



REPORT OF: Executive Member for Regeneration

TO: Council Forum

ON: 27 January 2011
(Previously Regeneration Senior Policy Team 15 December 2010; Executive Board 13 January 2011 – see appended report)

SUBJECT

Adoption of Blackburn with Darwen Local Development Framework Core Strategy

1. PURPOSE OF THE REPORT

1. To present the Local Development Framework Core Strategy for adoption, incorporating the changes set out by the Planning Inspector following the independent public examination.

2. OPTIONS

The only other option available is to not adopt the Core Strategy. This would leave the Borough without a Core Strategy and would necessitate a major investment of resources to prepare a new one, and hence is not recommended.

3. RECOMMENDATIONS

1. To note the recommendation of the Executive Board to adopt the Local Development Framework Core Strategy.
2. To adopt the Blackburn with Darwen Local Development Core Strategy in line with the Executive Board's recommendation, incorporating the changes set out in Appendices A and B to the Inspector's report.

4. BACKGROUND

The Core Strategy is presented to Council Forum for adoption under Section 23(3) of the Planning and Compulsory Purchase Act 2004. It has previously been considered by the Executive Board meeting on 13 January, which has recommended that Council Forum adopt the Core Strategy.

Full detail of the background to this recommendation is contained in the Executive Board report which is appended.

5. RATIONALE

Detailed in the appended Executive Board report.

6. POLICY IMPLICATIONS

Detailed in the appended Executive Board report.

7. FINANCIAL IMPLICATIONS

Detailed in the appended Executive Board report.

8. LEGAL IMPLICATIONS

Detailed in the appended Executive Board report.

9. RESOURCE IMPLICATIONS

None.

11. CONSULTATIONS

Detailed in the appended Executive Board report.

Cllr Dave Harling Executive Member Regeneration

CONTACT OFFICER: David Proctor, Forward Planning Team Leader, ext. 5570
DATE: 7th December 2010
BACKGROUND PAPERS: Core Strategy Development Plan Document
Inspector's Report and appendices
Material considered during the Core Strategy examination
(available on the Council's website and from the Forward
Planning team)

Form Reference: Core Strat adoption CF report.doc v3



Appendix

DECISION FORM

DECISION TO BE TAKEN BY: Executive Board (recommendation to Council Forum)

KEY DECISION: Yes

PORTFOLIO AREA: Regeneration

PORTFOLIOS AFFECTED: Regeneration

WARDS AFFECTED: All

SUBJECT: Adoption of Blackburn with Darwen Local Development Framework Core Strategy

1. RECOMMENDATIONS:

1. To note the outcome of the public examination of the Blackburn with Darwen Local Development Framework Core Strategy and the changes proposed;
2. To recommend to Council Forum that the Blackburn with Darwen Local Development Framework Core Strategy be adopted, incorporating the changes set out in Appendices A and B to the Inspector's report.

2. REASONS FOR THE DECISION

The Core Strategy has been informed by consultation with the public and other stakeholders over a number of years, as well as an extensive technical evidence base. The Inspector has supported the Council's position on every issue debated at the examination, and the non-technical summary in his report concludes that the strategy provides "an appropriate basis for the planning of the Borough over the next 15 years." In line with this conclusion, the overall spatial strategy and scale of development proposed in the final Core Strategy are unchanged from those previously approved by Council in November 2009. The Inspector has recommended a number of changes to the detail of certain elements of the document, to ensure that it is as clear as possible and contains all the information required by national policy. The main changes are summarised under "Key Issues" below.

Under national planning legislation, the recommendations in the Inspector's report are binding; and the only options available to the Council are to adopt the Core Strategy with the changes as recommended; or not to adopt it at all.

However, the changes recommended by the Inspector were all agreed by Council officers during the public examination, and in most cases were instigated by officers in response to debate at the examination and prompting from the Inspector. The majority of the changes were also supported at the examination by the bodies from whose objections they originated. In contrast, where officers resisted changes suggested by other parties, which would have weakened the strategy being proposed or altered its direction from that previously approved, the Inspector has found in the Council's favour and not included the

changes.


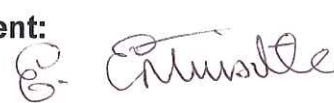

Hence although the Inspector's report is technically binding, in fact the recommended changes are the result of consensus rather than being "imposed" on the Council. In any case they do not alter the overall strategy from that previously approved – they simply improve clarity and assist in the application of policies.

3. STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

4. DECLARATION OF INTEREST

None

Signed:  Executive Member: Date: 15/12/10 Also present: 	Signed:  Chief Officer: Alison Bowring Date: 15/12/10
Date of Senior Policy Team Meeting(s):	Regeneration 15 December 2010 Executive Board 13 January 2011

A list of background papers on this issue is held with:

Contact Officer: David Proctor, Forward Planning Team Leader ext 5570
Date: 7th December 2010

Date of Publication: 14th January 2011

Date of Expiry of Call-In Period: 20th January 2011

Form Reference: S:\Forward Planning\David Proctor\Word\Local Development Framework\Core Strategy\Adoption\Core Strat adoption EB dec form v3.doc

*Executive Board
Briefing Paper
13th January 2011*



BRIEFING PAPER

TO: Executive Board
FROM: Executive Member for Regeneration
DATE: 13 January 2011

PORTFOLIOS AFFECTED: Regeneration

WARDS AFFECTED: All

KEY DECISION: Yes

SUBJECT: Adoption of Blackburn with Darwen Local Development Framework Core Strategy

1. PURPOSE

1. To brief Members on the outcome of the public examination of the Blackburn with Darwen Local Development Framework Core Strategy, including the changes recommended in the Inspector's Report;
2. To invite the Board to recommend to Council Forum to adopt the Core Strategy, incorporating the changes set out by the Inspector.

2. RECOMMENDATIONS

1. To note the outcome of the public examination of the Blackburn with Darwen Local Development Framework Core Strategy and the changes proposed;
2. To recommend to Council Forum that the Blackburn with Darwen Local Development Framework Core Strategy be adopted, incorporating the changes set out in Appendices A and B to the Inspector's report.

3. BACKGROUND

The Core Strategy is the top-level document in the Council's Local Development Framework, which will replace the Local Plan. It sets the direction and priorities for development in the Borough for the next 15 years, and along with the Sustainable Community Strategy is the key "place-shaping" document in the range of Council strategies.

The Core Strategy has been through a number of statutory stages over previous years. Most recently, in November 2009 a version of the Core Strategy was approved by Council Forum for submission to the Secretary of State for Communities, for the purpose of independent public examination by a planning Inspector. The Core Strategy was submitted in April 2010 following a final period of consultation, and the public part of the examination process took place over eight days in August.

The Council has now received the Inspector's report on the Core Strategy. The report concludes that, with a number of changes agreed through the examination process (which do not alter the overall strategy or its basis), the Core Strategy is "sound".

The Core Strategy is therefore presented to Council Forum for adoption under Section 23(3) of the Planning and Compulsory Purchase Act 2004.

4. RATIONALE

The Core Strategy has been informed by consultation with the public and other stakeholders over a number of years, as well as an extensive technical evidence base. The Inspector has supported the Council's position on every issue debated at the examination, and the non-technical summary in his report concludes that the strategy provides "an appropriate basis for the planning of the Borough over the next 15 years." In line with this conclusion, the overall spatial strategy and scale of development proposed in the final Core Strategy are unchanged from those previously approved by Council in November 2009. The Inspector has recommended a number of changes to the detail of certain elements of the document, to ensure that it is as clear as possible and contains all the information required by national policy. The main changes are summarised under "Key Issues" below.

Under national planning legislation, the recommendations in the Inspector's report are binding; and the only options available to the Council are to adopt the Core Strategy with the changes as recommended; or not to adopt it at all.

However, the changes recommended by the Inspector were all agreed by Council officers during the public examination, and in most cases were instigated by officers in response to debate at the examination and prompting from the Inspector. The majority of the changes were also supported at the examination by the bodies from whose objections they originated. In contrast, where officers resisted changes suggested by other parties, which would have weakened the strategy being proposed or altered its direction from that previously approved, the Inspector has found in the Council's favour and not included the changes.

Hence although the Inspector's report is technically binding, in fact the recommended changes are the result of consensus rather than being "imposed" on the Council. In any case they do not alter the overall strategy from that previously approved – they simply improve clarity and assist in the application of policies.

5. KEY ISSUES

The main changes proposed in the Inspector's report are set out below. Two appendices to his report set out the changes required in full.

1. Amend the text to take account of the revocation of the North West Regional Spatial Strategy.

The RSS was revoked (withdrawn) by Government between the Core Strategy's submission to the Secretary of State and the start of the public hearing sessions. The Council adopted the position that a) the evidence that underpinned the RSS remained relevant and supported the Core Strategy; and b) the Core Strategy was supported by its own evidence and remained the appropriate strategy in view of the issues faced by the Borough on the ground. This approach was supported by the Inspector, and the changes proposed are to remove references to RSS from the text.

It should be noted that since the Inspector's report was received, the Government's decision to revoke all RSS' simultaneously has been successfully challenged in the High Court and quashed as a result. The consequence of this is that the RSS is once again part of the statutory Development Plan for the Borough. The Council has discussed the implications of this with the Planning Inspectorate, and has concluded that both procedurally and in terms of the Core Strategy's content, there is no reason not to progress to adoption.

Procedurally, there is no mechanism for the Council to revise the Core Strategy again to reflect this, or for the Inspector to issue an amended report. The Planning Inspectorate have advised that a note be inserted in the Core Strategy explaining why the document refers to the "former RSS" and confirming that the strategy itself remains unaffected.

In terms of the strategy proposed, the Core Strategy was produced throughout its development to comply with the RSS. As part of the statutory consultation prior to submission to the Secretary of State, the Council received confirmation from 4NW that the Core Strategy was in general conformity with the RSS as required by legislation.

The strategy proposed in the final Core Strategy has not altered from that which was confirmed to conform to the RSS. Debate on the issue of RSS at the public examination focused on whether the Core Strategy was also supported by independent evidence in the absence of the RSS, rather than on any proposed departures from the RSS strategy. In view of this, the Core Strategy can be regarded as remaining in general conformity with the reinstated RSS and there is no issue of conflict now that the RSS is once again part of the Development Plan.

The Government has confirmed that it still intends to legislate to remove RSS' in the future. If and when this happens it will effectively represent a return to the situation that existed during the public examination. The Council successfully demonstrated at the examination that the Core Strategy was supported by independent evidence, and was not undermined by the absence of RSS as a higher-tier strategy. This will remain the case if and when the RSS is finally removed – the Core Strategy will continue to be supported by independent evidence and will be robust in its own right.

In view of these factors, the Core Strategy remains a relevant and robust spatial strategy for the Borough whether or not there is an RSS in place, and can be adopted as such.

2. Amend the spatial strategy to set out the approach to releasing urban extensions.

The Core Strategy recognises that over its 15-year lifetime, the supply of development land suitable for housing growth within the existing urban boundary is likely to be exhausted, and that some urban extensions may be needed. The Inspector concluded that the Core Strategy did not clearly set out the intention that urban extensions should only come forward if and when the supply of suitable sites in the urban area ran out. His recommendation introduces additional text to clarify what the "trigger" for releasing urban extensions will be.

3. Amend the employment land provision figure, to reflect the latest position, and take account of the revocation of RSS, and clarify the approach to employment development outside the Borough.

Under the RSS, it had been anticipated that work at a regional level would identify the amount of employment land each local authority should plan for, based on global figures for former county areas set out in the RSS. The revocation of RSS meant that this work ceased, and the onus was placed back on local authorities to identify an employment

land target. The Core Strategy already included an indicative figure based on the Council's own evidence: the Inspector's recommendation is essentially to update this figure based on monitoring information from the most recent Annual Monitoring Report, and to transpose it into policy as a maximum target, so that the Core Strategy sets a clear position on the scale of development to take place. At the same time, it is recognised that further work is needed to confirm an exact figure. A particular issue here is the contribution of the Lantern Park employment site at Whitebirk, which is in Hyndburn but serves Blackburn with Darwen as well. The Core Strategy wording as agreed by the Inspector points to further work in collaboration with other Pennine Lancashire authorities, to set a target that will be included in the more detailed Site Allocations and Development Management Policies DPD which will follow the Core Strategy. A joint agreement with Hyndburn Borough Council signed during the Examination sets out a way forward on this.

4. Amend the housing provision figures and phasing, to more accurately reflect the current shortfall in provision and take account of the revocation of the RSS; and specify the overall target and proportions of affordable housing.

Throughout its preparation the Core Strategy has taken forward the numerical housing target from the RSS, which is 489 net additional dwellings per year starting from the year 2003. The Inspector has agreed with the Council's position that this remains the appropriate target based on the RSS evidence and more recent information. He has however recommended that the figure is presented differently in the Core Strategy, so as to reflect the fact that completions in the Borough since 2003 have not reached the 489 annual target. The result of this is that the annual targets as now presented in the Core Strategy appear higher than previously. In fact however the Council would always have been required to plan to make up this shortfall, hence the figures as now presented more accurately reflect the actual rate of development that will be required on the ground. **The Inspector is satisfied that this is a re-presentation of the same target and does not alter the strategy.**

5. Clarify the approach to the Green Belt, in particular, the approach to reviewing and amending Green Belt boundaries.

This is a similar issue to that of the approach to urban extensions outlined above. The Core Strategy acknowledges that over its 15-year timescale, there may be a need to remove land from the Green Belt in order to accommodate development. Equally, it considers that it may be appropriate to include additional land in the Green Belt around Gib Lane in Blackburn, in order to provide long-term certainty. However the final decision on change to Green Belt will depend on a detailed assessment of the availability of land within the urban area and on non-Green Belt land outside – which is beyond the scope of the Core Strategy. The Core Strategy's role is therefore to highlight the possibility of Green Belt change, and to set a framework for it to take place through work on site allocations. The Inspector's recommendations clarify this approach.

Next Steps

The Core Strategy forms the basis for preparation of a more detailed Development Plan Document which will allocate specific sites for development and set out policies for managing development. Work is commencing on this at the present time, and initial consultation will take place in early 2011.

6. POLICY IMPLICATIONS

The Core Strategy will become part of the statutory Development Plan when it is

adopted. It will supersede the following “saved” policies from the current Blackburn with Darwen Borough Local Plan:

Policies to be superseded by the Core Strategy		Reason no longer needed
H1	Housing Provision	Housing target superseded by Policy CS6
H2	Development of Large Unallocated Sites	Approach to greenfield / brownfield development addressed by Policy CS6 and PPS3
H3	Primary Residential Areas	Superseded by locational policies for a range of uses.
H7	Caravan Sites for Gypsies	Superseded by Policy CS10 and future Site Allocations / Development Management Policies DPD
H12	Health Services	Allocation now implemented; further potential expansion can be addressed through general policy
EC1	Business and Industrial Land Allocations	Target superseded by Policies CS2 and CS3
EC4	Development Outside Business and Industrial Development Areas	Superseded by Policy CS2
EC6	Mixed Use Areas	Superseded by locational policies on a range of uses
EC7	Reserved Land	Superseded by Policy CS2
T6	Access for People with Reduced Mobility – Pedestrian Environments	No longer needed due to requirements of Building Regulations and DDA
T8	Motorway Service Area	Already not a saved policy
T11-14	[Parking standards]	Out of date – the Council works to parking standards contained in the former Joint Lancashire Structure Plan and former RSS
BTC1-8	[Development allocations in Blackburn Town Centre]	Development sites in Blackburn Town Centre now superseded by locational policies on a range of uses
BTC9	Environmental Improvement	Superseded by Policy CS20
DTC1-3	[Development allocations in Darwen Town Centre]	Development sites in Darwen Town Centre now superseded by locational policies on a range of uses
Policies to be superseded by the Core Strategy		Reason no longer needed
R2	Edge of Centre Sites for Retail Development	Superseded by Policy CS12
R7	Out of Centre Retailing	Superseded by Policy CS12 and PPS4
R9	Local Shops in the Urban Area (Use Classes A1, A2 and A3)	Superseded by Policy CS12
RA12	Design of Development in Rural Areas Including Villages	Not needed given remaining design policies HD1-18 and accompanying SPDs

7. FINANCIAL IMPLICATIONS

Small cost in printing and distributing the final Core Strategy – to be met from existing

budgets. It is not intended to print a large number of copies of the document – users will be encouraged to access it electronically wherever possible. Where printed copies are provided a charge will be made to cover the Council's costs.

Small cost in publicising adoption of the Core Strategy in the press as required in Regulations.

8. LEGAL IMPLICATIONS

The Core Strategy is being adopted in line with s23(3) of the Planning and Compulsory Purchase Act 2004. The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) set out requirements for publicising the adoption of the strategy.

9. RESOURCE IMPLICATIONS

None.

10. CONSULTATIONS

The Core Strategy has been subject to extensive consultation throughout its preparation, including independent public examination.

<p>Signed: <i>Janie Berry</i> <i>Deputy Head of Legal</i> Director Legal Services:</p> <p>Date: <i>December 08, 2010</i></p>	<p>Signed: <i>[Signature]</i> Director of Finance:</p> <p>Date: <i>8/12/10</i></p>
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CONTACT OFFICER: David Proctor, Forward Planning Team Leader, ext. 5570
DATE: 7th December 2010
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