



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 30<sup>th</sup> JUNE, 2022**

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## **PENDLE LOCAL PLAN: DOCUMENTS AND SCOPING CONSULTATION**

### **PURPOSE OF REPORT**

To inform members of progress made in the preparation of a new Local Plan for Pendle.

To seek permission to consult members of the public and statutory bodies as relevant in relation to:

- Local Plan Scoping Report (Appendix 1)
- Sustainability Appraisal Scoping Report (Appendix 2)
- Call for Sites (Appendix 3)
- Draft Statement of Community Involvement (Appendix 4)

### **RECOMMENDATIONS**

- (1) That the content of documents in Appendices 1 to 4 of this report are noted.
- (2) That documents in Appendices 1 to 4 of this report are approved for public consultation for a minimum of four weeks.

### **REASONS FOR RECOMMENDATIONS**

- (1) To adhere to the adopted Local Development Scheme.
- (2) To ensure compliance with Environment Assessment of Plans and Programmes Regulations 2004.
- (3) To ensure compliance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## ISSUE

- 1 Council has resolved to prepare a new Local Plan for Pendle<sup>1</sup>. The timescales for this are confirmed within the latest adopted Local Development Scheme (March 2022)<sup>2</sup>.
- 2 Preparation of the new Local Plan is at an early stage. The Local Plan Scoping Report (Appendix 1) represents the first stage of this process. It sets out the need for a new plan, its legislative and planning policy context, its role in decision making, as well as the evidence to be produced and relied upon in support of its policies and proposals. The document asks for input on key issues such as the plan period, plan vision and objectives, and spatial approach to new development, as well as questions relating to the policies map and monitoring. Feedback gained at this early stage will help inform the first draft of the Local Plan which is targeted for consultation in early 2023.
- 3 To ensure that legal obligations as set out in the Sustainable Environmental Assessment Regulations (SEA Regulations)<sup>3</sup> are met the Council must consult prescribed Statutory Bodies<sup>4</sup> regarding the scope of the Sustainability Appraisal (Appendix 2) which will be prepared alongside the Local Plan. The Sustainability Appraisal (SA) Scoping Report defines the baseline position for plan making based on existing evidence and sets the methodology to be used through the Sustainability Appraisal of the Local Plan, its policies and any allocations it makes.
- 4 Officers recommend that a four week public consultation takes place in relation to both scoping documents. This will provide members of the community an early opportunity to engage in the plan making process and help shape the form and content of the Local Plan. There is no requirement in Planning Regulations to consult the public at this stage of the plan preparation process and so the format and period for consultation is at the discretion of the Council.
- 5 In parallel, a Call for Sites consultation will provide an opportunity to refresh the Council's data regarding the potential housing land supply. The consultation will enable additional sources of brownfield land with redevelopment potential to be identified based on the most recent information available. This will aid the production of a plan which is responsive to local priorities and ambitions regarding the regeneration of the borough's towns, and adheres to the tests of soundness as set out in the National Planning Policy Framework (NPPF)<sup>5</sup>. Responses gained through the consultation will be used by officers to update the Council's Strategic Housing Land Availability Assessment (SHLAA) and help inform the site selection process, including the Sustainability Appraisal. The consultation will take place online via the Council's website. A paper version of the submission form is included as Appendix 3 for information purposes.
- 6 In addition there is a requirement for the Council to prepare a Statement of Community Involvement (SCI)<sup>6</sup>. The SCI fulfils an important role in confirming the Council's commitment to deliver a planning system which is transparent and accessible to the community it is intended to serve. The SCI provides a brief explanation of the planning system in Pendle:
  - It sets out the role of the development plan, councillors, committees, officers, and stakeholders have in the planning process;
  - Planning application requirements, the development management process, and how decisions are made; and

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<sup>1</sup> [Minutes of Council Thursday 9 December 2021](#)

<sup>2</sup> [Minutes of Policy and Resources Committee 17 March 2022](#)

<sup>3</sup> [Environmental Assessment of Plans and Programmes Regulations 2004](#)

<sup>4</sup> Defined as Natural England, Historic England and the Environment Agency

<sup>5</sup> [National Planning Policy Framework 2021](#) (paragraph 35)

<sup>6</sup> [Section 18 of the Planning and Compulsory Purchase Act 2004.](#)

- The documents making up the development plan, and the process of their preparation and adoption.
- 7 The SCI also confirms the measures which are put in place through the plan making and decision taking processes, to promote engagement and meaningful involvement with the community, by confirming:
- What will be consulted on;
  - How consultations will take place and when;
  - Who will be engaged with; and
  - How feedback will be provided.
- 8 The SCI fulfils an important role within the plan making process. Compliance with the consultation measures set out in the SCI, is a key consideration in the examination of the Local Plan. A failure to meet these measures could result in the Local Plan having to be withdrawn from the examination. Planning Regulations<sup>7</sup> require local planning authorities to review their SCI at least once every five years from their date of adoption, to ensure that it remains relevant and is effective. The current SCI is more than five years old and therefore is in need of review. The consultation and subsequent adoption of the revised SCI will ensure that the Council fulfils its legal obligations.

## IMPLICATIONS

**Policy:** The Scoping Reports for the Local Plan and Sustainability Appraisal (Appendix 1 and 2) will form the basis of the plan preparation process.

Sites submitted through the Call for Sites exercise will help update the Council's SHLAA and inform the site selection process.

Appendix 4 updates the adopted SCI (2016), and sets out the process for consultation and engagement to be adhered to in plan making and decision taking.

**Financial:** Until the full scope of the evidence base required to underpin the Local Plan is known, the budget for its preparation cannot be confirmed.

**Legal:** SEA Regulations require the Council to consult prescribed statutory bodies through the preparation of the Sustainability Appraisal.

Planning Regulations set the requirement to review SCI within five years of the date of adoption. The Local Plan must be prepared in accordance with the measures set out in the SCI.

**Risk Management:** The Council will not have complied with SEA Regulations should it fail to consult prescribed statutory bodies on the scope of the Sustainability Appraisal.

The failure to undertake a new call for sites could mean that information regard site suitability, deliverability and achievability is out-of-date, and could reduce the prospect that the Local Plan would be found to meet the tests of soundness at Examination in Public.

The Council will not have complied with the Planning Regulations should it fail to review and update the adopted SCI.

**Health and Safety:** None arising directly from this report.

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<sup>7</sup> Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

**Sustainability:** None arising directly from this report.

**Community Safety:** None arising directly from this report.

**Equality and Diversity:** None arising directly from this report.

## **APPENDICES**

Appendix 1 – Local Plan Scoping Report

Appendix 2 – Sustainability Appraisal Scoping Report

Appendix 3 – Call for Sites Site Nomination Form

Appendix 4 – Draft Pendle Statement of Community Involvement

## **LIST OF BACKGROUND PAPERS**

[Local Development Scheme 7<sup>th</sup> Revision \(adopted March 2022\)](#)

[Pendle Statement of Community Involvement \(adopted March 2016\)](#)

[Planning Practice Guidance: Plan-making](#)

[Planning Practice Guidance: Strategic environmental assessment and sustainability appraisal](#)

[Pendle Strategic Housing Land Availability Assessment - 2020/21 update not available online](#)