

# Barrowford Neighbourhood Development Plan



**Decision  
Statement**  
Regulation 18(2)



October 2019

## Pendle Borough Council

### Barrowford 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 the Barrowford Neighbourhood Plan [“BDNP”], 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 July 2015 Barrowford Parish Council submitted an application to Pendle Council for the designation of Barrowford Parish as a Neighbourhood Area for the purposes of preparing a neighbourhood plan. The neighbourhood area, which is coincidental with the parish boundary, was formally designated by the Council on 22 October 2015.
- 2.2 The BDNP Steering Group prepared the pre-submission version of the BDNP during 2017. A six week public consultation, held in accordance with Regulation 14, was carried out between 23 October 2017 and 8 December 2017.
- 2.3 The submission version of the BDNP was received by the Council on 23 January 2019 and a formal six week public consultation, held in accordance with Regulation 16, was carried out between 8 February 2019 and 22 March 2019.
- 2.4 An Examiner, Mr Robert Bryan BA (Hons) MRTPI, was appointed by the Council in March 2019 to carry out the independent examination of the submission version of the BDNP. The examination was conducted by written representations and concluded on 29 August 2019 with the receipt of the Examiner’s report.

### 3. Decision

- 3.1 The Examiner has concluded that, with certain modifications, the BNDP 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 19 September 2019, the Council accepted that, with these modifications, the BNDP meets the Basic Conditions and legal requirements, and that no further modifications are required.
- 3.4 The BNDP 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 22 October 2015.
- 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 Barrowford to help it decide planning applications in the neighbourhood area?**

- 3.6 The proposed date for the referendum is **14 November 2019**.
- 3.7 This Decision Statement, the Examiner's Report and the Barrowford Neighbourhood Development Plan can be viewed on the Pendle Council website: [www.pendle.gov.uk/barrowfordnp](http://www.pendle.gov.uk/barrowfordnp)
- 3.8 The documents are also available for inspection at the following locations during their normal opening hours:
- Barrowford Parish Council, Holmefield House, Gisburn Road, Barrowford, BB9 8ND
  - Barrowford Public Library, Ann Street, Barrowford, BB9 8QH
  - Pavillion Café, Victoria Park, Carr Road, Barrowford, BB9 7SS
  - Number One Market Street, Nelson, BB9 7LJ
  - Nelson Public Library, Market Square, BB9 7PU

## Schedule of Modifications to the Barrowford Neighbourhood Plan

Paragraph / Policy	Modification	Reason	Decision
Page 5 Section 1	RECOMMENDATION 1 <ul style="list-style-type: none"> <li>Delete the section 1 relating to “Vision”. This is to be consolidated into section 7, see recommendation below relating to section 7.</li> </ul>	To avoid repetition and rationalise plan ready for publication	Accept Modification
Pages 6 to 8 Section 2 Paragraph 2.6	RECOMMENDATION 2 <ul style="list-style-type: none"> <li>Delete any reference throughout the Plan to Barrowford as a village and replace with “settlement”.</li> <li>In paragraph 2.6 alter the second sentence as follows; “The settlement though large seeks to retain its scale and character”.</li> <li>Increase the size of the font in the key to figure 2 to make it easier to read.”</li> </ul>	To comply with the settlement hierarchy within the Core Strategy and National Planning Policy Framework. Rationalise plan ready for publication	Accept Modification
Pages 11 to 14 Section 4 Paragraphs 4.1, 4.7, 4.10, 4.15 Appendix 6	RECOMMENDATION 3 <ul style="list-style-type: none"> <li>In paragraph 4.1 delete “has been” and insert “was”.</li> <li>Delete Appendix 6 “Consultation responses and Consideration of response to the Barrowford NDP”.</li> <li>In paragraph 4.7 delete “Appendix 6” and insert ‘the Consultation Statement, which accompanies the Plan”.</li> <li>Insert a new paragraph after 4.10; “The final statutory consultation stage under regulation 16 of the Neighbourhood Planning (General) Regulations 2012 was carried out from October – December 2017”.</li> <li>Add a new paragraph after 4.15; “A screening assessment of the need for a Habitats Regulation Assessment also concluded that a full assessment was not required on the basis of limited potential for impact on habitats, designated under European directives.”</li> </ul>	To avoid repetition and ensure the Plan complies with S9 Planning and Compulsory Purchase Act 2004 with regard Sustainability Appraisal	Accept Modification
Page 15 to 18 Section 5 Paragraphs 5.1.4, 5.2 5.4.5	RECOMMENDATION 4 <ul style="list-style-type: none"> <li>In the footnote 3 on page 15 alter the date to “14th February 2017”.</li> <li>Delete the quote from Shelter’s Housing Briefing White Paper, 2017 in paragraph 5.1.4.</li> <li>Delete section 5.2 “Pendle Green Belt Assessment”. In paragraph 5.4.5 in the last sentence after “planning obligations” insert “, if justified,”.</li> </ul>	To be in accordance with the Pendle emerging Local Plan Part 2	Accept Modification
Page 21 Section 5 Paragraph 5.6.7	RECOMMENDATION 5 <ul style="list-style-type: none"> <li>In paragraph 5.6.7 delete “ongoing development” insert “transference”. Delete “needs to be appraised to preserve public open spaces in Barrowford”, insert “has meant their future may be more uncertain and the situation be monitored</li> </ul>	To provide clarity and avoid ambiguity	Accept Modification

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	<p>to encourage their retention, where appropriate.”</p> <ul style="list-style-type: none"> <li>In Figure 5 add the equipped areas for play referred to in the key to the map or delete the reference to them in the key</li> </ul>		
Page 25 Figure 6	<p>RECOMMENDATION 6</p> <ul style="list-style-type: none"> <li>In figure 6 name the nature conservation designations</li> </ul>	To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.	Accept Modification
Page 28 Paragraph 6.4	<p>RECOMMENDATION 7</p> <ul style="list-style-type: none"> <li>In paragraph 6.4 delete “draft”.</li> </ul>	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Page 29 Section 7	<p>RECOMMENDATION 8</p> <ul style="list-style-type: none"> <li>Insert paragraphs 1.2 and 1.3 as new paragraphs after paragraph 7.1</li> </ul>	To correct errors and to rationalise the Plan into a form ready for final publication.	Accept Modification
Pages 31 and 32 Policy BNDP 01 Paragraph 8.1.1.3	<p>RECOMMENDATION 9</p> <ul style="list-style-type: none"> <li>Replace the opening sentence of the policy with the following; “Housing development proposals which are acceptable in principle in accordance with the Local Plan, part 1 Core Strategy, 2011-2030 and other strategic planning policies will be considered in relation to the following criteria. Other criteria not listed, including that in statutory planning policies may also be relevant:”</li> <li>Insert as a second sentence in paragraph 8.1.1.3; “Core Strategy policy LIV1 “Housing Provision and Delivery” seeks to direct housing to within a Settlement Boundary where it is sustainable and makes a positive contribution to the five year supply of housing land. Until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies, policy LIV1 also allows development on sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA).”</li> <li>Alter criterion a); “a) are of a design which conforms to Pendle Local Plan Part1 Core Strategy Policies ENV 2 “Achieving Quality in Design and Conservation”, LIV 5 “Designing Better Places to Live” and any further adopted design policies.”</li> <li>In criterion c) delete “their significance” and replace with “the NPPF”.</li> <li>Alter criterion d), as follows; “d) do not have an unacceptable impact on</li> </ul>	<p>To comply with the Local Plan and National Planning Policy Framework.</p> <p>To resolve an inaccuracy / ambiguity to the wording of the policy</p>	Accept Modification

Paragraph / Policy	Modification	Reason	Decision
	<p>residential amenities;”</p> <ul style="list-style-type: none"> <li>Alter criterion e); “e) does not lead to the overdevelopment of residential gardens which causes either harm to the character of the locality, adjacent residents, reduces the garden space for existing properties to a level which harms the amenities of the existing resident or removes off–street parking which creates problems on the public highway.”</li> <li>In criterion f) delete “active modes of transport” insert “sustainable means of transport:” Delete criteria h) and i).</li> </ul>		
Pages 33 and 34 Policy BNDP 02	<p>RECOMMENDATION 10</p> <ul style="list-style-type: none"> <li>Delete the text to policy BNDP-02. Retain the Background/Justification text in paragraphs 8.2.1 8.2.6 but retitle as “Background to Infrastructure Provision”.</li> </ul>	To provide clarity	Accept Modification
	<p>RECOMMENDATION 11</p> <p>Adjust the first paragraph of policy BNDP- 03;</p> <ul style="list-style-type: none"> <li>“1. Development which results in traffic impacts which are detrimental to people’s living or working conditions or highway safety will be resisted.</li> <li>2. Proposals will be assessed in relation to the following criteria:</li> </ul> <p>a) measures that reduce the need to travel by car;</p> <p>b) measures to include sustainable transport, including provision of spaces for charging plug-in and other ultra-low emission vehicles;</p> <p>c) the need to comply with the Highway Authority’s recommendations or parking standards;</p> <p>d) street design that prioritises safety for all pedestrians especially along Gisburn Road;</p> <ul style="list-style-type: none"> <li>In point 2 of the policy replace “footpaths” with “the footpath network”.</li> </ul>	To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.	Accept Modification
Pages 37 and 38 Policy BNDP 04	<p>RECOMMENDATION 12</p> <ul style="list-style-type: none"> <li>In the first sentence in the text of policy BNDP 04 after “proposal” insert Barrowford Neighbourhood Plan Examiner’s Report 17 “conforms with national guidance and local policies”, delete “includes”.</li> <li>In 1a) insert “includes” at the start of the phrase.</li> <li>Alter 1 b); “1b) does not have an unreasonable detrimental impact on the amenities of neighbours:</li> <li>Insert a new paragraph after 8.4.5; “ Core Strategy Policy SDP 2 “Spatial Development Principles” sets out that development should be within the settlement boundary or when in areas outside in the open countryside must conform to the NPPF and/or relevant local strategic policies. These policies seek to protect the character of rural areas and protect environmental assets.</li> </ul>	To comply with the Local Plan and National Planning Policy Framework.	Accept Modification

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	<ul style="list-style-type: none"> <li>Proposals to extend existing retail and tourism businesses would have to conform to the retail hierarchy established in the Pendle Core Strategy policies SDP 5 Retail Distribution, WRK 4 retailing and Town centres and WRK 5 Tourism, Leisure and Culture”</li> <li>In the list “Linking Local Plan Policies” insert “SDP 2 “Spatial Development Principles”</li> </ul>		
Pages 39 to 41 Policy BNDP 05	<p>RECOMMENDATION 13</p> <ul style="list-style-type: none"> <li>In the text of policy BNDP 05 amend the sentence preceding paragraph 2 as follows; “Development within this area shall conform to policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres in the Pendle Local Plan Part 1 Core Strategy (2011-2030) and policy 26 in the Replacement Pendle Local plan (2001-2016) or any subsequent superseding policies.”</li> <li>In 1a) of the policy remove the text in brackets as follows “(insert footnote reference L2 Pendle Retail survey)”.</li> <li>Introduce a new appendix 2 to the Plan incorporating policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres in the Pendle Local Plan Part 1 Core Strategy (2011-2030) and policy 26 in the Replacement Pendle Local Plan (2001-2016).</li> <li>Introduce these new paragraphs at the start of the Background/Justification section as follows; “The strategic role for Barrowford in the local shopping hierarchy is established in the Core Strategy policies SDP 5 Retail Distribution and WRK 4 Retailing and Town Centres. This establishes the scale of development acceptable in the town, which is classed as a Local Shopping Centre. Policy 26 in the Replacement Pendle Local Plan (2001-2016) is still relevant until replaced by the emerging Local Plan Part 2 Site Allocations and Development Policies.</li> <li>These policies establish that in local shopping frontages non-shopping uses shall not occupy more than 50% of the frontage area (in terms of frontage length), the type of non-shopping uses which are acceptable, flexibility for properties which have been vacant for more than 3 years and various other site specific criteria including the impact of the uses on the surroundings.</li> <li>Figure 4 above illustrates the location and extent of the defined shopping centre and shopping frontages established on the proposals map accompanying the Replacement Pendle Local Plan (2001-2016)”</li> <li>In paragraph 8.5.3 alter “Figure 9” to “Figure 4”. 3</li> </ul>	To comply with the Local Plan and National Planning Policy Framework.	Accept Modification

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Pages 42 to 43 Policy BNDP 06 Paragraph 8.6.1	<ul style="list-style-type: none"> <li>In paragraph 8.5.5 last sentence alter “63E to”63c”.</li> </ul> RECOMMENDATION 14 <ul style="list-style-type: none"> <li>In policy BNDP 06 delete all of the policy and retitle the policy “External security shutters on shop fronts in the conservation area” Amend the policy as follows; “External shutters to shop fronts in the conservation area will not be acceptable”. Delete the first sentence of paragraph 8.6.1 and replace with the following; “External shutters are inappropriate in a conservation area as they hide traditional architectural features and create a bland and harsh visual environment. There is scope for alternative security arrangements including internal shutters.” In the first sentence of paragraph 8.6.2 delete “which support this policy” add replace with “provide general guidelines for shop front design:”.</li> </ul>	To avoid repetition of policies already in the Local Plan	Accept Modification
Pages 44 to 56 Policy BNDP 07 Paragraph 8.7.1	RECOMMENDATION 15 <ul style="list-style-type: none"> <li>In the text of policy BNDP 07 delete paragraph1 and replace with the following; “New development will only be allowed within designated Local Green Spaces which does not impact on its openness or reduce its landscape character, environmental or recreational value. In cases where very special circumstances can be demonstrated in accordance with Green Belt policy established in the National Planning Policy Framework development which would otherwise be unacceptable may be allowed.”</li> <li>In the listed site 4 alter “five” to “four”. Delete all reference to “Upper Back Nora Street”.</li> <li>In the table of proposed local green space designations, item 10 alter the start of the first sentence as follows; “The narrow strip of land running from the end of Park Avenue along the riverside .....” contains the start of the footpath 29 etc.</li> <li>The following sites should be deleted from the Plan as local green space;</li> <li>Allotment site at Upper Back Nora Street.</li> <li>Land situated between Carr Hall Road, Wheatley Lane Road, Parrock Road and Footpath leading from Parrock Road to Wheatley Lane Rd adjacent to Trough Laithe,</li> <li>Trough Laithe Footpath and Wildlife Corridors,</li> <li>Land between Carr Hall Road and the Lomeshaye Industrial Estate,</li> <li>Land adjacent to Carr Hall Road and Wheatley Lane Road.</li> <li>Add the following new paragraph after paragraph 8.7.1; “The NPPF advises that</li> </ul>	To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.	Accept Modification



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	<p>proposals to develop local green space will be considered in relation to green belt policy. This establishes a presumption against development in order to protect the landscape character and openness of these areas. Development is only allowed in very special circumstances. This means that these areas will be retained as local green space unless there are special circumstances to allow development or it is considered as appropriate ancillary development, which does not reduce the openness or character of the green space.” Barrowford Neighbourhood Plan Examiner’s Report 25</p> <ul style="list-style-type: none"> <li>In the table of proposed local green space designations, item 8 Water Meetings and Utherstone (Huddleston) Wood in the sentence beginning “in recent years..”, delete “been”.</li> </ul>		
<p>Pages 57 to 59 Policy BNDP 08 Paragraph 8.8.4</p>	<p>RECOMMENDATION 16</p> <ul style="list-style-type: none"> <li>Alter point 1; “Locally important views should be protected from development that is intrusive and detrimental to the landscape character. When necessary impacts should be assessed by submission of accredited landscape appraisals and visual impact studies.</li> <li>Alter 2.1 as follows; “Location, height, scale and form should not be discordant and unrelated to natural features or existing buildings/ features to the extent that it disrupts the visual amenities of the immediate surroundings or wider landscape views”</li> <li>In the description of the views in paragraph 8.8.4 switch the text relating to views 12 and 13.</li> </ul>	<p>To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.</p>	<p>Accept Modification</p>
<p>Pages 61 to 62 Policy BNDP 09 Paragraph 8.9.1</p>	<p>RECOMMENDATION 17</p> <ul style="list-style-type: none"> <li>In paragraph 1 of the text to policy BNDP 09 after “enhanced” insert “where possible”</li> <li>In paragraph 3 of the policy delete all the text and replace with “In some cases unacceptable impacts on green infrastructure may be permissible if alternative compensatory provision can be provided within the Barrowford Neighbourhood Plan Examiner’s Report 27 immediate vicinity of the site.”</li> <li>Replace figure 11 with the revised version referred to in the Parish Council’s letter of the 19/7/19 to Pendle Council and subsequently forwarded to the examiner by email on the 26th July 2019.</li> <li>Replace the final sentence in paragraph 8.9.1 with; “The extent of the Green Infrastructure Network in Barrowford is defined in the Pendle Green</li> </ul>	<p>To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.</p>	<p>Accept Modification</p>

Paragraph / Policy	Modification	Reason	Decision
<p>Pages 63 to 71 Policy BNDP 10 Paragraphs 8.10.1, 8.10.2 Appendix 7</p>	<p>Infrastructure Strategy (see Figure 11).”</p> <p>RECOMMENDATION 18</p> <ul style="list-style-type: none"> <li>• Alter the title of the policy to “Newbridge Character Area and Non-Designated Heritage Assets. 14 NPPF paragraph 126 15 NPPF paragraph 135 Barrowford Neighbourhood Plan Examiner’s Report 28</li> <li>• Alter the text of policy BNDP 10 as follows; - In paragraph 2 of the text delete “within Newbridge Character Area” and after “significance” insert “and guidance in the National Planning Policy Framework:” - Remove h) Belmont Terrace and j) Victoria Mills from the list in 2.1 - Where appropriate after each numbered address insert “odd” or “even”</li> <li>• Insert a new paragraph after paragraph 8.10.1 as follows; “The NPPF advises that certain heritage assets other than those which are the subject of special designation, such as listed buildings or scheduled monuments, can receive extra protection as non-designated heritage assets. It is appropriate in this Plan to identify those and this has been done in connection with the identification of the Newbridge Character Area. It should be stressed that this list is not exclusive and there are other non-designated heritage assets within the Plan area, which will be subject to the extra protection identified in the NPPF. The justification for the inclusion of the properties listed in the policy is contained in Appendix 7”</li> <li>• Include as a new appendix 7 to the Plan, the table attached to the Council’s letter of the 5/7/19 in response to my questions during the examination. Renumber the existing appendices as appropriate.</li> <li>• Alter paragraph 8.10.2 as follows; “Ultimately the Parish Council will enter into discussions with Pendle Council to ascertain whether it is appropriate to seek the designation of the area as a conservation area.”</li> </ul>	<p>To provide clarity, avoid ambiguity and rationalise the Plan into a form ready for final publication.</p>	<p>Accept Modification</p>

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**Liberata**

