

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

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COLNE NEIGHBOURHOOD PLAN

PURPOSE OF REPORT

- (1) To inform Members of the Regulation 14 draft of the Colne Neighbourhood Plan, which is currently being consulted on by Colne Town Council.
- (2) To agree the Council's formal response to the Regulation 14 public consultation.

RECOMMENDATIONS

That Committee agrees to submit a response to the Regulation 14 public consultation as set out in Appendix 1.

REASON FOR RECOMMENDATIONS

To comply with the Neighbourhood Planning General Regulations 2012, as amended and to suggest alterations to the Neighbourhood Plan to ensure it meets the basic conditions.

Introduction

- 1 The Localism Act 2011 allows local communities to prepare a Neighbourhood Development Plan (NDP) to direct, shape and influence future development in their area.
- 2 NDPs are prepared by a designated body, in this case Colne Town Council. After independent examination, and if approved at a local referendum, NDP's are 'made' (adopted) by the local planning authority (Pendle Council). The NDP then becomes part of the statutory Development Plan for the Borough and any proposals for development within the designated neighbourhood area must be determined in accordance with policies in the NDP and the wider development plan, unless material considerations indicate otherwise.

- 3 To be made the NDP must meet the Basic Conditions. These are set out in Schedule 4B of the Town & Country Planning Act 1990, and include:
- the Plan has regard to national policies and advice contained in guidance issued by the Secretary of State,
 - the making of the Plan contributes to the achievement of sustainable development,
 - the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
 - the making of the Plan does not breach, and is otherwise compatible with, EU obligations
- 4 NDPs cannot propose less development than set out in the Pendle Local Plan, but can allocate or designate land based upon proportionate evidence.
- 5 Colne Town Council has issued the first draft of the Colne Neighbourhood Development Plan (CNDP) for public consultation. It contains policies addressing housing, the town centre, the historic environment, local green spaces, and transport.

Meeting the Basic Conditions

- 6 Detailed comments on the Regulation 14 draft version of the CNDP are set out in Appendix 1. There are however two main issues with the Plan as set out below:

- **Policy CNDP6 – Future Housing Growth**

Housing allocations included in the NDP should be deliverable and developable, to conform to the NPPF. The Plan proposes to allocate virtually all of its housing on previously developed land. Whilst the NPPF encourages the use of previously Developed Land (“PDL”) there is no national PDL first policy. The evidence that Pendle has had over the period since the economic downturn in 2009 is that PDL sites are not deliverable. In order for the CNDP housing policy as set out to be considered to meet both the requirements of the NPPF (basic conditions) and the strategic policies in the adopted Pendle Part 1 Local Plan – Core Strategy there would need to be evidence that the sites could be delivered.

To be considered deliverable it must be shown that a site is suitable for the proposed development is available now and that development is achievable before the end of the plan period.

The Colne NDP allocates 28 sites for future housing development. In total they provide for 808 dwellings, though the NDP refers to a figure of 705. Little detailed evidence is provided in support of the sites identified. The evidence should include confirmation that the owner is willing to develop the land, that there are no constraints to development and that the site is viable to come forward.

Sites that are proposed to come forward include a mixture of sites where the last known evidence was that there is not a willing developer, in flood zones 2 and 3 but without the required flood risk assessments demonstrating deliverability, on allocated sites without a justification (ie loss of open space - NPPF paras 92, 97) and a demonstration that the sites can be viably delivered.

The evidence we have on the delivery of PDL is that only one site has been delivered in the last 5 years on PDL (the former cement works off Knotts Lane) that has been

delivered on the open market without any form of special delivery vehicle. Whilst there have been other sites (Oak Mill, White Grove and Carry Lane) these have been delivered via PEARL which operates on a different model of delivery in terms of finance.

We have discussed the issue of evidence and viability with the Town Council in the preparation of the CNDP. As published there is no evidence over how the sites can be delivered on land that has over the last five years produced only 5 delivered open market units. Without any cogent evidence on how the PDL land can be delivered the CNDP does not meet the basic conditions and does not conform to the strategic policies in the adopted Local Plan.

The proposal to prevent any development outside the settlement boundary without exception is contrary to national planning policy.

- **Policy CNDP 07 – Protecting Local Green Spaces**

The CNDP proposes to designate a number of areas as Local Green Space (NPPF paras 99 & 100). This is within the scope of an NDP, but must be undertaken in accordance with national policy (NPPF) and planning practice guidance (PPG). These require sites to:

- be in reasonably close proximity to the community it serves;
- be demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- local in character and is not an extensive tract of land.

Proposed designations LGS1, 2, 3, 4, 5, 6, 7, and 8 are large extensive tracks of land and do not comply with the criteria for designation in the NPPF. The CNDP does not meet the basic conditions in terms of the designation of these large areas which the NPPF specifically does not want to be protected in this way.

Broader Comments

- 7** The wording of several policies lacks sufficient certainty to allow planning officers to use them to determine applications for planning permission. The policy justifications would benefit from additional references to show how they respond to the available evidence; help to deliver existing strategies; and address the CNDP vision and strategic objectives.
- 8** Whilst not mandatory at the Regulation 14 stage a Strategic Environment Assessment is a requirement of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and will be required. A Basic Conditions Statement, showing how the CNDP meets the Basic Conditions; and a Consultation Statement, showing how the public and other interested parties have been engaged in the plan making process, are also required.

Summary

- 9** The Colne Neighbourhood Development Plan in its current form, does not meet the Basic Conditions and is not in conformity with the strategic policies of the adopted Part 1 Local Plan - Core Strategy.

- 10** It is recommended that the comments set out in Appendix 1 are submitted to Colne Town Council (the designated body), to outline how the CNDP could be amended so that it meets the Basic Conditions when it is submitted for independent Examination, in accordance with Regulations 16 and 17.

IMPLICATIONS

Policy:	The policies in the Neighbourhood Plan will form part of the statutory Development Plan for Pendle, once adopted. It is not suitable for adoption in its present form.
Financial:	None
Legal:	Preparation of a NDP is governed by The Neighbourhood Planning (General) Regulations 2012, as amended.
Risk Management:	None
Health and Safety:	None
Sustainability:	The CNDP seeks to promote and deliver sustainable development in Colne.
Community Safety:	None
Equality and Diversity:	None

APPENDIX

Pendle Borough Council Comments on Regulation 14 Colne Neighbourhood Development Plan.