

Colne Neighbourhood Development Plan 2022-2030

**A report to Pendle Borough Council on the Colne
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Pendle Borough Council in December 2022 to carry out the independent examination of the Colne Neighbourhood Development Plan.
- 2 The examination was undertaken primarily by written representations. I visited the neighbourhood area on 18 January 2023. A hearing was arranged to discuss Policies CNDP 6 and 7. I took the opportunity to look at certain sites for a second time on 14 March 2023 before the hearing on 15 March 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on three matters. The first is a package of measures to safeguard and enhance the role of the town centre. The second is the identification of a package of brownfield sites for residential use. The third is the proposed designation of a series of local green spaces. In the round, the Plan has identified a range of issues where it can add value to the strategic context already provided by the wider development plan.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Colne Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
2 May 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Colne Neighbourhood Development Plan 2022-2030 (the 'Plan').
- 1.2 The Plan was submitted to Pendle Borough Council (PBC) by Colne Town Council (CTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a focus on safeguarding the local environment and ensuring good design standards. It proposes policies for the town centre, a package of sites for residential development and the designation of local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case, and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will form part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by PBC, with the consent of CTC, to conduct the examination of the Plan and to prepare this report. I am independent of PBC and CTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of examining neighbourhood plans. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements subject to the modifications which I have recommended on how the Plan period is captured in the Plan.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Strategic Environmental Assessment/Habitats Regulations Assessment;
- the Design Code Report;
- the Heritage Assets;
- the Heritage Impact Assessment;
- the Conservation Area Guide for Businesses;
- the Local Green Spaces Report;
- the Significant Views Assessment;
- the Site Assessments;
- the Site Masterplans;
- the Viability Reports (2018 and 2022);
- the Flood Risk Assessment;
- the representations made to the Plan;
- CTC's responses to the Clarification Note;
- PBC's responses to the Clarification Note;
- the post-hearing correspondence (EX011 to EX020);
- the saved policies of the Replacement Pendle Local Plan 2001 to 2016 (2006);
- the adopted Pendle Local Plan Core Strategy 2011 to 2030 (2015) (PLPCS);
- the Pendle Strategic Housing Land Availability Assessment 2014 (SHLAA);
- the National Planning Policy Framework (2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 18 January 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report. I took the opportunity to look at certain sites for a second time on 14 March 2023 in advance of the hearing on the following day.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I concluded that elements of the Plan should be considered at a public hearing. The hearing took place on 15 March 2023. The hearing note is included as Appendix A to this report.

3.4 The findings of the hearing are incorporated into my commentary on Policies CNDP6 and CNDP7 in Section 7 of this report.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such, legislation requires that neighbourhood plans are supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, CTC commissioned the preparation of a Consultation Statement. It sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (October 2020 to January 2021).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. The principal events included the initial series of face-to-face events (May/June 2018); the series of consultation events on the evidence base for the Plan; and the specific engagement events held during the consultation on the pre-submission Plan.
- 4.5 In the round I am satisfied that the engagement process was detailed, proportionate to the neighbourhood area and robust. It sought to engage residents, statutory bodies, landowners, and potential developers in a balanced way.
- 4.6 The Statement provides general information on the key comments received on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version of the Plan. This process is then set out in further detail in Tables 1 and 2 where responses are made to each representation received.
- 4.7 Consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I have concluded that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by PBC that ended on 17 October 2022. This exercise generated comments from a range of organisations as follows:
- Historic England
 - Homes England

- Lancashire County Council
- Lenches Residents
- Lenches Road Residents Association
- Lidgett and Beyond
- Little Cloud
- Pendle Borough Council
- Nelson College
- Theatres Trust
- United Utilities

4.10 The submitted Plan also generated several representations from individual residents.

4.11 I have taken account of all the representations received. Where it is appropriate to do so, I refer to individual representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Colne. Its population in 2011 was 17855 persons living in 8476 houses. It was designated as a neighbourhood area on 17 November 2016. The neighbourhood area is irregular in shape and follows the area administered by Colne Town Council. It is located at the eastern end of the M65 in north-east Lancashire. As the Plan describes, Colne is a vibrant and handsome market town. There are four conservation areas in the neighbourhood area. The Albert Road Conservation Area covers Albert Road and the traditional part of the town centre. The Lidgett and Bents Conservation Area covers an area to the east of the town off Skipton Old Road. The Primet Bridge Conservation Area covers an area along the Burnley Road at Primet Bridge. The Greenfield Conservation Area is centred on the hamlet of the same name, and much of its southern boundary is coincidental with that of the Primet Bridge Conservation Area.
- 5.2 The built-up part of the town dominates the neighbourhood area. It includes a range of attractive Victorian and Edwardian buildings. The attractiveness of its buildings is reinforced by the way in which the town relates to its wider landscape. The town centre and its principal roads (Albert Road and Keighley Road) sit on a prominent ridge. This results in attractive views along the steep streets running to the north and to the south. Vivary Way and North Valley Road (A6068) run to the north of the town centre and provide the strategic road network to the east from the end of the M65. This results in a town centre with limited through traffic.
- 5.3 The neighbourhood area has a close relationship with its surrounding landscape. It provides an attractive backcloth to the town. Elements of the Lancashire Green Belt are located to the immediate north and south of the built-up area. As the Plan describes, the town is surrounded by a glorious upland landscape including the Pendle Hill. The countryside is readily accessible and can be explored on foot or bike. Colne is close to many of Pendle's traditional villages, such as Wycoller, Trawden and Blacko.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the combination of the saved policies of the Replacement Pendle Local Plan (2006) and the Pendle Local Plan Core Strategy (PLPCS). The PLPCS was adopted in December 2015 and covers the period up to 2030. Policy SDP2 of that Plan sets out the wider spatial strategy for the Borough. It comments that proposals for development will be supported in a series of settlements where they are of a nature and scale that is proportionate to the role and function of that settlement or where they have been specifically identified in the Plan to help meet the strategic growth needs of the Borough. The role each settlement category will play in the future growth of the borough is based around its position in the settlement hierarchy. Colne is one of a series of Key Service Centres which the Plan comments will provide the focus for future growth in the borough and accommodate most of the new development.

- 5.5 Policy SDP2 also comments that proposals for new development should be located within a settlement boundary (which will be reviewed as part of the preparation of the Pendle Local Plan Part 2: Site Allocations and Development Policies). It also comments that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the NPPF, or policies in a document that is part of the development plan for Pendle.
- 5.6 Policy SDP3 provides further advice about the distribution of growth in the Borough. It comments that 70% of new growth should be delivered in the M65 corridor (which consists of Nelson, Brierfield, Colne and Barrowford). In addition, the following other policies in the Core Strategy have been particularly important in influencing and underpinning the various policies in the submitted Plan:
- Policy ENV1 Protecting and Enhancing Natural and Historic Environments
 - Policy ENV2 Achieving Quality in Design and Conservation
 - Policy ENV4 Promoting Sustainable Travel
 - Policy LIV1 Housing Provision and Delivery
 - Policy LIV5 Designing Better places to Live
 - Policy WRK1 Strengthening the Local Economy
 - Policy WRK4 Retailing and Town Centres
 - Policy SUP1 Community Facilities
 - Policy SUP4 Designing Better Public Places
- 5.7 In December 2021, PBC decided not to proceed with the submission of the Pendle Local Plan Part 2 due to concerns that it did not reflect the impact that Brexit and the ongoing COVID-19 pandemic had brought forward for businesses, future economic growth, and housing need in the Borough. PBC is now reviewing the PLPCS and has embarked on work to prepare a new single Local Plan. The timetable anticipates the adoption of the Plan in December 2024.
- 5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 18 January 2023. I drove into the town along the M65 from the south and west. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system and to the other towns along the M65 corridor.
- 5.10 I looked at the proposed Waterside Millennium Green. I saw its significance and the way in which the community had been involved in its delivery and design. I then looked

at the town centre and Albert Road. I saw the distinction between the two areas and the way in which Albert Road was more focused on community and professional services and specialist shops. I took the opportunity to look at the Wallace Hartley Memorial and the interesting interpretation board about his life and the ill-fated Titanic maiden journey. I saw the significance of St Bartholomew's Church, the former Grammar School, and the Town Hall on this main access through the town. I also saw the importance of the library and the market in the town centre.

- 5.11 I took the opportunity to walk along Keighley Road to the cemetery. I saw its scale and significance, the two wonderful chapels by the entrance gates and the spectacular views to the south.
- 5.12 I walked back to Shaw Street and then drove to Skipton Old Road. I walked along the footpaths through The Upper Rough proposed local green space and then crossed the road into the Lidgett Triangle proposed local green space. In both cases I appreciated the extensive views which they provided to the surrounding countryside.
- 5.13 I then drove to the Ball Grove Country Park. I saw the scale of the car park and the attractiveness of the café.
- 5.14 I then drove to Alkincoates Park. I saw its formal and civic layout and the way it incorporated elements of informal and natural areas. I also saw its close relationship with the houses to its south (off Alkincoats Road).
- 5.15 Throughout the visit I looked at some of the proposed housing allocations. I saw the different scale and nature of the sites concerned and the way in which they related to other elements of built development and open spaces. I also looked at the other larger proposed local green spaces
- 5.16 I took the opportunity to look briefly at the Boundary Outlet before travelling back on the M65. Its attractiveness and accessibility were self-evident.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted Plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. The Statement is also proportionate to the Plan itself.

6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I have assessed the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2021.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are relevant to the Colne Neighbourhood Plan:

- a plan-led system – in this case the relationship between the neighbourhood plan, the adopted PLPCS;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF 2021, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. It includes a series of policies to safeguard and enhance its character and appearance in general, and its relationship with the wider landscape. In addition, it proposes the allocation of a range of sites for housing development and a package of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced in Planning Practice Guidance. Its paragraph 41 (ID:41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies on the town centre (Policy CNDP1) and for residential development (Policy CNDP6). In the social dimension, it includes policies on community facilities (Policy CNDP8), on recreation uses (Policy CNDP10) and on allotments (Policy CNDP11). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy CNDP3), and on local green spaces (Policy CNDP7). CTC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Planning (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement, CTC commissioned a screening report for the Plan. It was published in July 2022. The report is comprehensive in the way in which it addresses the various environmental matters which affect the neighbourhood area.
- 6.16 The statement concludes that based on the assessment in Section 5 of the report that the Plan is unlikely to have significant environmental effects and therefore SEA will not be required. It also clarifies that previous objections raised by the Environment Agency and Historic England have been overcome by removing sites at risk of flooding and sites with significant heritage impact. Based on further consultation with Historic England (May/June 2022) it has also been concluded that there is a potential for less than significant harm to heritage assets. This conclusion was based on the information in the report and the accompanying Heritage Impact Assessment. The Heritage Impact Assessment concludes any impact is minimal, or where it is not this can be overcome by suitable mitigation that can be addressed at the development management stage, using existing development plan policy, and, in time, policy set through the submitted Plan (including the identification of non-designated heritage assets in the parish).

Habitats Regulations Assessment

- 6.17 The screening report also considered Habitats Regulations Assessment (HRA). It is addressed in an equally comprehensive fashion.
- 6.18 The statement concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The report advises that Colne does not contain a protected site. However, it advises that there are several such sites that could potentially be affected by the PLPCS which itself has been subject to an Appropriate Assessment. Moreover, it advises that the policies and proposals in the submitted Plan are in conformity with those in the PLPCS which has itself been subject to Appropriate Assessment. This confirms that the PLPCS will not result in adverse effects on the integrity of any protected site.

- 6.19 Having reviewed the information provided to me as part of the examination, including the responses from the three consultation bodies, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of the neighbourhood plan regulations.

Human Rights

- 6.20 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.21 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and CTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity, this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-5)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan highlights the links between the Plan's objectives and its resultant policies. The presentation and layout of the Plan is exemplary. Its structure is clear and the Plan includes an excellent range of photographs, charts, and tables. The photographs are first-class and have been selected to highlight the key matters which are addressed in the Plan.
- 7.9 The Introduction provides helpful information about the context of the Plan. It sets out the role and purpose of a neighbourhood plan. Figure 1 helpfully describes the Plan preparation process. Paragraph 1.2 describes the neighbourhood area.
- 7.10 Section 2 comments about the vision and the objectives for the Plan. The former is very distinctive to the neighbourhood area and reads as follows:

'To further develop Colne as an attractive and thriving town that promotes and protects its natural and built heritage and provides good quality of life with improved connectivity, facilities and services for residents and visitors alike.'

A key element of the Plan is the way in which it relates the Vision to Themes and then to Objectives. This then feeds into the structure of the Plan and its policies. This is best practice. This wider approach gets to the heart of the localism agenda.

- 7.11 Section 3 comments about the history of the neighbourhood area. It is both helpful and comprehensive. Paragraphs 3.12 and 3.13 comment about the development of the town's mills. Paragraph 3.17 comments about the Bandmaster of the Titanic, Wallace Hartley who bravely led his band to play on whilst the liner sank on its maiden voyage off the coast of Newfoundland in 1912.
- 7.12 Section 4 comments about key characteristics in the neighbourhood area and a range of matters which have influenced the preparation of the Plan. This part of the Plan operates as a useful reference point for several of the resulting policies.
- 7.13 Section 5 comments about the national and local planning policy context within which the Plan has been prepared. It addresses key elements of the NPPF and the development plan in the Borough to good effect.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments

- 7.15 The policies are organised and presented in a very effective fashion. In each case a connection is made to the relevant objectives of the Plan, the associated policies in the development plan and relevant monitoring indicators. This provides assurance to all concerned that the Plan has been prepared to be in general conformity of the strategic policies in the development plan and will be monitored and assessed throughout the Plan period.
- 7.16 The policies are also underpinned by proportionate supporting text (including links to the various background documents) and other sources of information. The specific assessment reports (as listed in Section 3 of this report) provide very detailed information and evidence to support the relevant policies in the Plan. In combination these approaches are best practice.

Policy CNDP1 – Colne Market Town

- 7.17 This policy comments on future proposals for the town centre. It has an overarching element and specific sections on the Town Centre Redevelopment Zone, design expectations for all town centre proposals, and an approach towards hot food take aways.
- 7.18 Paragraph 6.1.2 of the Plan provides a broader context to the policy. It advises that it has been designed to support the PLPCS spatial development strategy (Policies SDP2 and SDP5) which comments that all retail applications that are intended to serve a borough-wide catchment should be located in Nelson or Colne. It continues by commenting that the policy does not seek to replace or duplicate strategic policy, but supports this approach and provides a more detailed Colne policy framework within which proposals, including those serving a borough-wide catchment, can be assessed.

- 7.19 I looked closely at the town centre during the visit. It was clear that it has retained its importance as the retail and social heart of the town. I saw its healthy mix of national and independent shops and other commercial businesses. The visit highlighted that it was in the fortunate place where the former through traffic was now accommodated elsewhere in the town. It also allowed me to see the range of traditional Victorian and Edwardian buildings which contribute significantly to its character and attractiveness. At the same time, I saw the opportunities for comprehensive redevelopment in the area around Market Street, Craddock Road, and Nineveh Street. Paragraph 6.1.4 of the Plan helpfully comments about the masterplan which is being prepared for the town supported by the Government's Levelling-Up Fund.
- 7.20 PBC has raised several comments in relation to the policy. In summary it contends that the first part of the policy has been produced outside the context of the emerging master plan for the town centre. It also considers that several of the component elements of the second part of the policy are unrealistic and will not necessarily apply to all development proposals which come forward in the Plan period. Finally, it contends that there is insufficient evidence to apply the third part of the policy (on hot food take aways).
- 7.21 CTC has responded to these matters and to other questions which I raised during the examination in its commentary on PBC's representation and in its response to the clarification note. I have taken account of all these comments.
- 7.22 On the balance of the evidence, I am satisfied that the two principal elements of the policy are appropriate with suitable modifications. The modifications have been carefully designed to ensure that any development proposals in the town centre should take an approach which does not prevent comprehensive developments coming forward. In this context its role may be one of an interim nature whilst the master plan is being prepared (and which may or may not overlap with the publication of the emerging Local Plan). I recommend that the supporting text is modified so that it explains the approach taken more fully. In drafting the recommendation, I have taken account of the comments made by CTC on this matter.
- 7.23 I recommend that the order of the two main parts of the policy is reversed given that most day-to-day applications will be affected by the second part of the policy as submitted. I also recommend that the second part of the policy (as submitted) is applied on a proportionate basis given that not all development proposals will impact on the various criteria.
- 7.24 I also recommend detailed modifications to the criteria in the first part of the policy (as submitted). They will ensure that the policy has the clarity required by the NPPF. The recommended modifications take account of the comments made by PBC (and the responses made by CTC) and to the questions raised in the clarification note. In some cases, they simplify the approach taken. In other cases, they remove the explanatory text from the policy. Where it is appropriate to do so I recommend that the deleted explanatory text is repositioned into the supporting text in the Plan.

- 7.25 Finally I recommend that the part of the policy on hot food take aways is reconfigured so that it takes on a positive rather than a negative approach. This recommendation takes account of the helpful response from CTC to the clarification note.

Replace the policy with:

‘All Town Centre Proposals

Wherever practicable, development proposals in the defined town centre should incorporate the following measures as appropriate to their scale, nature, and location:

[Include 1-7 from Part B of the submitted policy]

Town Centre Redevelopment Zone

Within the Town Centre Redevelopment Zone (as defined on the Policies Map) proposals for comprehensive redevelopment which include new town centre uses and above ground floor level, appropriate town centre uses, including residential, will be supported. Such proposals should:

[Include a to f from Part A of the submitted policy with the following modifications:]

Replace b) with: ‘Where practicable, create new streets and street frontages which will provide accessible, good quality links to other parts of the town centre and surrounding areas;’

Replace c) with: ‘Retain a retail market and bus station within the overall redevelopment scheme;’

Replace e) with: ‘Reposition any existing car parking areas elsewhere within the overall redevelopment scheme unless it can be demonstrated that the car parking requirements of the wider town centre are met by existing car parks and/or any parking provided in the overall scheme;’

Replace f) with: ‘Respond positively to the location and significance of designated and non-heritage assets.’

Individual development proposals within the Redevelopment Zone should also take account of criteria a. to f. In addition, they should demonstrate that they are consistent with, and do not prejudice, the long-term comprehensive redevelopment of the Town Centre Redevelopment Zone.

Hot food takeaways

Within the Prime Shopping Area, Prime Shopping Frontages and in predominantly residential blocks proposals for hot food takeaways will only be supported where they would be subsidiary to retail and other commercial uses and where amenity, litter and noise and general disturbance matters can be addressed in a satisfactory manner.’

Replace the final three sentences of paragraph 6.1.4 with:

'Policy CNDP1 sets out the Plan's approach to the town centre. The first part applies generally across the town centre. It has been designed so that it will operate in a proportionate way. This acknowledges that not all the criteria in the policy will apply to applications which may arise. The second part of the policy supports comprehensive redevelopment proposals for the defined Town Centre Regeneration Zone area and sets out criteria to guide such redevelopment. These would allow this area to be redeveloped in such a way that it could become better integrated into the wider centre and once again have a market town character. The mixture of uses, some under-utilised, in this area mean that such a re-configuration is possible and by retaining and replacing existing uses this area can be redeveloped for the benefit of the wider town and borough. There is currently no comprehensive scheme for the redevelopment of the Town Centre. The preparation of the Master Plan will be a key stage in bringing forward comprehensive development. However, in the meantime, the redevelopment of this area could be achieved on an incremental basis. Small-scale developments following these principles should not conflict with the ongoing Levelling Up Fund redevelopment proposals. The fifth criterion in the second part of the policy addresses the situation where the development of existing car parking is proposed for alternative uses. In these circumstances the car parking should be replaced within the Town Centre Redevelopment Zone, if considered necessary, to support the redevelopment proposed after considering overall car parking provision in the Town Centre. The sixth criterion addresses heritage implications. Where potential heritage impacts are identified, development proposals within the Zone should be accompanied by a Heritage Impact Assessment. The scope and contents of the Heritage Impact Assessment should be agreed with the Borough Council and, where considered necessary, Historic England.'

Policy CNDP2 – Shop Fronts

- 7.26 This policy highlights the importance of shopfronts to the overall attractiveness of the town centre. I saw several attractive shop fronts in and around Albert Road during the visit.
- 7.27 The policy requires new shopfronts to comply with four criteria. They relate to traditional design and appearance, signage, fascia signs and security grilles.
- 7.28 I recommend that a new element is introduced into the policy to provide general advice about the form and composition of shopfronts. As submitted, the policy focuses on traditional designs. Such an approach will apply within the conservation areas but not necessarily elsewhere in the town. The modified format of the policy provides general guidance and then additional requirements within the conservation areas. Whilst there is a higher concentration of retail premises in the Albert Road Conservation Area, I have concluded that it is appropriate that this element of the policy applies within each of the conservation areas.
- 7.29 I also recommend a detailed modification to part b) of the policy so that it will have the clarity and precision required by the NPPF. I also recommend that the supporting text is expanded to explain the wider purpose of this part of the policy. Otherwise, the policy

meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace part a) with:

‘Proposals for new shop fronts should respond positively to the following general design principles:

- **the shopfront should be designed to complement the overall building;**
- **the shopfront should respond positively to the building’s proportions, its scale, and its detailing. The building width and subdivision between diverse buildings should be reflected in the shopfronts;**
- **the vertical emphases of the building in window lines, bays, or pilasters should be carried down to ground level through the shopfront;**
- **the shopfront should not extend the full width of the building; and**
- **the main elements of the shopfront should be in proportion to each other.’**

Insert a new part b) to read:

‘In addition, in conservation areas, proposals for new or replacement shopfronts should be of traditional design and appearance, retaining existing traditional and period features and style where practicable. Where satisfactory evidence can be provided to justify the removal of existing traditional and period features, those features should be replaced on a like-for-like basis as part of the overall development proposal;’

Re-letter the remaining criteria.

In b) replace ‘Signage should, preferably, be’ with ‘Wherever practicable, signage should’

At the end of paragraph 6.1.7 add: ‘Part a of the policy sets out general design principles. Part b consolidates these principles for shopfronts in the conservation areas. Part b of the policy provides the opportunity for traditional features to be replaced on a like-for-like basis where evidence supports such an outcome. These could include circumstances such as owing to the state of disrepair, health and safety or accessibility reasons.’

Policy CNDP3 – Design in Colne and Colne Design Guide

7.30 This policy focuses on design. It comments that the design of high quality, beautiful and sustainable buildings and places will be supported. It then comments that in order to support all those involved in the design process (applicants, decision makers, communities), the design of new development should be informed by and retain and enhance the defining characteristics of the Settlement Focus Area of Colne (as set out in the Design Code) within which it is situated.

7.31 The second part of the policy comments that applicants will be expected to demonstrate how a development proposal has taken account of, and been designed to incorporate, the recommended Design Code elements (matrix) for each Settlement Focus Area. It clarifies that this approach would not preclude innovative or

contemporary design, where such design can be shown to respond to and provide a contemporary design solution that complements and reinforces local character in that Settlement Focus Area.

- 7.32 The policy is underpinned by an excellent Design Code.
- 7.33 In its response to the clarification note CTC suggested a degree of refinement in terms of the elements of this policy and Policy CNDP5. Such an approach would have merit. I recommend that elements of Policy CNDP5 are incorporated into this policy. They more closely relate to design matters and the day-to-day operation of the development management system. The third part of the policy comments about the implications of development proposals which do not meet the detailed elements of the policy. Whilst this element of the policy serves a useful purpose, I recommend the deletion of its final part given that it repeats (albeit in a different way) the initial part of the sentence.
- 7.34 In the round the policy and the Design Guide represent an excellent local response to Section 12 of the NPPF. The implementation of the policy will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with:

‘The design of high quality, beautiful and sustainable buildings and places will be supported. The design of new development should be informed by and retain and enhance the defining characteristics of the Settlement Focus Area of Colne (as set out in the Colne Neighbourhood Development Plan Design Code) within which it is located.’

Replace the second part of the policy with:

‘Development proposals should demonstrate how they have been designed to incorporate the recommended Design Code elements (matrix) for each Settlement Focus Area (Figure 7). Innovative or contemporary design will be supported where it can be shown that they provide a contemporary design solution that complements and reinforces local character in the relevant Settlement Focus Area.’

Add an additional part of the policy to read:

‘As appropriate to their scale, nature and location, development proposals should:

- a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns;**
- b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area;**
- c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and**

- d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.'**

In the third part of the policy delete 'and will be refused'

Policy CNDP4 – Non-Designated Heritage Assets

- 7.35 This policy identifies 89 proposed non-designated heritage assets. They have been identified by the Neighbourhood Plan Advisory Committee (NPAC).
- 7.36 The policy comments that non-designated heritage assets, including those related to the area's agricultural, industrial, and cultural heritage, such as rural buildings, mill buildings, shops, places of worship and public houses will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Whilst this approach largely has regard to paragraph 203 of the NPPF I recommend a detailed modification on this matter to ensure that the policy meets the basic conditions. I also recommend that the supporting text provides full details about the postal details of the properties concerned. This will provide clarity if the current uses of the building change in the Plan period.
- 7.37 In the round I am satisfied that this is an appropriate policy. It acknowledges that the town has several period properties which add to its distinctive character and appearance but which do not meet the exacting standards to be identified as a listed building. I saw several of the identified buildings during the visit. Subject to the recommended modifications it meets the basic conditions. It will assist in the delivery of the environmental dimension of sustainable development.

Replace 'such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset' with 'such proposals will be assessed by applying a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.'

Include an appendix or note in the Plan listing the full postal addresses of the buildings in the policy

At the end of paragraph 6.2.7 add: '[Insert details] provides the full postal addresses of the non-designated assets listed in the policy. This will ensure that they can be properly identified if business uses or names change within the Plan period.'

Policy CNDP5 – Urban Character Areas

- 7.38 This policy addresses urban character areas. The supporting text comments that as well as its conservation areas, many parts of Colne retain the area's distinctive character and identity. These are generally the older, inner, industrial heritage areas characterised by terraced housing, mill buildings, churches, chapels and shops or former shops. In some places, this character is reinforced by the local topography that creates long, steep streets that run down to the two valley bottoms. The Plan

comments that from a distance, these areas form an essential part of what makes the town distinct and different. The Plan comments that the Character Areas were identified following an appraisal by the NPAC.

- 7.39 Policy CNDP5 identifies the key characteristics of these areas. It comments that development proposals should be designed in such a way that they meet the criteria in this policy and when planning applications are made, they will be assessed against the criteria in Policy CNDP5. The policy's ambition is that new development will help to retain and enhance the character of these areas.
- 7.40 I am satisfied that the policy is both appropriate and distinctive. It is underpinned by local information and evidence. In addition, it has been designed so that it can be applied in a non-prescriptive fashion
- 7.41 I recommend a consequential modification to this policy based on those recommended in relation to Policy CNDP3. The recommended modification retains the non-prescriptive approach of the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace part 2 of the policy with: 'Development proposals should respond positively to the background character of the Urban Character Area within which they are located'

Policy CNDP6 – Future Housing Growth

- 7.42 This is an important policy within the Plan. It sets out the Plan's approach to new housing development. The Plan comments that it been designed to help meet future housing growth requirements to 2030, identified in the PLPCS for the M65 Corridor. In this context it proposes the allocation of fifteen brownfield sites.
- 7.43 The policy acknowledges that the residential development of brownfield sites is challenging in the town. On this basis CTC commissioned a Viability Report (from AECOM) in 2018. It was updated in 2022 and re-reviewed in 2023.
- 7.44 The policy was debated at the hearing. For convenience I set out my comments on this policy under the following headings based on the issues discusses at the hearing:
- The extent to which the proposed housing sites would assist in meeting the residual requirements for the town as identified in the Core Strategy.*
- 7.45 CTC explained its position at the hearing. It commented that it had sought to address growth and allocate sites based on its assessment of a range of sites as the Plan was produced. PBC commented that some of the sites are designated for other uses (such as open space use) and that there was a risk that the allocation of some of the sites would not be consistent with other policies in the development plan. Little Cloud (a local land owner) considered that the opening element of the policy should be modified so that its purpose was clear.
- 7.46 I have taken account of these various comments. In the round I am satisfied that the approach taken is in general conformity with the strategic policies in the PLPCS.

Nevertheless, I have recommended modifications to address other matters which are addressed in the policy and which were considered at the hearing.

Whether the proposed allocations are available for development and will come forward in the Plan period?

- 7.47 The hearing was helpful in assessing the extent to which the various proposed allocations are available for development and would come forward in the Plan period. Following the hearing CTC provide a table showing the way in which it engaged with the respective owners of the sites and the likelihood of their coming forward within the Plan period (EX-016).
- 7.48 During the hearing, PBC commented about the way in which it had approached the potential development of the allocated sites in its ownership. This highlighted that some of the sites were being safeguarded for open space use.
- 7.49 The debate on site availability inevitably overlapped with a consideration of development viability. The AECOM Viability Report (2022) provides a high-level assessment of three sample sites and applies a series of site assumptions. It draws the following conclusions:
- all three sites were found to be viable, but two of these only marginally. If any affordable housing or other planning obligations were taken into account, particularly site CNDP6/24 would become unviable (paragraph 6.1.7);
 - the modelling largely adopts a conservative approach to most of the assumptions, for example, in some cases the external costs may be cheaper following detailed design and further investigations attached to future planning applications. However, affordable housing, Section 106, and over extra costs (for example site clearance and remediation) have been set at zero. If these were added, this would worsen viability. This could be reconsidered at detailed design stage (paragraph 6.1.11);
 - ...a flexible policy approach will be required in order to realise delivery on these brownfield plots. The modelling results indicate that affordable housing contributions could render the schemes unviable, unless other factors were changed, such as higher densities assumed. However, we believe that the densities assumed as part of our modelling are largely appropriate, based on the nature, size, and context of the sites, and are unlikely to allow for much higher increases (paragraph 6.1.13);
 - PBC could investigate additional sources of finance to help bring the site forward. For example, capital funding from the Council or alternative (non-traditional) delivery models could help to bring the site forward in compliance with policy (paragraph 6.1.14); and
 - while all three sample sites are currently showing as viable on the basis of this high level, baseline viability study, further, more detailed testing should take into account different ranges of affordable housing, planning obligations and additional site-specific costs including demolition and other opening up costs (paragraph 6.1.20).

7.50 Based on these findings there is an inevitable degree of uncertainty about the development of the package of brownfield sites. This was considered at the hearing. CTC commented that it was confident that the sites will come forward within the Plan period and that its engagement with the various landowners had demonstrated a positive approach which will encourage development to come forward.

7.51 Both PBC and Little Cloud expressed a more cautious approach towards the development of the package of sites in the Plan period. PBC set out its experience of working with developers and its understanding of the viability of residential development in the Borough. It indicated that whilst housing development in Colne had been buoyant in recent years most of that development had been on greenfield sites. In information provided after the hearing (EX-013) PBC advised that:

‘Different parts of the housing market in Colne have different levels of viability, reflecting their attractiveness for developers and investors. The housing market is the ultimate test of viability as if there is viability then housing will be delivered and if there is not then housing will not come forward.’

Over the last three years the monitoring of new housing completions has shown that development has been based on the following types - previously developed land and/or brownfield sites (5 homes); previously developed land (with a special delivery vehicle) 41 homes; conversions (58 homes) and greenfield sites (268 homes).

Excluding changes of use, open market brownfield delivery over the last three years is just 5 units, which equates to 1.34% of the total. The majority of brownfield delivery (41 units) has been through special purpose vehicles involving Pendle Borough Council. The reference to brownfield sites forming part of the housing market being attractive to housebuilders and investors is not borne out by the evidence of actual delivery.’

7.52 Based on the discussion at the hearing and the information received after the hearing I am not satisfied that the combination of the general information on viability and CTC’s assessment of the individual sites provides the necessary assurance about the deliverability of most of the proposed allocated sites in the Plan period. I have reached this conclusion based on the findings of the Viability Report and the willingness or otherwise of the various owners of the proposed sites included in the policy to bring forward their sites for development. Plainly the first matter has an influence on the second matter.

7.53 However specific information provided either generally or after the hearing (EX-18/19/20) gives a reasonable degree of assurance about the availability and delivery of CNDP6/4 (Buck Street), CNDP6/6 (Shaw Street), CNDP6/9 (Thomas Street) and CNDP6/15 (Bankfield Street). I recommend modifications to the policy based on my findings in this and the preceding paragraph.

The ongoing applicability of the AECOM report

7.54 The AECOM Viability report was produced in 2022. The hearing sought to assess its ongoing applicability and the extent to which it presented the most up-to-date information about the viability of residential development in the town.

- 7.55 The hearing concluded that the report was the most up-to-date information. It also concluded that it had carried out a proper assessment of the situation using commonly-accepted principles for the conducting studies of this nature. Following the hearing CTC submitted a letter from AECOM (EX-013) indicating that the circumstances in relation to viability in the town have remain unchanged. In detail that letter comments as follows:

'It is AECOM's view that the increases in values and costs would not result in materially different results if remodelled using today's values and costs. The sites that showed good viability can be considered 'deliverable' in the early part of the plan period and the sites with marginal viability can be considered 'developable' over the plan period. AECOM's view is that the sites identified for development in the submitted plan remain deliverable/developable as per the National Planning Policy Framework's (NPPF) definitions (Annex 2).'

- 7.56 Taking all matters in the round I am satisfied that the updated comments do not affect the conclusions which I have reached in paragraphs 7.52 and 7.53 of this report.

General comments

- 7.57 On the balance of the information I am satisfied that it is appropriate for the Plan to include a specific policy on this matter. It adds value to the adopted PLPCS and provides clear advice to the development industry about CTC's selected sites. The alternative approach discussed at the hearing of a general policy which would support housing development within the Settlement boundary (subject to other policies) would not bring any added value beyond national and local planning policies.
- 7.58 I recommend modifications to policy wording to bring the clarity required by the NPPF and to simplify the approach taken. I recommend that the final part of the policy is repositioned into the supporting text as it comments about the way in which the development of each site has been calculated. Otherwise, it meets the basic conditions. It will assist in the delivery of the economic dimension of sustainable development. It will also bring specific clarity to the location of potential brownfield development sites in the town.

Supporting Text

- 7.59 The supporting text to the policy sets out the background and the context to the policy. It has two principal functions. The first is to set out the position in relation to the strategic delivery of housing in the town. The second is the background to the allocation of the sites.
- 7.60 On the one hand, the information in relation to the first matter is helpful as a wider context to the ambitions of the Plan and the way in which it helps to deliver the wider ambitions of the PLPCS. On the other hand, it comments about a range of strategic issues which are unnecessary for a neighbourhood plan and seeks to speculate about the eventual contents of the emerging Local Plan and its requirement for new housing. I asked PBC and CTC to produce an agreed set of revisions to remedy these matters and to bring the information up to date. An agreed version was not achieved and I received separate proposed updates (EX-11 and EX-12). I recommend a series of

modifications to paragraphs 6.3.1, 6.3.2 and 6.3.9 of the Plan. They are based on PBC's interpretation of the matter with my own inputs. In the round they bring the clarity required by the NPPF.

Replace 'To help meet future housing growth requirements to 2030, identified in the Pendle Local Plan Part 1: Core Strategy for the M65 Corridor the following sites are shown on the CNDP Policies Map and allocated for housing development:' with 'The Plan allocates the following sites (as shown on the Policies Map) for residential development'

Delete the various proposed allocations other than CNDP6/4 (Buck Street), CNDP6/6 (Shaw Street), CNDP6/9 (Thomas Street), and CNDP6/15 (Bankfield Street).

Delete the final part of the policy.

Replace paragraph 6.3.2 with:

'Accounting for the reoccupation of empty homes, the requirement within the M65 Corridor spatial area falls to 3,168 dwellings. The PLPCS does not set settlement specific housing requirements. These were to have been determined through the production of the Local Plan 2 (LP2). Evidence supporting LP2 identified that Colne should accommodate 35% of the housing need identified for the M65 Corridor spatial area. Changing circumstances and priorities since adoption of the PLPCS meant that LP2 was not progressed by Pendle Council and a new Local Plan is now being prepared. Work on the new Local Plan is not sufficiently advanced to be a material consideration for the Neighbourhood Plan. In the absence of alternative evidence, the Town Council has taken a pragmatic approach in adopting evidence prepared for LP2 as an indicative basis for determining the housing needs of Colne. This approach ensures the Plan is in general conformity with the PLPCS. The resulting need is set out in Table 2. The Town Council will work with the Borough Council to review the policies of the neighbourhood plan to ensure it remains in conformity with the emerging Local Plan once it is adopted. The neighbourhood plan will be formally revised if a review concludes that it is no longer in alignment with the strategic policies in the Local Plan.'

Delete paragraph 6.3.3 (the first of the two paragraphs 6.3.3).

At the end of paragraph 6.3.6 add: 'SHLAA references, where available, are included after each site allocation. Site capacities are based on a notional 30 dwellings per hectare – this is not a commitment to final site capacity.'

Replace paragraph 6.3.9 with: 'Table 3 confirms the supply position in Colne. It accounts for completions, existing commitments, and housing site allocations in the neighbourhood area. It confirms the general conformity of the plan with the strategic policies of the PLPCS, ensuring a sustainable pattern of development for Colne and Pendle as a whole.'

Replace Table 3 with the revised table as supplied by PBC (in EX-012).

Policy CNDP7 – Protecting Local Green Spaces

- 7.61 This is another important policy in the Plan. In this case it proposes 21 local green spaces (LGSs). They are identified on the Policies Map. The approach taken is underpinned by the evidence in the Local Green Spaces Report (March 2022).
- 7.62 The range of proposed LGSs reflects the nature of the neighbourhood area and the difference between the urban characteristics of the town and the more rural character to be found on its outer edges. The LGSs range from incidental green spaces (LGS9/12/15/17/19/20/22/23), to the Waterside Millennium Green (LGS13), to formal recreation areas (LGS2/7) to nature reserves and walking areas (LGS1/3/6). The details in the Assessment include the extent to which the proposed LGSs meet the criteria for designation in the NPPF. In the round, the Assessment has addressed this important matter in a very thorough and robust fashion.
- 7.63 PBC has commented about the designation of various proposed LGSs. Little Cloud has commented about the proposed designation of LGS4 (The Upper Rough). On this basis the proposed LGSs 1,2,3,4 and 6 were considered at the hearing. I address these various proposed LGSs in paragraphs 7.66 to 7.98 of this report.

The other proposed LGSs.

- 7.64 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.
- 7.65 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

Proposed LGS1 (Alkincoates Nature Reserve), 2 (Alkincoates Park), 3 (Upper Foulridge Reservoir Walking Area) and 6 (Ball Grove Park and Nature Reserve).

- 7.66 By way of context the LGS Report describes the four proposed LGSs as follows:

LGS1: The Nature Reserve is a recent broadleaved plantation with a mature stand of beech trees along Red Lane on its northern boundary. It is 8 hectares in size.

LGS2: The Park is the only formal park in the town. It is an open park with recreation space. It is 14.68 hectares in size.

LGS3: The proposed LGS is the walking area at the Reservoir. It is 11 hectares in size.

LGS6: The proposed LGS is both a park and a nature reserve. It includes a café and a car park. It is 12.79 hectares in size.

- 7.67 The hearing considered the extent to which the proposed LGSs were local in character (as set out in paragraph 102 of the NPPF) and met the more general requirements of paragraph 101 of the NPPF. It was generally agreed that the four LGSs were in reasonably close proximity to the communities they serve and are demonstrably special to the local community and hold a particular significance. Indeed, LGSs2 and 6 are iconic green spaces in the town which reflect its history, development, and culture. It was also agreed that the size of the four proposed LGSs was at the higher end of what might reasonably be considered to be 'local in character'.
- 7.68 In assessing the extent to which the proposed LGSs are local in character and not extensive tracts of land I have taken account of the comments made by Little Cloud and PBC about the wording used in the LGS Report. I am satisfied that this reflects a typographic error which would not have affected CTC's assessment of the sites if the correct NPPF language had been used. In any event I have come to my own judgment on the size of the LGSs based on the submitted evidence and the discussion which took place at the hearing.
- 7.69 Both Little Cloud and PBC consider that the proposed LGSs are extensive tracts of land and therefore that their designation would not meet the basic conditions. Little Cloud submitted an analysis of LGSs which had been designated in other neighbourhood plans, including several close to Colne. The issue was discussed in detail at the hearing.
- 7.70 Neither the NPPF nor Planning Practice Guidance provide specific guidance about what might be considered as 'local in scale'. This is understandable given that neighbourhood areas are very different in their scale, nature, and location. Similarly, there is no guidance or advice on the number of LGSs which can be designated in any one neighbourhood area or the overall amount of land (in specific or percentage terms) which can be occupied by LGSs. It was agreed that the legislation requires a degree of judgement to be made on this matter.
- 7.71 PBC kindly prepared a map for the hearing showing the location of these four LGSs (and LGS4 -The Upper Rough) in relation to the Green Belt surrounding the town. From the discussion at the hearing, I have concluded that the proposed LGSs have been identified on their own merits. I am satisfied that their designation as LGSs has not been proposed 'as a back door way to try to achieve what would be a new area of Green Belt by another name' (and which would not be supported by Planning Practice Guidance ID:37-015-20140306).
- 7.72 I am also satisfied that it is appropriate for the parcels of land within LGS1 and LGS6 to be designated as LGS when they are already within the Green Belt. CTC has taken appropriate regard of Planning Practice Guidance ID:37-010-20140306 on this matter. In both cases I am satisfied that the LGS designations will help to identify areas within the Green Belt which are of particular importance to the local community.

- 7.73 The hearing also considered the proposed designations against the more general elements of paragraph 101 of the NPPF (and as already described in paragraph 7.65 of this report). Based on all the information available to me I am satisfied that their individual and cumulative designation as LGSs is consistent with the local delivery of sustainable development. Given the status and significance of the parcels of land concerned it would be wholly inappropriate for them to be considered for housing or employment development. None of the sites feature in the SHLAA. No such suggestions were made as part of the consultation process. In a similar fashion I am satisfied that in each case the four proposed LGSs are capable of enduring beyond the end of the Plan period. In each case the parcels of land are managed in a sensitive way and there is no evidence that they are incapable of having a longer-term use and function as LGSs.
- 7.74 I have considered all the information available to me, and have looked carefully at the proposed LGSs. I am satisfied that the four proposed LGSs are local in character and not extensive tracts of land. I have reached this conclusion based on the following matters:
- the expectation in national policy that a qualifying body and the appointed independent examiner make a balanced decision on the size of a proposed LGS;
 - the proposed LGSs have been sensitively and properly defined and relate precisely to the land uses which CTC consider to be demonstrably special to the local community and hold a particular significance (NPPF paragraph 102b);
 - their relationship to the overall size of the neighbourhood area; and
 - the way in which the proposed LGSs relate to the interface between urban and rural uses in the neighbourhood area.

Proposed LGS4 (The Upper Rough)

- 7.75 The Upper Rough is in the eastern part of the neighbourhood area and to the immediate north of Skipton Old Road. It is 10.55 hectares in size. It is used as a rough pasture. The informal recreational use of the site is principally based on the footpaths which run through the site. It offers extensive views of the landscape surrounding the town mainly to the north and to the south. They are identified in the Significant Views Assessment.
- 7.76 The proposed designation of the Upper Rough as a LGS has been questioned in the representations from PBC and Little Cloud. At the same time several residents have offered their support to the designation of the LGS and have commented about its importance in the town. The proposed designation was considered in detail at the hearing.
- 7.77 In November 2022 Little Cloud submitted a planning application for the development of the site for residential purposes (22/0790/OUT). Plainly this application has generated local interest. The hearing note commented that the planning application will be determined by PBC in due course. This examination of the neighbourhood plan simply assesses the Plan's proposal to designate The Upper Rough as one of the

package of LGSs in the neighbourhood area. No other conclusions should be drawn from its findings.

- 7.78 It was generally agreed that the proposed LGS was in reasonably close proximity to the community it serves and is demonstrably special to the local community and holds a particular significance. On the first matter The Upper Rough is located on the eastern edge of the town and immediate to the north of Skipton Old Road to the east of Windemere Avenue. On the second matter the site offers opportunities for informal recreation and provides a habitat for red-listed curlews.
- 7.79 It was also agreed that the size of the proposed LGS was at the higher end of what might reasonably considered to be 'local in character'.
- 7.80 The hearing debated similar issues in relation to the size of the proposed LGS as it did for LGS 1, 2 3 and 6. I heard evidence about the extent to which the proposed LGS was a self-contained parcel of land and the way in which it could be realistically subdivided into smaller plots. On the balance of the evidence, I am satisfied that the proposed LGS is local in character and not an extensive tract of land.
- 7.81 As with the debate summarised earlier in this report on proposed LGS 1, 2 3 and 6 the hearing considered the extent to which the proposed Upper Rough LGS met the more general requirements of paragraph 101 of the NPPF. I address these matters in turn below.

Consistent with the local delivery of sustainable development and complement investment in sufficient homes, jobs, and other essential services.

- 7.82 Paragraph 101 of the NPPF requires an assessment of the implications of the designation of a LGS on the wider delivery of sustainable development in the neighbourhood area.
- 7.83 The hearing considered important locational and policy issues which have a bearing on this matter including the planning policies in the development plan and the contents of the SHLAA.
- 7.84 The development plan includes two policies which are particularly important for the Upper Rough. The first is Policy LIV1 of the PLPCS. The second is Policy 3A of the Replacement Pendle Local Plan 2001-2016 which identifies the Upper Rough as a 'Protected Area'.
- 7.85 Policy LIV1 of the PLPCS sets out a package of related issues to deliver the strategic housing requirement for the Borough. It includes a policy element to support the development of unallocated sites within a settlement boundary and the development of unallocated sites close to a settlement boundary as follows:

'To further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with other policies of the Core Strategy and are on non-allocated sites within a Settlement Boundary where they are sustainable and make a positive contribution to the five year supply of housing land and until such time that the Council adopts the Pendle Local

Plan Part 2: Site Allocations and Development Policies Sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five-year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA).'

7.86 Given that the anticipated LPP2 has not been produced and adopted, this policy remains part of the development plan. The Upper Rough is included in the SHLAA (S010) in the 0-5-year period.

7.87 The ongoing application of Policy 3A of the Replacement Pendle Local Plan 2001-2016 was debated at the hearing. Following the hearing, PBC produced a detailed note on the status of the policy. The note commented that:

'Its purpose is to provide a choice of areas for future development and to ensure protection of the Green Belt. The policy protects land that could prejudice the open character of the area or its potential for long term development needs should it be required over the plan period. Two areas of the Borough were protected through this policy, one of which is the Upper Rough (land between castle Road and Skipton Old Road), Colne. The second at Trough Laithe, which is located off Junction 13 on the M65 motorway is now being developed for housing. On the 21 April 2009, the Secretary of State for Communities and Local Government issued a direction under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004. This direction confirmed that all the policies in the Replacement Pendle Local Plan 2001 to 2016 are saved until such a time that they are replaced by policies in an adopted Development Plan Document.

The status of Policy 3A was considered during the Appeal for a development proposal on Land East of Windermere Avenue, Colne (see Appeal Reference APP/E2340/W/15/3131975). The parties agreed, through the submission of a Statement of Common Ground, that the policy was now time expired. This matter is addressed and concluded on by the Inspector in Paragraphs 14 and 15 of his Report. The position taken at the Appeal took account of the precise wording of the policy and its explicit reference to an end date of 2016. The policy should therefore be regarded as time expired. On this basis it no longer forms part of the statutory Development Plan for Pendle.'

In these circumstances I have not taken any account of this policy.

7.88 During the examination, PBC advised that the emerging Local Plan was anticipated to be adopted in December 2024. In these circumstances, the strategic planning policies for the Borough will be refined and updated within the Neighbourhood Plan period. This is an important consideration as section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that any conflict between the different elements of the development plan must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

7.89 I have concluded elsewhere in this report that the viability of brownfield sites in the town is marginal and that this matter does not encourage landowners and developers

to bring sites forward. This has resulted in the recommended deletion of several of the proposed allocated sites in Policy CNDP6.

- 7.90 The participants at the hearing had different views about the consistency of the proposed designation with the local delivery of sustainable development. CTC restated its wider commentary about LGS1,2, 3 and 6 for the Upper Rough. It considered that the designation of the Upper Rough as a LGS would be consistent with each of the three dimensions of sustainable development. It also advised that Policy LIV1 of the PLPCS required that any developments should be sustainable. It also commented that the SHLAA was a schedule of sites which had been promoted by landowners and developers rather than a policy document. Lidgett and Beyond commented that the Plan had taken a bottom-up approach to the overall planning of the town. It advised that the Upper Rough was a valued and long-standing green space and contributed towards the delivery of sustainable development in general, and the quality of life in the town in particular.
- 7.91 PBC advised that in its view the designation of The Upper Rough as a LGS was consistent with the local delivery of sustainable development in the context of the existing PLPCS. It also advised that in the future there could be a scarcity of development sites to meet development requirements in emerging local plans. In this scenario it commented that the designation of the Upper Rough could have an impact on the wider delivery of sustainable development in the town.
- 7.92 Little Cloud commented that the Upper Rough adjoins the settlement boundary and therefore should be considered as appropriate for residential development in the context of Policy LIV1 of the PLPCS. It also highlighted that the site is identified in the SHLAA and that it could assist significantly in bringing forward new residential development in the town.
- 7.93 I have considered these various matters very carefully. I have also taken account of the relatively short Plan period (2030) and the anticipated timescale for the adoption of the emerging Local Plan. On the balance of the evidence available to me I am not satisfied that the designation of the Upper Rough is consistent with the local delivery of sustainable development and complements investment in sufficient homes, jobs, and other essential services. I have reached this conclusion based on the following overlapping reasons:
- the current uncertainty about the way in which new brownfield housing development will come forward in the Plan period;
 - the provisions of Policy LIV1 of the PLPCS and the position of the site immediately adjacent to the settlement boundary of Colne; and
 - the related identification of the Upper Rough in the SHLAA. Whilst the SHLAA document is not directly a policy in the PLPCS the importance of the SHLAA is included in the wider context of Policy LIV1.

This conclusion is general in its nature. It does not provide assurance that any development of the site would be sustainable as required by Policy LIV1 of the PLPCS.

Capable of enduring beyond the end of the Plan period.

- 7.94 This matter overlaps with the consistency with the local delivery of sustainable development. In this case its focus is on ensuring that areas proposed to be designated as LGS address long-term matters and provide both the public and the development industry with a high degree of certainty and clarity about their protection in accordance with paragraph 103 of the NPPF.
- 7.95 The relatively short Plan period and the timescale for the emerging local plan provide a particular challenge on this judgement. They require a consideration of issues which may come into effect from 2024 (with the adoption of the emerging Local Plan) and from 2030 (the end of the Plan period). In summary I have no detailed assurance that the proposed LGS would be capable of enduring beyond the end of the Plan period (2030).
- 7.96 Taking account of all the circumstances as set out in paragraphs 7.82 to 7.95 of this report, I am not satisfied that the proposed LGS is consistent with the local delivery of sustainable development and is capable of enduring beyond the Plan period. As such I recommend that it is deleted from the policy.
- 7.97 As I have commented earlier Little Cloud has recently submitted a planning application for the residential development of the site. In a matter-of-fact way the submission of the planning application signals the intentions of the owners about the future of the site. This reinforces my conclusion that the evidence does not indicate that the proposed designation is capable of enduring beyond the end of the Plan period.
- 7.98 Plainly there is a degree of uncertainty about the way in which housing land will be identified and delivered within the Plan period and beyond. Much of this uncertainty will be resolved with the adoption of the emerging Local Plan. In the event that the package of housing allocations does not include the Upper Rough any review of a made neighbourhood plan at that time could reconsider its designation as a LGS. I have made separate recommendations about the monitoring and review of a made neighbourhood plan in paragraphs 7.122 to 7.124 of this report.

The policy itself

- 7.99 The policy takes the matter-of-fact approach as identified in paragraph 203 of the NPPF. I recommend that the note at the end of the policy is repositioned into the supporting text given that it highlights the earlier work which was undertaken on the assessment of the proposed local green spaces. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete ‘Note: References in parentheses refer to the reference numbers in the Local Green Space Assessment Colne’s Local Green Spaces (March 2022)’

Delete LGS4 (The Upper Rough) from the policy.

At the end of paragraph 6.3.12 add: ‘Policy CNDP 7 identifies the designated local green spaces. The references in parentheses refer to the reference numbers in the Local Green Space Assessment Colne’s Local Green Spaces (March 2022)’

Delete LGS4 from the Policies Map.

Policy CNDP8 – Protection and Enhancement of Community Facilities

- 7.100 This policy celebrates the significance of community facilities in the town. It comments that there will be a presumption in favour of the protection of existing community facilities clubs, halls, health and education facilities, libraries, and places of worship. It also sets out policy guidance in relation to any proposals which may arise in the Plan period for the change of use of community facilities to other uses.
- 7.101 The final part of the policy offers support to new community facilities and the enhancement of existing facilities.
- 7.102 In the round the policy takes a robust approach to this matter. I recommend detailed modifications to the second part of the policy to bring the clarity and precision required by the NPPF. This is particularly important in relation to the marketing exercise. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the second part of the policy replace ‘non-community uses’ with ‘other uses’

In the second part of the policy replace 2 with: ‘the facility has been marketed at a realistic value for community use, following its closure, for a period of at least 12 months and the evidence indicates that there is no longer a demand for the community facility.’

Policy CNDP9 – Protection of Shops and Public Houses

- 7.103 This policy takes a similar approach to that of Policy CNDP8. It comments that there will be a presumption in favour of the protection of local shops (Use Class F2a) and public houses outside the town centre. In addition, it provides policy advice which would apply to development proposals which would involve either the loss or the change of use of such facilities.
- 7.104 In the round the policy takes a robust approach to this matter. I recommend detailed modifications to the first part of the policy to bring the clarity and precision required by the NPPF. This is particularly important to the definition of the uses concerned which has now been affected by recent amendments to the Use Classes Order. The third criterion in the submitted policy runs the risk that it may encourage property owners to allow the buildings concerned to fall into disrepair. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy delete ‘Use Class F2a’

Delete c.

Policy CNDP10 – Protection of Sport and Recreation Facilities

- 7.105 The policy identifies a series of sport and recreation facilities and indicates that they will be protected based on the contents of Policy ENV1 of the PLPCS.
- 7.106 There is an inevitable degree of overlap between this policy and Policy ENV1 of the PLPCS. Nevertheless, I am satisfied that the identification of the eight sports facilities brings added value to that strategic policy. For clarity, I recommend that the supporting text sets out the relationship between the eight sites and their listing in the Open Space Audit. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

At the end of paragraph 6.3.22 add: 'Policy CNDP10 consolidates the approach taken in the Pendle Core Strategy. For clarity the corresponding site numbers in the Open Space Audit are as follows [thereafter list the sites at 10/1 to 10/8 to the respective numbers (where applicable) in the Open Space Audit.]'

Policy CNDP11 – Protection of Allotments

- 7.107 This policy takes a similar approach to that of Policy CNDP10. It comments that existing allotments (as listed in the policy) will be protected based on Policy ENV1 of the PLPCS. The second part of the policy comments about the way in which the existing allotments and any additional allotments which may come forward will be safeguarded from redevelopment within the Plan period.
- 7.108 In the round the policy takes an appropriate approach to this matter. It acknowledges the importance of allotments in the town. In addition, the policy's approach provides a local application of an existing policy in the PLPCS. I recommend a modification to the second part of the policy so that it more clearly describes its purpose. It takes account of CTC's helpful response to the clarification note. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the opening element of the second part of the policy with: 'Proposals for new allotments in suitable locations will be supported. Proposals for the redevelopment of allotments will only be supported where:'

Policy CNDP12 – Transport

- 7.109 This policy offers support to the development of infrastructure which would assist the delivery of a series of transport improvements. It identifies three criteria with which the development of infrastructure should comply.
- 7.110 In the round the policy takes an appropriate response to this matter. It has been designed to take account of development proposals which may come forward in the neighbourhood area.
- 7.111 I recommend a modification to the second criterion in the policy so that it takes a positive rather than a negative approach and provides detailed advice to developers. This will ensure that it has regard to paragraph 16 of the NPPF. The recommended

modification also has regard to national policy on the historic environment in Section 16 of the NPPF.

Replace b) with: ‘Responds positively to the importance and significance of built and natural heritage assets;’

Policy CNDP13 – Conserving and Enhancing Valued Landscape Features

- 7.112 This is a wide-ranging policy on the local landscape. It comments that the landscape impacts of planning proposals will be assessed against the Lancashire Valleys National Character Area (NCA) and the Southern Pennines NCA.
- 7.113 The policy also identifies a series of significant views and applies a policy approach to those views.
- 7.114 In the round I am satisfied that the policy has taken a positive and evidence-based approach to this matter. It has taken account of broader studies of the landscape in Lancashire and has been underpinned by the excellent work of the Significant Views Assessment.
- 7.115 I recommend that the opening sentence of the policy is modified so that it acknowledges that in some cases it will be impracticable for a development proposal to ‘enhance’ the landscape in the neighbourhood area.
- 7.116 I also recommend that the word ‘valued’ is removed from the title of the policy. Valued has a specific importance in the context of paragraph 174 of the NPPF which the Plan has not described either in the policy or the supporting text.
- 7.117 I recommend a series of modifications to the part of the policy which addresses the significant views. It is based around PBC’s suggested changes to this part of the policy and CTC’s response to those changes. The effect of the modifications will be to bring clarity to the requirements for developers, the information needed to support applications which will affect the identified significant views and the implications for development proposals which did not comply with these requirements.
- 7.118 I have taken account of CTC’s response to the questions in the clarification note about the way in which the significant views can best be displayed in the Plan and the need to ensure that the Plan clarifies that the policy applies only to development proposals in the neighbourhood area. I recommend modifications to address these matters accordingly.

Replace the opening sentence of the policy with: ‘Development proposals should conserve and where practicable enhance the landscape in the neighbourhood area.’

Replace the views element of the policy with the following:

‘The following viewpoints are identified as important in the Colne Significant Views Assessment (2021): [List the views]

The design, layout, scale, and massing of development proposals should respond positively to the identified significant views.

Proposals which would affect a significant view should be accompanied by a Landscape Appraisal in accordance with the latest guidelines of the Chartered Institute of Landscape Architects. The Landscape Appraisal should 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.

Development proposals which would have an unacceptable impact on a significant view will not be supported unless their public benefits arising from the development demonstrably outweigh the harm caused to the view concerned.'

In the policy title delete 'Valued'

At the end of paragraph 6.4.8 add 'The significant Views are shown on [insert details].'

At the end of paragraph 6.4.9 add: 'The policy acknowledges that landscape is not necessarily an issue which respects administrative boundaries. Nevertheless, for clarity the policy applies only to development proposals in the neighbourhood area.'

Show the Significant Views on a separate map or maps in the main body of the Plan.

Policy CNDP14 – Rural Identity and Character

- 7.119 This policy comments that within the countryside (defined as the area outside the settlement boundary as defined on the Pendle Local Plan Policies Map), development proposals should retain and enhance the rural identity and character of the neighbourhood area. In specific terms it comments that new development proposals should be designed in such way to seek to meet a series of criteria.
- 7.120 In the round, I am satisfied that the approach taken in the policy is appropriate for the neighbourhood area. I saw during the visit that the town has a very close relationship with its surrounding countryside. I am also satisfied that the criteria are locally-distinctive.
- 7.121 I recommend a series of modifications to bring the clarity required by the NPPF. The first recommends that the opening element of the policy takes a proportionate approach. This will acknowledge that individual proposals will have different impacts on the relationship between the built elements of the town and the surrounding countryside. The second recommends that the first criterion is modified to acknowledge that the town is the only settlement in the neighbourhood area. The third recommends a simplification of the third criterion. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the second sentence of the opening element of the policy with: ‘As appropriate to their scale, nature and location, development proposals should be designed to respond positively to the following criteria:’

Replace a) with: ‘The proposal maintains the existing settlement pattern of the town and its relationship with the surrounding countryside.’

Replace c) with: ‘Use high quality materials which are consistent with local vernacular.’

Monitoring and Review of the Plan

- 7.122 The Plan has carefully set out the uncertainty over the direction of travel of the review of the Pendle Local Plan. I am satisfied that CTC has approached this matter in a responsible way which has regard to the relevant sections of Planning Practice Guidance.
- 7.123 Paragraph 6.0.1 comments about the way in which CTC would monitor the effectiveness of the Plan’s policies.
- 7.124 Within this wider context, I recommend that the initial part of Section 6 the Plan comments about the potential need for a full or partial review of the Plan once the emerging Pendle Local Plan has been adopted. It is important that made neighbourhood plan are kept up to date. It may be a particularly important matter given that the Planning Acts comment that if there is any conflict between the different elements of the development plan that conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In effect elements of a ‘made’ neighbourhood plan may become out of date once the emerging Local Plan has been adopted. This is a general issue in the Borough which would affect any neighbourhood plan. It is particularly important for Colne given its position in the settlement hierarchy and its location in the M65 corridor. This matter is further reinforced given the limited nature of the Plan period (up to 2030) which corresponds with the Plan period of the PLPCS.

Insert the following after 6.0.1:

‘Monitoring and Review

6.0.2. Each policy provides guidance about the way in which its implementation will be monitored. Over time, the Town Council will have a clear picture about the way in which the policies have been successful or need to be refined.

6.0.3 The Town Council will also assess the ongoing relevance of the Plan’s policies throughout the Plan period if national or local planning policies are changed and/or updated. The neighbourhood plan has been prepared within the context of the Pendle Local Plan Part 1 (the Core Strategy). That Plan was adopted in December 2015. The Borough Council is currently reviewing the Local Plan. Plainly this review process will affect the wider development plan and could have significant implications on the strategic approach to growth and development in the Borough. As such, the Town

Council will assess the need or otherwise for a full or a partial review of the 'made' neighbourhood plan within six months of the adoption of the emerging Local Plan.'

Other matters – General

- 7.125 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for PBC and CTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other matters – Specific

- 7.126 PBC has made a series of detailed comments on the Plan. They are designed to improve the level of detail in the Plan and the way in which it responds to development-related issues. CTC has responded to the comments. In some cases, it accepts the appropriateness of the comments made. In other cases, it has disputed their need.
- 7.127 Where this debate overlaps with the recommended modifications in this report, I have sought to accommodate the comments made. Plainly I have had to make judgements on a case-by-case basis about the appropriateness of the PBC comments and the extent to which they are necessary to ensure that the Plan meets the basic conditions.
- 7.128 I recommend that the general issues raised in the PBC comments which are not policy specific and are agreed by CTC should be incorporated into the Plan.

Incorporate the agreed PBC/CTC general changes into the Plan.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2030. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the examination of the Plan, I have concluded that the Colne Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Pendle Borough Council that, subject to the incorporation of the modifications set out in this report, the Colne Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as designated by Pendle Borough Council on 17 November 2016.
- 8.5 I offer my thanks to everyone who has helped in any way to ensure that this examination has run in an efficient fashion. I am particularly grateful to two people. The first is Jill Bailey at PBC who acted as the Programme Officer throughout the examination and worked closely with me to organise the hearing. The second is Gina Langley at CTC who provided the venue (and refreshments) for the hearing.

Andrew Ashcroft
Independent Examiner
2 May 2023

Appendix A.

Colne Neighbourhood Development Plan

Hearing Note

Context

This note sets out details for the hearing on the Plan. It builds on the preliminary note on this matter.

Hearing Details

The hearing details are as follows:

Date: Wednesday 15 March 2023

Time: 10:15

Venue: Colne Town Hall, Albert Road, Colne. BB8 0AQ.

The participants

The following organisations have been invited to attend the hearing:

- Colne Town Council (CTC);
- Pendle Borough Council (PBC);
- Lidgett and Beyond (LB); and
- Little Cloud Limited (LC).

The various parties should be represented by no more than two persons at each of the sessions. The public are welcome to attend the hearing. However, there will be no opportunity for other bodies or the public to participate directly.

The issues and the hearing sessions

The hearing will be based on Policies CNDP6 (Future Housing Growth) and CNDP7 (Protecting Local Green Space) of the submitted Plan.

For clarity, the hearing will not consider the current planning application for residential development on land to the east of Windemere Avenue, Colne (22/0790/OUT). This application overlaps with the land proposed to be designated as a local green space (Upper Rough LGS4) in the submitted Plan. The determination of that planning application is a separate matter for the Borough Council in its capacity as the local planning authority.

The hearing will have four sessions as set out below. The participants invited to attend each session are shown in italics (using the abbreviations already set out in this note).

Session 1

- Does the wording ‘to help meet future housing requirements to 2030’ in Policy CNDP 6 suggest that the submitted Plan has sought to assist in meeting the residual requirements for the town as identified in the Core Strategy?

- Should paragraphs 6.3.2/6.3.3/6.3.9 of the Plan be simplified so that they more closely relate to Policy CNDP6, take account of the most up-to-date position on housing commitments, and reflect the Borough Council's decision to proceed with a new Local Plan?
- How can the Plan best comment on the way in which the Town Council would assess the need or otherwise for a full or partial review of the policies in a made neighbourhood plan once the emerging Local Plan has been adopted?
CTC/PBC/LC

Session 2

- Are the proposed allocations in Policy CNDP6 available for development?
- Will the sites concerned come forward in the Plan period?
- Is the Town Council satisfied that the AECOM Viability report (February 2022) remains up-to-date and reflects the current financial position on the development of homes in the town?
CTC/PBC/LC

Session 3

- Would the proposed designation of local green spaces 1 (Alkincoates Nature Reserve), 2 (Alkincoates Park), 3 (Upper Foulridge) and 6 (Ball Grove) in Policy CNDP7 be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services (NPPF paragraph 101 and Planning Practice Guidance 37-007-20140306)?
- Are the proposed local green spaces capable of enduring beyond the end of the Plan period (NPPF paragraph 101)?
- Are the proposed local green spaces local in character and not extensive tracts of land (NPPF paragraph 102 and Planning Practice Guidance 37-015-20140306)?
CTC/PBC/LB

Session 4

- Would the proposed designation of Upper Rough (LGS4) as a local green space in Policy CNDP7 be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services (NPPF paragraph 101 and Planning Practice Guidance 37-007-20140306)?
- Is the proposed local green space capable of enduring beyond the end of the Plan period (NPPF paragraph 101)?
- Is the proposed local green space local in character and not an extensive tract of land (NPPF paragraph 102 and Planning Practice Guidance 37-015-20140306)?
CTC/PBC/LB/LC

The hearing itself

I would like to meet with the participants at 09.45 on the day of the hearing at the Town Hall. This meeting will discuss the detailed format of the hearing. It will not discuss the substantive matters to be debated at the hearing.

The day will follow the order of the four sessions. I will aim to deal with the first two sessions in the morning and the third and fourth sessions in the afternoon. Whilst the timing of each session will need to be fluid, I can advise that the third session will not start before 13.30.

The hearing will address the matters on a session-by-session basis. I will ask the various questions and lead any follow-up discussions. A neighbourhood plan hearing is intended to achieve a balance between getting to the heart of identified issues and having a light-touch approach so that lay people can both understand and take an active part in its proceedings. The hearing will proceed on this basis. There will be no opportunity for any party to question the other parties.

As the representations made by the parties invited to the hearing are clear and comprehensive, I am satisfied that additional hearing statements are not required. It would however be helpful if the following information could be available by Friday 10 March:

- the production of an agreed draft revision of paragraphs 6.3.2/6.3.3/6.3.9 (and any other consequential revisions to text or tables) by the Town Council and the Borough Council (as an initial response to the second question of the first hearing session); and
- the production of an A3 map showing the relationship between the Green Belt and the proposed local green spaces 1/2/3/4/6 (by the Borough Council).

Once available this information should be circulated to the other hearing participants and then published on the examination website.

The next steps after the hearing

I will finalise my report on the submitted Plan as quickly as possible after the hearing. The elements of the report on the remainder of the Plan will have been completed before the hearing takes place.

The examiner's report

The hearing introduces an additional stage into the examination process rather than affecting the way in which the report will be produced and finalised. I will send a fact check report to the Borough Council and the Town Council (as set out in the note on examination arrangements). The final report will be published once the fact-checking process has concluded. The main findings of the hearing will be incorporated within the report on a policy-by-policy basis.

Andrew Ashcroft
Independent Examiner
Colne Neighbourhood Development Plan

17 February 2023