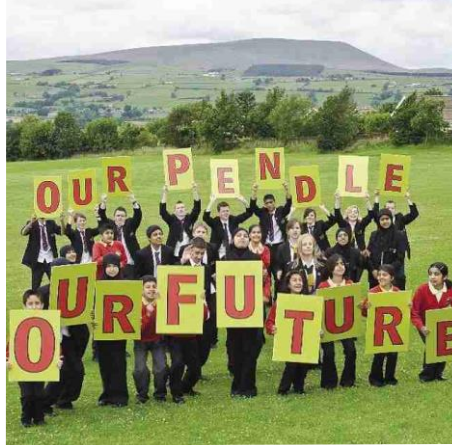


Colne Neighbourhood Development Plan



Decision Statement

Regulation 18(2)



May 2023

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Pendle Borough Council

Colne Neighbourhood Development Plan – Regulation 18 (2) Decision Statement

1. Introduction

- 1.1 Pendle Council [“the Council”] has a statutory duty to assist communities in the preparation of neighbourhood development plans.
- 1.2 Following the examination of Colne Neighbourhood Plan [“CNDP”], Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Council to decide what action should be taken in response to the recommendations made by the Independent Examiner.
- 1.3 The Council must also determine whether the plan meets the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as applied by section 38A of the 2004 Act) and can proceed to referendum.
- 1.4 This Decision Statement sets out the Council’s decision and the reasons for it.

2. Background

- 2.1 In October 2016 Colne Town Council submitted an application to Pendle Council for the designation of the Town Parish as a Neighbourhood Area for the purposes of preparing a neighbourhood plan. The neighbourhood area, which is coincidental with the town parish boundary, was formally designated by the Council on 17th November 2016.
- 2.2 Colne Town Council prepared the pre-submission version of the CNDP during 2020. A public consultation, held in accordance with Regulation 14, was carried out between 25th October 2020 and 8th January 2021. A further consultation relating to the Colne Design Code took place in early 2022.
- 2.3 The submission version of the CNDP was received by the Council on 8th August 2022 and a formal six week public consultation, held in accordance with Regulation 16, was carried out between 2nd September 2022 and 17th October 2022.
- 2.4 Mr Andrew Ashcroft BA (Hons) M.A. DMS MRTPI was appointed by the Council in December 2022 to carry out the independent examination of the submission version of the CNDP. The examination included a hearing session which took place on 15th March 2023. The examination concluded on 2nd May 2023 with the receipt of the Examiner’s final report.

3. Decision

- 3.1 The Examiner has concluded that, with certain modifications, the CNDP meets the Basic Conditions and other relevant legal requirements.
- 3.2 The Council is required to consider each of the Examiner's proposed modifications to the plan and decide what action to take in response. The table attached to this statement sets out each of the modifications and the Council's decision in respect of them.
- 3.3 At its meeting on 25th May 2023, the Council accepted that, with these modifications, the CNDP meets the Basic Conditions and legal requirements, and that no further modifications are required (Appendix 1).
- 3.4 The CNDP can now proceed to referendum. The Council agrees with the Examiner's recommendation that the area for the referendum should be that of the Neighbourhood Area as designated by the Council on 17th November 2016.
- 3.5 To meet the requirements of the Localism Act 2011, the Council will hold a referendum which poses the following question:

Do you want Pendle Borough Council to use the neighbourhood plan for Colne to help it decide planning applications in the neighbourhood area?

- 3.6 The proposed date for the referendum is **Thursday xxth July 2023**.
- 3.7 This Decision Statement, the Examiner's Report and the Colne Neighbourhood Development Plan can be viewed on the Pendle Council website:
https://www.pendle.gov.uk/info/20072/planning_policies/588/colne_neighbourhood_plan
- 3.8 The documents are also available for inspection at the following locations during their normal opening hours:
- Colne Town Hall, Albert Road, Colne, BB8 0AQ
 - Colne Library, Market Street, Colne, BB8 0AP
 - Number One Market Street, Nelson, BB9 7LJ

Appendix 1: Schedule of Modifications

Schedule of Modifications to the Colne Neighbourhood Plan

Paragraph / Policy	Modification	Reason	Decision
Policy CNDP1 – Colne Market Town	<p>RECOMMENDATION 1 (Examiner Report Paragraphs 7.17 to 7.25)</p> <ul style="list-style-type: none"> Replace the policy with: <u>'All Town Centre Proposals</u> <p>Wherever practicable, development proposals in the defined town centre should incorporate the following measures as appropriate to their scale, nature, and location:</p> <p>[include 1-7 from Part B of the submitted policy]</p> <p><u>Town Centre Redevelopment Zone</u></p> <p>Within the Town Centre Redevelopment Zone (as defined on the Policies Map) proposals for comprehensive redevelopment which include new town centre uses and above ground floor level, appropriate town centre uses, including residential, will be supported. Such proposals should:</p> <p>[include a to f from Part A of the submitted policy with the following modifications:]</p> <p>Replace b) with: 'Where practicable, create new streets and street frontages which will provide accessible, good quality links to other parts of the town centre and surrounding areas;'</p> <p>Replace c) with: 'Retain a retail market and bus station within the overall redevelopment scheme;'</p> <p>Replace e) with: 'Reposition any existing car parking elsewhere within the overall redevelopment scheme unless it can be demonstrated that the car parking requirements of the wider town centre are met by existing car parks and/or any parking provided in the overall scheme;'</p> <p>Replace f) with: 'Respond positively to the location and significance of</p>	<p>To ensure that development proposals within the town centre do not prevent comprehensive developments coming forward. To explain the approach of the policy more fully. To ensure the policy has clarity and is proportionate in its approach. To ensure that the policy is positively prepared.</p>	<p>Accept Modifications</p>

Paragraph / Policy	Modification	Reason	Decision
	<p>designated and non-heritage assets.'</p> <p>Individual development proposals within the Redevelopment Zone should also take into account criteria a. to f. In addition, they should demonstrate that they are consistent with, and do not prejudice, the long-term comprehensive redevelopment of the Town Centre Redevelopment Zone.</p> <p><u>Hot food takeaways</u></p> <p>Within the Prime Shopping Area, Prime Shopping Frontages and in predominantly residential blocks proposals for hot food takeaways will only be supported where they would be subsidiary to retail and other commercial uses and where amenity, litter, noise and general disturbance matters can be addressed in a satisfactory manner.'</p> <ul style="list-style-type: none"> • Replace the final three sentences of paragraph 6.1.4 with: 'Policy CNDP1 sets out the Plan's approach to the town centre. The first part applies generally across the town centre. It has been designed so that it will operate in a proportionate way. This acknowledges that not all the criteria in the policy will apply to applications which may arise. The second part of the policy supports comprehensive redevelopment proposals for the defined Town Centre Regeneration Zone area and sets out criteria to guide such development. These would allow this area to be redeveloped in such a way that it could become better integrated into the wider centre and once again have a market town character. The mixture of uses, some under-utilised, in this area mean that such a re-configuration is possible and by retaining and replacing existing uses this area can be redeveloped for the benefit of the wider town and borough. There is currently no comprehensive scheme for the redevelopment of the Town Centre. The preparation of the Master Plan will be a key stage in bringing forward comprehensive redevelopment. However, in the meantime, the redevelopment of this area could be achieved on an incremental basis. Small-scale developments following these principles should not conflict with the ongoing Levelling Up Fund redevelopment proposals. The fifth criterion in the second part of the policy addresses the situation where the development of existing car parking is proposed for alternative uses. In 		

Paragraph / Policy	Modification	Reason	Decision
	<p>these circumstances the car parking should be replaced within the Town Centre Redevelopment Zone, if considered necessary, to support the redevelopment proposed after considering overall car parking provision in the Town Centre. The sixth criterion addresses heritage implications. Where potential heritage impacts are identified, development proposals within the Zone should be accompanied by a Heritage Impact Assessment. The scope and contents of the Heritage Impact Assessment should be agreed with the Borough Council and, where considered necessary, Historic England.'</p>		
Policy CNDP2 – Shop Fronts	<p>RECOMMENDATION 2 (Examiner Report Paragraphs 7.26 to 7.29)</p> <ul style="list-style-type: none"> • Replace part a) with: 'Proposals for new shop fronts should respond positively to the following general design principles: <ul style="list-style-type: none"> • the shopfront should be designed to complement the overall building; • the shopfront should respond positively to the building's proportions, its scale, and its detailing. The building width and subdivision between diverse buildings should be reflected in the shopfronts; • the vertical emphasis of the building in window lines, bays, or pilasters should be carried down to ground floor level through the shopfront; • the shopfront should not extend the full width of the building; and • the main elements of the shopfront should be in proportion to each other.' • Insert a new part b) to read: 'In addition, in conservation areas, proposals for new or replacement shopfronts should be of traditional design and appearance, retaining existing traditional and period features and style where practicable. Where satisfactory evidence can be provided to justify the removal of existing traditional and period features, those features should be replaced on a like-for-like basis as part of the overall development proposal;' • Re-letter the remaining criteria. • In b) replace 'Signage should, preferably be' with 'Wherever practicable, signage should' • At the end of paragraph 6.1.7 add: 'Part a of the policy sets out general design principles. Part b consolidates these principles for shopfronts in the conservation areas. Part b of the policy provides the opportunity for traditional features to be replaced on a like-for-like basis where evidence supports such an outcome. These could include circumstances such as owing to the state of 	<p>A new element is introduced to the policy to provide general advice about the form and composition of shop fronts, broadening the policy's scope. The modified format provides general guidance with additional requirements within the conservation area.</p> <p>The policy is also modified so that it has the clarity and precision required by the NPPF. The supporting text is modified to explain the wider purpose of the policy.</p>	Accept Modifications

Paragraph / Policy	Modification	Reason	Decision
<p>Policy CNDP3 – Design in Colne and Colne Design Guide</p>	<p>disrepair, health and safety or accessibility reasons.’</p> <p>RECOMMENDATION 3 (Examiner Report Paragraphs 7.30 to 7.34)</p> <ul style="list-style-type: none"> • Replace the first part of the policy with: ‘The design of high quality, beautiful and sustainable buildings and places will be supported. The design of new development should be informed by and retain and enhance the defining characteristics of the Settlement Focus Area of Colne (as set out in the Colne Neighbourhood Development Plan Design Code) within which it is located.’ • Replace the second part of the policy with: ‘Development proposals should demonstrate how they have been designed to incorporate the recommended Design Code elements (matrix) for each Settlement Focus Area (Figure 7). Innovative or contemporary design will be supported where it can be shown that they provide a contemporary design solution that complements and reinforces local character in the relevant Settlement Focus Area.’ • Add an additional part of the policy to read: ‘As appropriate to their scale, nature and location, development proposals should: <ul style="list-style-type: none"> a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns; b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area; c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.’ • In the third part of the policy delete ‘and will be refused’ 	<p>Clarifications of policy put forward by Colne Town Council.</p> <p>Enable the policy to relate to day-to-day development management.</p> <p>Deletion of unnecessary repetition.</p>	<p>Accept Modifications</p>
<p>Policy CNDP4 – Non-designated Heritage Assets</p>	<p>RECOMMENDATION 4 (Examiners Report Paragraphs 7.35 to 7.37)</p> <ul style="list-style-type: none"> • Replace ‘such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset’ with ‘such proposals will be assessed by applying a balanced judgement having regard to 	<p>To ensure that the policy meets the basic conditions.</p> <p>To ensure that the policy</p>	<p>Accept Modifications</p>

Paragraph / Policy	Modification	Reason	Decision
	<p>the scale of any harm or loss and the significance of the heritage asset.</p> <ul style="list-style-type: none"> • Include an appendix or note in the Plan listing the full postal addresses of the buildings in the policy. • At the end of paragraph 6.27. add: '[Insert details] provides the full postal addresses of the non-designated assets listed in the policy. This will ensure that they can be properly identified if business uses or names change within the Plan period.' 	provides sufficient clarity.	
Policy CNDP5 – Urban Character Areas	<p>RECOMMENDATION 5 (Examiners Report Paragraphs 7.38 to 7.41)</p> <ul style="list-style-type: none"> • Replace part 2 of the policy with: 'Development proposals should respond positively to the background character of the Urban Character Area within which they are located' 	To ensure consistency with Policy CNDP3.	Accept Modification
Policy CNDP6 – Future Housing Growth	<p>RECOMMENDATION 6 (Examiners Report Paragraph 7.42 to 7.60)</p> <ul style="list-style-type: none"> • Replace 'To help meet future housing growth requirements to 2030, identified in the Pendle Local Plan Part 1: Core Strategy for the M65 Corridor the following sites are shown on the CNDP Policies Map and allocated for housing development;' with 'The Plan allocates the following sites (as shown on the Policies Map) for residential development' • Delete the various proposed allocations other than CNDP6/4 (Buck Street), CNDP6/6 (Shaw Street), CNDP6/9 (Thomas Street), and CNDP6/15 (Bankfield Street). • Delete the final part of the policy. • Replace paragraph 6.3.2 with: 'Accounting for the reoccupation of empty homes, the requirement within the M65 Corridor spatial area falls to 3,168 dwellings. The PLPCS does not set settlement specific housing requirements. These were to have been determined through the production of the Local Plan 2 (LP2). Evidence supporting LP2 identified that Colne should accommodate 35% of the housing need identified for the M65 Corridor spatial area. Changing circumstances and priorities since adoption of the PLPCS meant that LP2 was not progressed by Pendle Council and a new Local Plan is now being prepared. Work on the new Local Plan is not sufficiently advanced to be a material consideration for the Neighbourhood Plan. In the absence of alternative evidence, the Town Council has taken a pragmatic approach in adopting evidence prepared for LP2 as an indicative basis for determining the housing needs of Colne. This approach ensures the Plan is in general conformity with the PLPCS. The resulting need is 	<p>To remove sites from the Neighbourhood Plan where there is insufficient evidence of deliverability.</p> <p>To provide clarity required by the NPPF.</p> <p>Reorganise policy to exclude supporting text.</p>	Accept Modifications

Paragraph / Policy	Modification	Reason	Decision
	<p>set out in Table 2. The Town Council will work with the Borough Council to review the policies of the neighbourhood plan to ensure it remains in conformity with the emerging Local Plan once it is adopted. The neighbourhood plan will be formally revised if a review concludes that it is no longer in alignment with the strategic policies in the Local Plan.'</p> <ul style="list-style-type: none"> • Delete paragraph 6.3.3 (the first of the two paragraphs 6.3.3). • At the end of paragraph 6.3.6 add: 'SHLAA references, where available, are included after each site allocation. Site capacities are based on a notional 30 dwellings per hectare – this is not a commitment to final site capacity.' • Replace paragraph 6.3.9 with: 'Table 3 confirms the supply position in Colne. It accounts for completions, existing commitments, and housing site allocations in the neighbourhood area. It confirms the general conformity of the plan with the strategic policies of the PLPCS, ensuring a sustainable pattern of development for Colne and Pendle as a whole.' • Replace Table 3 with the revised table as supplied by PBC (in EX-012). 		
Policy CNDP7 – Protecting Local Green Spaces	<p>RECOMMENDATION 7 (Examiners Report Paragraph 7.61 to 7.99)</p> <ul style="list-style-type: none"> • Delete 'Note: References in parentheses refer to the reference numbers in the Local Green Space Assessment Colne's Local Green Spaces (March 2022)' • Delete LGS4 (The Upper Rough) from the policy. • At the end of paragraph 6.3.12 add: 'Policy CNDP 7 identifies the designated local green spaces. The references in parentheses refer to the reference numbers in the Local Green Space Assessment Colne's Local Green Spaces (March 2022)' • Delete LGS4 from the Policies Map. 	<p>To ensure that the policy is consistent with the NPPF with regard to the designation of Local Green Space.</p> <p>Removal of supporting/explanatory text from the policy and relocation in supporting text where not already included.</p>	Accept Modifications
Policy CNDP8 – Protection and Enhancement of Community Facilities	<p>RECOMMENDATION 8 (Examiner Report Paragraphs 7.100 to 7.102)</p> <ul style="list-style-type: none"> • In the second part of the policy replace 'non-community uses' with 'other uses' • In the second part of the policy replace 2 with: 'the facility has been marketed at a realistic value for community use, following its closure, for a period of at least 12 months and the evidence indicates that there is no longer a demand for the community facility.' 	<p>To provide clarity and precision of policy wording required by the NPPF.</p>	Accept Modifications
Policy CNDP9 – Protection of Shops	<p>RECOMMENDATION 9 (Examiner Report Paragraphs 7.103 to 7.104)</p> <ul style="list-style-type: none"> • In the first part of the policy delete 'Use Class F2a' 	<p>To provide clarity and precision of policy wording required by</p>	Accept Modifications

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and Public Houses	<ul style="list-style-type: none"> Delete c. 	the NPPF.	
Policy CNDP10 – Protection of Sport and Recreation Facilities	<p>RECOMMENDATION 10 (Examiner Report Paragraphs 7.105 to 7.106)</p> <ul style="list-style-type: none"> At the end of paragraph 6.3.22 add: ‘Policy CNDP10 consolidates the approach taken in the Pendle Core Strategy. For clarity the corresponding site numbers in the Open Space Audit are as follows [thereafter list the sites at 10/1 to 10/8 to the respective numbers (where applicable) in the Open Space Audit.]’ 	To provide clarity in accordance with the NPPF.	Accept Modification
Policy CNDP11 – Protection of Allotments	<p>RECOMMENDATION 11 (Examiner Report Paragraphs 7.107 to 7.108)</p> <ul style="list-style-type: none"> Replace the opening element of the second part of the policy with: ‘Proposals for new allotments in suitable locations will be supported. Proposals for the redevelopment of allotments will only be supported where:’ 	To provide clarity in accordance with the NPPF, describing the purpose of the policy.	Accept Modification
Policy CNDP12 – Transport	<p>RECOMMENDATION 12 (Examiner Report Paragraphs 7.109 to 7.111)</p> <ul style="list-style-type: none"> Replace b) with: ‘Responds positively to the importance and significance of built and natural heritage assets.’ 	Ensure that the policy has regard to paragraph 16 and section 16 of the NPPF.	Accept Modification
Policy CNDP13 – Conserving and Enhancing Valued Landscape Features	<p>RECOMMENDATION 13 (Examiner Report Paragraphs 7.112 to 7.118)</p> <ul style="list-style-type: none"> Replace the opening sentence of the policy with: ‘Development proposals should conserve and where practicable enhance the landscape in the neighbourhood area.’ Replace the views element of the policy with the following: ‘The following viewpoints are identified as important in the Colne Significant Views Assessment (2021): [List the views] <p>The design, layout, scale, and massing of development proposals should respond positively to the identified significant views.</p> <p>Proposals which would affect a significant view should be accompanied by a Landscape Appraisal in accordance with the latest guidelines of the Chartered Institute of Landscape Architects. The Landscape Appraisal should identify the important views that are affected, address their significance, and assess any impacts that may be caused by the development proposal, after the consideration of any mitigation measures that have been incorporated into the final design to help avoid, reduce or offset these effects.</p> <p>Development proposals which would have an unacceptable impact on a significant view will not be supported unless their public benefits arising from</p>	<p>To acknowledge that in some cases it will be impracticable for a development proposal to ‘enhance’ the landscape in the neighbourhood area.</p> <p>To ensure that the Local Plan is consistent with the NPPF in relation to the term ‘valued’ and its definition.</p> <p>To provide clarity as required by the NPPF as to the requirements of the policy, the response required to the policy, and the effects of the policy.</p>	Accept Modifications

Paragraph / Policy	Modification	Reason	Decision
	<p>the development demonstrably outweigh the harm caused to the view concerned.'</p> <ul style="list-style-type: none"> • In the policy title delete 'Valued' • At the end of paragraph 6.4.8 add 'The significant Views are shown on [insert details].' • At the end of paragraph 6.4.9 add: 'The policy acknowledges that landscape is not necessarily an issue which respects administrative boundaries. Nevertheless, for clarity the policy applies only to development proposals in the neighbourhood plan area.' • Show the Significant Views on a separate map or maps in the main body of the Plan. 		
Policy CNDP14 – Rural Identity and Character	<p>RECOMMENDATION 14 (Examiner Report Paragraphs 7.119 to 7.121)</p> <ul style="list-style-type: none"> • Replace the second sentence of the opening element of the policy with: 'As appropriate to their scale, nature and location, development proposals should be designed to respond positively to the following criteria;' • Replace a) with: 'The proposal maintains the existing settlement pattern of the town and its relationship with the surrounding countryside.' • Replace c) with: 'Use high quality materials which are consistent with local vernacular.' 	To provide clarity required by the NPPF. Ensure that the policy is proportionate. To reflect the geographical facts of the designated area. To simplify the policy.	Accept Modifications
New (Monitoring and Review)	<p>RECOMMENDATION 15 (Examiner Report Paragraphs 7.122 to 7.124)</p> <ul style="list-style-type: none"> • Insert the following after 6.0.1: 'Monitoring and Review <p>6.0.2. Each policy provides guidance about the way in which its implementation will be monitored. Over time, the Town Council will have a clear picture about the way in which the way in which the policies have been successful or need to be refined.</p> <p>6.0.3. The Town Council will also assess the ongoing relevance of the Plan's policies throughout the Plan period if national or local planning policies are changed and/or updated. The neighbourhood plan has been prepared within the context of the Pendle Local Plan Part 1 (the Core Strategy). That Plan was adopted in December 2015. The Borough Council is currently reviewing the Local Plan. Plainly this review process will affect the wider development plan and could have significant implications on the strategic approach to growth and</p>	To provide a mechanism to enable the Colne Neighbourhood Plan to be kept up-to-date.	Accept Modifications

Paragraph / Policy	Modification	Reason	Decision
	development in the Borough. As such, the Town Council will assess the need or otherwise for a full or partial review of the 'made' neighbourhood plan within six months of the adoption of the emerging Local Plan.'		
Various	RECOMMENDATION 16 (Examiner Report Paragraph 7.125) <ul style="list-style-type: none"> • Modification of general text (where necessary) to achieve consistency with the modified policies. 	To ensure consistency through the Neighbourhood Plan with modified policies.	Accept Modifications.
Various	RECOMMENDATION 17 (Examiner Report Paragraphs 7.126 to 7.128) <ul style="list-style-type: none"> • Incorporate the agreed PBC/CTC general changes into the Plan. 	General issues raised by PBC which are not policy specific and agreed by CTC which improve the level of detail in the Neighbourhood Plan and address matters of fact.	Accept Modifications.

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اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ
آپ کے لئے زیادہ مفید ہو تو برائے مہربانی ہمیں ٹیلیفون کریں۔



Liberata

