

Colne Neighbourhood Development Plan

Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

August 2022

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1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

1.2 This Basic Conditions Statement sets out how the Colne Neighbourhood Development Plan (CNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the CNDP independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Colne Town Council. The area was designated by Pendle Borough Council on 17th November 2016 ([Notice of Designation](#))

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and subsequent amendments.

2.3 The proposed neighbourhood plan states the period for which it is to have effect

The CNDP states the period for which it is to have effect. That period is from 2011-2030 (the same plan period as the Pendle Local Plan Core Strategy ([Core Strategy](#))).

2.4 The policies do not relate to excluded development

The CNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The CNDP relates to the designated Colne neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Town Council at the time of the designation and is shown on Map 1 in the CNDP.

3.0 Basic Conditions

Basic Condition a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

3.1 The CNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, July 2021)².

Achieving Sustainable Development (NPPF, section 2)

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has three overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the CNDP delivers the 3 overarching Objectives in the NPPF:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	CNDP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>The CNDP supports this overarching objective of the NPPF in the following ways:</p> <ul style="list-style-type: none"> • Policy CNDP1 seeks to enhance the vitality and viability of Colne as a market town and supports a wide variety of economic development in this key area; • Policy CNDP6 supports future housing growth and identifies a range of suitable sites to help meet identified growth within the urban area of Colne; • Policy CNDP9 seeks to protect local shops and public houses – uses that perform a key economic and also social function; and

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	CNDP Policies and Proposals
	<ul style="list-style-type: none"> • Policy CNDP12 seeks to support a package of transport improvements (to be delivered by other agencies) that will help to underpin future economic development.
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>The CNDP includes the following policies that support the NPPF’s overarching social objective:</p> <ul style="list-style-type: none"> • Policy CNDP4 identifies and establishes policy to protect non-designated heritage assets to support cultural well-being; • Policy CNDP5 defines and protects 4 urban character areas to support cultural well-being; • Policy CNDP6 supports future housing growth and identifies a range of suitable sites to help to meet growth within the urban area of Colne, some of this provision will help to meet local housing demand and need; • Policy CNDP7 seeks to protect designated local green spaces, many of which perform a social function by providing areas for informal and formal recreation, which boosts physical and mental health and provides places for people to enjoy and to meet; • Policy CNDP8 seeks to protect local community facilities; • Policy CNDP9 seeks to protect local shops and public houses – uses that perform a key social and also economic function; • Policy CNDP10 seeks to protect sport and recreation facilities to deliver physical and mental health benefits; and • Policy CNDP11 protects allotments.
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and</i></p>	<p>The CNDP meets the overarching national policy environmental objective through:</p>

NPPF Overarching Objectives	CNDP Policies and Proposals
<p><i>mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<ul style="list-style-type: none"> • Policy CNDP2 seeks to retain and enhance shopfront design; • Policy CNDP3 will seek to improve design standards throughout Colne and to reinforce this through the Colne Design Code; • Policy CNDP4 identifies and establishes policy to protect non-designated heritage assets; • Policy CNDP5 defines and protects 4 urban character areas; • Policy CNDP7 seeks to protect designated local green spaces many of which are multi-functional, including areas that help improve biodiversity and protect natural resources; • Policy CNDP13 identifies and sets policy to protect valued local landscape features; and • Policy CNDP14 seeks to protect rural identity and character in the Colne neighbourhood area.

Plan Making (NPPF, section 3)

3.4 In Section 3 Plan Making, the NPPF sets out that six principles that plans should address. Table 2 sets out how the CNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	CNDP
<p>a) be prepared with the objective of contributing to the achievement of sustainable development;</p>	<p>How the CNDP meets this principle of NPPF is set out in Table 1 of this document.</p>
<p>b) be prepared positively, in a way that is aspirational but deliverable;</p>	<p>The CNDP has been prepared positively and is aspirational and deliverable. This can be demonstrated in the following ways:</p>

NPPF Plan Making	CNDP
	<ul style="list-style-type: none"> • The CNDP’s town centre objective includes policy to enhance the vitality and viability of Colne town centre, by supporting town centre uses within this area and by identifying a Town Centre Redevelopment Zone. The latter is supported by funds available through the Levelling Up Fund and will be developed further through a new document, the Colne Masterplan, being prepared by Pendle Borough Council; • The CNDP’s heritage objectives include policy to improve design (including through the use of a Design Code) and supports the existing Conservation Areas and Listed Buildings and the protection of non-designated heritage assets and four urban character areas. • The community objective includes policy to support housing growth on sites within the existing settlement boundary. This includes the allocation of 15 sites that are, or it is expected will be, deliverable over the neighbourhood plan period. The plan seeks to designate 21 Local Green Spaces – key areas of open land that perform a variety of functions and are essential to maintaining or improving the quality of life of local people, as well as improving mental and physical health. The protection of a wide range of existing local facilities makes a significant contribution to quality of life. Policy CNDP12 covering transport identifies a range of aspirational and deliverable transport measures already identified through the plans and work of other agencies. • The rural objective includes two policies that seek to protect the local landscape and rural character and identity, as well as the setting of the whole town of Colne.

NPPF Plan Making	CNDP
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	The CNDP is underpinned by a significant amount of community engagement. This has been early, proportionate and has included local residents, businesses, local organisations, the Borough Council and key agencies. The submitted Consultation Statement includes a full summary of the work undertaken.
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The CNDP's policies are clearly written and unambiguous and the accompanying background/justification section sets out how decision makers should use the policies. Each policy also links to existing monitoring indicators (where available) used by Pendle Borough Council in its Annual Monitoring Report.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Throughout the CNDP's preparation, digital tools have been used. These include the Town Council and Pendle Borough Council websites; social media; Zoom meetings (during the Covid-19 pandemic); subsequent hybrid (in-person/Zoom) meetings; facility to make email responses and representations with electronic attachments.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The CNDP policies serve a clear purpose. This is set out in the background/justification accompanying each policy in the CNDP. The CNDP avoids duplication of policies at a national level and at the strategic level as contained in the development plan for Pendle.

The Plan Making Framework (NPPF, section 3)

3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The CNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Pendle Local Plan Part 1: Core Strategy.

Non-strategic policies (NPPF, Section 3)

- 3.6 Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The CNDP does not undermine the strategic planning policies for Pendle. It seeks to set more local non-strategic policies to tackle more local issues to help retain the area's local identity and distinctiveness, through both policies in the CNDP and the accompanying Colne Design Code.
- 3.7 Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Delivering a sufficient supply of homes (NPPF, section 5)

- 3.8 Paragraph 66 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.

The Core Strategy and polices set strategic planning policy for the supply of new homes. Policy SDP3 Housing Distribution of the Core Strategy identifies Colne as part of the M65 Corridor. Over the original plan period 2011-2030, 70% of the new homes will be delivered within this Corridor (Policy LIV1). Policy CNDP6 of the CNDP sets out how this pattern and scale of development will be supported in Colne. Having decided to abandon its Local Plan Part 2, Pendle Council is in the early stages of preparing a new Local Plan, likely to cover the period to 2040, which will supersede the Core Strategy. Where necessary, Pendle Council will commission new evidence to help prepare a new single Local Plan. The CNDP has been prepared to take account of this change in circumstances and the likelihood of a significantly reduced minimum annual requirement figure, based on the Government's Standard Method, being identified for Colne in the new Local Plan

Promoting healthy and safe communities (NPPF, section 8)

- 3.9 Paragraph 92 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

The CNDP meets this section of national planning policy in a number of ways: Policy CNDP7 seeks to designate 21 Local Green Spaces. These spaces perform a number of functions – for example, by providing opportunities for sport, recreation and informal exercise; places for people to meet; areas of tranquillity; and areas to enjoy the natural environment. In their totality, they enable and support healthy lifestyles. Policy CNDP7 and the Colne Design Code work across the neighbourhood area to achieve healthy, inclusive and safe places.

Promoting sustainable transport (NPPF, section 9)

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 104). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 106d of NPPF sets out that planning policies should provide for attractive and well-designed walking and cycling networks and supporting facilities such as cycle parking.

Policy CNDP12 seeks to promote sustainable transport and includes a range of measures that will deliver this. When read in conjunction with the CNDP's design policy and accompanying Design Code, this will help to secure well-designed walking and cycling networks.

Achieving well-designed places (NPPF, section 12)

- 3.11 Paragraph 126 explains that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The CNDP will help to achieve well-designed places through the design aspects of the policies it contains and through the plan-wide design policy (CNDP3) and the accompanying Design Code.

Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 152).

The CNDP supports this aspect of national planning policy in a number of ways e.g. through the focus of development on the town centre (CNDP1) and within the development boundary for new housing development (CNDP6) and through the plan's design policy CNDP3 and accompanying Design Code.

Conserving and enhancing the natural environment (NPPF, section 15)

- 3.13 Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

The CNDP meets this aspect of national planning policy by designating Local Green Spaces (CNDP7) and by seeking to protect valued local landscape features (CNDP13) and rural identity and character (Policy CNDP14).

Conserving and enhancing the historic environment (NPPF, section 16)

- 3.14 Paragraph 189 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The CNDP has had full regard to the area's historic environment (including listed buildings and Conservation Areas). More specifically, the CNDP identifies 89 non-designated heritage assets in the area to be protected in a manner appropriate to their significance (Policy CNDP4) and four urban character areas (Policy CNDP5). More generally, the plan's design policy (Policy CNDP3) and accompanying Design Code will help to conserve the historic environment.

Basic condition b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest

- 3.15 The CNDP took account of designated heritage assets during its preparation, including those assets listed on the National Heritage List for England.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].

Basic condition c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area

- 3.16 The neighbourhood area includes the following Conservation Areas - Lidgett and Bents; Primet Bridge; Albert Road; and Trawden Forest. These were taken account of in the preparation of the CNDP and maps of three of the areas are included in the CNDP.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].

Basic condition d. Contributes to the achievement of sustainable development

- 3.17 The Submission CNDP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

Basic condition e. In general conformity with strategic local planning policy

- 3.18 The Submission CNDP is in general conformity with strategic Local Plan policies contained in the Core Strategy and those policies still of relevance in the Pendle Replacement Local Plan (RPLP). Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the development plan.

Table 3 General Conformity with Strategic Planning Policies in the development plan for Pendle

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>Policy CNDP1 – Colne Market Town</p> <p>To enhance the vitality and viability of Colne Town Centre (shown on the Policies Map) and to help strengthen Colne’s market town identity, the development of new town centre uses (Use Classes C1, E, F and pubs, wine bars and other drinking establishments, and cinemas, concert, bingo and dance halls) will be supported when they are consistent with other parts of the development plan and the policy set out below. Residential development, in new and re-used upper floors, will be supported above ground floor level.</p> <p>A: Town Centre Redevelopment Zone</p> <p>Within the Town Centre Redevelopment Zone (Policies Map) proposals for comprehensive redevelopment of this area for new town centre uses and upper floor development of other uses, such as residential, will be supported. Such proposals should:</p> <ol style="list-style-type: none"> a. Include active frontages that face and open directly on to the street. The development of such frontages will be particularly important on Market Street, Hartley Square, Nineveh Street, Market Place, Craddock Road and Newtown Street; b. Where possible, create new streets and street frontages, these should provide accessible, good quality links to other parts of the town centre and surrounding areas; c. Where they negatively impact key areas/uses e.g. the Market Hall and Bus Station, including possible redevelopment and/or re-location, the affected areas/uses should be re-provided in an accessible location elsewhere within the Redevelopment Zone or wider Town Centre; d. Include a new central public open space that acts as a focal point for the redevelopment; 	<p>SDP5 Retail Distribution WRK 1 Strengthening the Local Economy WRK 4 Retailing and Town Centres WRK 5 Tourism, Leisure and Culture SUP 4 Designing Better Public Places</p>	<p>Policy 25 Location of Service & Retail Development Policy 26 Non-shopping Uses in Town Centres & Local Shopping Areas Policy 40 Tourism</p>	<p>Policy CNDP1 is in general conformity with PLPCS Policy SDP5 that identifies Colne as one of the Borough’s three town centres within which major and smaller-scale retail development should be located. Policy CNDP1 is in general conformity with the broad themes of PLPCS Policy WRK1 that seeks to strengthen and diversify the local economy.</p> <p>Policy CNDP1 is in general conformity with PLPCS Policy WRK4 that seeks to ensure a sequential approach is followed to the distribution of retail and main town centre uses. In</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>e. Where development of existing car parking is proposed for alternative uses, such car parking should be replaced within the Town Centre Redevelopment Zone, if considered necessary, to support the redevelopment proposed after taking into account overall car parking provision in the Town Centre;</p> <p>f. Where potential heritage impact is identified, development proposals within the Zone should be accompanied by a Heritage Impact Assessment. The scope and contents of the Heritage Impact Assessment will be agreed with the local planning authority (and, where considered necessary, Historic England).</p> <p>Proposals within the Redevelopment Zone that of themselves do not constitute comprehensive redevelopment, should also take account of criteria Aa. to Ae. (above). Such proposals will be assessed to ensure that they are consistent with and do not prejudice the long-term comprehensive redevelopment of the Town Centre Redevelopment Zone.</p> <p>B. All Town Centre Proposals</p> <p>In addition, applicants should seek to include the following measures within Town Centre proposals, unless they are not feasible or desirable. In implementing Part B of CNDP1 decision makers will assess proposals against the following criteria.</p> <ol style="list-style-type: none"> 1. Inclusion of improvements to the local environment and public realm, with particular regard to the identified gateways and throughroutes, shown on the Policies Map; 2. “Greening” and net gains in the biodiversity of the local environment and public realm e.g. by the use of street trees and landscaping. These must be tree and plant species suitable to the location in which they are sited and include pollinator friendly species; 3. Inclusion of public art; 4. Creation of a Town Centre environment that is accessible to all e.g. through design, use of materials and siting; 			<p>particular, Policy CNDP1 is in conformity with, and adds additional local policy detail, to the following principles identified in Policy WRK4:</p> <ul style="list-style-type: none"> • Safeguarding the retail function of the centre. • Improving the vitality and viability of the centre. • Improving the overall mix of retail and other land uses. • Supporting the creation of a comfortable, safe, attractive and accessible shopping environment.

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>5. Provision of charging points for electric vehicles and other design and highway features to accommodate autonomous vehicles;</p> <p>6. Improvements and provision of links to surrounding retail, commercial and residential areas; and</p> <p>7. Inclusion of public conveniences.</p> <p><u>C. Hot food takeaways</u></p> <p>Within the Prime Shopping Area, Prime Shopping Frontages and predominantly residential blocks proposals for hot food takeaways will not be supported.</p>			<ul style="list-style-type: none"> Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips. <p>Policy CNDP1 is also consistent with the approach set out in WRK4 of creating “active street frontages and a vibrant public realm, such as shops, cafés, restaurants, cultural and leisure uses.” In this regard Policy CNDP1 seeks to limit the growth of hot food takeaways within the town centre, this has been a growth area in recent years.</p> <p>The approach in Policy CNDP1 in terms of</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
			<p>leisure and tourism is also consistent with the principles in PLPCS Policy WRK5 of supporting such development:</p> <p>“1. Within a designated town centre. 2. Adjacent to a transport hub. 3. In a high accessibility corridor. 4. Alongside the Leeds and Liverpool Canal.”</p> <p>The principles set out in Policy CNDP1 are also consistent with those in PLPCS Policy SUP4 for the design of better public places.</p> <p>Policy CNDP1 is also in general conformity with RPLP Policy 25 that seeks to locate new retail and service development in town centres. Policy CNDP1</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
			is also consistent with the approach adopted for non-shopping uses and tourism as set out in RPLP Policies 26 and 40 respectively.
<p>Policy CNDP2 – Shopfronts</p> <p>To maintain and improve the quality and distinctiveness of the local built environment, and to contribute to the market town character of Colne, development to retain, repair, replace or create new shopfronts will be supported when accessible to all and they meet the following:</p> <p>a. Shopfronts should be of traditional design and appearance, retaining existing traditional and period features and style, especially within the Albert Road Conservation Area. Where evidence can be provided to show (e.g. owing to the state of disrepair, health and safety or accessibility reasons) existing traditional and period features need to be removed, they should be replaced;</p> <p>b. Signage should, preferably, be painted timber and where projecting signs are used these should be positioned in line with the fascia board and top hung. Internal and external illumination of signs should be discreet and not mask architectural details;</p> <p>c. Shopfront fascia signs should be appropriate in design and proportion to the other elements of the shop front and should not have a negative impact on the frontage or amenity of upper floors; and</p> <p>d. Security grilles should be internal and allow views of internal space and lighting, in order to promote active frontages.</p>	<p>WRK 6 Designing Better Places to Work Policy SUP 4 Designing Better Public Places</p>	<p>Policy 13 Quality and Design of New Development</p>	<p>Policy CNDP2 is in general conformity with PLPCS Policy WRK 6 that states “Within town centres new workspaces should incorporate active frontages at ground floor level that contribute to the streetscape and help to promote vitality, particularly where they are situated within a designated shopping frontage. To help maximise the use of existing buildings, proposals which seek to re-use the vacant upper floors of retail and commercial buildings will be encouraged.”</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
			<p>Policy CNDP2 is also in general conformity with PLPCS Policy SUP4 that seeks to secure better public buildings and places.</p> <p>Policy CNDP2 is also in general conformity with Policy 13 of the RPLP, in particular, that policy’s approach to protecting and enhancing the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. Specifically, Policy CNDP is also consistent with the approach in Policy 13 for shop front security.</p>

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CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>Policy CNDP3 – Design in Colne and the Colne Design Code</p> <p>The design of high quality, beautiful and sustainable buildings and places will be supported. To support all those involved in the design process (applicants, decision makers, communities), 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 situated.</p> <p>Applicants will be expected to demonstrate how a development proposal has taken account of, and been designed to incorporate, the recommended Design Code elements (matrix) for each Settlement Focus Area (Figure 7). This would not preclude innovative or contemporary design, where such design can be shown to respond to and provide a contemporary design solution that complements and reinforces local character in that Settlement Focus Area.</p> <p>Development will not be supported when it is of poor design when considered against local policy and the National Design Guide and policy and will be refused.</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p> <p>ENV 2 Achieving Quality in Design and Conservation</p> <p>LIV 5 Designing Better Places to Live</p> <p>WRK 6 Designing Better Places to Work</p> <p>SUP 4 Designing Better Public Places</p>	<p>Policy 13 Quality and Design of New Development</p>	<p>Policy CNDP3 is in general conformity with the PLPCS policies that deal with design. Policy CNDP3 seeks to add additional local design guidance to these strategic policies through the use of the Colne Design Code.</p> <p>Policy CNDP3 is also in general conformity with RPLP Policy 13 and the aim of protecting and enhancing the character of the Borough.</p>
<p>Policy CNDP4 – Development Affecting Non-Designated Heritage Assets</p> <p>Non-designated heritage assets in the neighbourhood area including those related to the area’s agricultural, industrial and cultural heritage, such as rural buildings, mill buildings, shops, places of worship and public houses will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. The following non-designated heritage assets have been identified:</p> <p>1. Admiral Lord Rodney public house</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p> <p>ENV 2 Achieving Quality in Design and Conservation</p>	<p>Policy 9 - Buildings of Special Architectural or Historic Interest</p>	<p>Policy CNDP4 is in general conformity with the principles in PLPCS Policies ENV1 and ENV2 for the historic environment and built heritage, including non-designated heritage assets. Specifically Policy CNDP4</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<ol style="list-style-type: none"> 2. Alkincoates Park Walled Garden 3. Ambulance Hall (now a dance school) 4. Atkinson Street 5. Bank House & Stanley Villas 6. Barclays Bank 7. Leach House, Barrowford Road 8. West Lynn, Barrowford Road 9. Bence Street (a “Heritage Street”) 10. Bent Lane Brewery (now a house) 11. Bents Cottages / Higher Standroyd 12. Berry’s Furniture Shop 13. Bethel Chapels 14. Black Horse Yard 15. Blue Bell and pinfold 16. Burtons (now Althams) 17. Calder Mill 18. Carry Bridge and stones 19. Carry Bridge Mill 20. Cemetery Chapels 21. Cemetery Gate House & Gate Posts 22. Central Cinema 23. Christ Church and School 24. The Citadel 25. Cliff Street 26. Clifford Smith & Buchanan 27. Cloth Hall Belfry 28. Colne & District Co-operative (now Langroyd Laundrette) 29. Colne Building Society (now Marsden Building Society) 30. Commercial public house 31. Crown Hotel and public house 32. Derby Street Catholic Chapel & School 33. Derby Street Warehouse 34. Exchange Street Business Centre, formerly Wesleyan School 35. Fire Station (now The Sun Station) 			<p>identifies the non-designated heritage assets in Colne to which neighbourhood plan and strategic policy should be applied.</p> <p>Policy CNDP4 is in general conformity with Policy 9 of the RPLP that seeks to protect “non-listed buildings of historic or architectural importance the same general approach will be used, but the controls will be applied at a level commensurate with the importance of the building in question.”</p>

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CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>36. E A Foulds Mill / Derby Street Mill 37. Golden Ball public house (now Spinning Mill public house) 38. Grinding Stone 39. Grosvenor Street (a “Heritage Street”) 40. Haggate Farm 41. Hartley Hospital, formerly Colne Jubilee Cottage Hospital 42. Christiana Hartley Maternity Home 43. Wallace Hartley’s House 44. Plush Laithe, Hill Lane 45. Hippodrome Theatre 46. Holy Trinity Church 47. Holy Trinity Church’s former Vicarage (now a house), Ing Dene Close 48. Inghamite Chapel Graveyard 49. Ivegate Arch Building 50. 14-18, Keighley Road 51. Craigmores, Keighley Road 52. Standroyd House, Keighley Road 53. King’s Head public house (now Wetherspoon’s Wallace Hartley) 54. Lancaster Street (a “Heritage Street”) 55. Library (now The Gables) 56. Lidgett Cottages 57. Little Theatre 58. Market Hall (later Kippax Biscuit Factory, now Earnie’s) 59. Market Street Tavern public house 60. Masonic Hall 61. Municipal Hall (“The Muni”) 62. New Life Chapels 63. Park Primary School 64. Police Station (later Tubb’s of Colne department store, now Tubb’s restaurant) 65. Post Office (now XLCR building) 66. Stephen Burke’s golden Postbox 67. Primet Primary School 68. Pump House, Upper Rough</p>			

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>69. Elisha House (formerly Queens Hotel) 70. Rushworth Bros Crane Works 71. Sacred Heart Church and School 72. Skelton Street barns 73. Spinners public house (now a house) 74. Spring Gardens Mill – West Engine House 75. Spring Lane cottages 76. Stag House 77. Sun Street 78. Swimming Pool 79. Tower Bar & Ballroom 80. Trinity Baptist Sunday School 81. Union public house 82. Varley Street’s Northern lights 83. Viaduct 84. Waterside Well (St Helen’s Well) 85. West Street School 86. WB White & Sons Factory 87. WW1 convalescent home (now West End Models) 88. Yorkshire Bank (now Funky Gifts) 89. Zion Chapel</p>			
<p>Policy CNDP5 – Urban Character Areas</p> <p>1. The boundaries of the following Urban Character Areas are identified on the Policies Map:</p> <p>CNDP5/1 – The Castle and Castle Road CNDP5/2 -Chatham Street/Montague Street/Langroyd CNDP5/3 - Keighley Road CNDP5/4 - Newmarket Street</p> <p>2. Within a designated Urban Character Area new development should seek to:</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments ENV 2 Achieving Quality in Design and Conservation LIV 5 Designing Better Places to Live</p>	<p>None</p>	<p>Policy CNDP5 is in general conformity with PLPCS Policy ENV1 that seeks to protect, enhance and conserve the historic environment. Policy CNDP5 is also in general conformity with Policy ENV2 of the PLPCS that seeks</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>a) Retain, re-use and, where necessary, sympathetically re-configure existing street patterns;</p> <p>b) Use and re-use traditional local materials (stone, stone slates, slate and timber). Where appropriate to their setting such materials should be recycled, or have a significant recycled content and make a positive contribution to the overall quality of the character area;</p> <p>c) Retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and</p> <p>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 situated.</p>			<p>to ensure development proposals contribute to the sense of place and make a positive contribution to the historic environment and local identity and character. By identifying the four character areas, Policy CNDP5 sets a local framework to support the implementation of this strategic policy.</p>
<p>Policy CNDP6 – Future Housing Growth</p> <p>New housing development will be supported within the defined Pendle Local Plan Proposals Map Colne settlement boundary (https://www.pendle.gov.uk/info/20072/planning_policies/273/local_plan).</p> <p>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:</p> <p>CNDP6/1 - Land east of Waterside Road, 1.71 ha., 24 units (P037) CNDP6/2 - Land rear of Belgrave Road, 0.12 ha., 3 units (P202?) CNDP6/3 - Dockray Street, 0.53 ha., 14 units (P145) CNDP6/4 - Buck Street, 0.29 ha., 10 units CNDP6/5 - Dam Side, 0.76 ha., 23 units (P054) CNDP6/6 - Shaw Street, 0.55 ha., 18 units CNDP6/7 - Green Works, Knotts Lane, 0.28 ha., 9 units (P053)</p>	<p>SDP 2 Spatial Development Principles SDP 3 Housing Distribution LIV 1 Housing Provision and Delivery</p>	<p>Policy 17 Location of New Housing Development</p>	<p>Policy CNDP6 is in general conformity with the spatial development principles in PLPCS Policy SDP2 of the PLPCS which seek to locate development within the settlement boundaries of Key Service Centres.</p> <p>Policy CNDP6 is in general conformity with and supports the approach of PLPCS</p>

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CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>CNDP6/8 - Primet Bridge, 0.08 ha., 2 unit (P039) CNDP6/9 - Thomas Street, 0.15 ha., 8 unit (P092) CNDP6/10 - Land to rear of Dewhurst Street, 0.06 ha., 2 units (P084) CNDP6/11 - Land at Primrose Hill, 0.02 ha., 1 unit (P204) CNDP6/12 - Land adjacent to 271 Keighley Road, 0.18 ha., 2 units (P201, CNDP6/13 - Land adjacent to 47 Townley Street, 0.07 ha., 4 units (P199) CNDP6/14 - Land adjacent to 43 Belgrave Road, 0.02 ha. 1 unit (P202) CNDP6/15 - Land to west of Bankfield Street (Bunker’s Hill), 1.87 ha., 26 units (CE127)</p> <p>SHLAA references, where available, are included after each site allocation e.g. (P037). Site capacities are based on a notional 30 dwellings per hectare – this is not a commitment to final site capacity.</p>			<p>PLPCS Policy SDP3 aims to locate 70% of new housing development in the M65 Corridor. Policy CNDP6 seeks to help meet this housing growth by allocating 15 housing sites and supporting further growth within the Colne settlement boundary (as defined in the Local Plan).</p> <p>Policy CNDP6, by identifying sites, helps to meet the housing requirement as set out in PLPCS Policy LIV1. Further growth over the plan period is also supported within the settlement boundary.</p> <p>RPLP Policy 17 is considered out of date, but Policy CNDP6 raises no</p>

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CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
			general conformity issues.
<p>Policy CNDP7 Protecting Local Green Space</p> <p>The following sites listed below and shown on the Policies Map are designated as Local Green Spaces. Note: References in parentheses refer to the reference numbers in the Local Green Space Assessment Colne’s Local Green Spaces (March 2022).</p> <p>CNDP7/1 (LGS1) - Alkincoates Nature Reserve (8.00 ha.) CNDP7/2 (LGS2) - Alkincoates Park (14.68 ha.) CNDP7/3 (LGS3) - Upper Foulridge Reservoir Walking Area (11.00 ha.) CNDP7/4 (LGS4) - Upper Rough (10.55 ha.) CNDP7/5 (LGS5) - Lidgett Triangle (4.89 ha.) CNDP7/6 (LGS6) - Ball Grove Park and Nature Reserve (12.79 ha.) CNDP7/7 (LGS7) - Colne Cemetery (6.43 ha.) CNDP7/8 (LGS9) - Heifer Lane roundabout (0.31 ha.) CNDP7/9 (LGS10) - St Stephen’s Walking Area (0.88 ha.) CNDP7/10 (LGS11) - Byron Road Community Area (0.99 ha.) CNDP7/11 (LGS12) - Hagg Green Space (1.34 ha.) CNDP7/12 (LGS13) - Waterside Millennium Green (2.14 ha.) CNDP7/13 (LGS15) - Whitewalls Green Space (0.69 ha.) CNDP7/14 (LGS16) - Greenfield Nature Reserve (3.2 ha.) CNDP7/15 (LGS17) - Wood Street Green (0.13ha) CNDP7/16 (LGS18) - Casserley Road/Varley Street/Thorn Grove (0.99 ha.) CNDP7/17 (LGS19) - Snell Grove (0.07 ha.) CNDP7/18 (LGS20) - Red Lane Green Spaces (0.24 ha.) CNDP7/19 (LGS21) - Ferndean Way in Waterside (linear route) CNDP7/20 (LGS22) - Land adjacent to Greenfield Mill (0.09 ha.) CNDP7/21 (LGS23) - Land at Essex Street (0.30 ha.)</p> <p>Development of designated Local Green Spaces will only be supported when consistent with national planning policy for Green Belt.</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p>	<p>Policy 3A Protected Areas Policy 33 Existing Open Space</p>	<p>PLPCS Policy ENV1 acknowledges the Borough Council will support local communities to identify Local Green Spaces through Local Plan Part 2. Making such allocations through this neighbourhood plan is not inconsistent with this principle. Policy ENV1 also seeks to protect existing open spaces – Policy CNDP7 seeks to identify which of these existing spaces should have the additional Local Green Space planning policy protection.</p> <p>Policy CNDP7 is in general conformity with RPLP Policy 3A</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
			<p>that seeks to protect “Protected Areas”.</p> <p>Policy CNDP7 is also in general conformity with RPLP Policy 33 that seeks to protect identified open space sites – some of these sites will now be afforded the additional Local Green Space protection.</p>
<p>Policy CNDP8 – Protection and Enhancement of Community Facilities</p> <p>There will be a presumption in favour of the protection of existing community facilities clubs, halls, health and education facilities, libraries, and places of worship.</p> <p>Where planning permission is required, the loss or change of use of local community facilities into non-community based uses will only be supported when one of the following can be demonstrated:</p> <ol style="list-style-type: none"> 1. The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or 2. Satisfactory evidence is produced that, over a minimum period of 12 months, it has been demonstrated that there is no longer a demand for the facility. 	<p>SUP 1 Community Facilities</p> <p>SUP 2 Health and Well-being</p> <p>SUP 3 Education and Training</p>	<p>Policy 32 New Community Facilities</p>	<p>Policy CNDP8 is in general conformity with strategic policy for Community Facilities contained in the PLPCS Policy SUP1. Both policies include provision for alternative provision and change of use after a period of marketing. Policy SUP1 also includes provision for loss if community use has ceased – the CNDP does not seek to</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>Proposals for new and enhancements to existing community facilities will be supported when they are compatible with other policies in the CNDP and the Pendle Local Plan.</p>			<p>duplicate this provision.</p> <p>By protecting health and education facilities, Policy CNDP8 supports the policy approach of Policy SUP2 and Policy SUP3.</p> <p>Policy CNDP8 is also consistent with the approach in Policy 32 of the RPLP.</p>
<p>Policy CNDP9 – Protection of Local Shops and Public Houses</p> <p>There will be a presumption in favour of the protection of local shops (Use Class F2(a) and public houses outside the town centre. Where planning permission is required, the loss or change of use of such uses will only be supported when one of the following can be demonstrated:</p> <p>a) The shop or public house has been vacant for more than 12 months, during which time the applicant can demonstrate to the satisfaction of the local planning authority that the premises has been actively marketed both within and outside the neighbourhood area to seek a new owner or tenant for its current use and that marketing has resulted in no viable new owner or tenant; or</p> <p>b) The development proposal includes re-provision of the local shop or public house within the neighbourhood area or within reasonable walking distance of the community it serves; or</p>	<p>None</p>	<p>Policy 26 Non-shopping Uses in Town Centres & Local Shopping Areas</p>	<p>The PLPCS and RPLP do not include policies on local shops and public houses – therefore there is no general conformity issue.</p>

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CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
c) The premises are in a state of repair that makes re-use for a local shop or public house not economically viable.			
<p>Policy CNDP10 – Protection of Sport and Recreation Facilities</p> <p>The following sport and recreation facilities also identified on the Policies Map will be protected under PLPCS ENV1:</p> <p>CNDP10/1 - Holt House including playing fields, Colne FC and Colne and Nelson Rugby Club CNDP10/2 - Colne Cricket Club CNDP10/3 - Colne Golf Club CNDP10/4 - Craven Tennis Club CNDP10/5 - Pendle Leisure Centre CNDP10/6 - Bowling green, Colne Cricket Club CNDP10/7 - Bowling green, British Legion CNDP10/8 - Sports pitches/playing fields at former Nelson and Colne College</p>	<p>ENV1 Protecting and Enhancing Our Natural and Historic Environments WRK 5 Tourism, Leisure and Culture SUP 2 Health and Well-being</p>	<p>Policy 33 Existing Open Space</p>	<p>Policy CNDP10 is in general conformity with PLPCS Policy ENV1 that seeks to protect existing open spaces. Policy CNDP10 cross-references Policy ENV1.</p> <p>Policy CNDP10 is also in general conformity with Policy 33 of the RPLP that seeks to protect existing open spaces.</p>
<p>Policy CNDP11 – Protection of Allotments</p> <p>Existing allotments will be protected in the following locations under PLPCS ENV1:</p> <p>CNDP11/1 - Alkincoates (AL057) CNDP11/2 - Knotts Lane (AL058) CNDP11/3 - Basil Street (AL060) CNDP11/4 - Broken Banks CNDP11/5 - Granville Road (AL023) CNDP11/6 - Oxford Street/Townley Street (AL013) CNDP11/7 - High Garth (AL021) CNDP11/8 - Cookhouse (AL008)</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p>	<p>Policy 33 Existing Open Space</p>	<p>Policy CNDP11 is in general conformity with PLPCS Policy ENV1 that seeks to protect existing open spaces. Policy CNDP101 cross-references Policy ENV1.</p> <p>Policy CNDP11 is also in general conformity</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>CNDP11/9 - Temple Street (AL032) CNDP11/10 - Montague Street (AL014) CNDP11/11 - Carr Road CNDP11/12 - The Green, Castle Road (AL015) CNDP11/13 - Intake CNDP11/14 - White Grove (AL011) CNDP11/15 - Lowther Street (AL035) CNDP11/16 - Devon Street (AL062) CNDP11/17 - Carry Lane (AL053) CNDP11/18 - Dewhurst Street (AL054) CNDP11/19 - Sutherland Street CNDP11/20 - New Oxford Street</p> <p>(Note: References in parentheses from Pendle Open Space Audit) The redevelopment of these and any future allotment provision will only be supported when:</p> <p>a) Replacement provision is provided of at least equivalent quality; or b) The allotments are no longer used; and their loss would not lead to an under-provision of allotments in the neighbourhood area.</p>			<p>with Policy 33 of the RPLP that seeks to protect existing open spaces.</p>
<p>Policy CNDP12 – Transport</p> <p>Infrastructure development to support the transport improvements listed below will be supported when it is:</p> <p>a) Of good design; b) Does not have a significant negative impact on built and natural heritage assets; and c) Does not prejudice other policies and proposals in the CNDP.</p> <ul style="list-style-type: none"> • Enhanced rail links to Leeds, Manchester and Preston to increase east/west connectivity; • Reopening of the former Colne to Skipton Railway Line; 	<p>ENV 4 Promoting Sustainable Travel</p>	<p>Policy 29 Creating an Improved Transport Network</p>	<p>Policy CNDP12 is in general conformity with Policy SUP of the PLPCS and adds the Town Council’s support to two schemes referred to in the PLPCS - the Villages Bypass and the Colne to Skipton rail link.</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<ul style="list-style-type: none"> • Colne and Villages By-pass and other improvements to Trans Pennine Road links; • Modern, flexible inter- and intra-urban bus services (e.g. on Mainline and through use of flexible services such as Dial-a-Bus); • Measures to reduce congestion, particularly in the town centre and North Valley; • Electric vehicle charging points in the town centre and new homes; • Measures to support the introduction and use of autonomous vehicles; • Increased leisure use of the Leeds and Liverpool Canal, and Colne Water by incorporating a footpath, cycleway, bridlepath from Wycoller to Colne; • Improvements to key throughroutes and gateways, including those identified in the town centre, Lidgett roundabout, M65 roundabout and Langroyd “fork”; • Measures to improve bus, foot, and cycle links from residential areas to areas of employment, the town centre, and key services and facilities; • Measures to improve bridleways. 			<p>Policy CNDP12 is also in general conformity with Policy 29 of the RPLP – this also includes improved links to Yorkshire and the protection of the Colne to Skipton rail route.</p> <p>The measures proposed in Policy CNDP12 are also consistent with those in Policy 30 of the RPLP and its support for sustainable travel modes.</p>
<p>Policy CNDP13 Conserving and Enhancing Valued Landscape Features</p> <p>Development proposals that conserve and enhance the local landscape will be supported. Landscape impacts of planning proposals will be assessed against the following:</p> <p>In the Lancashire Valleys National Character Area (NCA), development proposals should seek to conserve and enhance:</p> <p>(a) The area’s industrial heritage and the contribution that this makes to the area’s sense of place and history;</p> <p>(b) Woodlands, trees (especially veteran and ancient) and hedgerows;</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p>	<p>Policy 1 Development in the Open Countryside Policy 13 Quality and Design of New Development</p>	<p>Policy CNDP13 is in general conformity with Policy ENV1 that seeks to safeguard or enhance landscape character in areas that do not have national policy designations. Policy CNDP13 adds additional local development</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>(c) The network of habitats; and (d) The contribution that open landscape areas make in conserving and maintaining the area’s distinctive settlements.</p> <p>In the Southern Pennines NCA, development proposals should:</p> <p>(e) Conserve and enhance the pastoral character of the moorland fringes, lower hills and valleys, with their mosaics of pastures and meadows, and their strong field patterns defined by drystone walls, to improve ecological networks and strengthen landscape character.</p> <p>The significant views identified in Colne Significant Views Assessment (2021) from the viewpoints listed below will be conserved:</p> <ol style="list-style-type: none"> 1. St Bartholomew’s Church 2. Town Hall 3. Norway House (Linden Road/Hall Street) 4. The Municipal Hall (Linden Road/Hill Street) 5. Colne Cemetery 6. Upper Rough 7. Lidgett Triangle 8. Holt House (including sports pitches) 9. Noyna Rocks 10. Winewall 11. Mire Ridge 12. Fox Clough footpath 13. Lenches 14. Tum Hill 15. Gib Hill 16. Burnley Road/Cuerden Street 17. Barrowford reservoir <p>Where an impact on a significant view is identified, applicants may have to demonstrate, through a Landscape Visual Impact Assessment, how these</p>			<p>management guidance to this strategic framework and seeks to conserve a series of significant views.</p> <p>Policy 1 of the RPLP identifies those types of development that may be considered in the open countryside. Policy CNDP13 raises no conformity issue as it does not seek to say anything on this matter. Policy CNDP13 is also in general conformity with Policy 13 of the RPLP that sets development management policy for design quality. Policy CNDP13 does not duplicate any of Policy 13’s development management criteria.</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>impacts have been identified, the degree of impact and how negative impacts can be avoided or mitigated.</p>			
<p>Policy CNDP14 – Rural Identity and Character</p> <p>Within the countryside (the area outside the settlement boundary as defined on the Pendle Local Plan Policies Map) development should retain and enhance the rural identity and character of the neighbourhood area. New development proposals should be designed in such way to seek to meet and will be assessed against the following criteria:</p> <p>(a) The proposal maintains the existing settlement pattern and form of smaller settlements, clusters of rural buildings and isolated farmsteads;</p> <p>(b) Traditional rural buildings of permanent construction are retained and re-used, except in cases where such buildings are in such a state of disrepair that they cannot be re-used without substantial or complete reconstruction;</p> <p>(c) Use of traditional local materials (local stone, slate and softwood timber). Alternative materials will only be considered suitable when part of an overall high-quality design that responds to the surrounding rural character and is considered to be sympathetic and a positive new addition to the local landscape;</p> <p>(d) Building form and style and layout of development should be consistent with the forms predominantly found within the rural area. Suburban and urban forms, styles and layouts will not be considered to meet this criterion;</p> <p>(e) Site boundary treatments should be of traditional design and appearance, such as stonewalls and hedgerows. Planting should use native species. Where opportunities arise, existing stonewalls and hedgerows should be retained and repaired. Intrusive boundary treatments that use non-traditional forms and materials, such as timber fences, non-native tree belts and screens will not be supported;</p>	<p>ENV 1 Protecting and Enhancing Our Natural and Historic Environments</p>	<p>Policy 1 Development in the Open Countryside Policy 13 Quality and Design of New Development</p>	<p>Policy CNDP14 is in general conformity with PLPCS Policy ENV1. Policy ENV1 seeks to protect the historic environment. Policy CNDP14 adds additional local development management criteria including for heritage and built environment assets that add local detail within this strategic policy framework.</p> <p>Policy 1 of the RPLP identifies those types of development that may be considered in the open countryside. Policy CNDP14 raises no conformity issue, as it does not seek to say anything on this matter. Policy CNDP13 is also in</p>

CNDP Policies	Pendle Local Plan Core Strategy Policies (PLPCS)	RPLP Policies	General Conformity
<p>(f) Roads, paths, other ground surfaces and hardstanding should use appropriate local materials and use colours that do not detract from the landscape; and</p> <p>(g) All development should include measures that seek to minimise the impact of car parking, garaging, garden landscaping and associated urban and suburban features so that the development will not have a significant adverse impact on rural identity and character.</p>			<p>general conformity with Policy 13 of the RPLP that sets development management policy for design quality. Policy CNDP14 does not duplicate any of Policy 13's development management criteria.</p>

Basic condition f. Be compatible with EU obligations

- 3.19 The Submission CNDP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

Strategic Environmental Assessment (SEA)

- 3.21 To meet the 'basic conditions' which are specified by law, a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9th February 2015, Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening was undertaken originally on the Regulation 14 Draft CNDP and subsequently the submission CNDP. This concludes that:

“9.2 The Environment Agency confirmed that further SEA work was not needed based on the information that sites at risk of flooding had been removed from Policy CNDP6. A copy of the full response is included at Appendix 4.

9.3 Historic England wrote to advise as follows:

“Having reviewed this information we still consider that SEA of the neighbourhood plan cannot be screened out at this time in relation to our interests, cultural heritage. SEA is essentially a separate process. Our advice would be that the SEA screening is amended to include that there is the potential for harm. Then at SEA scoping stage (the next stage of the SEA process) you would scope it out, using the HIA as evidence to inform this.

Notwithstanding, our comments are advice only, and it is for the Local Authority to make the decision, taking into account the comments of all of the statutory consultees including ourselves.”

9.4 The conclusions in section 7.0 and 8.0 of this report have been amended to acknowledge that there is “potential for harm” of cultural assets. However, based on the Heritage Impact Assessment, this harm is considered to be less than significant. The amended reasoning is set out in section 7.

9.5 Pendle Borough Council has provided an informal opinion on Historic England’s comments. This concurs that, with the submitted Heritage Impact Assessment, it will be possible for Pendle Borough to issue a screening determination that further SEA screening will not be necessary. This matter should be addressed by Pendle Borough as a matter of urgency when the CNDP is submitted. Kirkwells also adds that this does carry a twofold risk: firstly, that Pendle Borough may decide not to issue such a determination; secondly, if Pendle were to issue a positive determination, the CNDP examiner may decide to disagree with this. The latter would be significant as this is one of the basic conditions.”

3.23 Natural England had previously indicated that they were happy with the screening report. The full screening report is submitted alongside the CNDP.

Requirement for Habitats Regulations Assessment (HRA)

3.24 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan’s implementation.

- 3.25 The Habitat Regulations Screening was undertaken originally on the Regulation 14 Draft CNDP and subsequently the submitted CNDP. On HRA, the screening concludes:

“8.4 In terms of the requirement for the CNDP to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that no further work will be required in order to comply with the Habitat Regulations.”

Over Wind

8.5 The European Court has ruled in People Over Wind that “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on the site.” The specific site of concern in this instance is the South Pennine Moors SPA/SAC. This screening has drawn the conclusion that without considering the need to avoid or reduce harmful effects that there will be no adverse impact on the SPA/SAC.”

- 3.26 The screening report is submitted alongside the CNDP.

European Convention on Human Rights

- 3.27 The Submission CNDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The CNDP has been produced in full consultation with the local community. The CNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.28 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.29 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.30 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission PNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

- 3.31 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.32 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Town Council has developed the policies and proposals within the CNDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

Basic condition g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

- 3.33 The prescribed conditions have therefore been met in relation to the Submission CNDP and prescribed matters have been complied with in connection with the proposal for the Plan.



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