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**TRAWDEN FOREST NEIGHBOURHOOD PLAN**

Report of Independent Examiner, David Proctor BSc, MTPL, MInstLM, MRTPI

August 2018

## 1. Introduction

- 1.1. This document is the report of the independent examination of the Trawden Forest Neighbourhood Plan (“the Plan”).
- 1.2. The Plan has been produced by Trawden Forest Parish Council, who are the “qualifying body” in line with powers established by the Localism Act 2011. It covers the whole of the Trawden Forest Parish which was designated as a Neighbourhood Area on 25th August 2016. The Plan aims to positively guide and shape development in the Trawden Forest area while protecting assets that are valued by the local community.
- 1.3. Preparation of the Plan has been undertaken by a Steering Group formed of members of the Parish Council and additional volunteers, with assistance from Pendle Borough Council who are the Local Planning Authority.
- 1.4. The Plan has been subject to consultation at a number of stages and by a variety of means, including postal questionnaires, drop-in sessions, staffed displays at local events, and direct contact with interested parties. Regulation 14 pre-submission consultation, arranged by the Parish Council, took place over six weeks from 27th November 2017 to 8th January 2018.
- 1.5. The Plan was submitted by the Parish Council to Pendle Borough Council on 6th February 2018. Regulation 16 consultation, arranged by Pendle Borough Council, took place between 23rd February and 6th April 2018, and the Plan was submitted for independent examination thereafter.

## 2. The Examination

- 2.1. The Plan has been submitted to myself as the independent Examiner appointed by Pendle Borough Council. I am a chartered Town Planner with almost 20 years’ experience in a variety of settings and in a variety of roles including Head of Service. I have no connection to the Parish Council or Pendle Borough Council, and have no interest in any land in the Trawden Forest area.
- 2.2. My role as Examiner is set out in the planning legislation, at Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. I am required firstly to consider whether the Plan meets the “Basic Conditions”<sup>1</sup>. In order to meet the Basic Conditions the Plan must:
  - 2.2.1. Have regard to national policies and guidance contained in guidance issued by the Secretary of State;**
  - 2.2.2. Contribute to the achievement of sustainable development;**
  - 2.2.3. Be in general conformity with the strategic policies contained in the development plan for the area; and**
  - 2.2.4. Not breach, and otherwise be compatible with, obligations established by the European Union or the European Convention on Human Rights**

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<sup>1</sup> Paragraph 8(2) of Schedule 4B

- 2.3. In respect of the test concerning national policies and guidance (2.2.1 above), I note that a revised version of the National Planning Policy Framework was published in July 2018. However Annex 1 of that document sets out transitional arrangements which are to apply to plans whose preparation overlaps the publication of the revised Framework. Paragraph 214 of Annex 1, and the accompanying footnote 69, confirm that neighbourhood plans which are submitted to the relevant local planning authority before 24 January 2019, are still to be examined by reference to the 2012 version of the NPPF. The Trawden Forest Neighbourhood Plan was submitted to Pendle Borough Council on 6th February 2018, and so the provision in Paragraph 214 applies. Accordingly I have examined the Plan on the basis of the policies contained in the 2012 version of the NPPF. References to paragraph numbers in the NPPF, both in my report and in the Plan itself, are to those in the 2012 version.
- 2.4. I am also required to consider a number of other matters set out in Paragraph 8(1):
- 2.4.1. Whether the Plan relates to the use and development of land, and the granting or otherwise of planning permission, within a designated Neighbourhood Area;**
  - 2.4.2. Whether the Plan states the time period that it covers and that time period is appropriate, whether the Plan relates to “excluded development” (it must not do so), and whether it relates to more than one Neighbourhood Area (again it must not do so);**
  - 2.4.3. Whether the Plan has been prepared in relation to a designated Neighbourhood Area and has been developed and submitted for examination by a Qualifying Body; and**
  - 2.4.4. If my recommendation is that the Plan should proceed to referendum, with or without modification, whether the referendum should extend beyond the geographical area covered by the Plan.**
- 2.5. Having examined the Plan I am required to make one of three recommendations<sup>2</sup>:
- that the Plan meets the Basic Conditions and the other tests set out in Paragraph 8(1) and should proceed to a referendum;
  - that the Plan should be modified in ways I set out, in order to meet the Basic Conditions, and should then proceed to a referendum; or
  - that the Plan does not meet the Basic Conditions and cannot be made to do so by modifications that I can make, or fails one of the other tests, and therefore should not proceed to a referendum
- 2.6. The Plan and the required supporting material were sent to me in April 2018. My initial consideration of the material identified the fact that the Environment Agency had objected to two of the proposed residential site allocations at Regulation 16 stage, having not responded to the consultation at Regulation 14 stage. In order for this objection to be addressed it was necessary for the Parish Council to commission some additional technical assessment of flood risk on these sites, to consider the advice contained in this assessment

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<sup>2</sup> Paragraph 10(2) of the same Schedule

once complete, and to identify any changes to the Plan that were necessary as a consequence.

- 2.7. In view of the timeframes involved in completing this work, and the potential for changes to be proposed to the Plan that were significant enough to require further public consultation, I took the step of suspending the Examination. The required information was provided to me in July 2018, and on the basis that the required assessments had been done and the Parish Council were not proposing major changes to the Plan, I confirmed that I was content to restart the Examination.
- 2.8. The Examination has been undertaken on the basis of written representations; it has not been necessary to arrange any hearing sessions.

### 3. Background Information

- 3.1. In addition to the submission version of the Plan itself, I was provided with, and have taken into account, an extensive library of supporting information including representations received in response to the Regulation 16 consultation. I have also taken into account the relevant legislation and guidance as necessary.
- 3.2. I spent an unaccompanied day visiting the Trawden Forest Neighbourhood Area.

### 4. The Basic Conditions

- 4.1. In determining whether the Plan fulfils the Basic Conditions, I have taken each of the Plan's policies in turn, considering whether they have regard to national policy and guidance, are in general conformity with the strategic policies of the development plan, and will contribute to the achievement of sustainable development. I have further considered whether the Plan is compatible with European Union and European Convention on Human Rights obligations.

#### **Policy 1: Location of Development**

- 4.2. Policy 1 sets out the overall intent as regards the pattern of development in Trawden Forest, with a clear focus on land within the defined boundaries of Trawden and Cotton Tree. This reflects the aspiration of the Plan to provide a sustainable alternative to development, in particular residential development, on open land beyond the settlement boundaries. In this respect Policy 1 is in general conformity with the policies of the Core Strategy while adding a local dimension to them, and aligns with policy and guidance set out nationally.
- 4.3. However, noting that the Plan is intended to ultimately form part of the statutory development plan, the clause in the policy which begins "Proposals to develop..." is too broadly worded. When applied in a development management context it would create unintended consequences which were in conflict with national policy. "Development" has a specific definition which is set out in planning legislation<sup>3</sup>, and which covers building

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<sup>3</sup> Section 55 of the Town and Country Planning Act 1990

operations, engineering and mining works, and material changes of use. The policy as written would capture all forms of development so that it might, for example, prevent a domestic extension or a change of use from a public house to a restaurant from taking place outside the settlement boundaries.

- 4.4. I recommend that the policy is amended as follows, to more accurately reflect its intent and to ensure that it produces outcomes which are consistent with national policy:

**Proposals to develop outside a settlement boundary, in the open countryside, Outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:**

**(1) Where it requires a countryside location for ~~tourist~~ tourism related purposes as ~~described under~~ and complies with Policy 5, or ~~to~~ will support agricultural...**

- 4.5. Paragraph 4.1.2 of the supporting text to Policy 1 makes reference to the existence of proposals for development beyond the settlement boundaries. This may or may not be correct, but it conveys an impression that the Plan is there to prevent development rather than, as national policy intends, to plan positively for it. I am also mindful that statements of this type, reflecting a position at the point in time that the Plan was prepared, will become out of date over the lifetime of the Plan, which is until 2030. I therefore recommend:

***Delete the last sentence of paragraph 4.1.2 beginning "There are..." and ending "...landscape."***

## **Policy 2: Housing Site Allocations**

*Regard to national policy as regards flood risk*

- 4.6. National policy and guidance establishes the approach that must be followed in considering flood risk when allocating sites within a plan<sup>4</sup>. The NPPF applies a two-stage test, comprising:
- the Sequential Test which seeks to direct development towards areas of the lowest flood risk; and
  - the Exception Test which considers whether the sustainability benefits of the development outweigh the risk, whether the development can be made safe, and whether it can avoid increasing, or reduce, the risk of flooding elsewhere
- 4.7. The Plan is supported by an assessment of flood risk (CD/08) which considers the extent to which each of the sites proposed for allocation falls into Flood Zones defined by the Environment Agency. In the first instance this allows the Sequential Test to be applied, so

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<sup>4</sup> NPPF paragraphs 100 to 104

that sites within the lowest category of Flood Zone (Flood Zone 1) can be confirmed as suitable for development and excluded from any further assessment.

- 4.8. The assessment confirms that the following allocated sites are within Flood Zone 1:
- Site 009 – land north of Dean Street – 97.5% of the site is within Flood Zone 1 including the access point. I am satisfied that the detailed design of a development at planning application stage can ensure that no vulnerable part of the development is sited within a higher-risk area.
  - Site 011 – land adjacent to 37 Hollin Hall – the whole of the site is within Flood Zone 1.
  - Site 014 – Hall House Farm – the whole of the site is within Flood Zone 1.
- 4.9. These sites pass the Sequential Test and so their allocation is in accordance with national policy.
- 4.10. In respect of Sites 012 (rear of Black Carr) and 015 (Black Carr Mill), the assessments confirm:
- Site 012 – rear of Black Carr – 65% of the site is in Flood Zone 2 (medium risk) and 35% is in Flood Zone 3 (high risk).
  - Site 015 – Black Carr Mill – 14% of the site is in Flood Zone 2 (medium risk) and 86% is in Flood Zone 3 (high risk).
- 4.11. In considering the allocation of these two sites it is firstly necessary for them to satisfy the Sequential Test. The Plan relies in this regard upon the Sustainability Appraisal (CD/07) that was undertaken in respect of the proposed site allocations and a range of others. The Appraisal concludes that the two sites both score positively in sustainability terms, whereas all the sites considered but not allocated bring about negative sustainability impacts to varying degrees.
- 4.12. Paragraph 102 of the NPPF states:
- If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.*
- 4.13. Based on the findings of the Sustainability Appraisal, that the alternative sites available for consideration scored significantly more poorly in overall sustainability terms, I am persuaded that it is not possible for the proposed development to be sustainably directed to another location. I therefore conclude that the Sequential Test is passed in respect of Sites 012 and 015, and that it is appropriate to apply the Exception Test.
- 4.14. In respect of the Exception Test, the Plan is informed by both the original flood risk assessment (CD/08), and supplementary assessments prepared in relation to sites 012 and 015 following the suspension of the Examination. The supplementary assessments provide additional detail in respect of predicted flood depths and velocities, and set out a range of matters which would need to be addressed in the design of any development.

4.15. Paragraph 102 of the NPPF states:

*For the Exception Test to be passed:*

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*

4.16. As noted above, the Sustainability Appraisal concludes that the development of both site 012 and site 015 will bring about positive sustainability benefits, in contrast to the alternative sites considered which bring about negative sustainability impacts. In considering, at the plan-making stage, whether these benefits outweigh flood risk, I have taken into account the potential to reduce the risk or the impact of flooding through the application of appropriate policy requirements. I note that a further Exception Test would be required at planning application stage, since the precise level of risk and scope to mitigate it is dictated by the detailed design of a development. Given this, and on the basis that policy requirements can be imposed which provide the decision maker with considerable control, I am content to conclude that the requirement for sustainability benefits to outweigh flood risk is met to the extent necessary at this plan-making stage, in respect of Sites 012 and 015.

4.17. I note however that even with the changes proposed by the Parish Council in response to the supplementary assessments, the Plan does not robustly impose the relevant requirements, and therefore fails to have regard to national policy. It is necessary for the requirements pertaining to a planning application to be incorporated into policy text rather than the supporting text. Taking the version of the Plan incorporating the Parish Council's proposed changes to be the one that I am examining, I therefore recommend that the policy text of Policy 2 be amended as follows:

***Do not insert the replacement wording for criterion v) proposed by the Parish Council on 10th July 2018. Instead retain criterion v) in its original form (which will apply to development on all the allocated sites), and insert new criterion xii) as follows:***

**xii) Any application for new development at site 012 or site 015 shall be accompanied by a detailed site specific flood risk assessment (FRA), which provides details of how flood risk will be managed having regard to the detailed layout and design of the development proposed. This must, as a minimum:**

**\* Provide a complete understanding of how the development layout will affect flood flow routes through the site, including depth and velocity of flooding during a design flood plus climate change;**

**\* Identify comprehensive flood resilience measures;**

- \* Include detailed building designs to demonstrate how the development will avoid displacement of flood water;**
- \* Include a robust emergency evacuation plan, to be reviewed and agreed by the Local Planning Authority and the emergency services, considering evacuation or the use of internal safe refuge and demonstrating how any part of an evacuation route not within the developer's control is to be kept available for use at all times;**
- \* Characterise the nature of flooding, considering how the rate of onset and duration of any flood event will affect the evacuation plan; and**
- \* Consider the need to remove or vary any permitted development rights that would normally be enjoyed by the proposed dwellings, in order to ensure that design features intended to manage flood risk are retained**

- 4.18. As a consequence of incorporating this information into the policy text, there is no requirement to expand upon these points in the supporting text. The commentary in the original version of the Plan accurately reflects the position that has been reached in light of the supplementary assessments. The proposed revisions also contain information about the form of development that the Parish Council envisages, which is not supported by any evidence. I therefore further recommend:

***Do not incorporate any of the additional supporting text to Policy 2 proposed by the Parish Council on 10th July 2018.***

*Conformity with strategic development plan policies as regards quantum of development*

- 4.19. Policy 2 responds to the requirement in the Pendle Core Strategy to plan for a level of residential development in Trawden Forest that is consistent with its position in the hierarchy of localities in the Borough of Pendle. The supporting text explains how the required quantum of development has been calculated, and how completions since the beginning of the Core Strategy plan period and extant planning permissions have been taken into account. The methodology used directly reflects that which has been applied by Pendle Borough Council in taking forward its Local Plan Part 2. It is a robust basis for identifying the amount of residential development to be accommodated via the Plan, and is in conformity with the Pendle Core Strategy.
- 4.20. The methodology used produces a “residual” requirement of 39 dwellings. The Plan sets out to allocate land to accommodate this amount of development, along with a “buffer” to allow for sites not coming forward, permissions lapsing and so on.
- 4.21. The selection of sites to allocate has been undertaken by reference to a scoring system derived from that used by Pendle Borough Council, and to the sustainability appraisal. The assessment has been undertaken by a panel of several people, and has been clearly documented. In principle this is a robust and transparent method to identify sites to be allocated.
- 4.22. In order to conclude that Policy 2 is in general conformity with the strategic policies of the development plan, I must be satisfied that the sites allocated, along with the criteria-based

policies elsewhere in the Plan which allow developments to come forward on other sites, will allow the quantum of development required (39 dwellings by 2030) to be delivered.

- 4.23. This requires me to consider firstly whether the evidence demonstrates that the sites are capable of being developed, that there no known infrastructure or other constraints, and that the owners of the sites are willing for them to be developed. The methodology used directly addresses these requirements, and I am satisfied that all the allocated sites fulfil these criteria in principle.
- 4.24. I must secondly consider whether quantum of development envisaged on each site can reasonably be expected to be delivered, in order for the overall requirement of 39 dwellings to be met. I have considered each site in turn in respect of this issue, having regard to the documented site assessment, comments made on each site through the consultation process, and my own knowledge of the sites having visited them.
- 4.25. In respect of **Site 009**, land North of Dean Street, the Plan envisages the delivery of 20 dwellings, which equates to a density of 30 dwellings per hectare. While I note that the site has some constraints in terms of gradients, I am satisfied on balance that there is a realistic prospect of 20 dwellings being delivered upon it.
- 4.26. In respect of **Site 011**, land adjacent to 37 Hollin Hall, the Plan envisages the delivery of two dwellings. I return later in my report to the question of how the Plan can secure the form of development, including a car park, that is envisaged; but I am satisfied that the site can deliver the two dwellings planned for.
- 4.27. In respect of **Site 014**, Hall House Farm, I note that this is an open tract of land adjacent to an existing cluster of dwellings. There appear to be no significant constraints and none have been identified through the site assessment process. I am satisfied that this site can accommodate the two dwellings envisaged.
- 4.28. **Site 012** Rear Black Carr and **Site 015** Black Carr Mill were the subject of the objection from the Environment Agency and the further flood risk assessment work to which I refer in Section 2 above. While I am satisfied that the case has been made for these sites to be allocated in principle, I note that the response of the Environment Agency makes reference to the requirement for an easement adjacent the channel of Trawden Brook, along with a possible requirement for provision for access for plant and machinery. In my experience the requirement for an easement is a standard one which is applied in all cases where development is proposed adjacent to a Main River. It invariably involves a requirement for an eight metre strip of land, on each side of the river channel, to be kept free from development or structures of any kind. In my experience this includes not only buildings, but also domestic gardens and roads.
- 4.29. Given the size and shape of the sites involved, the exclusion of an eight metre strip on each side of the river channel will impact very significantly on their developability. Even without this restriction, I note that the densities expected to be achieved on these sites were high: 43 dwellings per hectare for Site 015 and 71 dwellings per hectare for Site 012. With the requirement for the easement in place, which not only restricts the developable area in

absolute terms but also imposes constraints on possible layouts, my conclusion is that while the sites are suitable to allocate in the Plan, it cannot be said with certainty that they will deliver close to the quantity of development that the Plan expects them to.

- 4.30. I note however that the Plan incorporates an “over provision” such that the allocated sites are envisaged to deliver 50 units against a requirement for 39. This provides some “headroom” which can help offset a shortfall in the number of dwellings delivered on Sites 012 and 015. I also note that Policy 3 allows for the development of windfall sites of up to 9 dwellings within the settlement boundary. No allowance is made for any of this windfall development in the assessment of land supply that currently underpins the Plan.
- 4.31. The Plan assumes that Sites 012 and 015 will in combination deliver 26 dwellings, and that there will be no contribution from windfall sites. If the “headroom” of 11 dwellings (50 minus 39) is discounted, there remains a requirement for Sites 012 and 015, plus windfall sites, to deliver a minimum of 15 dwellings (26 minus 11) before 2030. On balance, I consider this to be a realistic expectation.
- 4.32. I am therefore satisfied that considered as a whole, the Plan makes available sufficient opportunity for residential development within the defined settlement boundaries, to allow the strategic requirement of 39 dwellings by 2030 to be met. On this basis I conclude that Policy 2 is in general conformity with the strategic policies of the development plan in respect of housing numbers.

#### *Form of development at Site 011*

- 4.33. The supporting text to Policy 2 includes a series of “Development Concepts”. While noting that these are not policy requirements, they are useful in providing a general guide as to the type of development that the Parish Council would wish to see. In respect of Site 011 however, the Development Concept is significantly more specific as to the form of development expected: the text refers to a development comprising two dwellings plus a car park with 16 spaces. I observe firstly that this is a highly specific reference which appears to impose a significant constraint on the landowner as to how he develops his land; and secondly that, while not reflected in the formal scoring of sites, the perceived ability of this site to provide a car park for wider use has been a consideration in the Parish Council’s mind in identifying sites for allocation.
- 4.34. I am not aware of any objection raised by the landowner to the description of his site in this way (he has not made any comment at Regulation 16 stage, although three other representors have objected to the allocation), but equally I note that the Plan as drafted does not mandate this form of development. There is no mechanism in the Plan to prevent the site from being developed wholly for residential use, which would not deliver the outcome anticipated. By virtue of the fact that the site has been allocated partly in order to help address an issue (parking) identified as being one of relevance to sustainable development in Trawden, I consider this to be an issue within the scope of the Basic Conditions. If the Plan is to secure the form of development and the sustainability benefits sought, the requirement for Site 011 to be developed for a combination of housing and

parking to serve the wider area, needs to be incorporated in policy. I therefore recommend that Policy 2 is amended as follows:

***After new criterion xii), insert:***

**xiii) Unless it is demonstrated that such a form of development is not practicable or viable, proposals for the development of site 011, Land adjacent to 37 Hollin Hall, shall additionally provide for a car park available for the use of motorists not associated with the residential element of the development. Any planning application for the development of this land for this purpose shall be accompanied by proposals setting out arrangements for the ongoing management of the car park, including any criteria or mechanism for the allocation of spaces.**

- 4.35. As a consequence of this change it is no longer necessary or desirable for the Development Concept for this site in the supporting text to contain so much detail. I recommend:

***Delete the paragraph under 4.2.11 which begins “The development adjacent to 37 Hollin Hall...” and ends “...(between Far Wanless and Alderbarrow)” and replace with:***

**The development adjacent to 37 Hollin Hall (ref. 011) is in two parts: residential dwellings and a car park. This is a greenfield site and the Steering Group expects that designs will be appropriate to a rural location, and be as unobtrusive as possible within the landscape. Bungalows would be considered an appropriate form of residential development on this site.**

### **Policy 3: Housing Windfall Sites**

- 4.36. Policy 3 provides the framework for consideration of small “windfall” sites. As noted above I regard this policy as important in ensuring that there is a robust supply of land to meet the Core Strategy housing requirement, and so it is essential that it operates in the manner intended. The policy is clearly intended to guide the development of small sites only, and yet does not include a definition of “small” within the policy text. Nor does the policy text deal with the issue of the piecemeal development of larger sites. To address these issues and ensure that the policy supports the delivery of the Core Strategy housing target, I recommend that the first paragraph of Policy 3 be amended as follows:

**~~Proposals for small scale housing developments within the Settlement Boundaries of Trawden and Cotton Tree, as shown on the Proposals Map, Within the Settlement Boundaries of Trawden and Cotton Tree, as shown on the Policies Map, proposals for residential development which comprise nine or fewer net additional dwellings, and which do not constitute a partial development of a larger site, will be supported, provided their design...~~**

- 4.37. The first sentence of Paragraph 4.3.8 contains an inaccuracy or ambiguity in respect of national policy. I recommend that it be amended as follows:

**Residential gardens ~~are not considered as~~ do not fall within the definition of previously developed land.**

**Policy 4: Parking**

- 4.38. It is evident from the information provided about initial consultation on the Plan and from the Sustainability Appraisal, that parking is an important issue for sustainable development in the Trawden Forest area. It is therefore appropriate for the Plan to set out to influence the provision of parking, in the form of a specific policy.
- 4.39. If the policy is to achieve the anticipated sustainability benefits, however, it is necessary for it to be sufficiently precisely worded to provide clarity for the decision maker as to how it should apply. It is also necessary for the policy to be worded so as to avoid unintended consequences, not the least of which is pressure to create large amounts of new surface parking, which would fail to have regard to national policy as regards sustainable travel, as well as the objectives of the Plan itself in respect of local character. Finally it is a principle of national policy that a development plan policy cannot impose a blanket restriction on a particular form of development. At a number of points Policy 4 as worded does not fulfil these requirements.
- 4.40. In view of the sustainable development rationale for the allocation of Site 011, which is reflected in a specific policy requirement to provide a car park, it is appropriate for this car park, when constructed, so be subject to protection in line with this policy. I further address this in my recommendations as to the supporting text to this policy.
- 4.41. I recommend that Policy 4 be amended as follows, with the elements not specifically mentioned being retained unaltered:

**Within the defined settlement boundaries of Trawden and Cotton Tree, Any opportunities that arise to ~~enhance parking provision~~ address a recognised local parking shortfall or safety issue relating to on street parking throughout the village will be supported, provided they are appropriate in scale and character and comply with the other policies of this Neighbourhood Plan and the Pendle Local Plan.**

***Delete the second paragraph beginning "This Policy..." and ending "...Protected Car Parks:"***

***Remove the bullets from the 3rd to the 8th paragraphs (retaining the paragraphs themselves) and align the paragraphs with those above so that they become main criteria in the policy.***

***Delete the paragraph beginning "The Parish Council will seek..." and ending "...pavement parking are prevalent" which has the same effect as the first paragraph in the policy.***

~~Where planning permission is necessary for the alteration or extension of a property support will not be given for the conversion of garage space to habitable rooms or other residential uses unless there is~~ conversion of garage space to habitable rooms or other residential uses, permission will only be granted where it is demonstrated that there is adequate space to park vehicles off the public highway in line with , having regard to the parking standards set out in the Pendle Local Plan and the parking guidelines set out in this Neighbourhood Plan;

~~Car parks shown on the Policies Map (see Appendices 9C and 18) are protected from development. Development which would lead to the partial or complete loss of a car park identified on the Policies Map and listed in Paragraph 4.4.7 will only be permitted where there is clear evidence that equivalent and suitable alternative provision can be secured through the development.~~

***Amend the Policies Map to show an additional Protected Car Park in the location of Site 011: Land adjacent to 37 Hollin Hall.***

- 4.42. The supporting text to Policy 4 is generally helpful in setting out the context and rationale for the policy, with a small number of minor exceptions.
- 4.43. The final sentence of paragraph 4.4.3, beginning “The development at Weaver’s Court...” and ending “...properties in Colne Road” does not address itself to planning or sustainable development, and might be interpreted as a criticism of the residents of that development. I recommend:

***Delete the final sentence of paragraph 4.4.3 beginning “The development at Weaver’s Court...” and ending “...properties in Colne Road.”***

- 4.44. The use of the word “insist” in the final sentence of paragraph 4.4.5 implies that charging points will be provided in all new developments without fail. The planning system cannot deliver this level of certainty. I recommend the sentence be amended as follows:

**It is sensible to insist that all new developments incorporate access to a charging point to promote the incorporation of charging points in all new developments.**

- 4.45. Paragraph 4.4.7 implies that policy protection will be afforded not only to the existing car park sites to be identified on the Policies Map, but also to newly created sites, with the Parish Council maintaining a “live” list of the sites to which the policy applies. The policy text as worded does not have this effect, and with the exception of the car park to be created through the delivery of Site 011, it is beyond my remit to recommend that it be amended to do so. To ensure consistency between the policy and the supporting text I therefore recommend that paragraph 4.4.7 be amended as follows:

~~Existing car parking sites will be protected by designating them as Protected Car Parks. The Parish Council will maintain a list of these Protected Car Parks. The list of these is shown on the Proposals Map (see Appendices 9C). Policy 4 seeks to ensure the retention~~

**of a number of existing parking sites by designating them as Protected Car Parks. The list is as follows:**

***Add to the list of car parks under 4.4.7:***

**Any car park created through the development of Site 011: Land Adjacent to 37 Hollin Hall.**

#### **Policy 5: Wycoller Country Park**

- 4.46. Policy 5 sets out to support and manage development associated with tourism in Wycoller Country Park. The inclusion of the Country Park boundary on the Neighbourhood Plan Policies Map will establish it within the Development Plan for the first time: the boundary is not currently identified on the Core Strategy Key Diagram or in a saved Local Plan policy. As a consequence this policy will be the first Development Plan policy relating specifically to development in Wycoller Country Park.
- 4.47. The “key linkages” reference below Policy 5 identifies Core Strategy Policy WRK5 as the main strategic policy that is of relevance. There is a significant degree of overlap between Policy 5 and WRK5, and to this extent Policy 5 is in overall conformity with WRK5.
- 4.48. Aspects of the wording of Policy 5 do, however, create tension with WRK5 when applied in a development management context. In particular the first sentence of Policy 5 ends in the phrase “will be supported.” While the Policy goes on to identify a series of other matters that should be considered, these are not presented clearly enough as further policy tests to be met, and the Policy can be read as offering unqualified support to all tourism-related developments in the Country Park. This would not be consistent with WRK5, in particular criterion 5 relating to the scale and impact of tourism-related development. This can be rectified by ensuring that the various matters identified in Policy 5 are clearly presented as policy criteria to be met or addressed. I therefore recommend that Policy 5 be amended as follows:

**In Wycoller Country Park (as defined on the ~~proposals map~~ Policies Map) development proposals which encourage tourism will be supported where they: ~~Re-use of existing buildings is preferred ahead of new build.~~**

**\* Involve the re-use of existing buildings where possible;**

**\* ~~Proposals should~~ Have no significant adverse impact on the landscape, biodiversity, natural heritage, cultural heritage or local community;**

**\* ~~should be~~ Are of an appropriate scale and design; and**

**\* ~~should~~ Do not result in any additional pressure on the existing infrastructure without adequate mitigation.**

**Improvements to existing tourist attractions and facilities, including extensions, will be supported where they respect the character of the existing building and comply with other policies in this Neighbourhood Plan and the Pendle Local Plan.**

### Policy 6: Heritage Assets

- 4.49. Paragraph 5.2.3 of the Plan makes it clear that the principal focus of Policy 6 is intended to be non-designated heritage assets which will appear in a “local list” to be compiled with input from the Parish Council. The Plan leaves the consideration of matters relating to designated assets (listed buildings, conservation areas and scheduled ancient monuments) to borough-wide policies to be prepared by Pendle Borough Council.
- 4.50. The policy is inconsistent in its wording in respect of the distinction referred to in the previous paragraph. The third and fourth paragraphs both refer to “designated” assets which according to paragraph 5.2.3 would be outside the scope of the policy. I have considered the Plan on the basis that Policy 6 is only intended to relate to non-designated assets (primarily those featuring on the Local List), and have recommended changes on that basis in order to ensure that the chain of conformity with the Core Strategy, in particular Policy ENV2, is clear.
- 4.51. Whether applied to designated or non-designated assets, Policy 6 sets out policy tests to be applied in respect of development proposals affecting them. The effect of the policy tests can be summarised as follows.
- 4.52. From the **third paragraph** – for any development causing harm to a heritage asset:
- Have all reasonable efforts been made to mitigate the effects of the proposal? And
  - Do the public benefits of the development clearly outweigh the potential harm?
- 4.53. From the **fourth paragraph** – for any development affecting a heritage asset:
- What is the desirability of sustaining and enhancing the significance of the asset and securing a use for it that is consistent with its conservation?
  - Is there clear and convincing justification for development that would cause harm, however slight, to the significance of a heritage asset?
- 4.54. This approach fails to have regard to national policy in several respects:
- There is no reference to, or application of, the principle of protection proportionate to significance of the asset (NPPF para 126). The reference in the fourth paragraph to all harm, however slight, is the most prominent example of this;
  - No distinction is drawn between “substantial harm” and “less than substantial harm” which is fundamental in the application of the NPPF tests;
  - The policy applies some of the policy tests set out in the NPPF, notably the weighing of public benefits against harm (para 134) and the requirement for “clear and convincing justification” of harm (para 132); but firstly does so only selectively, secondly applies them in different contexts to those intended by the NPPF (for example para 132 deals only with the total loss of significance of an asset); and thirdly applies them in respect of non-designated assets whereas the NPPF tests apply to designated assets;

- The overall approach does not reflect that mandated in NPPF para 135 in respect of non-designated heritage assets.

4.55. I note the significance of the historic environment to sustainable development in Trawden Forest, and the Parish Council's intent to develop a Local List for adoption by Pendle Borough Council. There is clear merit in these matters being addressed in the Neighbourhood Plan. However Policy 6 as worded is significantly misaligned with national and local strategic policy, and would have the effect of applying a substantially different policy test to development affecting heritage assets than would exist elsewhere in Pendle (or England). In order that the Plan should address the Parish Council's overall intent, while avoiding conflict with an area of national policy which contains a series of complex and nuanced policy tests, I recommend that Policy 6 be modified as follows:

***Amend the final sentence of the first paragraph:***

**The Parish Council will prepare a list of non-designated heritage assets which have particular local significance ~~and which should be taken into consideration in planning decisions~~. Where development is proposed which will affect a heritage asset identified on this list, any planning application should be supported by proportionate evidence explaining the significance of the asset, detailing any harm that the development would cause to the asset's significance, and setting out why any such harm cannot reasonably be reduced or avoided.**

***Delete the third and fourth paragraphs.***

4.56. The supporting text remains appropriate as context for this revised policy and does not require any changes.

**Policy 7: Areas of Townscape Character**

4.57. Policy 7 sets out in some detail the factors that lend various parts of the Trawden Forest area their distinctive character. It is an effective demonstration of the potential of neighbourhood plans to reflect local circumstances in the planning process. The intent of the policy, to ensure that development respects and contributes positively to local character, is clearly in alignment with the Core Strategy (in particular Policies ENV1 and ENV2), and has regard to national policy and guidance.

4.58. However in common with a number of the other policies in the Plan, Policy 7 is worded in a way which has the potential to create unintended consequences, or to deliver outcomes which are not in conformity with the Core Strategy. In particular:

- The various references to "development proposals" or "proposals for development" would in principle apply to any activity falling within the definition of "development" contained in the planning legislation;

- The phrase “will be supported” is not qualified and can be read as applying to any scale or type of development, some of which would not be compatible with the Core Strategy;
- The phrase “should consider” is difficult to apply in a development management context and does not provide certainty that the Core Strategy’s objectives will be achieved; and
- The phrase “protected from development” implies that no development will be allowed to take place under any circumstances, which is not possible within the English planning system.

4.59. These matters can be addressed, and the policy made consistent with the Core Strategy, without changing the meaning of the policy. The policy also contains a typographical error which creates an ambiguity. I recommend:

***Amend the paragraph beginning “Development proposals...” as follows:***

**Development proposals in an Area of Townscape Character, ~~will be supported, provided applicants can demonstrate that they have had regard to the potential impact on the~~ which comply with other policies of this Neighbourhood Plan and the Pendle Local Plan, will be supported where there is no unacceptable impact on the character and appearance of the area.**

***Amend the paragraphs under the heading “Lane Top, Well Head and New Row” as follows:***

**Proposals for development involving the creation of new buildings or the substantial alteration of existing ones, in the area of Hill Lane Top, ~~should consider~~ must demonstrate that they have had regard to the impact on long range views from the north, and proposals for in the area of Well Head and New Row ~~should consider~~ must demonstrate that they have had regard to the impact on views from the west and northwest.**

**Where applicable, Proposals for development in this area must demonstrate that they have had regard to the impact on the historic...**

***Amend the paragraphs under the heading “Hill Top and Foulds Road” as follows:***

**...valley from the east. Within ~~t~~The open fields ... Dean Street and Hall Road, ~~should be protected from development to retain~~ development will only exceptionally be permitted, where it is demonstrated that the benefits of the development very clearly outweigh the harm to the contribution of this land to the special settlement character of this area.**

**Where applicable, Proposals for development in this area must demonstrate that they have had regard to the impact on the historic...**

***Amend the final paragraph as follows:***

**Within ~~T~~the open space, ... ~~should be protected from development to retain~~ development will only exceptionally be permitted, where it is demonstrated that the benefits of the**

**development very clearly outweigh the harm to the contribution of this land to the special settlement character of this area.**

- 4.60. The supporting text at paragraph 6.1.7 contains a political statement which is not relevant to the statutory role of the Neighbourhood Plan. I recommend:

***Delete the final two sentences of the second paragraph within 6.1.7, beginning “Fortunately...” and ending “...attempts to release it.”***

#### **Policy 8: Protection of Locally Valued Resources**

- 4.61. Policy 8 seeks to resist the loss of facilities that are regarded as important to the sustainability of communities in Trawden Forest. I note that a development plan policy addressing this matter at a Borough level already exists (Core Strategy Policy SUP1), so that the main purpose of Policy 8 is to add a local dimension by identifying specific factors that are relevant to be taken into account in a Trawden Forest context, and by identifying a list of key facilities towards which the policy is directed.
- 4.62. The policy introduces a concept of Locally Valued Resources (LVRs). It seeks to establish a policy test whereby the loss of an LVR must be “clearly demonstrated to be the most locally acceptable solution”. This is not a test that is capable of being applied via the planning system, so that Policy 8 as worded will not assist in the operation of Core Strategy Policy SUP1 and cannot be said to be in general conformity with it. It is also in conflict with the requirement for the Plan to set out the circumstances in which planning permission will be granted (see 2.4.1 above).
- 4.63. The part of Policy 8 which deals with LVRs refers to the list of these facilities, which is contained in the supporting text (at 7.1.1). Although it is not uncommon for plans to contain such information in supporting text rather than policy, in my experience this can lead to uncertainty as to the status of the information in question in the determination of a planning application. The issue of conformity with the Core Strategy, and the test referred to at 2.4.1, are relevant again here. In addition I note that the text in question includes a reference to an intention on the part of the Parish Council to review the list of LVRs on an annual basis. In relation to this I note firstly that the Plan is intended to cover the period to 2030, and that while reviews of the Plan may well take place before that date, they will certainly not occur on an annual basis. Furthermore I note that if a version of the list of LVRs is included in the Plan, and the list is subsequently reviewed and documented separately elsewhere, there is significant potential for ambiguity as to whether the tests in Policy 8 should apply to a particular facility or not.
- 4.64. I understand the list of LVRs set out in the Plan to represent the most well-established and valued facilities in the Trawden Forest area. While I do not have access to the criteria that were used to define this list, I would not expect a new facility that emerged to immediately warrant protection of the type afforded by Policy 8. An annual review does not therefore appear to be essential. As such, and given the need for clarity as to the status of the list in order to robustly ensure conformity with Core Strategy Policy SUP1 and meet the test

summarised at 2.4.1, I conclude that the list of LVRs should be moved to the policy text of Policy 8, along with changes to the wording to establish an operable policy test.

- 4.65. Finally I note that the policy as worded refers to the change of use of a facility, but not to its demolition or redevelopment. While I note that demolition may not always require planning permission, this nevertheless represents a loophole in the policy with the potential to prevent the effective operation of Core Strategy Policy SUP1.
- 4.66. With all the above in mind I recommend that Policy 8 be amended as follows:

**The change of use, redevelopment or demolition of shops, leisure, sporting and community facilities will only be permitted if it can be where it has been demonstrated that reasonable efforts have been made to secure their continued use for these purposes and / or alternative provision is made. Specifically, any proposal for change of use, which would adversely affect or result in the loss of a Locally Valued Resource (as defined in the list below) will not only be permitted unless it has been clearly demonstrated to the most locally acceptable solution, taking into account all relevant factors including: where evidence has been provided that all the following have been considered to a reasonable extent:**

- \* full exploration of options to secure the continuation of the facility;
- \* designation as an Asset of Community Value (\*\*)
- \* community purchase
- \* possible alternative provision

~~to the extent that each factor is applicable.~~

**The following community assets are defined as Locally Valued Resources:**

<u>Trawden School</u>	<u>Ball Grove Cafe</u>
<u>Village Community Centre</u>	<u>Community Shop / Post Office (*)</u>
<u>Harambee Surgery &amp; Dispensary</u>	<u>The Trawden Arms</u>
<u>St Mary's Church</u>	<u>The Cotton Tree Inn</u>
<u>Old Rock Cafe</u>	<u>Wycoller Visitor Centre</u>
<u>Wycoller Craft Centre</u>	<u>Cockhill Club</u>

- 4.67. Paragraph 7.1.4 refers to a regular review of the list of LVRs, which as discussed above is not capable of being reflected in the Plan. I therefore recommend the final sentence of this paragraph be amended as follows:

**Consequently it was decided that a list of Locally Valued Resources be drawn up and reviewed on a regular basis.**

### **Policy 9: Protecting Designated Open Spaces & Local Green Spaces**

#### *Designated Open Spaces*

- 4.68. Policy 9 defines a series of specific areas of land as Designated Open Space and, separately, as Local Green Space, and sets out criteria against which proposals for development affecting these spaces will be assessed.
- 4.69. The process of defining the Designated Open Spaces has been informed by the Pendle Open Space Audit 2008, which is a comprehensive and robust evidence base and has also informed the Core Strategy.
- 4.70. I note that a number of objections have been received at Regulation 16 consultation stage from landowners whose land falls within the Plan's Designated Open Space notation. The objections have been submitted by the same planning agent on the various owners' behalf, and each follow a similar format. I am not required to directly consider objections as part of the Examination, but the points raised relate to issues which are within my remit, namely the extent to which the Plan has regard to national policy and the existence of any conflict with human rights obligations.
- 4.71. The objections state that the areas of land concerned have been designated as Local Green Space. This is incorrect: the Local Green Space designation is a separate element of Policy 9, with different policy criteria, and does not apply to any of the areas in question. The areas in question are in fact proposed to be defined as Designated Open Space.
- 4.72. All the areas to which the objections relate are identified as Woodland in the Pendle Open Space Audit 2008, and categorised as such in Appendix 10 to the submitted Plan. They are small parts of wider tracts of woodland, the remainder of which I take to be controlled by different owners (who have not objected to the Plan). It is therefore clear that the designation of these areas has been done on the basis of their value as areas of tree cover, and that there has been no implication of, or attempt to establish, public access to these areas.
- 4.73. In relation to Designated Open Space (not Local Green Space), Policy 9 sets out a series of criteria against which development proposals will be assessed. I note firstly that these afford an appreciable degree of flexibility, such that development can still take place within areas of Designated Open Space. I secondly note that the effect of the criteria is no more restrictive than that of the development plan and national policy tests which would be likely to apply to proposals to develop on the areas of land in question in any event.
- 4.74. In view of the above I am satisfied that the definition of the areas of Designated Open Space identified in the Plan has been undertaken in accordance with national policy, and does not represent an unjustifiable restriction on the rights of the landowners concerned.

*Local Green Spaces*

- 4.75. The Plan identifies three areas of land as Local Green Space. Local Green Space is a specific designation made possible by the NPPF<sup>5</sup>. The NPPF makes it clear that the Local Green Space designation will not be appropriate for most open spaces and should only be used where the land in question is a) in reasonably close proximity to the community it serves, b) demonstrably special to the community, and c) local in character. Two of the three areas designated as Local Green Space are within the main village of Trawden; the third is Trawden Recreation Ground which is approximately 400m beyond the village boundary. I am satisfied that all three sites fulfil criterion a). The Plan explains in some detail the significance of each of the sites, including the history of the community's involvement in creating them and, in the case of the Recreation Ground, the role played in accommodating community events of considerable importance. I am satisfied that all three sites fulfil criterion b). Two of the sites are very small areas; the Recreation Ground is much larger but nevertheless has a clearly defined boundary beyond which is farm land of a substantially different character. I am satisfied that all three sites fulfil criterion c).
- 4.76. I am therefore satisfied that having regard to the tests set out in the NPPF, it is appropriate to designate Trawden Recreation Ground, the Poetry Garden and the Millennium Garden as Local Green Spaces.

*Wording of Policy 9*

- 4.77. In respect of Designated Open Spaces, Policy 9 includes the statement that "Development will only be permitted in exceptional circumstances..." As with several other policies in the Plan, this form of wording will capture all development irrespective of type, size or impact on the open space, which is an unintended consequence and places the Plan in tension with the Core Strategy and national policy. The reference to "exceptional circumstances" implies a particularly high policy bar which is (appropriately) not reflected in the criteria that follow: the criteria themselves are consistent with the Core Strategy and national policy.
- 4.78. The NPPF indicates<sup>6</sup> that local policy for managing development affecting Local Green Spaces should be consistent with that for Green Belts. The Plan uses a form of wording which refers to the need to demonstrate very special circumstances in accordance with NPPF Green Belt policy. Subject to minor changes I consider this to be an appropriate form of wording which is consistent with national policy.
- 4.79. There is inconsistency in the cross referencing between Policy 9 and the various Appendices: this requires addressing for clarity and relates to recommendations I also make as to the Appendices themselves.
- 4.80. In view of the above I recommend that Policy 9 be amended as follows:

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<sup>5</sup> NPPF paragraphs 76-78

<sup>6</sup> NPPF paragraph 78

**Open Spaces**

~~This Policy protects a~~ **A number of Designated Open Spaces, as listed in Appendix 10 and shown on are defined on the Proposals Policies Map and listed in Appendix 5. Each of these areas...**

**Development leading to the partial or complete loss of the function of a Designated Open Space will only be permitted in exceptional circumstances where, as part of the proposal...**

...

**Local Green Spaces**

~~The Policy provides further protection to t~~ **Three locally important places designated as Local Green Spaces are defined on the Policies Map and illustrated in Appendix 2. These are also shown on the Proposals Map. New development will only...**

**European Union obligations**

- 4.81. The Plan has been subject to a screening exercise in respect of the requirements of the Strategic Environmental Assessment Directive (European Directive 2001/42/EC), Article 6(3) of the EU Habitats Directive (Council Directive 92/43/EEC), and regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). The screening exercise considers whether the Plan is likely to have any “significant effects” on environmental matters or on internationally designated sites or habitats.
- 4.82. The screening exercise has been undertaken by Pendle Borough Council and, as required by the relevant regulations, has been the subject of consultation with the Environment Agency, Historic England and Natural England. The screening concludes that neither a Strategic Environmental Assessment (SEA) nor a full Appropriate Assessment (AA) are required, and confirms that the bodies consulted are content with this position.
- 4.83. The screening report provides a comprehensive account of why SEA and AA are not required, and has been accepted as satisfactory by the bodies with a statutory role in this regard. I am satisfied that the Plan is compatible with the relevant European Union obligations.

**European Convention on Human Rights (ECHR) obligations**

- 4.84. I am satisfied that the Plan has regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998, and there is no substantive evidence to the contrary.

## 5. Other Matters

### **Additional matters for the Examination**

- 5.1. The Plan clearly directs itself to the use and development of land and the granting or otherwise of planning permission, within Trawden Forest which is a designated Neighbourhood Area.
- 5.2. On the front cover of the Plan, and at several points within, it is stated that the period covered by the Plan is 2018 to 2030. This is aligned with the end date of the Pendle Core Strategy and with Pendle Borough Council's intention for its Local Plan Part 2, and on this basis is an appropriate plan period for this Plan. The Plan does not relate to excluded development and does not relate to more than one Neighbourhood Area.
- 5.3. The Plan has been prepared in relation to a Neighbourhood Area which has been properly designated, and has been prepared by Trawden Forest Parish Council who are a Qualifying Body.
- 5.4. On the basis of the above I conclude the Plan satisfies the other requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

### **Correcting errors: ensuring the Plan is ready to be "made"**

- 5.5. At various points in my consideration of the Basic Conditions, I have identified instances of inconsistency in cross referencing between the Plan and the various Appendices. I also note that various parts of the Plan as submitted refer to the ongoing process of its production, the fact that the next step is independent examination, and so on. Linked to this is my observation that several of the Appendices seek to provide background information as to how the Plan has been prepared, or contain information which is not directly linked to the Neighbourhood Plan.
- 5.6. In order to avoid any confusion as to the status of the Plan or the information in it (anticipating that the Plan will proceed to referendum and ultimately be "made"), and to ensure that the Plan is as readable as possible, I have made a series of further recommendations, in line with my remit to make recommendations which correct errors, which aim to rationalise the Plan into a form ready for final publication.

#### **Foreword**

- ***Amend the first paragraph: "...It adds detail to the Pendle Local Plan and, following a successful referendum, will be used alongside the Pendle Local Plan it to help determine..."***
- ***Amend the last paragraph: "...concerns and ideas for the village parish, both now..."***
- ***Correct the line spacing.***

**Contents**

*Update headings and page numbers to reflect all other changes recommended*

**Introduction and Background**

- *Delete paragraphs 1.1.3, 1.1.4 and 1.1.5.*
- *Paragraph 1.1.6: delete the final sentence beginning “At Examination...” and ending “...NPPF”.*
- *Diagram on page 7: include a key indicating the meaning of the colours used: Green = “National Policy”; Yellow = “The Development Plan”*
- *Delete paragraphs 1.1.15 and 1.1.16 which repeat paragraphs 1.1.11 and 1.1.12.*
- *Amend paragraph 1.3.26: “The Borough of Pendle has a ~~particular problem with overcrowded accommodation~~ relatively high proportion of larger households, with over...”*

**Key Issues for Trawden Forest**

- *Paragraph 2.1.1: delete “together with informal comments put forward directly to the Parish Council.”*
- *Amend paragraph 2.2.2: “In order to be in conformity with the ~~emerging Pendle Local Plan Part 2~~ Pendle Core Strategy, the Trawden...”*
- *Paragraph 2.2.3: delete the text headed “Note:”*

**Section 8: The Next Steps**

*Delete this section in its entirety.*

**The Policies Map**

*Insert a new section before the Appendices containing the Policies Map (or a link thereto) – this is part of the Plan.*

**Appendices – amend, re-order and delete as follows:**

- *Appendix 1A – delete in its entirety – the same information is contained in Appendix 1B. Renumber and amend title of Appendix 1B.*
- *Create new Appendix 2 “Detailed Boundaries”, containing, in this order to reflect the order of the policies:  
- Map from Appendix 3*

- *Map from Appendix 4*
- *Maps from pages 72 to 76*
- *Maps from pages 88 and 89 (showing the additional Protected Car Park at land adjacent to 37 Hollin Hall)*
- *Map from page 90*
- *Maps from pages 84 to 87*
- *Map from Appendix 17*
- *Three new maps showing the three Local Green Spaces at a larger scale*
- *Appendix 2 – becomes Appendix 3*
- *Appendix 3 – incorporated into new Appendix 2*
- *Appendix 4 – incorporated into new Appendix 2*
- *Appendix 5 – delete in its entirety.*
- *Appendix 6A, 6B, 6C, 6D – delete in their entirety, except the maps on Pages 72 to 76 which are incorporated into new Appendix 2.*
- *Appendix 7 – delete in its entirety – setting of the Green Belt boundary is a matter for the Pendle Local Plan Part 2.*
- *Appendix 8 – becomes Appendix 4*
- *Appendix 9A – delete (replaced by three new maps in new Appendix 2)*
- *Appendix 9B – incorporated into new Appendix 2*
- *Appendix 9C – incorporated into new Appendix 2*
- *Appendix 10 – becomes Appendix 5*
- *Appendix 11 – move to end to become Appendix 6*
- *Appendix 12 – delete in its entirety*
- *Appendix 13 – delete in its entirety – the map shows data which is produced and updated by the Environment Agency*
- *Appendix 14 – delete in its entirety – this references a separate process which is unconnected to the Neighbourhood Plan*
- *Appendix 15 – delete in its entirety*
- *Appendix 16 – delete in its entirety*
- *Appendix 17 – incorporated into new Appendix 2*

## 6. Summary

- 6.1. I have considered the Trawden Forest Neighbourhood Plan against the Basic Conditions. My consideration has identified a series of instances in which the Plan as submitted does not fulfil the Basic Conditions in respect of regard to national policy, conformity with the strategic policies of the development plan, or the promotion of sustainable development.
- 6.2. I have however been able to recommend changes to the Plan, without changing its meaning, which would enable it to fulfil the Basic Conditions. I have also recommended changes which are to correct errors. Subject to these changes I conclude that the Trawden Forest Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the Development Plan for the area; and
- Does not breach, and is compatible with, European Union obligations and the European Convention on Human Rights.

6.3. On this basis I conclude that, subject to the inclusion of the changes I have recommended, the Trawden Forest Neighbourhood Plan fulfils the Basic Conditions. It also meets the other relevant requirements as set out in Section 5 above.

## 7. Recommendation

- 7.1. I recommend to Pendle Borough Council that the Trawden Forest Neighbourhood Plan should be modified in the ways I have set out in this report, and should then proceed to a Referendum.**
- 7.2. I am not aware of any substantive evidence to indicate that the Referendum area should extend beyond the boundary of the area covered by the Plan. I therefore recommend that the Referendum area should be the Trawden Forest Neighbourhood Area designated on 25th August 2016.**

**David Proctor BSc, MTPL, MInstLM, MRTPI**

Independent Examiner

August 2018