

REPORT FROM: ASSITANT DIRECTOR PLANNING, BUILDING
CONTROL AND REGULATORY SERVICES

TO: COUNCIL

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COLNE NEIGHBOURHOOD PLAN

PURPOSE OF REPORT

To inform members of the outcome of the referendum on the Colne Neighbourhood Plan ["CNDP"] and formally adopt the Plan.

RECOMMENDATIONS

- (1) To formally 'make' (adopt) the Colne Neighbourhood Plan
- (2) To agree to the publication of the Council's Decision Statement

REASONS FOR RECOMMENDATIONS

- (1) To comply with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- (2) To comply with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012.

ISSUE

Introduction

Neighbourhood planning was introduced by the Government through the Localism Act 2011. Its purpose is to give communities ownership of planning matters in their area, enabling them to influence where development should go and how it might look.

Pendle Council as the local planning authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended ("the Regulations").

CNDP Key Stages

Regulation 5 – in October 2016, Colne Town Council [“CTC”] submitted an application to designate the Town Parish of Colne as a neighbourhood area for the purposes of preparing a neighbourhood plan. Between 14 October and 11 November 2016, a public consultation was held to consider and allow comment on the proposed boundary for the neighbourhood plan area.

Regulation 6 – The neighbourhood plan area was formally designated on 17 November 2016.

Regulation 14 – CTC carried out a number of informal consultation exercises to help prepare the CNDP. On 26 October 2020, they issued the Pre-Submission draft CNDP for an extended public consultation. This provided residents, businesses and other interested parties with an opportunity to comment on the plan proposals.

Regulations 16 and 17 – The Submission draft CNDP and supporting documents were received by Pendle Council on 8 August 2022. Following a statutory six-week consultation, these documents, together with the valid representations received in response to the consultation, were forwarded to the independent examiner appointed to conduct the examination of the plan.

Examination – Mr. Andrew Ashcroft BA (Hons) M.A. DMS MRTPI was appointed to carry out the examination of the CNDP. He submitted his report to Pendle Council on 2 May 2023, concluding the formal examination of the plan. The Examiner’s Report recommended a number of modifications to the CNDP to ensure that it met the Basic Conditions, as required by the Regulations. Subject to these modifications being made it was recommended that the CNDP should proceed to a public referendum.

Regulation 18 – The examiner’s recommendation was reported to the Council’s Executive on 25 May 2023. A Decision Statement was published confirming that Pendle Council supported the Examiners recommendations and that the CNDP was considered to meet the Basic Conditions and be compatible with EU obligations and human rights legislation.

Referendum – The referendum was held on Thursday 20 July 2023. A total of 1908 votes were cast – from an electorate of 13202 – representing a 14.45% turnout. For the plan to be ‘made’ (adopted) a simple majority vote in favour of the plan (i.e. 50% plus 1) was required. The result of the votes cast in the referendum was as follows:

Number cast in favour of Yes	1758 (92.1%)
Number cast in favour of No	145 (7.6%)
Rejected ballots	5 (0.3%)

More than half of the votes cast responded “Yes” to the question: ‘Do you want Pendle Borough Council to use the Neighbourhood Plan for Colne to help it decide planning applications in the neighbourhood area?’

Having been approved at referendum, the CNDP duly came into force as part of the statutory development plan. Alongside the Pendle Local Plan, the CNDP will be used to help determine applications for planning permission within the neighbourhood area.

Next Steps

Regulations 18A – Following a successful referendum, a neighbourhood plan must be ‘made’ (adopted) by the Council.

Regulations 19 and 20 – The CNDP will be published on the Council website and a formal Decision Statement will be published, informing those who commented on the CNDP that it is now part of the statutory Development plan for Pendle.

IMPLICATIONS

Policy:	Following the successful referendum the CNDP became part of the statutory Development Plan for Pendle. It is being used by planning officers to help determine applications for planning permission within the town parish boundary.
Financial:	The Government provides funding to local planning authorities to help them meet the cost of their responsibilities for neighbourhood planning.
Legal:	The report and recommendations outline the current legal position. The CNDP is considered to have met all legal requirements to be ‘made’ (adopted) by the Council.
Risk Management:	None identified.
Health and Safety:	None identified.
Sustainability:	None identified.
Community Safety:	None identified.
Equality and Diversity:	None identified.

APPENDICES

Appendix 1: Decision Statement

LIST OF BACKGROUND PAPERS

The Neighbourhood Planning (General) Regulations 2012, as amended.

Colne Neighbourhood Plan Final version, June 2023