

BARROWFORD

NEIGHBOURHOOD DEVELOPMENT PLAN

R J Bryan BA, MRTPI.

CONTENTS

	Page
Abbreviations and Acronyms	3
Introduction	3
Background Documents	3
The Examination	4
Procedural Matters	5
Consultation	5
Basic Conditions	6
Sustainable Development	6
EU Obligations Human Rights Requirements	7
Conformity with National and Local Strategic Policies	8
Recommendations in relation to Basic Conditions	9
BNDP 01 – New Housing in Barrowford	
BNDP 02 – Infrastructure	
BNDP 03 – Travel and Transport	
BNDP 04 – Supporting Existing Businesses	
BNDP 05 – Newbridge Local Shopping Frontages	
BNDP 06 – Design of shop fronts	
BNDP 07 – Local Green Spaces	
BNDP 08 – Landscape Views	
BNDP 09 – Green Infrastructure	
BNDP 10 – Newbridge Character Area	
SUMMARY	28

ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

Core Strategy - Pendle Local Plan Part 1 Core Strategy 2011-2030.

HRA - Habitats Regulations Assessment.

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

SHLAA - Strategic Housing Land Availability Assessment.

The Council – Pendle Borough Council.

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. The plan is made, following a local referendum, if there is the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. I have been appointed by Pendle Borough Council (the Council) in consultation with the Parish Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.
4. I confirm that I am independent of the Parish Council and the Council and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).
5. This report is the outcome of my examination of the submitted version of the Plan.
6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

The Barrowford Neighbourhood Development Plan, January 2019 Submission, (2019-2030), Version 0.42,
Basic Conditions Statement, January 2019,
Draft Consultation Statement, June 2018, Kirkwells,
Regulation 16 Consultation Responses,
Strategic Environmental Assessment, Screening, May 2017, Kirkwells,
Barrowford Neighbourhood Development Plan Habitats Regulations Assessment. May 2019.

Local and National Policies and Guidance

National Planning Policy Framework (NPPF). The relevant version for this Plan is March 2012 as the Plan was submitted to the Council prior to 24/1/2019¹,
National Planning Practice Guidance (NPPG),
Pendle Local Plan Part 1 Core Strategy 2011-2030,
Local Heritage Listing, Historic England Advice Note 7,
Neighbourhood Planning and the Historic Environment, Historic England Advice Note 11,
Pendle Green Infrastructure Strategy, 2019

Other Documents

Email of 24/5/19 from Natural England to Kirkwells regarding Habitats Regulations Assessment of May 2019.
Pendle Retail Survey 2010, adopted 21/7/11, Pendle Borough Council.
Examiner's Questions of the 17/6/19 and 26/6/19 and replies from Parish Council in letter of 5/7/19 and email from the Council of 22/7/19 and letter of 19/7/19 from Parish Council to the Council.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

¹ In accordance with paragraph 214 of the NPPF July 2018

11. I visited the Plan area on the 20/6/19 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters²:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan has been prepared and submitted by a qualifying body, Barrowford Parish Council. It relates to an area, which includes the whole parish. The Council on 22/10/2015 approved the designated plan area.

14. In accordance with the regulations³, the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2019-2030). It does not relate to more than one neighbourhood area.

CONSULTATION

15. The Parish has submitted a Consultation Statement, which describes the process of consultation and summarises responses received up to the time of the submission of the Plan to the Council, for the final statutory consultation from 8/02/2019 - 22/03/2019.

16. The Plan steering group consisting of parish councillors was set up in 2015. A web site was established to provide information on the progression of the Plan.

17. The first consultation exercise in August and September 2015 sought feedback on the designation of the Plan area. In May 2016 two stakeholder events were held to elicit views on key issues for the Plan. A 6-week informal consultation in July and August 2016 sought views on vision, objectives, issues and options. Publicity was given via the Parish newsletter delivered to all households in the Plan area, social media including Facebook and Twitter and on the Parish Council web site. Copies of the draft Plan were left at locations throughout the settlement.

² Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

³ Neighbourhood Planning (General) Regulations 2012

18. A draft Plan was prepared and the subject of a 6 week formal consultation⁴ from October – December 2017. Publicity was given via the web site and the Council’s web site. The draft Plan was deposited at various locations in the settlement.

19. The Consultation Statement includes a summary of the 18 responses received and explains how these were considered.

20. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has allowed community participation and involved technical consultees in the emerging Plan.

BASIC CONDITIONS

21. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁵ This element of the examination relates to the contents of the Plan.

22. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e). The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

23. The Parish has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

24. The Parish submits in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

25. In the Basic Conditions Statement Table 1 itemizes the manner in which various

⁴ under regulation 14 of the Neighbourhood Planning (General) Regulations 2012

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

policies in the Plan meet the core principles and three components of sustainable development as referred to in the guidance in the NPPF.

26. In economic terms the Plan contains policies to support existing businesses (BDNP04) and improve travel and infrastructure (BDNP 02 and 03), which contribute towards economic development. Policy BDNP 05 also seeks to protect the retail function and the vitality and viability of the town centre

27. In the social respect, the Plan housing policy BNDP 01 seeks to meet the needs of the community. Policy BNDP 05 is concerned to protect the viability of the town centre as a facility for local services. The protection of local green spaces in policy BNDP 07 will help foster the health and well-being of the local community.

28. In its environmental role the Plan contains a range of policies, which contribute to environmental sustainability. These policies protect and enhance local landscape character (Policies BDNP 08 and 09), protect local heritage assets in Newbridge (BNDP 10), promote high quality design of shop fronts (BDNP 06), protect local green spaces (policy BDNP 07).

29. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

30. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the “Strategic Environmental Assessment Directive⁶” and the “Habitats and Wild Birds Directive⁷”. These require that consideration should be given to the need for a Strategic Environmental Assessment to assess any significant environmental impacts and/or an appropriate Habitats Regulations Assessment (HRA) to assess any impact on a site/habitat recognised as protected under European legislation⁸. A neighbourhood plan should also take account of the requirements to consider human rights.

31. Kirkwells, on behalf of the Parish Council, made a Strategic Environmental Assessment (SEA) Screening Determination. This has been carried out in accordance with the government’s “A Practical Guide to the Strategic Environmental assessment Directive”, ODPM 2005. It is concluded that an SEA of the emerging Neighbourhood Plan is not required and the policies in the Plan are not likely to lead

⁶ Article 3(5) of Directive 2001/42/EC

⁷ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁸ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SPA) - providing protection to bird habitats and Special Areas of conservation (SAC) - protecting a variety of plants animals and habitats.

to any significantly adverse effects of a social, environmental or economic dimension.

32. The Assessment highlights that the policies of the neighbourhood plan seek to avoid deleterious impacts on any designated site of habitat importance, does not allocate sites for development and contains policies to mitigate impacts on landscape, heritage and local green spaces.

33. The three statutory bodies Natural England, Historic England and the Environment Agency have no objections to this conclusion.

34. During the examination I requested that an independent screening opinion for an HRA was carried out to satisfy basic conditions. Approximately 5 kilometres to the south east of the Neighbourhood Area (at its nearest point) is the South Pennine Moors Site of Special Scientific Interest (SSSI) the largest area of unenclosed moorland in the north of England. Within this area are designated Special Areas of Conservation (SAC) and Special Protection Area (SPA) in recognition of their unique importance as habitats and protection of threatened species of birds.

35. It is noted that the intention is for the Plan is to reinforce the Pendle Local Plan Core Strategy 2011-2030 by ensuring that development takes place in a sustainable manner and that key natural and built heritage assets of the area are protected. The assessment concludes it is unlikely to increase the vulnerability of any European Sites through pollution, visitor disturbance and/or recreation. Natural England concurs with this view and I am satisfied with this conclusion.

36. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. Article 6 of the Act is particularly relevant as it relates to the right to a "fair hearing". I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Consultation responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

37. The Parish states in the "Basic Conditions Statement" that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

38. The Statement wrongly considers guidance in the NPPF July 2018 rather than the March 2012 version, which is the relevant version as explained above on page 5. However, for the purposes of this examination I have considered the Plan in relation to the March 2012 version of the NPPF and other national guidance including the National Planning Practice Guidance (NPPG). I do not consider this error in the Basic Conditions Statement is significant on the basis there is little material difference in the issues raised by the Plan and the respective guidance in the two versions of the NPPF.

39. The Plan takes into account the core planning principles outlined in the NPPF. It encourages sustainable development as referred to above and promotes development in a positive manner. In particular it contains policies, which are concerned to meet housing needs, encourage a prosperous rural economy and promote sustainable transport. The health and well-being of the community is encouraged in promoting and protecting recreation opportunities on local green space. The historic environment is also given extra protection via design policies.

40. There are some instances where I have recommended alterations to take account of the NPPF and NPPG. In particular the policy BDNP 02 does not take account of national guidance, which is explained in detail below. However, subject to modifications I am satisfied the Plan takes adequate account of national guidance.

41. The “Basic Conditions Statement” provides more detail to demonstrate that each policy in the Plan is in general conformity with strategic policies in the Core Strategy.

42. This demonstrates that the Plan is broadly in conformity with strategic policies apart from BDNP 02 for reasons specified below. I have however identified some detailed modifications below, which are necessary to fully achieve this.

43. I note that at the end of each policy chapter there is reference to the relevant supporting local planning policies, which is very useful.

44. I am satisfied that the Plan is in general conformity with strategic policies subject to my modifications below which refer to certain matters of detail.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

45. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction in the recommendation.

46. I have taken into account all aspects of the representations received during the Plan process. In many cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

47. In some cases due to the specific and detailed nature of a representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of the representation by name.

48. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections.

Vision

49. This is repeated in part in section 7 of the Plan and is therefore confusing. I consider it is more appropriate to consolidate the “Vision” in section 7 as there is more context built up in the preceding sections of the Plan.

RECOMMENDATION 1

Delete the section 1 relating to “Vision”. This is to be consolidated into section 7, see recommendation below relating to section 7.

Introduction

50. I agree with the Council’s concern that Barrowford is referred to as a “village” in the Plan. This is confusing because Barrowford has specific status in the settlement hierarchy defined by policy SDP2 in the Core Strategy as a Local Service Centre. This is the second tier of settlements above the third tier, which are “Rural Villages”. Different roles apply to these tiers of settlement in delivering development and it is therefore confusing to refer to Barrowford as a “village” in the context of this Plan.

RECOMMENDATION 2

Delete any reference throughout the Plan to Barrowford as a village and replace with “settlement”.

In paragraph 2.6 alter the second sentence as follows;

“ The settlement though large seeks to retain its scale and character”.

Increase the size of the font in the key to figure 2 to make it easier to read.

Community Consultation – what has happened so far?

51. This section is effectively a repeat of the information in the Consultation Statement. It would be confusing in the final version of the Plan to explain the community consultation up to the point of the submission of the Plan and omitting reference to the regulation 16 stage of consultation.

52. Despite an element of duplication, I think it is informative to set the context of the Plan and the consultation process in this manner in the final version subject to an extra reference to the regulation 16 stages.

53. It is confusing to include an analysis of the regulation 14 stage consultation responses as an appendix to the final Plan as it omits the further regulation 16 stage responses. The regulation 14 analysis is included in the Consultation Statement, which is sufficient.

54. There should be reference to the HRA in this section.

RECOMMENDATION 3

In paragraph 4.1 delete “has been” and insert “was”.

Delete Appendix 6 “Consultation responses and Consideration of response to the Barrowford NDP”.

In paragraph 4.7 delete “Appendix 6” and insert ‘the Consultation Statement, which accompanies the Plan’.

**Insert a new paragraph after 4.10;
“ The final statutory consultation stage under regulation 16 of the Neighbourhood Planning (General) Regulations 2012 was carried out from October – December 2017”.**

**Add a new paragraph after 4.15;
“ A screening assessment of the need for a Habitats Regulation Assessment also concluded that a full assessment was not required on the basis of limited potential for impact on habitats, designated under European directives.”**

Key Issues for Barrowford

55.The quote from the Shelter’s “Housing Briefing White Paper”, 2017 appears out of context and unnecessary. I recommend it be deleted.

56.I agree with the Council that the reference to the independent assessment of the Green Belt is inappropriate and potentially confusing as it is not yet complete and relates to the emerging part 2 Local Plan.

RECOMMENDATION 4

In the footnote 3 on page 15 alter the date to “14th February 2017”.

Delete the quote from Shelter’s Housing Briefing White Paper, 2017 in paragraph 5.1.4.

Delete section 5.2 “Pendle Green Belt Assessment”.

In paragraph 5.4.5 in the last sentence after “planning obligations” insert “, if justified,”.

Green Spaces

57.Concern is expressed in paragraph 5.6.7 that the transference of responsibility for ownership of open space assets may place them under threat. The grammar used is confusing and the sentence requires re-wording.

RECOMMENDATION 5

In paragraph 5.6.7 delete “ongoing development” insert “transference”. Delete “ needs to be appraised to preserve public open spaces in Barrowford ”, insert “ has meant their future may be more uncertain and the situation be monitored to encourage their retention, where appropriate.”

In Figure 5 add the equipped areas for play referred to in the key to the map or delete the reference to them in the key

Landscape and Natural Environment

58.The key to figure 6 refers to nature conservation designations, which should be named.

RECOMMENDATION 6

In figure 6 name the nature conservation designations.

Key Issues arising from National and Strategic Planning Policy

RECOMMENDATION 7

In paragraph 6.4 delete “draft”.

NDP Vision and Key Objectives

59.The relevant parts of section 1 need to be incorporated in this section.

RECOMMENDATION 8

Insert paragraphs 1.2 and 1.3 as new paragraphs after paragraph 7.1

Barrowford Policies

BNDP 01 – New Housing in Barrowford

60.The Council and PWA Planning have correctly pointed out that this policy implies that development is only acceptable if it is within the settlement boundary. This is contrary to Core Strategy policy LIV1 “Housing Provision and Delivery” which allows housing outside but close to the boundary provided it is considered sustainable and until the adoption of the emerging Local Plan Part 2: Site Allocations and Development Policies, which will allocate sites for housing.

61.The Plan policy is aimed at the detail of the development, which is acceptable in terms of the strategic policies in the Core Strategy but it needs to be modified to

ensure it properly reflects policy LIV1. The supporting text to the policy should also be embellished to direct the reader to the relevant local strategic policy.

62.The listed criteria are extensive but do not encompass all planning considerations. The policy should be altered to allow for non-listed criteria to be applied in considering housing proposals.

63.The reference to “high quality” design in criterion a) is too imprecise for reference in a planning policy. The quality of design is set in planning policies particularly Core Strategy Policies ENV 2 “Achieving Quality in Design and Conservation” and Policy LIV 5 “Designing Better Places to Live”.

64.Criterion c) should reflect the nuances of the protection of heritage assets as referred to in the NPPF paragraphs 189 to 202.

65.In criterion d) the term “significantly adverse” is not sufficiently precise and open to interpretation. It is debatable as to what is “significantly adverse”. It is advisable to simply refer to the need to consider impact on residential amenities and the judgment can be made on the basis of evidence relating to a particular planning application.

66.The requirement to safeguard residential gardens is in accordance with NPPF guidance⁹. The criterion e) refers to “significant harm” and “significant loss” which is an imprecise threshold and does not meet the guidance in the NPPG¹⁰. Views on what is significant would undoubtedly vary. Furthermore, I agree with the Council that reference to “the character of the village” could be interpreted as the whole village” and the term requires clarification.

67.The text of the policy is rather clumsy and difficult to interpret. The reference to the loss of off-street parking needs qualifying as it may not always be unacceptable.

68.Criterion f) should be made more flexible to allow for development to incorporate appropriate modes of transport. I am not convinced that the term “active modes of travel” covers all the range of sustainable non-car modes of transport such as travel by bus. I recommend use of the general term “sustainable” transport.

69.Criterion h) echoes the requirements in the NPPF and Core Strategy policy ENV 2 “Achieving Quality in Design and Conservation” which give design guidance on the application of green technology. However, the criterion does not take into account the various nuances of these policies, which are relatively detailed and contain various caveats. The criterion is therefore confusing and unnecessary. The alterations to the general design requirements incorporated in my recommended

⁹ NPPF paragraph 70

¹⁰ NPPG paragraph: 041 Reference ID: 41-041-20140306

alteration to criterion a) refer specifically to policy ENV2, which covers the purpose of criterion h). Criterion h) should therefore be deleted.

70. Criterion i) refers to the orientation of buildings to maximize solar design. However, policy ENV2 refers to the need for passive solar design, which obviates the need for i).

RECOMMENDATION 9

**Replace the opening sentence of the policy with the following;
“Housing development proposals which are acceptable in principle in accordance with the Local Plan, part 1 Core Strategy, 2011-2030 and other strategic planning policies will be considered in relation to the following criteria. Other criteria not listed, including that in statutory planning policies may also be relevant:”**

**Insert as a second sentence in paragraph 8.1.1.3;
“Core Strategy policy LIV1 “Housing Provision and Delivery” seeks to direct housing to within a Settlement Boundary where it is sustainable and makes a positive contribution to the five year supply of housing land. Until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies, policy LIV1 also allows development on 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).”**

**Alter criterion a);
“a) are of a design which conforms to Pendle Local Plan Part1 Core Strategy Policies ENV 2 “Achieving Quality in Design and Conservation”, LIV 5 “Designing Better Places to Live” and any further adopted design policies.”**

In criterion c) delete “ their significance ” and replace with “the NPPF”.

**Alter criterion d), as follows;
“ d) do not have an unacceptable impact on residential amenities;”**

**Alter criterion e);
“e) does not lead to the overdevelopment of residential gardens which causes either harm to the character of the locality, adjacent residents, reduces the garden space for existing properties to a level which harms the amenities of the existing resident or removes off–street parking which creates problems on the public highway.”**

In criterion f) delete “active modes of transport” insert “sustainable means of transport:”

Delete criteria h) and i).

BDNP 02 - Infrastructure

71. This policy seeks to ensure that development will only be granted if the necessary infrastructure is in place. This policy does not add anything to Core Strategy policy Policy SDP “Future Infrastructure Requirements”.

72. The policy should therefore be deleted.

73. I do not consider there is a problem with retaining the supporting text in paragraphs 8.2.1-8.2.6 as these provide contextual background to the Plan and highlight the Council’s “Infrastructure Delivery Schedule” referred to in the Core Strategy. If retained without the policy text the section should be retitled as “Background to Infrastructure Provision”.

RECOMMENDATION 10

Delete the text to policy BDNP-02.

Retain the Background/Justification text in paragraphs 8.2.1 8.2.6 but retitle as “Background to Infrastructure Provision”.

BDNP 03 – Travel and Transport

74. The policy seeks to ensure the traffic impacts are not detrimental to residents and that sustainable transport is encouraged. This is clearly in accordance with the core principles of the NPPF.

75. The policy text requires adjustment. The phrase “minimize the impact” is unclear and I agree with the Council that there should be a clear statement that traffic impacts may result in a proposal being refused. The policy should be based on a number of criteria that will be applied in consideration of traffic and transport issues.

76. The reference to measures to encourage electric vehicles needs to be explained in more detail and reflect NPPF advice¹¹.

77. The policy refers to the need to provide off-street parking. This should be framed in terms of the need to comply with the Council’s parking guidelines. Core Strategy Policy ENV 4 “Promoting Sustainable Travel” refers to this but in this case in the interest of providing comprehensive criteria it is recommended that there is reference to the need to comply with the recommendations or standards as operated by the Highway Authority.

78. I am satisfied that the particular problem for pedestrians on Gisburn Road is adequately evidenced by reference to the community concerns expressed during the public consultation process.

¹¹ NPPF paragraph 105

79. The reference to improvements to footpaths should be extended to include the footpath network.

RECOMMENDATION 11

Adjust the first paragraph of policy BDNP- 03;

“1. Development which results in traffic impacts which are detrimental to people’s living or working conditions or highway safety will be resisted.

2. Proposals will be assessed in relation to the following criteria:

- a) measures that reduce the need to travel by car;**
- b) measures to include sustainable transport, including provision of spaces for charging plug-in and other ultra-low emission vehicles;**
- c) the need to comply with the Highway Authority’s recommendations or parking standards;**
- d) street design that prioritises safety for all pedestrians especially along Gisburn Road;**

In point 2 of the policy replace “footpaths” with “ the footpath network”.

BDNP 04 – Supporting Existing Businesses

80. The policy seeks to support the expansion of existing businesses. There is no reference in the policy text or Background/Justification to the strategic policies governing this type of development. Core Strategy Policy SDP 2 “Spatial Development Principles” sets out that development should be within the settlement boundary or when in areas outside in the open countryside must conform to the NPPF and/or relevant local strategic policies. These policies seek to protect the character of rural areas and protect environmental assets.

81. In the interests of clarity this strategic policy should be referred to in order to set the context for the Plan policy relating to existing businesses and extensions of buildings or site area.

82. It should also be made clear that extensions to retail and tourism businesses fall under consideration by different strategic policies.

83. The use of the term “significant” is imprecise and an inappropriate threshold for the reasons specified above in paragraph 66 in relation to policy BDNP 01.

84. I do not consider use of the term “users” in 1 b) relating to the consideration of the impact of proposals is appropriate. It is an imprecise term and users of adjacent land are covered by the generic reference to neighbours.

RECOMMENDATION 12

In the first sentence in the text of policy BDNP 04 after “proposal” insert

“conforms with national guidance and local policies”, delete “includes”.

In 1a) insert “includes” at the start of the phrase.

Alter 1 b);

“1b) does not have an unreasonable detrimental impact on the amenities of neighbours:

Insert a new paragraph after 8.4.5;

“ Core Strategy Policy SDP 2 “Spatial Development Principles” sets out that development should be within the settlement boundary or when in areas outside in the open countryside must conform to the NPPF and/or relevant local strategic policies. These policies seek to protect the character of rural areas and protect environmental assets.

Proposals to extend existing retail and tourism businesses would have to conform to the retail hierarchy established in the Pendle Core Strategy policies SDP 5 Retail Distribution, WRK 4 retailing and Town centres and WRK 5 Tourism, Leisure and Culture”

In the list “Linking Local Plan Policies” insert “SDP 2 “Spatial Development Principles”

BDNP 05 – Newbridge Local Shopping Frontages

85.Paragraph 2 of the policy establishes a limit for non-shopping uses in local shopping frontages of 50%. This limit is in accord with the saved policy 26 in the Pendle Replacement Local Plan 2001-2016. However, the policy text does not reflect various nuances of policy 26 relating to the definition of non-shopping uses, the measurement of the 50% threshold and the need to consider proposals, which have been vacant for over 3 years favourably.

86.The policy also does not refer to relevant Core Strategy policies SDP 5 “Retail Distribution” and WRK 4 “Retailing and Town Centres”, which set out the position of Barrowford in the retail hierarchy and govern the scale of development, which is permissible. There should be cross-reference to these policies and any subsequent replacement policy.

87.It is difficult to incorporate with clarity and precision all the nuances of these policies in the text of the Plan policy. I, therefore, recommend that in the interests of informing the reader and setting the context the Background/Justification section includes succinct reference to the matters covered in these policies.

88.In section 1 of the policy there is a reference in brackets to the L2 Pendle Retail Survey. It is not clear what the relevance of this is but I presume it is to reflect the recommendations in the Retail Survey to the potential for an extra local shopping frontage. There is further reference in paragraph 8.5.5, which is sufficient.

Furthermore, the text in the policy is unclear and I recommend it be removed.

RECOMMENDATION 13

In the text of policy BDNP 05 amend the sentence preceding paragraph 2 as follows;

“Development within this area shall conform to policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres in the Pendle Local Plan Part 1 Core Strategy (2011-2030) and policy 26 in the Replacement Pendle Local plan (2001-2016) or any subsequent superseding policies.”

In 1a) of the policy remove the text in brackets as follows “(insert footnote reference L2 Pendle Retail survey)”.

Introduce a new appendix 2 to the Plan incorporating policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres in the Pendle Local Plan Part 1 Core Strategy (2011-2030) and policy 26 in the Replacement Pendle Local Plan (2001-2016).

Introduce these new paragraphs at the start of the Background/Justification section as follows;

“The strategic role for Barrowford in the local shopping hierarchy is established in the Core Strategy policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres. This establishes the scale of development acceptable in the town, which is classed as a Local Shopping Centre. Policy 26 in the Replacement Pendle Local Plan (2001-2016) is still relevant until replaced by the emerging Local Plan Part 2 Site Allocations and Development Policies.

These policies establish that in local shopping frontages non-shopping uses shall not occupy more than 50% of the frontage area (in terms of frontage length), the type of non-shopping uses which are acceptable, flexibility for properties which have been vacant for more than 3 years and various other site specific criteria including the impact of the uses on the surroundings.

Figure 4 above illustrates the location and extent of the defined shopping centre and shopping frontages established on the proposals map accompanying the Replacement Pendle Local Plan (2001-2016)”

In paragraph 8.5.3 alter “Figure 9” to “Figure 4”.

In paragraph 8.5.5 last sentence alter “63E to”63c”.

BDNP 06 Design of Shop Fronts

89. The policy seeks to ensure the design of shop fronts is consistent with advice in the Council’s adopted guidance “Design Principles”, 2009 and “Conservation Area

Design and Development Guidance”. The extra guidance offered by the policy is limited to a reference to security shutters not being unacceptable on shop fronts within the retail designated areas.

90.The Council is concerned that this policy does not add significantly to its own policies and guidance and does not merit inclusion in the Plan.

91.I consider that it is confusing and unnecessary to repeat policies to this extent. The Background text refers to the relevant Council policies.

92.The control of external shutters is consistent with national guidance and Core Strategy Policy WRK 6 “Designing Better Places to Work” requiring preservation and enhancement of the character of conservation areas and creation of attractive environments including maintaining active frontages in shopping centres. I recommend the policy is amended to refer only to external shutters. I am uncertain of the distinction between “security shutters” and “external shutters”. It is important however to make the distinction between internal and external shutters which have substantially different impacts on the street scene.

93.The Council is concerned that the photographs do not have a clear policy purpose and add nothing to the content of the Plan. I agree that there is no explanation of the photographs which show a range of shop fronts some of which are not traditional and contrary to the intentions of Council policy. However, it is stated that no value judgment is implied which I consider overcomes the Council’s concerns.

RECOMMENDATION 14

In policy BDNP 06 delete all of the policy and retitle the policy “ External security shutters on shop fronts in the conservation area”

Amend the policy as follows;

“External shutters to shop fronts in the conservation area will not be acceptable”.

Delete the first sentence of paragraph 8.6.1 and replace with the following;

“ External shutters are inappropriate in a conservation area as they hide traditional architectural features and create a bland and harsh visual environment. There is scope for alternative security arrangements including internal shutters.”

In the first sentence of paragraph 8.6.2 delete “which support this policy” add replace with “provide general guidelines for shop front design:”.

BDNP 07 – Local Green Spaces

94.The policy is identifying local green space and quotes the relevant advice in the

NPPF that these should be reasonably close to the communities they serve, demonstrably special, hold local significance and be local in character and not an extensive tract of land.

95. The policy simply states that development of these areas should be in accordance with green belt policy. This is correct but the policy and background text should offer some more advice on this in the interests of clarity.

96. Each designated area is assessed in relation to the NPPF criteria. The Council has expressed concerns that in certain cases the criteria are not met and the proposed green spaces are not appropriate for this designation.

97. I comment below on each proposed green space, based on the evidence and observations on my site visit.

98. The Council considers that some of these areas are too large to meet the criterion that they should be local in character and not extensive areas of land. The concept of green space in accordance with the NPPF is that they are smaller areas demonstrably special to the local people and character of the area. Not all green areas are suitable for this designation. These smaller areas are subject to relatively rigid restrictions for future development, which would not be suitable for larger areas of land.

99. Some of the areas are designated as open space in the Replacement Pendle Local Plan (2001-2016) and are protected from development by saved policy 33 "Existing Open Space". However, the local green space designation offers a different type of protection in accordance with the NPPF, which supersedes the Replacement Pendle Local Plan (2001-2016). There is no conflict with basic conditions and the need to conform to local strategic policies.

100. The Council considers further that in some of the proposals it has not been demonstrated with evidence that they are special to the community. I have considered the Council's comments and the evidence. I have also observed the situation on site in some cases to understand whether the condition, nature and use of the site together with the statements in the Plan offers proportionate evidence regard for the value of the site for the community.

Barrowford Memorial Park

101. This consists of 4.3 hectares of land. Whilst it is relatively large the parkland is distinct from surrounding fields and is local in character rather than an amorphous extensive tract of land. It is clear the park is maintained and contains facilities, which are well used and popular with the community.

102. I consider it suitable as local green space.

Bullholme Playing Fields

103.This consists of 6.08 hectares of land.

104.Whilst it is relatively large the playing fields area is distinct from surrounding fields and local in character and function.

105.I consider it suitable as local green space.

Victoria Park Nelson (area on the Barrowford side of the river)

106.This consists of 2.64 hectares of land. The parkland is distinct from surrounding fields and is local in character rather than an amorphous extensive tract of land. It is clear the park is maintained and is well used and popular with the community.

107.I consider it suitable as local green space.

Allotment Sites Located at:

Lowerclough Street, Upper Back, Nora Street Lower Parkhill, Church Street,Pasture Lane

108.These sites are of a relatively small size and within the village. The Council does not consider it has been demonstrated that they are considered special by the local community. However it is submitted in the Plan that historically they have been popular with the community as a number of dwellings have no private gardens and the allotments continue to be relatively “well used” today. On my site visit I noted that some of the allotments are more used than others but generally it is clear that the allotments are popular with local people.

109.I do have concerns that the “allotments” at Upper Back Nora Street have the appearance of manicured private gardens and some contain domestic structures and features such as, washing lines, garden seats and domestic storage buildings. Collectively, they do not appear to be functioning as public allotments for the growing of food produce but rather private amenity space for the immediately adjacent dwellings. I consider therefore that this area is not suitable as local green space.

Land between Broadway and Gisburn Road

110.It is submitted that this small strip of land is significant as a vestige of the former pre-war break between Newbridge and Barrowford and provides a green break in the urban landscape adding to visual amenities. The Council disagree that it is demonstrably special to warrant local green space status.

111.I noted on my site visit the space has amenity value as green relief in the urbanised environment. It serves as a reminder of the former physical break between two communities and provides green relief in the street scene and acts as a buffer between dwellings and a busy road. I consider the evidence supports local green space status.

Field to the rear of Holmefield House/The Holden Centre

112. The field is used for community events and effectively functions as a “village green”. It is 0.48 hectares and centrally located in the village. I consider there is justification for its designation as local green space on account of its value as a community facility.

Triangle of Land at Dickie Nook

113. This small area contains a raised garden and it is submitted that it provides a green backdrop, which enhances the setting of the Higherford Conservation Area. I consider that land has special characteristics and contains fine tree specimens. It meets the criteria for local green space.

Water Meetings and Utherstone (Huddleston) Wood

114. The site has significant value as a place to view wildlife and is historically popular with the local community as a place to enjoy walking.

115. Whilst not within the built up area it is sufficiently near to be classed as local in terms of the NPPF criterion.

116. I support this designation as local green space.

Pasture Lane Wildlife Area

117. The site provides a wildlife haven just within the built up area. It presents an attractive environment for the enjoyment of the footpath, which is clearly regularly used by people.

118. I consider there is justification to designate this area as local green space.

Land at North Park Avenue Carr Hall

119. The site contains a public footpath, which runs through an attractive environment and wildlife corridor along the riverbank.

120. It is within the built up area and a relatively self-contained distinct environment separate from the adjacent park. It has “local character” in my view. I consider it is appropriate to designate this as local green space.

121. The description of the area refers to it extending under the bridge on the Barrowford Road (A6068). However, the area shown on figure 9 appears to stop short of the road bridge. There would be conflict with the Replacement Pendle Local Plan (2001-2016) if it were extended beneath the bridge as the area has a

“Protected Employment Area designation”. The text in the table on page 49 relating to this area should be amended to be consistent with figure 9.

Land situated between Carr Hall Road, Wheatley Lane Road, Parrock Road and Footpath leading from Parrock Road to Wheatley Lane Rd adjacent to Trough Laithe

122. This site is designated as a protected area in the Replacement Pendle Local Plan (2001-2016). Policy 3A determines that no development will be permitted which would prejudice the open character of the area or its potential for long term development, during the plan period up to 2016. The policy is still extant and the future of the land remains to be determined in the emerging Local Plan, Part 2 Site Allocations and Development Policies.

123. It would be contrary to this strategic policy to designate this area as local green space. I also consider it is relatively large area and not distinct enough from surrounding land to be considered as local in character.

Trough Laithe Footpath and Wildlife Corridors

124. The area is not defined on a map. The Core Strategy, Policy LIV2 allocates the land referred to as a strategic housing site. It is not possible to designate an undefined area of land as green space in an attempt to prevent its development as part of a potential housing scheme. It does not meet the NPPF criteria.

Land between Carr Hall Road and the Lomeshaye Industrial Estate

125. This is a relatively large expanse of land (7.12 hectares), which is a part of the Carr Hall Road Conservation Area and within the green belt. The Plan refers to its value as establishing a gap between Barrowford and Nelson, which is controlled by its green belt designation. It is submitted that it enhances the character and visual amenities of the conservation area. The land is protected in these respects by its conservation area status.

126. I am not satisfied that sufficient evidence has been advanced to fulfill the requirement that this relatively large area of land is sufficiently distinct and local in character or is demonstrably special to warrant designation as local green space. Its merits are protected by the green belt policy and its conservation area status.

Land adjacent to Carr Hall Road and Wheatley Lane Road

127. It is submitted that this land merits green space designation on account of its historical association with the Every Clayton estate, retained historical lime trees and the contribution to the views of the Carr Hall Road/Wheatley Lane Conservation Area.

128. The land is within the green belt and afforded protection from development. I am not satisfied that sufficient evidence has been advanced to fulfill the

requirement that this relatively large area of land is sufficiently distinct and local in character or is demonstrably special to warrant designation as local green space. It contains some lime trees which are unique but other than that it does not form a distinct piece of land, which could be considered as local in character. Its merits are protected by the green belt policy and a Tree Preservation Order protects the trees.

RECOMMENDATION 15

In the text of policy BDNP 07 delete paragraph 1 and replace with the following; “New development will only be allowed within designated Local Green Spaces which does not impact on its openness or reduce its landscape character, environmental or recreational value. In cases where very special circumstances can be demonstrated in accordance with Green Belt policy established in the National Planning Policy Framework development which would otherwise be unacceptable may be allowed.”

In the listed site 4 alter “five” to “four”. Delete all reference to “Upper Back Nora Street”.

In the table of proposed local green space designations, item 10 alter the start of the first sentence as follows; “The narrow strip of land running from the end of Park Avenue along the riverside” *contains the start of the footpath 29 etc.*

The following sites should be deleted from the Plan as local green space;

Allotment site at Upper Back Nora Street.

Land situated between Carr Hall Road, Wheatley Lane Road, Parrock Road and Footpath leading from Parrock Road to Wheatley Lane Rd adjacent to Trough Laithe,

Trough Laithe Footpath and Wildlife Corridors,

Land between Carr Hall Road and the Lomeshaye Industrial Estate,

Land adjacent to Carr Hall Road and Wheatley Lane Road.

Add the following new paragraph after paragraph 8.7.1; “The NPPF advises that proposals to develop local green space will be considered in relation to green belt policy. This establishes a presumption against development in order to protect the landscape character and openness of these areas. Development is only allowed in very special circumstances. This means that these areas will be retained as local green space unless there are special circumstances to allow development or it is considered as appropriate ancillary development, which does not reduce the openness or character of the green space.”

In the table of proposed local green space designations, item 8 Water Meetings and Utherstone (Huddleston) Wood in the sentence beginning "in recent years..", delete "been".

BDNP 08 – Landscape Views

129. The policy seeks to protect the landscape character of the area and identifies certain views where particular considerations and landscape design principles will apply. This is fundamentally in accordance with NPPF guidance to protect and enhance valued landscapes¹² and Core Strategy policies ENV 1 "Protecting and Enhancing Our Natural and Historic Environments" and ENV 2 "Achieving Quality in Design and Conservation".

130. The Background /Justification section refers to the identification of views being partly based on evidence in the Barrowford Conservation Area Appraisal. Whilst the views identified in the Appraisal are not replicated there is a concentration on heritage assets and important spaces in the Conservation Areas. Further assessment identifies views on the edges of the Plan area, including those over the Area of Outstanding Natural Beauty.

131. The Council is concerned that the evidence referred to is insufficient to justify the views chosen. On the basis of my site visit, I consider that the evidence referred to is proportionate to justify the views identified.

132. I observed that the views listed conformed to the criteria referred to in the Plan although some also included landscape vistas, which were outside of the AONB but nevertheless possessing distinctive rural character.

133. The policy requires some alterations to the text in the interests of clarity and precision advised in the NPPG¹³. I agree with the Council that the policy text should be altered to ensure there is flexibility such that not all development affecting the views is considered unacceptable.

134. Again the use of the term "significant" is open to interpretation.

135. The policy should refer to locational criteria in order to refer to all potential development, which may be intrusive on landscape character.

136. On the basis of observations on my site visit I note that the text describing views 12 and 13 is mixed up so that the wrong view is described in relation to that shown numerically on figure 10.

¹² Section 11 of the NPPF

¹³ NPPG Paragraph: 041 Reference ID: 41-041-20140306

RECOMMENDATION 16

Alter point 1;

“Locally important views should be protected from development that is intrusive and detrimental to the landscape character. When necessary impacts should be assessed by submission of accredited landscape appraisals and visual impact studies.

Alter 2.1 as follows;

“Location, height, scale and form should not be discordant and unrelated to natural features or existing buildings/ features to the extent that it disrupts the visual amenities of the immediate surroundings or wider landscape views”

In the description of the views in paragraph 8.8.4 switch the text relating to views 12 and 13.

BDNP 09 – Green Infrastructure

137. The policy seeks to protect green infrastructure and is in accordance with guidance in section 15 of the NPPF on “Conserving and enhancing the natural environment” and Core Strategy policy “Policy ENV 1 Protecting and Enhancing Our Natural and Historic Environments”. The extant policy in the Replacement Pendle Local Plan (2001-2016) 4D “Natural Heritage-Wildlife Corridors, Species Protection and Biodiversity” also offers protection of areas of green infrastructure.

138. The Plan policy text should be altered to refer to the scope for enhancement where possible.

139. I agree with Turley’s comments that the phrase “disrupts” the green network is ambiguous and not suitable for inclusion in a planning policy.

140. During the examination I sought clarification regarding the mapping of the green network and that status of Figure 11 in the Plan. The Parish Council took the opportunity to update the Figure 11. The replacement Figure 11 is an extract from Figure 2.1 of the “Pendle Green Infrastructure Strategy” (2019), which shows the full extent of the green infrastructure network in Pendle. This document provides the up-to-date evidence on green infrastructure, which will underpin relevant policies in the emerging Pendle Local Plan Part 2: Site Allocations and Development Policies.

RECOMMENDATION 17

In paragraph 1 of the text to policy BDNP 09 after “enhanced” insert “where possible”

In paragraph 3 of the policy delete all the text and replace with “In some cases unacceptable impacts on green infrastructure may be permissible if alternative compensatory provision can be provided within the

immediate vicinity of the site.”

Replace figure 11 with the revised version referred to in the Parish Council’s letter of the 19/7/19 to Pendle Council and subsequently forwarded to the examiner by email on the 26th July 2019.

**Replace the final sentence in paragraph 8.9.1 with;
“The extent of the Green Infrastructure Network in Barrowford is defined in the Pendle Green Infrastructure Strategy (see Figure 11).”**

BDNP 10 – Newbridge Character Area

141.The policy designates a “Character Area” and identifies some non-designated heritage assets for special protection. This is in line with guidance in the NPPF that plans should have positive policies to protect the historic environment¹⁴. It also responds to the comments in the Barrowford Conservation Appraisal that there are areas in Newbridge, which may in the future benefit from conservation area status.

142.The policy does not establish the area as a conservation area but nevertheless recognises its heritage value importance and identifies non-designated heritage assets, which is appropriate for this Plan. The Plan does state presumptively that that this is the start of the process for the designation of a conservation area. The Council deny that they are committed to this at this stage, so this should be corrected in the Plan.

143.The policy does not apply the full aspects of the NPPF policy¹⁵ with regard to protection of non-designated heritage assets. It misses the requirements that “a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This should be worked into the text of the policy to avoid any confusion.

144.During the examination I asked that the Parish Council submit a more explicit justification for the acceptance of the submitted buildings as non-designated heritage assets. The evidence in the draft Plan is either absent or fragmented within the text. This was done with the approval of the Council’s conservation officer. On the basis of this response and observations on my site visit I am satisfied that there is an appropriate justification for the proposed properties. The Parish Council has removed those properties outside of the proposed character area.

RECOMMENDATION 18

Alter the title of the policy to “Newbridge Character Area and Non-Designated Heritage Assets.

¹⁴ NPPF paragraph 126

¹⁵ NPPF paragraph 135

Alter the text of policy BDNP 10 as follows;

- **In paragraph 2 of the text delete “within Newbridge Character Area” and after “significance” insert “and guidance in the National Planning Policy Framework:”**
- **Remove h) Belmont Terrace and j) Victoria Mills from the list in 2.1**
- **Where appropriate after each numbered address insert “odd” or “even”**

Insert a new paragraph after paragraph 8.10.1 as follows;

“ The NPPF advises that certain heritage assets other than those which are the subject of special designation, such as listed buildings or scheduled monuments, can receive extra protection as non-designated heritage assets. It is appropriate in this Plan to identify those and this has been done in connection with the identification of the Newbridge Character Area. It should be stressed that this list is not exclusive and there are other non-designated heritage assets within the Plan area, which will be subject to the extra protection identified in the NPPF. The justification for the inclusion of the properties listed in the policy is contained in Appendix 7 ”

Include as a new appendix 7 to the Plan, the table attached to the Council’s letter of the 5/7/19 in response to my questions during the examination. Renumber the existing appendices as appropriate.

Alter paragraph 8.10.2 as follows;

“ Ultimately the Parish Council will enter into discussions with Pendle Council to ascertain whether it is appropriate to seek the designation of the area as a conservation area.”

SUMMARY

145.I have completed an independent examination of the Neighbourhood Development Plan.

146.The Parish Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

147.I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

148.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

a) has regard to national policies and advice contained in guidance issued by the Secretary of State,

- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012, as amended by the 2018 Regulations).

149. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

150. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area, and if it is to be extended, the nature of that extension.

151. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

152. I am therefore pleased to recommend that the Barrowford Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.