

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: EXECUTIVE

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LOCAL DEVELOPMENT SCHEME UPDATE

PURPOSE OF REPORT

To agree a revised Local Development Scheme (LDS).

RECOMMENDATION

That the LDS be updated in accordance with the timescales set out in the attached schedule.

REASON FOR RECOMMENDATION

To comply with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

ISSUE

- 1 The Council has a statutory duty to prepare, monitor and review its planning policy documents through the publication of a Local Development Scheme ["LDS"].
- 2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires the Council include within its LDS:
 - Details of its existing planning policy documents, and
 - Any new or replacement documents that it intends to produce.
- 3 This update of the LDS provides an updated timetable for the preparation of the Pendle Local Plan Fourth Edition and future Supplementary Planning Documents (SPDs)
- 4 The main purpose of the LDS is to provide clarity to the community on the timescales for the delivery of the emerging Local Plan and show how they can take part in its preparation.
- 5 The Local Plan sets out the development strategy for the borough for the period 2021-2040. It includes:
 - Strategic planning policies that establish the amount of development needed up to 2040 and guide its distribution across the borough

- Detailed planning policies to guide decisions on whether to approve or refuse applications for planning permission
- Site-specific allocations of land for future development.

- 6 The Local Plan also provides the policy context for any Neighbourhood Plans that are produced in the borough.
- 7 The Local Plan is the key document in the Development Plan for the borough, which is a set of statutory planning documents that influence the nature and location of development in the borough. The Pendle Local Plan, Bradley Area Action Plan, Joint Lancashire Minerals and Waste Local Plan and any adopted Neighbourhood Plans are all considered to be Development Plan Documents [“DPDs”]. The following table provides a list of current DPDs:

Document	DPDs	Details of adoption
Pendle Local Plan <i>(prepared by Pendle Council and to be replaced by the Pendle Local Plan Fourth Edition)</i>	Saved Policies from the Replacement Pendle Local Plan 2001-2016	Adopted on 18 May 2006
	Bradley Area Action Plan	Adopted on 30 June 2011
	Pendle Local Plan Part 1: Core Strategy	Adopted on 17 December 2015
Neighbourhood Plans <i>(prepared by the relevant Parish or Town Council Council)</i>	Trawden Forest	Successful at Referendum on 14 November 2018. Formally ‘made’ at Council on 26 March 2019
	Barrowford	Successful at Referendum on 7 November 2018. Formally ‘made’ at Council on 17 December 2019
	Kelbrook and Sough	Successful at Referendum on 27 October 2022. Formally ‘made’ at Council on 8 December 2022
	Colne	Successful at Referendum on 20 July 2023. Formally ‘made’ at Council on 28 September 2023
Joint Minerals & Waste Local Plan <i>(prepared by Lancashire County Council)</i>	Core Strategy Part One & Part Two	Adopted in February 2009
	Site Allocation & Development Management Policies Part One & Part Two	Adopted in September 2013

- 8 The full timetable setting out anticipated progress on the preparation of Local Plan can be found in Appendix 1 of the revised LDS.
- 9 The following DPDs are currently in preparation:

Document	DPDs	Current or next stage
Pendle Local Plan	Pendle Local Plan Fourth Edition	Regulation 19 Public Consultation (August - September 2024)

- 10 The timetable confirms plans to submit the Local Plan to the Secretary of State for independent examination in November 2024, with adoption in 2025.

11 Although no longer required by legislation, we continue to include details of the SPDs that published by Pendle Council. SPDs do not form part of the statutory Development Plan but are a material consideration in the determination of applications for planning permission. They use a mixture of text, illustrations and practical examples to assist with the interpretation or implementation of a DPD policy, or to provide guidance about development within a particular area or on a specific site (e.g. development brief).

12 To date four SPDs have been prepared and adopted by Pendle Council.

- Brierfield Canal Corridor Housing Brief SPD27th October 2005
- Conservation Area Design and Development Guidance SPD..... 14th August 2008
- Design Principles SPD 10th December 2009
- Brierfield Railway Street Area SPD9th December 2010

13 Proposed SPDs include:

- Development in the Open Countryside and Forest of Bowland National Landscape.
- Pendle Mills Design Code
- Pendle Design Code(s)
- Climate Change and Renewable Energy

14 The policies in DPDs and the guidance in SPDs ensure that decisions on whether to approve or refuse applications for planning permission are rational and consistent.

IMPLICATIONS

Policy: The LDS contains details of the documents that will provide the development framework for Pendle up to 2040.

Financial: No additional expenditure arises from the revised timescales in the LDS.

Legal: As the local planning authority, the Council is required to prepare an LDS under section 15 of the Planning and Compulsory Purchase Act 2004.

Risk Management: The Council will not fulfil its statutory duties should it fail to publish an up-to-date LDS.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report. Sustainability Appraisal is undertaken throughout the plan-making process to test the economic, social and environmental impact of new planning policy.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report. The documents identified in the LDS will be subject to equality impact assessment.

APPENDICES

Local Development Scheme – Eighth Revision (March 2024)