

## **Appendix 2 – Barrowford Neighbourhood Plan Regulation 15 Submission**

### **General Comments**

- Better sequencing and structure could help to avoid repetition on issues such as parking
- The table of contents makes reference to “two visions” at (1) and (7) which could be confusing for the casual reader.
- The numbering of paragraphs throughout the document does not follow a consistent hierarchy or pattern, which is ultimately confusing for the reader.

### **Section 1 - Vision**

- The vision sets out a future for Barrowford.

### **Section 2 – Introduction**

2.6 The Core Strategy refers to Barrowford as a village within the spatial portrait (paras 3.23 and 3.24), which is a general preamble and has no policy status. In terms of planning policy Barrowford is designated as a Local Service Centre (Policy SDP2, page 53).

This needs to be amended to reflect the upper tier strategic policies.

- Further on the issue of the settlement status of Barrowford, it is accepted a reference is made to Barrowford as a village in the Local Plan at 3.23/3.24. However, this describes the current situation and is part of a spatial portrait of Pendle. The status of Barrowford in the settlement hierarchy is then dealt with later in the Local plan and it is designated as a Local Service Centre.
- Barrowford is designated as a Local Service Centre in the settlement hierarchy of the Local Plan. These have specific functions that are different to villages which are a fourth tier settlement.
- The term village has specific policy connotations which are different to Local Service Centres.
- The NP is not in general conformity with the Part 1 Local Plan as it seeks to alter the status of the settlement by referring to it as a village. This can be

altered by the Inspector but unless it is then the NP should not be adopted as it would conflict with the strategic settlement hierarchy policies in the Local Plan.

### **Section 3 – Why is the Barrowford Neighbourhood Development Plan important?**

3.1 Paragraphs 2.1 and 2.2 could be included here to create a section that focuses on the Planning Policy context.

- Give consideration to the merger of Chapters 2 and 3 with sub headings dividing the policy context from the historical context, or creating separate chapters for each.

### **Section 4 – Community Consultation – what has happened so far?**

- The information here should ideally be removed from the Plan and incorporated into the accompanying Consultation Statement. The wording included in paragraph 2.1 in the introduction is sufficient for the final version of the Plan. At the very least this chapter should be relegated to an Appendix.

4.6 The consultation events could be placed into a table with dates, brief description etc

### **Section 5 - Key Issues for Barrowford**

5.1.4 This paragraph and the quotation that follows should be removed.

- The individual sections within this chapter lack any “forward vision” that can be realised either through the Neighbourhood Plan or the Local Plan.
- evidence is required to show pressure on infrastructure and resources

5.1.5 The term village is used and needs to reflect the spatial hierarchy of the Local Plan.

5.2.4 This paragraph and the bullet points that follow have no bearing on the Neighbourhood Plan as they relate to an evidence base on matters not dealt with in the NP. They are matters that can be raised through the Part 2 Local Plan process and are not relevant to the NP and should be removed.

5.2.5 Same comment as 5.2.4

5.3.1 Refers to June 2018 for GP statistics, are there any further figures that are up to date?

5.3.4 Is there any evidence available for further pressure on resources? The Local Plan was examined including the provision of appropriate infrastructure and was found to be sound. The NP seeks to

5.3.5 Are there any figures for provision of education for the future?

5.4.1 Referred to as a village.

5.4.3 Referred to as a village.

5.4.5 Referred to as a village

There is reference to infrastructure being provided through S106 agreements but there is no evidence supplied to suggest a network nor if S106 agreements can lead to this being able to be provided. There is linked to comments on policy BNDP 2 and BNDP 3.

5.5.3 Referred to as a village.

5.6.3 The sentence needs completing.

5.6.7 The sentence is confusing and should be reworded.

## **Section 6 - Key Issues arising from National and Strategic Planning Policy**

- Merge with Chapter 3

6.4 'draft Neighbourhood Plan' - should read submission

## **Section 7 - Vision and Objectives**

- The repetition of the Vision here is unnecessary and potentially confusing as it appears in the Table of Contents twice
- The objectives would be better following the Vision earlier in the document.

7.1 Refer to village- value's. Settlements do not have values and this needs to be reworded to specify what they are as well as altering the term village.

7.2.1 This relates to upper tier strategy, which has already been determined in Pendle Local Plan Part 1: Core Strategy (December 2015). The Local Plan sets the level of development and the NP cannot alter that. As written it is not in accordance with upper tier policy in the Local Plan or NPPF.

No mention is made of meeting the full objectively assessed need for housing, housing types or the tenure mix.

## **Section 8 - Barrowford Policies**

- The table essentially repeats the “Table of Contents” and is superfluous in its current form.

### **BNDP 01 - New Housing in Barrowford**

1. Housing sites outside the designated settlement boundary can come forward until Part 2 of the Local Plan is adopted (see Core Strategy, Policy LIV1, page 127).

As written the policy i contradicts Local Plan Policy SDP2 and the NPPF and may fail the relevant test in the Basic Conditions.

- c) ‘protect and enhance’ is a higher test than NPPF for all development. The NPPF sets out very clear polices on the level of protection and consideration to be given to heritage assets and the policy needs to reflect this or provide evidence to suggest why more stringent criteria will apply.
- d) ‘significantly’ – anything less than significantly would pass the policy test. Impacts do not have to be significant to lead to a refusals of development that impact on residential amenity.
- e) The phrase *“that would cause significant harm to the character of the village”* would have the effect of only being able to object to a development if its impact was significant to the whole village. The policy should reflect that harm to the local area would be sufficient grounds to refuse permission and that that harm need not necessarily be significant to lead to a refusal.

As written the policy requires a further test to that set out in the Local Plan, but offers no further justification for this. The “loss of off street parking” may be acceptable where it is replaced, or in a location where there is over-capacity within the existing provision.

- h) Adding the words “where permitted” at the end of the sub-paragraph does not adequately address the initial concern, particularly in relation to viability, ‘where permitted’ – who permits this. Viability testing will be necessary if these requirements are to be adopted; otherwise the policy is not compliant with paragraph 34 of NPPF (2019).
- There may occasionally be conflicts between the need for good design (criterion (a)) and the use of some green technologies (criterion (h)). The policy does not address how it will deal with situations where there is an incompatibility.
  - The policy appears to be silent on conversions.
- 8.1.3 This requirement should be included within the policy rather than the justification text, or be deleted.
- 8.1.4 This explanation does not address “over-development” in terms of design, which is the focus of the policy.

## **BNDP 02 – Infrastructure**

2. This is not a policy but a statement of intent. Parishes and communities are consulted on planning applications and can make comments on them as they wish to. The policy does not add to this process and is not a proper local plan policy. It should be omitted from the NP.
- 8.2.2 Addresses transport issues that are better dealt with under Policy BNDP03
- 8.2.5 The justification text mentions highways improvements and the construction of a bypass, which are outside the scope of the Neighbourhood Plan.
- 8.2.3 Scale is relative, refers to larger scale but what is meant by this?
- 8.2.5 If the Plan is advocating new facilities then that should be in policies that are underpinned by an appropriate evidence base. Otherwise the commentary is not justified and should be removed.

### **BNDP 03 – Travel and Transport**

1. The policy as it stands only requires impacts to be minimized. If they are but the impact is still unacceptable the policy can be interpreted as being fulfilled simply as impacts are minimized. There needs to be a criteria that says unacceptable impacts will not be allowed.(b) electric vehicle use – we need to know how this will be done and whether viable
- There is some repetition with Policy BNDP02.
  - The policy is not sufficiently decisive to allow a planning officer to come to a clear decision. See the extract from Policy 5 of the Tattenhall Neighbourhood Plan below for an example of clearer wording:  
*Development should:*
  - *Identify the realistic level of traffic it is likely to generate. It must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the parish and include measures to mitigate any impacts. Development that would give rise to unacceptable highway dangers will not be permitted.*

### **BNDP 04 – Supporting Existing Businesses**

- This policy also refers to parking, referred to in BNDP 03. A separate policy to address parking should be considered to consolidate the issue.
- 1 (b) the word ‘significant’ is misleading, case law indicates it does not have to be at this level

### **BNDP 05 – Newbridge Local Shopping Frontage**

- No comments

### **BNDP 06 – Design of shop fronts**

- The photographs do not have a clear policy purpose and add nothing to the content of the NP. They should be removed.
- Policies 1 and 2 repeat Pendle policy, only 3 is unique to BNDP, ‘will not normally be acceptable’ implies there may be exceptions ,if so, what are they?

## **BNDP 07 – Local Green Spaces**

- Other than the individual site attributes listed in the table after paragraph 8.7.2 the justification substantially repeats the NPPF.
  - Mention should be made of the Rossendale, Burnley and Pendle Playing Pitch Strategy (2016) and the Pendle Open Space Audit (2008 and 2018 update), which are the main sources of evidence for open space in Pendle. It would also be useful to make reference to the emerging Green Infrastructure Strategy (2018).
  - There is no assessment of scale to determine whether any of the sites identified can be considered to be “*extensive tracts of land*”. This is required to fulfil the requirements of the policies in the NPPF. The NP cannot be demonstrated to meet the basic conditions in the absence of this consideration.
  - The table following this paragraph appears to be the full extent of the assessment, but does not constitute a robust methodology setting out how each Local Green Space has been identified and assessed.
  - To avoid the potential for policy conflict, designation as LGS is not normally considered to be appropriate if a site is already protected by another policy designation (e.g. open space), although such a policy designation could be used to support the proposal to designate as LGS, where this is considered to be more appropriate.
  - The Policy and designations are not robust and the NP is not in general conformity due to the absence of any analysis addressing the requirements as set out in the NPPF.
  - The requirement of the NPPF also is that the designations need to be of importance to the community for a justifiable reason eg the area is intrinsically beautiful etc. The evidence in the NP does not demonstrate this adequately to justify the designations.
1. Barrowford Memorial Park
    - Designated as Open Space (PK001/PK002).
    - The site represents a large tract of land and is not appropriate for designation as Local Green Space.

2. Bullholme Playing Fields
  - Designated as Open Space (OS001).
  - Together with Barrowford Memorial Park, the site represents an extensive tract of land and is not appropriate for designation as Local Green Space.
3. Victoria Park
  - Designated as Open Space (PK003/PK004/PK008).
  - The site represents a large tract of land and is not appropriate for designation as Local Green Space.
4. Allotment Sites
  - Designated as Open Space (AL003, AL017, AL055, AL005 & AL044).
  - Para 100 (b) of the NPPF requires that to be designated as a local green space, the land must be *“demonstrably special to a local community”*. The supporting information is considered to fall short of this requirement.
5. Land between Broadway & Gisburn Road
  - Designated as Open Space (AG007).
  - Unclear why this area of open space is *“demonstrably special to the local community.”*
6. Field to rear of Holmefield House / The Holden Centre
  - Designated as Open Space (AG006).
  - Unclear why this area of open space is *“demonstrably special to the local community.”*
7. Triangle of Land at Dickie Nook
  - Designated as Open Space (AG008).
  - Unclear why this area of open space is *“demonstrably special to the local community.”*
8. Water Meetings & Utherstone (Huddleston) Wood
  - Support the identification of this site, which is acknowledged to be of local significance, although it is somewhat remote from the local community.
  - The sentence beginning *“In recent years ...”* contains a typo.
9. Pasture Lane Wildlife Area
  - Designated as Open Space (WD388).



- Para 100 (b) of the NPPF requires that to be designated as a local green space, the land must be “*demonstrably special to a local community*”. The supporting information is considered to fall short of this requirement.
10. Land at North Park Avenue Carr Hall
- Designated as Open Space (PK008).
  - Unclear why this area of open space is “*demonstrably special to the local community.*”
11. Land situated between Carr Hall Road, Wheatley Lane Road, Parrock Road and footpath leading from Parrock Road to Wheatley Lane Road adjacent to Trough Laithe
- Whilst it is agreed that this area of land should remain open, from the evidence available it is not clear why LGS is the most appropriate designation.
  - The site represents a large tract of land and is not appropriate for designation as Local Green Space.
  - Para 100 (b) of the NPPF requires that to be designated as a local green space, the land must be “*demonstrably special to a local community*”. The supporting information is considered to fall short of this requirement.
  - In the column addressing special characteristics, a sentence refers to “*The Green Belt Consultation ... still being developed*” The Green Belt Assessment was published in 2017, so this information is no longer correct.
12. Trough Laithe Strategic Housing Site
- Pendle Local Plan Part 1: Core Strategy, Policy LIV2 allocates the land as a strategic housing site.
  - Column 3 – typo. Should read “*Grade II Listed*”
  - It is not feasible to designate ‘parts of a site’ as Local Green Space before their full extent is known – as a consequence the extent of the site(s) cannot be shown on Figure 9.
13. Land between Carr Hall Road and the Lomeshaye Industrial Estate
- An extensive tract of land in the open countryside, designated as Green Belt.

- Para 100 (b) of the NPPF requires that to be designated as a local green space, the land must be “*demonstrably special to a local community*”. The supporting information is considered to fall short of this requirement.

14. Land adjacent to Carr Hall Road and Wheatley Lane Road

- The site represents an extensive tract of land in the open countryside. It forms part of the Green Belt and falls within the Carr Hall & Wheatley Lane Conservation Area.
- Para 100 (b) of the NPPF requires that to be designated as a local green space, the land must be “*demonstrably special to a local community*”. The supporting information is considered to fall short of this requirement.

**BNDP 08 – Landscape Views**

- The policy wording implies that all development, irrespective of its scale or location, will need to take its impact on these locally important views into consideration. This is too restrictive and the policy needs to reflect the requirements for different spatial locations.
- Clarify what is meant by the phrase “*visual amenities (sic) of the immediate surroundings*”.
- The requirement for new development not to disrupt “*wider landscape views*” is not appropriate in planning policy,
- Are there any traditional orchards, if so, where are they?
- The landscape views section lacks any evidence and therefore justifying the policy lacks an evidence base on which the policy is based.

**BNDP 09 – Green Infrastructure**

- The extent of the GI Network in Pendle will not be defined until the adoption of Pendle Local Plan Part 2: Site Allocations & Development Policies in 2019.

## **BNDP 10 – Newbridge Character Area**

- These could be pulled together in a single policy considering heritage, conservation and design issues within the “Character Area”.
- If you haven’t already done so, recommend reading the published guidance from Planning Aid (link below):

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How\\_to\\_prepare\\_a\\_character\\_assessment.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_prepare_a_character_assessment.pdf)

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- 8.10.2 This has not been formally agreed with Pendle Council and should be deleted.
- The following advice was previously supplied to consultants Kirkwells by the council’s Conservation Officer, Rosemary Lyons and highlighted in the Council’s representation submitted in response to the Regulation 14 consultation:
- *‘in respect of the identified ‘Character Area ‘ I think you would need to define initially what you mean by ‘character area’ and what its purpose would be (to maybe lead on to consideration as a CA?); how the boundary was derived and what special qualities does the area have that create that character, e.g. historic growth around bridge and along turnpike, relationship to mills, early pre-1850’s age of many of the cottages, simple functional building style derived from function (handloom weaving), some back to back cottages, consistent materials of local stone and stone slate, any original stone flags/setts to public realm, important views, open spaces/trees etc...*
- *This would then lead into and inform suitable criteria for protecting that quality and significance, e.g. preserving local character and distinctiveness, preserving appearance of buildings by retaining original features and form, retaining original materials (particularly stone slates), retaining chimneys, etc.’*

## **Appendices**

- No comments