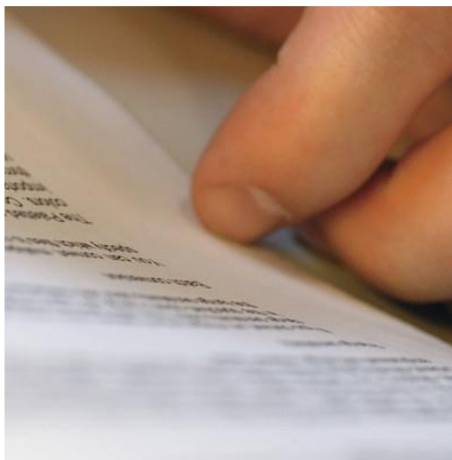
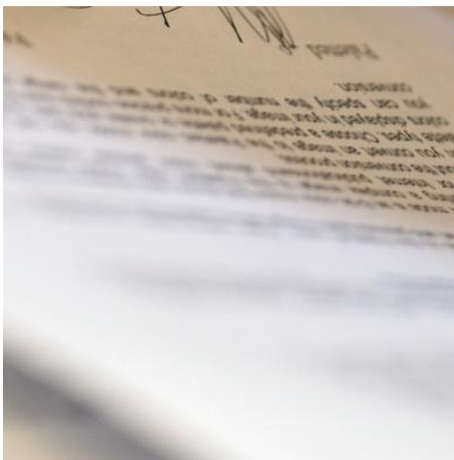
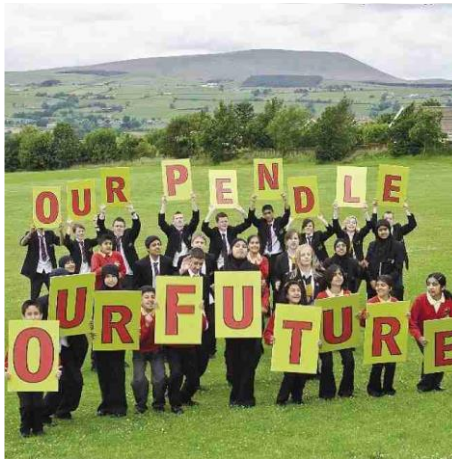


Preparing a Local Plan for Pendle

Process Document



Core Strategy

Legal Compliance
Checklist



Prepared: December 2014

This Legal Compliance Self-Assessment checklist uses the Planning Advisory Service template for the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It is accompanied by a Soundness Self-Assessment Checklist.

The evidence highlighted is relevant and proportionate to the preparation of the Pendle Core Strategy, and does not highlight every document that has been considered in its preparation.

Glossary:

"Act"	means the Planning and Compulsory Purchase Act 2004 (as amended)
"NPPF"	means the National Planning Policy Framework published March 2012
"Regulations"	means the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012
"LDS"	means the Local Development Scheme
"SCI"	means the Statement of Community Involvement
"DPD"	means a Development Plan Document
"CS"	means the Core Strategy
"AMR"	means the Authority's Monitoring Report (previously the Annual Monitoring Report)

Stage one: The early stages

Where the 'evidence' column refers to a document that would not be complete until a later stage (e.g. the sustainability appraisal report), early documents which contribute to the final report are relevant at these earlier stages. The submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the submission documents. In this checklist the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.

Stage one: The beginning

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>	<p>The DPD is included in the LDS. The timetable for delivery and the circumstances for alteration of timescales have been fully explained. AMRs have detailed where the Council was in terms of delivery of DPDs and any reasons for altered timescales.</p>	<p>The LDS has identified the delivery of the CS from the outset. Where there have been changes to the LDS these have been documented in reports to the Council’s Executive Committee and reflected in the AMR. The first LDS came into effect in February 2005. This included the CS and separate DPDs for Development Control Principles and Land Use Allocations. It also proposed three Area Action Plans to support delivery of the Housing Market Renewal (HMR) programme. The Replacement Pendle Local Plan (2001-2016) was adopted in May 2006. The LDS was revised for the first time in September 2005 (the first revision). It included an additional Area Action Plan for the Brierfield – Railway Street Neighbourhood, again to help support delivery of the HMR programme. The second revision came into effect in April 2007 followed by a third revision in December 2008. The most significant change to the LDS occurred in the fourth revision, which came into effect in November 2012. This proposed to amalgamate the Land use Allocations and Development Control Principles DPDs into a single document – Pendle Local Plan (Part 2): Site Allocations & Development Policies. It also reflected the decision not to proceed with any further Area Action Plans due to the withdrawal of government funding for the national HMR programme. The fifth revision (June 2014) reflected changes to the timetable for the adoption of the CS. It did not introduce any new DPD’s. The document represented a full review of the progress on the CS and the schedule for adoption. A minor update to the LDS in September 2014 moved the projected adoption period back by three months. No other changes were proposed and no new DPDs added.</p>
<p>2. How will community engagement be</p>	<p>The Act section 19(3)</p>	<p>NPPF paras 150, 155 and 157</p>	<p>If the SCI is up-to-date, use that. If not set out any</p>	<p>The SCI has been used to guide its process of engagement and consultation for the Core Strategy and other Local Plan documents. The SCI was produced shortly after the adoption of the Council’s ‘old style’</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>programmed into the preparation of the DPD?</p>	<p>Regulation 18</p>		<p>changes to community engagement as a result of changes in legislation.</p>	<p>Local Plan in 2006. It was examined by the Planning Inspectorate and found to be sound, subject to minor alterations which were incorporated within it. Pendle Council then adopted the SCI on 29th March 2007.</p> <p>The SCI embodies the fundamental principles of public consultation within it. The increased potential for use of electronic communication was identified and later stages in the process sought to use electronic communication more extensively.</p> <p>Although there have been changes to the plan preparation process, the SCI has not been updated, as the fundamental issues of how and when undertake informal engagement and formal public consultation, set-out in the SCI, remain valid.</p> <p>The Localism Act 2011 introduced the Duty to Co-operate (DTC). This placed a duty on the Council to discuss strategic issues with neighbouring authorities and other prescribed bodies. The list of bodies in the SCI has altered over time. For example, the North West Regional Assembly and Regional Government Offices, once major players in the plan making process, are no longer in existence. However, the principles of how to engage and respond to comments have not altered.</p> <p>The DTC formalises the requirement to discuss and resolve issues in partnership. A separate Statement of Conformity with the DTC has been prepared and forms part of the submission. Appendix 4 of this statement identifies any cross boundary issues that have been identified and how these have been addressed in cooperation with neighbouring authorities and prescribed bodies.</p> <p>The principles established in the SCI are still applicable in terms of how to engage with all sections of society and reflect the Council's commitment to deal with strategic issues.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 - 4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p>	<p>The SCI set-out the initial list of specific and general consultees and showed how we intended to engage and consult with them.</p> <p>Changes to this list have been required to reflect new government regulations and legislation Updated lists have been published in the consultation statements and DTC Statement of Compliance.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
			The possible evidence may duplicate each other. Only use what you need to.	
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4) The Act Section 20(5)(c) Regulation 4	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7)) Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities. Strategic priorities are listed at NPPF Para 156	Section 33A(4) defines a "strategic matter". Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).	A separate DTC Statement of Compliance has been prepared and included in the submission documents. This provides full details of the process of consultation on strategic cross boundary issues. The six local planning authorities in Pennine Lancashire prepared an informal Spatial Guide in August 2011 to help align the Core Strategies across the sub-region.
5. How you will co-operate with any local enterprise partnerships (LEP)	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d)	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter".	As noted above, the six local planning authorities in Pennine Lancashire jointly produced a Spatial Guide In 2011. This provides a non-statutory overview of the economic and spatial in the sub-region.

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>and (e) The Act section 20(5)(c). Regulation 4</p>		<p>Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>The Council has also entered into joint discussions with the other councils in Pennine Lancashire to facilitate the production of an East Lancashire Highways and Transport Masterplan. This forms part of the work underpinning the Lancashire LEP Growth Deal, which identifies priorities for economic growth in the county. As part of this growth deal the Burnley and Pendle Growth Corridor has been given funding to improve junctions along the motorway as these will unlock economic development opportunities. Pendle Council adopted a Jobs and Growth Strategy in December 2013, to better align the Council’s economic aspirations with those of the LEP. Full details of this are given in the DTC Statement of Compliance. The Local Nature Partnerships are still in their infancy, but channels have been established for informal engagement and formal public consultation.</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>NPPF paras 158 - 177</p>		<p>Pendle Council has kept the evidence base under constant review. Key economic issues covering retail, employment and housing provision have had specific assessments undertaken. Pendle Council delayed submitting the Core Strategy in December 2012 in order to update the SHMA and Employment Land Review. It has also updated its Retail Capacity Study. The Council has incorporated the key data it considers to be of relevance to the Borough and has reported on these annually through the AMR. The measures in the AMR were reviewed in 2011/12 to incorporate the changes in the National Indicator sets and the NPPF.</p>
<p>7. Is baseline information being collected and evidence being gathered to set</p>	<p>The Act section19(5)</p>	<p>NPPF paras 165 and 167 Strategic Environmental</p>		<p>A Scoping Report for the sustainability appraisal of the CS was produced in 2007 by consultants Entec (now Amec Environmental). This report was fully consulted on before work on the SA report itself commenced. The SA Report has used appropriate information to inform the assessment process including at each stage of the plan preparation</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
the framework for the sustainability appraisal?		Assessment Guide, chapter 5		process an: <ul style="list-style-type: none"> - Update of the baseline - Review of plans policies and strategies
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	The process of consultation and the bodies consulted is set out in the Scoping Report (Page 3), which is included as part of the evidence base.

Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

- showing that the legal procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

Pendle Council has recorded actions taken during this phase to show that the plan meets the legal requirements and that a realistic and reasonable approach has been taken to plan preparation.

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> the specific consultation bodies? the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	<p>The relevant bodies have been consulted at all stages of the preparation of the CS.</p> <p>Four public consultations, each lasting a minimum of six-weeks, have been held in accordance with Regulation 18:</p> <ul style="list-style-type: none"> You Choose (2007) Issues & Options (2008) Preferred Options (2011) Further Options (2014)
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		<p>The Consultation Statement deals with these matters in detail and to avoid duplication the full details are not repeated here.</p> <p>The consultation process for the CS has been extensive involving extensive informal discussions with specific consultation bodies such as Lancashire County Council and forums to allow a number of stakeholders to discuss specific topics and issues in more detail – as exemplified by those arranged to inform the preparation of the Development Viability Study.</p> <p>At various stages in the process all businesses on the Council’s Business, Town Centres and Tourism databases have been contacted directly seeking their views.</p> <p>Since the introduction of the DTC, formal arrangements have been made with the neighbouring Council’s in Burnley and Craven, as the most significant cross boundary interactions are with these districts.</p> <p>In most other cases pre-existing arrangements/meetings have been used to address cross boundary issues – e.g. Lancashire Development</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				Plan Officers Group.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	The Consultation Statement and the DTC Statement of Compliance deal with these matters in detail and to avoid duplication the full details are not repeated here.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<p>The Consultation Statements produced at each stage summarise the comments made, provide a Council responses and, where appropriate, show how the comments have helped to shape the next version of the CS.</p> <p>The initial “You Choose” process allowed local people, and organisations active in the area, to identify any issues that they wished to see addressed in the Sustainable Community Strategy and the CS.</p> <p>These issues were set out in the Consultation Statement (June 2008), which formed part of the evidence base for the public consultation on the CS Issues and Options Report.</p> <p>The comments received at the Issues and Options stage were reported to Committee in December 2008.</p> <p>Similar arrangements were followed at the Preferred Options (2011) and Further Options (2014) stages.</p>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>Each SA Report provides a full audit trail for the development and sustainability appraisal of alternatives.</p> <p>The representations received at each stage are also important in helping to understand the various options for the spatial development of the Borough.</p> <p>In particular the representations received at the Issues and Options stage were used to help identify the reasonable alternatives and the preferred option.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>The Consultation Statement sets out in detail how the Council has consulted and taken on board the comments it has received in formulating policy.</p> <p>The requirements set-out in the SCI have been followed when carrying out the different stages of public consultation for the CS.</p> <p>The Sustainable Community Strategy (SCS) and the CS had an initial joint consultation which was targeted at best aligning the two documents.</p> <p>The SCS has been integral to the development of the CS. The Issues and Options used the SCS Vision and its eight priority goals as the basis for the spatial vision, spatial objectives and chapter themes incorporated into the CS. This 'golden thread' has run through the development of the CS.</p> <p>The Submission CS (Page 37) details how the CS and SCS key priorities have been linked.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>The Consultation Statement deals with these matters in detail and to avoid duplication the full details are not repeated here.</p> <p>All reports are taken through the Council's committee process.</p>
<p>8. Are you inviting representations on issues that would</p>	<p>The Act section 33A(1)(a) (b) and (c), section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on</p>	<p>A Consultation Statement has been produced and considered at each stage in the production of the CS.</p> <p>These statements detail the representations received, provide an officer</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>		<p>significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an on-going basis.</p>	<p>response and highlight any changes to the next iteration of the CS.</p> <p>The DTC Statement of Compliance provides further information of this nature.</p> <p>The Council has produced a joint Spatial Guide, which deals with cross boundary issues across Pennine Lancashire, and has worked closely with neighbouring authorities in Yorkshire, reacting appropriately to the issues that have been raised.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an on-going basis.</p>	<p>The Consultation and DTC Statement of Compliance explain how Pendle Council has engaged proactively to address strategic cross boundary issues.</p> <p>The latter includes a brief commentary on engagement with the Lancashire LEP. At the time of writing the Lancashire LNP and the South Pennines LNP are still in their formative stages.</p>
<p>10. Are you developing a framework for</p>	<p>The Act section 35</p>	<p>NPPF paras 165 - 168</p>	<p>It is a matter for each council to decide what to</p>	<p>The Sustainability Appraisal Report and AMR set out the monitoring framework for the CS.</p> <p>In the CS the blue boxes beneath each policy provide details of suitable</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>monitoring the effects of the DPD?</p>	<p>Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>SEA Guide, Chapter 5</p>	<p>include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>indicators, targets, triggers and contingency measures. Monitoring and delivery is addressed in Chapter 13.</p>

Stage three: Plan preparation - formulation phase

This stage includes many legal matters, for process and content, to address. The Council is beginning to formulate its preferred strategy for the Core Strategy (Local Plan), using the information gathered and previous collaborative work with stakeholders.

Paragraph 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

The reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase should be evaluated against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This is then written-up as the Preferred Options Report. The results of public participation on this document and the accompanying Sustainability Appraisal Report enable the council to gauge the community's response and receive additional evidence about the options. The council then decides how its preferred strategic approach and policies should be changed before publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents at stage four.

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Stage three: Plan preparation – writing the plan

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182</p> <p>SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>As the initial “You Choose” campaign also helped to inform the sustainable community strategy, it simply let people identify ANY issues that they had.</p> <p>The CS Issues and Options Report took forward the ‘spatial’ issues that were identified through ‘You Choose’ considering different ranges for future development and how new growth should be distributed. This process was undertaken at a time when Regional Spatial Strategies were in place.</p> <p>A series of pro-formas, included in the SA Report (Appendix B), set out how the preferred option was formulated taking account of:</p> <ul style="list-style-type: none"> - National policy, guidance and strategies - SA outcomes - Comments raised in representations <p>The public consultation on the Preferred Options Report thoroughly reviewed all the reasonable alternatives, comments and evidence base. Representations submitted at the Further Options stage have also been carefully considered, and served to inform the strategy and policies set-out in the Pre-Submission report, which is the version that has been submitted for examination.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial 	<p>The Act section19 (2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</p>	<p>The North West RSS was abolished in 2013.</p> <p>Following the Preferred Options stage, and prior to Publication, the CS was re-assessed to reflect comments referring to its consistency with the NPPF.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>strategy where still in force?</p>				
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>N/A</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>The DTC Statement of Compliance provides the evidence base for this. Pendle Council sits on the Pennine Lancashire Planning Officers Group, a regular forum where cross boundary issues and matters of common interest are discussed.</p> <p>The group jointly produced a Spatial Guide in 2011, which was put in place to better join up our development across the area and to agree how issues such as housing and employment would be dealt with.</p> <p>Pendle shares specific issues with neighbouring Burnley Borough Council. Both authorities have worked closely on the production of major parts of our respective evidence bases. In particular we have undertaken a joint Strategic Housing Market Assessment and GTAA.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>joint local development documents?</p>				<p>The need for Gypsy sites was an issue dealt with under an early review of the North West RSS. That review was not completed through to adoption. Since then we have met with Local Authorities in a Gypsy Forum seeking ways to address gypsy accommodation needs.</p> <p>Councils across Pennine Lancashire and Yorkshire were at significantly different stages in their production of DPDs. It was not possible to initially align these.</p> <p>Pendle Council recently contributed to the appointment of an officer to specifically look at future alignment of Local Plans across Pennine Lancashire. This work is still ongoing.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>The DTC Statement of Compliance provides the evidence base for this. Pendle Council is liaising with Lancashire County Council and the Lancashire LEP on the production of an East Lancashire Highways and Transport Masterplan. The Masterplan deals with better connectivity although much of it deals with specific issues within individual Council Areas.</p> <p>The LEP Growth Fund has awarded monies to improve Junctions 12 and 13 on the M65.</p>
<p>6. Are you cooperating with or having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>The Consultation Statements and DTC Statement of Compliance address cooperative working and engagement with the LEP, both alone and alongside other local planning authorities in East Lancashire.</p> <p>The supporting documents include a document prepared jointly on behalf of the six East Lancashire authorities by consultants Ekosgen. This provides evidence to the Lancashire LEP regarding the economic aspirations of East Lancashire.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable 	<p>The Act section 19(2)</p>			<p>The production of the CS in the context of the SCS is dealt with above. In short the CS and SCS have been closely aligned. The SCS has been adopted prior to the CS, which incorporates the key themes from that document and Ambition Lancashire (the SCS for the county) It integrates</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>community strategy or of other authorities whose area comprises part of the area of the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 				<p>these directly in the framework of the document.</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>Our economic and housing policies support wider LEP policies on economic regeneration and growth.</p> <p>Our CS and Infrastructure Strategy have informed where investment on transport is required to support future economic development, through the LEP Growth Fund. The CS supports the growth options identified in the LEP Growth Plan.</p> <p>Pendle Council has worked closely with LCC on the preparation of their Minerals and Waste Strategy, and its implications for the borough and the wider county area. Policy ENV 6 supports the Waste Management policies of the County Council.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
substances				
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 -108		Pendle Council has built up an extensive evidence base which considers the increased incidence and severity of flooding. A number of the 'environmental policies' in the CS (ENV1-7) aim to provide a collective response to issues associated with climate change. Where appropriate these are supplemented by additional references included within other policies in the CS, particularly where these relate to design (e.g. LIV5, WRK6 and SUP4).
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	Yes. A SA Report has been prepared at each stage and made available for public consultation. All versions are available as part of the evidence base.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	The various iterations of the CS set-out the alternatives and choices considered at each stage. The pro-formas prepared after the Issues and Options stage (Appendix B of the SA Report) show how the many options highlighted were narrowed down to a preferred strategy option.
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal?	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	All the comments received by the Council have been carefully recorded and considered. Each of the Consultation Statements provide a formal response to each comment and, where appropriate, show how these comments have helped to shape subsequent versions of the CS.

Activity	Legal requirement	Guidance	Additional notes	Evidence
Are you keeping a record?	Programmes Regulations 2004 No 1633			
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 157	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>Pendle Council has produced separate reports for each of the strategic allocations identified in the CS.</p> <p>Prior to the Further Options stage in 2014, there were no proposals to include specific site allocations. Indeed their inclusion was the main reason for returning to a consultation held under the auspices of Regulation 18, rather than re-publishing the CS.</p>
14. Are the participation arrangements compliant with the SCI?	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150 and 155		<p>Yes.</p> <p>The Consultation and DTC statements illustrate compliance with the requirements of the adopted SCI.</p>

Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure, which is made available at the council's office and published on its website.

When moving towards the Publication stage, the council considers the results of participation on the Preferred Options Report and the accompanying Sustainability Appraisal Report. It then decides whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication
- OR
- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council then produces the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.

Stage four: Publication

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>1. Have you prepared the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>Yes.</p> <p>This forms part of the evidence base.</p>
<p>2. Have you made clear where and within what period representations must be made?</p>	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>Pendle Council contacted all bodies and individuals on its database directly via letter and/or email; published details in the local press and online advising them about:</p> <ul style="list-style-type: none"> - the duration of the public consultation; - where and when the consultation documents could be viewed; and - how to submit their comments to the Council. <p>The advertisements, consultation documents and representation forms all clearly stated the closing time and date for receipt of comments.</p> <p>A copy of Council's newsletter Framework, which was published in advance of the public consultation, offered further details.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p>	<p>Copies of the consultation documents were made available at the four principal deposit locations, whilst the key documents and information where all documents could be viewed were made available at nine subsidiary locations. This information was also included in the Framework newsletter.</p> <p>All contacts on the Council's database (including specific consultation bodies) were notified by letter in advance of the public consultation. Emails were also sent to those with a valid email address, attaching a copy of Framework Issue 30, which included a feature regarding the availability</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
representations procedure?				of documents. These details were also published on the Council’s website.
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	The Pre-Submission Report and supporting documents are available on the Council’s website, as are details of the locations and times when they could be viewed.
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations 	Regulation 19(b)		Regulations 2 and 17 give definitions.	The Consultation Statements deals with this issue in detail. Each of the specific consultation bodies was notified about these matters by letter or email in advance of the public consultation.

Activity	Legal requirement	Guidance	Additional notes	Evidence
procedure?				
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>The Consultation Statement deals with this issue in detail.</p> <p>Each of the general consultation bodies was notified about these matters by letter or email in advance of the public consultation.</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p>	N/A

Stage five: Submission

At the submission stage, the council collates any representations made at publication stage. These do not need to be reported to councillors, although it may be considered a good idea to do so. There may also be requirements deriving from other legislation, Standing Orders or council procedures that must be considered.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. N.B.: Under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. The Council should be satisfied that it remains fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance	Additional notes	Evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	The LDS has been altered over time as detailed above. The changes to the LDS have been fully explained at each stage that they have been changed. Relevant AMRs (AMR) have also detailed how and why the changes have been made. The LDS was last revised in June/September 2014. A copy of the LDS report has been supplied with the supporting documents.
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		The spatial elements of the Sustainable Community Strategy have been fully integrated into the CS as detailed above.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	The SCI has not been fully updated to take into account relatively recent changes to the legislation. Each public consultations has, however, been conducted in accordance with the changes as set out in the Regulation 22(1)(c) Consultation Statement. The Regulation 22(1)(c) Consultation Statement provides comprehensive information on how the Council has consulted interested parties in the preparation of the CS.

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEAs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>The DTC Statement of Compliance provides full details of these issues and how the Council has dealt with them.</p>
<p>5. Has the DPD been subject to sustainability appraisal?</p> <p>Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>The SA Report will be submitted for examination alongside the CS.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>Pendle Council benefitted from a PINS visit in 2014 and a letter summarising this visit is submitted alongside the CS. The letter was supportive of the CS</p> <p>The Pendle CS also benefitted from a PAS review, undertaken by URC Consultants. This report is also submitted alongside the CS. Again the report was generally supportive of the approaches taken in the CS.</p> <p>The PAS Soundness and Legal Compliance Self-Assessment checklists have been completed and submitted alongside the CS.</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>N/A</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>strategy?</p> <p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>The documents prescribed at Regulation 22(1) will be published on the Council’s website as soon as practicable after the date of submission.</p> <p>Again all relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan will be notified about the submission and availability of documents as soon as it is practicable to do so.</p> <p>The list of superseded policies is included at Appendix B of the CS.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>The map changes have been published as part of the CS (Appendix E).</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>If yes, have you prepared a submission policies map?</p>				
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4) Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The Core Strategy is the principal DPD for Pendle. An Area Action Plan has been adopted for the inner urban ward of Bradley in Nelson The CS does not conflict with the adopted DPD.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? 	<p>The Act section 20 (3) Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>Included in the Regulation 22(1)(c) Consultation Statement, which is a supporting document to the CS.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<ul style="list-style-type: none"> How the representations have been taken into account? 				
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>Included in the Regulation 22(1)(c) Consultation Statement, which is a supporting document to the CS.</p>
<p>13. Have you collected together all the representations made under Regulation 22?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>All representations have been copied and submitted in a lever arch file. A summary of each representation is also include in the Regulation 22(1)(c) Consultation Statement.</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p>			<p>A reference document library has been prepared, which contains all relevant supporting documents. Hard copies of all documents have been made available to the Inspector and Programme Officer.</p>
<p>15. Has your council approved the DPD</p>			<p>Check the LPA's constitution/standi</p>	<p>The Council resolved to submit the Core Strategy for examination at Full Council on 25th September 2014.</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
for submission?			ng orders for the authorisation process appropriate for the type of DPD.	
<p>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	<p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>A letter will be sent to PINS with a paper copy of the Pendle Core Strategy and all supporting documents, including those prescribed in Regulation 22(1).</p> <p>A CD-Rom containing electronic copies of these documents (where available) will also be included.</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	The documents prescribed at Regulation 22(1) will be made available at four deposit locations as soon as practicable after the date of submission.

Activity	Legal requirement	Guidance	Additional notes	Evidence
<ul style="list-style-type: none"> The documents prescribed in Regulation 22(1)? 				
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? Regulation 22(1)(c) statement? supporting documents (where practicable) ? representations made under Regulation 20 (where practicable) ? statement as to where and when the DPD and the documents are available? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The documents prescribed at Regulation 22(1) will be made on the Council’s website as soon as practicable after the date of submission. The Council will post a statement stating where and when the DPD and the documents are available</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	As soon as practicable after submission of the CS, the Council will notify everyone on its database (i.e. specific consultation bodies, anyone who has submitted a representation etc.) by letter regarding the submission of the CS and the availability of documents for inspection.
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	As soon as practicable after submission of the CS, the Council will notify everyone on its database (i.e. specific consultation bodies, anyone who has submitted a representation etc.) by letter regarding the submission of the CS and the availability of documents for inspection.
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and place 	The Act section 20 Regulations 24 and 35			N/A

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>of the examination and the name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none"> notified those who have made representations on the published DPD which have not been withdrawn of these details? 				

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If you would like this information in a way which is better for you, please telephone us.

اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ
آپ کے لئے زیادہ مفید ہو تو برائے مہربانی ہمیں ٹیلیفون کریں۔

