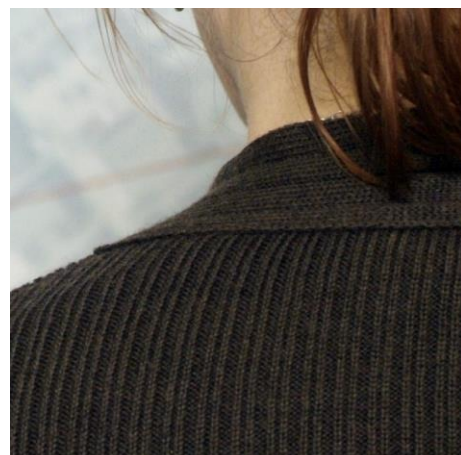
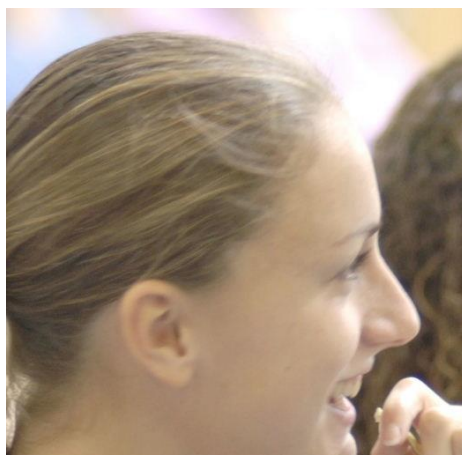
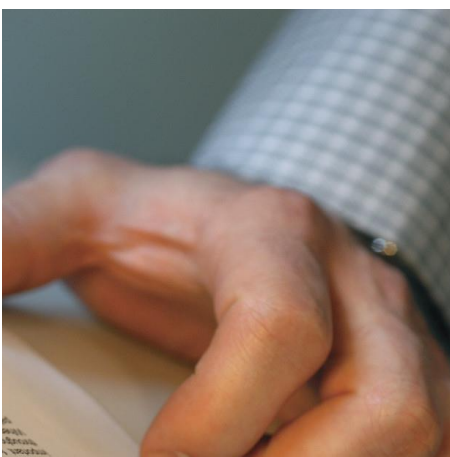
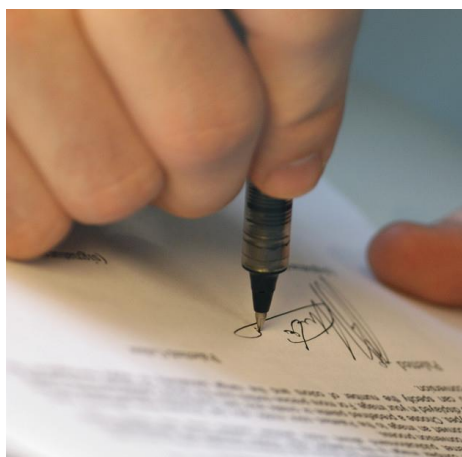


Preparing a New Local Plan for Pendle



Statement of Community Involvement in Planning

Third Revision
September 2022



Document Revision

Version	Author	Date	Comment
0.1	Pendle Council	06.03.2006	Draft published for public consultation. <i>The requirement to prepare a Statement of Community (SCI) is set out in Section 18 of the Planning and Compulsory Purchase Act 2004. Document prepared in accordance with Regulation 26 of the Town & Country Planning (Local Development) (England) Regulations 2004.</i>
1.0	Pendle Council	29.03.2007	Adopted at Council Revision of v0.1 addressing responses to the public consultation and outcome of the independent examination.
1.1	Pendle Council	06.11.2015	Draft published for public consultation. <i>Update of v1.0 in accordance with the requirements of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to address changes to national planning policy and guidance arising from the Localism Act 2011.</i>
2.0	Pendle Council	17.03.2016	Adopted at Executive Revision of v1.1 addressing responses to the public consultation.
2.1	Pendle Council	23.10.2018	Internal Draft, not published for public consultation. <i>Update of v2.0 to address changes arising from the Housing and Planning Act 2016 and publication of the new National Planning Policy Framework (NPPF) in July 2018.</i>
2.2	Pendle Council	07.01.2021	Internal Draft, not published for public consultation. <i>Update of v2.0 to address temporary legislation introduced in response to the COVID-19 pandemic.</i>
2.3	Pendle Council	01.06.2022	Draft published for public consultation. <i>Update of v2.0 to reflect changes to the NPPF; and the decision of Council (9 December 2021) to prepare a new single Local Plan.</i>
3.0	Pendle Council	23.09.2022	Adoption of v2.3 (now known as third revision) at Policy and Resources

Project Management

This version of the Pendle Statement of Community Involvement (SCI) has been prepared and published by Pendle Council.

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1. Background

Introduction

- 1.1 Although people may not be aware of it, planning affects their lives each and every day; it determines where we live, where we work, where we shop, where we play and how we get around. It also helps to conserve and enhance the natural and historic environment.
- 1.2 Pendle's communities are not only made-up of local residents, but people who regularly visit from outside the immediate area such as students, workers and tourists. All of these people have their own views on how the borough should change for the better.
- 1.3 Given the wide ranging influence of planning, it is important that the local community is encouraged to actively participate in the preparation of new planning policy and provided with the opportunity to comment on new policy documents and applications for new development.

What Is the Statement of Community Involvement?

- 1.4 The Statement of Community Involvement (SCI) shows how you can become involved in the preparation of new planning policy and comment on planning applications. It sets-out how Pendle Council will seek to engage with interested parties so that they can influence decisions that will help to shape the future of the borough.
- 1.5 The requirement to produce the Statement of Community Involvement (SCI) is included in the [Planning and Compulsory Purchase Act 2004](#). Pendle Council's first SCI was adopted on 29 March 2007, with the second version adopted on the 17 March 2016. This review is necessary to ensure that the SCI remains up-to-date and also reflect [the Council's recent decision](#) to abandon preparation of the Local Plan Part 2 in favour of a new Local Plan.
- 1.6 This document seeks to:
- Make clear when and how stakeholders¹ can expect to be asked to participate in the preparation of new planning policy;
 - Establish what is expected of applicants before they apply for planning permission; and
 - Set the standard for good practice in community engagement for those with an interest in future growth and development in Pendle.
- 1.7 Experience has demonstrated which methods of stakeholder and public engagement have proved to be most effective in Pendle and revealed those that have met with limited success.
- 1.8 Social media channels such as Facebook, Twitter, Instagram and LinkedIn fulfil an important role in reaching new audiences for the purposes of planning consultation, and provide an effective means of informing the public. More recently the use of video conferencing platforms such as Microsoft Teams and Zoom, have provided important means of maintaining communication during the COVID-19 pandemic, especially during periods of enforced lockdown.

¹ Stakeholders are individuals, organisations or businesses with an interest in the planning of the area.

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- 1.9 This technology has been implemented successfully within the planning process as observed locally with the Regulation 14 consultation for the Colne Neighbourhood Plan, conducted by Colne Town Council, Regulation 18 consultation for the now abandoned Pendle Local Plan Part 2, and nationally through the planning appeals and public examination processes of local plans by the Planning Inspectorate.



- 1.10 This update provides the Council with a valuable opportunity to reflect 'best practice', apply new technologies, reflect broader social changes and world events, and build on the experience gained since the adoption of the previous SCI in 2016.

2. The Planning System

Introduction

- 2.1 Planning (also known as town and country planning, spatial planning or urban planning) is concerned with how land is used. How we manage the environment in which we live, both physically and aesthetically, is important to our future health and well-being.
- 2.2 In the current 'plan-led system' the planning process is essentially made-up of two complimentary functions:
1. **Planning Policy** (also known as forward planning) is concerned with planning positively for future growth and development. In preparing the Local Plan (the local component of the Development Plan) we are seeking to balance physical development against other social, economic and environmental needs, within the parameters established by government legislation and national planning policy.
 2. **Development Management**, in its simplest form, is concerned with the assessment and determination of applications for planning permission. But each decision helps to shape the future development of our local community. Planning applications are therefore granted, or refused, in accordance with the Development Plan and other material considerations.
- 2.3 Given the potential impact of decisions taken within the sphere of planning, it is only right that members of the public, and any commercial or voluntary organisations with business interests in the area, are:
- Encouraged to actively participate in the preparation of the Local Plan and other development plan documents from the outset, before any decisions have been taken; and
 - Provided with adequate opportunity to comment on the proposed content of such documents (DPDs) and any applications for development.

Recent Changes

- 2.4 There have been significant changes to the planning system in recent years, primarily targeted at speeding up the planning approval process and preventing any unnecessary delay to development.
- 2.5 New Government proposals are introduced through a combination of:
- **Legislation:** A legal directive, which must be complied with in order to remain within the law (i.e. a statutory requirement).
 - **Policy:** Sets-out what the Government intends to do to comply with legislation.
 - **Guidance:** Intended to offer a detailed interpretation of exactly what is required by national policy.
 - **Regulations:** These set-out specific details on how any requirements introduced through legislation or policy should be implemented in practice.

Legislation

- 2.6 The [Localism Act 2011](#) introduced the ‘Duty to Co-operate’ which requires local planning authorities to work with their neighbours and other ‘prescribed bodies’ on strategic cross-boundary issues.
- 2.7 The Duty to Cooperate was introduced by [Section 33\(A\) of the Planning and Compulsory Purchase Act 2004](#), to ensure that strategic matters continue to be addressed on a cross-boundary basis, following the demise of regional planning.
- 2.8 In the context of preparing a Local Plan a strategic matter is *“the sustainable development or use of land that would have a significant impact on at least two planning areas”* and *“in a two-tier area if the development or use is a county matter, or would have a significant impact on a county matter.”*
- 2.9 Specifically the Duty requires local planning authorities to:
- Engage constructively, actively and on an ongoing basis with any local planning authority, or other prescribed body², potentially affected by a strategic matter; and
 - To develop strategic planning policies to address such issues and consider joint approaches to plan making.

Policy & Guidance

- 2.10 The [National Planning Policy Framework](#) (often referred to as the NPPF, or simply The Framework) sets out the government’s planning policies for England and how they are expected to be applied. The NPPF was first published in March 2012, and has since been revised with the latest version issued in July 2021. The NPPF performs a key role in providing a planning system which is less complex and more accessible, with the principle aim of securing the delivery of sustainable development.
- 2.11 The NPPF acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. It encourages early engagement with key stakeholders and formal public consultation at key stages in the preparation of new planning policy documents and before a decision is made on planning applications.³ This is to provide for a joined up approach to strategic planning, and to minimise the potential for delay through the planning process.
- 2.12 Planning Practice Guidance was launched in March 2014. It provides further guidance as to how the policies of the NPPF should be interpreted and implemented through the planning system covering 55 themes (or chapters). The web-based user friendly format is intended to make planning guidance more accessible and bring about better community involvement, by giving power back to local communities, and enhance understanding of national planning policy. PPG is subject to regular updates by the Government, some of which occur without prior consultation. It is possible to be notified of these updates by signing up to the Government website.
- 2.13 The Framework and planning practice guidance can both be accessed via the following weblink:
 <http://planningguidance.communities.gov.uk/>

² The list of prescribed bodies is set-out in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended

³ Stakeholders are individuals, groups or organisations that are affected by a particular activity.

Regulations

- 2.14 [The Town & Country Planning \(Local Planning\) \(England\) Regulations 2012](#) and The Neighbourhood Planning (General) Regulations 2012, both came into force on 6 April 2012. These documents set-out how the Local Plan, Neighbourhood Plans and other planning policy documents must be prepared.
- 2.15 [The Town and Country Planning \(General Permitted Development\) \(Amendment\) \(England\) Order 2013](#) and [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), have been introduced to help speed up the determination of planning applications. Together they have removed the requirement to obtain planning permission for some forms of minor development and simplified the procedures for others.

Planning Reform

- 2.16 The Government recently consulted on proposals to fundamentally alter the planning system in England⁴. If adopted, these changes will profoundly affect the way spatial planning documents are prepared and consulted upon, and how planning applications are determined. The broader changes that are proposed in the White Paper will be reflected in a future update of the SCI, should they be brought into effect.

The Development Plan

- 2.17 To ensure that the decision taken by a planning officer (to grant or refuse an application for planning permission) is rational and consistent, it must be considered against the policies in the development plan. This is enshrined in planning law⁵, which requires decisions to be made in accordance with the statutory development plan⁶, unless material considerations should indicate otherwise.
- 2.18 The statutory development plan contains a suite of documents which set-out the policies, proposals, and site specific allocations that are used to guide the nature and location of development in a particular area.
- 2.19 The statutory development plan for Pendle (as of June 2022) is set out in Table 2.1. The statutory development plan changes over time, and will, in due course, also contain emerging development plan documents (DPDs) once they have been adopted. At the time of writing emerging DPDs include:
- Pendle Local Plan (Fourth Revision)
 - Colne Neighbourhood Plan
 - Kelbrook and Sough Neighbourhood Plan

⁴ See Planning for the Future <https://www.gov.uk/government/consultations/planning-for-the-future>

⁵ [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)

⁶ Statutory law is written law, set down by a legislature and may originate with national or local government.

Table 2.1: The Development Plan for Pendle at June 2022

Source	Development Plan Document	Date of Adoption
Pendle Local Plan	Pendle Local Plan Part 1: Core Strategy ¹	16th December 2015
	Saved Policies from the Replacement Pendle Local Plan 2001-2016 ¹	18 th May 2006
	Bradley Area Action Plan ¹	30 th June 2011
Joint Minerals & Waste Local Plan (Lancashire County Council)	Core Strategy ¹	March 2009
	Site Allocation & Development Management Policies (Part One)	September 2013
	Site Allocation & Development Management Policies (Part Two)	September 2013
Neighbourhood Plans	Barrowford Neighbourhood Plan	17 th December 2019
	Trawden Forest Neighbourhood Plan	26 th February 2019

¹ Insofar as its policies are compatible with the National Planning Policy Framework (July 2021).

- 2.20 When deciding whether a planning application addresses the requirements of the Development Plan, planning officers in the Council's Development Management team will consider the following:
- (a) The number, size, layout, siting and external appearance of buildings.
 - (b) The available infrastructure – e.g. roads, water supply and proposed means of access.
 - (c) Any landscaping requirements.
 - (d) The proposed use of the development, and where relevant its responsiveness to evidenced needs and policy requirement.
 - (e) The likely impact on the surrounding area.

- 2.21 National planning policies are also a material consideration.

Development Plan Documents

- 2.22 As their name suggests, development plan documents (DPDs) form part of the statutory development plan 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, sustainability appraisal 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.
- 2.23 The accompanying Policies Map (formerly known as the Proposals Map) shows the geographical area(s) where a particular policy is applicable; illustrates any areas afforded protection through planning policy (e.g. open space, conservation areas etc.) and identifies key sites for future development (e.g. housing and employment). The online version of the map may be updated from time to time as new information becomes available (e.g. flood zones).

- 2.24 The preparation of any DPD is an iterative process; where ongoing informal engagement with key stakeholders, together with formal public consultation, help to inform early drafts of the document. The final draft is then subject to independent examination by an Inspector appointed by the Secretary of State. A DPD can only be adopted by the Council if found to meet necessary legal tests and where it has met the tests of soundness (as set out in Paragraph 35 of the NPPF).
- 2.25 The Local Plan is the keystone of the local planning system. Prepared by Pendle Council in cooperation with the local community, it sets-out an overall vision for future development and growth in the area and the strategic policies to help deliver this vision. When adopted it is the principal consideration against which planning applications are determined.
- 2.26 Pendle Council has committed to preparing a new Local Plan (the Fourth Revision) for the district at the earliest opportunity. The new Local Plan will set out a new vision and objectives for development in Pendle. It will revise and introduce new strategic policy determining the amount, location, type and form of development. It will set out new detailed development management policies used in every day decision making for planning application submitted in the borough, and identify land for specific land uses. On adoption, the new local plan will replace the Pendle Local Plan Part 1: Core Strategy, remaining saved policies of the replacement Pendle Local Plan, and the Bradley Area Action Plan. The seventh revision of the [Local Development Scheme](#) was recently adopted by the Council which confirms the timetable for the production of the new Local Plan.

Supplementary Planning Documents

- 2.27 Supplementary Planning Documents (SPDs) offer additional information and guidance on thematic or site specific issues, in order to help with the interpretation and implementation of policies and strategies set-out in a 'parent DPD'. They cannot be used to allocate land or introduce new planning policies.
- 2.28 Although SPDs go through public consultation procedures and sustainability appraisal, they are not subject to independent examination and do not form part of the Development Plan. However, the information contained in an SPD may be an important consideration in the determination of an application for planning permission.
- 2.29 The adopted Local Development Scheme shows that Pendle Council has adopted four SPDs (Table 2.2). Several new SPDs are to be published in support of the new Local Plan. Provisionally these are intended to address the following:
- Biodiversity Net Gain
 - Climate Change and Energy
 - Pendle Design Code (replacing the Design Principles SPD)
 - Development in the Open Countryside and AONB (update)

Table 2.2: Supplementary Planning Documents (Pendle Local Plan) at June 2022

Document Title		Date of Adoption
1.	Brierfield Canal Corridor Housing Brief SPD	27th October 2005
2.	Conservation Area Design and Development Guidance SPD	14th August 2008
3.	Design Principles SPD	10th December 2009
4.	Brierfield Railway Street Area SPD	9th December 2010

- 2.30 A number of SPDs have also been prepared by Lancashire County Council, in conjunction with the unitary authorities of Blackpool Borough Council and Blackburn-with-Darwen Borough Council, to support policies in the Joint Lancashire Minerals and Waste Local Plan.

Neighbourhood Plans

- 2.31 In 2011 the Localism Act introduced new rights and powers allowing communities to help shape future development in their areas by coming together to prepare Neighbourhood Development Plans (commonly referred to simply as Neighbourhood Plans).
- 2.32 As they will form part of the development plan, 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);
 - Contribute to the achievement of sustainable development; and
 - Be compatible with EU obligations (as since transposed into UK law) and human rights requirements.
- 2.33 The preparation of Neighbourhood Plans is governed by specific legislation in The Neighbourhood Planning (General) Regulations 2012.
- 2.34 Pendle is fully parished, so any Neighbourhood Plan must be initiated through the relevant parish or town council. If the proposed plan does not cover the whole of their area, a 'neighbourhood forum' may be established to produce the plan.
- 2.35 The local community should be actively engaged in the preparation of a Neighbourhood Plan, and must be given the opportunity to comment on the final draft. This is then subject to independent examination. If the examiner recommends that the plan can proceed, Pendle Council will organise and pay for a public referendum. The plan must then be accepted by a majority of the votes cast before it can be adopted by the local planning authority and become part of the development plan for Pendle.

- 2.36 At the time of writing, designated Neighbourhood Plan areas within Pendle currently include the administrative areas for:
- Barrowford Parish Council;
 - Colne Town Council;
 - Kelbrook and Sough Parish Council; and
 - Trawden Forest Parish Council.
- 2.37 As confirmed in Table 2.1, both the Barrowford Neighbourhood Plan and Trawden Forest Neighbourhood Plan have been ‘made’ (adopted) by Pendle Council and now form part of the Statutory Development Plan for the borough.
- 2.38 Plan production in the remaining designated areas is at an advanced stage. It is anticipated that the Kelbrook and Sough Neighbourhood Plan will become part of the statutory development plan later this year. The Colne Neighbourhood Plan will follow and is likely to be ‘made’ in late 2022 or early 2023.

Supporting Documents

- 2.39 Government regulations require local planning authorities to produce a number of documents to help inform the preparation of Local Plan documents.

Submission Documents

- 2.40 Sustainability Appraisal (SA) is a mandatory and integral element of the plan-making process. Its purpose is to identify the potential for any adverse impacts and explore how these might be avoided or reduced, or where this is not possible, including accounting for changes likely overtime and cumulative effects.
- 2.41 Before proceeding with a full Sustainability Appraisal, it is important to prepare a **Scoping Report for the Sustainability Appraisal**. This report provides the basis for engagement with the three statutory bodies – Historic England, Natural England and the Environment Agency – to ensure consensus on the scope of the SA.
- 2.42 The scoping report sets out the process by which the policies and proposals in the Local Plan are to be appraised in order to ensure that they contribute to the aims of sustainable development. 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 full sustainability appraisal, if required.
- 2.43 Where scoping determines that a full sustainability appraisal is required, the process must take full account of the EU Directive on Strategic Environmental Assessment (SEA), which has been transposed into UK law. SEA is the recognised method for systematically identifying and evaluating the impacts that a plan is likely to have on the environment. When combined with a full sustainability appraisal it helps to improve policies and ensure that they reflect sustainable development principles.
- 2.44 The **Sustainability Appraisal (SA) Report** considers the environmental, social and economic impacts of the policies and proposals contained in a DPD or SPD; both alone and in combination with other plans and strategies, and evaluates these against the reasonable alternatives. The NPPF requires only that strategies adopted within the plan represent an appropriate approach when compared to the reasonable alternatives.

- 2.45 [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 the nature conservation objectives of a European Site.⁷ The **Habitats Regulations Assessment Scoping Report**, which is consulted upon with Natural England, helps to determine if such an assessment is required.
- 2.46 The requirement to publish a **Consultation Statement** is a reflection of the Government's desire to strengthen both stakeholder and community involvement in the planning process.
- 2.47 The Regulations only require a Consultation Statement to be produced to accompany any DPD submitted to the Secretary of State (Regulation 22) in order to demonstrate:
- Which bodies and persons were invited to make representations under Regulations 18 and 19 (Regulation 12 for a Supplementary Planning Document);
 - How these bodies and persons were invited to make such representations;
 - A summary of the main issues raised by those representations; and
 - How those main issues have been addressed in the document.
- 2.48 To provide transparency throughout the plan making process, Pendle Council has chosen to publish a Consultation Statement following each formal public consultation and make it available for inspection. The statement describes how those organisations with an active interest in the area together with members of the local community have been engaged in the preparation of a particular plan and shows how their comments have helped to shape successive versions of that document.
- 2.49 For SPDs the Consultation Statement should be available for public inspection during the formal public participation stage (Regulation 12).
- 2.50 Each of the above documents will be subject to public consultation alongside the corresponding DPD or SPD, when prepared.
- 2.51 Amendments made to the tests of soundness, as first introduced through the publication of the 2019 NPPF, set out the need for local planning authorities to effectively address cross-boundary matters. This is to be evidenced by (one or more) **Statement of Common Ground** (commonly abbreviated to SoCG).
- 2.52 A Statement of Common Ground is a written record of progress made by local planning authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating the deliverability of plans through the examination process, as well as showing compliance with the duty to cooperate.
- 2.53 A Statement of Common Ground is required to contain:
- A short written description and map showing the area covered by the statement with brief justification;
 - The key strategic matters being addressed by the statement;

⁷ 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 plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories;
 - Governance arrangements for the cooperation process, including how the statement will be maintained and kept up-to-date;
 - If applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;
 - Distribution of needs in the area as agreed through the plan-making process, or process for agreeing the distribution of need (including unmet need) across the area;
 - A record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreement on these; and
 - Any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other Statement of Common Ground covering all or part of the same area.
- 2.54 Statements of Common Ground are prepared and maintained on an on-going basis throughout the plan making process, and are to be updated where necessary, and where agreements have been reached.

Other Supporting Documents

- 2.55 Although there is no statutory requirement to do so, many local planning authorities also prepare a number of other documents, to demonstrate compliance with legal requirements.
- 2.56 To help demonstrate that a submitted DPD is both legally compliant and sound, Pendle Council has also elected to complete the **Legal Compliance and Soundness Toolkits** prepared by the Planning Advisory Service (PAS).
- 2.57 It is increasingly considered to be good practice to assess the potential impact plans and policies may have on equalities and health. This is achieved through a process known as impact assessment.
- 2.58 **Equality Impact Assessment (EqIA)** aims to prevent discrimination against people who are categorised as being disadvantaged or vulnerable within society. These categories are called equality target groups and are currently designated as being:
- Women;
 - Black, Asian and ethnic-minority people (the BME community);
 - Young people and children;
 - Older people;
 - Disabled people;
 - Lesbian, gay, bisexual and transsexual people (the LGBT community); and
 - People from different faith groups.
- 2.59 **Health Impact Assessment (HIA)** judges potential effects on the health of a population, and the distribution of those effects within the population.
- 2.60 Where an EqIA or HIA has been prepared, it too will be subject to public consultation alongside the corresponding DPD or SPD.

Evidence Base Documents

2.61 The evidence base underpinning new planning policy is also subject to public scrutiny. All documents prepared or commissioned by the Council will be approved through its committee system. Some documents will also be subject to public consultation either independently, or alongside the relevant DPD or SPD.

2.62 Key evidence base documents for the Pendle Local Plan include:

Housing

- Housing Needs Assessment (HNA) or Strategic Housing Market Assessment (SHMA)
- Strategic Housing Land Availability Assessment (SHLAA)

Employment

- Employment Land Review (ELR)
- Retail and Leisure Capacity Study (RLCS)

Infrastructure and the Environment

- Infrastructure Development Strategy (IDS)
- Development Viability Study (DVS)
- Strategic Flood Risk Assessment (SFRA)
- Green Infrastructure Strategy (GIS)
- Open Space Audit (OSA)
- Green Belt Assessment (GBA)
- Heritage Impact Assessment (HIA)

Process Documents

2.63 Three documents (including the SCI) help to provide clarity and accountability for the decisions taken in the preparation of new planning policy and in the implementation of existing planning policy.

2.64 Whilst the SCI is subject to public consultation, it is no longer tested through an independent Examination. The two remaining process documents (discussed below) do not require public consultation, but their content is formally approved through the Council's committee process.

Local Development Scheme

2.65 A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). It is a three-year project plan covering the preparation of new Local Plan documents and providing a summary of those that have already been adopted. It has three main purposes:

- To inform interested parties about the development plan documents (DPDs) that will make up the new Pendle Local Plan and any supplementary planning documents (SPDs) that will provide further detailed guidance on the policies within them.
- To set out the timescales the public can expect for the preparation and review of these DPDs.⁸

⁸ The timetable includes "consultation milestones" to indicate when there are opportunities for both informal and formal engagement in the plan making process.

- To establish and reflect council priorities, enabling a work programme to be set for the preparation of these planning documents.
- 2.66 The LDS also demonstrates how the Council's planning policies address a particular place or issue, and the current status of these policies. It must be made available publically and kept up-to-date, so that the local community and other interested parties can keep track of progress on the preparation of the Local Plan.
- 2.67 The latest LDS was adopted by the Council on the 18th March 2022.

Authority Monitoring Report

- 2.68 The Authority Monitoring Report (AMR) must be prepared and published as soon as practicable after the close of the monitoring year on 31st March.
- 2.69 The AMR monitors the progress being made on the preparation of new policy documents, against the timetable set out in the LDS, and records the usage and effectiveness of existing planning policies.
- 2.70 The AMR is the main mechanism for reviewing the relevance of Local Plan policies and for identifying any changes that may be necessary.
- 2.71 The [latest AMR](#) reports the monitoring year 1st April 2020 to 31st March 2021. The next AMR reporting the period 1st April 2021 to 31st March 2022 is likely to be published in December 2022.

Community Infrastructure Levy

- 2.72 The Community Infrastructure Levy (CIL) is a charge that local planning authorities in England and Wales can apply to development creating new floorspace in their area to fund a wide range of infrastructure that is needed as a result of development. The system is intended to be more transparent than its predecessor in that it gives councils the freedom to set their own priorities for what the money raised should be spent on and provides developers with certainty about how much money they will be expected to contribute.
- 2.73 CIL will not pay for all infrastructure requirements, but will make a significant contribution. Core funding from central government will still be the primary source of funding for infrastructure.
- 2.74 Under [The Community Infrastructure Levy \(Amendment\) Regulations 2014](#) (as amended), councils can elect to introduce a CIL Charging Schedule to help deliver the infrastructure necessary to support development in the area. The charges are set by the local council, based on the size and type of the new development.
- 2.75 The Government recognises that the available data is unlikely to be fully comprehensive. A charging authority must use 'appropriate available evidence' (as defined in the [Planning Act 2008 section 211\(7A\)](#)) to inform their draft charging schedule.
- 2.76 Local communities receiving new development can be rewarded through the direct allocation of a proportion of levy funds collected in their area – 15% or 25% depending on whether a Neighbourhood Plan is in place.

- 2.77 Whilst it is for Pendle Council to determine the merits of introducing a CIL Charging Schedule, the Pendle Development Viability Study (Colliers International, 2013) concludes that “given the costs of introducing and administering it and the very limited types of development on which CIL could be levied, the benefits are likely to be very negligible or nil in current economic conditions.” Refreshed viability evidence prepared in support of the now abandoned Local Plan Part 2 by Lambert Smith Hampton shows this picture to remain unchanged. Taking into account increasing inflation, this position is unlikely to change in the near future.
- 2.78 Faced with concerns about development viability (see inset), following the post 2007 economic recession, Pendle Council resolved not to prepare a CIL Charging Schedule. However, it may choose to do so in the future as viability improves and there is sufficient information and evidence available to demonstrate that:
1. CIL will have a positive economic effect.
 2. CIL is required to fund new infrastructure provision.
 3. The proposed CIL Rates will not threaten viability and delivery of the Local Plan objectives *(to comply with paragraph 173 of the NPPF)*.

3. Participation and Consultation in Plan Making

Introduction

- 3.1 There are a number of stages involved in the preparation of Local Plan documents. These stages are required by Government legislation and planning regulations. They are designed to ensure that the process is as open and transparent as possible.
- 3.2 Figure 3.1 (Page 19) illustrates the key stages in the production of Local Plan documents. The preparation of Neighbourhood Plans is governed by specific legislation and this process is considered separately.
- 3.3 To encourage early involvement in the plan making process, the Council will seek to front-load its programme of public consultation and stakeholder engagement, to help ensure that your views have the greatest chance of being taken into account.

Which Documents Are Subject To Consultation?

- 3.4 Pendle Council is committed to involving all interested parties in the development of new planning policy for the borough and will consult extensively in the preparation of new planning policy, and will consult on the following types of document:

Table 3.1: Planning documents subject to public consultation

Type of Document	Reason for consultation
1. Development Plan Document (DPD) ¹	Statutory requirement
2. Supplementary Planning Document (SPD)	Statutory requirement
3. Supporting Document	Statutory requirement
4. Evidence Base Document	Good Practice
5. Process Document ²	Good Practice
6. Neighbourhood Plan ¹	Statutory requirement
7. CIL Charging Schedule ¹	Statutory requirement

¹Subject to independent examination

²Statement of Community Involvement only.

- 3.5 Policy documents that will form part of the development plan for the borough (i.e. the Local Plan and any Neighbourhood Plans), together with the charging Schedule for the Community Infrastructure Levy (CIL), are subject to independent examination. This will normally include a series of informal Hearing Sessions chaired by an independent Planning Inspector (at the Inspector's discretion for Neighbourhood Plans), where people will be able to speak if they have made a formal representation at the Publication stage of the consultation process objecting to the Plan.

- 3.6 The Local Development Scheme (LDS) shows which Local Plan documents (DPDs and SPDs) the Council intends to produce and when.⁹ It also identifies when any informal engagement or formal public consultation is anticipated to take place. Inevitably, as time passes by, there will also be a need to update existing documents or produce new ones which have not previously been identified. Updated information will be published in future editions of the LDS.
- 3.7 Whilst the formal approach to preparing DPDs and SPDs may be different, both follow an iterative process.¹⁰ In both instances the principle of early and ongoing engagement with key stakeholders followed by wider scrutiny through one, or more, public consultations remains the same. In the case of DPDs these stages are then followed by an independent Examination conducted by an Inspector appointed by the Secretary of State for Communities and Local Government. This is also true for the CIL Charging Schedule.
- 3.8 Supporting documents, such as the Sustainability Appraisal Report, are also made available for public comment. Normally such documents form part of the public consultation carried out, for each iteration of their parent DPD or SPD. This is often true for evidence base documents, although these may be also made available for public comment independently at key stages in their preparation (e.g. to establish an agreed methodology, consider interim results etc.).

Who We Will Engage With

- 3.9 Local residents and other key stakeholders will be invited to participate in the preparation of each of the Local Plan documents that the Council elects to produce.
- 3.10 Details of who the Council will consult are held on its planning policy database. Any individual or organisation can ask for their contact details to be included on this database, in order to be kept informed about emerging planning policy and to receive advance notice of forthcoming public consultations associated with the preparation of new Local Plan documents.
- 3.11 Provided that they are not a prescribed body or specific consultation body (see below), individuals or organisations can request that their details are removed from the database at any time. The database is regularly reviewed by the Council, ensuring that personal details are not retained longer than is necessary in order to comply with GDPR. In addition, the Council only seeks and retains personal data only which is needed to for plan making purposes.
- 3.12 By law Pendle Council must consult certain organisations. These are specified in the [Localism Act 2011](#) ["The Act"] and the [Town & Country Planning \(Local Planning\) England Regulations, 2012](#), as amended ["The Regulations"]. A list of the organisations contacted by Pendle Council at various stages in the plan making process is contained in Appendix 1, but those we are required to consult with (i.e. statutory consultees) are briefly considered below.

Specific Consultation Bodies

- 3.13 The Regulations includes a list of 'specific consultation bodies' that *must* be consulted in the preparation of a Local Plan. There is some overlap between the bodies identified in this list (Regulation 2) and those prescribed for the purposes of the Duty to Cooperate (see below).

⁹ The Statement of Community Involvement (SCI) has not been regarded as a DPD since the introduction of the 2009 Regulations, which removed the duty to submit it to the Secretary of State.⁹ As a consequence the SCI is no longer identified in the LDS.

¹⁰ Iteration is the act of repeating a process with the aim of approaching a desired goal, target or result.

General Consultation Bodies

- 3.14 Regulation 2 identifies those ‘general consultation bodies’ who *should* be consulted during the plan making process and, where appropriate, actively engaged in the preparation of Local Plan documents. These are defined as follows:
- (a) Voluntary bodies some or all of whose activities benefit any part of the authority’s area,
 - (b) Bodies which represent the interests of different racial, ethnic or national groups in the authority’s area,
 - (c) Bodies which represent the interests of different religious groups in the authority’s area,
 - (d) Bodies which represent the interests of disabled persons in the authority’s area,
 - (e) Bodies which represent the interests of persons carrying on business in the authority’s area.

Prescribed Bodies (Duty to Cooperate)

- 3.15 The Duty to Cooperate (DTC) was established in the Localism Act 2011, and amends Section 33 of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. And, whilst it is not a duty to agree, it is necessary to demonstrate at Examination that every effort has been made to secure cooperation on strategic cross boundary matters. Regulation 4 sets out the bodies prescribed for the purposes of Section 33A(1)(c) of The Act.

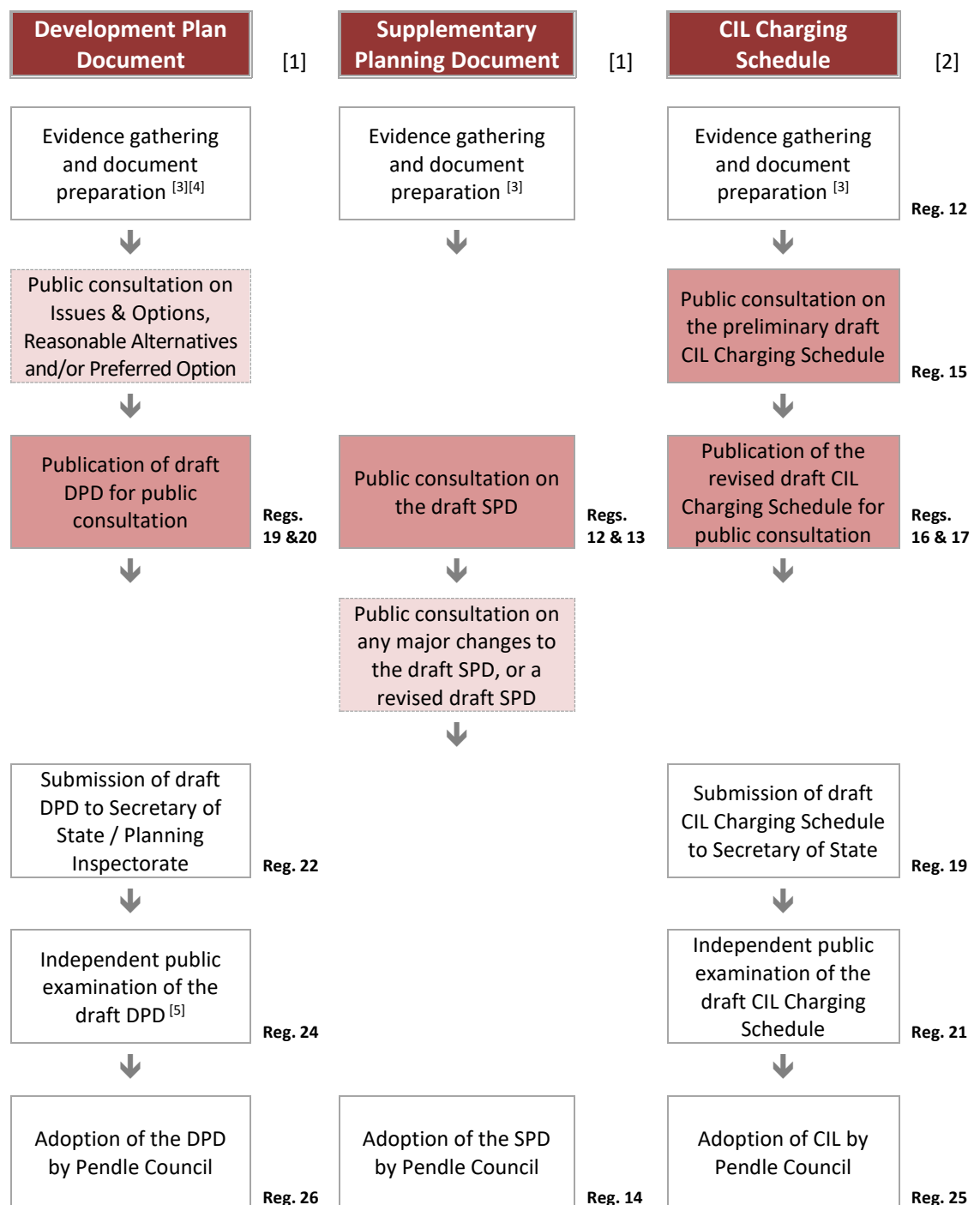
When We Will Engage With You

(a) Development Plan Documents and CIL Charging Schedule

Introduction

- 3.16 Tables 3.2 and 3.3 set out the different stages in the preparation of DPDs and SPDs respectively and highlight the opportunities for involvement. These different stages are discussed in more detail below and summarised in Figure 3.1.
- 3.17 The process for preparing and adopting a CIL Charging Schedule is very similar to that for a DPD and is set out in Table 3.4. However, the process for preparing a Neighbourhood Plan is quite different, with public consultation and engagement being led by both the Council and the body preparing the plan document at different stages. This process is discussed separately.

Figure 3.1: Key Stages in the Preparation of New Planning Policy Documents



[1] Town and Country Planning (Local Development)(England) Regulations 2012, as amended

[2] Community Infrastructure Levy Regulations 2010, as amended

[3] Includes engagement with key stakeholders to establish the scope and content of the proposed document.

[4] Complex documents may also require one or more formal public consultations to: explore the key 'Issues and Options'; assess any 'Reasonable Alternatives'; and consider the Council's 'Preferred Option'.

[5] Including public consultation on any proposed 'Main Modifications' to the DPD; arising from the Examination.

Preparation

- 3.18 Before starting work on writing a new Local Plan, or any other DPD, Regulations 18(1) and 18(2) require a local planning authority (such as Pendle Council) to contact those specific and general consultation bodies, which it considers may have an interest in the proposed subject matter, and such residents or other persons carrying on business in the area, from which the Council considers it appropriate to invite representations, in order to:
- (a) Notify them of its intention to prepare such a document; and
 - (b) Invite them to comment on what it should contain.
- 3.19 This stage is not required for an SPD, as these documents normally expand upon, or offer further detail to, higher level policy (i.e. one within a DPD); or provide detailed guidance that is site specific (e.g. a development brief) or is concerned with a particular topic area (e.g. design guide).
- 3.20 Having established the content and scope of the DPD or SPD, the next stage is to gather evidence to inform the identification of issues and the development of options. This may involve the preparation of several evidence base documents.
- 3.21 The requirement to conduct a further public consultation to consider the Council's 'preferred option' is no longer prescribed in The Regulations. However, a number of draft documents may be produced to encourage participation and stimulate further debate. In particular, careful consideration of the reasonable alternatives will help to shape the emerging plan by moving towards an agreed position.
- 3.22 Comments on a draft document will be requested within a specified period; not normally less than six weeks. Any representations received in response to a formal public consultation will be carefully considered by officers of the Council, before moving on to the next stage.
- 3.23 Although not required by the Regulations at this stage, for clarity and transparency Pendle Council will publish a 'consultation statement' to describe the nature of any public engagement that has previously taken place by setting-out:
- Which bodies and persons were invited to make representations;
 - How these bodies and persons were invited to make such representations;
 - A summary of the main issues raised by those representations; and
 - How those main issues have been addressed.
- 3.24 By the end of the 'preparation stage' members of the local community and other key stakeholders that have an interest in the document should have had the opportunity to get involved and have their views taken into account.

Public Participation and Publication

- 3.25 Before proceeding with the adoption of a SPD, a statutory public consultation of not less than four weeks is required by Regulations 12 and 13.
- 3.26 After careful consideration of the comments made in response to this public consultation, and making any changes to the document that are considered to be necessary, an SPD will normally move straight to adoption ([paragraph 3.44](#)).

- 3.27 In contrast DPDs must be examined by an independent planning inspector, as they establish the strategic planning policies that will guide future development in the area, and provide the basis for determining planning applications. Before submitting what is considered to be the final version of the plan (i.e. the Publication or Pre-Submission Report) to the Secretary of State for examination, a statutory public consultation of not less than six weeks is required by Regulations 19, 20 and 35. The purpose of this consultation is not to further refine the strategy or policies, but to comment on whether the:
- (i) Process followed in the preparation of the document is legally compliant; and
 - (ii) Document is considered to be sound.
- 3.28 There is no legal definition of ‘sound’, but in this context it is used to mean ‘showing good judgment’ and ‘able to be trusted’. To be considered sound, in accordance with paragraph 35 of the 2021 NPPF, a plan must be:
- 1. **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;
 - 2. **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - 3. **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - 4. **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.
- 3.29 Any representations submitted at this stage will be considered by the Inspector appointed to conduct the independent Examination, rather than the Council. However, the Council should only submit a plan for Examination, if it is considered to be sound. Should any representations raise an issue that has not previously been considered, and would require a significant change to the DPD, the Council may need to re-publish and consult once again on a revised version of the document (Regulation 19), or even go-back a stage if new options need to be considered (Regulation 18).
- 3.30 In addition to a copy of the DPD (and policies map where appropriate), the accompanying sustainability appraisal report and a consultation statement must also be made available for public consultation.

Submission

- 3.31 Following the conclusion of the Publication stage, the Council will submit the DPD to the Secretary of State for Communities and Local Government. Regulation 22 requires the following ‘submission documents’ to accompany the DPD.
- (a) The sustainability appraisal report
 - (b) A submission policies map
 - (c) A consultation statement
 - (d) Copies of any representations made at the Publication stage (i.e. in accordance with Regulation 20)
 - (e) Any supporting documents considered to be relevant to the preparation of the plan.

- 3.32 Although it is the Inspector appointed to conduct the Examination (see below), rather than the Council, that will consider the representations made at the Publication stage, the Council is able to recommend minor changes in the form of a Schedule of Proposed Modifications. This will be updated throughout the examination process.

Examination

- 3.33 The Examination starts on the date of submission. On receipt of the DPD and supporting documents the Secretary of State will request the Planning Inspectorate to appoint an Inspector to conduct an independent Examination.
- 3.34 Early in the Examination, the Inspector will prepare and circulate an initial Guidance Note, which will outline the procedures to be followed in the examination and in preparation for any hearing sessions. The issuing of this note usually eliminates the need for a Pre-Hearing Meeting and helps everyone to better understand the procedures.
- 3.35 If no-one exercises their right to speak the Inspector, may choose to deal with the whole examination by written representations. However, it is more likely that one or more hearing sessions will be held.
- 3.36 Hearing Sessions allow the Inspector to hold in-depth discussions on a range of issues in a fairly relaxed atmosphere. Occasionally, where there are strongly opposed views on matters within the DPD, the evidence may need to be tested more formally, with the relevant people putting their case forward with the help of legal representation. Anyone who submitted a representation against the soundness of the plan at the Publication stage can exercise their right to be heard.
- 3.37 In assessing the DPD, the Inspector will need to use his or her professional judgement based on the evidence available. If the Inspector is not satisfied that he or she has enough information to determine whether the document is sound, he or she may ask the Council to carry out more work before the examination can be completed. The Inspector may also want more details of the matters raised during the examination, and will set a timetable for receiving that information, before making his or her report available.
- 3.38 The length of the examination will vary according to how complicated the document is and the number and nature of the representations made. The hearings sessions will usually take no more than 8 days. The overall examination process will be around six months for most DPDs.
- 3.39 Approximately 12-14 weeks after the final hearing session the Inspector will issue a report on the soundness of the plan. The authority must publish the Inspector's recommendations and tell those people who asked to be informed of its publication. Should the DPD be found to be sound, or capable of being so with some modification, the local planning authority can progress to adoption.
- 3.40 The Inspector has no power to recommend improvements to the plan. In many instances representations are made about matters that do not undermine the soundness of the DPD. The Inspector will not make recommendations about these matters even if he or she feels that the representation is well founded.

- 3.41 The Inspectors Report will only make recommendations on the 'main modifications' necessary to make a DPD sound where requested to do so by the local planning authority. The Planning and Compulsory Purchase Act requires the Inspector's report to make explicit that the plan as submitted for examination (i.e. without these 'main modifications') should not be adopted and gives reasons why this is the case.
- 3.42 Any main modifications recommended by the Inspector will be subject to a period of public consultation. Before the Council can proceed to adoption, the DPD will need to incorporate these main modifications in order to comply with statutory requirements. However, there is no legal requirement for the local planning authority to adopt the DPD.

Adoption

- 3.43 Adoption will require a formal resolution at a meeting of the Full Council, which meets every three months in Pendle.
- 3.44 The adopted document, along with the recommendations of the Inspector will be published and publicised at this stage.

Judicial Review

- 3.45 Any person may challenge an adopted development plan document if they do not think that it meets the conditions of the relevant legislation. 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

- 3.46 Further information can be found in the document 'Examining Local Plans: Procedural Practice' (The Planning Inspectorate, December 2013), which can be accessed online via the following link:
- <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Table 3.2: Local Plan and other Development Plan Documents

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
Preparation: Evidence gathering and document preparation Regulation 18	- To identify the subject matter of the Local Plan/DPD - To establish a consensus on the scope and content of the Local Plan/DPD - To produce a robust and up-to-date evidence base, allowing for identification of the key issues and options to be addressed in the Local Plan/DPD	- Specific consultation bodies (including relevant authorities) - Prescribed bodies - General consultation bodies	- Formal notification regarding the subject matter of the Local Plan/DPD – letter and/or email - Informal discussions with relevant organisations – surveys, one-to-one meetings, and/or group forums - Regular updates – Framework newsletter
Preparation: Public consultation Regulation 18	- Formal engagement / public consultation on a draft document is no longer mandatory prior to Publication (see below), but may take the form of: - Issues and Options – to consider the key issues identified through scoping and any reasonable alternatives for dealing with them - Preferred Options – to consider the Council’s preferred strategy and justify why any reasonable alternatives have been rejected - In addition to a draft version of the Local Plan/DPD, the Sustainability Appraisal Report, Habitat Regulations Scoping Assessment and Consultation Statement may also be made available for comment, together with any significant evidence base documents - Any representations received in response to a public consultation will be carefully considered and, where appropriate, amendments will be recommended to the draft Local Plan/DPD and/or supporting documents	- Specific consultation bodies (including relevant authorities) - Prescribed bodies - General consultation bodies - Local community and other interested parties	- A public consultation of not less than six-weeks where this is considered to be appropriate - Advance notification provided to all organisations and individuals registered on the Council’s planning policy database – letter and/or email - Advance publicity within the local community – advertisement / public notice in local press; messages via social media; posters in public buildings and community facilities; editorial features in Framework newsletter and local media - The Local Plan/DPD, Sustainability Appraisal Report, Consultation Statement and key supporting documents will be made available for inspection at the Principal Planning Office and Public Libraries and published on the Council’s website - Stakeholder workshops, travelling public exhibitions, virtual presentation/discussion forum. - Attendance at Area Committee, Parish

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
Publication Regulations 19 & 20 <i>May also be referred to as the Pre-Submission Stage</i>	- Provides an opportunity for interested parties to comment on the Local Plan before it is submitted for examination - The Publication version of the Local Plan is the document that the Council proposes to adopt - It must be made available for public consultation before it is submitted to the Secretary of State for independent examination - This stage is primarily concerned with how the evidence has been used to inform the chosen strategy - Comments at this stage should be focussed on compliance with legal and procedural matters and the soundness of the document - All representations received are passed to the Inspector appointed to carry out the Examination	- Specific consultation bodies (including relevant authorities) - Prescribed bodies - General consultation bodies - Local community and other interested parties	and Town Council meetings (as required) - A public consultation of not less than six-weeks - Advance notification provided to all organisations and individuals registered on the Council's planning policy database – letter and/or email - Advance publicity within the local community – advertisement/public notice in local press; messages via social media; posters in public buildings; editorial features in Framework newsletter and other local media - The Local Plan/DPD, Sustainability Appraisal Report, Consultation Statement and key supporting documents will be made available for inspection at the Principal Planning Office and Public Libraries and published on the Council's website - If any of the amendments are considered to be significant (ie change a policy stance) a further public consultation under Regulations 19 and 20 will be required prior to Submission
Submission Regulation 22	The Publication version of the Local Plan is sent to the Secretary of State for independent examination, together with all supporting documents and any representations received in response to the public consultation on the Publication/Pre-Submission Report	No formal public consultation All comments and representations submitted in response to the Publication/Pre-Submission Report will be considered by the Inspector as part of the Examination process	- All specific, general and prescribed consultation bodies, together with anyone who has submitted a valid representation, will be notified of the submission in writing by letter and/or email - The Local Plan/DPD, Sustainability Appraisal Report, Consultation Statement, key supporting documents and any representations received (in

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
			accordance with Regulation 20) will be made available for inspection at the Principal Planning Office and Public Libraries and published on the Council's website
Examination Regulations 23-25	- An independent Inspector appointed by the Secretary of State will consider the 'soundness' of the Publication version of the Local Plan/DPD, in the context of any formal representations submitted in response to the public consultation held in accordance with Regulations 19 and 20 - The Council may recommend minor changes to the Local Plan/DPD to overcome any typographical errors etc (Additional Modifications) - Only the Inspector can recommend any changes that are considered necessary to make the Local Plan/DPD sound (Main Modifications) and these will be subject to public consultation - The Inspector's conclusions are set-out in a non-binding report issued to the Council at the close of the Examination - If there are insurmountable issues with regard to soundness or legal compliance (including the Duty to Cooperate) the Local Plan/DPD will be found 'unsound' and cannot be adopted by the Council	Anyone submitting a valid representation at the Publication/Pre-Submission stage (see above) will have the opportunity to participate in the Examination	- The Council will publish the time and place of the examination and the name of the examiner in the local press and on its website, and notify those who submitted representations at the Publication/Pre-Submission stage. The hearings may be held via virtual means at the discretion of the examining Inspector. - Participants will be invited the opportunity to submit Hearing Statements and/or provide verbal comments at a Hearing Session. - The Inspector may contact individuals or organisations that have previously commented on the Plan, to ask if they would be prepared to take part at a Hearing Session to provide evidence - Members of the public can observe the hearing sessions - Any public consultation on the Main Modifications will be held in accordance with usual practices: - A public consultation of not less than six-weeks - Advance notification provided to all organisations and individuals registered on the Council's planning policy database – letter and/or email - Advance publicity within the local

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
			community – advertisement/public notice in local press; messages via social media; posters in public buildings; editorial features in Framework newsletter and other local media – The Schedule of Main Modifications will be made available for inspection at the Principal Planning Office and Public Libraries and published on the Council's website – Any representations received will be considered by the Inspector
Adoption Regulation 26	• The Council will take into account the recommendations set-out in the Inspector's Report; make the necessary amendments to the Local Plan document and proceed with its adoption • The Council will adopt the Local Plan/DPD at its Executive, but this decision <u>must</u> be ratified at Full Council • In the six-week period following the date of adoption, an application for a judicial review may be submitted to the High Court under Section 113 of the Planning & Compulsory Purchase Act 2004, if there is evidence that the process by which the decision was made was unlawful	• No formal public consultation All comments and representations have previously been taken into consideration	• The Local Plan/DPD, Sustainability Appraisal Report, Inspector's Report and adoption statement will be made available for inspection at the Principal Planning Office and Public Libraries and published on the Council's website • The adoption statement will be sent to the Secretary of State and any person who has asked to be notified

Notes:

¹The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended

2 See Appendix 1 for details

Table 3.3: Supplementary Planning Documents & Statement of Community Involvement

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
Evidence gathering and document preparation	- To identify the subject matter of the SPD - To establish a consensus on the scope and content of the SPD - To produce a robust and up-to-date evidence base, allowing for identification of the key issues and options to be addressed in the SPD	- Specific consultation bodies (including relevant authorities) - Prescribed bodies - General consultation bodies	- Formal notification regarding the subject matter of the SPD – letter and/or email - Informal discussions with relevant organisations – surveys, one-to-one meetings, and/or group forums. - Regular updates – Framework newsletter
Public Participation Regulations 12 & 13	To provide stakeholders, members of the local community and any other interested parties with an opportunity to comment on the proposals set out in the draft SPD	- Specific consultation bodies (including relevant authorities) - Prescribed bodies - General consultation bodies - Local community and other interested parties	- A public consultation of not less than six-weeks - The SPD, Sustainability Appraisal Report (if required), Consultation Statement and key supporting/evidence base documents will be made available for inspection at the Principal Planning Office and Public Libraries³ and published on the Council's website - The Consultation Statement will indicate who was consulted in the preparation of the SPD, provide a summary of the main issues raised and show how these issues have been addressed in the SPD - Advance notification provided to all organisations and individuals registered on the Council's planning policy database – letter and/or email - Advance publicity within the local community – advertisement/public notice in local press; messages via social media; posters in public buildings; editorial features in Framework newsletter and other local media - Any representations received in response to the public consultation will be carefully

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
			considered and, where appropriate, amendments will be made to the draft SPD and/or supporting documents If any of the changes to the SPD are considered to be significant (ie they require a change in the policy stance) a further public consultation will be carried out under Regulations 12 and 13 prior to adoption
Adoption Regulation 14	- SPDs are not subject to Independent Examination as they: - expand upon policy, or provide further detail to policies, in an adopted Local Plan/DPD; and - do <u>not</u> form part of the statutory Development Plan - The Council will adopt an SPD at its Executive and the decision will (if necessary) be ratified at Full Council	No formal public consultation All comments and representations have previously been taken into consideration	- The SPD and adoption statement will be made available inspection at the Principal Planning Office and Public Libraries and published on the Council's website - The adoption statement will be sent to any person who has asked to be notified

Notes:

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended

² See Appendix 1 for details

Table 3.4: CIL Charging Schedule

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
Preparation: Evidence gathering and document preparation CIL Regulation	- Establish the format and content of the Charging Schedule - CIL & Affordable Housing Viability Assessment (including proposed CIL Charging Zones, proposed CIL Charging Rates and proposed Affordable Housing Targets) - Identify future infrastructure needs and the extent of the funding gap (evidence is contained in the Council's Infrastructure Delivery Plan)	- Key stakeholders, including: - Developers - Landowners - Property agents - Planning consultants - Local business community - Neighbouring local authorities - County Council	- Exchange of correspondence – letter and/or email - One-to-one / group meetings with key stakeholders as appropriate
Preparation: Setting Rates CIL Regulations 13 & 14	- Draw-up a Regulation 123 list¹¹ by methodically going through sites to determine whether CIL, S106, S278, or a combination will be used to deliver the infrastructure - Test the economic impact of CIL on development viability - Test the ability of a range of development types/intended uses to yield contributions to infrastructure requirements	- Key stakeholders, including: - Developers - Landowners - Property agents - Planning consultants - Local business community - Neighbouring local authorities - County Council	- Exchange of correspondence – letter and/or email - Stakeholder workshops
Preparation: Preliminary Draft Charging Schedule CIL Regulation 15	- Establish the proposed CIL charging rates - Provides the main opportunity for interested parties to comment on and influence the content of the Draft Charging Schedule - Any representations received in response to the public consultation will be carefully considered and, where appropriate,	- Consultation bodies prescribed in Regulation 15: - adjacent local authorities - County Council - Parish and Town Councils within the authority - persons resident in the area - persons carrying on business in the	- A public consultation of not less than six weeks - The Draft Charging Schedule and key supporting documents will be made available for inspection and published on the Council's website - Advance notification to all consultation bodies prescribed in Regulation 15 –

¹¹ A list of projects (or types of infrastructure) that the Council intends to fund, or may fund, through CIL.

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
	amendments will be made to the Draft Charging Schedule and/or supporting documents	area – Voluntary bodies with activities in the area – bodies representing the interests of local businesses	email and letter • Advance notification to persons living or carrying out business in the area; voluntary and community groups; and bodies representing interest groups – letter and/or email; social media; advertisement / public notice in local press; posters in public buildings; editorial features in Framework newsletter, local media • Stakeholder workshops, travelling public exhibitions. • A consultation statement setting out the nature of any representations received; the Council's response to these comments; and any changes subsequently made to the Draft Charging Schedule will be published
Publication CIL Regulations 16 & 17	• The Publication version of the CIL Charging Schedule is the document that the Council proposes to adopt • It must be made available for public consultation, together with any evidence and a statement the representations procedure, before it is submitted to the Secretary of State for independent examination • Consultation provides an opportunity for interested parties to comment on the Draft Charging Schedule before it is submitted for examination • Primarily concerned with how the evidence has been used to inform the CIL Charging Schedule • All representations received are passed	• Consultation bodies prescribed in Regulation 15: – adjacent local authorities – County Council – Parish and Town Councils within the authority – persons resident in the area – persons carrying on business in the area – Voluntary bodies with activities in the area – bodies representing the interests of local businesses	• A public consultation of not less than six weeks • The Draft Charging Schedule and key supporting documents will be made available for inspection and published on the Council's website • Advance notification to all consultation bodies prescribed in Regulation 15 – email and letter • Advance notification for residents on the planning policy database; voluntary and community groups; and bodies representing interest groups – letter and/or email • Advance publicity within the local community – advertisement/public notice in local press; messages via social

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
	to the Inspector appointed to carry out the Examination		media; posters in public buildings; editorial features in Framework newsletter and other local media
Submission CIL Regulation 19	- The Publication version of the Draft Charging Schedule must be examined in public by an independent person appointed by the charging authority, together with all supporting documents and any representations received in response to the public consultation on the Publication Report - Any representations received will be considered by the Inspector	No formal public consultation All comments and representations submitted in response to the Publication Report will be considered by the Examiner	- Notification to all consultation bodies prescribed in Regulation 15 – letter and/or email - Notification to persons living or carrying out business in the area; voluntary and community groups; and bodies representing interest groups – letter and/or email; advertisement / public notice in local press; posters - The Draft Charging Schedule, Consultation Statement, copies of any representations (made in accordance with Regulation 17) and key supporting documents will be made available for inspection and published on the Council's website
Examination CIL Regulation 21	- The examiner will consider the Publication version of the CIL Charging Schedule - Any representations addressing the proposed Main Modifications will be considered by the Inspector - The Examiners conclusions are set-out in a non-binding report issued to the Council at the close of the Examination	Anyone submitting a valid representation at the Publication stage (see above) will have the opportunity to participate in the Examination	- The Council will publish the time and place of the examination and the name of the examiner on its website, at least four weeks prior to the examination It will also send a letter and/or email to those who have submitted a representation (and not withdrawn it), at least two weeks prior to the examination. - The examination may take place via virtual means at the discretion of the examining inspector. - Participants will be offered the opportunity to submit Hearing Statements and/or provide verbal comments at a Hearing Session - Members of the public can observe

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
			hearing sessions. - Any public consultation on the Main Modifications will be held in accordance with usual practices: - Six week public consultation - Advance notification to all organisations and individuals registered on the Council's planning policy database – email and letter - Advance notification within the local community – advertisement / public notice in local press; posters in public buildings; editorial features in Framework newsletter and local media
Examiners Recommendations CIL Regulation 23	The charging authority (Pendle Council) must publish the examiners recommendations and reasons for these recommendations as soon as practicable after receipt	Those persons who asked to be notified about the publication of the Examiners Recommendations	- The Council will make the inspectors recommendations available for public inspection and publish them on its website - Notice to this effect will be provided to any persons who requested to be notified
Adoption CIL Regulation 25	- The Council will take into account the recommendations set-out in the Inspectors report; make the necessary amendments to the CIL Charging Schedule and proceed with its adoption - The Council will adopt a CIL Charging Schedule at its Executive, but this decision <u>must</u> be ratified at Full Council. The CIL Charging Schedule will sit alongside the Local Plan, but does not form part of the statutory Development Plan - In the six-week period following the date	No formal public consultation All comments and representations have previously been taken into consideration	- The CIL Charging Schedule and adoption statement will be made available for inspection and published on the Council's website - The adoption statement will be sent to any person who has asked to be notified

Stage / Regulation ¹	What is the purpose?	Who we will consult ²	How we will consult and engage?
	of adoption, an application for a judicial review may be submitted to the High Court under Section 113 of the Planning & Compulsory Purchase Act 2004, if there is evidence that the process by which the decision was made was unlawful		

Notes:

¹ The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2014

² See Appendix 1 for details

(b) Neighbourhood Plans

Introduction

- 3.47 The Government has provided powers to local communities to enable them to produce planning documents known as Neighbourhood Development Plans – more commonly referred to simply as Neighbourhood Plans. When adopted, Neighbourhood Plans become part of the statutory development plan for their area and used by planning officers in the determination of planning applications.

Preparation

- 3.48 Neighbourhood Plans are prepared by the local community, with the Council responsible for:
- Providing advice and assistance to the body preparing a neighbourhood plan, subject to the availability of resources.
 - Carrying out the appropriate checks to ensure that the submitted plan meets basic conditions and legal requirements.
 - Making arrangements for the independent examination of the plan;
 - Making the plan (i.e. adopting it through the Council's formal committee process) subject to the results of a local referendum.
- 3.49 Pendle Council has prepared a Neighbourhood Planning Protocol, which sets out the support it will provide to communities preparing a Neighbourhood Plan. This protocol provides the basis of a service level agreement between both parties
- 3.50 As Pendle is fully parished, any proposal for a Neighbourhood Plan must be initiated through the relevant parish or town council. If the proposed plan does not cover the whole of their area, a 'neighbourhood forum' may be established to produce the plan. *[N.B. Rather than continually reference parish councils, town councils and neighbourhood forums, they are referred to as the neighbourhood planning body or "NPB" in the remainder of this section].*
- 3.51 The NPB takes responsibility on behalf of the local community for producing and consulting on a neighbourhood plan, and may qualify for grant funding or secure business sponsorship to help with its preparation.¹²

Public Participation and Publication

- 3.52 The preparation or modification of a Neighbourhood Plan (see Figure 3.2) should be publicised widely to bring it to the attention of people who live, work or carry out business in the area. The consultation methods to be used are not specified, but should facilitate continuous and meaningful involvement of the whole community. This should be based on a clear strategy and fully explained in the consultation statement.
- 3.53 Whilst there are no statutory consultees, a list of consultation bodies that should be consulted, if the plan affects them, is provided in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012. Pendle Council will provide the NPB with contact details for these consultees.

¹² The Localism Act 2011 also promotes Neighbourhood Development Orders, which grant planning permission for certain uses within a specified area. The preparation, consultation, publication, examination and adoption of these reflect the stages for a Neighbourhood Plan, although the consultation bodies are defined differently in The Neighbourhood Planning (General) Regulations 2012 (Schedule 1, paragraph 2)

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- 3.54 Once a neighbourhood plan has been written, the NPB must publicise and consult on the *pre-submission draft* for a minimum of six weeks, and invite stakeholders and the community to make representations (Regulation 15).
- 3.55 Following this consultation the NPB should make any changes to the plan that it considers necessary, before submitting the plan, all supporting documents and any representations received to Pendle Council for *publication*. This includes a statement explaining how the plan meets the basic conditions¹³ and a consultation statement setting out the nature of the public consultation and engagement carried out in the preparation of the plan.
- 3.56 Upon receipt Pendle Council needs to satisfy itself that the plan complies with the relevant statutory requirements; before making this version of the plan available for a further six week public consultation (Regulation 16).

Examination and Referendum

- 3.57 Following this consultation the NPB and Pendle Council jointly appoint a suitably qualified person to conduct an independent examination of the plan. Pendle Council is then responsible for sending a copy of the plan, all supporting documents and any representations received in response to the public consultation (held in accordance with Regulation 16) to the examiner, and for arranging and paying for the examination (Regulation 17).
- 3.58 As soon as possible after the conclusion of the examination, the examiner will issue a formal report to Pendle Council (following the conclusion of the examination. At this point Pendle Council is required to:
- Consider and respond to each of the examiner's recommendations;
 - Take a formal decision on whether the basic conditions set-out in the legislation have been satisfied; and
 - Determine whether the plan is compatible with any Convention rights.
- 3.59 Pendle Council must then publish and publicise the outcome of these deliberations in a formal decision statement, before arranging and paying for a local referendum (Regulation 18)¹⁴. Ahead of the referendum councillors can play an important role by encouraging local people to vote in the referendum and making them aware of the key policies in the plan and their implications for the area in which they live.

Adoption

- 3.60 If ratified by the referendum (i.e. the plan is supported by more than 50% of those people who vote), Pendle Council must publicise the decision to make (formally adopt) the neighbourhood plan (Regulation 19) and bring it into force (Regulation 20).

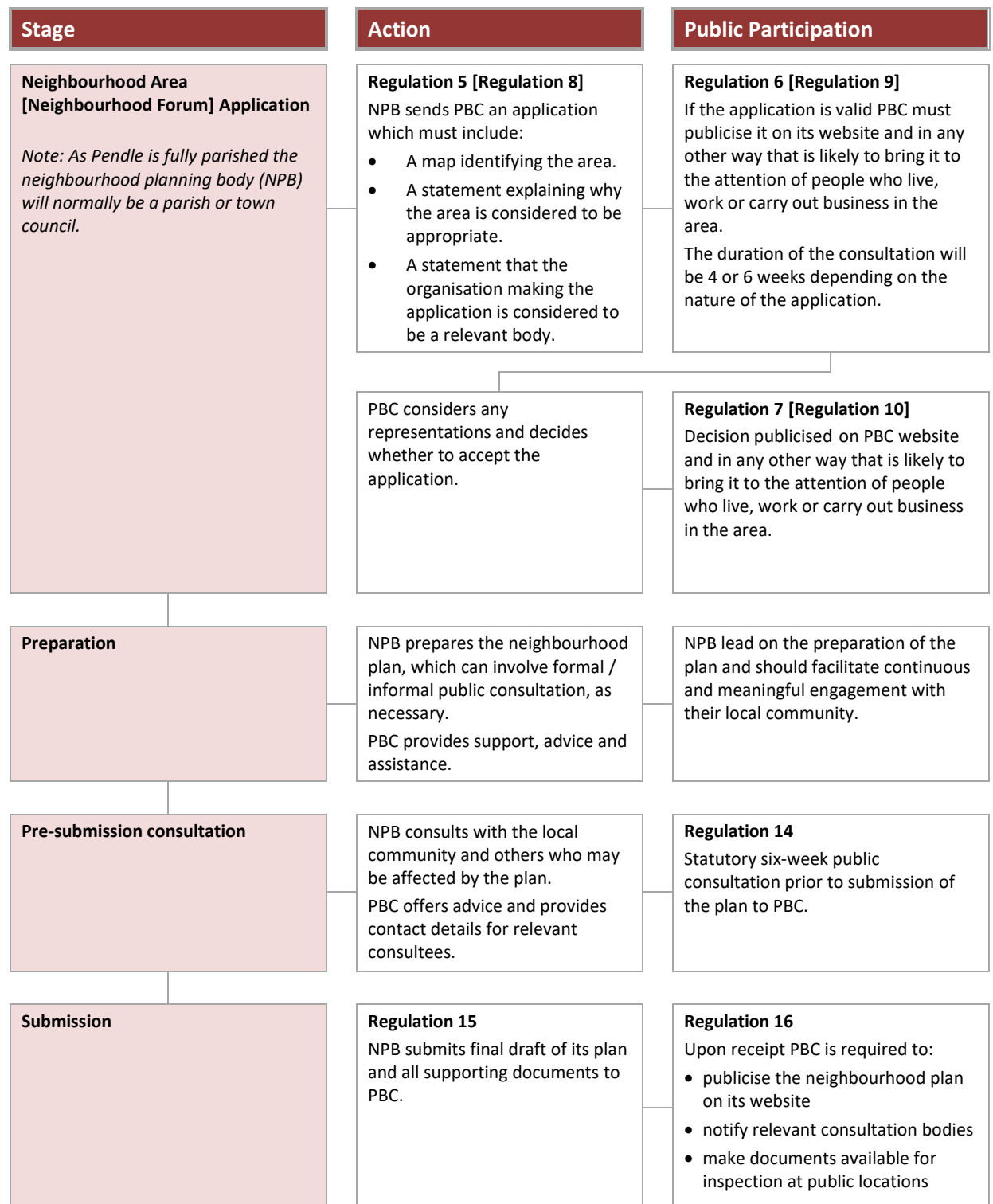
Judicial Review

- 3.61 Any person may challenge the adoption of a Neighbourhood Plan if they do not think that it meets the conditions of the relevant legislation. Applications must be made to the High Court within six weeks of the date of the authority advertising that the plan has been adopted. You should get legal advice before starting this process.

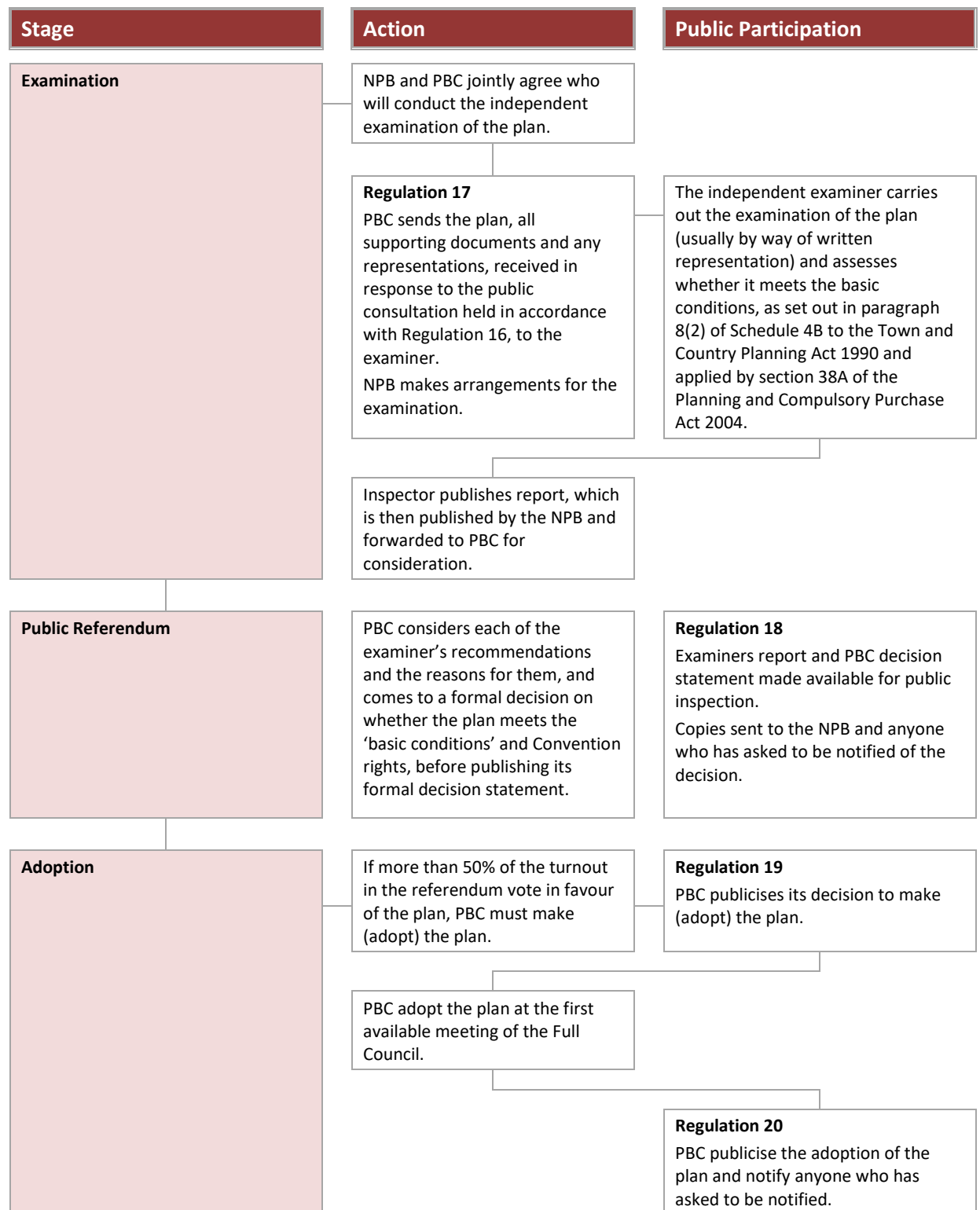
¹³ The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990.

¹⁴ Referendums on Neighbourhood Plans are currently suspended (until at least May 2021) due to the ongoing COVID-19 Pandemic. In the interim period, where a decision statement has been issued, a Neighbourhood Plan can be given significant weight in the decision making process.

Figure 3.2: Preparation of a Neighbourhood Plan



Pendle Statement of Community Involvement in Planning 3rd Revision



Notes:

PBC = Pendle Borough Council

NPB = Neighbourhood Planning Body

Regulation = The Neighbourhood Planning (General) Regulations 2012

How We Will Engage With You

- 3.62 Effective communication is the key to successful plan making. To demonstrate its commitment to community engagement and public consultation Pendle Council seeks to:
- Involve the local community at an early stage;
 - Provide everyone with equality of access to comprehensive, unbiased information; and
 - Listen to people's views and provide feedback.
- 3.63 Pendle Council is committed to providing all members of our community with appropriate levels of access to information and advice. It is clear that a 'one-size fits all' approach will not successfully engage all members of our diverse community. To ensure that the Council delivers the same quality of information to all its customers, we will seek to address the needs of those people who may have specific access requirements, which includes:
- Black and minority ethnic communities;
 - Young and elderly people;
 - People with a disability;
 - Residents in rural areas; and
 - Gypsy and traveller communities.
- 3.64 A combination of techniques will be used to notify, inform and consult with different elements of the community in order to help secure their active participation in the planning process (Table 3.4). The methods that are selected will not only vary from group to group, but at different stages in the process of preparing a new Local Plan document. A matrix indicating the likelihood of their usage at different stages is provided in Appendix 3.

Printed Materials

- 3.65 All documents conform to Pendle Council's adopted communication and equality guidelines which recommend:
- Using a clear typeface;
 - Employing a high contrast between text and background;
 - Avoiding the use of italics and capitalisation; and
 - Using even type spacing and unjustified text.
- 3.66 Furthermore, each published document prominently displays a message on the front and/or back cover (see below) stating the Council's commitment to make documents available in other formats where appropriate. Where practicable this is supplemented with additional wording in Urdu, the principal language used by the borough's black and ethnic minority population.
- 3.67 It is mandatory for all local authority websites to meet [accessibility legislation](#) for their design and content. Any new planning documents to be added to the website must also meet these criteria.

Other Techniques

- 3.68 During the COVID-19 pandemic the Government amended planning legislation to allow for the increased use of electronic communication.
- 3.69 Experience showed that online engagement helped to provide a more resilient approach to community and stakeholder engagement. Virtual consultation techniques helped to remove barriers to participation and speed-up progress. It also increased the participation of audiences, which had not previously played a significant role in the plan-making or decision-taking process.
- 3.70 Virtual techniques will continue to be used to supplement traditional methods of communication and engagement going forward.
- 3.71 It is also recognised that alternative methods of consultation may be required to engage with particular 'hard-to-reach' groups. These can include the elderly; young adults, people with disabilities, rural residents, ethnic minority groups and the Gypsy, Traveller and Travelling Show-people communities (Table 3.5).

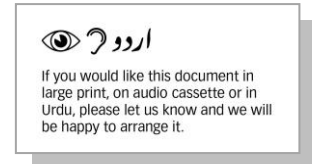
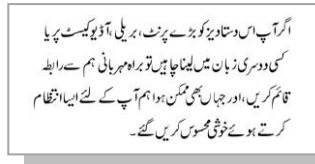


Table 3.5: Methods for Consultation and Engagement

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
1. Document Availability					
Place documents ‘on deposit’ at specified locations	• Regulatory requirement • Allow consultees without access to a computer, to view consultation documents in an easily accessible location	• Information is freely available to residents across the borough in a location that is convenient to them	• Passive response mechanism • Documents only accessible during normal opening hours • High cost of printing large complex documents, often in colour • Gradual reduction in the number of suitable venues with the closure of council shops and local libraries	• Staff time – distribution of documents • Financial costs – printing	• DPDs • SPDs • SCI • LDS • Evidence base documents
Place documents on the Council Website	• Regulatory requirement • Allow consultees to view or download consultation documents	• Documents are immediately accessible in people’s own homes at a time that suits them • The website is responsive, allowing people to use mobile technology to view webpages and documents • Interactive web links inserted within can take the reader directly to any references cited in the text • Cost effective mechanism for making large complex documents available	• Not all people have access to the internet, or are comfortable using it	• Staff time – preparation of web pages and web links – liaison with Web Manager • Financial costs – none	• DPDs • SPDs • SCI • LDS • AMR • Evidence base documents

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
2. Prior Notification and Publicity					
Letter	• Statutory requirement • Advance notification for prescribed bodies; specific and general consultation bodies; other organisations and individuals on the planning policy database about a formal public consultation or other event • Seek formal responses to a consultation exercise • To keep consultees informed about key stages in document preparation • To provide neighbour notifications to properties within an agreed distance of a potential site allocation (above an agreed threshold)	• Ability to target information for individuals, organisations, interest groups etc. • Set-out complex information, on a particular subject, in an easy to understand manner	• High cost of printing and postage, when compared to email • Limited potential for 'cascading' information to others	• Staff time – writing letter – mail-merge from database – mailing-out • Financial costs – printing – postage	• DPDs • SPDs • SCI • LDS • Evidence base documents • Planning applications (<i>known as neighbour notification</i>) Note: the statutory requirement for planning applications is for a neighbour notification letter <u>or</u> a site notice (see Table 4.1)
Email	• Advance notification for prescribed bodies; specific and general consultation bodies; other organisations and individuals on the planning policy database about a formal public consultation or other event • Seek formal responses to a consultation exercise • To keep consultees up-to-date with progress on	• Ability to target information for individuals, organisations, interest groups etc. • Set-out complex information, on a particular subject, in an easy to understand manner • Good potential for sharing with other interested parties, helping to 'cascade' news and information to other interested parties	• Not all people have access to the internet, or are comfortable using it	• Staff time – writing email – mail-merge from database • Financial costs – none	• DPDs • SPDs • SCI • LDS • Evidence base documents

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
	document preparation To inform consultees about the availability of new issues of the Framework newsletter	- Promotes a two-way flow of information - Fast response mechanism - No cost to the Council - Environmental benefits in comparison with a letter			
Social media (eg Facebook, Twitter, LinkedIn)	- To highlight a public consultation or other event - Seek formal responses to a consultation exercise - To keep contacts informed about progress on a wide range of documents - To inform contacts about the availability of new issues of the Framework newsletter	- Widely used by young 'hard-to-reach' audience - Significant potential for sharing with other interested parties, helping to 'cascade' news and information to other interested parties - Fast response mechanism - Can elicit feedback - No cost to the Council - Environmental benefits in comparison with a letter	- Limited opportunity to provide the necessary level of detail - Not all people have access to social media, or are comfortable using it - Some audiences prefer a more traditional method of communication - Not appropriate as a formal response mechanism, as personal details are required	- Staff time - preparation of messages - advance liaison with Communications Team - Financial costs - none	- DPDs - SPDs - SCI - LDS - Evidence base documents
Newsletter	- To keep people informed about new legislation, document progress etc. and provide feedback from public consultations - To highlight an upcoming public consultation or other event - To seek formal responses to a consultation exercise	- Relatively low cost, most copies are emailed to recipients - Provide short articles, using plain English, to convey complex planning issues to a non-specialist audience - Able to distribute through well-used community facilities (e.g. libraries, information centres) - Appeals to audiences that prefer a more traditional method of communication to social media	Widespread distribution can be costly	- Staff time - design - collation / preparation of articles - Financial costs - printing - postage	- DPDs - SPDs - SCI - LDS - AMR - Evidence base documents

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
Leaflet	- To provide detailed information on a particular topic in an easy to read format - Seek formal responses to a consultation exercise	- Attractive presentation of the key facts - Display additional detail in a simplified format - Able to distribute through well-used community facilities (e.g. libraries, information centres) - Appeals to audiences that prefer a more traditional method of communication to social media	- Higher production values require long lead-in times for graphic design etc - Cost of external printers and potential requirement to go out to tender - Widespread distribution can be costly	- Staff time - design - advance liaison with Communications Team - Financial costs - printing - postage	- DPDs - SPDs Particularly where a document is targeted at a particular area of the borough
Poster	- To highlight a public consultation or other event - Seek formal responses to a consultation exercise	- Eye-catching presentation, publicising key events - Able to display in well-used community facilities (e.g. libraries, information centres)	Provide limited information	- Staff time - design - potential need for advance liaison with Communications Team - Financial costs - postage - postage	- DPDs - SPDs - SCI - Evidence base documents
Site Notice	Statutory requirement (planning applications only) - To highlight that an application for planning permission has been submitted within a particular area - Seek comments on a proposed development	Able to display close to the site of the application, targeting local residents and other interested parties	- Potential for site notices to be vandalised or removed without the Council's knowledge - Provide limited information - Experience indicates that few people read such notices	- Staff time - design - posting of notices - Financial costs - printing - postage	Planning applications Note: the statutory requirement for planning applications is for a neighbour notification letter <u>or</u> a site notice (see Table 4.1)
Public Notice	Statutory requirement (at some stages) - To convey more complex information than possible in an advertisement	- Can be less costly than an advertisement - No design requirement - Can include a large amount of textual information	- Not as prominent as an advertisement - High cost - Limited impact as few people read this section of the newspaper	- Staff time - booking space through the Communications Team - Financial costs - booking fee	- DPDs (Examination and Adoption) - SPDs (Adoption) - SCI (Adoption) - Planning applications

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
		Consistent placement within the newspaper			
Press advertisement	- To highlight a forthcoming public consultation or event - To inform the public about the availability of consultation documents - Seek formal responses to a consultation exercise	- Eye-catching design - Included within the (well-read) editorial section of the newspaper	- Not always possible to guarantee prominent placement - High cost - Reducing levels of readership	- Staff time - design - booking through Communications Team - Financial costs - graphic design work (if not in-house) - booking fee	- DPDs - SPDs - SCI - Evidence base documents
Online advertisements	- To provide formal notification of a forthcoming public consultation or event - To inform the public about the availability of consultation documents - Seek formal responses to a consultation exercise	- Eye-catching design - Can target website users who have clicked through from related online articles - Use of a 'screen reader' allows the visually impaired to read and understand the message	Web users can filter-out online advertisements	- Staff time - design - booking through Communications Team - Financial costs - graphic design work (if not in-house) - booking fee (if site not hosted by the Council)	- DPDs - SPDs - SCI - Evidence base documents
Radio advertisement	- To provide formal notification of a forthcoming public consultation or event - Seek formal responses to a consultation exercise	Potential to address some hard-to-reach groups	- Limited coverage - Not targeted - Message often too complex to get across in time slot	- Staff time - preparation of script - booking space - Financial costs - booking fee for slots	- DPDs - SPDs Particularly where a document has a Borough-wide remit and/or cross boundary implications
Council Website	Statutory requirement - To provide detailed information on the preparation of a planning document and/or consultation exercise	- Ever increasing channel shift towards internet based transactions and exchange of information - Dedicated pages offer more detailed background information than possible in a newspaper article - Opportunity for increased levels of interaction with	- Not all people have access to the internet, or are comfortable using it - Limited number of Council staff trained to upload content onto the website	- Staff time - preparation web pages and web links - Financial costs - none	- DPDs - SPDs - SCI - LDS - AMR - Evidence base documents - Planning applications

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
		hard-to-reach groups			
Press release	• Good practice • Publicise and seek formal responses to a consultation exercise • Editorial coverage provides an opportunity to present and explain complex issues in a balanced way • Can result in radio and/or television coverage at no cost	• No cost • Good working relationship between the Council's Communications Team and editorial staff in local media	• No guarantee of coverage or placement • Articles may appear late – i.e. 'after the event' • The good working relationship between the Council and the local press is slowly being eroded as newspapers continue to centralise their operations and lose local knowledge / interest • Newspapers increasingly cutting back on local reporters	• Staff time – preparation of article – issuing through Communications Team • Financial costs – none	• DPDs • SPDs • SCI • LDS • AMR • Evidence base documents
Responses on 'Letters Page' of the local press	• Good practice • Provides an opportunity to help overcome misconceptions, providing an explanation of complex issues in a balanced way	• No cost • Can stimulate debate and invite comments / representations	• Can lead to 'tit-for-tat' type communication • No guarantee of publication	• Staff time – preparation of letter – issuing through Communications Team • Financial costs – none	Only considered when a particular issue of concern becomes apparent

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
3. Stakeholder Engagement					
Workshop	To encourage local communities to help shape the policies and development proposals that will affect the borough, or their local neighbourhood	- Competing views allow for issues to be fully debated and different point of view to be expressed / appreciated - Careful selection of participants can help to explore realistic options in detail - Interactive elements allow for greater spatial awareness of issues	- Require expert facilitation for best results - Attendance regarded as a low priority by many stakeholders – often seen as a ‘talking shop’ - Public see decisions being taken “behind closed doors” - Lack of formal minutes / actions can limit follow-up activity	- Staff time - identifying and inviting attendees - chase-up responses from invitees - attendance at workshops - facilitation / writing up notes - Financial costs - hire of venue (if not hosted in Town Hall) - provision of meals / refreshments (if appropriate)	- DPDs - SPDs - Evidence base documents (where appropriate)
Charrette	- To engage local communities on proposals that affect specific areas - High levels of public participation	Typically achieve a high level of public buy-in	- Take place over a number of (consecutive) days requiring a high level of commitment from participants - Expensive to run - Can raise the expectation levels of the local community beyond what is actually deliverable	- Staff time - availability of sufficient and qualified staff over a prolonged period - identifying and inviting attendees - chase-up responses from invitees - attendance at events - Financial costs - hiring of external consultants - preparation of materials - hire of venue within or close to the local community - provision of meals / refreshments	- DPDs - SPDs Particularly where a document is targeted at a particular area of the borough

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
Display / Exhibition	- To publicise proposals and, where appropriate, emphasise how they will impact on the area in the immediate vicinity of the venue - To engage with the local community	- Help to summarise key issues in a user-friendly way - Encourage two-way dialogue between the Council and visitors - Helps to engender an appreciation of different viewpoints amongst participants	- Displays typically used on a one-off basis as they quickly become outdated as the plan making process and time progresses - Securing accessible locations in facilities that are well-used by the public (e.g. foyers of supermarkets) - Events held in formal venues are often poorly attended by hard-to-reach groups	- Staff time - Identifying suitable venues - attendance at exhibitions - Financial costs - design and printing of exhibition materials - hire of exhibition panels - hire of venue - provision of refreshments (if appropriate)	- DPDs - SPDs
Steering Group	- Obtain input and direction from key stakeholders - Act as a sounding board	- Internal Management and Member Steering Groups help to ensure the process remains focussed on delivery - Groups including representatives from external organisations offer an (impartial) viewpoint - Formal minutes highlight actions that need to be carried out by attendees	Regular attendance by participants can be difficult to secure, adversely affecting timescales	- Staff time - Identifying and inviting attendees - chase-up responses from invitees - attendance at group meetings - Financial costs - hire of venue (if not hosted in Town Hall)	- DPDs - SPDs - Evidence base documents (where appropriate)
One-to-one meetings (in person or by virtual means)	To ensure that key stakeholders are fully involved in the plan making process and to identify any key issues, particularly for infrastructure delivery	- Key issues can be addressed in great detail - Detailed debate can help to overcome uncertainty and facilitate consensus	- Time consuming for both parties - Can be difficult to arrange due to competing pressures on time and staff resources - Competing views of other stakeholders may not be readily apparent / fully considered	- Staff time - identifying and inviting attendees - chase-up responses from invitees - attendance at meetings - Financial costs - hire of venue (if not hosted in a Council)	- DPDs - SPDs - Evidence base documents (where appropriate)

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
				owned building)	
Forum / Focus Group	To encourage key stakeholders and/or community groups to help shape the policies and development proposals that may affect their operations and activities within the borough	- Competing views allow for issues to be fully debated and different points of view to be expressed / appreciated - Careful selection of participants can help to explore realistic options in detail - Useful information exchange between the Council and key delivery partners	- Require expert facilitation for best results - Attendance regarded as a low priority by many stakeholders – often seen as a ‘talking shop’ - Public see decisions being taken “behind closed doors” - Lack of formal minutes / actions can limit follow-up activity	- Staff time - Identifying and inviting attendees - chase-up responses from invitees - attendance at group meetings - facilitation / writing up notes - Financial costs - hire of venue (if not hosted in Town Hall) - provision of meals / refreshments (if appropriate)	- DPDs - SPDs - Evidence base documents (where appropriate)
Public meeting	An open and inclusive forum where the local community and interest groups can focus on local issues	- Allows for presentation of key issues to local community (information exchange) - Allows for public debate, helping to clarify matters of concern in a direct way - Fully inclusive, events are open for all to attend - Can cater for large volumes of people	- Many people are reluctant to speak-up in a public forum - Can be hijacked by a vocal minority / interest groups - Those present may not represent a cross section of the local community - Securing DDA compliant venues in certain localities	- Staff time - publicising the event - identifying a suitable venue - Financial costs - hire of venue (if not hosted in a Council owned building)	- DPDs - SPDs - Evidence base documents (where appropriate)
Online Meetings and Presentations	To give opportunity to the community and other stakeholders to understand proposals, ask questions, and provide their comments.	- Enables public consultation to take place during a pandemic or other event. - Can be organised relatively quickly and without significant cost. - May be more accessible to those who are unable or do not have the time to	- Accessibility to the public, particularly those without access to the internet. - Reliance on good quality technology. - Practicalities of holding the event and enabling people to express their views.	- Staff time - Publicising the event - Running the event - Finding an appropriate timetable for the events	- DPDs - SPDs - Evidence base documents (where appropriate)

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
		attend an in-person event, and those who may be uncomfortable in attending an in-person event. Enables visual presentations benefiting those with a language barrier.			
Citizens Panel	Obtain the views of a cross section of the local community	- Cost-effective - Provides an indication of how the local community feels about key issues affecting the whole of the borough	- Small sample size opens up the possibility that results may not be representative of the wider community - Unlikely to be suitable for exploring views on area specific issues	- Staff time - preparing survey questions - liaison with Infusion Research - Financial costs - nominal cost associated with preparing and issuing the survey and analysing the results	- DPDs - SPDs
Youth Panel	Obtain the views of a cross section of young people in the local community	- Cost-effective - Provides an indication of how young people feel about key issues affecting the future of the borough	- Small sample size and nature of participants raises the possibility that results may not be representative - Unlikely to be suitable for exploring views on area specific issues	- Staff time - preparing survey questions - liaison with Infusion Research - Financial costs - nominal cost associated with preparing and issuing the survey and analysing the results	- DPDs - SPDs
Committee Meeting	- Required by the Council's constitution - Obtain formal approval from elected members (councillors)	- Transparency in the decision making process - Opportunity for members of the local community to address elected members (councillors) in a formal environment	Limited scope for public interaction	- Staff time - preparing committee report - attendance at committee (if required) - Financial costs - none	- DPDs - SPDs - SCI - LDS - AMR - Evidence base documents

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
Area Committee / Parish Meeting	Obtain formal approval from elected members (councillors)	- Transparency in the decision making process - Opportunity for members of the local community to address elected members (councillors) in a formal environment	Limited scope for public interaction	- Staff time - preparing committee report - attendance at committee meeting - Financial costs - none	- DPDs - SPDs - Evidence base documents
Questionnaire Survey	Responses help to identify key issues	- Useful for exploring a wide range of area specific issues in detail - Ability to structure questions - Anonymity can reveal issues that may otherwise have gone unnoticed - Results can be summarised in a user-friendly way using graphs and statistics	- High degree of pre-planning - Poor levels of response arising from 'consultation fatigue' - Some stakeholders can be put-off by formal processes	- Staff time - preparation of questionnaire - follow-up calls (if required) - analysis of results - Financial costs - printing - postage - pre-paid envelopes for returns	- DPDs - SPDs - Evidence base documents
Representation Form	Provides a structured format for members of the public and key stakeholders to respond to public consultations	- Should make it easy for the Council and/or Inspector to identify which part of the document is being referenced in a particular comment - Should assist the transfer of information between the representation form and the Council's database - May allow results to be summarised in a user-friendly way using graphs and statistics	- Forms rarely completed correctly - Requests to only address one matter per form rarely adhered to - Deciphering and assigning comments to particular policies etc. often problematic - Opens-up the opportunity for consultees to criticise the Council for wrongly assigning comments and/or not taking all points on-board	- Staff time - preparing forms - updating contacts database - processing of returns - Financial costs - printing - postage - pre-paid envelopes for returns	- DPDs - SPDs

Method	Why is it used?	What are the benefits?	What are the drawbacks?	What are the resource implications?	What documents may this method be used for? ¹
Planning Aid	Provides free, independent and professional help, advice and support on planning issues to people and communities who cannot afford to hire a planning consultant	- Compliments the work of local planning authorities, but is wholly independent of them - Helps to provide access to planning advice for vulnerable and hard-to-reach groups	- Can be resource intensive - Scaling back of Planning Aid has restricted activity	- Staff time – preparing a case for the involvement of officers representing Planning Aid (if the project is Council led) - Financial costs – preparation of publicity materials – hire of venues	DPDs

Notes:

¹ Where reference is made to a DPD or SPD, this also includes the accompanying Sustainability Appraisal Report and any other supporting documents.

The Role of Councillors

- 3.72 Councillors are people elected to represent their local community in the running of their local council. Each councillor, depending on whether they are an elected member of a parish, town, district or county council, will perform a slightly different role.

County Councillor

- 3.73 Lancashire County Council is the minerals and waste planning authority and the highways authority for the area. The County Councillor is also responsible for ensuring sufficient places are provided for school aged children. Any issues concerning these matters are best directed to one of the borough's six County Councillors, whose overriding duty is to the whole community of Lancashire, although they also have a special duty to their constituents.

Local (Ward) Councillor

- 3.74 Pendle Council is the local planning authority. It has 33 local councillors; each elected to represent the people within a specific area of the borough known as a ward.¹⁵ Councillors will listen to residents' concerns on planning matters (policy or applications) at ward surgeries, public meetings and consultations.
- 3.75 Councillors also have a collective responsibility to consider the interests of the borough as a whole. Each service provided by Pendle Council is managed in their name, but individual councillors do not have the authority to make decisions on behalf of the entire council. Such decisions are taken collectively by a Council Committee. Those most relevant to planning policy are shown below.

Committee	Description
Policy and Resources	Comprises 9 senior councillors. Policy and Resources meet on a monthly basis and is the primary forum in which the Council makes its decisions.
Council	Council meetings are held on a quarterly basis and attended by all councillors. Any policy document, approved by Policy and Resources, must be ratified at Council, which is also responsible for the Council budget and constitutional matters.

- 3.76 Councillors can voice their support or opposition to a particular planning matter, on behalf of their residents, at a committee meeting. But, as members of a political party (or in their role as independents) councillors will also express political values and support the policies of the party to which they belong.
- 3.77 Protocols are in place to govern the way in which Councillors and Council Officers conduct their activities. These protocols ensure that any potential conflicts of interest are declared and resolved in a transparent way.

Parish / Town Councillor

- 3.78 The 19 Parish and Town Councils in Pendle (see Appendix 1) represent the lowest tier of local government and the area and population that they cover and serve varies enormously. They are also made up of elected members and meet on a regular basis to address issues of local

¹⁵ There are 20 electoral wards in total in Pendle, represented by 1-3 councillors based on the size of the local population.

importance. Each Parish or Town Council has a seat on one of the Council's four Area Committees.

How We Will Provide Feedback

3.79 Following each formal public consultation, Pendle Council will publish a Consultation Statement, which will include:

- A description of the nature of the consultation and associated publicity;
- Headline data summarising the response to the consultation;
- A description of the representations received; and
- A summary of the Council's response.

3.80 The Consultation Statement will normally be made available for comment during the public consultation on the next iteration of the DPD. Where this is not appropriate (i.e. due to time lag, stage in regulations etc.), it will be made available for public comment separately.

Summary

3.81 Successful engagement with the local community provides everyone with an opportunity to have their say. Helping to create a place where they will want to live and work, both now and in the future, increases their sense of belonging; improves community spirit; engenders civic pride; raises expectations and above all secures a commitment to the future of Pendle.

4. Consultation on Planning Applications

Introduction

- 4.1 As the local planning authority, Pendle Council is responsible for the management of development within the borough. Development is described in Section 55 of the Town and Country Planning Act 1990 as:
- “The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material use in the use of any buildings or other land.”*
- 4.2 Most people will only come into contact with the planning system when a decision needs to be taken about whether a development proposal in the area in which they live is considered to be acceptable. Locally, the majority of these decisions will be made by Pendle Council, as the local planning authority, although those concerned with waste disposal and minerals extraction are likely to be determined by Lancashire County Council.
- 4.3 The Government has made clear in the National Planning Policy Framework (NPPF) that it is committed to promoting a significant change in planning from a largely regulatory culture to one which offers positive encouragement to the proactive delivery of sustainable development.
- 4.4 The Development Management function, which is concerned with determining whether to grant planning permission, is designed to mediate any conflicts that exist in the interests of the whole community rather than those of individuals. In making such decisions, officers of the Council will refer to the Local Plan and any other relevant planning policy documents and guidance. This chapter briefly explains the consultation procedures followed in the determination of planning applications in Pendle.

Informal Advice and Assistance

- 4.5 If you are unsure whether your proposal will require you to submit a planning application, or you simply want some informal advice, information is available on the Development Management pages of the Council’s website.
- 4.6 The Planning Portal is the Government gateway to planning information. It is the first port of call for anyone wanting to find out about the planning system in England and Wales. It aims to be a one-stop-shop supplying answers, services and information to anyone involved in the planning process – from home owners and businesses to planning professionals and Government officials. As the planning system evolves and modernises, the Planning Portal will be there to guide all users through the process. The “Do You Need Permission?” page on the website (see link below) offers planning and building regulations guidance for many common building work projects. You can:
- Explore the *Interactive House* and *Interactive Terrace* for guidance on many common householder projects.
 - Use the *Mini Guides* or *Common Projects* links to find more detailed guidance on the building work you have in mind.
 - Check the *Your Responsibilities* section to find out about any other important matters you should think about before starting work.

🔗 <http://www.planningportal.gov.uk/permission/>

- 4.7 Pendle Council also operates a Duty Officer system for general planning enquiries, which can provide advice and assistance on:
- Planning queries;
 - Householder development proposals for applicants or neighbours;
 - Advising on procedures and process in the assessment of permitted development;
 - Answers to technical planning questions;
 - Completion of application forms;
 - Validation requirements
 - Fee charges;
 - Interpretation of plans and drawings; and
 - Validity of applications delivered to the reception.¹⁶
- 4.8 The Duty Officer will aim to answer your questions based on the information you provide, but his/her responses cannot be considered binding. Whilst the Duty Officer can provide general advice, formal responses/answers can only be provided in accordance with the Council's adopted process for permitted development or pre-application advice, where a written response will be provided following a full assessment of the proposal.
- 4.9 The Duty Officer is not able to comment on applications already within the system, as these will be dealt with by the officer dealing with the application

Planning Permission

- 4.10 All forms of development require planning permission, but not all development proposals will require the submission of a planning application, as some types of development are considered to have deemed permission (see below).

Permitted Development

- 4.11 The basic aim of permitted development rights is to exclude minor building works from planning controls. The General Permitted Development Order 2015 (GPDO) (as amended) automatically grants planning permission for certain types of development, whilst The Town and Country Planning (Use Classes) Order 1987 (as amended) also allows certain changes of use of land or buildings without the need to apply for planning permission. Similarly the Town and Country Planning (Control of Advertisements) Regulations 2007, grant deemed consent for certain types of advertisements.¹⁷
- 4.12 Permitted development rights can be amended, or new ones established, by changes in planning legislation. They can also be removed from a particular area or property – for example, in Conservation Areas special protection against certain types of development may be in place (Article 4 Directions) to help preserve the overall appearance of the historic environment, whilst particular buildings may be listed to help preserve their special architectural or historic interest.

¹⁶ The Planning Support Team will conduct a more thorough check of constraints.

¹⁷ On the 12th October 2012, central government altered the regulations in relation to flag advertisements.

- 4.13 It is the responsibility of the applicant to determine whether permitted development rights exist, before commencing any development work without the benefit of a full planning approval. The *Visual Guide for Householders*, on the Planning Portal website, provides general advice on whether planning permission is required, but does not offer specific advice relating to individual properties.
- 4.14 To find out if a particular proposal requires planning permission, you will need to complete a Permitted Development Enquiry Form, and submit this to the Council, together with the appropriate fee.¹⁸
- 4.15 It is important to note that even where it is determined that a proposal does not require an application for planning permission to be submitted, it may still be necessary to apply for Building Regulations Approval.

Prior Notification and Prior Approval process

- 4.16 The GPDO also grants planning permission for some types of development, subject to prior notification. The most common example is for 'Larger Home Extensions', but the scope of prior notifications has been expanded significantly in recent years to address such matters as the conversion of office premises to dwellings, single-storey house extensions, barn conversions etc.
- 4.17 The Council will give the owners and occupiers of adjacent premises a specified amount of time to comment on any development proposal. If an objection is received the Council will need to consider the impact of the proposal. A development proposal is not permitted until written confirmation is received from the Council.

Planning Applications

- 4.18 There are three principal types of application for planning permission:
1. **Full** – these contain all the details relating to the proposed development, and
 2. **Outline** – these seek to establish the principle of a particular land use or building operation, but reserves the details for a later stage.¹⁹
 3. **Permission in Principle (PiP)** – Determines only the principle of a specific land use, with technical details determined later.
- 4.19 Each planning application must include enough detail for the council to see what effect the development could have on the area.
- 4.20 Most planning applications are dealt with under delegated powers. Applications are only referred to, and determined by, Committee under the following circumstances:
- (a) The development is regarded as a major application;
 - (b) The application is 'called-in' by a councillor; or
 - (c) Three or more objections are received to the proposal.

¹⁸ The fee was £80.00 for the 2020/21 financial year.

¹⁹ Reserved Matters applications are not a planning application in their own right, they merely provide additional information on matters addressed in an earlier approval of outline planning permission.

Pre-Application Advice

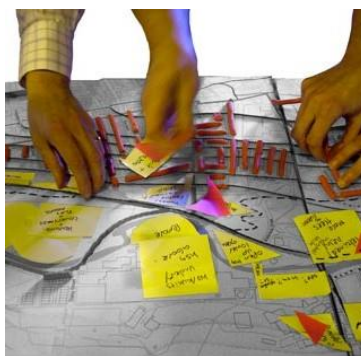
- 4.21 Before submitting an application Pendle Council encourages all applicants to engage in pre-application discussions with its planning officers and a question on the application form will ask whether you have done. A small fee is charged for such meetings and the full schedule of charges can be found on the Council's website²⁰.
- 4.22 The focus for these meetings is to provide applicants with guidance relating to the information they will need to submit in order to allow for proper consideration of the application. It is an opportunity to identify and discuss the key issues and policies that the applicant should take into account when preparing their application. Pre-application advice is encouraged as it can:
- Reduce the likelihood of submitting invalid applications;
 - Help you to understand how planning policies and other requirements affect your proposals; and
 - Help to confirm any local requirements.
- 4.23 Pre-application discussions with officers from the Development Management team are available on request to every applicant or agent. Current preference is for meetings to take place either on-site or via video conferencing.
- 4.24 At the meeting you should be fully prepared to describe your proposals and show plans and say why you think your proposed development should be allowed to go ahead. The level of preparation required depends on what is proposed. You may wish to consider:
- Asking for an assessment of whether there seems a reasonable chance of getting permission;
 - Discussing any problems associated with roads, footpaths, power cables, watercourses, sewers and telephone lines; or
 - Asking about potential problems such as noise and traffic and whether the council might impose conditions to overcome these problems rather than refuse planning permission.
- 4.25 Because planning applications will normally be decided in accordance with the Development Plan you will need to justify any proposals which would constitute a departure from the plan.
- 4.26 The full extent of the consultation required and other matters relating to the application will be discussed. The advice given will be as accurate and objective as possible, based on the information provided, but will be informal reflecting the individual case officer's interpretation of planning policy and highway guidance. The advice given cannot be interpreted as being indicative of the outcome of the application.
- 4.27 Applicants may also write to the Council seeking advice and a response will normally be provided within 28 working days of receipt. For applications where advice from other bodies may be required (e.g. the Environment Agency, Historic England etc.) the timescales are likely to be longer due to the reliance on third party feedback. Where a screening opinion is required (i.e. a determination of whether a development should be subject to an Environmental Impact Assessment), this will be provided in accordance with the timescales set out in the regulations.²¹

²⁰ View at: https://www.pendle.gov.uk/downloads/file/4916/pre-application_advice_charges

²¹ The Town and Country Planning (Environmental Impact Assessment) Regulations, 2011

Early Community Consultation

- 4.28 The Council encourages applicants to undertake their own public consultation prior to submission where the planning application may be viewed as contentious. The purpose of this consultation is to allow the developer to explain their initial ideas and obtain the views of the local community and stakeholders, enabling early community engagement.
- 4.29 Such an approach is considered to be beneficial to all parties as it allows accurate information to be presented to the community. In addition, by making provision for amendments early in the process, the applicant may avoid the inconvenience of having to make substantial amendments to an application at a late stage in the process. A Statement of Community Involvement should be prepared by applicants which demonstrates engagement undertaken and summarises responses received and actions taken to address these.
- 4.30 There are several ways that an applicant could seek to engage with the local community. Those commonly employed by developers, landowners or their agents, include:
- Circulating leaflets to local residents, outlining the draft proposal and requesting feedback within a specified timescale; and
 - Arranging meetings, or exhibitions, to be attended by the local community and/or local interest groups.
- 4.31 Where a public meeting or exhibition is to be held, Pendle Council highly recommends that serious consideration is given to the following:
- Publicity – adequate notice should be provided in advance and in an appropriate format.
 - Venue – the chosen location should ideally be located close to the proposed site and be fully accessible to all members of the community.
 - Timing – opening times should allow a wide cross section of the local community to attend at a time that is convenient to them, including evenings and weekends where appropriate.
- 4.32 Virtual means of consultation may also provide effective ways of engaging the community, and may be considered alongside traditional approaches.



Application Process

- 4.33 There are a number of steps a planning application must go through before it is determined. Planning applications will normally be decided in line with the statutory development plan for Pendle – unless there are very good reasons not to do so.

Application Form

- 4.34 All applications for planning consent must be submitted on a standard form. Applicants are encouraged to apply online via the Planning Portal website, which provides prompts on how to complete the form. From here the completed form is sent direct to Pendle Council. This online service can be used to complete applications for the following types of planning consent:

- Planning permission
- Lawful development certificates
- Listed building consent
- Planning permission for relevant demolition in a conservation area.

- 4.35 You are under no obligation to use an agent or planning consultant. However if you are unfamiliar with the planning process, you may wish to consider appointing an agent or planning consultant to act on your behalf.

Validation

- 4.36 On receipt of a planning application, Pendle Council will check the application to determine whether it is complete. A valid application must include:

- Information requested on the standard application form;
- Mandatory national information requirements (i.e. A location plan, scaled plans, the inclusion of a design and access statement)
- Information specified on the Council's local list; and
- The correct application fee²².

- 4.37 If everything has been provided, the Council will validate the application as soon as is reasonably practicable. Most minor and small-scale applications will be validated within three to five working days of receipt. Major applications should be validated within ten working days. Once validated, the application is placed on the planning register (see below) and given a reference number. The Council will then start the determination process and provide the applicant/agent with notification to this effect in writing.

- 4.38 If a planning application is deemed invalid, the applicant will be notified in writing, unless the omissions can be addressed quickly and effectively via a telephone call or email. Only supporting information that is relevant, necessary and material to the application in question will be requested.

- 4.39 If an applicant/agent disagrees with a decision not to validate a planning application, on the basis that the information requested is unnecessary, they should follow this up with the Development Management team. Where the applicant is unable to resolve the dispute they should follow the procedure set out in Article 12 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

²² Visit https://www.pendle.gov.uk/downloads/file/6472/scale_of_planning_fees

- 4.40 If necessary an applicant/agent can, after the statutory time period for determining the application has expired, appeal against non-determination. In considering such an appeal the inspector will consider both the dispute regarding invalidity and the merits of the application itself.

Publishing Applications

- 4.41 Any planning application submitted to the Council, together with any associated drawings and supporting documentation, becomes a public document.
- 4.42 Local planning authorities are required by law to maintain a public register of all planning applications. This is available on the Council website and a weekly list is emailed to interested parties on request.²³

Publicising Applications

- 4.43 Local planning authorities are required to carry out a formal period of public consultation, prior to determining the outcome of a planning application.²⁴
- 4.44 Neighbouring properties are issued with written notification, at the Council's discretion. The letter or email will contain a description of the development; information on when and where the plans can be viewed and details of how to comment on the application.
- 4.45 Site notices are used in certain circumstances to advertise the fact that a planning application has been submitted to the Council for a property close to the location of the notice. The Council will always endeavour to ensure that the notice is posted close to the property or site, although in some cases this is not always possible. In such instances the notice will be posted at the nearest suitable location. The address of the site is always shown on the site notice to avoid confusion.
- 4.46 All applications, along with any maps, plans and supporting documents are available to view on the Council website.²⁵ Electronic copies of the documents relating to a current planning application can also be inspected at Number One Market Street in Nelson, during normal office hours. It is best to make an appointment to access this service.
- 4.47 Parish and town councils are consulted electronically on all planning applications in their particular area. They will consider these applications at one of their regular parish meetings, which you will normally be able to attend by notifying the clerk of the council in advance.
- 4.48 The Council's Conservation Officer is consulted on applications that are within, or adjacent to, a conservation area, and those applications affecting a listed building or other heritage asset. Notices will be placed on site and in the press for all listed building consent applications.

²³ Telephone numbers, email addresses and signatures will be redacted (blacked-out) before placing the application and supporting information on the Council's website.

²⁴ This is prescribed in Article 13 of the Development Management Procedure Order and its amendment. There are separate arrangements for listed building and conservation area consent which are set out in Regulation 5 of the Listed Building and Conservation Area Regulations and its amendment.

²⁵ The law requires Pendle Council to provide copies of planning applications and related documents on request, but can make a reasonable charge to cover the cost of photocopying.

- 4.49 Occasionally applicants will wish to amend their approved plans. Where significant changes are proposed, which result in a development that would be materially greater (in scale, height or general impact) than what was originally applied for, a new application will be requested and this will be re-consulted upon. Where the proposed changes could have a material impact on neighbouring properties, the Council will only re-consult with the occupants of those properties. Minor amendments (submitted as a non-material amendment or variation of condition application) which result in no significant change or impact, or are considered to reflect an improvement will not normally be subject to further consultation. These considerations will apply both to amended plans submitted before a decision is made and to amendments to a scheme after it has been approved.

Commenting on Applications

- 4.50 The question that crops up most often is “Does it matter what I think?” The answer is yes. The Council represents the whole community and it is helpful to know your views whether you support the proposal, object to it or merely wish to make a comment about it. But, the Council can only take into consideration those things that are relevant to planning and the application itself (material planning considerations²⁶).
- 4.51 Anyone is entitled to comment on a planning application, even if they have not been notified directly. Representations should be submitted in writing to the Council by the appropriate deadline normally 21 days from the date of the notification letter, or the date of a press notice being published or a site notice appearing. All representations carry equal weight. They can be sent in by letter, fax or email; or submitted electronically using the online comments form. All representations are made public and the content is summarised in the report produced by the planning officer handling the application; frequently referred to as the case officer.
- 4.52 You can view any other comments that may have been submitted by going to the In My Area section on the homepage on the Council website. From here the ‘planning applications’ tab will take you to a form where you can enter the reference number for the planning application you are interested in.

Planning Aid England

- 4.53 Planning Aid England is an organisation connected with the Royal Town Planning Institute (RTPI). Through its network of volunteers, all of whom are professional Chartered Town Planners, it provides free independent and impartial advice:
- Answering to questions people often ask about planning.
 - Offering clear, simple explanations of how the planning system works.
 - Signposting on where to go next.
- 4.54 Planning Aid England cannot provide pre-application advice about a specific site or planning application – you will need to contact Pendle Council for this level of detailed information – nor does it provide free advice to other professionals (e.g. architects and surveyors)

²⁶ https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations

- 4.55 The Advice Service operates via an [online enquiry form](https://www.rtpi.org.uk/planning-aid/). Planning Aid England can be contacted via:
- Website: www.rtpi.org.uk/planning-aid/
 - Phone: 020 79298338 (at busy times you may be asked to leave a message)
 - Email: info@planningaid.rtpi.org.uk

Planning Decisions

- 4.56 Pendle Council will seek to decide on your application within eight weeks and major planning applications within thirteen weeks. Large or complex applications may take longer. If your application is not determined within statutory timescales you can appeal to the Planning Inspectorate.

Table 4.1: Statutory publicity requirements for planning and heritage applications

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order		✓	✓	✓
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	✓		✓	✓
Applications which do not accord with the development plan in force in the area	✓		✓	✓
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	✓		✓	✓
Applications for planning permission not covered in the entries above e.g. non-major development		✓		✓
Applications for listed building consent where works to the exterior of the building are proposed	✓		✓	✓

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications to vary conditions attached to a listed building consent or conservation area consent, or involving exterior works to a listed	✓		✓	✓

Source: Planning Practice Guidance (Paragraph: 029 Reference ID: 15-029-20140306)

Delegated Powers

- 4.57 The vast majority of decisions are made by the Planning, Economic Development and Regulatory Services Manager who has delegated powers to decide applications on behalf of the Councils elected members (councillors). The Scheme of Delegation to officers, including Development Management decisions is included in the Council's constitution, which is available on the Council website.
- 4.58 The case officer will write a report, which will recommend whether the application should be approved or refused. Where an application is approved, the report may also recommend that a number of conditions are attached to regulate the development or use of land, but these should only be imposed where they are:
1. Necessary;
 2. Relevant to planning and;
 3. To the development to be permitted;
 4. Enforceable;
 5. Precise and;
 6. Reasonable in all other respects.”²⁷

Referral to Committee and Right to Speak

- 4.59 Where necessary, planning applications will be referred to the relevant Area Committee (see below). If this committee cannot reach a decision, or their decision is deemed likely to see costs awarded against the Council on appeal, the application will be referred to the Council's Policy and Resources Committee²⁸.

²⁷ This policy requirement is commonly referred to as the 'six tests'.

²⁸ During the COVID-19 pandemic Committees are currently taking place virtually and can be viewed on the Council's YouTube Channel. Participants will be sent a link to the meeting allowing them to take part when invited to speak.

Committee	Description
Area Committee	Pendle has four Area Committees, each having responsibility for the delivery of services within a particular part of the borough. Meetings are held on a monthly basis and attended by councillors representing the wards within the area, together with representatives from the local parish and town councils. If not determined under delegated powers, most planning applications are determined by an Area Committee. • Barrowford and Western Parishes • Colne and District • Nelson, Brierfield and Reedley • West Craven
Policy and Resources Committee	Made up of 9 senior councillors, specially trained to take decisions on major planning applications and those referred to it from Area Committees (particularly where an Area Committee wishes to make a decision which would be a significant departure from adopted planning policy, or where there would be a significant risk of costs being awarded against the Council in any appeal against the decision). The Policy and Resources Committee meets each month.

4.60 If an application is referred to a committee for decision, you will have the opportunity to speak at the committee meeting where the application is being considered, provided that you notify the Council of your intention to speak, by no later than 12:00 noon on the day of the meeting. Normally you will be allowed to speak for up to five minutes. If several people wish to speak the chairman may allocate a shorter time or, where a group of people wish to speak on the same subject, may ask one person to speak on behalf of the others. After speaking, members of the committee may questions to help clarify or confirm what you have said.

4.61 Having exercised your right to speak, you are not allowed to join in any subsequent discussions, or to interrupt whilst members of the committee debate the application, even if you disagree with anything that is said. Once the matter has been debated, there will be a vote followed by a decision. On occasion the outcome of the vote will be to defer any decision to a later meeting, or to refer the issue to another committee. You will be advised accordingly.

Decision Notice

4.62 Notification of the decision is sent to the applicant or agent (if applicable), relevant Parish or Town Council, the County Council and any individual, body or organisation that commented in writing on the application. They are also published on the Council's website and can be viewed by going to the In My Area section on the homepage on the Council website. From here the 'planning applications' tab will take you to a form where you can enter the reference number for the planning application you are interested in.

Planning Appeals and Enforcement

4.63 In refusing a planning application, the Council will have carefully considered whether it has a sufficiently strong case, capable of being argued at appeal. The reasons for refusal will be clearly set-out, including those of elected members where their decision differs from that recommended by the case officer.

- 4.64 The reasons for refusal often form the basis for continued and constructive discussions between the Council and the applicant and may eventually mean that an agreement can be reached. This approach helps to avoid the need to appeal, although a new application is often be the best way to resolve matters.
- 4.65 Where an applicant intends to pursue their right to appeal against the Council's non-determination, or refusal, of planning permission, they should be confident at the time they make their appeal that they are able to make their full case.

Appeals

- 4.66 Only the person who submitted the planning application can make an appeal and this should ideally be done via the Planning Portal website.
- 4.67 Where an appellant wants to appeal more than one application (e.g. in relation to an application for planning permission and an application for listed building consent), they must submit a separate appeal for each. There are different time limits to make an appeal depending on the type of appeal and the circumstances.
- 4.68 When an appeal is submitted the Council will inform any persons who submitted a representation addressing the original application and all those who were consulted.
- 4.69 Nearly all appeals are determined by an independent inspector appointed by the Planning Inspectorate (PINS), with only a very small percentage being decided by the Secretary of State.
- 4.70 Once PINS has received an appeal and ensured that it is valid, it will confirm the procedure and notify the appellant and the local planning authority of the appeal start date (from which the date for receipt of documents and representations will be calculated), reference number, the timetable for the appeal and the specific address (room number and email address) to which any correspondence should be sent.
- 4.71 All parties should endeavour to meet the statutory timetables for the appeal process to ensure that no-one is disadvantaged and the appeal can be processed efficiently. Keeping to the timetables is fundamental to an efficient and fair appeals service. If a party does not behave reasonably they leave themselves open to having costs awarded against them, on the basis that their behaviour has directly caused another party to incur expenses that would not otherwise have been necessary.
- 4.72 The decision notice issued by the Inspector will be published on the Council website.

Enforcement

- 4.73 Where alleged breaches of planning control, or unauthorised development, is believed to have taken place, the Planning Enforcement Officer can be contacted for advice.
- 4.74 Any complaints must be submitted in writing, but they are treated in the strictest confidence and your personal details will not be made publicly available. Complainants are kept informed about progress and any decisions that the Council takes.

- 4.75 The Council has a wide range of enforcement powers available to help identify whether a breach of planning control has taken place, what harm has been caused as a result of the breach and how to remedy the situation. Enforcement action is not mandatory, and the Council will decide, based upon the details of each case, whether or not it is appropriate to take enforcement action.
- 4.76 Pendle Council aims to investigate all cases within ten working days of them being reported. The owner or occupier will be notified of the findings of the site visit, setting out details of any breach that appears to be taking place and what enforcement action the Council will consider.
- 4.77 In some cases the breach may be rectified, either by the retrospective submission of a planning application, or by negotiation. When this is not possible the Council may choose to take action by serving:
- An Enforcement Notice requiring that corrective action be taken within a specified period; or
 - A Breach of Condition Notice when development has not been in accordance with the permission; or
 - A Section 215 Notice requiring that steps be taken to tidy up an area of land or dilapidated building.
- 4.78 Failure to comply with an Enforcement notice can lead to prosecution, although an appeal can be made to the Planning Inspectorate.

5. Monitoring & Review

- 5.1 New legislation and regulations; changing customer expectations; reductions in staffing and new developments in technology are just some of the factors that require the effectiveness of the Council's programme of public consultation and stakeholder engagement to be kept under consideration.
- 5.2 A periodical review of the Statement of Community Involvement (SCI) will be carried out to ensure that the document remains up-to-date and is appropriate in the prevailing circumstances. Planning Regulations require that the SCI is reviewed at least once every five years.
- 5.3 Monitoring will help to consider not only the outcomes of a public consultation exercise, but also the effectiveness of the process.
- 5.4 A future review of the SCI is likely to be triggered if:
- Monitoring of consultation arrangements suggest the need for significant change;
 - The number of responses to a consultation exercise is significantly below expectations, particularly from hard to reach groups;
 - Cuts in staffing or budgets mean that consultation and engagement above the minimum statutory requirements is no longer achievable; or
 - There are significant changes to relevant government legislation, policy and/or guidance.

Appendix 1: List of Consultees

Prescribed Bodies (Duty to Cooperate)

The Duty to Cooperate in relation to the planning of sustainable development was established in the Localism Act 2011, which amended Section 33 of the Planning and Compulsory Purchase Act 2004.

The bodies prescribed for the purposes of Section 33 are set out in [Regulation 4 of The Town & Country Planning \(Local Planning\) \(England\) Regulations 2012 \(SI 767\)](#) and in [The Town & Country Planning \(Local Planning\) \(Amendment\) \(England\) Regulations 2012 \(SI 2613\)](#)

Section 33(A)(i)(a)

Blackburn-with-Darwen Borough Council^{2,3}

Blackpool Borough Council³

Bradford Metropolitan Borough Council¹

Burnley Borough Council^{1,2,3}

Calderdale Metropolitan Borough Council¹

Craven District Council¹

Hyndburn Borough Council^{2,3}

Rossendale Borough Council^{2,3}

Chorley Borough Council³

Fylde Borough Council³

Lancashire County Council¹

Lancaster City Council³

North Yorkshire County Council¹

Preston City Council³

Ribble Valley Borough Council^{1,2,3}

South Ribble Borough Council³

West Lancashire Borough Council³

Wyre Borough Council³

Section 33(A)(i)(b)

N/A

Section 33(A)(i)(c)

Environment Agency

Historic Building & Monuments Commission for England⁴

Natural England

Civil Aviation Authority⁵

Department for Levelling Up, Homes and Communities

Primary Care Trust⁶

Office of Rail Regulation

Highways Authority⁷

Section 33(A)(9)

Lancashire Local Enterprise Partnership⁸

Lancashire Local Nature Partnership^{8,9}

South Pennines Local Nature Partnership^{8,10}

Notes:

¹ Neighbouring local authority

² Pennine Lancashire local authority

³ Lancashire (14-district) local authority

⁴ Historic England (formerly English Heritage)

⁵ NATS En-Route plc (on behalf of the Civil Aviation Authority)

⁶ Now NHS England (Lancashire Area Team) and NHS Property Services

⁷ Lancashire County Council is the Highways Authority for all classified roads (including the M65 motorway) within Pendle

⁸ Included from 12th November 2012 by SI2613

⁹ c/o Lancaster University

¹⁰ c/o South Pennines Park

Specific Consultation Bodies

Specific consultation bodies are set out in [Regulation 2\(1\) of The Town & Country Planning \(Local Planning\) \(England\) Regulations 2012 \(SI 767\)](#).

There is significant overlap with the prescribed bodies listed previously.

Coal Authority
Environment Agency
Historic Building & Monuments Commission for England
Natural England
Network Rail Infrastructure Ltd.
National Highways
Relevant authority (<i>listed alphabetically by type</i>)
• Local Planning Authority
– Burnley Borough Council
– Bradford Metropolitan Borough Council
– Calderdale Metropolitan Borough Council
– Craven District Council
– Pendle Borough Council (<i>internal departments</i>)
– Ribble Valley Borough Council
• County Council
– Lancashire County Council
– North Yorkshire County Council
• Parish Council
– Barley-with-Wheatley Booth Parish Council ¹
– Barnoldswick Town Council ¹
– Barrowford Parish Council ¹
– Blacko Parish Council ¹
– Bracewell & Brogden Parish Meeting ¹
– Brierfield Town Council ¹
– Colne Town Council ¹
– Earby Town Council ¹
– Foulridge Parish Council ¹
– Goldshaw Booth Parish Council ¹
– Higham-with-West Close Booth Parish Council ¹
– Kelbrook & Sough Parish Council ¹
– Laneshaw Bridge Parish Council ¹
– Nelson Town Council ¹
– Old Laund Booth Parish Council ¹
– Reedley Hallows Parish Council ¹
– Roughlee Parish Council ¹
– Salterforth Parish Council ¹
– Trawden Forest Parish Council ¹
– Briercliffe-with-Extwistle Parish Council ²
– Igthenhill Parish Council ²

– Padiham Town Council ²
– Downham Parish Meeting ³
– Gisburn Parish Council ³
– Horton Parish Meeting ³
– Rimington & Middop Parish Council ³
– Sabden Parish Council ³
– Simonstone Parish Council ³
– Twiston Parish Council ³
– Worston & Mearley Parish Meeting ³
– Cowling Parish Council ⁴
– Lothersdale Parish Council ⁴
– Martons Both Parish Meeting ⁴
– Thornton-in-Craven Parish Council ⁴
– Wadsworth Parish Council ⁵
– Haworth, Cross Roads & Stanbury Parish Council ⁶
– Keighley Town Council ⁶
• Police Authority
– Lancashire Constabulary
Electronic Communications Code
• British Broadcasting Corporation
• Mobile Operators Association (MOA) ⁷
• Openreach
• Virgin Media Group Ltd.
Health, Utilities and Water
• Primary Care Trust ⁸
• National Grid
• Electricity North West
• Northern Powergrid
• Centrica (British Gas)
• United Utilities
• Yorkshire Water
• Canal and River Trust ⁹
• Homes England

Notes:

¹ Parish or Town Council in Pendle

² Neighbouring Parish Council in Burnley

³ Neighbouring Parish Council in Ribble Valley

⁴ Neighbouring Parish Council in Craven

⁵ Neighbouring Parish Council in Calderdale

⁶ Neighbouring Parish Council in Bradford

⁷ Mobile UK (on behalf of the Mobile Operators Association)

⁸ Replaced by Lancashire Clinical Commissioning Group

⁹ Formerly British Waterways

¹⁰ Formerly the Homes and Community Agency

General Consultation Bodies

General consultation bodies are described in Regulation 2(1) of The Town & Country Planning (Local Planning) (England) Regulations 2012 (SI 767) – see below.

- (a) Bodies which represent the interests of different racial, ethnic or national groups in the area
- (b) Bodies which represent the interests of different religious groups in the area
- (c) Bodies which represent the interests of disabled persons in the area
- (d) Bodies which represent the interests of persons carrying on business in the area

Other Interested Parties

A number of local residents and other individuals have also expressed a wish to be kept informed about the preparation of the Pendle Local Plan and other planning policy documents.

In accordance with the requirements of the Data Protection Act 1998 and the General Data Protection Regulation (GDPR) their details are confidential.

Summary

An overview of the organisations and individuals included on the Pendle Council planning policy database at 30 April 2022 is provided below:

•	1,512	Active Records	100%
•	635	Representative of an organisation	42%
•	877	Individuals	58%
•	852	With an active email address	56%
•	634	Only supplied a postal address	44%

Appendix 2: Availability of Documents (Deposit Locations)

Deposit Locations	Stage	
	18	19
BARNOLDSWICK		
• Rainhall Centre	✓	✓
• Public Library	✓	✓
BARROWFORD		
• Public Library	✓	✓
BRIERFIELD		
• Public Library	✓	✓
COLNE		
• Colne Town Hall	✓	✓
• Public Library	✓	✓
EARBY		
• Public Library	✓	✓
NELSON		
• Number One Market Street¹	✓	✓
• Public Library	✓	✓
OTHER		
• Mobile Library	✓	✓
• Trawden Community Centre	✓	✓
• Fence Village Hall	✓	✓

Notes:

Locations where ALL consultation documents are normally available are shown in **bold**. At all other locations only the key consultation documents may be available.

¹ Principal Planning Office

Display Locations	Stage	
	18	19
BARNOLDSWICK		
Barnoldswick Town Council	✓	✓
Barnoldswick Medical Centre	✓	✓
West Craven High School	✓	✓
West Craven Sports Centre	✓	✓
BARROWFORD		
Barrowford Parish Council	✓	✓
Barrowford Surgery	✓	✓
BRIERFIELD		
Brierfield Town Council	✓	✓
Marsden Heights Community College	✓	✓
Reedley Hallows Parish Council	✓	✓
Pendle View Medical Centre	✓	✓

COLNE		
Colne Health Centre	✓	✓
Colne Market	✓	✓
Colne Primet Academy	✓	✓
Colne Park High School	✓	✓
Pendle Leisure Centre	✓	✓
SS John Fisher & Thomas More RC High School	✓	✓
The Muni Theatre	✓	✓
EARBY		
Earby Parish Council	✓	✓
Pendle Medical Partnership	✓	✓
NELSON		
Marsden Park Golf Course	✓	✓
Nelson & Colne College	✓	✓
Nelson Town Council	✓	✓
Nelson Town Hall Notice Board	✓	✓
Pendle Community Hospital	✓	✓
Pendle Vale College	✓	✓
Pendle Wavelengths	✓	✓
Seedhill Athletics & Fitness Centre	✓	✓
Yarnspinners Primary Health Care Centre	✓	✓
OTHER		
Barley-with-Wheatley Booth Parish Council	✓	✓
Blacko Parish Council	✓	✓
Bracewell & Brogden Parish Meeting	✓	✓
Foulridge Parish Council	✓	✓
Goldshaw Booth Parish Council	✓	✓
Harambee Surgery, Trawden	✓	
Higham-with-West Close Booth Parish Council	✓	✓
Kelbrook & Sough Parish Council	✓	✓
Laneshaw Bridge Parish Council	✓	✓
Old Laund Booth Parish Council	✓	✓
Roughlee Parish Council	✓	✓
Salterforth Parish Council	✓	✓
Trawden Forest Parish Council	✓	✓

Notes:

All display locations are sent a small selection of leaflets; copies of the Framework newsletter; and/or A4 and A3 posters.

Appendix 3: Indicative Use of Consultation Methods

Pendle Statement of Community Involvement in Planning 3rd Revision

This table is not prescriptive, but seeks to provide an indication of the likelihood of a particular consultation technique being employed by **Pendle Council** at different stages in the preparation of planning policy documents (see Table 3.5), or in the determination of planning applications (see Table 4.1).

Purpose / Method		DPD / NP		SPD		CIL		EVB	PRD	APP
		PRE	PUB	PUB	PUB	PRE	PUB			
A	Place documents 'on deposit' at specified locations		S		S		S			S
	Place documents on the Council Website		S		S		S			S
B	Letter		S		S		S			[S]
	Email									
	Social media (<i>e.g. Facebook, Twitter, Instagram</i>)									
	Newsletter									
	Leaflet									
	Poster									
	Site notice									[S]
	Public notice or press advertisement		S		S		S			S
	Online advertisements									
	Radio advertisement									
	Council website (<i>background information</i>)									
	Press release									
	Responses on 'Letters Page' of the local press									
C	Workshop									
	Charrette									
	Display / Exhibition									
	Steering Group									
	One-to-one meetings									
	Forum / Focus Group									
	Public meeting									
	Virtual Meeting/Presentation									
	Citizens Panel									
	Youth Panel									
	Committee Meeting									
	Area Committee / Parish Meeting									
	Questionnaire Survey									
	Representation Form									
	Planning Aid									

A	Availability of documents		Yes / Highly likely	DPD	Development Plan Document	EVB	Evidence Base Document
			Possible				
			No / Highly unlikely				
B	Advance notification and publicity		Case-by-case basis	SPD	Supplementary Planning Document	PRD	Process Document
C	Stakeholder engagement		Yes	CIL	Community Infrastructure Levy	APP	Planning Application
			Possibly				
			No / Unlikely				
				PRE	Preparation	PUB	Publication
				S	Statutory requirement (see Tables 3.5 & 4.1 for full details)	[S]	Most appropriate option, not necessarily both

Appendix 4: Glossary of Terms

Term / Common abbreviation		Brief Description ²⁹
Authority's Monitoring Report	AMR	Published as soon as practicable after the close of the previous monitoring period (31 st March), this document sets out how the Council's planning policies have been used and whether they have achieved the milestones set out in the Local Development Scheme . (N.B. Previously known as the Annual Monitoring Report)
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 ³⁰) Site.
Area Action Plan	AAP	A Development Plan Document 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 each Local Plan document has been prepared in accordance with the requirements set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement set outs: • Which bodies and persons were invited to make representations under Regulation 25 (Regulation 26 for the Statement of Community Involvement); • How these bodies and persons were invited to make such representations; • A summary of the main issues raised by those representations; and • How those main issues have been addressed in the plan document.

²⁹ In the Brief Description column any term highlighted in **bold** has a separate entry within the glossary.

³⁰ 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 an existing Site of Special Scientific Interest (SSSIs).

Term / Common abbreviation		Brief Description ²⁹
Core Strategy	-	Establishes the strategic framework for planning in Pendle. Specifically it sets out: • A spatial vision and strategic objectives; • A spatial strategy; • Core policies; and • A framework for monitoring and implementation. The Core Strategy must be kept up to date and all other Local Plan documents must be in conformity with it.
Development Management	DM	The term used to describe the process of deciding whether to grant or refuse an application for planning permission and other related consents. Regarded as a more positive description than the one it replaced (i.e. Development Control), to support local authorities in their role as place shapers and better reflect that the planning system now has a presumption in favour of sustainable development – i.e. its purpose is to deliver positive social, economic and environmental outcomes.
Development Plan	-	Development plans are statutory documents, which contain the planning policies and site specific allocations and proposals used to help guide the nature and location of development in a particular area. In Pendle the Development Plan currently comprises the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan 2001-2016, which express locally specific planning policy guidance and advice for developers; the Bradley Area Action Plan DPD; and Development Plan Documents from the Lancashire Minerals and Waste Local Plan.

Term / Common abbreviation		Brief Description ²⁹
Development Plan Document	DPD	These are statutory planning documents, which contain the key policies used to manage development in the Borough. The most notable example is the Local Plan. A policy map, which illustrates the spatial extent of policies must also be prepared and maintained to accompany all DPDs. One or more DPDs will form the Development Plan 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, sustainability appraisal 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.
Evidence Base	-	The body of information and data prepared or collated by a local planning authority to help justify the soundness of the policy approach set out in its Local Plan documents.
Front loading	-	The term used to reflect that public input and consensus will be sought at the earliest opportunity in the production of Local Plan documents.
General consultation bodies	-	The Regulations 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 Development Framework. General consultation bodies include: a. Voluntary bodies some or all of whose activities benefit any part of the authority’s area b. Bodies which represent the interests of different racial, ethnic or national groups in the authority’s area. c. Bodies which represent the interests of different religious groups in the authority’s area. d. Bodies which represent the interests of disabled persons in the authority’s area. e. Bodies which represent the interests of persons carrying on business in the authority’s area. Also refer to: Specific consultation bodies

Term / Common abbreviation		Brief Description ²⁹
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: Infrastructure
Housing Market Renewal	HMR	A Government programme which ran from April 2002 to March 2011, seeking to coordinate public sector intervention to help sustain areas where housing market failure was evident – i.e. low demand for housing 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: Green infrastructure
Local Development Scheme	LDS	Sets out the timetable for the production of all the documents that will form part of the new LDF for Pendle.
Local Plan	-	A statutory planning document setting out strategic and detailed proposals to positively manage development and the use of land in a local area. It consists of strategic planning policies and a Policies Map highlighting their spatial implications for the plan area (borough). It is used to help guide new development by acting as the basis for determining applications for planning permission (i.e. Development Management). The Local Plan is a Development Plan Document and the key local component of the Development Plan.
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 latest version National Planning Policy Framework was published in July 2021. It sets out the Government’s planning policy and is a material consideration in both plan making and decision taking.

Term / Common abbreviation		Brief Description ²⁹
Planning Practice Guidance	PPG	Planning Practice Guidance provides further detail to assist policy makers and decision makers with the implementation of national planning policy as set out in the NPPF.
Policies Map	-	Map of the district, using an Ordnance Survey base to illustrate the spatial implications of the policies and proposals contained in the 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.
Prescribed Bodies	-	The Localism Act 2011 requires local authorities to consult with certain ‘prescribed bodies’ in order to comply with the Duty to Cooperate in the planning of sustainable development . These bodies are set out in section 4(c) of The Regulations .
The Regulations	-	Reference to The Town and Country Planning (Local Planning) (England) Regulations 2012, which govern all matters relating to the preparation of Local Plan documents.
Site specific allocations	-	The allocation of land for particular uses within a Development Plan Document .
Soundness	-	For a document to be considered sound it must be legally compliant (i.e. prepared in accordance with The Regulations) 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	-	Although often used instead of the term ‘geographic’, it has a much broader meaning in that it refers to an in depth understanding of the position, area and size of features in a particular location, and the relationship that this place has with other locations. Also refer to: Spatial planning

Term / Common abbreviation		Brief Description ²⁹
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		The Regulations 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 Local Development Framework. The list of specific consultation bodies is identified in the regulations, but includes organisations such as major government departments and regional agencies, neighbouring local authorities, parish councils in and adjacent to the borough and infrastructure providers. Also refer to: General consultation bodies
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.
Statement of Common Ground	SoCG	A written record of progress made by local planning authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating the deliverability of plans through the examination process, as well as showing compliance with the duty to cooperate
Statement of Community Involvement	SCI	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 all Local Plan documents and development management decisions. It explains how people and organisations can get involved in the preparation of new planning policy and how they will be consulted on planning applications. The SCI is no longer subject to independent examination but is still part of a comprehensive approach to engagement.

Term / Common abbreviation		Brief Description ²⁹
Strategic Environmental Assessment	SEA	A legally enforced assessment procedure required by EU Directive 42/2001/EC as transposed into UK law. The directive aims to introduce a systematic assessment of the environmental effects of strategic planning and land use decisions. For planning documents, the SEA requirements have been incorporated into the Sustainability Appraisal. The environmental assessment requires: • the preparation of an environmental report; • the carrying out of consultations; • taking into account the environmental report and the results of the consultations in decision making; • the provision of information when a plan or programme is adopted; and • showing that the results of the environmental assessment have been taken into account.
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 range of thematic or site specific issues in order to provide additional information and guidance that expands on the policies contained in 'parent' Development Plan Document . They do not form part of the statutory Development Plan and cannot be used to allocate land or introduce new planning policies (Development Plan Document). Although SPDs go through public consultation procedures and sustainability appraisal , they are not subject to independent examination.
Sustainability Appraisal	SA	The process of assessing the policies and site allocations in a Development Plan Document, for their global, national and local implications on social, economic and environmental objectives. Also refer to: Strategic Environmental Assessment
Sustainable Community Strategy	SCS	This is a community document prepared by Pendle Partnership, the local strategic partnership for the borough. It sets out the strategic vision for the area and provides a vehicle for considering how to address difficult issues such as the economic future of an area, social exclusion and climate change. It is a vision document which and the Core Strategy must be aligned with its objectives.

Term / Common abbreviation		Brief Description ²⁹
Sustainable Development	-	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. The purpose of the planning system is to contribute to the achievement of sustainable development by helping to achieve a balance between the mutually dependent roles of economic growth, social advancement and environmental conservation.

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

Tel: 01282 661330
Email planningpolicy@pendle.gov.uk
Website: 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

