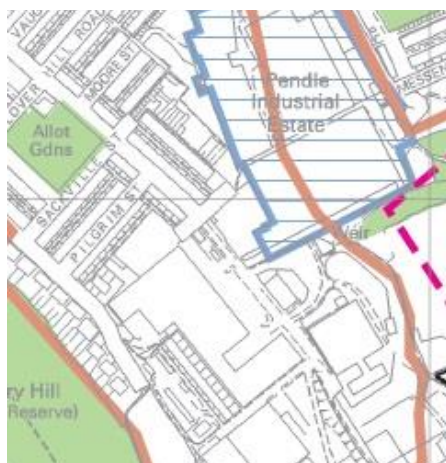


# Preparing a Local Plan for Pendle



## Local Development Scheme

**6<sup>th</sup> Revision**

Effective: 15<sup>th</sup> October 2021



For an alternative format of this  
document phone 01282 661330



## Versions

<b>Document:</b>	Pendle Local Development Scheme – 6 <sup>th</sup> Revision
<b>Legislation:</b>	<a href="#">Section 15 of the Planning and Compulsory Purchase Act 2004, as amended (Section 15)</a>
<b>Regulations:</b>	<a href="#">The Town and Country Planning (Local Development) (England) Regulations 2004, as amended (Part 3)</a>
<b>Author:</b>	Pendle Borough Council
<b>Document Reference:</b>	LP/PRO/001/2020

Version	Date	Detail	Prepared by	Checked by	Approved by
1.1	23.08.21	First draft	Craig Barnes	John Halton	N/A
1.2	23.09.21	Final draft	Craig Barnes	John Halton	N/A



## Contents

<b>1.</b>	<b>What is the LDS?</b> .....	<b>6</b>
<b>2.</b>	<b>Why do we need planning policy?</b> .....	<b>7</b>
	Introduction.....	7
	National Planning Policy and Guidance.....	7
	Local Planning Policy .....	8
<b>3.</b>	<b>Planning policy in Pendle.....</b>	<b>12</b>
	Introduction.....	12
	Development Plan Documents.....	12
	Replacement Pendle Local Plan 2001-2016 .....	13
	Local Plan Part 1: Core Strategy .....	15
	Local Plan Part 2: Site Allocations & Development Policies .....	16
	Bradley Area Action Plan .....	17
	Joint Lancashire Minerals & Waste Local Plan .....	17
	Neighbourhood Plans.....	17
	Policies Map .....	18
	Supplementary Planning Documents.....	18
	Impact Assessment.....	<b>Error! Bookmark not defined.</b>
	Evidence Base .....	22
<b>4.</b>	<b>How is new planning policy prepared?.....</b>	<b>25</b>
	Introduction.....	25
	Engagement and Consultation .....	25
	Document Preparation .....	26
<b>5.</b>	<b>Project Management .....</b>	<b>31</b>
	Introduction.....	31
	Resources .....	31
	Monitoring and Review .....	35
	Risk Assessment .....	35
<b>6.</b>	<b>Summary .....</b>	<b>Error! Bookmark not defined.</b>
	Introduction.....	<b>Error! Bookmark not defined.</b>
	Further information.....	38

## Tables

Table 3.1: The Development Plan for Pendle, October 2021.....	12
Table 3.2: Development Plan Documents in preparation, October 2021.....	13
Table 3.3: Status of Replacement Pendle Local Plan (2001-2016) Policies.....	14
Table 3.4: Supplementary Planning Documents .....	197
Table 5.1: Staff resources (full-time equivalent jobs) .....	310
Table 5.2: Staff responsibilities .....	332
Table 5.3: Input from other Council departments .....	343
Table 5.4: Assessment of potential risks and possible mitigation.....	354

## Figures

Figure 3.1 - Geographical coverage Local Plan documents.....	20
--	----

## Appendices

Appendix 1 – LDS Timetable .....	39
Appendix 2 – DPDs in preparation .....	41
Appendix 3 – SPDs in preparation .....	44
Appendix 4 – Adopted DPDs.....	46
Appendix 5 – Adopted SPDs .....	49
Appendix 6 – Glossary .....	54

## 1. What is the Local Development Scheme?

- 1.1 The [Planning and Compulsory Purchase Act 2004](#) introduced the need for local planning authorities, such as Pendle Council, to prepare and maintain a [Local Development Scheme](#) ["LDS"].
- 1.2 The LDS is the Council's three-year project plan for preparing new planning policy documents. It is the starting point for the local community and any other interested parties looking to find out more about these documents.
- 1.3 The LDS sets out details for each [Development Plan Document](#) ["DPD"] in Pendle and a timetable for its production. Although no longer required to do so, it continues to provide details of any [Supplementary Planning Documents](#) ["SPDs"]. SPDs provide additional detail and guidance to help use policies in a DPD.
- 1.4 Pendle Council prepared its first LDS in 2005 and has issued subsequent updates effective from the dates shown below:
  1. Pendle Local Development Scheme (2004-2009) ..... 27<sup>th</sup> January 2005
  2. First Revision (2005-2011) ..... 22<sup>nd</sup> September 2005
  3. Second Revision (2005-2011) ..... 10<sup>th</sup> April 2007
  4. Third Revision (2008-2014) ..... 31<sup>st</sup> December 2008
  5. Fourth Revision ..... 22<sup>nd</sup> November 2012
  6. Fifth Revision ..... 19<sup>th</sup> June 2014
- 1.5 Publication of the sixth revision of the LDS was originally scheduled for 2018. It was delayed to allow the Council to consider the implications of changes made to the [National Planning Policy Framework](#) ["NPPF"] in July 2018, February 2019, and July 2021; subsequent resourcing and staffing issues and the implications of the COVID-19 outbreak.
- 1.6 The sixth revision supersedes all previous versions of the LDS. It sets out the work programme for the three-year period 2021-2024. The timetable for each document includes "consultation milestones". These show when there are opportunities for informal or formal engagement in the plan making process.
- 1.7 The LDS will be reviewed on a regular basis to ensure that it is up to date.
- 1.8 A full glossary, explaining the terms and acronyms used throughout this document, is included at Appendix 6.

## 2. Why do we need planning policy?

### Introduction

- 2.1 Planning helps to shape the places where people live and work. Good planning makes sure that the right type of development takes place in the right location and at the right time.
- 2.2 The planning system in England is plan-led. It has undergone significant change in recent years. The government publication [Plain English guide to the Planning System](#) (January 2015) provides an overview of how the planning system in England works.
- 2.3 The policies in these plans are used to guide decisions on applications for planning permission. They help to ensure that these decisions are rational and consistent.
- 2.4 The key elements of the current system are set out below.

### National Planning Policy and Guidance

#### Legislation

- 2.5 Government legislation sets out the purpose and content of Local Plans. This information is set out in various Acts of Parliament and Statutory Instruments:
  - [The Town and Country Planning Act 1990](#)
  - [Planning and Compulsory Purchase Act 2004](#)
  - [Planning Act 2008](#)
  - [Localism Act 2011](#)
  - [Housing and Planning Act 2016](#)
- 2.6 The Government also issues legally binding Regulations. These outline the detailed requirements to support the duties set out in these Acts. Those influencing the preparation and content of Local Plans are:
  - [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

#### National Planning Policy Framework [“NPPF”]

- 2.7 The [National Planning Policy Framework](#) (NPPF) is a key part of the government’s reforms to make the planning system less complex and more accessible. Introduced in March 2012, it has been updated in July 2018, February 2019 and July 2021.
- 2.8 The NPPF sets out the government’s planning policies for England. It also explains how they should be applied. In short the NPPF makes clear what the government expects from new development.

- 2.9 In Chapter 3 the NPPF outlines the government's expectations for plan-making:
- Local Plans are central to the planning system in England;
  - There should be "a presumption in favour of sustainable development" and any planning applications that promote sustainable development, should normally be permitted; and
  - The purpose of planning is to help achieve sustainable development, but not at any cost.
- 2.10 The NPPF does not include policies for nationally significant infrastructure projects ["NSIPs"]. These are determined by the Secretary of State.

### **Planning Practice Guidance ["PPG"]**

- 2.11 The Government launched its streamlined [planning practice guidance](#) on 6 March 2014. This online resource is kept under constant review and updated as necessary. The user friendly format provides simplicity and clarity in the planning system. The aim is to increase community involvement and give power back to local communities.
- 2.12 PPG provides further detail on how to apply the planning policies in the NPPF. The [guidance on plan-making](#) makes clear that the Local Plan must:
- Be positively prepared in cooperation with the local community, key stakeholders and other interested parties;
  - Set out broad locations and specific allocations of land for different purposes;
  - Highlight areas where particular opportunities or considerations apply (e.g. protected areas within the natural and historic environment);
  - Establish criteria-based policies to be taken into account by officers when considering planning applications for new development; and
  - Illustrate the geographical application of policies in the plan on the Policies Map.

## **Local Planning Policy**

### **The Development Plan**

- 2.13 The Development Plan is a suite of statutory planning documents. Together they set out the policies, proposals and site specific allocations that are used to guide the nature and location of development in an area. They help to ensure that the decisions taken by planning officers responsible for deciding whether to grant or refuse planning permission are both rational and consistent.
- 2.14 The Development Plan for Pendle includes:
- The Pendle Local Plan;
  - The Joint Lancashire Minerals and Waste Local Plan; and
  - Any Area Action Plans or Neighbourhood Plans that have been 'made'



- 2.15 Documents that will form part of the Development Plan are referred to as [Development Plan Documents](#) ["DPDs"]. The policies in a DPD can be used to determine planning applications from the date they are first published. The NPPF (paragraph 48) sets out the weight you should give to these policies in decision taking. As a "rule of thumb" the more advanced a plan is, the greater the weight you must give to the policies within it.

### **The Local Plan**

- 2.16 The Local Plan, as its name suggests, is the key local component of the Development Plan. It can be a single document, or a portfolio of planning documents. It establishes a vision for the future of the borough and the strategic objectives and policies to:
- Provide a positive response to our future growth and development needs
  - Establish a framework for the preparation of neighbourhood plans
- 2.17 Once the Local Plan has been adopted by the Council, it becomes part of the Development Plan for the borough. It indicates where and when future growth and development in the borough will occur. The policies and site allocations provide the starting point when considering whether applications for planning permission should be approved. The key objectives of the Local Plan are to:
- Promote sustainable development
  - Stimulate economic and housing growth
  - Address climate change
  - Preserve and enhance the natural and historic environment
  - Encourage high quality design
  - Improve connectivity between places
  - Embrace community engagement

### **Area Action Plans**

- 2.18 Area Action Plans are typically prepared for specific areas of regeneration need. As a DPD the policies within them form part of the statutory development plan once they are adopted.

### **Neighbourhood Plans**

- 2.19 The Localism Act 2011 enabled Parish and Town Councils to prepare a Neighbourhood Plan for their area. This gives local communities an opportunity to influence development in their area. Legislation governing the production and content these plans is in the following documents.
- [Localism Act 2011](#)
  - [The Neighbourhood Planning \(General\) Regulations 2012.](#)
  - [The Neighbourhood Planning Act 2017](#)
- 2.20 Neighbourhood Plans must:
- Have regard to national planning policy;
  - Be in general conformity with strategic policies in the development plan for the local area (i.e. the core strategy)
  - Be compatible with EU obligations and human rights requirements.

- 2.21 If successful at referendum, Neighbourhood Plans become part of the Development Plan. Their policies are then used to determine planning applications. Details about where developers must consider policies in a Neighbourhood Plan are on our website:

- [www.pendle.gov.uk/neighbourhoodplans](http://www.pendle.gov.uk/neighbourhoodplans)

### Supplementary Planning Documents

- 2.22 [Supplementary Planning Documents](#) ["SPDs"] add further detail to the policies in the Local Plan. They use a mix of text, illustrations and practical examples to expand on how the parent policy should be interpreted. They can be used to provide further guidance for development on specific sites, or on particular issues. SPDs often take the form of design guides, area development briefs and master plans or deal with a specific issue or topic.
- 2.23 Local authorities must involve the community in the preparation of an SPD. They do not form part of the Development Plan, so they are not subject to independent examination. They are a material consideration in the determination of planning applications.

### Supporting Documents

- 2.24 UK regulations require a number of other documents to be prepared alongside the Local Plan. These help to inform its preparation. The key 'supporting documents' are:
- **Scoping Report** – Sets out the process used to determine whether the policies and proposals under consideration make a positive contribution to sustainable development.
  - **Sustainability Appraisal ["SA"]** – Considers the economic, social and environmental impacts of the policies and proposals within a plan. It evaluates these against all reasonable alternatives. Where required to do so the law, the SA Report applies the Directive on Strategic Environmental Assessment ["SEA"]. This is a method for systematically identifying and evaluating the impacts that a plan is likely to have on the environment. As part of a full sustainability appraisal this helps to ensure that the policies in the plan reflect sustainable development principles.
  - **Habitats Regulations Assessment ["HRA"]** – Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires an Appropriate Assessment to be carried out for any plan or project which, either alone or in combination with other plans or projects, is likely to have a *significant effect* on a European Site. European sites are defined by Regulation 10 of the Habitats Regulations and include sites designated as Special Areas of Conservation (SACs) or classified as Special Protection Areas (SPAs). The assessment will determine whether the plan would adversely affect the integrity of a designated European Site in terms of its nature conservation objectives.
  - **Consultation Statement** – Reflects the Government's desire to strengthen stakeholder and community involvement in planning. It describes how the local community, and organisations with an interest in the area, have helped to prepare new planning policy. Regulations require the statement to be submitted to the Secretary of State alongside the Local Plan (Regulation 22). For SPDs the statement is made available for public inspection during the formal public participation stage (Regulation 12). To aid transparency and provide accountability, Pendle Council publishes a statement following each formal public consultation. This allows consultees to see how their comments help to shape successive versions of the plan.

### Process Documents

- 2.25 The Council has to be clear and accountable for the plans it makes and the decisions it takes. Legislation requires us to prepare an LDS and the following documents:
- [Statement of Community Involvement](#) [“SCI”] – Sets out how the Council will involve the public and other key stakeholders when preparing new planning policy; and taking decisions on planning applications
  - [Authority Monitoring Report](#) [“AMR”] –To be prepared and published as soon as practical after the close of the monitoring year on 31st March. The AMR records progress against the timetable set out in the LDS. It also looks at the usage and effectiveness of existing planning policies, using a set of agreed indicators.

### 3. Planning policy in Pendle

#### Introduction

- 3.1 The publication of the NPPF in March 2012 had significant implications for the planning system in England. But it made clear that any documents (and the policies within them) prepared before its publication do not have to be considered out-of-date; noting that:

*“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

- 3.2 This continues to be recognised in the latest revision of the NPPF at paragraph 215 (Annex 1).
- 3.3 A diagram illustrating the timetable for the production of new planning policy documents in Pendle, up to the end of 2024, is included at Appendix 1.
- 3.4 Detailed information on individual documents can be found in the profiles in Appendices 2-4. Figure 3.1 at the end of this chapter illustrates the geographical coverage for each of these documents.

#### Development Plan Documents

- 3.5 Planning officers decide whether to grant or refuse applications for planning permission. Policies in the Development Plan help them to make rational and consistent decisions.

**Table 3.1: The Development Plan for Pendle, October 2021**

Document	DPDs	Details of adoption
Pendle Local Plan	<a href="#">Saved Policies from the Replacement Pendle Local Plan 2001-2016</a> <sup>1</sup>	Adopted on 18 May 2006
	<a href="#">Bradley Area Action Plan</a>	Adopted on 30 June 2011
	<a href="#">Pendle Local Plan Part 1: Core Strategy</a>	Adopted on 17 December 2015
Neighbourhood Plans	<a href="#">Trawden Forest Neighbourhood Plan</a>	Successful at Referendum on 14 November 2018 Formally ‘made’ at Council on 26 March 2019
	<a href="#">Barrowford Neighbourhood Plan</a>	Successful at Referendum on 7 November 2018 Formally ‘made’ at Council on 17 December 2019
Joint Minerals & Waste Local Plan	Core Strategy <a href="#">Part One</a> & <a href="#">Part Two</a>	Adopted in February 2009
	Site Allocation & Development Management Policies <a href="#">Part One</a> & <a href="#">Part Two</a>	Adopted in September 2013

<sup>1</sup> The saved policies are listed in Appendix C of the [Core Strategy](#).

- 3.6 The Development Plan is a set of statutory documents,<sup>2</sup> which set out the policies, proposals and site specific allocations used to guide the nature and location of development. The local plan, area action plans and neighbourhood plans are all considered to be Development Plan Documents [“DPDs”] (Table 3.1)
- 3.7 A number of other documents, also intended to become part of the Development Plan for Pendle, are summarised in (Table 3.2).

**Table 3.2: Development Plan Documents in preparation, October 2021**

Document	DPDs	Current or next stage
Pendle Local Plan	<a href="#">Pendle Local Plan Part 2: Site Allocations and Development Policies</a>	Regulation 19 (December to February 2022)
Joint Minerals & Waste Local Plan	<a href="#">Review of the Site Allocations and Development Management Policies Local Plan and Core Strategy</a>	Review (Dates TBC)
Neighbourhood Plans	<a href="#">Colne</a>	Regulation 16 Consultation (Estimated Autumn 2021)
	<a href="#">Kelbrook and Sough</a>	Regulation 14 Consultation (Consultation ongoing)

- 3.8 DPDs are prepared in cooperation with the local community and subject to formal public consultation (see Chapter 4). Following their submission to the Secretary of State they are tested by an independent Inspector or Examiner.
- 3.9 A DPD comes into force once it has been formally adopted by the Council (or immediately after a positive referendum result in the case of a Neighbourhood Plan). All DPDs are subject to annual monitoring to ensure that the policies within them are working as intended.
- 3.10 For Local Plans a sustainability appraisal, which addresses the legal requirement for strategic environmental assessment, runs in tandem with this process and is also examined.
- 3.11 In Pendle, planning decisions are currently guided by a mix of saved policies from the Replacement Pendle Local Plan 2001-2016, insofar as they are compliant with the NPPF, and the policies in an adopted DPD or Neighbourhood Plan (Table 3.3). Applications are also assessed against the guidance set out in any Supplementary Planning Documents [“SPD”], which are linked to the policies within these documents (Table 3.4).

### Replacement Pendle Local Plan 2001-2016

- 3.12 The Replacement Pendle Local Plan (2001-2016) was adopted by Pendle Council on 18<sup>th</sup> May 2006. The policies within this plan, insofar as they are compliant with NPPF, will remain part of the Development Plan, until such time that they are replaced by policies in the emerging Local Plan (see Table 3.3).

<sup>2</sup> Statutory in this context refers to written law introduced by the national government.

**Table 3.3: Status of Replacement Pendle Local Plan (2001-2016) Policies**

Replacement Pendle Local Plan 2001-2016		Pendle Local Plan 2011-2030	
No.	Policy	Part One (Adopted)	Part Two (Draft)
1	Development in the Open Countryside	SDP2 • ENV1	SDP7 • ENV8 • ENV9
2	Area of Outstanding Natural Beauty	ENV1 • ENV2	ENV8 • ENV9 • ENV10
3	Green Belt	ENV1 • ENV2	ENV8 • ENV11
3A	Protected Areas	LIV2	LIV8 [1]
4A	Natural Heritage – International Sites	ENV1	SDP9 • ENV13
4B	Natural Heritage – National Sites	ENV1	ENV13
4C	Natural Heritage – County and District Designated Sites	ENV1	ENV13
4D	Natural Heritage – Wildlife Corridors, Species Protection and Biodiversity	ENV1	ENV13
5	Renewable Energy Sources	ENV3	ENV27
6	Development and Flood Risk	ENV7	-
7	Water Resource Protection	ENV7	-
8	Contamination and Pollution	ENV5	ENV17 • ENV18
9	Buildings of Special Architectural or Historic Interest	ENV1 • ENV2	ENV21
10	Areas of Special Architectural or Historic Interest	ENV1 • ENV2	ENV21 • ENV22
11	Archaeology	ENV1	ENV21 • ENV22
12	Maintaining Settlement Character	-	ENV15 Site Allocation
13	Quality and Design of New Development	ENV2 • LIV5 WRK6 • SUP4	ENV19 • ENV20 ENV25 • ENV27
14	Trees, Woodland and Hedgerows	ENV1	ENV16
16	Landscaping in New Development	-	ENV19
17	Location of New Housing Development	SDP3 • LIV2 LIV3 • LIV4	LIV7 Site Allocation
18	Housing Market Renewal	-	-
20	Quality Housing Provision	LIV5	LIV6 • LIV7 • LIV8 LIV9 • LIV10 • LIV11 LIV12 • LIV13 • LIV14 WRK9
21	Provision of Open Space in New Housing Development	LIV5	ENV14 • ENV15
22	Protected Employment Areas	-	WRK7 • WRK8 Site Allocation
23	Location of New Employment Development	SDP4 • WRK2	WRK7 • WRK9
24	Employment in Rural Areas	WRK1 • WRK2 WRK5	WRK11

Replacement Pendle Local Plan 2001-2016		Pendle Local Plan 2011-2030	
No.	Policy	Part One (Adopted)	Part Two (Draft)
25	Location of Service and Retail Development	SDP5 • WRK4 SUP1	WRK8 • WRK9 WRK10 • WRK11
26	Non-Shopping Uses in Town Centres and Local Shopping Areas	-	WRK10 Site Allocation
27	Retail and Service Land Provision	-	WRK11 Site Allocation
28	Retail and Service Provision in Villages	SDP5 • WRK4 SUP1	WRK11
29	Creating an Improved Road Network	ENV4	Site Allocation
30	Sustainable Travel Modes	ENV4	ENV 24
31	Parking	-	ENV25 • ENV26 Site Allocation
32	New Community Facilities	SUP1 • SUP2 SUP3	SUP5 • SUP6 Site Allocation
33	Existing Open Space	ENV1	ENV15 Site Allocation
34	Improved Open Space Provision	ENV1	ENV15
35	Countryside Access	WRK5	ENV24
36	Leeds-Liverpool Canal Corridor	WRK5	ENV22
37	East Lancashire Regional Park	-	-
38	Telecommunications	-	SDP8 • WRK13
39	Equestrian Development	-	ENV23
40	Tourism	WRK5 • SUP1	WRK11 • WRK12
	Policy is considered to be compliant with the NPPF		
	Policy is considered to be largely compliant with the NPPF		
	Significant elements of the policy are considered to be non-compliant with the NPPF		
	Local policy with little or no relation to the NPPF		
[1]	The continued validity of these designations will be reviewed during the preparation of Pendle Local Plan Part 2: Site Allocations and Development Policies (LP2).		

3.13 Pendle Council is currently preparing a new two-part Local Plan (see below).

#### Local Plan Part 1: Core Strategy

3.14 [The Pendle Local Plan Part 1: Core Strategy](#) ["LP1"] was formally adopted at a meeting of the Council on 17 December 2015. It is the key document in the new two-part Local Plan.

3.15 LP1 establishes the long-term spatial vision for the area. The strategic objectives and policies help deliver to this vision whilst preserving local distinctiveness. Specifically it establishes:

- a settlement hierarchy and show how new development should be distributed across Pendle
- how many new homes should be built in different parts of Pendle

- how much employment land should be developed
  - a broad framework for the protection and enhancement of our natural and historic environments
- 3.16 The policies in LP1 are consistent with national planning policy and guidance. They guide growth and development to the most sustainable locations in the borough. They are flexible enough to endure through changing circumstances over the plan period (2011-2030). All other planning policy documents must build on the principles set out in LP1.
- 3.17 Higher level policy is not replicated within LP1, so the NPPF is a material consideration in all planning decisions (NPPF, paragraph 2).
- 3.18 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require local planning authorities to review local plans at least once every 5 years to ensure that policies remain relevant and effectively address the needs of the local community.
- 3.19 This review was conducted and published by the Council in January 2021 and is available to view on the Council's [website](#). This review concludes that most of the policies of the Core Strategy are considered to remain up-to-date and relevant. Some policies were however acknowledged as being out-of-date, in need of revision or refreshed, which is to be addressed through the emerging Local Plan Part 2: Site Allocations & Development Policies. The review also sets out interim guidance on the position of the Council, applying the requirements of the NPPF, until the Local Plan Part 2 is adopted by the Council.

### **Local Plan Part 2: Site Allocations & Development Policies**

- 3.20 The allocation of specific sites for future development and the identification of areas where development will be resisted, or required to meet higher standards of design, will be articulated in [Local Plan Part 2: Site Allocations and Development Policies](#) ["LP2"], which is currently in preparation. Specifically LP2 will:
- Allocate a portfolio of sustainable sites for future development.
  - Identify areas where protection of the built or natural environment is an important consideration. In these areas development will be resisted, or required to meet higher standards of design.
  - Include policies setting out the detailed requirements for new development. These provide further guidance for officers when assessing applications for planning permission.
- 3.21 In addition, and in response to recent changes in regulations and national planning policy, the LP2 will also review the housing requirement for Pendle for the remaining plan period, and amend the Council's town centres policy.
- 3.22 Informal engagement and formal public consultation on LP2 initially paralleled that for LP1. Two formal 'Call for Sites' were held in 2008 and 2009, with in excess of 220 sites suggested to the Council as having development potential in the future.
- 3.23 Work on the identification and selection of specific development sites and the preparation of detailed planning policy stopped when LP1 was submitted for independent examination in 2015.



- 3.24 Following the adoption of LP1 work recommenced on LP2. A draft Scoping Report and Methodology was consulted upon in early 2017 and a revised version approved at the meeting of the Council's Executive Committee on Thursday 24 August 2017. A third and final 'Call for Sites' exercise brought the total number of sites to consider to over 300.
- 3.25 It is anticipated that LP2 will be submitted to the Secretary of state for independent examination in early Spring 2022.

### **Bradley Area Action Plan**

- 3.26 The Bradley Area Action Plan adopted in July 2011, guides regeneration activity in a small area close to the centre of Nelson. It was prepared in advance of the Core Strategy. It was needed to support the delivery of projects funded through the time-limited Housing Market Renewal ["HMR"] pathfinder programme. The plan re-allocates a former employment site at Riverside Mills for housing.
- 3.27 In April 2002, the government announced nine Housing Market Renewal ["HMR"] pathfinder partnerships. Their purpose was "to renew failing housing markets in nine designated areas of the North and Midlands of England" through a programme of demolition, refurbishment and new-building.
- 3.28 Pendle formed part of the East Lancashire HMR Pathfinder. The Council sought to prepare four Area Action Plans ahead of the Core Strategy to support the early implementation of regeneration initiatives in parts of Brierfield, Nelson and Colne. The [Bradley Area Action Plan](#) is the only one of these to have been adopted by the Council. Since 30 June 2011 it has been used to guide regeneration activity in a neighbourhood immediately east of Nelson town centre.

### **Joint Lancashire Minerals & Waste Local Plan**

- 3.29 The [Joint Lancashire Minerals and Waste Local Plan](#) ["JLMWLP"] is a two part document, which addresses planning for minerals extraction and the handling of waste. It covers the areas administered by the Councils of Lancashire, Blackpool and Blackburn-with-Darwen and is prepared by Lancashire County Council.
1. The **JLMWLP Core Strategy** (2009) sets out the long-term spatial vision for the area. It establishes the spatial objectives and policies required to deliver that vision.
  2. Policies in the **JLMWLP Site Allocations and Development Control Policies DPD** (2013) identify specific locations for minerals and waste development. It also includes a series of criteria-based policies which ensure that all development within the area meets the spatial vision and spatial objectives set out in the Core Strategy.

### **Neighbourhood Plans**

- 3.30 Four Neighbourhood Areas have been formally designated for the purposes of allowing the Parish or Town Council to prepare a Neighbourhood Development Plan ["Neighbourhood Plan"] for their area. These are:
- Barrowford
  - Trawden Forest
  - Colne
  - Kelbrook and Sough

- 3.31 Two Neighbourhood Plans have been approved at Referendum and formally “made” (adopted) by Pendle Council.
- [Trawden Forest Neighbourhood Plan](#) ..... 26 February 2019
  - [Barrowford Neighbourhood Plan](#) ..... 17 December 2019
- 3.32 The appendices do not include a timetable (Appendix 1) or detailed document profiles (Appendices 2-5) detailing the preparation of individual neighbourhood plans. This is because the timing and delivery of these documents are the responsibility of the ‘qualifying body’ which, in Pendle must be a Parish or Town Council.

### **Policies Map**

- 3.33 The Policies Map (previously known as the Proposals Map) represents the spatial expression of the policy designations and site allocations in the Local Plan. It displays these on an Ordnance Survey map base.
- 3.34 [The online version of the Policies Map](#) also includes policy designations and site allocations from other adopted DPDs covering all or part of the borough (e.g. area action plans and neighbourhood plans).

### **Supplementary Planning Documents**

- 3.35 Supplementary Planning Documents [“SPD”] do not form part of the Development Plan. They provide additional guidance to assist with the implementation of policies in a DPD.
- 3.36 To the extent that they are compliant with the NPPF, they remain in force until such time that the ‘parent’ policy they are associated with is replaced or deleted.<sup>3</sup> At that time any planning guidance to be retained will need to be revised as necessary and consulted upon.
- 3.37 To date four SPDs have been prepared and adopted by Pendle Council. Two helped to support the implementation of the HMR programme in Pendle. The others provide guidance on achieving good quality design in new development:
- Brierfield Canal Corridor Housing Brief SPD ..... 27 October 2005
  - Conservation Area Design and Development Guidance SPD ..... 14 August 2008
  - Design Principles SPD ..... 10 December 2009
  - Brierfield Railway Street Area SPD ..... 9 December 2010
- 3.38 The performance of these SPDs is reviewed annually in the Authority Monitoring Report [“AMR”].
- 3.39 Table 4.4 provides details of these SPDs, together with earlier Supplementary Planning Guidance [“SPG”] prepared by Pendle Council, which is still considered to be current.

---

<sup>3</sup> The ‘parent’ policies for an SPD are in the Replacement Pendle Local Plan 2001-2016 (2006), Bradley Area Action Plan DPD (2011) or Local Plan Part 1: Core Strategy (2015).

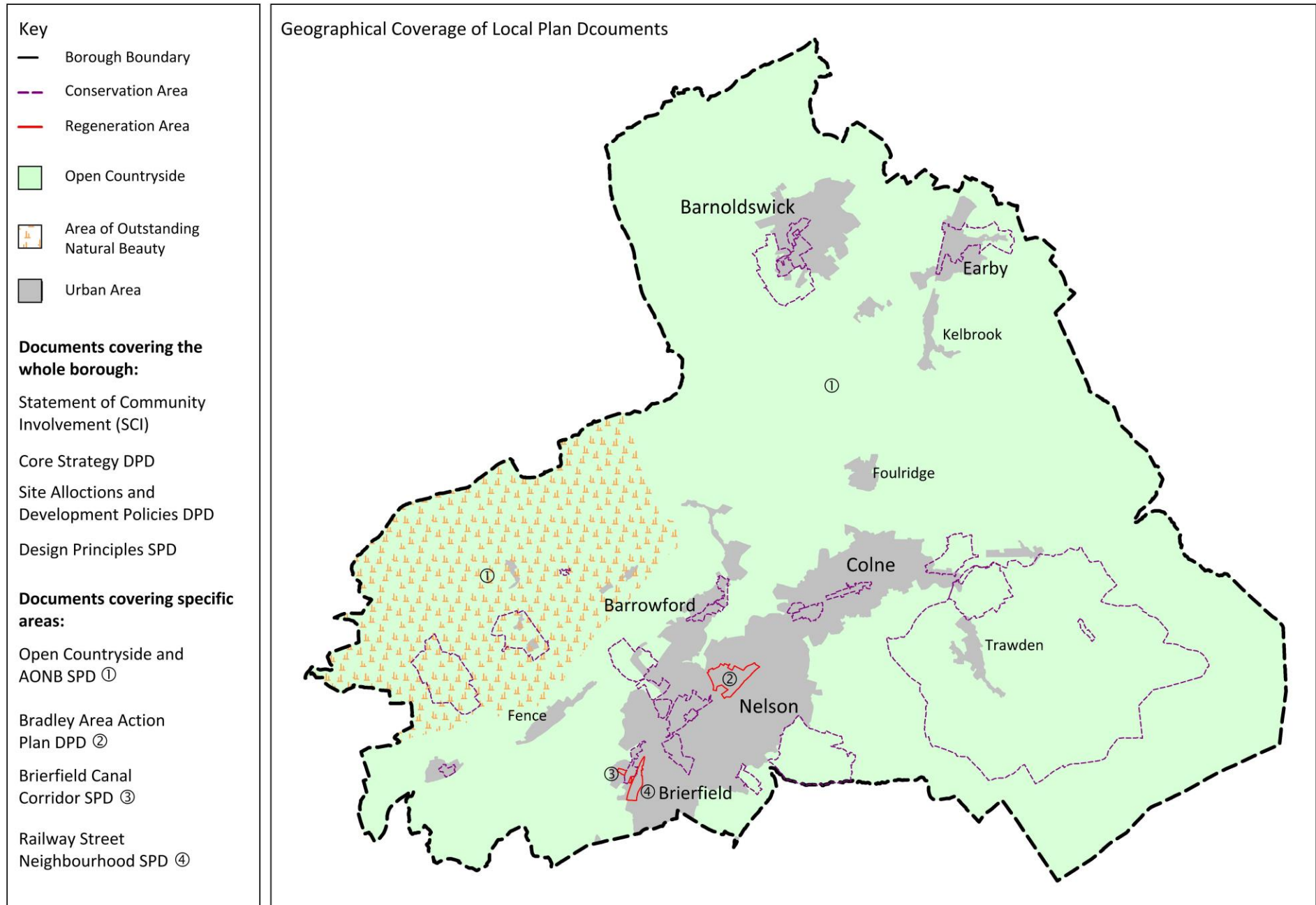
**Table 3.4: Supplementary Planning Documents**

Document Title	Policy Link <sup>1</sup>	Current Status	Proposed Action
<a href="#">Development in the Open Countryside SPG</a> (September 2002)	Policy 1 Development in the Open Countryside	Saved until parent policy is replaced	REPLACE Development in the Open Countryside and AONB SPD
<a href="#">Forest of Bowland AONB SPG</a> (December 2003)	Policy 2 Area of Outstanding Natural Beauty	Saved until parent policy is replaced	REPLACE Development in the Open Countryside and AONB SPD
<a href="#">Brierfield Canal Corridor Housing Brief SPD</a> (October 2005)	Policy LIV1 Housing Provision and Delivery	Saved until parent policy is replaced, or development is completed	REMOVE When development is completed.
<a href="#">Pendle Conservation Area Design and Development Guidance SPD</a> (August 2008)	Policy 10 Areas of Special Architectural or Historic Interest	Saved until parent policy is replaced	UPDATE Link to Policy ENV1 (Core Strategy) and emerging policies in the Site Allocations & Development Policies DPD
<a href="#">Design Principles SPD</a> (December 2009)	Policy 13 Quality and design of new development	Saved until parent policy is replaced	UPDATE Link to Policies ENV2, LIV5, WRK6 and SUP4 (Core Strategy) and emerging policies in the Site Allocations & Development Policies DPD
<a href="#">Railway Street Neighbourhood SPD</a> (December 2010)	Policy LIV1 Housing Provision and Delivery	Saved until parent policy is replaced, or development is completed	REMOVE When development is completed.

<sup>1</sup> Replacement Pendle Local Plan 2001-2016 (Pendle Council, May 2006)

- 3.40 After 26 November 2008, [section 180 of the Planning Act 2008](#) removed the need for the LDS to include details of any proposed SPDs. It also removed the automatic requirement to carry out and report on a sustainability appraisal of the proposals in an SPD (see impact assessment below).
- 3.41 As the existing and proposed SPDs form an important part of the planning policy framework for Pendle, and are few in number, we continue to include their details in the LDS for transparency.
- 3.42 Should any additional SPDs be considered necessary, these will be identified in the AMR and future revisions of the LDS. They will also be made available on the Council's website at [www.pendle.gov.uk/spd](http://www.pendle.gov.uk/spd)

At the time of writing it is proposed to prepare one further SPD. This will update the present supplementary planning guidance on development in the open countryside and the Forest of Bowland Area of Outstanding Natural Beauty ["AONB"].



- 3.43 The geographical coverage of the DPDs and SPDs adopted by Pendle Council and any Neighbourhood Plans that have been made following a Referendum is shown in Figure 4.1.

### **Impact Assessment**

- 3.44 The policies in DPDs and SPDs will have environmental, economic and social impacts. It is important to consider the “likely significant effects” that any proposals may have. These should also be considered in combination with the potential impacts from other plans and strategies covering all or part of the borough.
- 3.45 Where a detailed screening process has found it necessary, a Sustainability Appraisal [“SA”], Habitat Regulations Assessment [“HRA”] and Equality Impact Assessment [“EqIA”] accompany each DPD and SPD. The impacts on health are considered through the SA process.

### **Sustainability Appraisal**

- 3.46 As the local planning authority, the Council must consider if a plan is likely to have any significant environmental effects. It must consult the ‘consultation bodies’ before making any determination.<sup>4</sup>
- 3.47 Where it is agreed that a plan is unlikely to have any significant environmental effects, a statement must be prepared setting out the reasons for this determination.<sup>5</sup>
- 3.48 The Council must carry out a Sustainability Appraisal [“SA”] for all DPDs. This requirement is set out in The Planning and Compulsory Purchase Act 2004 and associated regulations. The SA process considers the environmental, social and economic impacts of the proposed plan.
- 3.49 The Pendle SA Toolkit (2017) indicates the required format of the SA Report. The toolkit was prepared for the Council by consultant’s Wood plc. It accords with the latest government guidelines and addresses the EU Directive on Strategic Environmental Assessment [“SEA”], as appropriate.
- 3.50 A technical report, identifying baseline information for the SA, is available for comment at the Issues and Options stage. A more detailed report is prepared at the Preferred Options stage. This evaluates all the realistic alternatives that have been considered. It provides reasons for their acceptance, or rejection. A non-technical summary is also made available at each stage.
- 3.51 The Planning Act 2008 and Town and Country Planning (Local Planning) (England) Regulations 2012 removed the requirements for an SA Report to be produced for all SPDs. The Council is still required to screen its SPDs to ensure that the legal requirements for SA are met. This applies where impacts are not covered by the SA for the parent DPD, or where an assessment is required by the SEA regulations.

### **Habitat Regulations Assessment**

- 3.52 The Habitat Regulations Assessment [“HRA”] Screening Report determines whether the plan proposals, either alone or in combination with other proposals, may affect a European site. This is a site where species or habitats are protected under the European Union (EU) Habitats Directive. The screening report must be sent to Natural England for scrutiny.

---

<sup>4</sup> The consultation bodies are Natural England, Historic England and the Environment Agency.

<sup>5</sup> Regulation 9 of The Environmental Assessment of Plans and Programmes Regulations 2004.

### **Equality Impact Assessment**

- 3.53 EqlA is a tool to help local authorities. It considers whether their policies or the way they carry out their functions do what is intended and for everybody. EqlA helps to meet the requirements of the equality duties and identifies active steps to promote equality.
- 3.54 EqlA involves systematically assessing the likely (or actual) effects of policies on people. It looks at disability, gender and racial equality. If required it can also look at wider equality areas.
- 3.55 A wide range of potential impacts are considered when preparing planning policy. The in-house Service Impact Assessment pro-forma is used to ensure consistency. This looks at equality, diversity, cohesion, health, community safety, sustainability and resources.

### **Health Impact Assessment**

- 3.56 Health Impact Assessments [“HIA”] are not a legal requirement. They do not generally involve new research or generate original scientific knowledge.
- 3.57 The procedure is like that used in other forms of impact assessment. The aim is to apply existing knowledge and evidence about health impacts, to specific social and community contexts. It provides evidence-based recommendations that inform decision-making. This approach helps to maximise the positive health impacts of policies, programs or projects. It also helps to minimise any negative impacts. In doing so it improves community health and well-being.
- 3.58 There is extensive cross-over with both the SA and EqlA processes. The potential impacts on health arising from policies in the Local Plan are addressed in the SA Report. Specifically sustainability objective H2. On this basis the Council does not propose to publish a separate HIA for any DPDs or SPDs that it produces.

### **Evidence Base**

- 3.59 The NPPF requires Local Plans to be prepared positively, in a way that is aspirational but deliverable (paragraph 15). They should be based on adequate, relevant and up-to-date evidence. This should be focussed and proportionate; taking account of relevant market signals (paragraph 31).
- 3.60 The Council is under a duty to cooperate with neighbouring authorities and others to plan for strategic matters that cross administrative boundaries. They must show evidence, in the form of a statement of common ground, of effective and on-going engagement to this effect (paragraphs 24 and 27).
- 3.61 To comply with this requirement and help reduce costs the Council has, wherever possible, sought to produce a joint evidence base with one or more neighbouring authorities.
- 3.62 The documents listed in Table 3.5 provide proportionate evidence on the economic, environmental and social characteristics and prospects of the area. They are kept as up-to-date as possible, through a continuous process of review, or replacement.

**Table 3.5: Evidence Base Documents**

Document	Publisher	Date
<b>Housing</b>		
Burnley & Pendle Strategic Housing Market Assessment	Nathaniel Lichfield & Partners	December 2013
Pendle Housing Needs Study Update	Nathaniel Lichfield & Partners	September 2014
Pendle Housing Needs Assessment <sup>6</sup>	Lichfields	January 2020
Pendle Strategic Housing Land Availability Assessment <sup>7</sup>	Pendle Council	May 2008
	Pendle Council	September 2014
	Pendle Council	March 2019
	Pendle Council	TBC 2021
Lancashire Sub-Regional Gypsy and Traveller Accommodation and Related Services Assessment	The Salford Housing and Urban Studies Unit of the University of Salford	May 2007
Burnley & Pendle Gypsy, Traveller and Travelling Showpeople Accommodation Assessment	The Salford Housing and Urban Studies Unit of the University of Salford	August 2012
<b>Employment</b>		
Pendle Employment Land Review	Pendle Council	March 2008
	Pendle Council	September 2014
Pendle Retail Survey <sup>8</sup>	Pendle Council	July 2011
Pendle Retail Capacity Study	Nathaniel Lichfield & Partners	July 2010
	Nathaniel Lichfield & Partners	August 2012
<b>Environment</b>		
Pendle Biodiversity Audit	Pendle Council	September 2010
Pendle Green Infrastructure Strategy	LUC	July 2019
Pendle Green Belt Assessment	DLP Planning	August 2017
Pendle Open Space Audit	Pendle Council	November 2008
	Pendle Council	March 2019
Pendle Strategic Flood Risk Assessment	Entec	October 2006
	JBA Consulting	November 2021
South Pennine Renewable & Low Carbon Energy Study	Maslen Environmental	December 2010

<sup>6</sup> Replaces the Pendle Strategic Housing Market Assessment (2015) and updates the Gypsy, Travellers and Travelling Showmen Accommodation Assessment (2012).

<sup>7</sup> The SHLAA is updated annually in the Authority Monitoring Report.

<sup>8</sup> A retail occupancy survey is carried out annually, with results published in the Authority Monitoring Report. Detailed reports on occupancy levels, vacancy rates and retail capacity are published as needed.



Document	Publisher	Date
<b>Miscellaneous</b>		
Pendle Development Viability Study	Colliers International / Aspinall Verdi	September 2014
	Lambert Smith Hampton	February 2020
Pendle Sustainable Settlements Study	Pendle Council	November 2008
Pendle Infrastructure Strategy	Pendle Council	September 2014
Rossendale, Pendle & Burnley Playing Pitch Strategy, Action Plan & Assessment	Knight, Kavanagh and Page	April 2016
Pendle Indoor Sports Review	Pendle Council	November 2017

- 3.63 The Authority Monitoring Report ["AMR"] is an important part of the evidence base. It monitors the effectiveness of existing planning policy. It reports performance against key indicators, such as the availability of housing land; the take-up of employment land, new open space provision etc., for the period 1 April to 31 March
- 3.64 Additional information for the evidence base is collected in a number of ways. This includes regular meetings and ongoing dialogue with neighbouring authorities, key stakeholders (e.g. infrastructure providers) and other interested parties. This helps to meet the Council's obligations under the duty to cooperate on strategic cross boundary issues and is reported in the AMR.



## 4. How is new planning policy prepared?

### Introduction

- 4.1 The purpose of all planning policy documents is to help deliver the aspirations of the local community and deliver improvements to our quality of life.
- 4.2 To achieve this the vision and priority goals, first articulated in '*Our Pendle Our Future: Pendle's Sustainable Community Strategy*' (June 2008), continue to guide the content of the Local Plan.
- 4.3 The Local Plan is also informed by the strategies and action plans published by other departments of the Council (e.g. housing, economic development, environmental health etc.) and external organisations active in the borough (e.g. United Utilities, National Health Service, Network Rail etc.). Spatial planning is the term used to describe the process of integrating these objectives with land-use planning.
- 4.4 The Local Plan sets out the strategic planning policies to guide future development and growth in the borough. It is prepared by Pendle Council in its capacity as the local planning authority. The new Local Plan for Pendle will consist of two documents:
1. Core Strategy – Establishes a vision for the future of the area and includes a set of strategic objectives and policies to help deliver this vision. It also identifies two strategic sites for housing and employment.
  2. Site Allocations and Development Policies DPD – Will identify specific sites for development, and areas where development will be resisted, or required to meet higher standards of design, in accordance with the strategic policy direction established in the Core Strategy.
- 4.5 The planning policies in any area action plans or neighbourhood plans that are produced must be in general conformity with the strategic planning policies in the Local Plan.

### Engagement and Consultation

- 4.6 Early and meaningful engagement with the local community – residents, businesses, charitable organisations etc. – is the basis of effective collaboration in plan-making.
- 4.7 The Council's [Statement of Community Involvement](#) ["SCI"] provides detailed information about how the Council will engage and consult with the local community and other interested parties throughout the preparation of new planning policy documents.
- 4.8 The techniques we employ range from tried and tested methods (e.g. direct mail and public exhibitions) to new and more innovative approaches (e.g. citizen panel forums, online interactive surveys and social media campaigns).
- 4.9 For transparency all consultation materials are available to view or download from the Council's website. They are also made available at local libraries, council offices and other venues used by the local community throughout the borough.

### **Duty to Cooperate and Cross Boundary Engagement**

- 4.10 The statutory<sup>9</sup> duty to cooperate requires plan-making authorities to engage and work jointly with each other, and other public bodies, when preparing policies that address strategic cross boundary issues. To ensure that they have adequate opportunity to comment on the emerging direction of the plan the Council must fully engage with those bodies prescribed for the purposes of [section 33A\(1\)\(c\) of the Localism Act 2011](#) under the Duty to Cooperate.
- 4.11 To comply with the duty, Pendle Council has initiated a programme of formal meetings with the neighbouring authorities in Burnley (Lancashire) and Craven (North Yorkshire). These are the two authorities with whom Pendle has the greatest level of cross boundary interaction. Consultation with other neighbouring authorities is carried out through a combination of pre-existing mechanisms (e.g. Lancashire Development Plan Officer Group); one-off meetings and events; and correspondence by email or letter.
- 4.12 For matters where there is a significant shared interest (e.g. planning to meet the needs of the Gypsy, Traveller and Travelling Showpeople communities) forums are held or evidence is prepared in partnership with neighbouring authorities and other interested parties (e.g. government agencies and infrastructure providers).
- 4.13 To demonstrate effective and on-going joint working between strategic policy-making authorities and relevant bodies and meet the tests of soundness, the National Planning Policy Framework requires the preparation of one or more statement(s) of common ground [“SoCG”], which is updated throughout the plan-making process. A SoCG is a written record of the progress made during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening that has taken place throughout the plan-making process, and is a way of demonstrating at examination that the objectives of the plan are deliverable over the plan period. Statements of Common Ground will be prepared by the Council as part of the plan making process.

### **Document Preparation**

- 4.14 The key stages in plan preparation are set out in [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). These are summarised below:
- Plan Preparation (Regulation 18)
  - Publication (Regulation 19)
  - Submission to the Secretary of State (Regulation 22)
  - Independent Examination (Regulations 23 to 25)
  - Adoption (Regulation 26)
- 4.15 These stages are reflected in the individual document profiles (Chapter 5) and the LDS Timetable (Appendix 1).
- 4.16 The [NPPF](#) considers the plan-making process in Chapter 3 (paragraphs 15-37 inclusive). Further detail is provided in the [PPG on Plan-making](#).

---

<sup>9</sup> Statutory means that it is required by law.

### Consulting the statutory bodies on the scope of the Sustainability Appraisal

- 4.17 As noted in Chapter 2, the process of sustainability appraisal (SA) plays an important role in plan-making. It is used to identify the likely environmental, social or economic impacts of the plan or a particular policy within it. Where necessary it helps in the evaluation alternative approaches.
- 4.18 Before proceeding with a full SA Report, it is important to:
1. Set out the scope of the appraisal process – The proposed methodology should include:
    - An assessment of other plans and programmes relevant to the plan;
    - The collection of baseline information;
    - The identification of social, environmental and economic issues; and
    - The development of a range of objectives and suitable indicators which can be used as a framework for the SA.
  2. Engage with the three statutory bodies – Natural England, Historic England and the Environment Agency – to ensure consensus on the scope of the SA.

### Plan Preparation (Regulation 18)

- 4.19 This stage establishes the basis for continuous participation in plan-making. Meaningful engagement with the local community, public sector partners and private businesses helps to deliver confidence in the chosen strategy.
- 4.20 The starting point for all policy documents is a process of **informal engagement**. This typically involves a mix of discussions with key stakeholders; desk-based analysis of published data; and the preparation of new documents for the evidence base that will underpin the plan.<sup>10</sup> Collectively these sources of information help to identify the key issues to be addressed by the emerging plan and possible options for dealing with them.
- 4.21 Where the **issues and options** identified through early informal engagement are many and varied a formal six-week public consultation may be appropriate. This provides all interested parties with the opportunity to identify issues important to them, which may have been inadvertently overlooked up to this point.
- 4.22 The Council is now in a position to evaluate all possible options. It will carefully consider all of the comments received and carry out further assessment of the available evidence. This will help to identify the most realistic options. These will be taken forward for further evaluation as part of the plan-making process. Each 'reasonable alternative' will be subject to a full sustainability appraisal, which is a key element in this stage of the process.
- 4.23 Where it remains evident that more than one policy approach may be acceptable, further public engagement will help to determine the Council's **preferred options**.

---

<sup>10</sup> Options are considered to be reasonable where they are (1) Not in conflict with national or regional planning policy. (2) Not adversely affected by, or adversely affect a known constraint (i.e. flood zone, contaminated land etc.) and help to address a key issue that has been identified and is supported by the available evidence.

- 4.24 Considering the views put forward in response to the formal six-week issues and options and/or preferred options consultations typically takes between five and nine months. The actual length of time is dependent on the level of response and the complexity of the plan.

### **Publication (Regulation 19)**

- 4.25 The Publication Report represents what the Council considers to be the final version of the Plan. It sets-out what is considered to be the most appropriate strategy for addressing both local needs and the principles of sustainable development.
- 4.26 Before it can be submitted to the Secretary of State for examination, the Council must allow a minimum of six-weeks for interested parties to submit their comments on this version of the plan.
- 4.27 This consultation is not concerned with suggesting further amendments to the overall strategy or individual policies. Its purpose is to determine whether the Council has met all legal requirements in the production of the plan and whether it is considered to be 'sound'. To be sound the plan must be:
- **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
  - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 4.28 Inevitably many of the representations received at this stage continue to address matters of detail that do not undermine the soundness of the Plan. The Inspector will **not** make recommendations about these matters even if he/she feels that the representation is well founded.
- 4.29 In effect the Publication stage is part of the process for testing the soundness of the plan.
- 4.30 At this stage any significant concerns may require the Council to revise and consult once again on the Publication Report (Regulation 19). If new options need to be considered it may even be necessary to go-back a stage further (Regulation 18). Both scenarios will have a consequent knock-on effect on the timetable for examination of the plan.
- 4.31 Any relatively minor concerns can be addressed through proposed changes to the document prior to submission. Ideally these should be discussed in advance with the Planning Inspectorate, or set-out in a Schedule of Proposed Changes submitted for consideration by the Inspector appointed to carry out the examination of the plan.

**Submission (Regulation 22)**

- 4.32 As soon as practicable after the close of the consultation on the Publication Report, the Council will submit the plan and all supporting documents to the Secretary of State. The examination process starts on the date of submission.
- 4.33 Before the plan can be submitted, the Council must produce a summary of the main issues raised by the representations it received in response to the public consultation on the Publication Report (Regulation 22 (c) (iii)).
- 4.34 Only those representations submitted in response to this consultation will be considered by the Inspector during the examination process. These comments will be used by the Inspector to draw-up a series of questions relating to the overall soundness of the plan.

**Independent Examination (Regulations 23 and 24)**

- 4.35 Where the subject matter addressed by the plan is relatively straightforward the Inspector, may choose to deal with the whole examination by written representations (subject to the right to be heard). However, it is more likely that one or more hearing sessions will need to be held. The key stages in the examination process are set-out below:
- **Pre-hearing Meeting** – A meeting, arranged by the Planning Inspector, to set out the procedures involved at the formal and informal hearing sessions.
  - **Hearing Sessions** – An appointed Inspector will consider issues of soundness at the hearing sessions. Anyone who submitted a representation against the soundness of the plan at the Publication stage can exercise their right to be heard.
  - **Inspector's Report** – Following the examination period the Inspector will issue a report on the soundness of the plan. Should the plan be found to be sound, or capable of being so with some modification, the local planning authority can progress to adoption.
- 4.36 The Inspector will normally circulate a Guidance Note at an early stage of the examination process. The issuing of this note usually eliminates the need for a Pre-Hearing Meeting. Its purpose is to outline the procedures to be followed in the examination and in preparation for any hearing sessions.
- 4.37 Where requested to do so by the local planning authority, the Inspector's Report will make recommendations on the 'Main Modifications' necessary to make a plan sound. The Planning and Compulsory Purchase Act 2004 requires the Inspectors Report to be explicit that the plan as submitted (i.e. without these Main Modifications) should not be adopted and outlines the reasons why.
- 4.38 There is no requirement for the Council to adopt the plan following the examination. But if it chooses to do so the Main Modifications must be made, to meet the statutory (legal) requirements.

**Adoption (Regulation 26)**

- 4.39 Adoption will require a formal resolution at a meeting of the Council. In Pendle, the full Council meets every three months.

**Judicial Review**

- 4.40 Any person may issue a formal challenge if they do not think that the plan meets the conditions of the relevant legislation.

- 4.41 Applications must be made to the High Court within six weeks of the date of the authority advertising that the development plan document has been adopted. You should get legal advice before starting this process.

**Further Information**

- 4.42 Further information can be found in the fifth edition of the Planning Inspectorate document [Procedure Guide for Local Plan Examinations](#) (The Planning Inspectorate, November 2020).

## 5. Project management in plan-making

### Introduction

- 5.1 This chapter considers three important elements in the preparation of new plans and policy. It considers the availability of staff and financial resources, the assessment of risk and the need for ongoing monitoring and review.

### Resources

- 5.2 Since the LDS was first published in 2005, there have been considerable changes in the number of staff working on planning policy matters in Pendle.
- 5.3 In 2005 the team comprised of four planning officers – 1 x manager, 1 x principal officer and 2 x senior officers – supported by a planning technician. All were employed on a full time basis. Three additional officers were then appointed to help prepare up to four Area Action Plans in support of the Housing Market Renewal [“HMR”] pathfinder.
- 5.4 The withdrawal of funding for the HMR pathfinder in 2011 and local government austerity measures have seen significant reductions in the numbers of staff available to work on planning policy matters (Table 5.1).

**Table 5.1: Staff resources (full-time equivalent jobs)**

Members of Staff	2005	2007	2014	2020
Planning, Economic Development & Regulatory Services Manager	0.10	0.10	0.10	0.15
<del>Planning Policy Manager</del> <sup>1</sup>	0.50	0.60	-	-
Principal Planning Officer (Policy)	0.50	0.75	0.75	0.75
Senior Planning Officer (Policy)	0.50	0.60	0.75	0.75
<del>Senior Planning Officer (Policy)</del> <sup>1</sup>	0.50	0.60	-	-
Graduate Planner	-	-	-	0.75
Principal Planning Officer (Built Heritage) <sup>2</sup>	0.10	0.07	0.07	0.07
<del>Senior Planning Officer (Built Heritage)</del> <sup>1</sup>	0.10	0.10	-	-
Principal Planning Officer (Environment) <sup>2</sup>	0.10	0.10	0.15	0.09
Planning Technician <sup>2</sup>	0.40	0.40	0.24	0.24
Manager / Principal Planning Officer (DM)	0.10	0.10	0.10	0.10
<del>Principal Planning Officer (HMR)</del> <sup>1</sup>	0.50	0.50	-	-
<del>Development Officer (HMR)</del> <sup>1</sup>	0.50	0.50	-	-
<del>Development Officer (HMR)</del> <sup>1</sup>	0.50	0.50	-	-
<b>Full-time equivalent jobs (FTEs)</b>	<b>4.40</b>	<b>4.92</b>	<b>2.16</b>	<b>2.90</b>

1 This post has been made redundant.

2 The post holder works on a part-time basis or on reduced hours. This is reflected in the calculation of FTE jobs in 2014 and 2020.

- 5.5 The number of full-time officers in the Planning Policy team reduced from four to two, with the loss of the Planning Policy Manager (2010) and a Senior Planning Officer (2014) post. The appointment of a Graduate Planner in 2018, saw the compliment of full time staff return to three. The Planning Technician works reduced hours equivalent to three days per week.
- 5.6 On 17 January 2018 the Government permitted Council's to increase their planning fees, on the basis that the additional money raised would be ring-fenced and re-invested in the planning service.
- 5.7 In Pendle the money was used to appoint a full-time Graduate Planner in the planning policy team. The role is focused on the delivery of housing on small sites throughout the borough and providing support for neighbourhood planning. The post holder also assists with work on the Local Plan.
- 5.8 This new post takes the compliment of full-time planning officers engaged on policy work back up to three. Unfortunately, until recently, the Senior Planning Officer post has been vacant for much of the time.
- 5.9 In the wider Planning Policy and Conservation team a further full-time Senior Planning Officer post has been lost. The two Principal Planning Officers that remain, work three days per week in planning. The Principal Environment Officer assists with the preparation of Strategic Environmental Assessment, Habitat Regulations Assessment and Appropriate Assessment, as required.
- 5.10 The Planning Policy and Conservation teams now report direct to the Planning, Economic Development and Regulatory Services Manager who oversees Building Control and has direct managerial responsibility for:
- Development Management
  - Economic Development
  - Licencing
  - Taxi Licencing
- 5.11 Development Management input into the plan-making process is mainly provided by the Principal Planning Officer in that team and the Planning, Economic Development and Regulatory Services Manager.
- 5.12 The individual responsibilities of staff within Planning, Building Control and Licensing who allocate all or part of their regular hours to work on the Local Plan are set-out in Table 5.2.



**Table 5.2: Staff responsibilities**

<b>Position</b>	<b>Areas of work on planning policy</b>
<b>Planning, Building Control &amp; Licensing Manager</b>	<ul style="list-style-type: none"> <li>• Management of the Planning Policy and Conservation teams.</li> <li>• Oversee Local Plan preparation – project and staff management.</li> <li>• Oversee preparation of the evidence base.</li> <li>• Ensure compliance with the statutory Duty to Cooperate.</li> <li>• Support parish and town councils with the preparation of their neighbourhood plans.</li> <li>• Review and update the LDS.</li> <li>• Manage budgets.</li> </ul>
<b>Principal Planning Officer (Policy)</b>	<ul style="list-style-type: none"> <li>• Lead on the preparation of DPDs (including the Local Plan), SPDs and evidence base documents.</li> <li>• Write or oversee the commissioning of documents for the evidence base.</li> <li>• Identify and initiate opportunities for joint working.</li> <li>• Oversee and manage any externally contracted work programmes.</li> <li>• Ensure compliance with the statutory Duty to Cooperate.</li> <li>• Support parish and town councils with the preparation of their neighbourhood plans.</li> <li>• Prepare documents concerned with matters of process (e.g. SCI, Sustainability Appraisal, Equality Impact Assessment etc.) and ensure compliance with their requirements throughout the plan making process.</li> <li>• Liaise with other Council departments and key stakeholders, to ensure clear and consistent linkages with their action plans and strategies.</li> </ul>
<b>Senior Planning Officer (Policy)</b>	<ul style="list-style-type: none"> <li>• Assist in the preparation of DPDs and lead on the preparation of SPDs.</li> <li>• Contribute ideas for policy development.</li> <li>• Policy writing.</li> <li>• Support parish and town councils with the preparation of their neighbourhood plans.</li> <li>• Write documents for the evidence base.</li> <li>• Gather baseline information for the evidence base, monitoring (AMR, SHLAA etc.).</li> <li>• Carry out survey and GIS work.</li> <li>• Organise and participate in community engagement events.</li> <li>• Manage the annual monitoring process</li> </ul>
<b>Planning Technician</b>	<ul style="list-style-type: none"> <li>• Gather baseline information.</li> <li>• Carry out annual monitoring site visits and data collection.</li> <li>• GIS mapping.</li> <li>• Manage representations during public consultations.</li> </ul>

Position	Areas of work on planning policy
<b>Principal Conservation Officer (Built Heritage)</b> <b>Principal Environment Officer</b>	<ul style="list-style-type: none"> <li>• Prepare Pendle Conservation Areas Design and Development Guidance SPD.</li> <li>• Help to prepare policies addressing conservation of our built heritage, the natural environment and design.</li> <li>• Coordinate work on the Habitat Regulations Assessment (Appropriate Assessment) for Local Plan and any other plans and policies.</li> </ul>

- 5.13 As a consequence there has been an increased need to identify and implement opportunities for collaborative working.
- 5.14 Monitoring the occupancy of premises in town centres and protected employment areas is now done by staff in Economic Development. The increased utilisation of staff from other Council departments and partner organisations will continue to play a key role in policy development and monitoring going forward (Table 5.3).

**Table 5.3: Input from other Council departments**

Position	Areas of work on planning policy
<b>Development Management</b> – Principal Development Management Officer	<ul style="list-style-type: none"> <li>• Significant input on Local Plan Part 2 Site Allocations and Development Policies</li> <li>• Significant input into topic based SPDs and Design Briefs</li> </ul>
<b>Development Management</b> – Building Control Manager	<ul style="list-style-type: none"> <li>• Assist in monitoring of housing completions (building completion certificates issued)</li> </ul>
<b>Council Tax</b> – Council tax Manager	<ul style="list-style-type: none"> <li>• Assist in monitoring of housing completions (new council tax records)</li> </ul>
<b>Housing</b> – Housing Needs Manager – Senior Regeneration Officer	<ul style="list-style-type: none"> <li>• Carry-out monitoring of unauthorised gypsy and traveller encampments</li> <li>• Maintain Self-build and Custom-build Housing Register</li> </ul>
<b>Economic Development</b> – Economic Development Officer	<ul style="list-style-type: none"> <li>• Carry-out survey work, help to maintain and update evidence base for Town and Local Shopping Centres and Protected Employment Areas.</li> </ul>
<b>Environmental Health</b> – Housing Needs Manager – Waste and Recycling Coordinator – Environmental Health Manager	<ul style="list-style-type: none"> <li>• Monitoring of long term empty homes (Housing Flow Reconciliation)</li> <li>• Assist in monitoring housing completions (blue bin registrations)</li> <li>• Reporting of emissions data for the Windsor Street Air Quality Management Area (AQMA)</li> </ul>

## Monitoring and Review

- 5.15 The plan, monitor and manage approach emphasises the importance of reviewing existing policy, to ensure that it is still performing as originally intended. It also helps to identify any potential gaps that may require the preparation of a new DPD or SPD.
- 5.16 The Council produces the Authority Monitoring Report [“AMR”] as soon as practical following the close of the monitoring year on 31 March. The AMR provides details on the delivery of new planning policy, against the timetable included in the LDS. It also measures the effectiveness of existing planning policies against a set of agreed indicators. This helps to identify if the revision or replacement of a policy or document is required.

## Risk Assessment

- 5.17 The following table considers a series of issues that could potentially affect the delivery of the Pendle Local Plan. Wherever possible measures have been highlighted that would help to overcome or minimise the effects of the problems these may cause.

**Table 5.4: Assessment of potential risks and possible mitigation**

Risk	Impact	Mitigation Measures
<b>Programme slippage</b>	Key milestones in the Pendle LDS cannot be met and the Local Plan will not be delivered within the predicted timescales.  Could potentially affect the levels of funding awarded to Pendle Council.	<ul style="list-style-type: none"> <li>Pendle Council has taken a realistic view of Local Plan delivery and will not start work on key documents until it is possible to complete them within a reasonable timeframe.</li> <li>Annual monitoring in the AMR and regular reviews of the LDS will be used to help manage this process.</li> <li>Early and meaningful engagement in the plan-making process should help to minimise the volume of representations received.</li> <li>The need for further Project Management training will be considered, as necessary.</li> </ul>
<b>Changes to national planning policy</b>	Need to revise documents currently in preparation	<ul style="list-style-type: none"> <li>The Council has no control over this matter and it is difficult to mitigate against.</li> <li>Significant changes are normally preceded by a public consultation.</li> </ul>
<b>Staff turnover</b>	Lack of sufficient staff resources to bring forward documents in accordance with the LDS timetable.  This could potentially affect the levels of funding awarded to Pendle Council.	<ul style="list-style-type: none"> <li>The allocation of responsibilities across the Planning Policy team will help to ensure consistency in the absence of a member of staff.</li> <li>If necessary, and where funding permits, the use of external consultants will be considered.</li> <li>Should key members of staff be absent for a prolonged period of time, it may be necessary to re-assess the priorities within the</li> </ul>

Risk	Impact	Mitigation Measures
		<p>section or department – i.e. make use of ‘surplus’ resources from other sections within Planning &amp; Building Control (e.g. should Development Management be low on applications) – or seek the appointment of a trainee or modern apprentice.</p> <ul style="list-style-type: none"> <li>• Pendle Council offers excellent staff retention packages, including flexitime and the opportunity for home working.</li> </ul>
<b>Inability to recruit</b>	<p>Lack of sufficient staff resources to bring forward documents in accordance with the LDS timetable.</p> <p>This could potentially affect the levels of funding awarded to Pendle Council.</p>	<ul style="list-style-type: none"> <li>• The allocation of responsibilities across the Planning Policy team will help to ensure consistency in the absence of a member of staff.</li> <li>• If necessary, and where funding permits, the use of external consultants may be considered, on a temporary basis.</li> <li>• Should key members of staff leave and not be replaced, or be absent for a prolonged period of time, it may be necessary to re-assess the priorities within the section or department – i.e. make use of ‘surplus’ resources from other sections within Planning &amp; Building Control (e.g. should Development Management be low on applications) – or seek a temporary secondment.</li> <li>• Pendle Council is willing to fund geography graduates to enable them to obtain a recognised planning qualification when necessary.</li> <li>• Pendle Council offers excellent staff retention packages, including flexitime and the opportunity for home working.</li> </ul>
<b>Capacity of Planning Inspectorate</b>	<p>Inability to meet deadlines for examination.</p> <p>This will result in delays to the adoption of DPDs.</p>	<ul style="list-style-type: none"> <li>• This is largely out of the Council’s control, but Pendle Council will liaise closely with the Planning Inspectorate (PINS) on this issue.</li> </ul>
<b>Capacity of statutory consultees and other agencies to engage in the plan making process</b>	<p>Risk of potential slippage or failure to meet Duty to Cooperate requirements</p>	<ul style="list-style-type: none"> <li>• Early consultation with key stakeholders to advise them and other interested parties about the programme timescales and opportunities to engage and provide for formal comments</li> <li>• Highlight potential impacts on other strategies and programmes</li> </ul>

Risk	Impact	Mitigation Measures
<b>Political delay</b>	<p>Deferring decision making.</p> <p>This could result in delays to the adoption of DPDs and SPDs.</p>	<ul style="list-style-type: none"> <li>• Elected Members are involved at an early stage in the preparation process.</li> <li>• A cross-party Steering Group has been set-up to help resolve any issues and secure political 'buy-in' ahead of committee decisions.</li> <li>• Approval of the Full Council is required for all new planning policy, but meets on a quarterly basis, potentially delaying the preparation process. Requests to hold a special meeting of the Full Council can be pursued with the Chief Executive and Leader of the Council.</li> </ul>
<b>Limited availability of committee dates at certain times of the year</b>	<p>Delays decision making.</p> <p>Could result in delays to the LDF programme.</p>	<ul style="list-style-type: none"> <li>• When reviewing the LDS, ensure that committee dates are available when key milestones need to be achieved.</li> <li>• Target dates should, wherever possible, avoid election time (late March – early May) when Committee meetings are unlikely to be held.</li> </ul>
<b>DPDs found unsound</b>	<p>A key component of the Local Plan is not delivered.</p> <p>Wasted staff and financial resources.</p>	<ul style="list-style-type: none"> <li>• Make use of the PAS Self-Assessment Toolkit to ensure that all necessary steps have been taken and are fully documented.</li> <li>• Liaise with PINS ahead of Publication of a DPD.</li> </ul>
<b>Lack of in-house skills</b>	<p>Inability to prepare a comprehensive and robust evidence base.</p> <p>Those studies produced may be inappropriate and contribute to a potential delay in the preparation of the evidence base.</p>	<ul style="list-style-type: none"> <li>• Budget is available for staff training.</li> <li>• Where in-house expertise is not available, external consultants may be employed to provide technical support and/or produce key pieces of work for the evidence base.</li> </ul>

## 6. Conclusions

### Summary

- 6.1 This Local Development Scheme [“LDS”] provides details of the work to be carried out by the Council and its partners, in order to produce a sound Local Plan for the borough.
- 6.2 The LDS provides clear information for councillors, members of the local community and other interested parties (key stakeholders) about the process and timescales to be followed. In particular it highlights when they can expect to be consulted or asked to actively participate in the preparation of new planning policy documents.
- 6.3 The Localism Act, 2011 makes it clear that where there is any slippage from the agreed timetable, the Council should provide real time public information on progress. The Council will do this by publishing up-to-date information on the Council website; in the Framework newsletter and via local media.

### Further information

- 6.4 The Council’s website is a valuable source of information on planning policy. It is also used to engage with the local community via online surveys.
- 6.5 All Local Plan documents, including those that form part of the evidence base, can be viewed or downloaded from the Council’s website via the planning policy portal at:
- [www.pendle.gov.uk/planning](http://www.pendle.gov.uk/planning)
- 6.6 Regular updates on progress are provided in our RTPI award winning newsletter Framework. This is emailed to all contacts on our database with a valid email address. Copies are also sent to local libraries and council offices throughout Pendle. Recent issues can be viewed or downloaded at:
- [www.pendle.gov.uk/framework](http://www.pendle.gov.uk/framework)
- 6.7 The Council’s planning policy is currently set-out in a number of development plan documents. An interactive version of the Local Plan is available at:
- [www.pendle.gov.uk/localplan](http://www.pendle.gov.uk/localplan)
- 6.8 For more detailed advice or assistance, please contact a member of the Planning Policy team using the contact details below:

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

Email: [ldf@pendle.gov.uk](mailto:ldf@pendle.gov.uk)

Telephone: 01282 661330

## **Appendix 1 – LDS Timetable**

# Pendle Local Development Scheme 6<sup>th</sup> Revision

## Appendix 1: Pendle LDS Timetable

Name and Type of Document		Status	2021												2022												2023												2024												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
A Local Plan / Development Plan Documents (DPDs)																																																			
1	Local Plan (Part 1): Core Strategy	ADOPTED: 17th December 2015																																																	
2	Local Plan (Part 2): Site Allocations and Development Principles	IN PREPARATION		●	●																																														
3	Bradley (Nelson) Area Action Plan	ADOPTED: 30th June 2011																																																	
B Supplementary Planning Documents (SPDs)																																																			
1	Brierfield Canal Corridor Housing Brief	ADOPTED: 27th October 2005																																																	
2	Conservation Area Design and Development Guidance	ADOPTED: 14th August 2008																																																	
3	Design Principles	ADOPTED: 10th December 2009																																																	
4	Railway Street Neighbourhood (Brierfield)	ADOPTED: 9th December 2010																																																	
5	Development in the Open Countryside and AONB	NOT STARTED																																																	

### NOTES:

- [1] Where stages have been completed prior to January 2020, the milestones are not shown in this timetable.
- [2] In line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, an amended Policies Map will be submitted with each DPD.

### KEY:

#### Development Plan Documents

	Consult statutory bodies on the scope of the SA
	Evidence gathering and/or document preparation
	<b>Regulation 18 - Local Plan Preparation</b>
	Issues / Preferred Options consultation (optional)
	<b>Regulation 19 - Publication of the Local Plan</b>
	<b>Regulation 22 - Submission to the Secretary of State</b>
	Pre-hearing meeting
	<b>Regulation 24 - Independent Examination</b>
	<b>Regulation 25 - Publication of the Recommendations</b>
	<b>Regulation 26 - Adoption of the Local Plan</b>

#### Supplementary Planning Documents


	Consult statutory bodies on the scope of the SA
	Evidence gathering and/or document preparation
	<b>Regulation 12 - Publication of SPD</b>
	<b>Regulation 13 - Consideration of Representations</b>
	<b>Regulation 14 - Adoption of SPD</b>



## **Appendix 2 – DPDs in preparation**


<b>Site Allocations &amp; Development Policies</b>		
<b>Status</b>	Development Plan Document [DPD]	
<b>Scope</b>	<p>Sets-out site specific allocations for different types of development.</p> <p>Identifies areas where development will be resisted or required to meet higher standards of design.</p> <p>Establishes a suite of detailed policies for development management.</p>	
<b>Chain of Conformity</b>	Core Strategy and National Planning Policy Framework	
<b>Geographical Coverage</b>	Borough-wide	
<b>Production Timetable &amp; Key Milestones</b>	Consult statutory bodies on the scope of the Sustainability Appraisal	October 2006
	Commence document preparation	July 2007
	Issues and Options consultation	4 <sup>th</sup> July – 18 <sup>th</sup> August 2008
	Call For Sites 1	4 <sup>th</sup> July – 18 <sup>th</sup> August 2008
	Consult on CFS1 sites/Call for Sites 2	10 <sup>th</sup> July – 24 <sup>th</sup> August 2009
	Public consultation on CFS2 sites	7 <sup>th</sup> January – 22 <sup>nd</sup> February 2010
	Re-consult statutory bodies on the scope of the Sustainability Appraisal	24 <sup>th</sup> February – 7 <sup>th</sup> April 2017
	Consult on the scope of the plan and site assessment methodology	24 <sup>th</sup> February – 7 <sup>th</sup> April 2017
	Call for Sites 3	24 <sup>th</sup> February – 7 <sup>th</sup> April 2017
	Preferred Options consultation	12 <sup>th</sup> February – 6 <sup>th</sup> April 2021
	Publication consultation	December 2021 – February 2022
	Submission to the Secretary of State	March/April 2022
	Pre-Hearing Meeting (if needed)	June 2022
	Hearing Sessions	July – August 2022
	Receipt of Inspector's Report	November 2022
	Adoption	January 2023
<b>Lead Officer</b>	Principal Planning Officer (Policy)	
<b>Management</b>	<p>Planning, Economic Development &amp; Regulatory Services Manager</p> <p>Pendle Council Management Team</p>	
<b>Political Management</b>	<p>Member Working Group comprising the leaders of the Conservative, Labour and Liberal Democrats (one of whom will be The Leader of the Council) and their deputies plus the lead member for planning.</p> <p>All documents reported to the Policy &amp; Resources and/or Council.</p> <p>Council resolution required for each formal public consultation and for submission and adoption.</p>	

<b>External Resources</b>	Squire Patton Boggs is engaged to provide legal advice.
<b>Council Resources</b>	The Local Plan budget is ring-fenced.
<b>Community Engagement</b>	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .

 Estimated dates; stage not yet complete.

## **Appendix 3 – SPDs in preparation**

<b>Development in the Open Countryside and AONB</b>		
<b>Status</b>	Supplementary Planning Document [SPD]	
<b>Scope</b>	Provide detailed design guidance for new development in the open countryside or the Forest of Bowland Area of Outstanding Natural Beauty (AONB).	
<b>Chain of Conformity</b>	LP1: Core Strategy – Policies ENV1and ENV2 LP2: Site Allocations and Development Policies – Policies ENV8 and ENV9	
<b>Geographical Coverage</b>	Borough-wide and site specific to the Forest of Bowland AONB	
<b>Production Timetable &amp; Key Milestones</b>	Consultation on the SPD objectives	April 2022
	Commence document preparation	May 2022
	Consultation on draft SPD	September – October 2022
	Consider representations	November - December 2022
	Adoption	January 2023
<b>Lead Officer</b>	Principal Planning Officer (Policy)	
<b>Management</b>	Planning, Economic Development & Regulatory Services Manager Pendle Council Management Team	
<b>Political Management</b>	Lead member for planning Draft documents for public consultation reported to Policy & resources and/or Council. Council resolution required for adoption.	
<b>External Resources</b>	Squire Patton Boggs is engaged to provide legal advice.	
<b>Council Resources</b>	The Local Plan budget is ring-fenced.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community takes place in accordance with the requirements set out in the <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> and the Council's <a href="#">Statement of Community Involvement</a> .	

 Estimated dates; stage not yet complete.

## **Appendix 4 – Adopted DPDs**

<b>Bradley Area Action Plan</b>		
<b>Status</b>	Development Plan Document [DPD]	
<b>Scope</b>	To provide a statutory basis for regeneration activity in that part of the Bradley ward in Nelson, which forms part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
<b>Chain of Conformity</b>	Core Strategy Policy LIV1 – Housing Provision and Delivery	
<b>Geographical Coverage</b>	Bradley area of Nelson (as defined on the Proposals Map)	
<b>Production Timetable &amp; Key Milestones</b>	Consult statutory bodies on the scope of the Sustainability Appraisal	February 2006
	Commence document preparation	
	Pre-submission consultation	18 February 2008 – 31 <sup>st</sup> March 2008
	Publication consultation	6 <sup>th</sup> August 2010 – 20 <sup>th</sup> September 2010
	Submission to the Secretary of State	December 2010
	Pre-Hearing Meeting	None - guidance note issued by the Inspector
	Hearing Sessions	15 <sup>th</sup> March 2011
	Receipt of Inspector's Report	26 <sup>th</sup> May 2011
	Adoption	30 <sup>th</sup> June 2011
<b>Lead Officer</b>	HMR Principal Planner	
<b>Management</b>	Principal Planning Officer (Policy), Planning & Building Control Manager and the Council's Management Team	
<b>Political Management</b>	HMR Member Steering Group and the Executive Members for Planning and Housing. All documents reported to the Council's Executive and/or Full Council. Full Council resolution required for submission and adoption.	
<b>External Resources</b>	Consultants lead on preparation of the Masterplan (Pre-submission consultation). Cobbetts LLP was engaged to provide legal advice.	
<b>Council Resources</b>	HMR budget. HMR Principal Planner post established to lead on publication and submission.	
<b>Community Engagement</b>	DPD followed the Transitional Provision of the Town and Country Planning (Local Development) (England) Regulations 2008.  Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2008, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme.	

<b>Local Plan Part 1: Core Strategy</b>		
<b>Status</b>	Development Plan Document [DPD]	
<b>Scope</b>	Sets-out a vision for the future of Pendle. Establishes strategic (development) objectives, together with a spatial strategy and core planning policies to guide future development. Identifies strategic site allocations for housing and employment.	
<b>Chain of Conformity</b>	National Planning Policy Framework	
<b>Geographical Coverage</b>	Borough-wide	
<b>Production Timetable &amp; Key Milestones</b>	Consult statutory bodies on the scope of the Sustainability Appraisal	October 2006
	Commence document preparation	July 2007
	Issues and Options consultation	4 <sup>th</sup> July – 18 <sup>th</sup> August 2008
	Preferred Options consultation	28 <sup>th</sup> October – 12 <sup>th</sup> December 2011
	Publication consultation (1)	19 <sup>th</sup> October – 3 <sup>rd</sup> December 2012
	Further Options consultation	10 <sup>th</sup> January – 21 <sup>st</sup> February 2014
	Publication consultation (2)	10 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014
	Submission to the Secretary of State	19 <sup>th</sup> December 2014
	Pre-Hearing Meeting	None
	Hearing Sessions	14 <sup>th</sup> – 28 <sup>th</sup> April 2015
	Receipt of Inspector's Report	26 <sup>th</sup> October 2015
	Adoption	17 <sup>th</sup> December 2015
	Review	Carried out in December 2020 (Partially concluded through LP2)
<b>Lead Officer</b>	Principal Planning Officer (Policy)	
<b>Management</b>	Planning & Building Control Manager and Council's Management Team	
<b>Political Management</b>	Member Steering Group comprising the leaders of the Conservative, Labour and Liberal Democrats (one of whom will be The Leader of the Council) and the Executive Member for Planning. All documents reported to the Council's Executive and/or Full Council. Full Council resolution required for each formal public consultation and for submission and adoption.	
<b>External Resources</b>	Eversheds LLP, Cobbetts LLP and Squire Patton Boggs were engaged to provide legal advice.	
<b>Council Resources</b>	The Local Plan budget is ring-fenced.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.	



## **Appendix 5 – Adopted SPDs**

<b>Brierfield Canal Corridor Housing Brief</b>		
<b>Status</b>	Supplementary Planning Document [SPD]	
<b>Scope</b>	To provide a basis for regeneration activity in an area of Brierfield forming part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
<b>Chain of Conformity</b>	Core Strategy Policy LIV1 – Housing Provision and Delivery	
<b>Geographical Coverage</b>	Area of Brierfield off Clitheroe Road (as defined on Map 1 in the SPD)	
<b>Production Timetable &amp; Key Milestones</b>	Commence document preparation	July 2003
	Preparation of ADF Planning Brief	July 2003 – March 2004
	Consideration of Issues and Options	April – October 2004
	Consultation on draft Masterplan	17 <sup>th</sup> January – 28 <sup>th</sup> February 2005
	Consult statutory bodies on the scope of the Sustainability Appraisal	June 2005
	Consultation on draft SPD	1 <sup>st</sup> July – 29 <sup>th</sup> July 2005
	Consider representations	August – September 2005
	Adoption	27 <sup>th</sup> October 2005
<b>Lead Officer</b>	HMR Senior Regeneration Officer	
<b>Management</b>	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
<b>Political Management</b>	HMR Member Steering Group and the Executive Members for Planning and Housing. Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
<b>External Resources</b>	Consultants (GVA Grimley) led on the preparation of a Masterplan for the Brierfield Area Development Framework.	
<b>Council Resources</b>	HMR budget. HMR Regeneration team lead on the preparation of the SPD.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme.  <b>Please note:</b> Much of the preparatory work leading up to the publication of the draft SPD pre-dated the introduction of the Planning & Compulsory Purchase Act (September 2004) and the requirements for sustainability appraisal.	

<b>Conservation Area Design and Development Guidance</b>		
<b>Status</b>	Supplementary Planning Document [SPD]	
<b>Scope</b>	Detailed policy advice on design and new development within the Conservation Areas of Pendle.	
<b>Chain of Conformity</b>	Replacement Pendle Local Plan 2001-2016 – Policy 10	
<b>Geographical Coverage</b>	Borough-wide, within the boundaries of the designated Conservation Areas.	
<b>Production Timetable &amp; Key Milestones</b>	Consult statutory bodies on the scope of the Sustainability Appraisal	October 2006
	Consultation on the SPD objectives	21 <sup>st</sup> May – 15 <sup>th</sup> June 2007
	Commence document preparation	July 2007
	Consultation on draft SPD	18 <sup>th</sup> January – 29 <sup>th</sup> February 2008
	Consider representations	March – July 2008
	Adoption	14 <sup>th</sup> August 2008
<b>Lead Officer</b>	Principal Planning Officer (Built Heritage)	
<b>Management</b>	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
<b>Political Management</b>	<p>Executive Member for Planning</p> <p>Draft documents for public consultation reported to the Council's Executive and/or Full Council.</p> <p>Full Council resolution required for adoption.</p>	
<b>External Resources</b>	None	
<b>Council Resources</b>	The Local Plan budget is ring-fenced.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in The Town and Country Planning (Local Development) (England) Regulations 2004 and the Council's Statement of Community Involvement.	

<b>Design Principles</b>		
<b>Status</b>	Supplementary Planning Document [SPD]	
<b>Scope</b>	To provide guidance on the types of householder developments, shop-fronts and advertisements likely to be acceptable to the local planning authority; together with advice on the planning and design of domestic extensions.	
<b>Chain of Conformity</b>	Replacement Pendle Local Plan 2001-2016 – Policy 13	
<b>Geographical Coverage</b>	Borough-wide	
<b>Production Timetable &amp; Key Milestones</b>	Consult statutory bodies on the scope of the Sustainability Appraisal	3 <sup>rd</sup> October – 20 <sup>th</sup> October 2006
	Consultation on the SPD objectives	21 <sup>st</sup> May – 15 <sup>th</sup> June 2007
	Commence document preparation	June 2007
	Consultation on draft SPD	27 <sup>th</sup> February – 14 <sup>th</sup> April 2009
	Consider representations	May – November 2009
	Adoption	10 <sup>th</sup> December 2009
<b>Lead Officer</b>	Development Control Manager	
<b>Management</b>	Principal Planning Officer (Policy), Planning & Building Control Manager and the Council's Management Team.	
<b>Political Management</b>	Executive Member for Planning Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
<b>External Resources</b>	None	
<b>Council Resources</b>	The Local Plan budget is ring-fenced.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in The Town and Country Planning (Local Development) (England) Regulations 2004; The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008 and the Council's Statement of Community Involvement.	

<b>Railway Street Neighbourhood (Brierfield)</b>		
<b>Status</b>	Supplementary Planning Document [SPD]	
<b>Scope</b>	To provide a basis for regeneration activity in an area of Brierfield forming part of the ELEVATE Housing Market Renewal (HMR) Pathfinder Intervention Area.	
<b>Chain of Conformity</b>	Core Strategy Policy LIV1 – Housing Provision and Delivery	
<b>Geographical Coverage</b>	Area of Brierfield immediately east of the railway line (as defined on the map on the inside cover of the SPD)	
<b>Production Timetable &amp; Key Milestones</b>	Commence document preparation	August 2003
	Preparation of ADF Planning Brief	August 2003 – March 2004
	Consideration of Issues and Options	7 <sup>th</sup> October 2006 – 10 <sup>th</sup> December 2008
	Consultation on draft Masterplan	11 <sup>th</sup> May – 25 <sup>th</sup> May 2007
	Consult statutory bodies on the scope of the Sustainability Appraisal	May 2007
	Consultation on draft SPD	20 <sup>th</sup> August – 1 <sup>st</sup> October 2010
	Consider representations	October – November 2010
	Adoption	9 <sup>th</sup> December 2010
<b>Lead Officer</b>	HMR Senior Regeneration Officer and HMR Principal Planner	
<b>Management</b>	Planning Policy Manager, Development Control Manager, Planning & Building Control Manager and the Council's Management Team.	
<b>Political Management</b>	HMR Member Steering Group and the Executive Members for Planning and Housing. Draft documents for public consultation reported to the Council's Executive and/or Full Council. Full Council resolution required for adoption.	
<b>External Resources</b>	Consultants (URBED) led on the preparation of a Masterplan for the Railway Street Area Development Framework.	
<b>Council Resources</b>	HMR budget. HMR Regeneration team lead on the preparation of the SPD.	
<b>Community Engagement</b>	Engagement with stakeholders and members of the community took place in accordance with the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008, the Council's Statement of Community Involvement and the requirements of the ELEVATE programme. <b>Please note:</b> Much of the preparatory work leading up to the publication of the draft SPD pre-dated the introduction of the Planning & Compulsory Purchase Act (September 2004) and the requirements for sustainability appraisal.	

## **Appendix 6 – Glossary**

Term / Common abbreviation		Brief Description <span>Bold Text = A term also addressed within the glossary</span>
Authority Monitoring Report	AMR	Previously known as the Annual monitoring Report. This document is published as soon as practicable after the end of the monitoring period (31 March). It sets out how the Council's planning policies have been used and whether they have achieved the milestones set out in the <b>Local Development Scheme</b> .
Appropriate Assessment	AA	A requirement, under the European Habitats Directive. Its purpose is to assess the potential impact emerging planning policies may have – either alone, or in combination with other projects or plans – on the structure, function or conservation objectives for a European (Natura 2000 <sup>11</sup> ) Site.
Area Action Plan	AAP	A <b>Development Plan Document</b> that provides the planning framework for a specific location subject to conservation, or regeneration. A key feature is its focus on implementation.
Consultation Statement	-	Demonstrates how a document has been prepared in accordance with the requirements set out in The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The statement set outs: <ul style="list-style-type: none"> <li>• which bodies and persons were invited to make representations under Regulation 25 (Regulation 26 for the Statement of Community Involvement);</li> <li>• how these bodies and persons were invited to make such representations;</li> <li>• a summary of the main issues raised by those representations; and</li> <li>• how those main issues have been addressed in the LDD.</li> </ul>
Core Strategy	-	The key document in the new Pendle Local Plan. It establishes the strategic framework for planning in Pendle. Specifically it sets out: <ul style="list-style-type: none"> <li>• a spatial vision and strategic objectives;</li> <li>• a spatial strategy;</li> <li>• core policies; and</li> <li>• a framework for monitoring and implementation.</li> </ul> <p>The Core Strategy must be kept up to date and all other planning policy documents in the borough must be in general conformity with the strategic policies in the plan.</p>

<sup>11</sup> Natura 2000 Sites include Special Areas of Conservation (SACs) designated for species and habitats and Special Protected Area (SPAs) designated for birds. On land these are usually part of existing Sites of Special Scientific Interest (SSSIs).

Term / Common abbreviation		Brief Description	Bold Text = A term also addressed within the glossary
Development Management		<p>The introduction of ‘development management’ sought to change the culture of planning away from ‘development control’. It is customer-focussed, positive, proactive and inclusive. Great emphasis is placed on landowners, developers or their agents seeking pre-application advice before submitting a planning application.</p> <p>Development management policies are set out in a suite of <b>Development Plan Documents</b>, including the <b>Local Plan</b>. They help to ensure that the vision and strategic objectives for the future of the area are achieved.</p>	
Development Plan	-	The Development Plans consists of a small number of <b>statutory</b> planning documents. These <b>Development Plan Documents</b> contain the policies and <b>site specific allocations</b> used to guide the nature and location of development in the borough.	
Development Plan Document	DPD	<p>These are <b>statutory</b> planning documents, which contain the key policies used to control development in the Borough. A <b>Policies Map</b> (previously known as a Proposals Map), which illustrates the spatial extent of these policies, must also be prepared and maintained to accompany all DPDs.</p> <p>DPDs form part of the <b>Development Plan</b> and are, therefore, a primary consideration in decisions on a planning application, unless material considerations indicate otherwise. As such they are subject to rigorous consultation procedures, <b>sustainability appraisal</b> and independent examination. DPDs can only be adopted once the inspector appointed by the Government to oversee the examination has issued his/her binding report.</p>	
Evidence Base	-	The body of information and data prepared or commissioned by a local planning authority to help justify the <b>soundness</b> of the policy approach set out in the <b>Local Plan</b> .	
Front Loading	-	The term used to reflect that public input and consensus will be sought at the earliest opportunity in the production of the <b>Local Plan</b> and other planning policy documents.	
General Consultation Bodies	-	<p>The <b>Regulations</b> require local planning authorities to consult such of the ‘general consultation bodies’ as they consider appropriate, in the preparation of documents that will form part of the Local Plan. General consultation bodies include:</p> <ol style="list-style-type: none"> <li>Voluntary bodies some or all of whose activities benefit any part of the authority’s area</li> <li>Bodies which represent the interests of different racial, ethnic or national groups in the authority’s area.</li> <li>Bodies which represent the interests of different religious groups in the authority’s area.</li> <li>Bodies which represent the interests of disabled persons in the authority’s area.</li> <li>Bodies which represent the interests of persons carrying on business in the authority’s area.</li> </ol> <p>Also refer to: <b>Specific consultation bodies</b></p>	



Term / Common abbreviation		Brief Description	Bold Text = A term also addressed within the glossary
Green Infrastructure	-	The term used to describe natural and managed areas of 'green' land lying both in, and between, our towns and villages, that together make up a network of inter-connected, high quality, multi-functional open spaces and the corridors that link them, which provide multiple social, economic and environmental benefits for both people and wildlife. Also refer to: <b>Infrastructure</b>	
Housing Market Renewal	HMR	A Government programme that ran from April 2002 to March 2011. It sought to coordinate public sector intervention to help sustain areas where housing market failure was evident – i.e. low demand and high levels of abandonment.	
Infrastructure	-	Collective term for the basic services necessary for development to take place i.e. transport, electricity, sewerage, water, education, health and community facilities. Also refer to: <b>Green infrastructure</b>	
Local Development Scheme	LDS	Sets out the timetable for the production of the <b>Local Plan</b> and other planning policy documents.	
Local Plan	-	Document setting out detailed proposals concerning the use of land in an area. The Plan consists of a Written Statement and accompanying <b>Policies Map</b> . The Plan provides the basis for the determination of planning applications and to help co-ordinate new development.	
Local Transport Plan	LTP	A bidding document to help secure funding for local transport projects. Lancashire County Council is responsible for preparing the Lancashire Transport Plan.	
National Planning Policy Framework	NPPF	The National Planning Policy Framework was published by the Department of Communities and Local Government on 27 <sup>th</sup> March 2012, consolidating information previously contained in a large number of individual Planning Policy Statements (PPS) or Planning Policy Guidance Notes (PPG).	
Neighbourhood Development Plan	-	Introduced by the Localism Act 2011, they enable local communities to shape development in their areas through the production of a Neighbourhood Development Plan (often abbreviated to Neighbourhood Plan). When made (adopted) they become part of the <b>Development Plan</b> and are used in the determination of planning applications. In Pendle, which is fully parished, their preparation must be led by a Parish or Town Council.	
Planning Practice Guidance	PPG	Launched on 6 March 2014, this is a web-based resource that brings together detailed information on various topics. It is important to note that the guidance should not be seen as representing Government policy. This is set out in the <b>National Planning Policy Framework</b> .	

Term / Common abbreviation		Brief Description	Bold Text = A term also addressed within the glossary
Policies Map	-	A map of the borough, using an Ordnance Survey base to illustrate the <b>spatial</b> implications of the policies and proposals contained in the Local Plan and other Development Plan Documents. The map defines sites where particular developments or land uses are favoured, or those areas that are protected from development. Detailed inset maps are used where additional clarity is required.	
The Regulations	-	Refers to The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, which govern all matters relating to the preparation of <b>Local Plan</b> documents.	
Site Allocations	-	The allocation of land for particular uses within a <b>Development Plan Document</b> .	
Soundness	-	For a document to be considered sound it must be legally compliant (i.e. prepared in accordance with <b>The Regulations</b> ) positively prepared, justified, effective and compliant with national policy.  Documents must be founded on adequate, up-to-date and relevant evidence and represent the most appropriate strategy when considered against the reasonable alternatives.	
Spatial planning	-	Spatial planning refers to the methods used by the public sector to influence the distribution of people and activities in a particular area. It goes beyond traditional land use planning, in that it brings together and integrates policies for the development and use of land with other policies and programmes which influence the nature of places and how they function.  This will include policies which can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.	
Specific Consultation Bodies		<b>The Regulations</b> require local planning authorities to consult each of the ‘specific consultation bodies’, to the extent that they consider that the proposed subject matter affects the body, in the preparation of documents that will form part of the <b>Local Plan</b> .  The list of specific consultation bodies is identified in the regulations. It includes organisations such as major government departments, <b>infrastructure</b> providers neighbouring local authorities and parish councils both within and adjoining the borough boundary.  Also refer to: <b>General consultation bodies</b>	
Stakeholder	-	The term used to describe any organisation or individual that has a direct interest in, or is affected by, the actions or decisions of another individual or organisation.	

Term / Common abbreviation		Brief Description	Bold Text = A term also addressed within the glossary
Statement of Community Involvement	SCI	<p>Sets out how a local planning authority (e.g. Pendle Council) intends to consult the public and selected organisations in the preparation, alteration and continuing review of the <b>Local Plan</b>, other planning policy documents <b>and Development Management</b> 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.</p> <p>The SCI is no longer subject to independent examination but is still part of a comprehensive approach to engagement.</p>	
Strategic Environmental Assessment	SEA	A legally enforced procedure required by EU Directive 42/2001/EC. It aims to introduce a systematic assessment of the environmental effects of strategic planning and land use decisions. In England the SEA requirements have been incorporated into the <b>Sustainability Appraisal</b> process.	
Statutory	-	Required by law (statute), usually through an Act of Parliament.	
Sub-regional	-	The term used to describe any subdivision of a region, larger than a district authority. For example Lancashire and East Lancashire are both regarded as sub-regions within the North West of England.	
Supplementary Planning Document	SPD	Cover a thematic or site specific issue. They provide additional information and guidance that expands on a 'parent' policy in a <b>Development Plan Document</b> . They do not form part of the <b>statutory Development Plan</b> and cannot be used to allocate land or introduce new planning policies (Development Plan Document). Although SPDs go through public consultation procedures and <b>sustainability appraisal</b> , they are not subject to independent examination.	
Sustainability Appraisal	SA	<p>The process of assessing the policies and site allocations in a <b>Development Plan Document</b>, for their global, national and local implications on social, economic and environmental objectives.</p> <p>Also refer to: <b>Strategic Environmental Assessment</b></p>	
Sustainable Development	-	<p>Various definitions of sustainable development have been put forward over the years, but that most often used is the Brundtland definition: enabling development that meets the needs of the present without compromising the ability of future generations to meet their own needs.</p> <p>Planning seeks to promote sustainable development by helping to achieve a balance between economic growth, social advancement and environmental conservation.</p>	

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

**Tel: 01282 661330**

**Email [ldf@pendle.gov.uk](mailto:ldf@pendle.gov.uk)**

**Website: [www.pendle.gov.uk/planning](http://www.pendle.gov.uk/planning)**



**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۔



**Liberata**

