaller housing sites proposed under CNDP6 are not green spaces, they are simply neglected brownfield sites that have grown over. The regular instances of fly-tipping illustrate how neglected and difficult to maintain they are and that is why the Plan challenges Pendle Borough Council's designation as open spaces – they are low quality and need to see investment and be developed. See images below:



Pick Up for Pendle

1d · 🌐

Cleared Lenches & Notts Lane Colne today Thursday 12th January, always bad around the bend at The Nook ! 15 Bags & small amount of fly.



Harrison Drive, on the other side of town, was a similar site before it was developed following designation by the draft Colne Neighbourhood Plan and informal public consultation. It was also designated as a Green Space by Pendle Council, but access was too narrow for the Council's gang mowers to access. The result was that, rather like in the South Valley, the site grew as a kind of scrub, with brambles and small trees, but this site, like those in South Valley currently, was subjected to regular fly tipping and the rubbish caused infestations of rats, which then entered adjacent residents' houses, leading to numerous complaints. From the beginning of the CNDP, we had regard to the unrealised South Valley Masterplan and, as noted earlier, this has fed into the CNDP and is feeding into the new Colne Masterplan.

Here is an extract of the writings of Colne's Historian and Freeman, Geoff Crambie:

Colne Streets That Are Gone Forever By Geoff Crambie

With the impending demolition of three more old Colne streets, namely Thomas St, Short St and Daisy St, the total of streets demolished in Colne since 1860 will be exactly two hundred! This figure is higher than any other town of proportionate nature in the whole of Lancashire. So much of the old market town has disappeared that the character and antiquity now only remains in a few isolated pockets such as Ivegate, Turney Crook, Black Horse Yard, Richmond Court and Carry Bridge.

The catalogue of destruction begins 120 years ago in 1860 with the sad loss of the colourful street names of Badger Alley and Cripplegate both within a short distance from our ancient parish church. This was only the start and within a few years Northgate, Westgate, Halstead Fold and Town End, all became victims of that malady that erases so much of a town's individual charm RECKLESS DEMOLITION! Colne had indeed much charm and its old streets, courtyards, squares, yards, folds, terraces, ginnels, and alleys all made up a town which could match any in the Northwest for a feeling of ancientness.

When our town became a borough in 1895, the demolition was halted for a period of 35 years. Colne during this time was probably at its best for different types of architecture from humble 16th and 17th century hand loom weavers cottages to mighty Tudor mansions houses, now alas Bells Yard where the cottages stood and Alkincoates Hall the massive home of the Parkers are gone forever. However I must not deviate from our story, the year is now 1930 and housing clearance acts of that year were soon to change the face of Colne. Colne Borough Council listed three areas, Windy Bank, Waterside and Ninevah Street. Windy Bank was chosen as the first to go and this involved moving 315 people from 7 streets, paying them £12.10 shillings for each house and rehousing them on the then new Cook House housing estate. The 7 streets were Newhouse St, High St, Lister St, King St, Union St, Park Row and Cabbage Lane all dating back to the 1700's, as soon as these streets of character had gone old Waterside from where Colne originated, was next in line.

Waterside or Wapping is now almost extinct, but our town grew from the thriving community there, and by 1934 five hundred and sixteen people in the 12 waterside streets were soon to be uprooted from their homes and see them literally bulldozed to the ground. Though the streets have now gone well over 45 years the names still live on in Colners memories. Dam Side, Mill Green, Duerden's Yard, Bank Terrace South and North, St. Helens St, Lower Green, Gas Street, and Garden St. All these names evoke the character of Old Wapping. From this point on in time demolition escalated and from fine individual Georgian houses (Higgin House) to whole terraced streets (Ord St.) none were to be spared, the list hereon is endless each letter of the alphabet having a number of now lost street names. Here are just a few of the streets that made up Old Colne before its untimely demise, Ayrton St, Bannisters Square, Cloth Hall Yard, Dundas Street, Edward Street, Field Head Road, Greenwoods Terrace, Hartley's Terrace, Ludgate Circus, Maple Street, Napier Street, Oddies Yard, Parliament Street, Rodney Street, Sagar Fold, Vipond Place, and White Horse Yard. Each and every one of these streets had something that puts to-days breezeblock and

plastic houses to shame, namely a sense of character, sadly lacking in anything being constructed in to-days towns and cities.

Colne has as stated earlier been knocked about more than any other small Lancashire town and now sadly when guilty men are realising the heritage simply thrown away, in the now more enlightened eighties, let us not forget our past even though we may see it only in books and photographs. I was once told the two saddest words in our language are "Too Late" and so let us bear our grandchildren in mind with another quote, We are Only Trustees For Those Who Come After Us.

Written By Geoff R Crambie 1980 For The Colne Local History Newsletter, No 2 January 1981

Below are an array of views from "Wapping" in its heyday:



These old photos contrast sharply with the same, cleared sites today.

Policy CNDP9

This is generally a good policy.

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

We would support merging a) and c).

We suggest that the reference to Use Class F2(a) is deleted as such definitions have changed and are different for shops and pubs.

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?

We note this is not clear, so suggest the following wording: "Support will be given to new allotments in suitable locations. Any redevelopment of allotments will only be supported when:"

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?

Yes, agree.

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.

In para 174 of the NPPF, it states: "planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate".

Colne's landscapes are very important to the setting of the town, as they are below the town, surrounding it on all sides. The policy should have the word "valued" inserted, in our opinion.

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?

No, you are correct, it will not always be possible, so we suggest changing the wording to: "Development proposals should cause no significant harm and should take opportunities to enhance the local landscape." Then, suggest deleting the second sentence, so that the Lancashire Valleys NCA is clearly the second part of the Policy, the Southern Pennines is clearly the third, and the significant views are the fourth.

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)?

This is simply because we felt the Policies Map was getting overloaded. We would support having a map of the views in this policy and, looking across the whole Plan, we could add separate maps into each Policy, where appropriate or the Significant Views could simply be added to the Policies Map.

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

Yes, the CNDP is only relevant to development in the Neighbourhood Area, but obviously such development could affect views of areas beyond the Neighbourhood Area e.g. Pendle Hill.

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.

Similar to CNDP13 above, we would support changing the wording to: "...development proposals should cause no significant harm and should take opportunities to enhance the rural identity and local character of the neighbourhood area."

Representations

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

We are pleased with the widespread public support generated throughout the seven years the Town Council's Working Group / Advisory Committee and its volunteers have been preparing the Plan. This has been evidenced through the initial informal consultation, the many submissions to our Working Group in responses to calls for ad hoc information, and the formal Reg14 and Reg16 consultations and the consultation on the Design Code.

Residents can see that the Plan aims for appropriate levels of sensitive and sustainable development, whilst preserving the Town's market feel and rural setting amongst the rolling hills of the East Lancashire countryside. Before Reg16, and the recent formation of the group to protect the Lenches from development, our ideas for reinvestment in more deprived areas of the South Valley were supported by all and we have aimed for a balance of housing development close to the town centre and some local green spaces.

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?*

Lancashire County Council supports the development of Bunker's Hill (CNDP6/15) and they comment on the extra neighbouring site in the Greenfield Conservation Area which creates an issue in regard to its effect on the CA, the heritage assets and tree planting. Whilst we would not initially support development on this extra site, our process involving assessing the impact under Policy CNDP4 and the creation of key development principles for each site, just like we did with AECOM's masterplans of Shaw Street (CNDP6/6) and Bunker's Hill (CNDP6/15), could be applied in future and development could work on this site as long as it was respectful of the Design Code and the impact on the Greenfield hamlet Conservation Area and its setting.

Little Cloud with Accrue Capital, is the new owner of the Upper Rough (purchased in 2021), to be designated as a Local Green Space under CNDP7/4 – see comments above under CNDP7.

They state in their response to the Reg 16 consultation: “Accrue Capital, development partner to Little Cloud, ran an extensive public consultation exercise during the summer of 2022 regarding a landscape and design led proposal for housing development at the Windermere Avenue site over which Little Cloud has control. Its design team is in the process of revising the proposed development in response to comments received and a planning application is to be submitted later this year.”

The consultation carried out by the Accrue Capital received hundreds of objections. Although neither Accrue Capital, nor Little Cloud, gave any indication of the scale of the objections, or the number of responses, the local community group, Lidgett & Beyond, was copied into over 200 objections. No sense of the overwhelming nature of the objections, nor the scale of them, is disclosed in either the consultation document submitted with the planning application, or in the response by Little Cloud to the Reg16 consultation.

At the time of their purchase, the CNDP had completed Reg14 and representations then were made by the previous owner’s agents. The extra comments they make about CNDP13 and CNDP14 have been covered by our comments above where we agree that harm should not be caused to landscapes and rural character and any opportunities to enhance them should be taken. Unfortunately, the developer of the Lower Rough, which was approved at the 2016 Appeal, has paid little respect to either the landscape or the rural character and has built a very “standard” estate of houses. This estate was granted primarily because Pendle did not, at the time, have a Five Year Housing Land Supply and had also fallen behind on housing delivery. This is exactly the sort of insensitive development on green fields that the CNDP seeks to eliminate. Outside the Conservation Area, it has a “Nowheresville” aura and the link to the development in the Conservation Area is poor with substandard landscaping.

These, and other matters, will be dealt with through the planning application process. CTC, amongst others, has made significant objections to this application.

The policy [CNDP6] is not clear to what extent the sites identified are reflective of entries in the latest (January 2022) Five Year Housing Land Supply Statement completed by the Pendle Borough Council.

Policy CNDP uses the January 2022 information – see paragraph 6.3.9, Table 3 and Appendix 3 of the CNDP.

Paragraphs 6.3.1 to 6.3.3 which provide the supporting text to policy CNDP6 are largely based upon the now superseded Pendle Borough requirement for 298dpa.

298 is the figure in the development plan. Paragraphs 6.3.1 to 6.3.3 explain how this figure is changing and in a downward trajectory.

The July 2022 report of the Examiner regarding the draft Kelbrook and Sough Neighbourhood Plan is included at Appendix 3. This deals with appropriate green infrastructure language within proposed policy ENV 1. It states that the policy should be reworded to say: ‘Improvements to the green infrastructure of the Parish will be supported. As appropriate to their scale, nature and location, development proposals should respond positively to the Pendle Green Infrastructure Strategy and Kelbrook and Sough Character Assessment’

We agree with the above statement from the Kelbrook and Sough Neighbourhood Plan examination. Simply put, Kelbrook and Sough had a population of 902 in the 2021 census. The population of Colne was

18,908, so considerably larger. It is well recognised that just as the proportion of new housing that larger settlements can be expected to host is higher, so these larger settlements can also be expected to have proportionally larger Local Green Spaces to serve their populations. Earlier in this document, we gave examples of villages with larger Local Green Spaces than Colne's. Locality analysis shows that 3.4% of Local Green Spaces designated in made Neighbourhood Plans are in excess of 10 hectares. Examples include:

- Sheepleas (39.5ha) in East Horsley NP <https://www.guildford.gov.uk/easthorsley>
- Helsby Hill (15.9ha) in Helsby NP https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/helsby_ref

Because this proportionality is recognised, the NPPF deliberately (in our view) does not give any lower or upper limits of land size that can reasonably be included as a Local Green Space. For reference, and comparison, the population of Barrowford is 5,245, Gargrave is 1,755, Trawden is 1,922, Ashbourne is 9,202 and Formby and Altcar is 24,000 and is arranged along a vast SSSI beach, sand dunes and pine forest owned and managed by the National Trust.

Policy CNDP13 makes reference to the draft Colne Significant Views Assessment of May 2021. Such reference should be from the point of view of development respecting and being sympathetic towards these views rather than more rigidly requiring them to be conserved. It is unclear what is meant by rigidly referring to the conservation of views, as views can be maintained whilst allowing appropriate development to come forward. The policy should state that development should be sympathetic to the significant views identified in the Colne Significant Views Assessment, but this should not be at the expense of allowing for appropriate development coming forward.

We completely reject the above statement in the submission of Little Cloud. Many Neighbourhood Plans seek to protect Significant Views. Examples include the lowland villages of Gotham, Spridlington and Arnesby in their made Neighbourhood Plans. As Colne is a hill town sitting on top of a ridge, its landscape setting is **even more** intrinsic to the town's identity and character. This was recognised by the Planning Inspector at the 2016 appeal for the Upper Rough. It is also clear how insensitive development has marred Colne in places, with examples being the new Beck development on Red Lane and the Deerwood estate above the South Valley. Nevertheless, as the images from the Neighbourhood Plan's Significant Views evidence base demonstrate, these magnificent long-range views remain as one of the glories of Colne and the Neighbourhood Plan seeks to ensure they are not lost.

4.23 The language of policy CNDP14 should better reflect the Framework. It is not justified to say that development outside of settlement frameworks should '...retain and enhance the rural identity and character of the neighbourhood area'. Paragraph 130 of the Framework refers to development being sympathetic to local character and history, including the surrounding built environment and landscape setting and it is this requirement that should set the overarching tone of policy CNDP14 rather than its current language of requiring development to retain and enhance rural identity and character. 4.24 The policy criteria of CNDP14 should be amended to reflect the Framework. Criterion a) goes too far in requiring development outside of settlement frameworks to be smaller settlements, clusters of rural buildings and isolated farmsteads. This overlooks the fact that urban extensions of existing settlements can be justified, outside of an existing settlement framework boundary. Framework paragraph 120 deals with making effective use of land and sets out that planning policies and decisions should encourage multiple benefits from both urban and rural land. It states that policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

There is nothing in Policy CNDP14 that is at odds with the paragraphs referred to in NPPF. Policy CNDP14 is consistent with this policy and in general conformity with strategic planning policy in the Pendle Core

Strategy. The CNDP attempts, through its policies and accompanying Design Code to seek to retain and enhance Colne's rural hinterland. These objectives were strongly supported through the CNDP consultations.

The comment-by-comment response to **Pendle Borough Council's** comments was emailed to you on 13th January.

Dr M Pusey correctly highlighted the missing Greenfield Conservation Area map, an oversight we are keen to correct. The Greenfield Conservation Area is noted in our Design Code.

The consideration of additional buildings as non-designated heritage assets under CNDP4 will be done as part of our first review of the Plan after it has been made. Linked to this, we would support a tweak to the wording of the Policy CNDP4 so that it becomes more flexible and broader to apply – introducing the list of NDHAs, we propose: "This includes, but is not restricted to, the following non-designated heritage assets:"

However, Listed buildings, such as those he highlights, are already protected under national designation.

With regard to CNDP/27 of the CNDP Site Masterplan, the buffer between it and the Greenfield Conservation Area (though not explicitly mentioned) was included to protect both wild habitats and the setting of the Conservation Area, ensuring that the Greenfield hamlet did not merge with an extension to Colne and that it kept its own distinct character.

We do not believe that runoff from CNDP/27 of the CNDP Site Masterplan would in any way affect the Greenfield Conservation Area. However, we accept that flooding is a technical matter. Any contamination on the land would have to be considered by the developer. Pendle Borough Council is treating the Japanese Knotweed on the lower portion of the site. The developer interested in developing the site is also aware of its presence.

Nelson and Colne College merely commented on the potential development site at the former Grammar School. The deputy principal and Smith and Love Planning Consultants came to address our Working Group in camera after we had ascertained that the site was no longer used for sports owing to problems with drainage and therefore could be potentially delisted as a Community Asset (its status in the 2018 consultation and in the Reg 14 consultation). The advantage, as presented to us, of some fringe development on this plot of land would be that a properly maintained pitch would be brought back into use for the community. However, upon presenting this option informally, residents approached us and alerted us to the presence of a covenant which, as part of the previous development of the land behind the Former Grammar School by Barnfield Construction, required Nelson and Colne College to maintain it for sports in perpetuity. Unbeknownst to Councillors, a former Chief Executive of Pendle Council had told Nelson and Colne College this maintenance was not required. After residents alerted us to the existence of this covenant, Pendle Council was asked to enforce on it. Nelson and Colne College did this with the result that the drainage problem was solved and the field could once again be used for sports. It is gratifying that, inadvertently, our Neighbourhood Plan has led to the establishing of a new and now well-used and well-maintained games facility for children under the age of 10. As a result of this chain of events, we continue to designate this site as Community Asset.



This is a photo from last summer, after regular matches on the playing field had resumed.

With regard to Smith and Love Planning Consultants' assertion that the Advisory Committee has designated extensive tracts of open land as Local Green Spaces, we reject that view for reasons given above in this document. These land areas have been used by Colners for recreation for generations and there are memories of church picnics and organised sports on areas such as the Lidgett Triangle and the Upper Rough. These vestiges are now all that remains of Lob Common, so it is likely that these land parcels have been used for both agriculture and recreation for many centuries. Alkincoates Park and woodland fulfils the same function on Colne's western fringes.

They assert that: "Many of the draft housing sites are similar in location and size which is likely to result in a lack of choice for developers as well as a lack of choice for the local community. This raises concerns regarding their viability and deliverability as referred to in previous consultation responses." This statement is true in respect of the fact that the Neighbourhood Plan seeks to address the elements of the town that are paramount to its **residents**. Therefore, its priorities are for this old market town to grow sustainably, with the investment in the right places and for the designs and materials used to relate well to Colne, whether of modern or traditional designs.

Finally, Smith and Love Planning Consultants comment that: "Pendle Council has commenced a full review of the Pendle Local Plan with a Call for Sites and Scoping Report Assessment issued for consultation in August 2022. As the CNLP may be adopted before the Pendle Local Plan the CNLP should be reviewed upon adoption of the Pendle Local Plan to ensure conformity with it"

There is nothing in law to prevent a neighbourhood plan coming forward before an emerging Local Plan. National policy and guidance is clear on the relationship between such plans and how a neighbourhood plan review should be carried forward.

In commenting on **The Theatres Trust's** response, we agree that noise is part of a vibrant town centre and people who choose to live there must appreciate and accept this. None of Colne's three theatres is sited in, or near, the Town Centre Redevelopment Zone.

We are glad that The Theatres Trust welcomes the inclusion of Colne's three theatres within its list of Non Designated Heritage Assets. We know the work that we did on the theatres in the compilation of the Neighbourhood Plan informed the Borough Council's bid to the Government's Levelling Up Fund, resulting

in an award of over £3 million to repair, extend and retrofit green measures for Colne's three theatres. Originally, the bid was to include just the Muni, owned by Pendle Leisure Trust.

We are happy for the town's three theatres to be included in CNDP8 as community facilities we seek to enhance and protect.

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?

As noted above, a full response to Pendle Borough Council's comments was sent on 13th January. This agreed and accepted many of their suggestions, clarified others, or disagreed with some, either pointing to appropriate evidence or seeking guidance as part of the Examination.