

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

TO: COUNCIL

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COLNE NEIGHBOURHOOD PLAN AMENDMENTS TO THE POLICIES MAP

PURPOSE OF REPORT

To inform members of two proposed amendments to the Policies Map for the recently 'made' (adopted) Colne Neighbourhood Development Plan.

RECOMMENDATIONS

To approve two amendments to the Policies Map for the Colne Neighbourhood Development Plan.

REASONS FOR RECOMMENDATIONS

To comply with The Neighbourhood Planning (General) Regulations 2012, as amended and Planning Practice Guidance on the amendment of Development Plan Documents.

ISSUE

Introduction

Following a successful referendum result on Thursday 20 July 2023, in accordance with Regulations 18A of The Neighbourhood Planning (General) Regulations 2012, as amended, the Colne Neighbourhood Development Plan (CNDP) was 'made' (formally adopted) by the Council at its meeting on 28 September 2023.

Issue

Since the formal adoption of the CNDP two mapping errors have been identified. These are:

1. Knotts Lane allotments (CNDP11/2) – The boundary on the CNDP Policies Map does not reflect that in the Pendle Open Space Audit (2019) and incorrectly includes land owned by Maro Developments Ltd.

2. Town Centre boundary – The boundary on the CNDP Policies Map cuts across the garden to the rear of 20 Church Street, rather than following the boundary of the garden as depicted on the Proposals Map accompanying the Pendle Local Plan Part 1; Core Strategy, which was adopted in December 2015.

The relevant map extracts can be found in Appendix 1.

As adopted planning policy, formal approval is required to amend the CNDP Policies Map.

The relevant information relating to such changes is set out in the Planning Practice Guidance on Neighbourhood Planning, and is set out below:

Is it possible to modify a neighbourhood plan to correct an error?

Yes. [Section 61M\(4\) of the Town and Country Planning Act 1990](#), (as applied to neighbourhood plans by section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004) enables a local planning authority to modify a neighbourhood plan or order they have made for the purpose of correcting errors. The relevant qualifying body (if it still exists) must consent to the modification.

Paragraph: 087 Reference ID: 41-087-20160519

Revision date: 19 05 2016

How are minor neighbourhood plan or Order updates made?

Minor (non-material) updates to a neighbourhood plan or Order would not materially affect the policies in the plan or permission granted by the Order. A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required.

Paragraph: 084a Reference ID: 41-084a-20180222

Revision date: 22 02 2018

Based on the above:

- Colne Town Council has reached agreement with Maro Developments and Pendle Council planning officers on the necessary amendments to the Policies Map.
- Colne Town Council has formally written to Pendle Council (Appendix 1) requesting that it consents to the proposed modification of the CNDP Policies Map.

Members are asked to approve the recommendations as set out in this report.

IMPLICATIONS

Policy: The proposed map changes will prevent the misinterpretation of the areas affected by adopted planning policy.

Financial: None identified.

Legal:	Failure to amend the CNDP Policies Map would mean that Policy CNDP11 Protection of Allotments (Knotts Lane) and Policy CNDP1 Colne Market Town (Town Centre Boundary) would be applied incorrectly. This could result in a legal challenge from the owners of the land affected.
Risk Management:	None identified.
Health and Safety:	None identified.
Sustainability:	None identified.
Community Safety:	None identified.
Equality and Diversity:	None identified.

APPENDICES

Appendix 1: Letter from Colne Town Council and appendices

LIST OF BACKGROUND PAPERS

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

Planning Practice Guidance: Neighbourhood planning

Colne Neighbourhood Plan (adopted September 2023) – including Policies Map