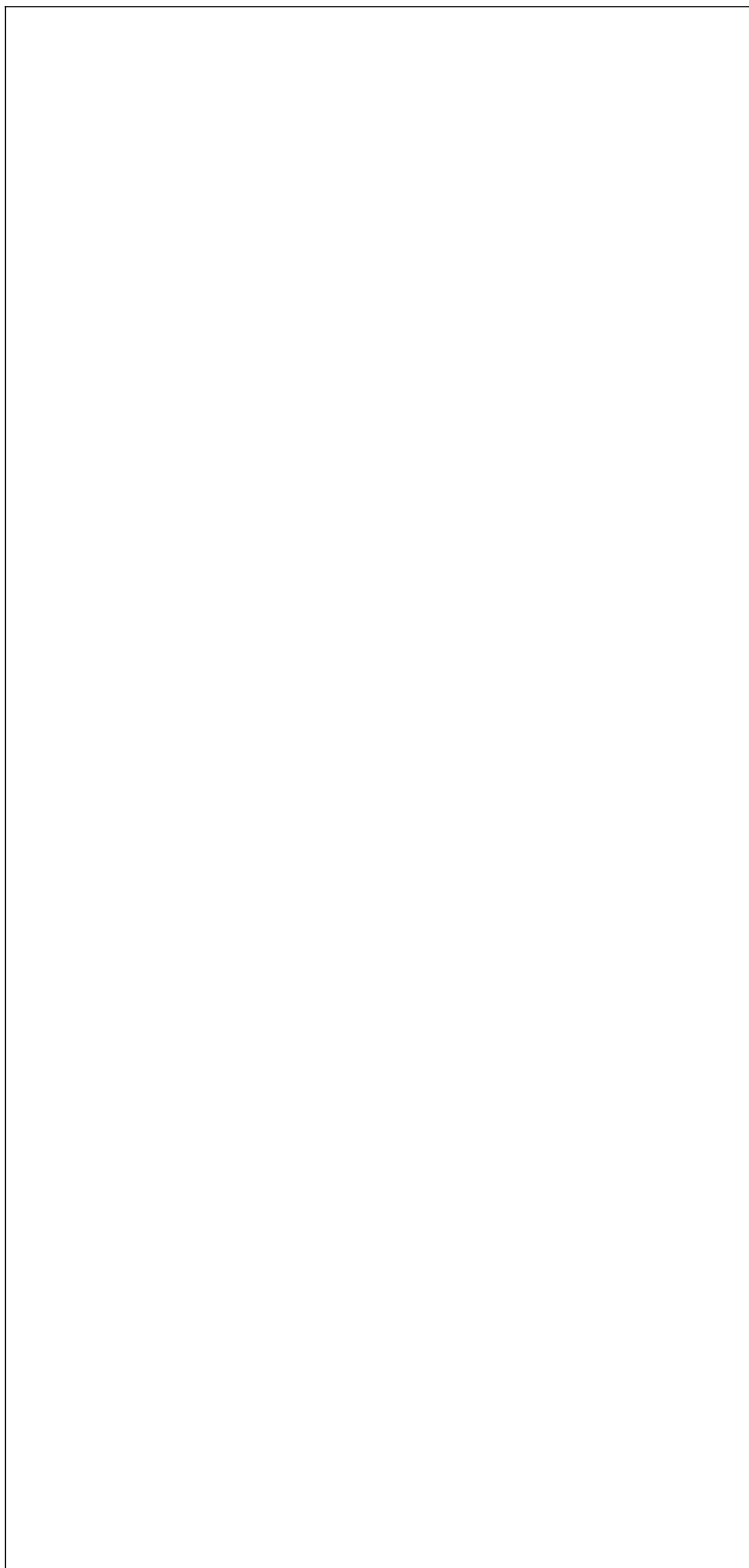
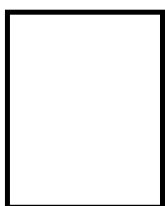
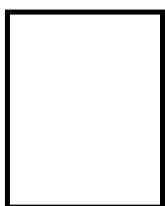
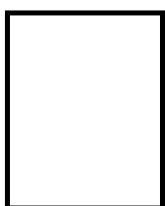
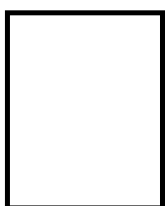
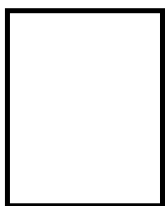
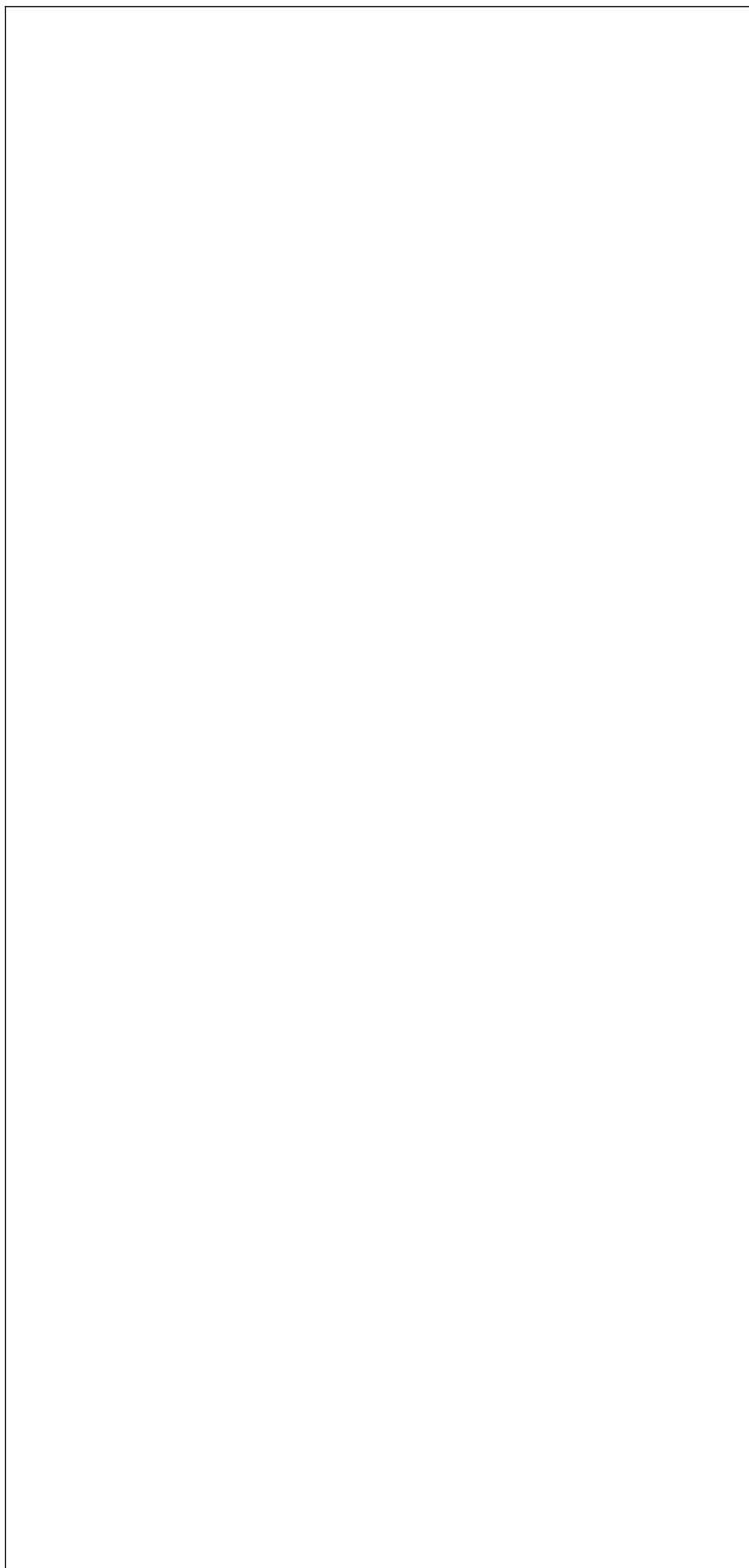
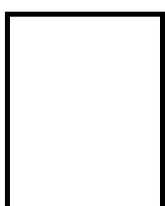
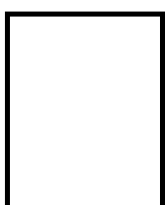
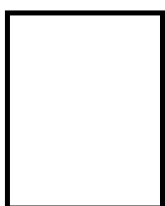
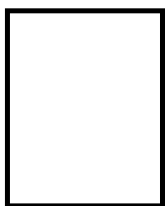
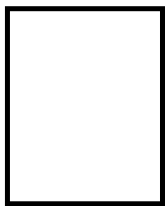


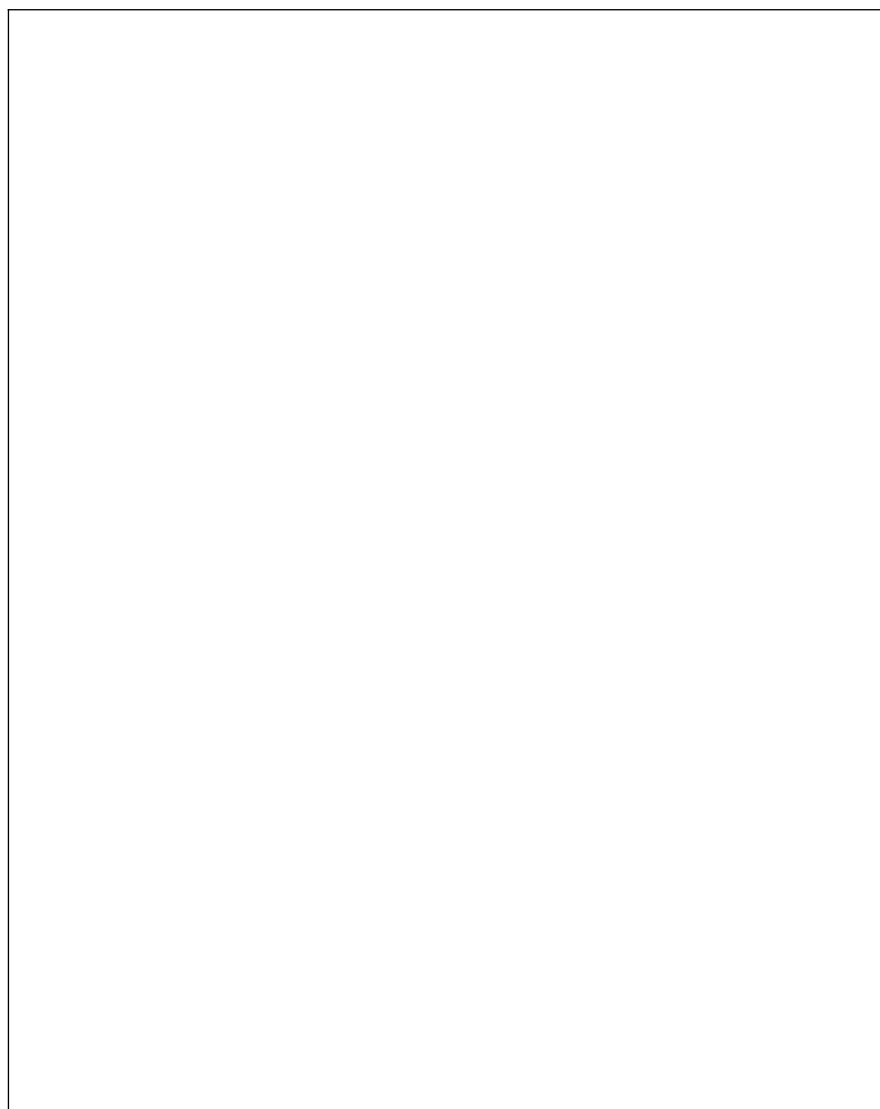
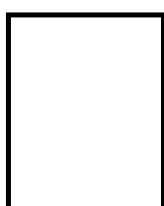
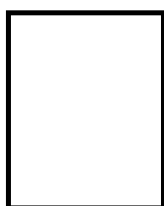
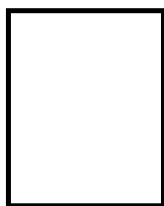
REPORT OF: Executive Member Regeneration & Environment

TO: Council Forum

ON: 5th November 2009







SUBJECT Local Development Framework Core Strategy

1. PURPOSE OF THE REPORT

1. To inform members of developments, notably late comments received from Government Office North West (GONW), in relation to the Local Development Framework Core Strategy since it was considered by Council Forum in April 2009.
2. In the light of these developments, to present a revised version of the Core Strategy to be published for a six-week consultation.
3. Provided the consultation raises no fundamental issues, to seek approval to proceed directly to submit the Core Strategy to the Secretary of State for Communities and Local Government for independent public examination.
4. To seek delegated authority for the Strategic Director of Regeneration and Environment to make minor clarifications and/or corrections to the document, if needed, prior to the consultation or submission.

2. OPTIONS

The only alternative option available is to proceed with the previously approved Publication Core Strategy; however this carries a significant risk of objections by GONW which will lengthen the examination process and increase the possibility of the Inspector finding the Core Strategy unsound. This option is not recommended.

3. RECOMMENDATIONS

1. To note the amendments to the Core Strategy since April 2009.
2. That approval be given to publish the revised Core Strategy for a six-week consultation beginning in November 2009.
3. That subject to this consultation not raising any fundamental issues, authority be given to proceed directly to submitting the Core Strategy to the Secretary of State for Communities and Local Government, for the purposes of independent public examination.
4. That delegated authority be given to the Strategic Director of Regeneration and Environment to make minor clarifications and/or corrections to the document, if needed, prior to the consultation or submission.

4. BACKGROUND

The Core Strategy forms the key Strategic Planning Policy document in the Council's Local Development Framework. It also provides the spatial interpretation of the Borough's Sustainable Community Strategy and will be important in implementing elements of the Pennine Lancashire Multi Area Agreement.

A six-week consultation period "publication" is required by the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008), prior to the submission of the Core Strategy to the Planning Inspectorate for independent examination.

5. RATIONALE

The Core Strategy was originally approved by Council Forum for a six-week "Publication" consultation in April 2009. The report from the April Council Forum is appended and gives full detail of the background to the Core Strategy including the outcome of earlier consultation. Following that meeting, some late comments were received from GONW on the document, and concerns were raised through the Council's scrutiny function as to the clarity of some of the diagrams forming part of the Core Strategy.

These developments raised a risk that GONW would object to the Core Strategy at Submission stage. It is not felt that these objections would have resulted in the Core Strategy being rejected as "unsound"; however, it would have created significant uncertainty and delay in the examination process.

Accordingly a revised draft of the Core Strategy has been produced, in close consultation with GONW, including their Head of Planning. Officers have also sought advice from a barrister who is satisfied with the Core Strategy as it now stands. The

rest of this report outlines the main issues raised by GONW, and how the document has been amended in response. It should be noted that the changes are related to clarity, structure and presentation, and do not affect the actual strategy previously approved.

These changes require approval at Council Forum because under national regulations governing the functioning of local authorities, a decision taken by Full Council (i.e. approval of the previous draft) cannot be altered by the Executive without express delegated authority.

The concerns raised by GONW related to:

- Improving the links in the Core Strategy with the Infrastructure and Delivery Plan.
- A need to clarify the role and purpose of the Core Strategy.
- Providing some explanation to the structure of the document and how it has been prepared.
- Clarifying the mechanisms for the implementation of the policies in the Core Strategy.
- Including contextual information which looks at the issues facing the borough.
- Developing local distinctiveness and 'place based' policies.
- Clarifying the wording of some policies and how they will be implemented and monitored.

To address these comments the Core Strategy has been subject to some changes:

Amending the Key Diagrams

The Key Diagrams in the document have been revised to address potential conflicts and misinterpretations, and to more accurately reflect natural boundaries on the ground.

Improving the links in the Core Strategy with the Infrastructure and Delivery Plan

The Infrastructure and Delivery Plan is intended to be an Appendix to the Core Strategy; it is considered preferable for it to be kept as a physically separate document to ensure the Core Strategy remains as brief and user-friendly as possible. Tables have been included at the end of each Core Strategy policy on implementation and monitoring which have been taken directly from the Infrastructure and Delivery Plan.

In addition, the Core Strategy now includes links to the Infrastructure and Delivery Plan, including a section in the introduction on the links to the Infrastructure and Delivery Plan, and this is also illustrated diagrammatically.

The infrastructure delivery for the Targeted Growth Strategy is summarised, with the main infrastructure capacity considerations for the Borough taken from the Infrastructure and Delivery Plan set out in a table in the Core Strategy.

A need to clarify the role and purpose of the Core Strategy

The introduction now includes an explanation to the role of the Core Strategy and how it will be used.

A new table illustrates how the Council Targeted Growth Themes will help deliver the

priorities of the Sustainable Community Strategy and the Local Area Agreement.

Providing some explanation to the structure of the document and how it has been prepared

The introduction now contains a greater level of detail about the document, the accompanying documents and details on how to read the document.

A paragraph has been included outlining the consultation approach taken in developing the Core Strategy, and cross-referencing to the Consultation Statement which provides a greater level of detail on what consultation has been carried out so far and how it has influenced the strategy.

A 'document mapping' diagram has been included showing how the document is set out.

A table has been included indicating how the Core Strategy policies support its Strategic Objectives.

Each spatial intervention now includes a list of the Policies included within that Section at the start of the chapter.

Clarifying the mechanisms for the implementation of the policies in the Core Strategy

Reference to subsequent LDDs has been removed from the policies. This provides a more consistent approach, confirming instead what will be carried out rather than how. Relevant DPD's, SPD's and other means for the delivery of the policies, are identified instead in the Implementation Tables below each individual policy.

Including contextual information which looks at the issues facing the borough

This information had previously been amalgamated into the supporting text for the specific policies.

Section 2 has now been expanded to include reference to the 'character areas' in the borough, and outlines the main issues these areas are facing. Section 5 then describes how these character areas will have changed following the Core Strategy period.

Developing local distinctiveness and 'place based' policies

The Core Strategy now includes a sub-section explaining the spatial policy response to the complex geography of the borough. This confirms that the policies in the Core Strategy are directed at the most appropriate spatial level. Many of the issues concern the Borough as a whole and the policies relating to these will be at a Borough-wide level (e.g. strategic infrastructure, climate change, design). Other issues are better tackled at a local level (for example, type and quantity of housing provision, the roles of the two town centres), policies relating to these issues are focused directly on the geography of that issue.

Clarifying the wording of some policies and how they will be implemented and monitored

Detailed changes to policies are set out in the table below.

Policy	Summary of Changes
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Policy CS1: Targeted Growth Strategy	Minor wording amendments have been carried out to improve its clarity.
Policy CS3: Land for Employment Development	Wording changes have been made to improve its clarity and to refer more explicitly to the rural economy. These changes do not change the policy approach.
Policy CS5 Locations for New Housing	This has been combined with what was Policy CS8 “Market Testing for New Housing”: both policies addressed effectively the same issue.
Policy CS7: Types of Housing	Minor wording changes have been made to the initial sentence of this policy, to improve its clarity. These changes do not change the policy approach.
Policy CS9: Existing Housing Stock	Additional information has been included in the supporting text to improve the context.
Policy CS13: Environmental Strategy	Wording changes have been made to the last bullet point under part 3 of this policy, which relates to air quality, to improve its clarity. These changes do not change the policy approach. A new bullet point under part 4 of Policy CS14, relating to remediation of derelict or contaminated land, has been added.
Quality of Place spatial intervention	The introductory text for this Spatial Intervention has been expanded and amended.
Policy CS16: Form and Design of New Development	The supporting text for this policy has been amended.
Policy CS18: The Borough’s Landscapes	Minor wording restructuring to part 2 of this policy. The supporting text to this policy has been clarified.
Policy CS19: Green Infrastructure	Two additional bullet points (Improving Health; and Education) have been added to the functions of Green Infrastructure in part 1 of this policy Along with some minor wording restructuring to the final paragraph in part 1 of this policy.
Policy CS19: Green Infrastructure	New wording has been added in the supporting text for Policy CS20, relating to New Open Space.
Policy CS20: Cleaner, Safer, Greener	This policy has been reworded to give greater clarity as to what will actually happen on the ground. The supporting text has been revised to emphasise the importance of local environments to people’s lives and to the Borough’s economic transformational agenda.
Policy CS21: Mitigation of Impacts/Planning Gain	Greater clarification has been provided in the policy and the supporting text; along with an explicit reference to the Community Infrastructure Levy.
Policy CS22: Accessibility Strategy	The 3 policies (previously Policies CS24, CS25 and CS26) covering transportation accessibility have been amalgamated into a single policy (Policy CS23: Accessibility Strategy)
Policy CS23: Tackling	Minor wording amendments have been carried out to the

Worklessness	supporting text to this policy (previously Policy CS26: Access to Work) to improve readability.
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Table 1: Detailed Policy Changes

It is considered that these amendments satisfy the concerns raised by Government Office North West, and create a 'sound' Core Strategy suitable for public consultation and submission for examination.

Next Steps

Following Council approval for publication of the Core Strategy for consultation purposes, it is intended to publish the Core Strategy and associated document for a six-week full public consultation. The documents to be available during this time will be:

- The Blackburn with Darwen Core Strategy Publication Report
- The Blackburn with Darwen Core Strategy Infrastructure and Delivery Plan
- The Core Strategy Sustainability Appraisal report
- A Habitats Regulations Assessment
- A Consultation Statement

The anticipated timescales to take the Core Strategy to adoption are:

November-December 2009: 6-week formal consultation period

January 2010: Submission to the Secretary of State

Spring/Summer 2010: Examination in Public Hearing Sessions

Late 2010: Adoption of Core Strategy

6. POLICY IMPLICATIONS

The Core Strategy is a key corporate strategy and is central to the Government's Place Shaping agenda. The six themes of the Targeted Growth Strategy cut across all the themes in the Sustainable Community Strategy and in the Local Area Agreement, and are relevant to several elements of the Pennine Lancashire Multi Area Agreement.

Once adopted it will replace elements of the Blackburn with Darwen Borough Local Plan which was adopted in 2002, notably those relating to overall strategy, housing delivery, business land, the roles of town centres, and retailing.

7. FINANCIAL IMPLICATIONS

Once the Core Strategy is submitted the Council is effectively committed to progressing it through the public examination stage. The Council is required to pay the Planning Inspectorate's fees for the examination. Based on experience from other authorities, it is currently expected that the cost of this will be approximately £75,000 to cover the following:

- Inspector's fees
- Retained consultants / barrister
- Programme officer
- Note taker

The cost will be affected by the length and complexity of the examination, degree of consultancy / legal support required, venue etc.

It is intended to seek the examination in the early part of financial year 2010/11 in order to allow this cost to be properly accounted for in the budgeting process.

8. LEGAL IMPLICATIONS

The process of preparing Development Plan Documents is set out in:

- The Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004
- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

The Council will need to ensure that it complies with the process requirements set out in these documents.

Once adopted the Core Strategy will form part of the statutory Development Plan for the purposes of planning legislation.

9. RESOURCE IMPLICATIONS

None

10. CONSULTATIONS

The Core Strategy has been has been the subject of a series of consultations with the public and other stakeholders. The main issues arising from the Preferred Options stage (the previous statutory stage) are set out in the Briefing Paper previously submitted to Full Council in April 2009.

The Publication and Submission Core Strategies will be accompanied by Statements of Consultation setting out in detail the consultations that have taken place, the issues arising, and how these have influenced the Core Strategy.

Chief Officer/Member

Contact Officer: David Proctor, Forward Planning Team Leader
(01254) 585570

Date: 26th October 2009

Background Papers: (List of background papers available from David Proctor)

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request.