



GOVERNMENT OFFICE  
FOR THE NORTH WEST

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21 April 2009

Dear Neil,

**SAVED POLICIES**

I am writing with reference to Pendle's application of 5 November 2008 for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Replacement Pendle Local Plan (2001 – 2016) which was adopted on 18 May 2006.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 18 May 2009.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies. The Secretary of State's decisions in respect of some policies have the effect of saving policies that your authority requested should not be extended. For clarity, where this is the case, the Secretary of State's reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.



INVESTOR IN PEOPLE

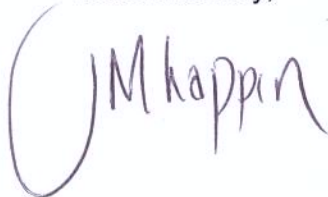


The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the development plan status of the Regional Spatial Strategy.

Following 18 May 2009 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessments in relevant decisions.

Policy reference	Reason for extending
Policy 6 – Development and Flood Risk	<p>The CLG “Protocol for handling proposals to save adopted Local Plans, Unitary Development Plans and Structure Plan policies beyond the 3 year period” states that the Government will have particular regard to certain issues in considering extensions to local plan and UDP saved policies. Among the issues are:</p> <p>“Policies are necessary and do not merely repeat national or regional policy.”</p> <p>“Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources.”</p> <p>If this policy were not saved this would not be the case.</p> <p>Whilst it may be the case, as indicated, that this issue is addressed by PPS 25, the policy is the parent policy for the ‘Development and Flood Risk’ SPG which contains information and advice pertinent to the Pendle area which is regularly updated – for example on Flood Risk Assessments and flood zones and maps prepared by the Environment Agency. The SPG also provides details of SUDS. Specific references to the SPG and SUDS are found in a number of saved policies (and/or their justification) – policy 1 (paragraph 1.10), 4D (4D.5) and 13 (13.9). Similarly there are cross references to policy 13, which makes specific reference to SUDS being incorporated in proposals for new development, in policy numbers 18, 20 and 32.</p>

Yours sincerely,



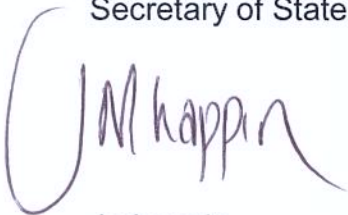
**Jo Lappin**  
Deputy Regional Director



**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND  
COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE REPLACEMENT PENDLE LOCAL PLAN  
(ADOPTED MAY 2006)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

A handwritten signature in purple ink, appearing to read 'Jo Lappin', is written over a large, faint circular stamp.

Jo Lappin  
Deputy Regional Director, Housing, Planning and Transport  
Government Office for the North West  
21 April 2009

## **SCHEDULE**

### **POLICIES CONTAINED IN THE REPLACEMENT PENDLE LOCAL PLAN (ADOPTED MAY 2006)**

#### **ENVIRONMENT**

- Policy 1 Development in the Open Countryside
- Policy 2 Area of Outstanding Natural Beauty
- Policy 3 Green Belt
- Policy 3A Protected Areas
- Policy 4A Natural Heritage – International Sites
- Policy 4B Natural Heritage – National Sites
- Policy 4C Natural Heritage – County and District Designated Sites
- Policy 4D Natural Heritage – Wildlife Corridors, Species Protection and Biodiversity
- Policy 5 Renewable Energy Sources
- Policy 6 Development and Flood Risk
- Policy 7 Water Resource Protection
- Policy 8 Contamination and Pollution
- Policy 9 Buildings of Special Architectural or Historic Interest
- Policy 10 Areas of Special Architectural or Historic Interest
- Policy 11 Archaeology
- Policy 12 Maintaining Settlement Character
- Policy 13 Quality and Design of New Development
- Policy 14 Trees, Woodlands and Hedgerows
- Policy 16 Landscaping in New Development

#### **HOUSING**

- Policy 17 Location of New Housing Development
- Policy 18 Housing Market Renewal
- Policy 20 Quality Housing Provision
- Policy 21 Provision of Open Space in New Housing Development

#### **EMPLOYMENT**

- Policy 22 Protected Employment Areas
- Policy 23 Location of New Employment Development
- Policy 24 Employment in Rural Areas

#### **TOWN CENTRES AND RETAIL DEVELOPMENT**

- Policy 25 Location of Service and Retail Development
- Policy 26 Non-Shopping Uses in Town Centres and Local Shopping Areas
- Policy 27 Retail and Service Land Provision
- Policy 28 Retail and Service Provision in Villages

## **TRANSPORT**

- Policy 29 Creating an Improved Transport Network
- Policy 30 Sustainable Travel Modes
- Policy 31 Parking

## **COMMUNITY, RECREATION AND LEISURE**

- Policy 32 New Community Facilities
- Policy 33 Existing Open Space
- Policy 34 Improved Open Space Provision
- Policy 35 Countryside Access
- Policy 36 Leeds-Liverpool Canal Corridor
- Policy 37 East Lancashire Regional Park
- Policy 38 Telecommunications
- Policy 39 Equestrian Development
- Policy 40 Tourism