

## REPORT TO FULL COUNCIL



<b>Report Author</b>	<b>Gina Langley, Responsible Financial Officer</b>
<b>Tel No</b>	<b>01282 861888</b>
<b>Email</b>	<b><a href="mailto:g.langley@colnetowncouncil.org.uk">g.langley@colnetowncouncil.org.uk</a></b>
<b>Date</b>	<b>8th June 2021</b>
<b>Subject</b>	<b>CNDP Green Space Designation</b>

### PURPOSE:

1. To give an overview of the Neighbourhood Planning Process, and an indication of where the Colne Neighbourhood Development Plan (CNDP) stands within the process.
2. To give members an indication of the time and resources that would need to be engaged, should the Regulation 14 Consultation be repeated.

### BACKGROUND:

3. A neighbourhood plan puts in place planning policy for a neighbourhood area to guide future development. A neighbourhood plan is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development.
4. There are three main stages to producing a neighbourhood plan. These are:

#### Stage 1 – Getting established

- Designation of the neighbourhood area
- Designation of the Neighbourhood Plan Steering Committee / Working Group
- Duty to provide support
- Building an evidence base
- Publicity and engagement

#### Stage 2 – Preparing the plan

- Content and structure
- Drafting the plan
- Policy Themes
- Meeting the basic conditions
- Pre-submission consultation

#### Stage 3 – Bringing the plan into force

- Submission

- Publicity
- Independent examination
- Referendum

5. Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.
6. Neighbourhood Plans can identify on a map, green areas for special protection, however, this must be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.
7. Planning policy for the designation of Local Green Spaces is set out in paragraph 100 of the National Planning Policy Framework (NPPF) as follows:

The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community, it serves;
- b) 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
- c) local in character and is not an extensive tract of land.

8. The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.
9. There are no hard and fast rules about how big a Local Green Space can be because places are different, and a degree of judgement will inevitably be needed. Paragraph 100 of the NPPF clearly states that the area concerned must not be an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.
10. Where a site already has some nationally recognised protection, in the form of Green Belt or Nature Reserve for example, it can still be identified in the Colne Neighbourhood Plan as being a local green space if it meets the NPPF paragraph 100 criteria. This form of protection would be useful if the Borough Council's position with regard to scope and coverage of the green belt were to change in the future.
11. The CNDP's pre-submission consultation, as per Regulation 14 of The Neighbourhood Planning (General) Regulations 2012, was held from Monday 26<sup>th</sup> October 2020 until Friday 8<sup>th</sup> January 2021. Due to COVID-19 restrictions, this consultation was mainly held virtually. All documents were available to view on the Town Council website, and links were provided via email and social media, and a total of 11 online sessions were held. The website was visited by 2023 new users during the consultation period, up from 183 in the same length of period before the consultation began. The social media posts reached an average of 2,336 people and had an average of 294 engagements; the highest being the heritage assets which reached a total of 5,146 people and had 657 post engagements. The Council also delivered posters to the

businesses, had them in the notice boards, and had a visual display in the glass box in the Town Centre.

#### **ADDITIONAL INFORMATION:**

12. The following sites are currently recommended for Green Space Designation in the Colne Neighbourhood Plan:

LGS2 – Alkincoates Park  
LGS4 – Upper Rough  
LGS5 – Lidgett Triangle  
LGS6 – Ball Grove Park and Nature Reserve  
LGS7 – Colne Cemetery  
LGS9 – Heifer Lane Roundabout  
LGS10 – St. Stephen’s Walking Area  
LGS11 – Byron Road Community Area  
LGS12 – Hagg Green Space  
LGS13 – Waterside Millennium Green  
LGS15 – Whitewalls Green Space  
LGS18 – Casserley Road/Varley Street/Thorn Grove  
LGS19 – Snell Grove  
LGS21 – Ferndean Way in Waterside

13. From comments received by the Council, the following areas have also been proposed for designation:

- Greenfield Mill / Greenfield Road (response to the consultation)
- Gib Hill (response to the consultation)
- The land in front of the former Grammar School on Barrowford Road (currently in the plan and protected under CNDP11/10 Sport and Recreation Facilities)
- Lenches (post reg14 consultation)
- Essex Street Green Pocket Park (post reg14 consultation/rec’d 16<sup>th</sup> April 21)
- Dewhurst Street Green Space (post reg14 consultation/rec’d 16<sup>th</sup> April 21)
- Knotts Lane Community Garden (post reg14 consultation/rec’d 16<sup>th</sup> April 21)

#### **POST REGULATION 14**

14. An enormous amount of work has been going on behind the scenes to incorporate ideas and comments received and to add weight to the CNDP, such as a Marketing Brochure for Colne, work on establishing a design code, a detailed Landscape Assessment, and work addressing site viability. All of this work successfully addresses the negative comments received during the consultation, including those from the Local Planning Authority.
15. If any new green spaces are approved for inclusion within the CNDP that were not received as part of the Regulation 14 Consultation, the Town Council will need to repeat the Regulation 14 consultation. This is corroborated by the paper received from the Planning Consultant to be read in conjunction with this report. (Please see Appendix 1)

16. Due to the amount of additional funding and support obtained, the Colne Neighbourhood Plan is currently in a privileged position. Halting the progress made at this time, would be detrimental to the plan's success.
17. It is worth noting that small pockets of land, such as community gardens, and larger areas of open countryside, do come with their own protection. To include them in the plan as Local Green Spaces at this time would be of little benefit.
18. Another Regulation 14 consultation would set the Council back another six months and going off the most recent engagement, would cost the Council at least £6,302. (Appendix 2)

#### **WORK TO BE DONE - PRIOR TO SUBMISSION**

19. All of the commissioned reports and brochures will have to be finalised and incorporated into the existing version of the plan.
20. The draft documents will then be sent to Locality who will perform a pre-submission check.
21. Also, as part of the submission to the Local Authority, the Town Council must provide a Consultation Statement, and a statement on how the plan fulfils the basic conditions stated below:
  - That the plan has regard to national policy
  - That the plan contributes to the achievement of sustainable development
  - That the plan has general conformity with the strategic policies in the development plan for the local area
  - That the plan is compatible with EU obligations.

#### **POINTS TO NOTE:**

22. The Local Plan Part 2 has recently been in a consultation period that ended on 6<sup>th</sup> April. This document includes both Gib Hill and the Upper Rough as suitable housing sites. Although an emerging local plan would not constitute part of the statutory development plan, it still needs to be considered by the neighbourhood planning body.
23. Repeating the Regulation 14 consultation to add Gib Hill in as a local green space would put the plan in direct conflict with the Local Authority, which could delay the CNDP even further.
24. Should the Pendle Local Plan Part 2 be adopted before the Colne Neighbourhood Plan, there will be no green space protection for Colne at all. (There are no Green Spaces designated in the LPP2 for Colne.) The Colne Neighbourhood Plan would then have to be re-written to conform with the Local Authority Development Plan. This would take us back to the middle of the stage 2 process. (Please refer to the timeline set out in Appendix 3).

#### **POST SUBMISSION:**

25. After submission, responsibility for taking the process forward lies with the local planning authority. The local authority will publicise the plan (Regulation 16) and arrange for the

independent examination. This will consider whether the neighbourhood plan meets the basic conditions and other legal requirements. If successful at the examination stage, with modifications if necessary, then the local authority will arrange for a neighbourhood plan referendum. If there is a majority yes vote, then the neighbourhood plan is made and becomes part of the statutory development plan for the area.

#### **RECOMMENDATION:**

26. As this meeting is for review only, that the information contained in this report is borne in mind when making any future decisions.

#### **REASON FOR RECOMMENDATION:**

27. To allow informed decisions to be made in relation to the CNDP.

#### **SUMMARY OF KEY POINTS:**

28. If any new green spaces are approved for inclusion within the CNDP that were not received as part of the Regulation 14 Consultation, the Town Council will need to repeat the Regulation 14 consultation.
29. A serious delay in the progress of the Colne Neighbourhood Plan, could have a detrimental effect on future development in the Town.
30. The best possible outcome for the Town is that the Colne Neighbourhood Development Plan is adopted prior to the Local Plan, this way we can gain protection for our green spaces and the CNDP can serve to provide a good level of protection for the Town.

#### **POLICY IMPLICATIONS:**

31. Any Local Green Spaces included in the Colne Neighbourhood Plan will need to meet the criteria set out in the Neighbourhood Planning (General) Regulations 2012.

#### **DETAILS OF CONSULTATION:**

32. CNDP Regulation 14 26/10/20 – 08/01/21
33. Correspondence received from members of the public.
34. Kirkwells Planning Consultants
35. Locality Neighbourhood Plan Roadmap

**SUPPORTING PAPERS:**

- Appendix 1 – Paper written by Kirkwells.
- Appendix 2 – Breakdown of Costs.
- Appendix 3 – Neighbourhood Plan Timeline
- Appendix 4 – Extract from Full Council Minutes – April 2021

FURTHER INFORMATION, PLEASE CONTACT: Gina Langley