

Colne Neighbourhood Development Plan

Pendle Council comments on Regulation 16 Submission Draft

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| Foreword and Contents | | | |
| - | - | - | <ul style="list-style-type: none"> If the Colne Neighbourhood Development Plan (CNDP) proceeds to Referendum, it will need to be updated to reflect that it is no longer a draft. <p>CTC – Agreed, all text to be checked to make sure it reflects a ‘made’ plan.</p> |
| 1. Introduction and Background | | | |
| - | 1.5 to 1.7 | - | <ul style="list-style-type: none"> The final version of the CNDP will need to remove any text specifically referring to the Regulation 16 consultation. <p>CTC - Agreed.</p> |
| 2. History of Colne | | | |
| 16-20 | - | - | <ul style="list-style-type: none"> No further comment to the formal representation submitted in response to the Regulation 14 public consultation (see Consultation Statement). <p>CTC - Agreed</p> |
| 3. Planning Policy Context | | | |
| 28 | 5.10 | - | <ul style="list-style-type: none"> A reference to the Barrowford Neighbourhood Plan (Made 2019) should be included in the list of Development Plan documents. The Kelbrook & Sough Neighbourhood Plan, the subject of a public referendum on 27 October 2022, may also need to be added to the list of Development Plan documents. <p>CTC – Agreed.</p> |
| 4. Plan Policies | | | |
| CNDP1 – Colne Market Town | | | |
| 30 | - | - | <ul style="list-style-type: none"> This policy is not considered to meet the Basic Conditions as written, but is capable of doing so with modifications. <p>CTC - See following comments.</p> |
| 30 | - | - | <ul style="list-style-type: none"> The Town Centre boundary shown on Map 4 (Appendix 1) should be amended to reflect that shown on the Policies Map, if the proposed extension to the Town Centre boundary (Policy CNDP1) is agreed. <p>CTC – Agreed, we should not have maps separate from the policies.</p> |
| 30 | - | Policy text | <ul style="list-style-type: none"> The policy should reference the NPPF as a material consideration for town centre uses. <p>CTC – Unnecessary. The policy rationales make reference to relevant NPPF policies to demonstrate that the CNDP policy has had regard (one of the Basic Conditions), but it is unnecessary to state that the NPPF is a material consideration as that would need to be stated for every CNDP policy.</p> |
| 30 | - | Policy text | <ul style="list-style-type: none"> The policy should clarify that not all proposals within Colne Town Centre will be subject to all of the requirements set out in the policy. It is recommended that the opening sentence should be revised to read as follows: <i>‘... identity, new town centre uses ... will be supported where they are consistent with other parts of the development plan, the NPPF, and the policy requirements below as relevant.’</i> <p>CTC – Note comments and agree in general with clarifying, but the policy gives a range for decision makers to assess and decide. On the suggested</p> |

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| | | | wording, a Neighbourhood Plan cannot apply National or Local Plan policy – these already apply. |
| 30 | A & B | Policy text | <ul style="list-style-type: none"> Ideally the numbering convention in Parts A and B, and throughout the document, should be consistent. <p>CTC – Agree with having a consistent numbering system. Suggest policies are 1, 2, 3 and secondary lists are a, b, c.</p> |
| 30 | A | Policy text | <ul style="list-style-type: none"> It is unclear how applicants and decision-makers should respond to the requirements of the policy. There is currently no comprehensive scheme for the redevelopment of Colne Town Centre. It is therefore unclear how proposals can meet, or be assessed against, parts (a) to (e) of the policy. It is also unclear how any interim proposals for small-scale development would be assessed to have prejudiced a comprehensive redevelopment. <p>CTC – The wording could be modified 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 broader LUF redevelopment.</p> |
| 30 | A | Policy text | <ul style="list-style-type: none"> Pendle Council is currently working with the local community to produce a Masterplan for Colne Town Centre. This Masterplan should provide the basis for the policy, providing a meaningful and proportionate way to secure positive change within the town centre. It is recommended that the Policy text should be revised to read as follows: <i>'Development proposals within the defined town centre should have regard to the Colne Town Centre Masterplan. Proposals that are in conformity with the Masterplan will be supported. In particular proposals should:'</i> <p>CTC – We want to steer our own locally-informed vision of the town centre as the masterplan will not focus on it. Policy can't require compatibility with a masterplan that is still in preparation.</p> <p>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 on the South Colne regeneration, with which CTC agrees as these South Colne sites have been subject to demolition and neglect for many years, and the interaction with other Pendle towns.</p> |
| 30 | A | Policy text | <ul style="list-style-type: none"> The phrase <i>"upper floor development of other uses, such as residential ..."</i> is imprecise. It is recommended that the Policy text should be revised to read as follows: <i>'above ground floor level, appropriate town centre uses, including residential will be supported.'</i> <p>CTC – Agree. We note that recent changes to permitted development rights may have implications for the policy.</p> |
| 30 | A (c) | Policy text | <ul style="list-style-type: none"> This requirements of this element of the policy are unclear. A clear direction on how to implement the policy is needed. <p>CTC – Disagree. If necessary, let the examiner recommend any change.</p> <ul style="list-style-type: none"> The policy should clearly set out what is meant by the term 'negatively impact'. Does this mean total loss? Degradation of quality? Removal or |

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| | | | <p>restriction of access? Adversely affecting its appearance? Loss of functionality?</p> <p>CTC – Disagree. This is for the decision maker to assess the impact. If necessary, let the examiner recommend any change.</p> <ul style="list-style-type: none"> It would be disproportionate to refuse a scheme without consideration of the degree of harm that has been caused; the potential for mitigation measures to be put in place; and the wider benefits of the scheme. <p>CTC – Disagree. This is for the decision maker to assess the impact. If necessary, let the examiner recommend any change.</p> <ul style="list-style-type: none"> The policy needs to confirm precisely what ‘key areas/uses’ are to be protected by the policy and what value these add to the town centre and the local community. The list cannot be open-ended as this would leave considerable uncertainty for both applicants and decision makers. <p>CTC – Disagree. This is for the decision maker to assess the impact. If necessary, let the examiner recommend any change.</p> <ul style="list-style-type: none"> Evidence needs to be provided to show why the Market Hall, which is currently failing in terms of both occupation and patronage, has been singled out as an asset for protection. <p>CTC – Agree, this does need re-wording – what we mean to say is if the Market Hall is to be included in a redevelopment proposal it should be redeveloped as part of that proposal – not protected <i>in situ</i>.</p> <p>CTC – Welcome enhancements for clarity and thresholds and would consider splitting into two parts for market/bus station (as that’s the subject of the LUF grant) and for general points; or even split into two policies.</p> |
| 30 | A (e) | Policy text | <ul style="list-style-type: none"> Suggest that this criterion is deleted. If it is retained, to accord with the adopted parking standards, the criterion should make reference to the need for an assessment of the additional parking pressures that will be generated and that provision will be based on evidence of need. <p>CTC – Disagree, let examiner decide. We would accept revising wording to be more positive re car parking provision as it is regularly applauded.</p> |
| 30 | A (f) | Policy text | <ul style="list-style-type: none"> This is a validation requirement of the Council. <p>CTC - Noted, no change.</p> <ul style="list-style-type: none"> There is no need to agree the scope of a Heritage Impact Assessment with Pendle Council (the local planning authority). The parameters for producing heritage evidence are set out in the NPPF. There is no need for the policy to repeat this here. <p>CTC - Agree to deletion.</p> <ul style="list-style-type: none"> Policy requirement A (f) should be deleted. <p>CTC - Disagree – one of reasons for this was negative comments of Historic England as part of the SEA process and we have not yet seen their Reg16 response. Policy should refer to “less than substantial impact” and that certain developments would require an assessment. At least, we would accept referring to submission requirements in supporting text.</p> |
| 30 | A | Policy text | <ul style="list-style-type: none"> The requirements applied within the policy, towards proposals which do not constitute comprehensive redevelopment, are too onerous. <p>CTC - Disagree, we value our town centre and want to cover both comprehensive and small-scale development, so no change.</p> |

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| | | | <ul style="list-style-type: none"> The policy should relate to the emerging Colne Town Centre Masterplan and suggested changes to the policy wording would address this concern and enable the final paragraph in Part A of the policy to be deleted. <p>CTC – see previous comments.</p> |
| 31 | B | Policy text | <ul style="list-style-type: none"> The requirements of Part B (specifically criteria 1, 3, 5, 6, and 7) are disproportionate and do not meet the CIL tests. <p>CTC – Disagree, let examiner decide. We want developers to work with the town centre to achieve win-win, not to simply do the minimum, but we are mindful of what is reasonable/lawful. The policy says “applicants should seek to include the following measures” i.e. it is not a requirement.</p> <ul style="list-style-type: none"> This element of the policy is not implementable through the decision-making process. <p>CTC – Noted, will accept including thresholds to help with its application.</p> <ul style="list-style-type: none"> Part B should be deleted from the policy, in its current form. <p>CTC – Disagree, let examiner decide and recommend any change.</p> |
| 31 | B (1) | Policy text | <ul style="list-style-type: none"> Criterion 1 would not pass a statutory test. It is not possible to require improvements to the public realm for every development. As it stands the policy would be unlawful. <p>CTC - See comments above. No change.</p> |
| 31 | B (2) | Policy text | <ul style="list-style-type: none"> Criterion 2 is premature, with regulations supporting the implementation of Biodiversity Net Gain still to be defined. Many of the requirements in Part B are aspirational and would be better if secured through the emerging Colne Town Centre Masterplan. <p>CTC - Disagree, see comments above re “seek to include” and note that the current low level of biodiversity in the town centre presents a low bar for generating a gain and will be lower than future regulations. No change.</p> <ul style="list-style-type: none"> Change of use applications will not deliver BNG. <p>CTC - Noted, no change.</p> <ul style="list-style-type: none"> Some types of development will be exempt from BNG requirements. <p>CTC - Noted, no change.</p> |
| 31 | B (3) | Policy text | <ul style="list-style-type: none"> This is aspirational rather than necessary. <p>CTC - Noted, no change.</p> |
| 31 | B (4) to (7) | Policy text | <ul style="list-style-type: none"> Outwith guidance in NPPF or CIL Regulations. <p>CTC - See comments above re “seek to include”, so no change</p> |
| 31 | B (5) | Policy text | <ul style="list-style-type: none"> Engagement with Lancashire County Council (Highways), in the preparation of the Local Plan, raised concerns about the placement of charging points in the highway. These do not appear to be reflected in this policy requirement. We cannot see if the comments of the highways authority have been sought on this issue. <p>CTC - We do not say this, yes, they have concerns, but they will not be in a position to object to all such provision and we are still seeking to include such enhancements. No change.</p> <ul style="list-style-type: none"> As the town centre is regarded as an accessible location many development proposals within the town centre boundary will not require parking provision. <p>CTC - Noted, no change.</p> |

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| 31 | C | Policy text | <ul style="list-style-type: none"> The restriction on hot food takeaways needs to be justified and align with higher order policy in the Local Plan. Policies need to be linked to evidence and there does not seem to be evidence to support this. <p>CTC – Sufficient evidence has been provided re the adverse impact of growing number of takeaways. As lots of people supported the idea during consultations, 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.</p> |
| 31 | C | Policy text | <ul style="list-style-type: none"> The word “Prime” should read “Primary”. <p>CTC – Agree. Perhaps include a plan in the policy to show such frontages.</p> |
| 32 | 6.1.3 | Justification | <ul style="list-style-type: none"> This goes beyond what is required by the policy. <p>CTC – The text supports our focus on a vibrant town centre and desire to implement a more modern view of high streets and the shopping experience. The Colne BID has worked with a famous retail consultant to analyse this and help such planning. See also the 25 key factors for recovery in the High Street Task Force report.</p> |
| 32 | 6.1.6 | Justification | <ul style="list-style-type: none"> Delete the reference to Appendix 1, if its deletion is supported (see comments against page 75 below). <p>CTC - Disagree, no change. Appendix 1 photomontages illustrate the points made in CNDP2. We do need to merge the first para 6.1.6 into 6.1.5.</p> |
| CNDP2 – Shopfronts | | | |
| 34 | - | Policy text | <ul style="list-style-type: none"> Precludes modern high quality design which is likely to be suitable within parts of the Town Centre. As currently worded the policy is only relevant to specific frontages within the town centre. For some town centre properties, its requirements will not be appropriate and its implementation would result in the refusal of otherwise suitable development. <p>CTC – Disagree, as the aim is to have traditional shopfronts! It may be possible to define traditional to help decision makers, including references to style, character, features and quality.</p> |
| 34 | (b) | Policy text | <ul style="list-style-type: none"> Should ideally link back to the traditional design of the frontage. <p>CTC - Disagree, the policy should be read as a whole, so no change. To help the application of the policy, it might be worth explaining that some signage does not require an application to be submitted, but businesses should follow the Colne BID guidelines.</p> |
| 34 | (c) | Policy text | <ul style="list-style-type: none"> Only illuminated signage requires planning permission and as such some of the policy proposals are not within the scope of the local planning authority. <p>CTC – Matter of fact noted, so no change. See comments above.</p> |
| CNDP3 – Design in Colne and the Colne Design Guide | | | |
| 36 | - | - | <ul style="list-style-type: none"> The policy fails to acknowledge that a historic or traditional appearance is not always the most appropriate solution. <p>CTC - The policy does not say this, so no change. We have developed the matrix as a guide for developers and decision making. We accept that developers and decision makers would need to read external documents and identify the parts that are important to the Town Council, hence inclusion of the matrix would be helpful.</p> |

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| 36 | - | Policy text | <ul style="list-style-type: none"> It is recommended that the following Policy text is deleted: <i>'To support all those involved in the design process (applicants, decision makers, communities).'</i> <p>CTC – Agree to delete here, but could move to supporting text perhaps?</p> |
| 39 | 6.2.5 | Justification | <ul style="list-style-type: none"> Only part of the Coding Matrix from the Colne Design Code is included. The full Matrix should be included – single page, landscape format, with an appropriate title above. <p>CTC - Agreed. Examiner to be asked to make recommendation on this basis, as per above comments.</p> |
| CNDP4 – Development Affecting Non-designated Heritage Assets | | | |
| 40 | - | Policy text | <ul style="list-style-type: none"> As written this represents a higher test than the NPPF. The wording in paragraph 203 of the NPPF requires a “<i>balanced judgement</i>” to be made. No evidence is provided to justify the proposed approach. As a result the policy should be revised to reflect the NPPF. <p>CTC – Agreed, a balanced judgement has been applied to preserve or enhance their use or setting, especially in reflecting locally significant elements of local heritage. Examiner to be asked to make recommendation on this basis.</p> |
| 40 | - | Policy text | <ul style="list-style-type: none"> Non-designated heritage assets should be identified by the address of the property and not by reference to the current occupier as this is likely to change over time (e.g. #26 Clifford Smith and Buchannan, #88 Yorkshire Bank (now Funky Gifts)). <p>CTC – Agree to amend where necessary and to retain original name/purpose. Examiner to be asked to make recommendation on this basis.</p> <ul style="list-style-type: none"> As the plan will be used by people who may not be familiar with the area, it is recommended that the format should be as follows: (1) Reference number (2) Name of building, or description of the asset (3) Building number and street name, or brief description of the location <p>CTC – Agree to amend where necessary. Examiner to be asked to make recommendation on this basis.</p> |
| CNDP5 – Urban Character Areas | | | |
| 43 | (1) | Policy text | <ul style="list-style-type: none"> This policy introduces ‘Character Areas’, which are not identified in the Colne Design Code. <p>CTC - This is the policy intention and is fully explained – no change.</p> |
| 43 | (2) | Policy text | <ul style="list-style-type: none"> As appropriate, these requirements should be incorporated into the Colne Design Code after checking for, and addressing, any conflicting guidance. <p>CTC - Noted, no change. The two documents will be read together and will be updated in future to enhance the descriptions to include key elements of each Character Area.</p> |
| CNDP6 – Future Housing Growth | | | |
| 45 | - | - | <ul style="list-style-type: none"> This policy is not considered to meet the Basic Conditions as written, but is capable of doing so with appropriate modifications. <p>CTC - No reasons are given, no change.</p> |

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| 45 | - | - | <ul style="list-style-type: none"> Pendle Council is satisfied that the CNDP, when read as a whole, is consistent with strategic planning policy on housing land provision and meets the aspirations of the spatial strategy. <p>CTC - Supporting and positive comment noted.</p> |
| 45 | - | - | <ul style="list-style-type: none"> The allocation of specific housing sites is not consistent with other policies in the development plan. In the absence of any evidence justifying a departure from adopted policy, these sites should be removed from the CNDP. <p>CTC – Disagree. The neighbourhood planning power allows for this – the CNDP is supported by evidence and reasoned justifications for the choices made and it meets the Basic Conditions. The last amendment to the NPPF clarified this matter. Any differences of opinion can be resolved at the examination.</p> |
| 45 | - | Policy text | <ul style="list-style-type: none"> The policy notes that the site capacities are notional. Using the gross site area, rather than the net developable area, and applying a blanket density figure of 30 dph, overestimates the delivery potential of the sites allocated in the plan, as several have constraints – e.g. challenging topography, flood risk etc. <p>CTC - The CNDP, as with other plans, uses the standard density of 30dph across the overall site area. Sites in Colne generally achieve more than the standard, so no change. We highlight the LPA's positive comments over whether the plan meets the housing need in the comments below relating to Page 48.</p> |
| - | - | Site Assessment Report | <ul style="list-style-type: none"> Comments were made at Regulation 14 relating to availability of sites, viability, ownership and designation for open space. Those comments flow through to this Regulation 16 stage. <p>CTC - Noted. Matters for the examination, but we are confident that there is sufficient supporting evidence regarding site availability, viability and deliverability, with more having been gathered since the Regulation 14 consultation.</p> <p>SOCG should consider aged open space designations relating to previously developed land in Waterside where 1,200 houses were demolished, especially where they conflict with regeneration in the CNDP and the scope of the Colne masterplan.</p> |
| 45 | | CNDP6/15 | <p>Land west of Bankfield Street (Bunkers Hill) – Greenfield</p> <ul style="list-style-type: none"> Site CE127 (part of the site) already benefits from planning permission for housing, which has been partially implemented (13/12/063P – 30, 2/3 bed homes). It is included in the existing commitments for Colne and these dwellings should be excluded from the total capacity of the proposed allocations. This would reduce the contribution this site makes to the overall housing land supply from 56 dwellings to 34 dwellings. <p>CTC – Agree to amend as suggested.</p> <ul style="list-style-type: none"> The submitted Heritage Impact Assessment (2022) prepared by Kirkwells fails to consider the likely effects on the wider historic environment, which includes the Greenfield Conservation Area to the west, Primet Bridge Conservation Area to the south, and three listed buildings –Wayside Barn (Grade II) and Greenfield House Farm and Greenfield House (Grade II) to the west and Primet Foundry (Grade II) to the south east. The overall impact is therefore unknown, raising |

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| | | | <p>questions about the suitability of the site for development and its overall capacity. The HIA should be updated to address this matter.</p> <p>CTC – Agree to amend the HIA ahead of examination. It also provides an opportunity to highlight positive impacts, for example on town centre vitality.</p> |
| 47 | 6.3.2 | Justification | <ul style="list-style-type: none"> In December 2021, Pendle Council resolved to abandon preparation of the Local Plan Part 2 and to prepare a new Local Plan for the borough. <p>CTC - This is referenced in the CNDP, so no change.</p> <ul style="list-style-type: none"> The reference to the Local Plan Part 2 housing requirement figure of 240 dwellings per year, and the resulting implications for Colne, are irrelevant and should be removed, as a new evidence base will underpin the spatial strategy in the new Local Plan. <p>CTC - No change, as this explains how the housing figures have been derived. It is legitimate to use the latest evidence available. National policy and guidance may change during the examination period.</p> |
| 47 | 6.3.3 | Justification | <ul style="list-style-type: none"> The figure generated by the Standard Method is material to housing land supply in Pendle. In accordance with the NPPF, it forms the basis of the 5 year housing land supply calculation. <p>CTC - Matter of fact, no change.</p> <ul style="list-style-type: none"> However, the reference to the Standard Method figure for Pendle being much reduced, when compared with the adopted housing requirement, is not relevant in this context. <p>CTC - Disagree, no change.</p> <ul style="list-style-type: none"> The CNDP should acknowledge that it is for the new Local Plan to define a housing requirement figure for Pendle. <p>CTC - Matter of fact and covered by last sentence, no change.</p> <ul style="list-style-type: none"> As the new Local Plan is at a very early stage in the plan-making process, to conclude that the future housing needs of Colne will be significantly reduced is premature. <p>CTC - Disagree, as all political parties voted for a lower housing target across Pendle, so no change. It is correct to state that it is for the new Local Plan to define a housing requirement for Pendle, but the CNDP can do so for the Neighbourhood Area.</p> |
| 48 | - | Table | <ul style="list-style-type: none"> Table 2 provides an illustration of residual housing need in Colne, but presents a picture that is out-of-date. The table appended to this representation confirms the position at the end of the 2021/22 monitoring year. To be in conformity with adopted policy it employs the methodology employed in the Pendle Core Strategy (2015) and is based on the housing requirement of 298 dpa, set out in Policy LIV1 of that document. <p>CTC - No table was attached, but agree to amend to reflect most up to date position.</p> <ul style="list-style-type: none"> This updated table shows that in recent years housing delivery in Colne has been particularly strong, and that significant progress has been made towards meeting the apportioned housing need for the town. It confirms a residual need of 192 dwellings in Colne. This represents 12% of the residual need for the borough. The CNDP, as submitted, identifies housing allocations that will provide an estimated 177 dwellings. As set out above the Council has concerns regarding the suitability and deliverability of a number of these sites. |

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| | | | <p>Nevertheless it is likely that some of the allocated sites will come forward and the policies of the CNDP will allow further opportunities for housing to be delivered within the neighbourhood area. As a result, the Council is satisfied that the CNDP is in general conformity with the spatial strategy and the strategic planning policy on housing land supply.</p> <p>CTC - Supporting comment noted. The CNDP could be updated by the examiner to reflect the LPA's helpful comments.</p> |
| CNDP7 – Protecting Local Green Space | | | |
| 51 | - | - | <ul style="list-style-type: none"> Comments were made on the appropriateness of allocations at Regulation 14. In accordance with the criteria in Paragraph 100 of the National Planning Policy Framework the inspector should confirm that all of the sites are of demonstrably high value to the community and that they are not extensive tracts of land. <p>CTC - Examiner will decide on these matters. No change. Sites were assessed and evidenced against NPPF criteria (note, this is “demonstrably special” not “demonstrably high value”, and the new guidelines are in paras 101 and 102 of the NPPF 2021).</p> <ul style="list-style-type: none"> The assessments of parcels is incorrect. The test set out in the conclusions section is that land is not an open, extensive tract of land. The test in the NPPF does not include assessing if the land is open. <p>CTC - The correct test was applied and evidenced. This is a typographical error.</p> |
| CNDP8 – Protection and Enhancement of Community Facilities | | | |
| 54 | - | Policy text | <ul style="list-style-type: none"> “Non-community based uses” need to be defined and justified. <p>CTC - we should agree a better term and/or definition wording during the facilitation.</p> |
| 54 | | Policy text | <ul style="list-style-type: none"> Part 2 of the policy should make clear that a facility should be marketed for community use, following its closure, for a period of at least a 12 months. <p>CTC - Agreed, examiner to recommend this change. Although the policy has weaker requirements than Policy SUP1 of the Local Plan, it provides a safety net.</p> |
| CNDP9 – Protection of Local Shops and Public Houses | | | |
| 55 | - | Policy text | <ul style="list-style-type: none"> There is a 1 kilometre distance requirement for Class F2(a) uses. The policy would be more effective if it made reference to “any units within a designated local shopping frontage in the Pendle Local Plan” as the distance threshold and restriction to F2(a) uses would not apply. <p>CTC - Agreed, examiner to be asked to make a recommendation on this basis.</p> |
| 55 | (C) | Policy text | <ul style="list-style-type: none"> Part C introduces the possibility that landowners could allow premises to fall into disrepair in order to secure a different use for a protected facility. Part C is unnecessary and counter-productive and should be removed from the policy. <p>CTC - Agreed, examiner to be asked to make a recommendation on this basis.</p> |
| CNDP10 – Protection of Sport and Recreation Facilities | | | |

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| 56 | - | - | <ul style="list-style-type: none"> The policy does offers little in the way of additional protection to that afforded by Policy ENV1 in the Pendle Local Plan. Multiple designations are unnecessary. <p>CTC – Disagree. The policy is important through the fact it identifies the sites to which ENV1 will be applied. We’re helping by identifying such sites.</p> |
| 56 | - | Policy text | <ul style="list-style-type: none"> The use of reference numbers, which differ from those in the Council’s Open Space Audit, is unhelpful for those looking to apply planning policy. <p>CTC – Agree, suggest adding these references in parentheses with a statement that we’re augmenting the information. Examiner to be asked to make this recommendation.</p> |
| CNDP11 – Protection of Allotments | | | |
| 58 | - | - | <ul style="list-style-type: none"> Policy does not offer additional protection to that afforded by Policy ENV1 in the Pendle Local Plan. Is a further allotment designation in the CNDP necessary? <p>CTC - Disagree, the policy is important through the fact it identifies the sites to which ENV1 will be applied.</p> |
| 58 | | Policy text | <ul style="list-style-type: none"> The use of reference numbers, which differ from those in the Council’s Open Space Audit, is unhelpful, but their inclusion in parentheses is welcomed and will assist in day-to-day use of the CNDP. <p>CTC – Agree, suggest adding these references in parentheses with a statement that we’re augmenting the information. Examiner to be asked to make this recommendation.</p> |
| CNDP12 – Transport | | | |
| - | - | | <ul style="list-style-type: none"> This policy is not considered to meet the Basic Conditions as written, but is capable of doing so with appropriate modifications- <p>CTC – Noted. This is an aspirational policy with a list of worthy projects. Consider presenting as a non-planning supporting policy</p> |
| 60 | - | Policy text | <ul style="list-style-type: none"> Criterion (b) is contrary to national planning policy both in its wording and approach for proposals affecting the natural and historic environment. <p>CTC – we should agree a suitable wording during the facilitation.</p> <ul style="list-style-type: none"> The NPPF is clear that the status of the asset affected together with the degree of harm caused is significant in how the decision maker must treat the proposal. Furthermore, it is not necessarily the case that proposals which destroy a natural or historic asset would be refused depending on the extent of the public benefits of approving the development. <p>CTC – we know that NPPF policy would still apply. We should agree a redrafting of the CNDP policy to deal with the tensions with NPPF policy. For example, the word ‘should’ could be used.</p> |
| CNDP13 – Conserving and Enhancing Valued Landscape Features | | | |
| - | - | | <ul style="list-style-type: none"> This policy is not considered to meet the Basic Conditions as written, but is capable of doing so with appropriate modifications. <p>CTC - See below.</p> |
| 63 | - | Policy (c) | <ul style="list-style-type: none"> Policy relates to landscape however part (c) is an ecology matter. To cover the habitats as outlined in (c) it is suggested (b) is amended to |

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| | | | <p>address 'landscape features, such as woodlands, trees, hedgerows, moorland grasses, wetland features and watercourses'</p> <p>CTC - Agreed, examiner to recommend this change. Consider also broadening the title of the policy.</p> |
| 63 | - | Policy (d) | <ul style="list-style-type: none"> It is unclear what is meant by the phrase 'open landscape areas make in conserving and maintaining the area's distinctive settlements' <p>CTC – we should agree a suitable wording during the facilitation.</p> <ul style="list-style-type: none"> Colne is the only settlement within the designated area. <p>CTC – we should change the word settlement to be “sub-settlements covering, for example, old hamlets” to reflect Waterside, Greenfield, Lidgett, Bents, Cotton Tree</p> <ul style="list-style-type: none"> Part (d) of the policy should be altered to read: <i>“The contribution that the open landscape makes to the setting and character of Colne.”</i> <p>CTC – see above suggestion.</p> |
| 63 | - | Policy text | <ul style="list-style-type: none"> Significant views – The policy cannot impose policy restrictions on locations that are situated outside the designated neighbourhood area. <p>CTC - Agreed, no change. We're aiming to ensure the valuable views are conserved by taking them into account when designing any development.</p> |
| 63 | - | Policy text | <ul style="list-style-type: none"> The protection sought for 'significant views' through the policy is disproportionate and inconsistent with the NPPF. To address this conflict and provide a policy which will help to safeguard important views from within the designated neighbourhood area, the Council proposes that the following wording is adopted: <i>'The following viewpoints are identified as important in the Colne Significant Views Assessment (2021):</i> [LIST] <i>Proposals which are likely to affect an important view will be required to prepare a Landscape Appraisal.</i> <i>The Landscape Appraisal must be prepared in accordance with the latest guidelines of the Chartered Institute of Landscape Architects.</i> <i>The Landscape Appraisal will identify the important views that are affected, address their significance and assess any impacts that are may be caused by the development proposal, after the consideration of any mitigation measures that have been incorporated into the final design to help avoid, reduce or offset these effects.</i> <i>Proposals found to have an adverse impact on an important view may be refused, taking into account the significance of the view, the level of harm caused and benefits of the proposal'</i> <p>CTC - Agreed. Examiner to be asked to recommend such a change.</p> |
| CNDP14 – Rural Identity and Character | | | |
| 68 | - | - | <ul style="list-style-type: none"> This policy is not considered to meet the Basic Conditions as written, but is capable of doing so with appropriate modifications. <p>CTC – to discuss best way to ensure this policy can be applied and how it relates to other policies in the CNDP, which have requirements for landscape character, design and transport.</p> |

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| 68 | (c) | Policy text | <ul style="list-style-type: none"> The wording is not consistent with the NPPF. The use of “traditional” or “local” materials may no longer be appropriate, or possible. To offer greater flexibility in sourcing appropriate materials, it is recommended that the Policy text should be revised to read as follows: <i>‘Use high quality materials which are consistent with local vernacular’</i> <p>CTC – no changes needed as alternatives are allowed under this criterion.. This could also support ‘green’ schemes using high quality materials from sustainable sources or with low embodied energy.</p> |
| 5. How to Comment | | | |
| - | - | - | <ul style="list-style-type: none"> This section should be removed from the final version of the CNDP. <p>CTC – Agree, Examiner will recommend such a change.</p> |
| Maps | | | |
| 72-74 | - | - | <ul style="list-style-type: none"> This section only includes maps for three of the four conservation areas within the designated neighbourhood area. <p>CTC - It is intentional to provide a hyperlink for the Trawden Forest CA as not part of Colne. If PBC can provide a map of this, we are happy to include.</p> <ul style="list-style-type: none"> A map of the Greenfield Conservation Area should be included as Map 5 for completeness. This is particularly important for transparency, as proposed housing allocation CNDP6/15 Bunkers Hill is partially within this conservation area. <p>https://www.pendle.gov.uk/downloads/file/5313/greenfield_conservation_area_map</p> <p>CTC – Agree to amend as suggested.</p> |
| - | - | Policies Map | <ul style="list-style-type: none"> The Policies Map does not include important policy designations from the Local Plan (e.g. settlement boundary, Green Belt, open space), thereby giving the reader an incomplete picture of the spatial implications of planning policy within the designated neighbourhood area. <p>CTC – where CNDP policies relate to these designations (for example settlement boundaries), agree that they should be included on the Policies Map. Examiner to make a recommendation for extent of other mapping requirements as may overclutter the Policies Map. We could also consider having maps in the policies in question to make the CNDP easier to use.</p> |
| - | - | Policies Map | <ul style="list-style-type: none"> The contrast between the designations shown in different shades of green is too subtle and difficult to discern. <p>CTC - Examiner to make a recommendation on this if considered necessary.</p> <ul style="list-style-type: none"> Several policy designations are superimposed over existing Local Plan designations. <p>CTC - Noted, no change.</p> <ul style="list-style-type: none"> In view of the above it is recommended that the use of contrasting colours and ‘transparent’ shading (e.g. lines, dots and hashes) are used to greater effect on the final version, to ensure that the Policies Map is clear and easy to use. <p>CTC - Examiner to make a recommendation on this, but we are happy to improve the visibility of the colours and shading for users.</p> |

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| Miscellaneous | | | |
| 45, 51 & 56 | - | Policy text | <ul style="list-style-type: none"> The renumbering of sites between the different iterations of the plan, although understandable, does not aid transparency in the plan making process. <p>CTC - Comment noted, no change. We have adequate audit trails in the major pieces of evidence involved (development sites, local green spaces).</p> |
| - | - | Policy text | <ul style="list-style-type: none"> The NPPF requires plans and policies to be positively prepared. The wording of several policies refers to what isn't acceptable (development control), rather than the government's preferred approach which is to say what will be supported (development management). <p>CTC - Examiner will make recommendations on this point. We have aimed for a balance between policies being positive but subject to impacts and being approaches or outcomes to be avoided.</p> |
| - | - | Monitoring Indicators | <ul style="list-style-type: none"> Some of the monitoring indicators, although well-intentioned, are not capable of being monitored. <p>CTC – The Monitoring Indicators are from PBC's Annual Monitoring Report! We note that monitoring should be specifically related to the scope and content of the CNDP and we will accept changes using this guidance: https://neighbourhoodplanning.org/toolkits-and-guidance/how-to-implement-monitor-and-review-your-made-neighbourhood-plan/</p> |
| - | - | Justification | <ul style="list-style-type: none"> The justifications for many of the policies in the CNDP make little or no reference to relevant strategies that will be supported through implementation of the policy, or the evidence base underpinning it. <p>CTC - Disagree, no change.</p> <ul style="list-style-type: none"> The Justification should help to emphasise how the policy will help to maintain local distinctiveness. <p>CTC - Disagree, no change.</p> |
| - | - | General comments | <ul style="list-style-type: none"> The use of red text is not considered to be accessible. Ideally a colour with better contrast should be selected to help those with a visual impairment. The advice below, taken from Pendle Council's guidelines for tendering, sets out the accessibility requirements for web documents: It is mandatory for all local authority websites to meet accessibility legislation for their design and content. Any new documents to be added to our website must also meet these criteria. In broad terms, all local authorities must, as a minimum, meet Level AA of the Web Content Accessibility Guidelines 2.1: <ul style="list-style-type: none"> https://www.w3.org/TR/WCAG21/ Contractors must provide their final report in a format that meets these requirements. Guidance on how to make documents as accessible as possible is provided below. <p>Microsoft Word</p> <p>If you are creating your original documents in Microsoft Word, the following link provides useful guidance on making your documents accessible:</p> |

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| | | | <ul style="list-style-type: none"> • https://support.office.com/en-gb/article/make-your-word-documents-accessible-to-people-with-disabilities-d9bf3683-87ac-47ea-b91a-78dcacb3c66d <p><u>Portable Document Format (PDF)</u></p> <p>All PDF documents will be run through the Adobe Accessibility Checker. This identifies where a document is likely to fail the accessibility criteria.</p> <p>The link below provides information on how to create and verify accessible PDF documents using Acrobat Pro:</p> <ul style="list-style-type: none"> • https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html <p><u>Further Guidance</u></p> <p>Additional information on the Government’s accessibility legislation can be found here:</p> <ul style="list-style-type: none"> • https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps <p>CTC – Agree, the final version should be checked again by multiple pairs of eyes for errors/typos/refs and should be fully accessible when published. Examiner to be asked to recommend such a change.</p> |

