

Pendle Local Plan



Pendle Local Plan Scoping Report

June 2022

www.pendle.gov.uk



Versions

Document:	Local Plan Scoping Report
Legislation:	-
Regulations:	-
Author:	Pendle Borough Council
Document Reference:	-

Version	Date	Detail	Prepared by	Checked by	Approved by
0.1	06.05.22	Initial Draft	Craig Barnes	John Halton	-
0.2	17.05.22	Revised Draft	Craig Barnes	John Halton	-
1.0	17.05.22	First Approved Version	Craig Barnes	John Halton	Neil Watson

Table of Contents

1.	Introduction	4
2.	Background	5
3.	The plan-making process	7
4.	The plan period, vision and strategic objectives	10
	Plan Period	10
	Vision.....	10
	Strategic Objectives	11
5.	Strategic planning policies	13
6.	Spatial areas.....	15
7.	Wider proposals.....	17
	Policies Map.....	17
	Monitoring and Review.....	18
	Appendix 1: Glossary	21

Scoping Report

1. Introduction

- 1.1 Pendle Borough Council [“the Council”] is preparing a new Local Plan [“the Local Plan”] to help shape and direct new development taking place in the borough over the next 15 years. The timetable for its preparation is set out in the Local Development Scheme adopted by [Policy and Resources Committee on 18 March 2022](#).
- 1.2 To assist with plan preparation we are seeking your views on what issues should be addressed by the Local Plan.
- 1.3 The Scoping Report introduces the Local Plan and represents the first stage of the plan making process. It provides a summary of the context for the Local Plan. It provides details of the evidence base which will inform the policy approach taken in the Local Plan. The Scoping Report also asks for your input on revising our existing spatial vision and strategic objectives. It confirms the Council’s current thinking regarding the scope of our strategic planning policies, as well as more detailed issues such as defining the key spatial areas within the borough, information to be set out on the policies map, the monitoring of planning policies and the process for future reviews of the Local Plan.
- 1.4 The Council is not seeking comments on specific policy wording, development requirements, or site allocations at this time. These matters will be informed by emerging evidence and assessments and will be the subject of future consultation.
- 1.5 The Council is interested in gaining feedback on a series of questions numbered Q1-Q14, which are set within green boxes. A Glossary is provided in Appendix 1 to explain any technical terms or abbreviations used in this document. Your response to these questions and any other issues you may wish to raise should be submitted in writing by email or post to:
- Post: Pendle Borough Council
Planning, Economic Development & Regulatory Services
Town Hall
Market Street
Nelson
BB9 7LG
- Email: planningpolicy@pendle.gov.uk
- 1.6 The Council is also inviting representations in relation to the following reports, which are available separately:
- Strategic Environmental Assessment and Sustainability Appraisal [“SEA/SA”] Scoping Report;
 - Statement of Community Involvement [“SCI”]; and
 - Call for Sites (via the site nomination form).
- 1.7 Comments and site submissions must be received by no later than **5pm on Friday 5 August 2022**.

Scoping Report

2. Background

- 2.1 Planning law requires decision making for planning applications to be made in accordance with policies of the Development Plan, unless material considerations indicate otherwise¹. The Development Plan is a set of statutory documents that are used to guide the nature and location of development. The policies within these documents ensure that the decisions taken by planning officers are rational and consistent.
- 2.2 The [Development Plan](#) for Pendle currently includes the following documents:
- Pendle Local Plan Part 1: Core Strategy [“the Core Strategy”];
 - Saved Policies from the Pendle Replacement Local Plan [“the Replacement Local Plan”];
 - Bradley Area Action Plan;
 - Barrowford Neighbourhood Plan;
 - Trawden Forest Neighbourhood Plan; and
 - Joint Lancashire Minerals and Waste Local Plan.
- 2.3 At the [meeting of the Council on 9 December 2021](#), it was resolved that changes in circumstances, since the adoption of the Core Strategy in December 2015, principally arising from Brexit and the COVID-19 pandemic, warranted a review of the strategic approach to new development in the borough.
- 2.4 The preparation of a new Local Plan provides the Council with an opportunity to revise and update its spatial vision and strategic objectives. The strategic planning policies, which guide the amount, location, type and quality of new development, will also be reconsidered. The process provides an opportunity to re-evaluate the role of the borough’s settlements and their capacity to accommodate future growth. It also enables policy requirements and guidance for climate change, biodiversity, flood risk, design, the historic environment, town centres, housing needs and economic development to be updated to reflect current legislation, policy, guidance, and evidence.
- 2.5 On adoption, the Local Plan will replace the Core Strategy, the Replacement Pendle Local Plan and the Bradley Area Action Plan. Adopted Neighbourhood Plans will need to be reviewed for their conformity with the Local Plan’s strategic planning policies.
- 2.6 As a minimum, the Local Plan will:
- Cover a period of at least 15-years;
 - Adopt a new vision and series of strategic objectives for new development to respond to and contribute towards;
 - Adopt new strategic policies which will influence how much, where and by what means future development requirements will be met;

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004

Scoping Report

- Allocate sufficient land to meet future development needs;
- Set detail development management policies to be used in every day decision making which will guide development; and
- Update the policies map.

2.7 In May 2022 the Government published the Levelling up and Regeneration Bill². The Bill will alter the scope and content of Local Plans, their role in decision making, and the way in which Local Plans are prepared. The Government estimates that the proposed reforms will apply from 2024 onwards. At this point in time, it is unclear whether this timeframe will be achieved. It is also unclear precisely what the Bill means for the Local Plan. Planned further consultations by the Government will add details to the draft proposals. The Council will continue to monitor the situation and consider the implications this has for the Local Plan when further information is available.

² [Levelling-up and Regeneration Bill - Parliamentary Bills - UK Parliament](#)

Scoping Report

3. The plan-making process

- 3.1 Before the Local Plan can be adopted by the Council the independent Inspector appointed to conduct an Examination in Public [“EiP”] must conclude that it meets all legal requirements and the tests of soundness for plan making.
- 3.2 The Council’s legal obligations are primarily confirmed within the following legislation and regulations:
- [The Town and Country Planning Act 1990](#);
 - [Planning and Compulsory Purchase Act 2004](#);
 - [Planning Act 2008](#);
 - [Localism Act 2011](#);
 - [Housing and Planning Act 2016](#);
 - [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#);
 - [The Environmental Assessment of Plans and Programmes Regulations 2004](#);
 - [The Environment Act 2021](#).
- 3.3 To meet these obligations, in addition to the Local Plan, the Council will also prepare the following documents:
- Strategic Environmental Assessment /Sustainability Appraisal [“SEA/SA”] Report (Scoping being consulted on in parallel to this document)
 - Habitats Regulations Assessment [“HRA”] Screening Report
 - Statement of Community Involvement [“SCI”] (draft document being consulted on in parallel to this document)
 - Local Development Scheme [“LDS”]
 - Consultation Statement (to be published alongside Regulation 19 version of the Local Plan).
- 3.4 The [NPPF](#) sets out the Government’s planning policies for England and how these should be applied. The NPPF should be read as a whole and is a material consideration for both plan making and decision taking.
- 3.5 Plan making is addressed in Section 3 of the NPPF. It confirms that the planning system should be plan-led. Local plans should be succinct, accessible and up-to-date. They should serve a clear purpose, be positively prepared, contribute to the achievement of sustainable development, be shaped by community, stakeholder, and cross-boundary engagement and provide clear and unambiguous policy.

Scoping Report

- 3.6 Paragraph 35 of the NPPF sets out the tests of soundness against which the Local Plan will be examined. These are:
- **Positively Prepared** – Providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – Deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in [the] Framework and other statements of national planning policy, where relevant.
- 3.7 Plan making is an iterative and evidence based process. To meet the tests of soundness and ensure that the Local Plan provides a robust, positive and realistic strategy the following evidence based documents will be prepared/updated:
- Housing Needs Assessment [“HNA”];
 - Employment Land Review [“ELR”];
 - Retail and Leisure Capacity Study;
 - Level 1 and Level 2 Strategic Flood Risk Assessment [“SFRA”];
 - Strategic Housing Land Availability Assessment [“SHLAA”];
 - Local Plan and Development Viability Study;
 - Infrastructure Delivery Strategy;
 - Review of Urban Capacity and Settlement Sustainability;
 - Site Specific Heritage Impact Assessments [“HIA”] (as required)
- 3.8 Where appropriate, the Local Plan will rely on evidence prepared for the abandoned Local Plan Part 2, although some minor updating may be required. The following documents fall into this category:
- Green Belt Assessment;
 - Green Infrastructure Strategy; and
 - Open Space Audit.
- 3.9 In view of the recent changes to national planning policy³, the Council will give further consideration to the need for, or benefits of, producing a Design Code for all or parts of the borough. If appropriate, these may be produced in parallel to the plan making process. It is likely that any new Design Codes will have the status of a Supplementary Planning

³ See Paragraphs 128 – 129 of the 2021 NPPF

Scoping Report

Document [“SPD”], thereby forming a material consideration when determining applications for planning permission. SPDs are not subject to independent examination, but are made available for public consultation.

- 3.10 The evidence base will form part of the public consultations on the first draft and the final submission draft of the Local Plan.
- 3.11 The Council adopted a new [Local Development Scheme](#) [“LDS”] in March 2022. The LDS confirms the intended timetable for the preparation of the Local Plan as well as any SPDs, which assist with the interpretation and implementation of policies in the Local Plan. The anticipated timetable for the production of the Local Plan is summarised below (Table 3.1).

Table 3.1: LDS Local Plan Timescales

Stage	Timescale
Local Plan Scoping	May/June 2022
Draft Local Plan	January – February 2023
Publication Draft Local Plan	October – November 2023
Submission to Secretary of State for Examination in Public	December 2023
Examination Hearings	Spring 2024
Adoption	December 2024

- 3.12 The Pendle Local Plan does not sit in isolation, and regard must be given to any strategic cross boundary issues, including any relevant policy, initiatives or evidence. The Council will meet its obligations under the Duty to Cooperate [“DTC”] by engaging proactively and positively with the bodies set out within the Planning Regulations throughout the preparation of the Local Plan⁴. We will also establish a framework for future cross boundary working to help monitor the implementation Local Plan policies and determine the need for future policy interventions.
- 3.13 Details of the engagement that is carried out will be set out in a Consultation Statement. This document will also set out the details of any Statements of Common Ground [“SoCG”] or Memorandum of Understanding [“MoU”] and will be published alongside the Publication Draft Local Plan prior to submission to the Secretary of State.

Q1. Do you agree with the range of evidence being prepared in support of the Local Plan? Is there anything which you feel has been overlooked?

⁴ As defined through [Regulation 2 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) and [Regulation 4 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

Scoping Report

4. The plan period, vision and strategic objectives

Plan Period

- 4.1 Paragraph 22 of the NPPF states that strategic policies should look ahead a minimum of 15 years from adoption. This is to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
- 4.2 It is proposed that the new Local Plan will have a plan period of the **1st April 2022 to 31st March 2040**. This would allow for a period of at least 15-years post adoption; currently anticipated to be in the second half of 2024. It will also provide for a memorable date on which the plan will end aiding its clarity and allow for some flexibility should plan preparation take longer than anticipated.

Q2. Do you agree with the plan period as proposed? If not, what period should we plan for through the new Local Plan and why?

Vision

- 4.3 To provide a Local Plan which is effective and responsive to local needs and aspirations, it must be underpinned by a clear, achievable and relevant spatial vision for Pendle. This should set out the ambitions of the local community by the end of the plan period, addressing the environment, housing, employment, local services etc.
- 4.4 Our current vision is set out on [Page 38 of the Core Strategy](#). This review of the Local Plan provides an opportunity to revise this vision to ensure that it better reflects the uniqueness of Pendle and its future potential, with greater attention given to issues affecting particular parts of the borough or individual settlements.

Q3. What kind of place do you think Pendle should be in 2040?

Q4. Do you agree that the vision should address particular areas within Pendle as well as the borough as a whole?

Q5. What key priorities (local and borough wide) should be addressed within the vision for the Local Plan?

Scoping Report

Strategic Objectives

- 4.5 Strategic objectives are the link between the vision and spatial strategy. They establish what we need to do, by identifying the key issues that need to be addressed locally and what needs to happen if the vision is to be realised. In doing so they provide a broad steer for the spatial strategy and strategic planning policies.
- 4.6 The Core Strategy established 11 strategic objectives for Pendle (Table 4.1). Many of these objectives remain relevant, but the plan making process provides an opportunity to review, revise and expand these objectives to better reflect current circumstances and emerging priorities. This allows us to address matters where the evidence, policy and legislative context has evolved considerably since the adoption of the Core Strategy, including the government's promotion of better design, the Council's declaration of a climate emergency, the emergence of biodiversity net gain and an increased focus on how planning can make a positive contribution to health and wellbeing.

Table 4.1: Existing Strategic Objectives

Strategic Objective	Description
1	Establish a hierarchy of settlements to assist regeneration by directing growth to the most sustainable location and promoting the re-use of existing buildings and Brownfield sites.
2	Ensure that the infrastructure is capable of supporting both new and existing development, thereby helping to create sustainable communities.
3	Promote high quality design in new developments, our streets and public spaces, to create fully accessible, attractive and safe places to live, learn, work, play and visit.
4	Respond to the causes and potential impacts of climate change through a process of prevention, mitigation and adaptation.
5	Deliver quality housing that is both appropriate and affordable for current and future residents, contributing to the creation of a balanced housing market.
6	Strengthen the local economy by facilitating economic growth, particularly where it supports economic diversification and rural regeneration.
7	Increase the choice, variety and quality of the retail offer and promote uses that contribute to the creation of a well-balanced, safe and socially inclusive night-time etc
8	Reduce inequalities by ensuring that new community, education and health care facilities and their services are fully accessible.
9	Protect, enhance and improve access to our green open spaces, sport and recreation facilities to improve health and well-being through the promotion of more active lifestyles, encouraging a greater appreciation of the enjoyment they provide and valuable contribution they may make to biodiversity, landscape, the local economy and carbon reduction.

Scoping Report

Strategic Objective	Description
10	Ensure that new development respects our natural and historic environments, by seeking to protect, maintain and enhance those sites and habitats (including their wider settings) which are valued for the positive contribution they make to the character of our landscape, townscape or biodiversity.
11	Deliver a safe, sustainable transport network that improves both internal and external connectivity, reduces the need to travel by car, supports long-term growth and contributes to an improved environment.

Q6. Is there any issue, relevant to the Local Plan, which you feel has been overlooked and should be included as a strategic objective and why?

Scoping Report

5. Strategic planning policies

- 5.1 Paragraph 17 of the NPPF states that plans must include strategic policies which address priorities for the development and the use of land. Paragraph 20 adds that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:
- a) Housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) Community facilities (such as health, education, and cultural infrastructure); and
 - d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 5.2 Strategic policies respond to and deliver the strategic objectives of the Plan. They are supplemented by detailed development management policies which will be used to determine applications for planning permission in the Borough over the plan period. The approach to be taken will form part of the public consultation on the initial draft of the Local Plan in early 2023.
- 5.3 Table 5.1 lists the strategic policies proposed for inclusion within the new Local Plan with a brief summary of their scope. The detailed approach of each strategic policy will be subject to later consultation.

Table 5.1: Proposed Strategic Policies

No.	Title	Brief Summary
1	Presumption in Favour of Sustainable Development	Reflecting Paragraph 11 of the NPPF
2	Spatial Strategy	Sets out the role of settlements within the borough and their capacity for development. Determines the overall approach to development within settlement boundaries, the open countryside and other designations.
3	Development Requirements and Delivery	Confirms the overall need for new homes, employment land, retail and leisure premises over the plan period, and the broad approach to be taken to secure its delivery in full.
4	Climate Change	Addresses the issue of climate change and steps to be taken to achieve zero carbon development and to address the effects of climate change on new developments/communities.

Scoping Report

No.	Title	Brief Summary
5	Flood Risk and Water Management	Confirms the overall approach of development in relation to flooding and dealing with all types of drainage issues.
6	Natural Environment	Confirms hierarchy of designated protected sites and approach to proposals affecting these. Sets out the requirement to implement the mitigation hierarchy in the terms of the effects of development upon biodiversity and sets requirements for implementation of Biodiversity Net Gain requirements, approach to irreplaceable habitats, green infrastructure corridors, and important landscapes.
7	Design Principles	Sets overarching design principles for development in Pendle, including density, scale, layout and materials.
8	Historic Environment	Confirms approach to conservation and enhancement of the historic environment consistent with national planning policy.
9	Health and Wellbeing	Addresses the physical and mental health effects of development, and promotes opportunities for enhancements in securing improvements to quality of life and standard of living.
10	Transport and Accessibility	Promotes non-car modes of transport, confirms development requirements for transport assessments and travel plans. Addresses strategic transport matters such as protected transport routes.
11	Infrastructure and Developer Contributions	Establishes approach for securing the delivery of critical infrastructure required to deliver the requirements of the plan sustainably. Sets out requirements for obligations process.

- 5.4 Pendle is not the minerals and waste authority for the borough with this role taken by Lancashire County Council. The Joint Minerals and Waste plan will remain part of the statutory development plan for Pendle until such time that it is replaced by the County Council.

Q7. Do you agree with the scope and extent of listed strategic policies for the new Local Plan?

Q8. Do you think there are any strategic issues, relevant to planning, which are not covered within the list above? If so what are these?

Scoping Report

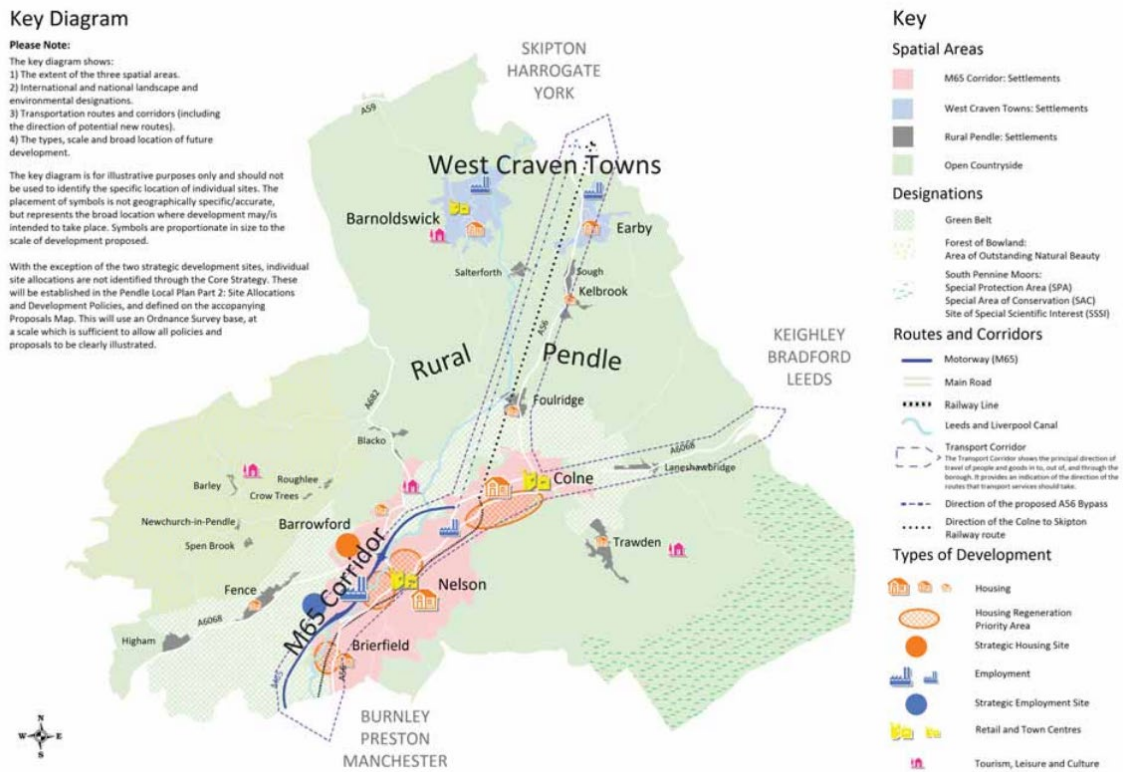
6. Spatial areas

6.1 A core feature of the current spatial strategy sees the borough divided into three spatial areas; M65 Corridor, West Craven Towns, and Rural Pendle defined as follows:

- M65 Corridor: Nelson, Colne, Brierfield, Barrowford and Reedley
- West Craven Towns: Barnoldswick and Earby
- Rural Pendle: The remain area including the named settlements of Barley, Blacko, Fence, Foulridge, Higham, Kelbrook, Laneshawbridge, Newchurch-in-Pendle/Spenn Brook, Roughlee/Crow Trees, Salterforth, Sough and Trawden.

6.2 The current approach, set out in Policies SDP2, SDP3 and SDP4 of the Core Strategy, sees the majority of growth directed towards the M65 Corridor. The spatial strategy of the Core Strategy is illustrated by the Key Diagram (Figure 1).

Figure 1: Pendle Core Strategy Key Diagram



6.3 To better reflect the influence of the borough’s key service centres it is suggested that the ‘Rural Pendle’ spatial area is broken-up. The three spatial areas would then be centred on the key service centres of Barnoldswick, Colne and Nelson, each with its own rural hinterland.

Scoping Report

- 6.4 The Council proposes to retain the urban focus for new development, as currently implemented. This directs the majority of growth to the urban settlements of the M65 Corridor. This approach has sustainability benefits which include aligning housing delivery, employment growth and investment; tackling deprivation through regeneration; and combating climate change. The implication of this strategy for the development requirements of each settlement and the specific need for allocations has yet to be determined. It will be informed by the emerging evidence and be subject to sustainability appraisal.
- 6.5 A review of the sustainability of settlements, their role and capacity to accommodate further development, as well as the implications for the settlement hierarchy will be carried out through the preparation of the Local Plan. The findings of this assessment and its effects on the approach of policies of the Local Plan will be subject to future public consultation.

Q9. Do you support proposals to revise the spatial strategy so that the focus is on the three key service centres and their immediate sphere of influence? If not, would you prefer to keep the spatial-areas as they are in the Core Strategy, or is there an alternative approach that you think the Council should consider?

Q10. Do you support the Council's proposal to continue to focus growth on settlements in the M65 corridor?

7. Wider proposals

Policies Map

- 7.1 The new Local Plan will include a Policies Map. The Policies Map illustrates the geographical extent of policies defined in the Local Plan. Through the preparation of the Local Plan, the Council will review and most likely alter the following designations:
- Settlement Boundaries and Open Countryside
 - Town Centres
 - Primary Shopping Areas
 - Primary and Secondary Shopping Frontages
 - Local Shopping Frontages
 - Proposed housing, employment, retail and Community Facility site allocations
 - Protected Employment Areas
 - Protected Car Parks
 - Sites of Settlement Character (re-designation)
- 7.2 Subject to the findings of the new evidence, and the outcome of discussions with key stakeholders, the following designations are unlikely to be altered:
- Green Belt
 - Open Space
 - Trough Laithe Strategic Housing Site
 - Lomeshaye Phase 2 Extension
 - Protected Routes for Transport
 - Mineral Consultation Areas
 - Designations in 'made' Neighbourhood Plans
- 7.3 Although shown on the Policies Map, it is outside the scope of the Local Plan to amend the following designations:
- Area of Outstanding Natural Beauty ["AONB"]
 - Sites of Specific Scientific Interests ["SSSI"]
 - Special Protection Areas ["SPA"]
 - Special Area of Conservation ["SAC"]
 - Biological Heritage Sites ["BHS"]
 - Local Nature Reserves ["LNR"]
 - Sites of Local Nature Importance ["LNI"]
 - Local Geodiversity Sites ["LGS"] (also known as Geological Heritage Sites ["GHS"])

Scoping Report

- Conservation Areas [“CA”]
- Scheduled Monuments

7.4 It is proposed to delete the following designations:

- HMR Reserve Housing Land
- Area Development Framework
- Protected Areas
- Edge of Centre Retail Allocations
- Out of Centre Retail Allocations
- Country Park/Countryside Centre
- All policy designations unique to the Bradley Area Action Plan.

Q11. Do you agree with the proposed changes to the Policies Map? If not why?

Q12. From your experience of using the current [Policies Map](#), what changes could be made to improve the functionality of this resource and aid the ease of its use?

Monitoring and Review

7.5 The monitoring of policies is important in ensuring that Local Plan policies remain effective in their role of achieving the plan’s vision and delivery of the plan’s strategic objectives.

7.6 Key indicators for each policy, derived from the Sustainability Appraisal process, will help to monitor how policies are being used to determine applications for planning permission. This includes highlighting any development proposals that have been approved contrary to adopted policy. This ensures that the implementation of planning policy does not result in any unexpected effects which cannot be sufficiently mitigated for, and might require an early review of the Local Plan.

7.7 The Council publishes an Authority Monitoring Report [“AMR”], to provide an annual summary of policy implementation and consider how development delivered within the preceding monitoring year has responded to key targets of the plan. The Council will continue to publish an AMR at the end of each calendar year reporting on the implementation of the new Local Plan. As a minimum it is intended that the AMR will report:

- Details of engagement activities and agreements reached with statutory providers, consultees, and neighbouring authorities.
- The number, type, size, tenure and location of new homes delivered and approved in the borough including affordable housing, specialist housing and self-build/custom build housing.

Scoping Report

- The amount of new employment land, retail land and leisure space developed, approved and lost to other uses.
- The range of uses and occupancy within the borough’s six town centres.
- The amount, quality and location of open space within the borough.
- The historic environment of Pendle.
- The extent and condition of land protected for biodiversity in Pendle.
- The amount/type of newly created habitats delivered in the borough implementing Biodiversity Net Gain.
- The number of homes at risk of flooding, and schemes implementing Sustainable Drainage Systems [“SuDS”] measures through the development process.

7.8 Consistent with the National Planning Policy Framework, the new Local Plan will be reviewed within 5-years of its adoption. This will ensure that policies are kept up-to-date and consistent with the needs and priorities of the local community as they evolve over time.

7.9 In addition it is proposed to include a mechanism within the new Local Plan requiring its early review where:

1. The number of new homes delivered in the borough falls to less than 75% of the required total over a rolling 3-year period as indicated through the Housing Delivery Test or similar; or
2. National requirements or standards relevant to greenhouse gas emissions and/or resilience to the effects of climate change should significantly alter meaning that the policies of the Local Plan would act as a hindrance to their achievement; or
3. Monitoring shows that development delivered in the borough has significantly deviated from the planned strategy in terms of its spatial distribution resulting in lasting unplanned harm to the local environment or communities of Pendle.

7.10 Such changes may result in the need for a radically different planning strategy to the one adopted, with the adopted strategy acting as a barrier to resolve the situation. A mechanism facilitating an early review of the Plan is required to ensure that local policy is sufficiently adaptive and flexible to unforeseen changes which might occur in the years following its adoption, ensuring that the matters are efficiently dealt with in a manner which is relevant to Pendle and reflects the will of the local community.

Q.13. Do you agree with monitoring proposals for the new Local Plan? Can you identify anything which has been omitted?

Q.14. Do you agree with the three scenarios identified above, which would warrant an early review of the Local Plan? If not, do you believe this list should be expanded, reduced, or removed and why?

**We thank you for taking the time to review and
provide feedback on this document.
Your participation is much appreciated.**

**If you wish to sign up to future updates for the preparation of the new
Local Plan please contact planningpolicy@pendle.gov.uk**

Appendix 1: Glossary

Authority Monitoring Report: A document setting out how the Council's planning policies have been used in the previous financial year (April to March) and whether it has achieved the milestones set out in its Local Development Scheme.

Biodiversity Net Gain: A requirement of the Environment Act 2021 for new developments to provide at least a 10% net gain of habitats in comparison to the assessed baseline conditions (mandatory from late 2023). New habitats provided (on site, off site, or through credits) must be secured and maintained for a period of at least 30-years.

Call for Sites: Initial stage of the Strategic Housing Land Availability Assessment requesting the submission of sites from landowners, developers, promoters, and members of the community which they consider to be suitable, available and achievable for specific types of development.

Consultation Statement: Demonstrates how each planning document has been prepared in accordance with the requirements set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement should set out:

- Which bodies and persons were invited to make representations at each stage;
- How these bodies and persons were invited to make such representations;
- A summary of the main issues raised by those representations; and
- How those main issues have been addressed.

Design Code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Development Management: The process through which the local planning authority considers the merits of a planning application, having regard to the Local Plan and all other material considerations.

Development Plan: Is defined in Section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be adopted.

Duty to Cooperate: A requirement to consult and cooperate on strategic issues that cross administrative boundaries and carry out joint working on areas of common interest. The Duty to Cooperate is set out within the Localism Act 2011 and reinforced by policies of the NPPF.

Employment Land Review: Prepared by local authorities to assess the demand for and supply of land for employment and the suitability of sites for employment development, in order to safeguard the best sites in the face of competition from competing uses.

Evidence Base: The body of information and data used to help justify the soundness of the policy approach taken within a planning document.

Habitat Regulations Assessment: A step by step process, which includes the process known as Appropriate Assessment required, under the European Habitats Directive as transposed into UK Law. The purpose is to assess the potential impact emerging planning policies may have, either alone, or in combination with other plans or projects, on the structure, function or conservation objectives for a European Site and, where appropriate, examine alternative solutions.

Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. Published each year for each local authority in England. Housing Delivery Test is linked to Footnote 8 of Paragraph 11 of the NPPF.

Housing Needs Assessment: Provides an assessment of housing need in terms of quantum, type, size and tenure, including the level of affordable and specialist housing required.

Local Development Scheme: Sets out the timetable for the production of all documents that will form part of the Development Plan.

Local Housing Need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance⁵ (or, in the context of preparing strategic policies only, calculated using a justified alternative approach as set out in Paragraph 61 of the NPPF).

Local Plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

⁵ See [Housing and economic needs assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-and-economic-needs-assessment)

Material Consideration: A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations include (but are not limited to): overlooking/loss of privacy, loss of light or overshadowing, parking, highway safety, traffic, noise, effect on the historic environment, layout and density, design, appearance and materials, government policy, disabled persons' access, proposals in the development plan, previous planning decisions (including appeal decisions), nature conservation. Issues such as loss of view, or negative effect on the value of property do not form material considerations.

National Planning Policy Framework: Sets out the Government's planning policies which are a material consideration for plan making and decision taking and with which all new development should be in conformity.

National Planning Practice Guidance: An online resource⁶ which brings together planning guidance for England in an accessible and usable way, and sets out how policies of the NPPF should be interpreted and implemented at the local level.

Neighbourhood Plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-Strategic Policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Planning Obligation: New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local residents, local amenity and the quality of the environment. A planning obligation is a private agreement negotiated, usually in the context of a planning application, between the local planning authority and the applicant. It is used to secure measures that are intended to make acceptable development which would otherwise be unacceptable in planning terms. Planning Obligations must meet the tests set out in Paragraph 57 of the NPPF.

Policies Map: Map of the district which illustrates the spatial implications of the policies and proposals contained in Development Plan Documents. The map defines sites where particular developments or land uses are favoured, or those areas that are protected from development.

Settlement Hierarchy: Categorises settlements based on their sustainability, functionality, and capacity for new development. Confirms broadly what types of development would be acceptable in each settlement.

Spatial Strategy: Confirms how development needs will be met within a local authority establishing a settlement hierarchy.

⁶ Visit: [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-practice-guidance)

Statement of Community Involvement: Sets out how a local planning authority intends to consult the public and specific organisations in the preparation, alteration and continuing review of all development plan documents and development management decisions. It explains how people and organisations can get involved in the preparation of new planning policy and how they will be consulted on planning applications.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic Flood Risk Assessment: Refines flood mapping information on the probability of flooding from all sources, taking into account the impacts of climate change in order to:

- Provide a map based planning tool that can be used to inform the preparation of planning policy and day-to-day decisions on individual planning applications.
- Inform and anticipate the Environment Agency's response to the various stages of the planning process.
- Help steer new development away from areas at highest risk of flooding.
- Assist with emergency planning.

Strategic Housing Land Availability Assessment: Provides an assessment of sites with the potential to be developed for housing. Informs the site selection process for allocation.

Strategic Policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act.

Supplementary Planning Documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable Drainage Systems (SuDS): Designed to manage flood and pollution risks resulting from surface water flow and contribute to environmental enhancement and place making.

Sustainability Appraisal: The process of assessing the policies and site allocations in a Development Plan Document, for their global, national and local implications on social, economic and environmental objectives.

Use Class: A change in the use of land or buildings can be considered development therefore requiring planning permission. The Town and Country Planning (Use Classes) Order 1987 (as amended) places the use of land and buildings into specific use class categories. The most significant recent overhaul of these categories came into force in September 2020.

Viability Study: Provides an analysis of the local development market. It looks at the economic viability of different types of development on sites across the borough taking into account land and property value, development costs and risks. It helps to understand the level of profitability availability for specific land uses and locations aiding the application of planning policy requirements without risking the deliverability of development.

Pendle Council
Planning, Economic Development and Regulatory Services
Town Hall
Market Street
Nelson
Lancashire
BB9 7LG

Tel: 01282 661661

Email: planningpolicy@pendle.gov.uk

Website: www.pendle.gov.uk/planning

